

Montgomery County Planning Board

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 09 2023

MCPB No. 23-048
Site Plan No. 820220090
Sandy Spring Missing Middle Pilot Project
Date of Hearing: April 27, 2023

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on June 15, 2022, Housing and Opportunities Commission (“Applicant”) filed an application for approval of a site plan for the construction of 18 new dwelling units consisting of twelve (12) townhouse units and six (6) duplex units, including 25.7 percent MPDUs, and eleven (11) existing single-family detached units on 3.27 acres of R-60 zoned-land, located north of Olney-Sandy Spring Road and along Skymeadow Way (“Subject Property”), in the Olney Policy Area and the *2015 Sandy Spring Rural Village Plan* (“Master Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820220090, Sandy Spring Missing Middle Pilot Project (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 17, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 27, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220090 for the construction of 18 new dwelling units, consisting of 12 townhouse units and six (6) duplex units, including 25.7 percent MPDUs, and 11

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Approved as to

Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

existing single-family detached units, for a total of 29 dwelling units on the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 18 new dwelling units, consisting of 12 townhouse, six (6) duplex units, and 11 existing single-family detached units, for a total of 29 dwelling units. The overall density is limited to 9.8 dwelling units per acre.

2. Height

The development is limited to a maximum height of 40 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated March 28, 2023, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- a) The development must provide a minimum of 25.7 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 35 percent density bonus for providing 25.7 percent MPDUs or MCDHCA-approved equivalent.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

Open Space, Facilities and Amenities

4. Common Open Space

Before the issuance of use and occupancy certificates for the residential development, all common space areas on the Subject Property must be completed. Landscaping materials may be installed within six (6) months of occupancy or during the following growing season after the improvements are completed.

Environment

5. Forest Conservation and Tree Save

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a) The Applicant must schedule the required site inspections by the M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan ("FFCP"). Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- d) Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - i. Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - ii. Execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, and the offsite forest retention credit area meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - iii. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 0.04 acres of new forest planting and for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
 - iv. The Applicant must install the Afforestation as shown on the approved FCP, within the first planting season following the release of the first Sediment and Erosion Control Permit from the MCDPS for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - v. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of three (3) caliper inches totaling 36 caliper inches as shown on the Final Forest Conservation Plan.

6. Noise Attenuation

- a) Before the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical

treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 60 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

- b) If any changes occur to the Preliminary Plan or Site Plan which affect the validity of the noise analysis dated August 31, 2022, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- c) Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and the MCDPS that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
- d) For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

Transportation & Circulation/Adequate Public Facilities (APF)

7. Transportation

The Planning Board has reviewed and accepts the recommendations of the MCDPS, Right-of-Way Section in its memo dated February 22, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

8. Pedestrian and Bicycle Circulation

The Applicant must provide at least one (1) short-term bicycle parking space.

9. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated March 6, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

10. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- c) The landscaping must be substantially similar to the drawings shown on the submitted landscape and lighting plans, as determined by M-NCPPC Staff.

11. Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on any proposed freestanding light fixture (outside of the public right-of-way) to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

12. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to landscaping, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, private driveways and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

13. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

14. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Montgomery County Department of Permitting Services (MCDPS)."
 - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the MCDPS responsible for Certified Site Plan (CSP) conformance and compliance, upon approval of the CSP. The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with

MCDPS CSP Staff. A copy of the approved CSP along with any subsequent amendments is required to be on-site at all times.”

- c) Include the approved MCDPS, Fire and Rescue Access plan in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site Plan and Landscape Plan.
- f) Address all outstanding comments noted in ePlans on the Final Forest Conservation and title the plan “Final Forest Conservation Plan.”

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820220090, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

With the approved Preliminary Plan Amendment 11982180A and Site Plan Amendment 81982092A, approved concurrently with this Application, the development satisfies all previous approvals for the site.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Use Standards

Pursuant to Sec. 59-3.1.6 (Use and Use Standards Table), the existing single-family detached units, and the proposed duplex and townhouse units are permitted in the R-60 zone.

b. Development Standards

The Subject Property includes approximately 3.27 acres zoned R-60. The Application satisfies the applicable development standards as shown in the following data table:

Data Table – R-60, Optional Method MPDU Development

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	3.27 acres (142,442 SF)
Usable Area	3 acres	3.27 acres (142,442 SF)
Prior Dedication	n/a	0.56 acres (24,520 SF)
Proposed Dedication	n/a	0.14 acres (6,084 SF)
Site Area	n/a	2.55 acres
Mapped Density R-60	7.26 units/acre 10.01 units/acre (with MPDU bonus)	8.84 units/acre
Total Mapped Density, Maximum	24 units 32 units (with MPDU bonus)	29 total units (11 existing units, 18 new units)
MPDU requirement	12.5 percent 3 units	25.7 percent 5 units
MPDU Bonus Density ²	Varies	35%
Total Dwelling Units	32	11 single-family detached (existing) 3 duplexes and 12 townhouses 29 (DU's total)
Common Open Space (Minimum % of Usable Area)	20 percent (28,489 SF)	21 percent (29,706 SF)
Site Coverage (Maximum)		

² Pursuant to Sec. 59-4.4.9.C.1.c Specifications for Density, R-60 zone.

Development Standard	Permitted/ Required	Approved
Detached House, Duplex Townhouse	Not applicable 40%	Not applicable 11%
Lot Area (Minimum) Detached House Duplex Townhouse	3,000 SF 1,500 SF 1,000 SF	3,845 SF (Lot 8) 1,713 SF (Lot 6) 3,593 SF (Lots 2, 3)
Lot Width at Front Building Line (Minimum) Detached House Duplex Townhouse	Determined at Site Plan Determined at Site Plan Determined at Site Plan	46.6 feet (Lot 8) 25.0 feet (Lot 6) 48.0 feet (Lots 2, 3)
Lot Width at Front Lot Line (Minimum) Detached House Duplex Townhouse	25 feet 25 feet 14 feet	28.7 feet (Lot 8) 25.0 feet (Lots 5, 6, 10) 34.0 feet (Lot 4)
Lot Coverage (Maximum) Detached House Duplex Townhouse	60% 60% n/a	31.9% (Lot 13) 38.4% (Lot 5) 52.2% (Lots 2, 3)
Building Setback (Minimum) Front, Public Street Front, Private Street Open Space Side Street, Adjoining Lot Fronts Side Street, Adjoining Lot Side Side, Abutting R-200 Side, Abutting R-60 Rear, Lots 7 to 11, 13 to 17 Rear, Lots 1 to 11 Rear, Lot 12 Rear, Abutting RE-1 Rear, Abutting R-200 Rear, Abutting R-60	20 feet 10 feet 20 feet 15 feet Determined at Site Plan 7 feet 8 feet Determined at Site Plan Determined at Site Plan Determined at Site Plan 35 feet 20 feet 20 feet	20 feet n/a 21 feet n/a 0 to 14.6 feet 9.3 feet n/a 7.7 feet 15.2 feet 12.1 feet 42.8 feet 25 feet 25 feet
Parking Lot Landscaping (Minimum)	410 square feet	450 square feet
Building Height (Maximum)	40 feet	40 feet

Development Standard	Permitted/ Required	Approved
Vehicle Parking (Minimum) ³	31 spaces	31 spaces
Bicycle Parking (Minimum)	0 spaces	1 short-term space

c. General Requirements

i. *Site Access*

Access and circulation are adequate to serve the Subject Property. Site access is accommodated from two access points along the east side of Skymeadow Way, connected together by a horseshoe-shaped driveway. All residential garages and parking facilities are accessed via the proposed driveway. As conditioned, the Applicant will construct a shared-use path along MD-108 and a new sidewalk along Skymeadow Way. Access to the existing single-family detached units remains unchanged via Skymeadow Way and Branchwood Lane.

ii. *Parking, Queuing, and Loading*

As shown on the Site Plan, parking, queuing and loading areas are adequate to serve the site. As shown in the Data Table, the number of parking spaces are adequate and provided in both garage and surface parking. Pursuant to Section 59-6.2.8.B1, off-street loading spaces are not required for single-family attached or detached dwelling units. The parking area screening hedge will have a minimum height of at least six (6) feet at maturity.

iii. *Open Space and Recreation*

Because the Application is being reviewed under the R-60 MPDU Optional Method of Development (Sec. 59-4.4.9.C), the Application must provide at least 20 percent (28,489 square feet) common open space. The Application satisfies the open space requirements by providing 21 percent (29,706 square feet) of open space. The open space consists of two main areas which include landscaped and shaded areas, picnic and seating areas, open lawns, a playground and hard surface trail.

³ Per MPDU parking space reduction Sec. 59-6.2.3.1.2.b

Pursuant to Section 59-6.3.9.C, the Recreation Guidelines are not applicable because the Application does not include more than 19 new residential units.

iv. *General Landscaping and Outdoor Lighting*

As shown on the landscaping plan, the parking lot landscaping and lighting is adequate for the surface parking lot area. The Application provides a minimum of five (5) percent landscaping, an average planting area of approximately 15 feet wide, five (5) canopy trees planted at 30 feet center, and several understory trees within the planting strip. The canopy trees will satisfy 25 percent coverage at 25 years of growth. The screening hedge will have a minimum height of at least six (6) feet at maturity. Street trees are provided along MD-108 and Skymeadow Way to enhance the pedestrian experience, provide shade, and create an aesthetically pleasing presence along the roadways. Additional landscaping distributed across the Subject Property include other large deciduous trees, evergreen trees, understory trees for spring and fall colors, deciduous and evergreen shrubs, and ground cover.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on March 17, 2023. The plan will meet stormwater management requirements using a micro-bioretenion facility, planter boxes, and bioswales.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Subject Property is zoned R-60 and is assigned a Land Use Category of High Density Residential ("HDR") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area. The 2.77-acre net tract area for forest conservation purposes was determined by subtracting 0.50 acres of right-of-way that will not be

disturbed as part of this Application from the 3.27-acre Subject Property. There is no existing forest within the net tract area which results in an afforestation requirement of 0.42 acres. The Applicant will meet the planting requirement by planting 0.04 acres of forest onsite and adjacent to an existing offsite Category I Conservation Easement. This 0.04 acres will add to the offsite forest and as conditioned, will be protected in a Category I Conservation Easement. The remaining 0.38-acre planting requirement will be met at a 2:1 ratio by protecting 0.76 acres of existing forest located offsite, in the northern portion of the Sandy Spring Meadow community, known as Parcel E, and currently owned by the Applicant. This forest is located within a stream buffer of a tributary to the Patuxent River, the same watershed as the Subject Property, and is adjacent to existing protected forest. As conditioned, the Application must protect this forest with a Category I Conservation Easement.

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as a high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to seven (7) Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. The unwarranted hardship is caused by the existing site conditions, including the existing development to remain, necessary layout of the proposed new development on the Subject Property, and development standards of the zone.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege to the Applicant as the impact and removal of the specified trees is due to the development of the Subject Property, location of the trees and necessary site design requirements. The impacted and removed Protected Trees

are located within the developed area of the site that will be redeveloped and the right-of-way for MD 108 and Sky Meadow Way. Granting a variance to allow disturbance within the developable portion of the site is not unique to this Applicant. The granting of this variance is not a special privilege that would be denied to other applicants.

- 2. The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, and necessary design requirements of this Application, including street frontage improvements, and conformance with the goals and recommendations of the General Plan and the Master Plan.

- 3. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

- 4. Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Protected Trees requested for removal are not located in an environmental buffer or special protection area. This approval is conditioned on mitigation that approximates the form and function of trees removed. Therefore, their removal will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being impacted will remain to provide the same level of water quality protection as it currently provides.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved the replacement of Protected Trees at a ratio of approximately one (1) inch caliper for every four (4) inches removed using trees that are a minimum of three (3) caliper inches in size. No mitigation is required for Protected Trees impacted but retained.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing, and where required, open spaces and site amenities.*

The Application provides safe, well-integrated parking, circulation patterns, open spaces, and site amenities. New buildings fronting on MD 108 and Skymeadow Way are rear loaded from a semi-circular driveway that is accessed from Skymeadow Way. One curb-cut is eliminated on MD 108 in favor of a continuous, new shared use path that will improve the pedestrian and bicycling experience. Also, the Application provides a new sidewalk along Skymeadow Way to allow for safe and efficient pedestrian circulation to the site and existing dwellings to the north.

The Site Plan is consistent with the Master Plan vision and recommendations. The building massing is consistent with the massing of single-family buildings. The Site Plan protects the single-family residential edge along Olney-Sandy Spring Road by including a mix of duplex and townhouse dwelling units with a compatible residential form, massing, and architectural features. The buildings are oriented toward the public realm with rear or side loaded garage spaces from a private driveway. Surface parking is located behind the buildings away from the public realm. As infill housing, the Site Plan creates a transition in density and height between the established single-family community in the vicinity and Village Core to the west. The Site Plan incorporates 28,810 square feet of centrally located common open space and a community room to enhance and improve the Application's amenities.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Site Plan substantially conforms to the recommendations within the Master Plan. The Subject Property provides a visible single-family residential edge along MD 180 as show in the architectural renderings of the units along the frontage. The infill Application provides a minimum 25.7% MPDUs.

The buildings are of an architectural style that blends in with the surrounding context. Specifically, the structures are two-stories in height, have front and/or side gables, and architectural elements such as front porches and dormer windows similar to many existing residences and generally characteristic of single-family detached and attached residential development.

The primary parking and services for the buildings are accessed from a private driveway behind the buildings. The Application provides a new 10-foot-wide shared use path along the MD 108 frontage and a planting strip will provide

pedestrians and cyclists with a buffer from vehicular traffic. Because of utility lines in close proximity to the intersection of MD 108 and Skymeadow Way, shade trees are proposed on the Subject Property side of the sidepath, rather than the tree planting strip. This alternative planting will satisfy the intended recommendation of planted trees along roadways and provide for adequate, continuous shading at maturity.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As conditioned, adequate public facilities exist to support and service the Subject Property in accordance with Section 50.4.2.D of the Subdivision Regulations.

MD-108 will be improved with a 10-foot wide sidepath for bicycle and pedestrian use along the frontage of the Subject Property. Skymeadow Way will be improved with a five (5) foot-wide sidewalk along the frontage of the Project Area.

The Application proposes 17 net new single family detached units which will generate 16 A.M. and 19 P.M. net-new peak person trips. The Application is exempt from additional LATR review because the 2020-2024 *Growth and Infrastructure Policy* only requires a transportation impact study for a project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours.

The Application is estimated to generate three (3) elementary school students, two (2) middle school students and two (2) high school students. The number of students generated does not exceed the adequacy ceilings identified for each school. Therefore, no Utilization Premium Payment (UPP) is required, and neither are partial payments across multiple UPP tiers.

Other public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 *Growth and Infrastructure Policy*.

9. *The development is compatible with the character of the residential neighborhood.*

The proposed building types are compatible with regard to scale, massing and height with the existing development surrounding the Subject Property. The building orientation and location in relation to MD-108 and Skymeadow Way are consistent with the existing pattern of development in the area.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 09 2023 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Pedoeem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedoeem voting in favor of the motion, at its regular meeting held on Thursday, June 1, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair

Montgomery County Planning Board

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Sandy Spring Meadow, Preliminary Plan No. 11982180A, Site
Plan No. 81982092A B. Sandy Spring Missing Middle Pilot
Project, Preliminary/Final Forest Conservation No.
120220050, Preliminary Plan No. 120220050, Site Plan No.
820220090