



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

MCPB No. 20-074
Site Plan No. 82006022B
High Acres
Date of Hearing: July 30, 2020

AUG 14 2020

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, under Section 59-7.7.1.B.3, the Planning Board reviewed this Site Plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on March 27, 2007, the Planning Board, by Resolution MCPB No. 06-123, approved Site Plan No. 820060220 for 11 new townhouses and an existing detached unit on 4.4 acres of R-90 zoned-land, located on the west side of Brooks Lane, north of Brookes Hill Court, between Sangamore Road and MacArthur Boulevard ("Subject Property"), in the 1990 *Bethesda-Chevy Chase Master Plan* ("Master Plan") area; and

WHEREAS, on May 8, 2013, the Planning Board approved an amendment to the previously approved Site Plan, designated Site Plan No. 82006022A (MCPB No. 13-62), to eliminate the clubhouse and pool as the approved recreational facilities and provide benches and tables in a sitting area as the recreational facilities; eliminate the underground parking garages for each unit and replace with at-grade parking garages for each unit; reconfigure the two drive aisles into one roadway that will terminate in a cul-de-sac to serve all new and existing residential units; eliminate the courtyard above the underground parking; replace the single retaining wall at the rear of each lot with two terraced retaining walls and increase the overall wall height; adjust the townhouse lot lines; relocate the approved light fixtures in conjunction with the reconfigured driveway; and revise landscaping plans on the Subject Property; and

WHEREAS, on November 22, 2017, Brookes Lane Development Company, LLC ("Applicant") filed an application for approval of an amendment to the previously approved Site Plans (in response to notices of violation) to add a set of steps to an onsite sidewalk, modify the landscape planting species, locations and quantities, and add a

privacy fence along a portion of the northern site boundary on the Subject Property;
and

WHEREAS, Applicant's application to amend the Site Plan was designated Site Plan No. 82006022B, High Acres ("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 July 20, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 30, 2020, 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 Site Plan No. 82006022B for the addition of a set of steps to an onsite sidewalk, modification of the landscape planting species, locations and quantities, and adding a privacy fence along a portion of the northern site boundary by adding/modifying the previous conditions.¹ The following Conditions 2 & 6.a. supersede the previous corresponding conditions, and the following conditions 3.f.-j., 7.g.-h. and 8 are added, while all other previously approved conditions remain in full force and effect:

Previous Condition #2:

Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820060220 as set forth in Planning Board Resolution No. 06-123 dated March 27, 2007 or amended by this application.

Amended Condition #2:

2. Site Plan Conformance

The development must comply with the previous and subsequent conditions of approval associated with Site Plan 820060220, unless amended.

Previous Condition #6.a:

Community seating areas, benches, retaining walls and associated landscaping shall be completed as the construction of the townhouse units are finished, but no later than six months after the occupancy of the townhouse units;

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.

Amended Condition 6.a:

6.a. The community seating areas, benches, and landscaping (including the replacement of any dead or missing material) must be installed/completed per the approved Certified Site Plan Amendment no later than March 31, 2021;

3. Forest Conservation & Tree Save

- f. The split-rail fence must be restored to its correct location along the recorded Conservation Easement boundary before October 1, 2020.
 - g. The Amended Final Forest Conservation Plan must be approved before October 1, 2020; Prior to certification, the plans must be revised to address the following:
 - i. Add notes specifying that the Forest Conservation Inspector may change the species, locations and quantities of any plantings within the Conservation Easement.
 - ii. Provisions must be added for the care and monitoring of existing trees impacted by the retaining wall stabilization work which encroached into the easement areas.
 - h. Any new plantings within the Conservation Easement will be subject to a 5-year maintenance and monitoring program to include the control of invasive species. The maintenance and monitoring agreement must be approved by the Office of General Counsel and recorded among the Land Records by November 1, 2020.
 - i. The applicant shall submit financial security in the amount of the Planning Department-approved cost estimate and obtain Office of General Counsel approval of the financial security by November 1, 2020.
 - j. The initial Conservation Easement restoration work and plantings must be completed before December 1, 2020 in coordination with, and to the satisfaction of, the Forest Conservation Inspector.
7. Prior to Certified Site Plan, the following revisions must be included and/or information provided, subject to Staff review and approval:
- g. Modify the open space layout to avoid conflicts with the landscape plantings and the site furnishings.
 - h. Revise the notes associated with the site furnishings to allow substitutions and modify locations in coordination with Planning Department Staff.
8. Before October 1, 2020, the Applicant must modify the steps covered by this amendment to have equal riser height, a minimum 12" tread (or as approved by staff), and a handrail.

BE IT FURTHER RESOLVED that all other Site Plan conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of High Acres 82006022B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered 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 this Amendment does not alter the intent, objectives, or requirements in the originally approved Site Plan as revised by previous amendment, 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 AUG 14 2020 (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 Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, July 30, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board