



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

NOV 6 2014

MCPB No. 14-100
Preliminary Plan No. 12009021A
6450 New Hampshire Avenue
Date of Hearing: October 30, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 8, 2012, the Planning Board, by Resolution MCPB No. 12-19, approved Preliminary Plan No. 120090210, creating one lot on 0.28 acres of land in the C-2 and Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, located on the west side of New Hampshire Avenue (MD 650), 300 feet south of Sheridan Street ("Subject Property"), in the Silver Spring/Takoma Park Policy Area, Takoma Park Master Plan ("Master Plan") area; and

WHEREAS, on March 21, 2014, 6450 New Hampshire Avenue, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to increase the floor area of the approved uses from 2,011 square feet to 4,957 square feet on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12009021A, 6450 New Hampshire Avenue ("Preliminary 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 October 17, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 30, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12009021A to increase the floor area of the approved uses from 2,011 square feet to 4,957 square feet by adding the following conditions:¹

- 1) Approval under this Preliminary Plan is limited to one lot for 2,442 square feet of general retail use and 2,515 square feet of office use. This condition supersedes condition no. 1 of Planning Board Resolution No. 12-19 for Preliminary Plan 120090210, dated May 8, 2012.
- 2) The Applicant must revise the tree save plan to accurately reflect the locations, sizes, species, and conditions of saved trees located within the adjacent Sligo Mill Road right-of-way and the adjacent parcel to the south, and to identify and provide the necessary measures to adequately preserve those trees. Protective measures for trees within City of Takoma Park rights-of-way must be approved by the City of Takoma Park. The final tree save plan must be signed by an ISA certified arborist and approved by Staff prior to clearing and grading on the Subject Property.
- 3) The Applicant must provide and show on the record plat the following right-of-way dedications:
 - a. New Hampshire Avenue (MD 650): A dedication of 25 feet to provide 75 feet between the property line and right-of-way centerline, for the master-planned future right-of-way of 150 feet.
 - b. Sligo Mill Road: A dedication of 8 feet to provide 25 feet between the property line and right-of-way centerline, for the master-planned right-of-way of 50 feet.
- 4) The Subject Property is located in the Silver Spring-Takoma Park Transportation Policy Area. Pursuant to the 2012-2016 *Subdivision Staging Policy*, the Applicant must make a Transportation Policy Area Review ("TPAR") Mitigation Payment equal to 25 percent of the General District Transportation Impact Tax for the incremental increase of 431 square feet of general retail and 2,515 square feet of general office above the original Preliminary Plan approval. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

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.

- 5) The record plat must reflect a common access easement for use by the general public over the 5-foot-wide master-planned pedestrian walkway between Sligo Mill Road and New Hampshire Avenue.
- 6) The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid until June 8, 2021.

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

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and 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:

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

1. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Local Area Transportation Review (“LATR”)

Because the APF review for the original preliminary plan application is still valid and because the uses will not generate more than 30 total weekday peak hour vehicular trips, the Applicant was not required to submit a full LATR traffic study. As a result, the Applicant submitted a traffic statement demonstrating the traffic impact associated with the development. Based on the LATR trip-generation rate, the approved uses would generate seven new morning peak-hour trips and 23 evening peak-hour trips. Because the total trips generated by the approved uses do not exceed 30 for either the morning or afternoon weekday peak-hours, the approved uses will not have a measurable impact on the local area traffic, and no LATR mitigation is required.

Policy Area Mobility Review and Transportation Policy Area Review

The previously approved preliminary plan was subject to the County’s Policy Area Mobility Review (“PAMR”). The previous preliminary plan received Adequate Public Facilities (“APF”) approval for 2,011 square feet of general retail use (laundry and dry cleaning), which required the Applicant to mitigate one weekday peak-hour trip at \$11,300.

While that previously approved density (2,011 square feet) remains subject to PAMR, the additional square footage approved under the Amendment (431 square feet of general retail and 2,515 square feet of office) is subject instead to the County's current policy area review, TPAR.

New developments within the Silver Spring-Takoma Park Transportation Policy Area must satisfy the TPAR test by making a one-time payment equal to 25 percent of the General District Transportation Impact Tax. Upon payment, the approved development satisfies the TPAR requirements of the APF standards set forth in the 2012-2016 *Subdivision Staging Policy* and does not necessitate further transportation analysis.

The cost of the master-planned on-site sidewalk connection may not be credited toward the project's PAMR and TPAR mitigation requirements. Under the *LATR/TPAR Guidelines* and past practice in similar circumstances, only-off-site improvements are eligible for PAMR and TPAR credit, while frontage and on-site improvements are required to be provided in accordance with County and State regulations. The master-planned on-site sidewalk connection is required in addition to the PAMR and TPAR mitigation payments.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the approved uses. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the subdivision staging policy currently in effect and will be adequate to serve the Subject Property. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

2. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Staff approved Forest Conservation Exemption 42007163E for the Subject Property on February 16, 2007. This amendment does not affect the exemption. However, trees within the adjacent Sligo Mill Road right-of-way and on an adjacent parcel of land to the south of the Subject Property must be depicted on a revised tree save plan, which should also include necessary protective measures for the trees as endorsed by an ISA certified arborist.


BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 16 2014 (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).

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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 motion of Commissioner Fani-Gonzalez, seconded by Commissioner Presley, with Chair Anderson, and Commissioners Dreyfuss, Presley, and Fani-Gonzalez voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, October 30, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board