



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

FEB 27 2014

MCPB No. 14-11
Site Plan No. 82006012C
Piedmont Crossing
Date of Hearing: February 20, 2014

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 July 31, 2008, the Planning Board, by Resolution MCPB No. 08-78, approved Site Plan No. 820060120 for 61 one-family dwelling units, including 12.5 percent MPDUs, on 35.74 acres of R-90 zoned land, located on Amity Drive, approximately 250 feet west of the intersection with Bounding Bend Court, south of Ridge Road, and north of parkland in the Shady Grove Sector Plan ("Master Plan" or "Sector Plan") area; and

WHEREAS, on February 23, 2009, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82006012A (MCPB No. 09-06), to remove the original condition of approval number 8, to add a single family attached lot on Amity Drive, increasing the total approved one-family dwellings units to 62, and to change the phasing associated with the development; and


WHEREAS, on June 5, 2012, the Planning Director approved an administrative amendment to the previously approved site plan, as amended, designated Site Plan No. 82006012B, that permitted several modifications, including adding details to the community entrance piers and signs and updating street lights and street trees; and

WHEREAS, on January 9, 2014, Toll MD II, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plans to revise the neighborhood park layout, landscaping and grading and to modify the development program associated with the neighborhood park; and

WHEREAS, Applicant's application to amend the Site Plan was designated Site Plan No. 82006012C, Piedmont Crossing ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to

APPROVED AS TO LEGAL SUFFICIENCY

 2/18/14

M-NCPPC LEGAL DEPARTMENT

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the Planning Board, dated February 7, 2014, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on February 20, 2014, Staff presented the Application to the Planning Board as a consent item for its review and action, at which time 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 Site Plan No. 82006012C for the modification of Site Plan No. 820060120 conditions of approval 6(b)(iv)(11) and 12(b) and the addition of a new condition of approval, as shown below:¹

Condition No. 6(b)(iv)(11) – M-NCPPC Park Facility

Install an 18-inch seat wall between the play area and the sidewalk to the north, and a series of 30-inch tall paver retaining walls between the playground and the environmental buffer to the south.

Condition No. 12(b) – Development Program

Applicant shall construct the development in accordance with a Development Program. A Development Program shall be reviewed and approved by Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Community-wide pedestrian pathways and recreation facilities, including the M-NCPPC recreation facilities, on-site recreation facilities and trail connections, shall be completed prior to issuance of the 60th building permit.
 - i. The proposed neighborhood park must be completed by the Applicant and accepted by the Department of Parks as substantially complete prior to the issuance of the 60th building permit, or June 1, 2014, whichever comes first. If the construction schedule is delayed due to weather conditions, the June 1, 2014 deadline may be extended by the Parks Staff.

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.

- ii. The neighborhood park must be constructed in accordance with the approved site plan and the Park Construction Permit. Minor field adjustments can be approved by the Parks Staff as needed.

New Site Plan No. 82006012C Condition – Surety

Prior to the issuance of the 57th building permit, the Applicant must enter into a Site Plan Surety and Maintenance agreement with the Planning Board in a form approved by the Office of General Counsel. The agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and construction of the neighborhood park, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material, on-site lighting, paving, equipment, and all associated improvements.
- c. The bond or surety shall be tied to the final completion of the neighborhood park and be released after the completion of punch-list items, including all as-built documents and transfer of warranties.

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 the Piedmont Crossing drawings submitted to M-NCPPC on January 9, 2014, shall be 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 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:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, 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

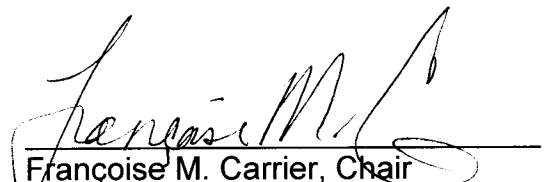
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 27, 2014 (which is the date that this resolution is mailed to all parties of record); and

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).

* * * * *

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, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, February 20, 2014, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board