



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

JUL 17 2013

MCPB No. 13-106
Site Plan No. 82011005A
Olney Springs (formerly Bowie Mill Property)
Date of Hearing: July 11, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on September 15, 2011, the Planning Board, by Resolution MCPB No. 11-79, approved Site Plan No. 820110050 for 114 residential dwellings including 57 one-family detached units and 57 one-family attached units (with 34 MPDUs and 34 Workforce Housing units) on 32.74 acres of PD-3 zoned land, located on Bowie Mill Road approximately 700 feet West of Daly Manor Place ("Subject Property") in the Olney Policy Area, Olney Master Plan ("Master Plan") area; and

WHEREAS, on November 16, 2013, Bowie Mill Road LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan to change the delivery date of certain recreation facilities to accommodate a larger than anticipated sediment trap on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82011005A, Olney Springs ("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 June 27, 2013, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on July 11, 2013, 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:

Approved as to
Legal Sufficiency

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82011005A in order to change the delivery date of certain recreation facilities to accommodate a larger than anticipated sediment trap on the Subject Property by modifying the following conditions:¹

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for preliminary plan 120110120 as listed in the MCPB Resolution No. 11-78 unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions, as amended.

2. Site Plan Conformance

The development must comply with the conditions of approval for site plan 820110050 as listed in the MCPB No. 11-79, except as amended by this Application.

3. Development Program

The Applicant must construct the development in accordance with the approved development program in 820110050, except for conditions 15(d) and 15(f), which is modified as follows:

Revised condition 15.d)1)i)

The large open play area, seating area, and tot lot located between Street B and the southeast property boundary must be completed within 180 days of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section granting permission to convert stormwater management facility #1 located in this area from a sediment control device to a stormwater management facility. The Applicant must provide the MCDPS report approving the conversion to M-NCPPC and the MCDPS – Site Plan Enforcement Section.

Revised condition 15.d)2)i)

The recreation area, including multi-age playground, half basketball court, and seating areas, located adjacent to the northern property boundary along Bowie Mill Road, and the trail over the stream valley buffer, must be completed prior to the issuance of the 60th building permit in Phase I, which represents 70 percent of the 87 dwelling units in Phase I.

Delete condition 15.f)

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.

4. Certified Site Plan

Prior to 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 updated development program, inspection schedule, and site plan resolution on the approval or cover sheet.

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 as shown on Olney Springs drawings stamped by the M-NCPPC on October 10, 2012, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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 except as specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and site plan, and all findings not specifically addressed remain in effect.

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-D-3.8; 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 JUL 17 2013 (which is the date that this resolution is mailed to all parties of record); and

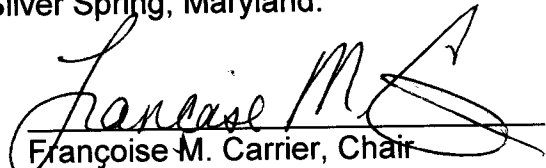
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 11, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board