

## SLIGO APARTMENTS

# Preliminary Plan Amendment No. 12022011A & Site Plan amendment No. 82022017A



### Description

Request to amend Condition 11 of approved Preliminary Plan No. 120220110 and Conditions 3(b), 9(d) and 14(g) of approved Site Plan No. 820220170 pertaining to the width of the sidepath and buffer along the subject Property frontage on Sligo Avenue to accommodate an existing gas line, as well as minor reconfigurations to a previously approved stormwater management facility on-site.

No. 12022011A

No. 82022017A

Completed: 6-12-2023

MCPB

Item No. xx

06-29-2023

Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

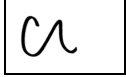
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### Summary:

- Staff recommends approval with conditions.
- The Subject Applications include a request to modify Condition 11 of the approved Preliminary Plan and Conditions 3(b), 9(d) and 14(g) of the approved Site Plan to widen the street buffer by two feet and narrow the shared use path along the Site frontage by two feet to accommodate an existing gas line and future street trees within the Sligo Avenue public right-of-way.
- The Subject Application also proposes slight reconfigurations of a stormwater management facility on the northern end of the Property to retain an existing tree.
- The Planning Board approved Preliminary Plan No.120220110 and Site Plan 820220170 on July 21, 2022 under the Department's Speed-to-Market expedited review process. The Project is providing all 98 dwelling units as affordable housing (including 24.5% Moderately Priced Dwelling Units).
- Staff has not received any public correspondence on the Subject Application as of the date of this report.

#### LOCATION/ADDRESS

Located on Sligo Avenue approximately 400 feet west of Carroll Lane

#### MASTER PLAN

2000 East Silver Spring Master Plan

#### ZONE

CRT-0.75 C-0.75 R-0.25 H- 35'

#### PROPERTY SIZE

1.26 tract acres

#### APPLICANT

Sligo 42 LLC & Sligo 60 LLC

#### ACCEPTANCE DATE

April 24, 2023

#### REVIEW BASIS

Chapter 50 & 59

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN AMENDMENT 12022011A

Staff recommends approval with conditions of the Preliminary Plan Amendment to make modifications to the approved streetscape along the Property frontage on Sligo Avenue. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment No. 12022011A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following condition. The following modifies Condition 11. All other conditions remain in full force and effect:

#### Modified Conditions

#### TRANSPORTATION

##### Existing Frontage Improvements

11. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of ~~a 10-foot wide sidepath~~ an eight-foot-wide sidepath with a ~~six-foot vegetated buffer~~ an eight-foot-wide vegetated street buffer along the Property frontage on Sligo Avenue (no PUE is required).

### SITE PLAN AMENDMENT 82022017A

Staff recommends approval with conditions of Site Plan Amendment No. 82022017A, to make modifications to the approved streetscape along the Property frontage on Sligo Avenue and minor changes to the stormwater management facility on site. The development must comply with the conditions of approval for Preliminary Plan Amendment 12022011A. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. The following Conditions 3(b), 9(d)(i), and 14(g) are modified by this Amendment. All other conditions remain in full force and effect:

#### Modified Conditions

#### OPEN SPACE, FACILITIES AND AMENITIES

3. Public Open Space, Facilities, and Amenities
  - b) Prior to issuance of the final Use and Occupancy Certificate for the residential development, the Applicant must construct the streetscape improvements, including the ~~10-foot sidepath~~ eight-foot-wide (8ft) sidepath and the ~~six-foot vegetated buffer~~ eight-

foot-wide (8ft) vegetated street buffer along the Property's frontage on Sligo Avenue, consistent with the *Complete Street Design Guide*.

## TRANSPORTATION

### 9. Pedestrian & Bicycle Circulation

d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before issuance of the final Use and Occupancy Certificate.

i. Sligo Avenue: ~~10-foot-wide sidepath~~ eight-foot-wide (8ft) sidepath with ~~six-foot-wide buffer~~ eight-foot-wide (8ft) street buffer from traffic.

## 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:

~~g) Confirm the gas line and (other utilities) fronting the site will not conflict with the street tree plantings and/or move the existing and proposed utility locations as necessary to appropriately accommodate the new plantings.~~

## SECTION 2: SITE DESCRIPTION

### VICINITY

The project is located in East Silver Spring just a couple blocks east of the Fenton Village and the Central Business District. While the larger vicinity is predominantly developed with single family detached dwellings, the immediate vicinity is described as a commercial center in the *East Silver Spring Master Plan* and contains several four-story apartment buildings and a handful of single-story commercial buildings. Directly east of the Site is a townhouse development and farther east there are several single-family homes converted into neighborhood retail businesses.

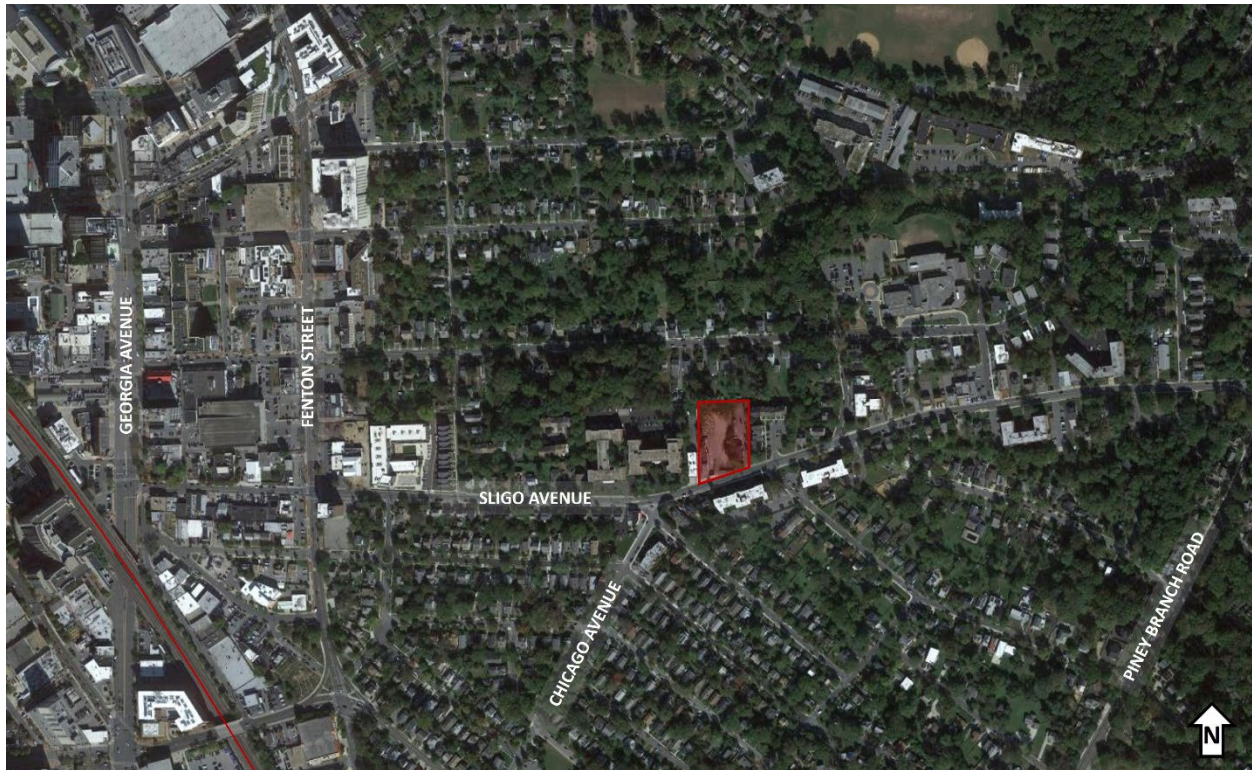
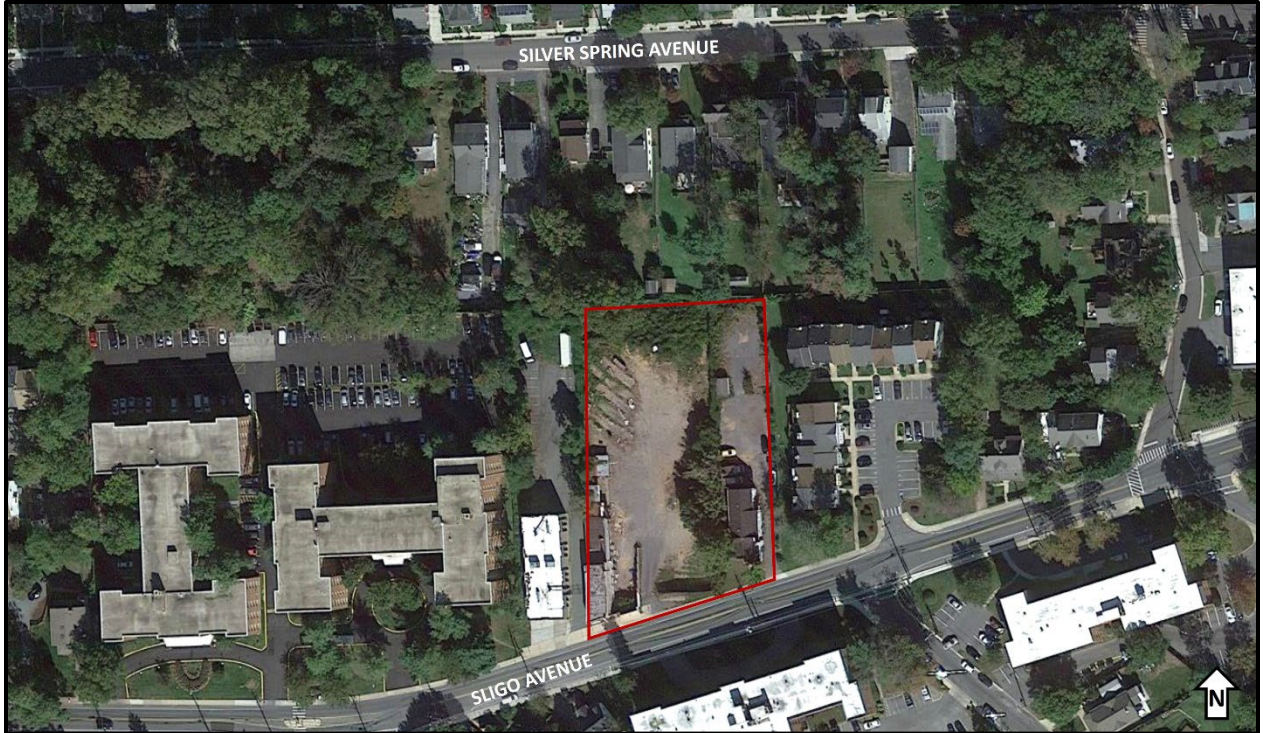


Figure 1 - Vicinity Map

### PROPERTY DESCRIPTION

The Subject Site (Subject Property or Property) is located at 713-719 Sligo Avenue and is developed with two one-story commercial buildings occupied with a landscaping business and storage yard. The Property is comprised of Lot 51, Block K of Plat 54 "R. Holt Easley's Subdivision of Silver Spring" and two portions of lots, totaling 1.26 acres.



*Figure 2 – Subject Property*

The Property is located within the Sligo Creek watershed which is classified as a Use-Class I watershed by the State of Maryland. The Subject Property contains no forest but does have one significant tree (trees with a diameter at breast height or “DBH” of 24 inches or more) occurring along the northern property line and there are a number of other significant trees within the neighboring properties. The Property contains no streams, wetlands, or other sensitive environmental features. There are no documented streams and stream valley buffers on or immediately adjacent to the Subject Property, and no wetlands or rare or endangered species. No historic resources or cemeteries are known to exist on the Property.

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

#### CONCEPT PLAN 520210250

In July of 2021, the Applicant submitted a Concept Plan for the Property that proposed a multifamily building for up to 98 units. At the time, the zoning did not support the density proposed. The Applicant requested that the future submittal be reviewed as a ‘Speed to Market’ initiative due to the 100% affordable housing component, however staff had several concerns related to the project design and architecture.

#### SKETCH PLAN NO. 320220080, PRELIMINARY PLAN NO. 120220110, SITE PLAN NO. 820220170

The Planning Board approved the combined Sketch Plan, Preliminary Plan, and Site Plan applications as permitted by the County’s Speed to Market initiative on July 21, 2022 (Resolution Nos. 22-071, 22-072, and 22-073 respectfully). The combined application proposed to develop the Property with a multi-family residential project with up to 98 affordable multi-family residential units (including 24.5% as moderately priced dwelling units, or “MPDUs”), private structured parking, private amenities, and public benefit points (the “Project”).

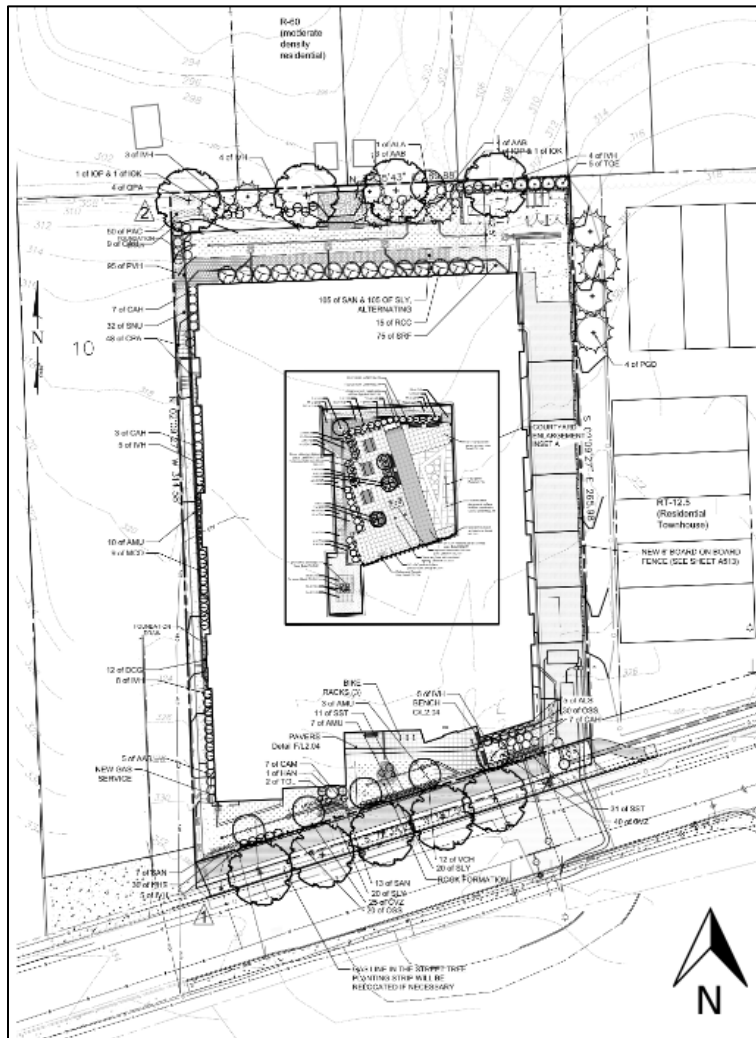


*Figure 4 –Rendering of Approved Site Plan*



**PROPOSAL**

Subsequent to the July 2022 Planning Board hearing and issuance of the resolutions, the Applicant began working on more detailed engineering for the Project in anticipation of submitting for permits. The Applicant discovered that there are in fact conflicts between the existing gas line and the proposed street trees. Specifically, the root area of the desired street tree types and sizes would interfere with the existing utility. This conflict does not just present at the Applicant's Property but would occur at any site along the north side of Sligo Avenue that seeks to redevelop and install the proposed streetscape and street trees. Due to the cost of shifting the gas line for this fully affordable housing project and the required tree types and sizes along the Property's frontage, the Applicant has requested to modify Condition 11 of the Preliminary Plan and Conditions 3(b), 9(d) and 14(g) of the Site Plan to widen the street buffer by two feet and narrow the shared use path along the Site frontage by two feet to accommodate an existing gas line and future street trees within the Sligo Avenue public right-of-way.



*Figure 5- Revised Landscape Plan*

The Applicant team met with Planning Department staff on September 13, 2022 to discuss the conflict. At that meeting the Applicant proposed several options for addressing the conflict, including reducing the sidepath to a width of eight feet and increasing the buffer to a width of eight feet (from ten feet and six feet, respectively). This would allow the gas line to remain in its existing location, and the desired major shade street trees to be planted in the expanded buffer, avoiding conflicts with the gas line. Following this meeting, Planning Staff conferred with Staff of the Montgomery County Department of Permitting Services and Montgomery County Department of Transportation, and all were supportive of this proposal (Agency Approval Letters included in Attachment B of this report). This consensus is reflected in the approval letters issued for the combined Applications. The Applicant also coordinated with Washington Gas and understands that they are supportive of this proposal.

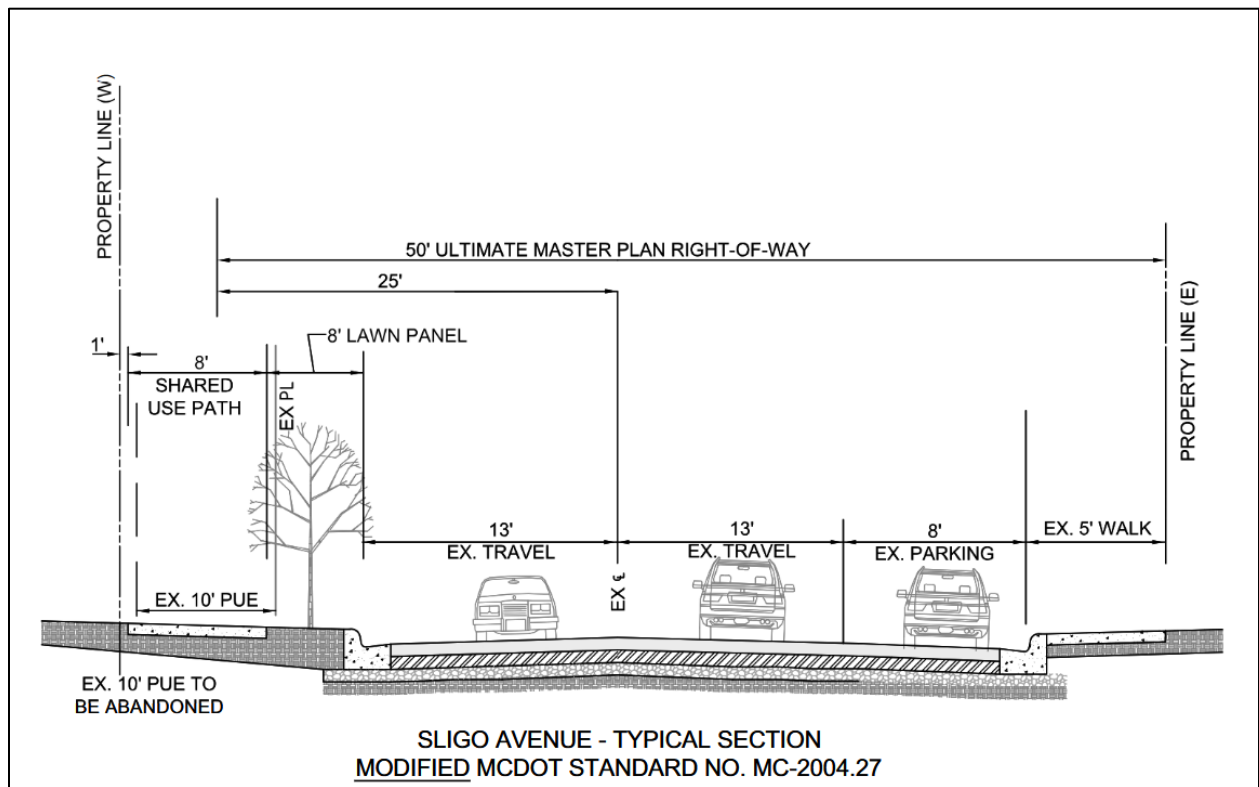


Figure 6- Revised Cross Section Showing Frontage Improvements

The Applicant also proposes slight reconfiguration of a stormwater management facility on the northern end of the Property in an attempt to retain an existing tree. MCDPS Water Resources Section had no comments on the updated plans. These Applications will have no other effect on the Project or previous conditions of approval and legal findings made for such approvals.

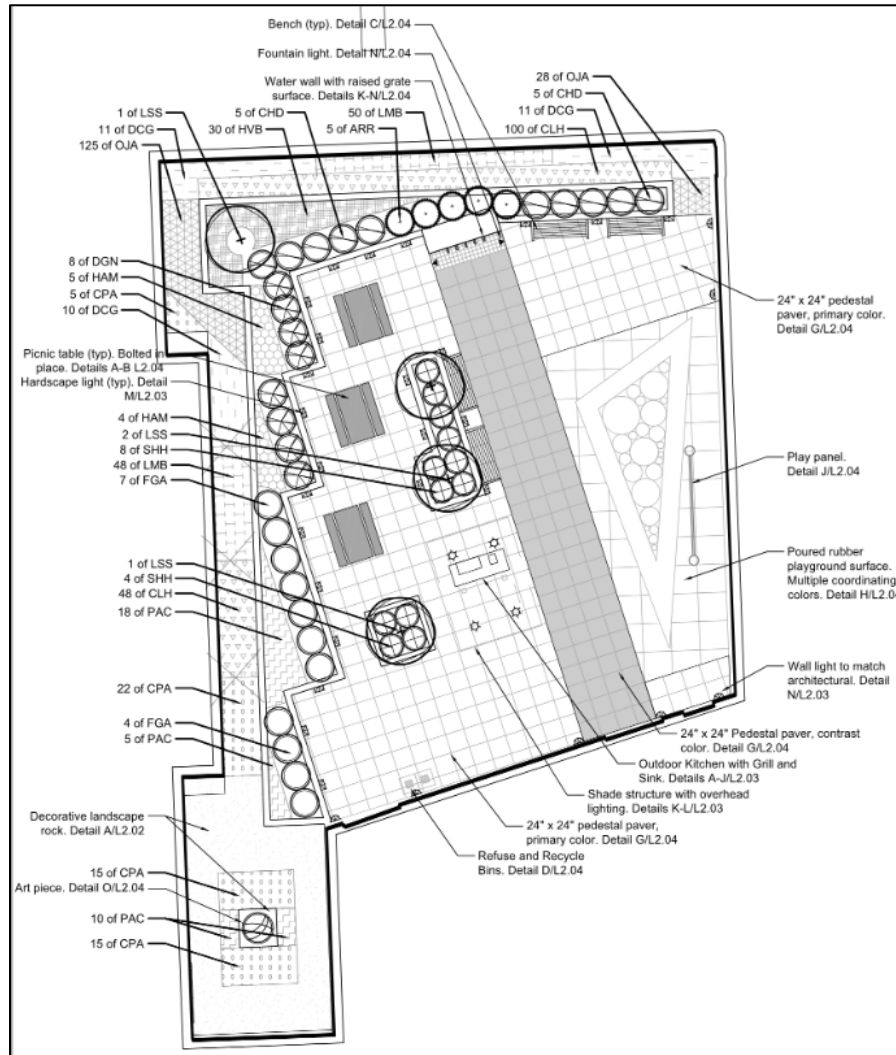


Figure 7- Enlargement of Modifications to On-site Stormwater Management

## SECTION 4: PRELIMINARY PLAN 12022011A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120220110, MCPB No. 22-072, to create one lot for up to 115,000 square feet for up to 98 multi-family dwelling units on the Subject Property with conditions.

Preliminary Plan Amendment 12022011A requests to change the dimensions of the sidepath and street buffer along the site frontage on Sligo Avenue. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

### **2. The Preliminary Plan substantially conforms to the Master Plan.**

#### **c) Transportation**

Sligo Avenue, a minor arterial has a master-planned right of way of 50 feet, as envisioned by the 2000 East Silver Spring Master Plan and later confirmed by the 2018 Master Plan of Highways and Transitways. As conditioned, the Site will ensure that 25 feet from the centerline of Sligo Avenue and the Property line will be dedicated to public right-of-way.

The Site frontage was originally approved for the 10-foot, buffered sidepath, to be installed by the Applicant, thereby realizing the 2018 *Bicycle Master Plan* recommendation for sidepaths along at least one side of Minor Arterial roadways within “Lower Activity Areas” in the County (page 62). The street buffer was approved at six feet (6 ft).

The Applicant proposed modifying the dimensions of the streetscape elements to preserve the future street trees and to avoid relocation of a gas line that runs along the Site frontage on Sligo Avenue. The Applicant proposes narrowing the sidepath to eight feet and widening the street buffer to eight feet. The proposed eight-foot sidepath meets the intent of the 2018 *Bicycle Master Plan* and meets the minimum dimensions standardized in the 2021 *Complete Streets Design Guide*. The wider, eight-foot-wide buffer will include street trees and vegetation, enhancing the separation between pedestrians and bicyclists, and motorists. At eight-feet wide, this exceeds the minimum width for a street buffer, per the 2021 *Complete Streets Design Guide*. The proposed modifications to the streetscape fit within the right-of-way, to be dedicated by the Applicant.

## SECTION 5: SITE PLAN 82022017A FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 820220170, MCPB No. 22-073, to create a maximum of 115,000 square feet for up to 98 units on the Subject Property with conditions.

Site Plan Amendment 82022017A proposes changes to conditions 3(b), 9(d) and 14(g) for the purpose of widening the street buffer by two feet (2 ft) and reducing the sidepath by two feet (2 ft) on the Site frontage along Sligo Avenue to accommodate an existing gas line and proposed street trees. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable.

## SECTION 6: COMMUNITY OUTREACH

In compliance with Section 50.4.2.F.2. and Section 59.7.3.4.J.2, a pre-application community meeting and sign were not required for minor amendments to a previously approved Preliminary and Site Plan. Written notice was required and mailed within the required time periods.

Staff has not received any correspondence from the public on the Subject Application as of the posting of this staff report.

## SECTION 7: CONCLUSION

As conditioned, the Preliminary Plan Amendment and Site Plan Amendment applications each satisfy the findings under Section 59.7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2000 *East Silver Spring Master Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Preliminary Plan Amendment 12022011A and Site Plan Amendment 82022017A with the conditions specified at the beginning of this report.

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### ATTACHMENTS

*Attachment A: Preliminary/Site Plan Amendments*

*Attachment B: Agency Letters*

*Attachment C: Preliminary Plan 120220110 Resolution*

*Attachment D: Site Plan 820220170 Resolution*