



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

**MAR 18 2021**

MCPB No. 21-022  
Site Plan No. 81995015C  
Smalls Nursery, 15702 Thistlebridge Drive  
Date of Hearing: March 11, 2021

**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 22A of the Montgomery County Forest Conservation Law, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on July 20, 1995, the Planning Board, by Resolution, approved Site Plan No. 819950150, for 100 dwelling units on 105 acres of RE-1 zoned-land, located at west side of Georgia Ave. ("MD 97"), 1,200 feet north of the intersection of Georgia Ave. and Norbeck Rd., in the Olney Policy Area and the Olney Master Plan area; and

WHEREAS, on April 25, 2001, the Planning Board approved Site Plan No. 820000430 for 45 single family dwelling units; and

WHEREAS, on May 9, 2002, the Planning Board approved an amendment to the Site Plan, Site Plan Amendment No. 81995015A, to adjust the timing for completion of required Park Improvements in coordination with MD State Highways Administration intersection improvements and to convey 5.4 acres for public use as park expansion; and

WHEREAS, on September 27, 2010, the Planning Board approved an amendment to the Site Plan, Site Plan Amendment No. 81995015B, for Forest Conservation Plan purposes (MCPB No. 10-93) to remove 0.25 acres of an existing Category I Conservation Easement for the construction of an access road to the adjacent townhomes at Smalls Nursery; and

WHEREAS, on April 25, 2001, the Planning Board approved Site Plan No. 820100060, Resolution No. MCPB 10-90, for 19 townhouse dwelling units on 3.11 acres in the RT-10 Zone within the Smalls Nursery Subdivision; and

WHEREAS, on November 9, 2012, the Planning Director approved an amendment to the Site Plan, Site Plan Amendment No. 82010006A, to adjust the minimum setbacks for townhouse units on individual lots, to change the sidewalk material and parking bays around certain townhouse lots from standard concrete to porous pavers and to change the townhouse units from a second level entry to a first level entry; and

WHEREAS, on July 24, 2013, the Planning Director approved an amendment to the Site Plan, Site Plan Amendment No. 82010006B, to revise the community identification signs, to add landscaping in front of the signs and to add 10 White Spruce trees along the south side of the entrance road from Thistlebridge Rd. to screen the adjacent property to the south; and

WHEREAS, on October 20, 2020, Pallas Chiogioji ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to remove a Category I Conservation Easement on the property located at 15702 Thistlebridge Dr., Lot 44, Block A on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 81995015C, Chiogioji Property ("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 February 26, 2021, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 11, 2021, 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. 81995015C for the removal of Category I Conservation Easement on the

property located at 15702 Thistlebridge Drive, Lot 44, Block A ("Subject Property" or "Property") by adding the following conditions:<sup>1</sup>

1. Prior to extinguishing the existing Category I Conservation Easement on the property located at 15702 Thistlebridge Drive, Lot 44, Block A, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 6,970 square feet (0.16 acres), a 2:1 compensation rate, of afforestation/reforestation requirement.

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 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:

*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.*

2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. satisfies any previous approval that applies to the site;*

The Site Plan Amendment satisfies the requirements of Preliminary Plan Amendment No. 11994011D, which is being reviewed concurrently.

- e. satisfies the applicable requirements of:*

- i. Chapter 22A, Forest Conservation Law*

The Site Plan Amendment continues to meet the Forest Conservation requirements of Chapter 22A of the County Code and Montgomery County Planning Department's Environmental Guidelines.

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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.

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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 18 2021 (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 Verma, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor, at its regular meeting held on Thursday, March 11, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board