

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

July 30, 2024

MCPB No. 24-078

Site Plan No. 82022005A

PSTA

Date of Hearing: July 25, 2024

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 March 31, 2022, the Planning Board held a public hearing, and by Resolution MCPB No. 22-104, approved Site Plan No. 820220050 for up to 1,740 square feet of commercial use for retail and up to 630 dwelling units, including 56 multi-family 2-over-2 units, 298 mid-rise multi-family units, and 276 single-family attached townhouse units on 44.8 acres of land in the Commercial/Residential (CR): CR-1.0, C-0.5, R-1.0, H-150 zone, located at 9710 Great Seneca Highway (MD 119), east of Darnestown Road and south of Key West Highway (MD 28) (“Subject Property”), in the R & D Village Policy Area and within the Life Sciences Center West District of the 2010 *Great Seneca Science Corridor Master Plan* (“Master Plan”) and 2021 *Great Seneca Science Corridor Minor Master Plan Amendment* (“Minor Master Plan”) areas; and

WHEREAS, on April 14, 2024, The Elms at PSTA, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plan(s) to modify Condition No. 4f associated with the timing of substantial completion of a linear park along Great Seneca Highway to accommodate an existing sediment control element during construction on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82022005A, PSTA (“Site Plan Amendment,” 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 July 15, 2024 providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

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Approved as to

Legal Sufficiency: s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, on July 25, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82022005A with the replacement of Condition No. 4f, associated with the timing of substantial completion of a linear park along Great Seneca Highway to accommodate an existing sediment control element during construction, as follows:¹

Open Space, Facilities, and Amenities

4. Public & Common Open Spaces, Facilities, and Amenities

- f. Before the issuance of either a building permit for the 151st townhouse dwelling unit or two-over-two dwelling unit on the Subject Property (excluding the multi-family Lots 1 and 2), or after the final approval by MCDPS to permit the conversion of the sediment control facility on Parcel G, whichever comes later, the 3.17-acres of privately owned public open space with an athletic field (open space Parcel G) at the intersection of Great Seneca Highway and Medical Center Drive must be substantially completed. Closure and filling of the sediment trap and installation of all stormwater management facilities must precede commencement of the construction of the open space.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of PSTA Site Plan Amendment No. 82022005A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above condition of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or provided 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 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.

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.

The development adequately provides safe, well-integrated parking, circulation patterns, building massing, open spaces and site amenities and remains appropriate for the type of development or use contemplated and the applicable requirements of Chapter 59.

A network of open spaces and amenities within the development is a requirement of the Zoning Code and the Master Plan. Specifically, the 3.17-acre park includes a rectangular field that is prescribed by the Master Plan that will serve the abutting properties as well as the immediate neighborhood. The modification will not affect the compatibility of the development with respect to the surrounding neighborhood or its ability to provide adequate open space. It simply allows for completion of the park after sediment control issues have been addressed.

The Site Plan Amendment remains in conformance with environmental regulations, the development standards of the Commercial/Residential (CR) Zone, and the Master Plan as well as the Minor Master Plan.

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

July 30, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution approved and adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 4-0; Chair Harris, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, Vice Chair Pedoeem necessarily absent, at its regular meeting held on Thursday, July 25, 2024, in Wheaton, Maryland and via video conference.



Artie L Harris, Chair
Montgomery County Planning Board