

DATE: 1/14/10  
ITEM NO. 3  
EXHIBIT NO. 1

Sandy Spring Parcel B Preliminary Plan #120090230  
Item #3  
January 14, 2010

### Revised Conditions

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one lot for 72,121 square feet of office use, 12,238 square feet of child day care use for a maximum of 196 children, and 1,718 square feet of retail use.
- 2) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 3) The applicant must comply with the conditions of approval for the preliminary forest conservation plan approved by the Planning Board on November 13, 2008. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 4) The Applicant must dedicate and the record plat must show dedication of ~~5,522 square~~ 40 feet of ~~land for~~ right-of-way, as measured from the centerline, for Olney-Sandy Spring Road (MD 108), ~~for a width of 40 feet from the centerline, as shown on~~  
The certified preliminary plan must accurately show this dedication.
- 5) The Record plat must show reference an easement covenant for future road dedication of 30 feet of right-of-way, as measured from the centerline, along the property frontage for Meeting House Road. The area of road dedication specified in the covenant must be shown on the certified preliminary plan and record plat. The terms of this easement covenant must be recorded by the applicant in a separate document, and the liber and folio of the document must be referenced on the plat. The terms must be submitted to MNCPPC staff for review and approval prior to recordation of the plat. The terms will specify requirements for right-of-way dedication in the event that the historic structure located in the southwest quadrant of the intersection of Olney-Sandy Spring Road (MD 108) and Meeting House Road is removed from the property.
- 6) Prior to the release of any building permits for the proposed development, the applicant must construct or participate on a pro-rata basis in providing, with approval from Maryland State Highway Administration (MDSHA), required capacity improvements at the MD 108 intersection with New Hampshire Avenue (MD 650), as noted in the MDSHA letter dated October 20, 2008. ~~If any of the road improvements identified in this condition either are now, or become, obligations of other developments (such as, Ashton Meeting Place — approved Preliminary Plan No. 120080070, Chevy Chase Bank at Ashton — approved Preliminary Plan No. 120070580, and Derriek's Addition to Ashton — pending Preliminary Plan No. 120070330), applicants of these developments may participate on a pro-rata basis in the joint funding of such improvements.~~ Basis of participation on a pro-rata share is the sum of total peak-hour trips generated by the subject development relevant to the

particular improvement over the sum of total peak-hour trips generated by all developments required by the Planning Board to participate in the construction of the particular improvement. The improvements must be consistent with currently unfunded improvements or future MDSHA design for the above intersection and its approaches under design Contract No. MO3175187, and must include:

- a. Widening of the west leg of MD 108 to provide separate eastbound left, through, and right turn lanes, including a center left-turn lane along MD 108 between MD 650 and Porter Road.
- b. Widening of the east leg of MD 108 to provide separate westbound left, through, and right turn lanes.
- c. Lengthening of the northbound MD 650 left and right turn lanes.
- d. Construction of a five-foot-wide sidewalk along the south side of MD 108 (between MD 650 and 150 feet west of Porter Road) and along the east side of MD 650 (along the Ashton Meeting Place and Derrick's Addition to Ashton site frontages).
- e. Construction of an eight-foot-wide shared-use path along the north side of MD 108 (along Derrick's Addition to Ashton site frontage to just west of Ashton Club Way) and along the west side of MD 650 between MD 108 and Crystal Spring Drive.

Determining pro rata share, including whether any other applicant(s) are required to participate, is the sole responsibility of the applicant(s) who completed the improvements. The Planning Board and/or other reviewing agencies will not be the arbiter in determining the cost for the improvements or in recovering the cost on the basis of pro-rata share of the required improvements.

- 7) At the time of filing of site plan, the Applicant must submit for staff review:
  - a. An access management plan/stripping plan and a sidewalk detail plan for MD 108 (between Meeting House Road and Norwood Road) and for Meeting House Road (between site driveway and MD 108)
  - b. An on-site vehicle/pedestrian circulation plan considering existing and proposed uses on the property and the adjacent townhouse community.
- 8) Prior to recordation of the plat, the existing Adequate Public Facilities (APF) agreement for the property, dated January 12, 1990, must be terminated and all parties released from their rights and obligations thereunder.
- 9) The applicant must comply with the conditions of the MCDPS stormwater management approval dated October 29, 2008. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 10) The applicant must comply with the conditions of the MDSHA letter dated October 20, 2008. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 11) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated October 8, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.

- 12) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and by MDSHA prior to issuance of access permits.
- 13) No clearing, grading or recording of plats prior to certified site plan approval.
- 14) The record plat must show necessary easements.
- 15) Prior to certification of the preliminary plan, all references on the plan to building height in stories must be removed from the plan or changed to building height in feet.
- 16) The certified preliminary plan must contain the following note: "The building footprints shown on the preliminary plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 17) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.