



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

MCPB No. 19-024
Site Plan No. 82016006B
Dowden's Station
Hearing Date: March 7, 2019

MAR 14 2019

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 October 20, 2016, the Planning Board, by Resolution MCPB No. 16-107, approved Site Plan No. 820160060, for 105 residential units (21 one-family and 84 townhouses), including 14 MPDUs (13.3% of the total number of residential units), associated on-site parking spaces, recreation facilities and landscape on 24.37 acres of PD-4 zoned-land, located approximately 1/3 mile from the intersection of Stringtown Road and Frederick Road ("Subject Property"), in the Clarksburg Policy Area and 1994 Clarksburg Master Plan and Hyattstown Special Study Area ("Master Plan") area; and

WHEREAS, on July 31, 2018, the Planning Board approved an amendment to the Site Plan No. 82016006A (MCPB No. 18-069) to increase the amount of MPDUs from 13.3% (14 MPDU units) to 25% (27 MPDU units), realign the public street entering the subdivision from Frederick Road (MD 355), make minor revisions to the open space and minor adjustments to the Final Forest Conservation Plan on the Subject Property; and

WHEREAS, on December 12, 2018, Clarksburg Mews, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan(s) for approval of the following modifications:

1. To show the necessary temporary slope easement for the construction of the future Observation Drive, a Master Plan roadway; and
2. To revise the Final Forest Conservation Plan by removing a portion of the Category I Conservation Easement that overlaps with the temporary slope easement for the future Observation Drive; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82016006B, Dowden's Station ("Site Plan," "Amendment," or "Application"); and

Approved as to
Legal Sufficiency

Christa Scott 2/21/19

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 February 14, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 28, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82016006B, subject to the following conditions:

1. The conditions of approval for Site Plan No. 820160060 are modified by the addition of the following condition:
 - 7a. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must submit to M-NCPPC, for approval, a certificate of compliance to use an offsite forest mitigation bank for 1.01 acres of mitigation credit. The certificate of compliance must be recorded in the Office of Land Records before scheduling a pre-construction meeting.
2. All site development elements shown on the latest electronic version of Dowden's Station, Site Plan Number 82016006B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required.

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 having considered the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein) the Planning Board FINDS, with the conditions of approval that:

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

As required by the Forest Conservation Law, Montgomery County Code Chapter 22A, an amended Final Forest Conservation Plan for the project was submitted as part of the Application. The reduction of the Net Tract Area of the project by 43,049 square feet (0.99 acres) and removal of the same amount

of existing forest from the project results in a Final Forest Conservation Plan reforestation requirement of 43,995.6 square feet (1.01 acres). This requirement must be satisfied by the Applicant by purchasing 1.01 acres of mitigation credits in an M-NCPPC approved forest mitigation bank. The Board finds that as conditioned, the Final Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

2. The Application does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments and that all findings, except as modified herein, remain in effect; and

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

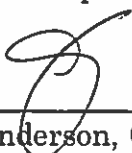
BE IT FURTHER RESOLVED, that the date of this written Resolution is MAR 14 2019 (which is the date that this Resolution is mailed to all parties of record); and

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 written opinion, 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 Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, March 7, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board