

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-107
Site Plan No. 82017017B
Amalyn Bethesda (WMAL Bethesda)
Date of Hearing: December 1, 2022

DEC 14 2022

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 January 15, 2019, the Planning Board, by Resolution MCPB No. 18-124, approved Site Plan No. 820170170 for 309 dwelling units, including 40 MPDUs, on 74.83 acres of R-90 zoned-land, located at the northeast quadrant of the intersection of Greentree Road and Interstate 495 ("Subject Property"), in the North Bethesda/Garrett Park Master Plan ("Master Plan") area; and

WHEREAS, on November 10, 2021, the Planning Director approved an amendment to the previously approved site plan, designated Site Plan No. 82017017A, to increase the size of an existing storm drain outfall pipe on the Subject Property; and

WHEREAS, on July 27, 2022, Toll Brothers, Inc. ("Applicant") filed an application for approval of an amendment to the previously approved site plans for the following: 1) Minor modifications to street grade, layout and materials; 2) Minor modifications to sidewalk layout and materials; 3) Minor modifications to site landscaping, open space and stormwater management facilities; 4) Minor modifications to lot layout; 5) Creation of two new phases, 2A and 2B (formerly Phase 2); and 6) Small expansion and minor modifications to the clubhouse on the Subject Property; and

WHEREAS, the Applicant's application to amend the site plan was designated Site Plan No. 82017017B, Amalyn Bethesda/ WMAL Bethesda ("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

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

Planning Board, dated November 17, 2022, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 1, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Branson, seconded by Commissioner Piñero, with a vote of 5-0; Chair Zyontz, Vice Chair Presley, Commissioners Branson, Hill and Piñero voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017017B for the following: 1) Minor modifications to street grade, layout and materials; 2) Minor modifications to sidewalk layout and materials; 3) Minor modifications to site landscaping, open space and stormwater management facilities; 4) Minor modifications to lot layout; 5) Creation of two new phases, 2A and 2B (formerly Phase 2); and 6) Small expansion and minor modifications to the clubhouse on the Subject Property by modifying Condition Nos. 12a and 15, , replacing them in their entirety, and adding Conditions Nos. 18 h – k and 19 below:¹

Modified Conditions

12. Stormwater Management

- a) 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 August 21, 2018, and amended on August 31, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in the letters, 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.

15. Fire and Rescue

The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section ("MCDPS Fire and Rescue") in its letter dated October 1, 2018, and amended on October 26, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in the letters, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

18. Certified Site Plan

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.

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- h) Fire and Rescue Access plan must be included in the Certified Site Plan.
- i) Replace the *Wisteria floribunda* with a non-invasive, preferably native, vine.
- j) Label the movable firepit and chairs on Sheet 24 of the Landscape and Lighting Plan.
- k) Correct the clubhouse footprint on Sheet 21A.

Additional Condition

19. DPS- Right of Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated August 8, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

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 Amalyn Bethesda (WMAL Bethesda), Site Plan No. 82017017B, 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 of its Staff as presented at the hearing and/or as provided 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:

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, unless specifically changed by this amendment.

- 5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

MCDPS approved a revised Site Development Concept Stormwater Management Plan (SWM Concept Plan) on August 31, 2022. The SWM Concept Plan will meet required stormwater management goals via micro-bioretention and bioswales. In addition, the SWM Concept Plan includes an underground storage facility with a control structure.

b. Chapter 22A, Forest Conservation

The Final Forest Conservation Plan (FFCP) has been updated to reflect the removal of the crescent and the modified lot layout on Greyswood Road. The FFCP also documents the removal of Specimen Tree No. 172, a Pignut hickory (*Carya glabra*)² with a 50-inch diameter at breast height. The removal was approved as a field call by the Forest Conservation Inspector due to safety concerns because the structural integrity of the tree was impacted by the presence of root rot. In addition, the updated FFCP shows 12.5 caliper inches of mitigation planting provided for the tree removal. All Forest Conservation Law requirements are satisfied.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

Removal of the crescent-shaped island along Greyswood Road results in a minor change to vehicular circulation and provides a new, usable common open space area between the blocks of houses. In the original Site Plan approval, six lots were accessed from a private road adjacent to the crescent, but the Amendment approves access for these six lots directly from Greyswood Road. The access is consistent with access for lots to the east and west within the development and the existing lots outside the development. The circulation continues to provide safe and well-integrated access to the development.

The elimination of the crescent enhances the Project's common open space by providing additional, usable open space for the community. The crescent included storm water management and landscaping but did not provide any usable space. The open space along Greyswood Road includes a lawn, landscaping, seating and a fire pit in addition to a prominent connection between the clubhouse and the natural surface trail along the northern forest conservation easement. The Amendment provides additional safe, well-integrated amenity features for the community.

² This tree was incorrectly identified previously as a Black Gum (*Nyssa sylvatica*).

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 DEC 14 2022 (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 the motion of Commissioner Hill, seconded by Commissioner Piñero, with a vote of 4-0; Chair Zyontz, and Commissioners Branson, Hill, and Piñero, voting in favor of the motion, Commissioner Presley necessarily absent, at its regular meeting held on Thursday, December 8, 2022, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
Montgomery County Planning Board

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