MCPB No. 19-075
Preliminary Plan No. 120180130
Andrus Property
Date of Hearing: June 27, 2019

RESOLUTION

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

WHEREAS, on May 15, 2018, Andrus Group, LLC. (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property to subdivide seven (7) existing lots, into a total of fifteen (15) lots, for a total of eight (8) new single-family detached lots/houses on 5.38 acres of land in the R-90 zone, located on the West side of Greentree Road between Grubby Thicket Way and Barnett Road (“Subject Property”), in the 1992 North Bethesda/Garrett Park Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120180130, Andrus Property (“Preliminary Plan” 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 17, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 27, 2019, the Planning Board held a public hearing on the Application at which it 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 certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180130 to subdivide seven (7) existing lots, into a total of fifteen (15) lots on the Subject Property, subject to the following conditions:

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.

Approved as to Legal Sufficiency:

[Signature]

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

1. This Preliminary Plan is limited to a total of 15 lots, for a total of eight (8) new single-family detached houses, six (6) existing single-family detached units to remain and one (1) existing single-family detached house to be demolished and replaced.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

Outside Agencies

3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 24, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.

5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated April 18, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated March 26, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of the Preliminary Plan approval.
Environment

Forest Conservation

7. Limits of disturbance on the Sediment Control Plan must match the limits of disturbance shown on the Final Forest Conservation Plan (FFCP).

8. The Applicant must comply with all tree protection and tree save measures shown on the FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.

9. Prior to scheduling a pre-construction meeting for any clearing or grading, the Applicant must submit an executed Certificate of Compliance to the Planning Department that provides 2.68 acres of mitigation credit from an off-site forest mitigation bank to meet forest conservation planting requirements. The Certificate of Compliance must be recorded in the Montgomery County Land Records prior to any clearing or grading.

Transportation

Existing Frontage Improvements

10. The Applicant must provide the following dedication and show it on the record plat(s) for the following existing roads:
   a) All land necessary to accommodate the 5,527 square feet of area for the cul-de-sac along the Subject Property frontage for Andrus Road.

11. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to construct a five (5)-foot-wide sidewalk along the Property frontage on Andrus Road, Greentree Road, and Barnett Road.

New Streets

12. The Applicant must build the rights-of-way and ensure construction of all necessary road improvements for the following public street, as shown on the Preliminary Plan, to the design standards imposed by the applicable road codes:
   a) Andrus Road, consistent with MC 2001.01, as modified; and
   b) Andrus Road, consistent with MC 222.01, as modified.

Record Plats
13. There shall be no clearing or grading of the site prior to recordation of plat(s).

Easements

14. The record plat must show necessary easements.

15. The record plat must reflect a common use and access covenant for the benefit of the public over sidewalks and paths not included in public right-of-way. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.

16. The record plat must reflect all areas under common ownership.

Certified Preliminary Plan

17. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

18. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

19. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
   a. Rename the Forest Conservation Plan as Final Forest Conservation Plan.
   b. Provide detailed and specific tree protection measures for on and off-site trees affected by the Limits of Disturbance (LOD) on the Final Forest Conservation Plan.

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:

1) The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its
location and the type of development or use contemplated and the applicable requirements of Chapter 59.

The proposed lots were reviewed for compliance with the dimensional requirements for the R-90 Zone, as specified in the Zoning Ordinance. The proposed lot dimensions, size, width, shape and orientation are appropriate for the location of the subdivision and this type of development and will meet all dimensional requirements for the area, frontage, width, and setbacks in the R-90 Zone. The application represents infill development in an appropriate location near a future public school. The proposal is consistent with the intent of the R-90 Zone that reads as follows:

"to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house."

Pursuant to Section 59.4.4.8 of the current Zoning Ordinance, applicable development standards for a Standard Method development of the Property in the R-90 Zone are as follows:

Table 1: R-90 Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>PLAN DATA</th>
<th>Required/Permitted</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lot and Density (59.4.4.8.B.1.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot (min)</td>
<td>9,000 sq. ft.</td>
<td>≥ 9,037 sq. ft.</td>
</tr>
<tr>
<td>Density (max)</td>
<td>4.48</td>
<td>3</td>
</tr>
<tr>
<td>Density (units/acre)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coverage (max)</td>
<td>30%</td>
<td>≤ 30%</td>
</tr>
<tr>
<td>Lot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specification for Lot &amp; Density</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Placement (59.4.4.8.B.2.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Building Setbacks (min)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front setback</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Side street setback, abutting lot fronts on</td>
<td>30 ft.</td>
<td>≥ 30 ft.</td>
</tr>
<tr>
<td>the side street and is in a Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detached zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side setback</td>
<td>8 ft.</td>
<td>≥ 8 ft.</td>
</tr>
<tr>
<td>Sum of side setbacks</td>
<td>25 ft.</td>
<td>≥ 25 ft.</td>
</tr>
<tr>
<td>Rear setback</td>
<td>25 ft.</td>
<td>≥ 25 ft.</td>
</tr>
<tr>
<td>Height (max) (59.4.4.8.B.3.)</td>
<td>35 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

2) The preliminary plan substantially conforms to the master plan.

The proposed Preliminary Plan is in the 1992 North Bethesda/Garrett Park Master Plan area. The Master Plan recommends the retention of the existing residential neighborhoods with future development focused at Metrorail stops, new transit
stations, and areas best served by transportation infrastructure. The Master Plan primarily focuses on the areas around Rock Spring and the Twinbrook, White Flint and Grosvenor Metrorail Stations and seeks to reduce dependency on the automobile by expanding transit service and focusing development in areas served by transit.

While the Property is not specifically identified or discussed in the Master Plan, the Master Plan recommends the confirmation of existing zoning for all parcels within North Bethesda, unless specifically referenced. Therefore, the Property remains within the R-90 zone.

The proposed Preliminary Plan conforms to the land use objectives of the Master Plan, as it “reinforces the integrity of the existing residential neighborhoods” and “encourages a land use pattern that provides opportunities for housing and employment.” (Page 33).

3) Public facilities will be adequate to support and service the area of the subdivision.

Schools

Based on the following school cluster and individual school capacity analysis performed using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

Overview and Applicable School Test

The Preliminary Plan was accepted on May 15, 2018. The Applicant proposes a net addition of eight (8) single-family dwelling units. The application was reviewed by the Planning Board on June 27, 2019. Therefore, the applicable annual school test is the FY2019 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Property is located in the southwest region of the County. The applicable regional student generation rates are shown in the following table:

<table>
<thead>
<tr>
<th>Per Unit Student Generation Rates – Southwest Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF Detached</td>
</tr>
<tr>
<td>SF Attached</td>
</tr>
<tr>
<td>MF Low- to Mid-Rise</td>
</tr>
<tr>
<td>MF High-Rise</td>
</tr>
</tbody>
</table>
With a net addition of eight (8) new single-family dwelling units, the proposed project is estimated to generate the following number of students:

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Net Number of Units</th>
<th>ES Generation Rates</th>
<th>ES Students Generated</th>
<th>MS Generation Rates</th>
<th>MS Students Generated</th>
<th>HS Generation Rates</th>
<th>HS Students Generated</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF Detached</td>
<td>8</td>
<td>0.133</td>
<td>1.544</td>
<td>0.111</td>
<td>0.886</td>
<td>0.147</td>
<td>1.175</td>
</tr>
<tr>
<td>TOTAL</td>
<td>8</td>
<td></td>
<td>1</td>
<td></td>
<td>0</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

Cluster Status and Adequacy
The Property is located in the Walt Whitman High School Cluster. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for the Whitman Cluster are noted in the following table:

<table>
<thead>
<tr>
<th>School Level</th>
<th>Projected Cluster Totals, September 2023</th>
<th>Moratorium Enrollment Threshold</th>
<th>Projected Enrollment + Project Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>Enrollment: 2,410; Program Capacity: 2,539; % Utilization: 94.9%</td>
<td>3,047</td>
<td>2,411</td>
</tr>
<tr>
<td>Middle</td>
<td>Enrollment: 1,333; Program Capacity: 1,502; % Utilization: 88.9%</td>
<td>1,803</td>
<td>1,336</td>
</tr>
<tr>
<td>High</td>
<td>Enrollment: 2,129; Program Capacity: 2,397; % Utilization: 88.8%</td>
<td>2,877</td>
<td>2,130</td>
</tr>
</tbody>
</table>

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this project fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

Individual School Status and Adequacy
The Property is located in the Burning Tree ES service area and in the Thomas W. Pyle MS service area. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

<table>
<thead>
<tr>
<th>School</th>
<th>Projected School Totals, September 2023</th>
<th>Moratorium Thresholds</th>
<th>Projected Enrollment + Project Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burning Tree ES</td>
<td>Enrollment: 429; Program Capacity: 379; % Utilization: 113.2%; Surplus/Deficit: -59</td>
<td>455; 489; 430</td>
<td></td>
</tr>
<tr>
<td>Pyle MS</td>
<td>Enrollment: 1,336; Program Capacity: 1,502; % Utilization: 88.9%; Surplus/Deficit: +166</td>
<td>1,803; 1,682; 1,336</td>
<td></td>
</tr>
</tbody>
</table>

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school’s projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.
The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. Current projections for both Burning Tree ES and Pyle MS fall below the thresholds. Therefore, both service areas remain open to new residential development. As indicated in the last column, the projected enrollment plus the estimated impact of this project falls below both applicable moratorium thresholds for both schools.

Therefore, there is sufficient capacity at Burning Tree ES and Pyle MS to accommodate the estimated number of students generated by this project.

Transportation

Local Area Transportation Review
The Application satisfied the Local Area Transportation Review through a transportation exemption statement, dated April 5, 2019, because the proposed development will generate fewer than 50 peak hour person trips. That statement indicated that the proposed development would generate 10.48 net new morning peak-hour person trips (8.70 vehicle trips) and 8.99 net new evening peak-hour person trips (7.46 vehicle trips).

Master Plan of Highways
Proposed Andrus Road exists as a 50-foot-wide dedicated but unimproved secondary residential street. In order to reduce pavement width and tree impacts to existing mature trees within the right-of-way, Andrus Road will be constructed in accordance with Tertiary Residential standards (MC 2001.01), terminating in a modified cul-de-sac with a 110-foot diameter.

Andrus Road is not a master-planned road; however, it connects to Greentree Road, which has been constructed to its master-planned width of 70 feet. Greentree Road is classified as a primary residential street. The Applicant is required to provide sidewalks along the entire Property frontage, which includes Andrus Road, the west side of Greentree Road and the north side of Barnett Place. There is one property not included in this application at the corner of Greentree Road and Barnett Place, but the Applicant is required to provide a five (5) foot sidewalk along this stretch in order to provide one continuous facility. Along this property, the sidewalk will narrow below the standard to accommodate retaining walls located on private property, which fall outside the scope of the project.

Vehicular Access Points
Vehicular access to each of the proposed lots will be provided directly from Andrus Road/Greentree Road. Each proposed lot will have its own driveway, ranging between 16 to 20-feet-wide. Sidewalks will be carried over the proposed driveway aprons in a flush condition, ensuring pedestrians will not have to ramp up and down at each driveway location.
Bicycle and Pedestrian Facilities
The 2013 Bicycle Master Plan does not call for dedicated bicycle facilities along either Andrus Road, or Greentree Road. An off-street trail, to be implemented per the pending WMAL project (Site Plan No. 820170170), is anticipated to facilitate bicycle travel between Grubby Thicket Way, just north of proposed Andrus Road, and Derbyshire Court.

Public Transit Service
The closest public transit services are located just under a mile walk from the proposed site at Bradley Boulevard and Burdette Road, which services the Ride On 36 line, and Fernwood Road and Marywood Road, which services the 47 line. The 36 line provides service to the Connelly School of the Holy Child (points west) and the Bethesda WMATA Metrorail Station (points east). Weekday headways are 30 minutes. The 47 line also has 30-minute weekday headways and services Rockville’s WMATA Metrorail and MARC rail stations to the north, and the Bethesda WMATA Metrorail Station to the south.

Other Public Facilities
The proposed development will be served by public water and sewer systems. The Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the project. Electric, gas and telecommunications services are available and adequate.

4) All Forest Conservation Law, Chapter 22A requirements are satisfied.

Environmental Guidelines
A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420180070) was approved on November 20, 2017. The Property lies in the Cabin John Creek watershed and contains 2.87 acres of upland forest. There are no streams, wetlands or environmental buffers on-site. The site includes approximately one-half acre of steep slope on highly erodible soils.

Forest Conservation
The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Preliminary Forest Conservation Plan (Attachment 2) in conjunction with the Preliminary Plan. There is 2.87 acres of existing upland forest, connected to a larger area of forest adjacent to I-270. The 2.87 acres of forest will be cleared due to the infill nature of the project and
the existing topography. All forest conservation requirements will be met by purchasing 2.68 acres of forest conservation mitigation credits in a forest conservation bank.

**Forest Conservation Variance**

Section 22A-12(b) (3) of the Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree’s critical root zone (CRZ) requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request to remove 19 trees and to impact, but not remove, eight (8) trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

**Unwarranted Hardship for Variance Tree Impacts**

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the infill nature of this development and the need to construct a public road with cul-de-sac terminus to serve the new development. The Property is constrained by existing residential development to the north and south, I-270 to the west, and Greentree Road to the east which limits flexibility in grading. The topography of the site adds an additional challenge, with adjacent development built using substantial grading. The public road is being constructed in existing right-of-way, and even with a reduced pavement width, still constrains the proposed layout.

**Variance Tree Tables**

**Removals**

<table>
<thead>
<tr>
<th>ID</th>
<th>Species</th>
<th>Size</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>T9</td>
<td>Tulip poplar</td>
<td>33&quot;</td>
<td>Good</td>
</tr>
<tr>
<td>T27</td>
<td>Tulip poplar</td>
<td>35&quot;</td>
<td>Fair</td>
</tr>
<tr>
<td>T30</td>
<td>Tulip poplar</td>
<td>33&quot;</td>
<td>Fair</td>
</tr>
<tr>
<td>T35</td>
<td>Tulip poplar</td>
<td>30&quot;</td>
<td>Fair</td>
</tr>
<tr>
<td>T53</td>
<td>Tulip poplar</td>
<td>30&quot;</td>
<td>Good</td>
</tr>
<tr>
<td>T55</td>
<td>Tulip poplar</td>
<td>32&quot;</td>
<td>Good</td>
</tr>
<tr>
<td>T62</td>
<td>Tulip poplar</td>
<td>40&quot;</td>
<td>Good</td>
</tr>
<tr>
<td>T63</td>
<td>Tulip poplar</td>
<td>33&quot;</td>
<td>Fair</td>
</tr>
<tr>
<td>T65</td>
<td>Tulip poplar</td>
<td>39&quot;</td>
<td>Poor</td>
</tr>
<tr>
<td>T66</td>
<td>Tulip poplar</td>
<td>32&quot;</td>
<td>Good</td>
</tr>
<tr>
<td>T68</td>
<td>Elm</td>
<td>30&quot;</td>
<td>Fair</td>
</tr>
</tbody>
</table>
Variance Findings
Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, Staff makes the following findings:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to build the infill development with all associated infrastructure. The size and configuration of the Property preclude alternative site designs that would allow the variance trees to remain undisturbed.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is necessary due to the size and shape of Property, the requirements to develop infrastructure, and the location of the existing trees on and around the Property. The Applicant is using existing right-of-way, with reduced pavement width, to provide access to the infill development.

3. *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the location of trees and the proposed development and not a result of land or building use on a neighboring property. With the reduced
pavement width, the impact to the trees is the minimum disturbance necessary to build eight (8) additional homes, with associated infrastructure.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Applicant will plant 36, three-inch caliper native shade trees to replace the form and function of the variance trees proposed for removal. In addition, the Property will be developed in accordance with the Maryland Department of the Environment criteria for stormwater management. As a result, State water quality standards will not be violated and there will be no measurable degradation in water quality.

**Mitigation for Trees Subject to the Variance Provisions**

The Applicant is requesting a variance to remove 19 trees. Of the 19 trees proposed for removal, 13 of the trees are located outside of areas of forest removal. The 13 trees (listed in the removal table above) will be mitigated at a rate of 1” caliper per 4” DBH removed, using a minimum 3” caliper native shade tree. The Applicant will plant 36, 3-inch caliper trees which are shown on the Preliminary Forest Conservation Plan.

**County Arborist’s Recommendation of the Variance**

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The County Arborist has reviewed the variance request and recommended approval with mitigation measures.

5) *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on July 2, 2018. The concept proposes to meet required stormwater management goals using a combination of ESD approaches including dry wells and micro-infiltration trenches. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

**Noise**

The Subject Property is located directly adjacent to I-270 and I-495. Both interstates have noise walls currently in place, providing mitigation for the traffic noise.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for
all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 **JUN 28 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 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 Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Cichy and Fani-González present and voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Patterson absent, at its regular meeting held on Thursday, June 27, 2019, in Silver Spring, Maryland.

[Signature]

Casey Anderson, Chairman
Montgomery County Planning Board
DEVELOPMENT APPLICATIONS AND REGULATORY COORDINATION
ADOPTED RESOLUTION ROUTING SHEET

Plan No: 120180130
Plan Name: Andreaus Property
MCPB No: 19-075

DATE RECEIVED FROM CHAIRMAN'S OFFICE: 6/27/19

Reviewed/Routed By: Date:
1. ROUTED TO AREA TEAM
   LEAD REVIEWER:
   A) DARC Admin.
      Name: Michelle

2. REVIEWED BY AREA TEAM
   LEAD REVIEWER:
   T.L
   A) ResolutionReviewedforlayout
      and typos; and found to be okay
   B) Resolution Routed back to
      DARC Admin identified above

   6/27

3. RESOLUTION MAILING:
   A) Resolution mailing list includes:
      a) all registered hearing speakers (from
         Technical Writers), b) all individuals
         who sent correspondence in
         response to the staff report, and
         c) the applicant/attorney/engineer.
   B) Resolution date stamped (2 places)
   C) Resolution mailed

   X

4. RESOLUTION CLOSEOUT:
   A) Original and 1 copy of Resolution to
      Technical Writer
   B) Copy of Resolution to Legal
   C) Copy of Resolution to the
      Board Chair's Office
   D) Copy of the Resolution to File

5. HANSEN UPDATE:
   A) Resolution Mailing Date and
      Validity Periods added to Hansen
   B) Resolution and mailing list scanned
      into DAIC

