



MAR 23 2010

MCPB No. 10-09
Site Plan No. 81993013B
Project Name: The Village of Clopper's Mill East
Hearing Date: February 4, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on May 19, 2004, Great Seneca Investment ("Applicant") filed a site plan amendment application designated 81993013B, The Village of Clopper's Mill East, (the "Amendment") for approval of 20 townhouses on property previously approved for elderly housing; and

WHEREAS, on April 7, 2008, the Applicant filed a Development Plan Amendment (DPA 08-1) to allow the modification in approved use, which the District Council subsequently approved on September 22, 2009; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board, dated January 25, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on February 4, 2010, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

Approved as to
Legal Sufficiency:

M-NCPPO Legal Department

WHEREAS, on February 4, 2010, the Planning Board approved the Amendment, subject to conditions, on the motion of Commissioner Wells-Harley, seconded by Commissioner Presley, with a vote of 3-0, Commissioners Hanson, Presley, and Wells-Harley voting in favor, Commissioner Alfandre absent, and one seat vacant.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Development Plan Conformance
The proposed development must conform with the Development Plan G-650, as amended by Development Plan DPA 08-1.
2. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for Preliminary Plan Amendment 11991052A.
3. Site Plan Conformance
Except as amended by this plan, all elements of the approved Site Plans 819930130 and 81993013A remain in full effect.
4. Pedestrian Circulation
With permission of the Riverstone Condominium Association, the Applicant must install and maintain a 3-foot concrete walk connecting the proposed 3-foot pedestrian walkway at the southeast corner of the subject site to the existing pedestrian walkway leading from Clopper's Mill Terrace west to the existing Riverstone Condominium parking lot.
5. MPDUs
The MPDU agreement to build must be executed prior to the release of any building permits.
6. Lighting
 - a. On-site downlighting fixtures not located on private lots must be full cut-off fixtures.
 - b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination.
 - c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
 - d. The height of the light poles shall not exceed the height indicated on the Certified Site Plan.

7. Forest Conservation

The proposed development must comply with the conditions of the Final Forest Conservation Plan 819920050, approved on March 22, 1994. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 18, 2008, unless amended and approved by the Montgomery County Department of Permitting Services.

9. Landscape Surety

The Applicant shall submit to the Commission a surety (letter of credit, performance bond), in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, which accomplishes the following:

- a. Indicates a surety amount that accommodates plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. The surety must be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
- b. Provides, consistent with Condition No. 9(a) above, a cost estimate for Staff review and approval of the materials and facilities, which will establish the initial bond amount.
- c. Ensures completion of plantings by block. A Commission inspector must acknowledge said completion by signature, and will reduce the bond amount accordingly. The inspection approval starts the one-year maintenance period and bond release occurs at the expiration of the one-year maintenance period.
- d. Provides a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Said agreement shall be executed prior to issuance of the first building permit.

10. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to Staff review and approval:

- a. Include the stormwater management concept approval, Development Program, Inspection Schedule, and Site Plan Resolution on the approval or cover sheet.
- b. In coordination with DHCA, identify the final location of the two MPDUs.
- c. Provide a list of equivalent trees and landscaping to be approved by Site Plan Review Staff and Environmental Planning Staff.
- d. Provide detail of light fixtures showing full cut-off devices.

- e. Indicate minor modifications consistent with the conditions of approval.
- f. Indicate location and typical construction detail of the pedestrian walkway connection identified in Condition No. 4.

11. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and off-site sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- a. On-site amenities including, but not limited to, sidewalks, benches, common area lighting, and trellises must be installed prior to release of any building occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. On-site common area landscaping, including trees, associated with each of the townhouse rows must be installed within six months of the occupancy of that townhouse row.
- d. The development program must provide phasing of any dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
- e. The pedestrian path connection, described in Condition No. 4, between Parcel U and the adjacent condominium property, must be completed prior to the issuance of the building permit for the 17th dwelling unit.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Montrose Parks drawings stamped by the M-NCPPC on December 2, 2009, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is MAR 23 2010 (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 written opinion, 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 Wells-Harley, seconded by Commissioner Dreyfuss, with Commissioners Hanson, Wells-Harley, and Dreyfuss voting in favor of the motion, and with Commissioners Alfandre and Presley absent, at its regular meeting held on Thursday, March 11, 2010, in Silver Spring, Maryland.



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FARINA, RICHARD
18143 STAGS LEAP TER
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FU, DADIN & XICHANG CHEN
18175 STAGS LEAP TER
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DUNHAM, THOMAS R & K E
18121 STAGS LEAP TERRACE
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FASS, SCOTT G & PATRICIA M
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EBY, FRANCES D
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18113 STAGS LEAP TER
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18170 STAGS LEAP TER
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18181 STAGS LEAP TER
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LEWIS, HOWARD A ET AL
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13113 MILLHAVEN PL # 2-A
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LEE, YOON SAUNG ET AL
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LAN, SHU-FEN & RU-PEI WEI
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LEONG, EDWARD ET AL
18003 CLOPPERS MILL TER APT J
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18167 STAGS LEAP TER
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18157 STAGS LEAP TER
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13107 MILLHAVEN PL # 6B
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