

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

March 12, 2024

MCPB No. 24-016

Site Plan No. 82020015D

Village at Cabin Branch

Date of Hearing: February 15, 2024

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.1 and 3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on September 23, 2020, the Planning Board, by Resolution MCPB No. 20-076, approved Site Plan No. 820200150 for the construction of 375 age-restricted residential dwelling units, comprised of 135 multi-family and 240 townhouse units, and up to 16,000 square feet of non-residential space on 61.54 acres of MXPDP zoned-land, located at the northeast quadrant of the intersection of Cabin Branch Avenue and Little Seneca Parkway (“Subject Property”), in the Clarksburg Policy Area and 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) area; and

WHEREAS, on December 28, 2021, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82020015A (MCPB No. 21-130), to add Phase 2 with 125 multi-family dwelling units and a 12,900 square foot daycare facility on 8.4 acres, and to revise Phase 1 by decreasing the retail uses on Little Seneca Parkway to 6,000 square feet on the Subject Property; and

WHEREAS, on July 21, 2021, Staff approved an amendment to the previously approved site plan, designated Site Plan No. 82020015B, to revise the limits of disturbance for two stormwater management outfall pipes located along the eastern side of the project on the Subject Property; and

WHEREAS, on July 13, 2023, the Planning Director approved an amendment to the previously approved site plan, designated Site Plan No. 82020015C, to modify the architectural

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

elevations, landscaping, and site layout for the two commercial buildings, reduce parking by 14 spaces and add additional landscaping for Building A, located in the southwestern area of the development, corresponding to the finalized gross floor area of 5,000 square feet for the building, and alter landscaping and revise the plaza area around Building B, located in northwest area of the development; and

WHEREAS, on October 19, 2023, Classic Group, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plans to amend Conditions 6, 20, and 22 of Site Plan No. 82020015A to modify development triggers associated with the delivery of the non-residential buildings on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82020015D, Village at Cabin Branch (“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 2, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on February 15, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 8202015D to modify development triggers associated with the delivery of the non-residential buildings by modifying prior Condition Nos. 6, 20 and 22, and restating in their entirety and superseding all prior conditions below:¹

Density, Height, and Housing

1. Density

- a) The Phase 1 Site Plan is limited to a maximum of 375 age-restricted dwelling units, with 240 single-family attached units and 135 multi-family units, and up to 10,000 square feet of non-residential uses on 61.54 acres.
- b) The Phase 2 Site Plan is limited to one multi-family building with a maximum of 125 age-restricted dwelling units and up to 12,900 square feet of daycare uses on 8.4 acres.

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.

2. Building Height

- a) The maximum height of the multi-family buildings must not exceed 70 feet as measured from the building measuring point, as illustrated on the Certified Site Plan.
- b) The maximum height of the townhouse buildings must not exceed 45 feet as measured from the building measuring point, as illustrated on the Certified Site Plan.
- c) The maximum height of the non-residential buildings must not exceed 50 feet as measured from the building measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated May 22, 2020, and as revised in its letter dated December 2, 2021, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) In Phase 2, the Applicant must provide 100 percent (100%) MPDUs or MCDHCA – approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan. In combined Phases 1 and 2 of the development, the Applicant must provide a minimum of 25 percent (25%) MPDUs or MCDHCA - approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s) in either Phase 1 or Phase 2, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

4. Cabin Branch Design Guidelines

- a) The development must comply with the Cabin Branch Design Guidelines for Site Plan Review (“Design Guidelines”) dated March 2, 2018.
- b) The Applicant must submit to the M-NCPPC Staff with building permit applications for each phase of the development program, an approval from the Cabin Branch Town Architect stating that the approved buildings within that phase are in conformance with specifications of the Design Guidelines.
- c) The Planning Board accepts the recommendations of the Cabin Branch Town Architect in its letters dated February 13, 2019 and April 24, 2019, with the revisions for the multi-family building as required under condition #10.
- d) The Planning Board accepts the recommendations of the Cabin Branch Town Architect in its letter dated June 29, 2021 for Phase 2.

5. Occupancy Provisions

- a) All residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.
- b) Prior to Certified Site Plan:

- i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
- ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
- iii. The Book/Page reference must be included on the record plat.

Open Space, Facilities, and Amenities

6. Green Area, Facilities, and Amenities

- a) The Applicant must provide a minimum of 34 acres of Green Area on-site, as shown on the Certified Site Plan.
- b) Before release of the 228th building permit (the 95th percentile building permit for townhouses), the Use and Occupancy certificate must be issued for the clubhouse, fitness building, and all associated recreational facilities and open spaces must be completed. Plantings associated with these facilities and open spaces must be completed within 6 months or the next growing season after the 228th permit is issued.
- c) Within 6 months after completion of a given row of townhouses on a given block as identified in the record plat, the public green area and amenities adjacent to those townhouses must be completed.
- d) Within 6 months after the issuance of final Use and Occupancy certificates for the multi-family development, all public green areas and amenities on the associated block must be completed.
- e) Within 6 months after the issuance of Use and Occupancy certificates for each non-residential building, all public green areas and amenities on the associated block must be completed.
- f) Prior to the release of the 120th building permit (the 50th percentile building permit for townhouses), a natural surface trail shall be constructed to the rear (east) within the limits of the Subject Property, running parallel to I-270 that provides connections to the Cabin Branch Premium Outlets and Little Seneca Parkway. The trail must be shown on the Certified Site Plan and the final alignment shall be approved by M-NCPPC Staff.
- g) Phase 2:
 - i. Prior to issuance of the Use and Occupancy certificate that includes the 60th dwelling unit in the multi-family building for Phase 2, the Applicant must complete the resident lounge, screening room, and multi-purpose lobby area within the multi-family building for Phase 2.
 - ii. Prior to issuance of the last Use and Occupancy certificate for the multi-family building for Phase 2, the Applicant must complete the open grass area, including the picnic and seating area.

7. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).

8. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the minimum required recreation facilities as defined by the Recreation Guidelines and as listed on the Certified Site Plan: one woodland natural area and forested buffer, one urban plaza (entry plaza and monument), four (4) picnic and seating areas, one (1) courtyard, one (1) central park (or neighborhood green), a dog run, three (3) open grass areas (urban, small, and large), that incorporate three (3) bird and pollinator gardens, a community garden, a bocce court, two (2) pickleball courts, a community clubhouse (including a resident lounge), a pedestrian/connection trail system, and one (1) fitness building.
- c) The Applicant must show on the Certified Site Plan details for the required subgrade and drainage system (if required) for all major recreational facilities, including but not limited to the woodland natural area, entry and urban plazas, picnic and seating areas, courtyards, bird and pollinator gardens, central park area, open grass areas, community gardens, bocce courts, pickleball courts, central clubhouse, pedestrian/connection trail system, resident lounge, and fitness building.
- d) Phase 2:
 - i. The Applicant must provide the minimum required recreation facilities for Phase 2 as defined by the Recreation Guidelines and as listed on the Certified Site Plan which must include but not be limited to: a pedestrian/connection trail system, one (1) open grass area (large), one (1) resident lounge, one (1) screening room, one (1) multi-purpose lobby area, and one (1) picnic and seating area.
 - ii. The Applicant must show on the Certified Site Plan details for the required subgrade and drainage system (if required) for all major recreational facilities for Phase 2, including but not limited to the pedestrian/connection trail system, one (1) open grass area (large), one (1) resident lounge, one (1) screening room, one (1) multi-purpose lobby area, and one (1) picnic and seating area.

9. Maintenance of Public Amenities

- a) The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the woodland natural area, entry and urban plazas, picnic and seating areas, courtyards, bird and pollinator gardens, central park area, open grass areas, community gardens, bocce courts, pickleball courts, central clubhouse, pedestrian/connection trail system, resident lounge, and fitness building.

- b) For Phase 2, the Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the pedestrian/connection trail system, one (1) open grass area (large), and one (1) picnic and seating area.

Site Plan

10. Site Design

- a) The Applicant must update the exterior elevations such that the entrances facing the public street and sidewalk system appear and function as the main access to the multi-family buildings. The updated elevations must be shown on the Certified Site Plan, as approved by M-NCPPC Staff.
- b) The access door to the trash room and utility rooms on the exterior façade of the multi-family buildings must be screened from the public street, consistent with the Cabin Branch Design Guidelines.
- c) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations on the submitted architectural drawings, as determined by M-NCPPC Staff. The entry porticos for the multi-family buildings must be provided as shown on the updated drawings.
- d) Prior to issuance of the commercial building permit on Little Seneca Parkway, the Applicant must submit an administrative site plan amendment for approval by Staff of detailed architectural plans for the commercial building on Little Seneca Parkway.

11. Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the tract boundary line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

Environment

12. Forest Conservation and Tree Save

The Applicant must comply with the conditions of approval for the Amended Final Forest Conservation Plan (“FFCP”), plan number 820200150, specifically including

sheets 1, 26, 27, 28, 29, 30, 31, 43, 44, and 46 of the Final Forest Conservation Plan, Plan No. 820050150, and Variance request approved as part of this Site Plan, including:

- a) Prior to plan set certification by M-NCPPC the Applicant must address all outstanding staff comments on the FFCP and update all effected sheets of the original FFCP under Cabin Branch – Infrastructure Site Plan No. 820050150.
- b) The limits of disturbance (“LOD”) shown on the Final Sediment Control Plan must be consistent with the final LOD shown on the approved amended FFCP.
- c) The Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- d) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

13. Water Quality

The Applicant must comply with the conditions of approval for the Final Water Quality Plan including:

- a) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its Revised Preliminary and Final Water Quality Plan and Stormwater Management Concept letter dated September 1, 2021, and hereby incorporates them as conditions of the Site 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 provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) Impervious surfaces are limited to no more than 44.0% of the Subject Property within the Clarksburg Special Protection Area as shown on the Impervious Surface Plan dated September 14, 2021 of the approved Final Water Quality Plan.

14. Noise Attenuation

The Applicant must comply with the conditions of approval for noise mitigation including:

- a) The Planning Board grants a waiver under Section 2.2.2(2) of the 1983 Staff Guidelines for the Consideration of Transportation Noise (“Noise Guidelines”) allowing exterior open space noise levels up to 70 dBA Ldn.
- b) Prior to the issuance of the first above grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
 - i. The installation of the noise mitigation techniques to attenuate the current noise levels to no more than 70 dBA Ldn for the exterior ground level living spaces on Lots 6-9, Lots 10-53, and Lots 54-65 in Block A, Lots 1-12 in Block B, Lots 1 and Lots 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E are adequate.

- ii. The building shell for residential dwelling units affected by exterior noise levels projected at or above 70 dBA Ldn, Lots 6-9, Lots 10-53, and Lots 54-65 in Block A, Lots 1-12 in Block B, Lots 1 and Lots 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c) Before the final inspection for any residential unit on Lots 6-9 and 10-53 in Block A, Lots 54-65 in Block B, Lots 1 and 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E, the Applicant must certify to M-NCPPC and MCDPS/Zoning and Site Plan Enforcement Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- d) If any changes occur to the Site Plan which affect the validity of the noise analysis dated May 20, 2020, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- e) For all residential unit on Lots 6-9 and 10-53 in Block A, Lots 54-65 in Block B, Lots 1 and 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise greater than 65 dBA Ldn. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all certified subdivision and site plans.

Transportation and Circulation

15. Private Roads / Alleys

The Applicant must provide Private Alleys 1.1, 2, 3.1, 3.2, and 3.3, including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, private utility systems and other necessary improvements as required by the Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:

- a) The record plat must show all Private Roads / Alleys in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
- b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.

- c) Private Alleys 1.1, 2, 3.1, 3.2, and 3.3. are to be constructed to the standards of an alley (MC-200.01), except as modified by the Site Plan.
- d) Prior to issuance of the first above ground building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS/Zoning and Site Plan Enforcement Division, certification by a professional engineer licensed in the State of Maryland that the Private Roads / Alleys have been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- e) Prior to the release of the Site Plan Surety Bond, the Applicant must provide certification to M-NCPPC Staff, with copy to the MCDPS/Zoning and Site Plan Enforcement Staff, from a professional engineer licensed in the State of Maryland that all the private streets, alleys and associated sidewalks and shared use pathways have been built according to the requirements of Condition 15.d).

16. Pedestrian & Bicycle Circulation

The Applicant must provide the following pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operation:

- a) Prior to the release of the 50th townhouse building permit, an 8-ft wide asphalt shared-use path (SUP) is to be constructed along the east side of Cabin Branch Avenue, continuing from the exiting path to the north of Petrel St. to the south to Little Seneca Parkway. A bikeable crossing of Little Seneca Parkway shall be built on the eastern leg of the intersection to connect the shared use path to the southeast corner.
- b) Prior to the release of the 180th townhouse building permit, an 8-ft wide asphalt shared-use path (SUP) is to be constructed along the frontage with Little Seneca Parkway for the non-residential building identified on Sheet 15 of the Site Plan. This SUP shall connect to the approved path to the west of the Subject Property, as seen on Sheet 15, and continue across the southern leg of Cabin Branch Ave to connect to the segment of SUP identified in the previous condition 16.a).
- c) Prior to the release of the use and occupancy permit for the daycare facility in Phase 2, a 10-ft wide asphalt shared-use path (SUP) must be constructed along the west frontage of Lake Ridge Drive from Little Seneca Parkway to West Old Baltimore Rd. This SUP shall connect to the approved path to be constructed along Little Seneca Parkway as well as to any facility along the north side of West Old Baltimore Rd.
- d) Prior to the release of the building permit for the daycare facility in Phase 2, a natural surface trail must be constructed from the terminus of the Phase 1 trail at Little Seneca Parkway, continue parallel to proposed Lake Ridge Drive, and terminate at

West Old Baltimore Road. The trail must be shown on the Certified Site Plan and the final alignment shall be approved by M-NCPPC Staff.

- e) Prior to the release of the use and occupancy permit for the multi-family building in Phase 2, a 10-ft wide asphalt shared-use path (SUP) must be constructed along the frontage on the south side of Little Seneca Parkway, from Lake Ridge Drive and extending to the west end of the Application frontage past the proposed non-residential building, as shown on the Certified Site Plan.
 - i. The applicant must construct bikeable 10-ft. wide crossings to include curb cuts and ramps at the Little Seneca Parkway / Cabin Branch Avenue intersection on the west, south, and east legs of the intersection to connect to existing shared use paths.
 - ii. The applicant must construct a bikeable 10-ft. wide crossing at the Little Seneca Parkway / Lake Ridge Drive intersection to include curb cuts and ramps on the south and west legs of the intersection.

17. Validity

The Adequate Public Facility Review (APF) will remain valid until February 17, 2030, consistent with the current APF validity period as approved by MCPB Approval No. 19-080 for Cabin Branch Preliminary Plan No. 12003110D, which this Site Plan is utilizing.

18. 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 letters dated June 15, 2020 and November 19, 2021, 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 Site Plan approval.

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any 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 plant material, on-site private lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private road construction and associated infrastructure (sidewalks, private utilities, private paths, and private bikeways onsite). The surety must be posted before issuance of any above ground building permit or Sediment and Erosion Control permit 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.
- d) The cost estimate must include applicable Phase 2 Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees, SUP, natural surface trail, and streetlights. The surety must be posted before issuance of any building permit for the development and will be tied to the development program.

20. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

- a) Prior to the release of the 228th building permit (95th percentile permit for townhouses), the Applicant must obtain a Use and Occupancy permit for the smaller non-residential building on Skimmer Street.
- b) Prior to the release of the 228th building permit (95th percentile permit for townhouses), the Applicant must obtain a Use and Occupancy permit for the larger non-residential building on Little Seneca Parkway.

21. 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, other agency approval letters, including Fire Access Plan, 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) Provide the standard landscape plan notes that planting in stormwater management areas is subject to final approval by MCDPS Water Resources staff.
- e) Modify data table to reflect development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Add a note to the Site Plan stating that “An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-

- site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times.”
- h) Update the multi-family buildings to reflect revised elevations and access per Staff approval.
 - i) Illustrate bikeable 10-ft. wide crossings at the Little Seneca Parkway / Cabin Branch Avenue intersection on the west, south, and east legs.
 - j) Illustrate bikeable 10-ft. wide crossing of the southern leg of the Little Seneca Parkway / Lake Ridge Drive intersection.
 - k) Provide a recreation amenity exhibit labeling and identifying all the onsite and offsite recreational facilities provided.
 - l) Update cumulative data tables for Cabin Branch.

22. Transportation

- a) 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 5, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Prior to the release of the building permit for the daycare facility, the Applicant must obtain construction permits and post bonds for the construction of Lake Ridge Drive from Little Seneca Parkway to West Old Baltimore Rd with Montgomery County Department of Transportation (MCDOT) approval. Further, before issuance of a Use and Occupancy permit for the daycare facility in Phase 2, Lake Ridge Drive must be constructed and open to traffic with MCDOT and/or MCDPS approval.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Village at Cabin Branch, Site Plan No. 82020015D, 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 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:

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.

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified*

by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.

The Application continues to conform with the Development Plan for the Cabin Branch Neighborhood, adopted by LMA G-806 on September 9, 2003, and as amended by DPA 13-02 by County Council Resolution No. 17-1002 on February 4, 2014, including a list of 11 binding elements, a series of four tables with development ranges, and an MXPB zone yield summary. The Amendment maintains the same amounts of commercial uses as the previous site plan for this project, which were integral to implementing the vision for the Cabin Branch neighborhood as an integrated community with residential and non-residential development.

The Site Plan Amendment modifies development triggers in Condition Nos. 6, 20, and 22 associated with recreational facilities, the delivery of non-residential buildings including the smaller building on Skimmer Street, larger building on Little Seneca Parkway, and daycare facility on Little Seneca Parkway, and a roadway. As discussed in the Applicant's Statement of Justification, this adjustment is necessary due to the low demand for commercial uses on the part of prospective retailers, and due to delays in the construction of Lakeridge Drive which had to be completed before a building permit for the daycare facility could be issued. By adjusting the timing for the delivery of the non-residential buildings, it allows the project to keep up with the construction schedule for the residential units and housing demand in the County while still providing assurances for their timely delivery. Currently, the commercial building on Skimmer Street is under construction, and the permit for the daycare facility has been issued with a construction start date of mid-February.

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

Open Spaces and Green Area

The Amendment proposes no changes to the amount or location of open spaces. The Application, as part of the Cabin Branch neighborhood, continues to meet the Green Area requirement in the MXPB zone. Currently, the Applicant is seeking relief from the development trigger in Condition No. 6 to slightly delay construction of the outdoor recreational facilities and open spaces in the Central Park area behind the Clubhouse. This is necessary because the Applicant is exploring adding new recreation facilities to the Central Park area behind the Clubhouse to better serve the new residents. The new residents have been providing feedback regarding their recreational needs and the overall configuration of the open space, which will be the subject of a future Site Plan amendment.

Pedestrian and Vehicular Circulation

The Amendment proposes no changes to the pedestrian and vehicular circulation systems. The Amendment offers clarification on the development trigger in condition No. 22.b for the construction of the approved extension of Lakeridge Drive from Little Seneca Parkway to West Old Baltimore Road and adjacent to the approved daycare in Phase 2. Recently, and in coordination with MCDOT and MCDPS, the Applicant obtained construction permits and posted bonds for the construction of Lake Ridge Drive, which is now based paved passed the daycare site. As conditioned, prior to a use and occupancy permit for the daycare facility in Phase 2, Lake Ridge Drive must be constructed and open to traffic.

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

March 12, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden voting in favor at its regular meeting held on Thursday, March 7, 2024, in Wheaton, Maryland.



Artie L. Harris, Chair
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MCPB No. 24-016
Site Plan No. 82020015D
Village at Cabin Branch