



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

MCPB No. 20-105  
Site Plan No. 81979014A  
Snowden's Mill Section 7  
Date of Hearing: October 1, 2020

**OCT 08 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 1, 1979, the Planning Board (Letter mailed on March 6, 1979), approved Site Plan No. 819790140 for 87 multi-family townhouse units, 100% MPDUs, on 5.57 acres of R-90 zoned-land, located at 2000 Harlequin Terrace ("Subject Property"), in the 1997 *Fairland Master Plan* ("Master Plan") area; and

WHEREAS, on May 14, 2020, APAH Snowden LP ("Applicant") filed an application for approval of an amendment to the previously approved site plan for approval of the following modifications on the Subject Property:

1. Add a two-story community building, including a leasing office, for the existing affordable housing development;
2. Add six additional handicap spaces, with associated ADA access aisles, sidewalks, and ramps, resulting in a decrease of two parking spaces from 172 to 170 total parking spaces;
3. Replace the seven existing trash enclosures with new wood and chain-link enclosures; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81979014A, Snowden's Mill Section 7 Limited Major Site Plan Amendment ("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 September 18, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 1, 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. 81979014A for a two-story community building, including a leasing office, to provide six additional ADA accessible parking stalls, and provide seven new trash enclosures, subject to the following conditions:<sup>1</sup>

The development must comply with the conditions of approval for Preliminary Plan No. 119771710 and conditions of approval for Site Plan No. 819790140, or as amended.

## **Site Plan**

1. Site Design
  - a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, or as determined by M-NCPPC Staff.

## **Environment**

2. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of approval for the Preliminary/Final Forest Conservation Plan No. 81979014A, approved as part of this Site Plan:

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<sup>1</sup> 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.

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Preliminary/Final Forest Conservation Plan.
- c) The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d) Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting, and portions of the environmental buffers as specified on the approved Preliminary/Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed.
- e) Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must submit financial surety, in a form approved by M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the new forest planting credited toward meeting the requirements of the approved Preliminary/Final Forest Conservation Plan.
- f) Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Anacostia River watershed to satisfy the off-site reforestation requirement for a total of 0.55 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest is unavailable for purchase within the Anacostia River watershed.
- g) Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must submit a Maintenance and Management Agreement ("MMA") approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas credited towards meeting the requirements of the approved Preliminary/Final Forest Conservation Plan.
- h) Prior to the pre-planting inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must remove any existing unnatural debris located within the proposed Category I Conservation Easement area.
- i) Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement as shown on the approved Preliminary/Final Forest

Conservation Plan or as determined by the M-NCPPC Forest Conservation Inspection Staff. The M-NCPPC Forest Conservation Inspection Staff is authorized to determine the timing of sign installation.

- j) The Applicant must provide invasive species management control measures within the proposed Category I Conservation Easement at the direction of the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the off-site stream and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
- k) The Applicant must install the on-site plantings as shown on the approved Preliminary/Final Forest Conservation Plan, within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

3. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated August 17, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

4. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 30, 2020, and hereby 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 amendments do not conflict with other conditions of Preliminary Plan approval.

5. Site Plan Surety and Maintenance Agreement

Prior to issuance of the first above ground building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. 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 facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to new landscaping, trash enclosures, rear deck, associated infrastructure (sidewalks, private utilities, and storm drainage facilities). The surety must be posted before the first above ground building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

6. Certified Site Plan

Before 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 stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

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 shown on the latest electronic version of Site Plan No. 81979014A, Snowden's Mill Section 7 Limited Major Site Plan Amendment, 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:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*
2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Subject Property is located within the R-90 zone and the approved building is an accessory use, to the existing residential use, and is allowed within the zone. The approved building would provide much needed community space for existing and future residents, while also providing a small leasing office for the development. As discussed below, the Application continues to comply with the development standards of the R-90 zone.

#### **Development Standards**

The following Project Data Table indicates compliance with the Zoning Ordinance. Only the standards that are affected by this Amendment are listed; a comprehensive modified data table will be included on the Certified Site Plan. In accordance with Zoning Ordinance Sections 59-E-3.7 and 59-C-1.32, the modifications are shown below.

*Table 1: Project Data Table for the R-90 Zone, Optional Method Cluster Develop.*

<b>Development Standard<sup>2</sup></b>	<b>Zoning Ordinance Permitted / Required</b>	<b>Previously Approved / Built</b>	<b>Proposed for Approval by Site Plan</b>
Community Building Size	NA	NA	2,184 SF
Accessory Building Setbacks			
– Front	Determined at Site Plan	NA	182 ft. min.
– Side			188 ft. min.
– Rear			283 ft. min.
Building height	35 ft. max.	35 ft. max.	35 ft. max.

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<sup>2</sup> There was not an increase to the previously approved residential density or building height, as well as retaining the approved minimum setbacks. Additionally, the property was originally developed under a cluster method which included properties that are currently subdivided. The previously approved development standards are taken from the staff report for Site Plan No. 819790140 and the existing as-built conditions.

Development Standard <sup>2</sup>	Zoning Ordinance Permitted / Required	Previously Approved / Built	Proposed for Approval by Site Plan
<b>Parking (Sec. 59-E)</b>			
Parking Spaces			
- Standard	NA	166 spaces (exist.)	160 spaces
- Accessible	NA	6 spaces (exist.)	10 spaces
- Total	155 spaces <sup>3</sup>	172 spaces (exist.)	170 spaces

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

#### Location of Buildings and Structures

The approved community building is centrally located within the Subject Property. The centralized location provides convenient access for the public and residents. The community building is oriented so that the front façade faces out to Harlequin Terrace, while the rear façade faces out to existing open space/amenity area internal to the block. The approved building would have direct access from Harlequin Terrace, as well as from the rear deck. The two lead walkways improve visibility and wayfinding for the community building. In addition, it provides a circulation pattern that safely balances the accessibility of pedestrians walking on the Property or from the parking and handicap parking areas. The locations of the buildings and structures are adequate, safe, and efficient.

#### Open Spaces, Landscaping, and Lighting

The open space and landscaping will remain safe, adequate, and efficient. The Amendment includes landscaping around the perimeter of the approved community building and rear deck. The landscaping provides adequate screening and visual interest for the existing buildings, transformer, and stormwater management facility located behind the community building. Additionally, the landscaping helps to improve the open space around and behind the community building as they increase the amount and variety of plantings and are a response to the new pedestrian paths and new building footprint.

#### Pedestrian and Vehicular Circulation

The pedestrian and vehicular circulation will remain safe, adequate, and efficient. Vehicular access to the Subject Property will remain unchanged via Aventurine Way. The Amendment includes minor modifications to parking and the addition of two lead sidewalks to connect with the approved community building. The

<sup>3</sup> Per Staff Report for Site Plan No. 819790140, dated February 26, 1979.

parking modifications are focused on providing six handicap-accessible parking stalls, with associated striping and ramps, which reduces the total parking count from 172 spaces to 170 spaces. The loss of the two parking spaces is *de minimis* as the parking is still adequate and well above what was required for the original approval. To connect with the existing pedestrian network, new concrete sidewalks will be installed, including a direct exterior, at-grade entrance from the rear of the building. The new lead walkways serve to provide adequate pedestrian connections for the public and residents to the approved community building at the front and rear entrances. The Fire Marshall's office has reviewed and recommended approval of the modifications.

## **Transportation**

### Master Plan Transportation Facilities

Aventurine Way is an unclassified residential street road with a 60-ft right-of-way. Harlequin Terrace is a private road. There are no bicycle facilities recommended. Transportation access is safe and adequate for the proposed use. This application is consistent with the 2018 *Master Plan of Highways and Transitways*, the 2018 *Bicycle Master Plan* and the 1997 *Fairland Master Plan*.

### Local Area Transportation Review (LATR)

The approved Application is for a two-story building that will provide needed office space for leasing and property management activities, as well as a community center to serve existing and new residents (ITE code 495, Recreational Community Center). This amendment will not change the approved residential use or density. According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual adjusted for the Fairland/Colesville Transportation Policy Area, this project will result six (6) AM peak-hour person trips and seven (7) PM peak-hour person trips. As a result, this project is exempt from additional Local Area Transportation Policy Review (LATR) because the approved land use generates fewer than 50 peak-hour net new person trips within the weekday morning and evening peak periods. The Applicant included a Transportation Statement as part of this Application. Access and circulation will be adequate for the approved use.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The approved community building is compatible with the existing structures on-site, as well as the existing developments adjacent to the Property. The community building will be two levels and designed to match the scale and architectural character of the existing buildings on-site. The site for the community building includes steep grades, which the building will incorporate by providing direct access to each floor with a front and rear entrance. The front



entrance will be directly accessible from the parking area for the first level, while the second level will be accessible via the rear entrance from the deck. The community building will incorporate a mix of brick masonry and wood lap siding to visually connect it with the existing development. The roofline will be varied with a mix of gables and hipped roofs to provide visual interest and reinforce the existing residential architectural aesthetic. The approved landscaping and setbacks are compatible with the existing development. The landscaping provides adequate screening and visual interest to connect the approved building and architecture with the surrounding residential townhouse units and existing plant materials. Additionally, the landscaping accentuates the centralized location of the community building, while the setbacks provide compatibility by allowing adequate distance between the existing residential buildings.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

### **Forest Conservation**

#### Natural Resources Inventory/Forest Stand Delineation

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420201850 for the Property was approved on May 22, 2020. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property contains approximately 0.11 acres of forest, including approximately 0.10 acres of forested stream valley buffer associated with an off-site stream located on the adjacent park property to the north. There are no wetlands, 100-year floodplain, or highly erodible soils on the Property. There are several areas on the Property that contain slopes greater than 25 percent. There are nine trees greater than or equal to 24" Diameter at Breast Height (DBH) that were identified on or adjacent to the Subject Property, one of which is 30" DBH and greater.

#### Forest Conservation Plan

The Application meets the requirements of the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). A combined Preliminary and Final Forest Conservation Plan ("FCP") was submitted for review as part of the Site Plan Amendment application. The previous development plan approvals pre-date the Forest Conservation Law, therefore, the FCP is not amending a prior plan. The FCP includes 0.11 acres of existing forest located on the northern side of the Property. The existing forest is contiguous with forest located on the adjacent M-NCPPC park property. The Application retains the 0.11 acres of forest, the majority of which is located within the stream buffer. The Applicant will meet the 0.72-acre afforestation planting requirement by reforesting 0.17 acres on-site within the unforested portion of the stream buffer and the remaining 0.55 acres off-site at an M-NCPPC approved forest bank. The on-site retained and

planted forest will be protected in a Category I conservation easement. There are existing encroachments with the on-site stream buffer which include buildings and parking lots that will remain and will not be included within a conservation easement. Three significant trees (24-29.9 inches in Diameter at Breast Height), identified as Trees #1, 2, and 3 of the FCP will be removed for the approved development activity. The Application does not impact or remove any trees subject to Section 22A-12(b)(3), including any trees  $\geq 30$  inches in diameter at breast height, so a tree variance is not required.

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 OCT 08 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).

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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 Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 1, 2020, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board