



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

MCPB No. 12-104
 Site Plan No. 81985006B -
 Greencastle Lakes
 Date of Hearing: September 13, 2012

OCT 11 2012

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review Site Plan applications; and

WHEREAS, the Planning Board approved Site Plan No. 819850060 in March 1985 for 77 one-family attached units on 27.19 acres of R-90 zoned-land; and

WHEREAS, the Planning Director approved Site Plan No. 81985006A in April 2004 for 42 additional parking spaces to be added to an existing surface parking facility; and

WHEREAS, on February 4, 2012, Greencastle Lakes Community, Nathan Zimpfer ("Applicant"), filed an application for approval of a Site Plan for the installation of a seven-foot tall fence on 12.9 acres of R-90 zoned-land, located approximately 350 feet north of the intersection of Ballinger Drive and Robey Road, and east of Columbia Pike (US 29), in the Fairland Master Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 81985006B, Greencastle Lakes ("Site Plan" 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 August 31, 2012, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 13, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
 Legal Sufficiency:

8787 Georgia Avenue, Old Spring, Maryland 20910 Chairman's Office: 301.495.4505 Fax: 301.495.1320

M-NCPPC Legal Department
 www.MCParkandPlanning.org E-Mail: mcp-chairman@mnppc.org

WHEREAS, on September 13, 2012 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Anderson, seconded by Chair Carrier, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81985006B for the installation of a seven-foot tall fence and a five-foot wide sidewalk subject to the following conditions:¹

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 119821150 as listed in the Planning Board Resolution mailed January 4, 1983, unless amended.

2. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan Nos. 81985006A as approved on the certified plans in July 6, 2004, or as amended in this application.

Environment

3. Forest Conservation Exemption & Tree Save

The development must comply with the conditions of the approved Forest Conservation Exemption No. 42012063E. An on-site preconstruction meeting is required after the limits of disturbance have been staked and flagged.

Site Plan

4. Site Design

Prior to the certification of the Site Plans, the following conditions must be completed:

- a. Provide a 7-foot opening through the fence along Ballinger Drive (on Parcel B, Block E).
- b. Provide a 5-foot wide sidewalk connecting to the existing bus stop along the southwest side of Ballinger Drive. The sidewalk connection must be reviewed and approved by the Department of Transportation (DOT) and the Department of Permitting Services (DPS).

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.

- c. The final locations of the fence, pedestrian access point and the sidewalk shall be clearly labeled on the Site Plan.

5. 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 item in its phasing schedule:

- a. Clearing and grading must correspond to the inspection and approval of all tree-save areas and protection devices in order to minimize soil erosion per the approved Sediment Control Plan.

6. Certified Site Plan

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

- a. Provide signage details regarding the pedestrian access point.
- b. Include the Forest Conservation Exemption approval development program, inspection schedule, and site plan resolution on the approval sheet or cover sheet.
- c. Add a note to the Site Plan stating that "Maryland National Capital Park and Planning Commission Staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- d. Ensure consistency of all the details between the Site Plan and the approved Simplified NRI/FSD Plan (dated March 29, 2012).

BE IT FURTHER RESOLVED, that all site development elements as shown on Greencastle Lakes drawings stamped by the M-NCPPC on January 14, 2012, shall be 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 as 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:

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.*

No development, diagrammatic, schematic development, or project plan was required for the subject property.

2. *The Site Plan meets all of the requirements of the zone.*

The proposed modifications are allowed in the R-90 zone, and the Site Plan meets the purpose of the zone. There are no changes proposed to the development standards, existing use, building heights, setbacks, density, and green areas originally approved by the Site Plan.

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

There are no changes proposed to the locations of the building, open spaces, landscaping, recreational facilities and vehicular circulation systems. As conditioned, the pedestrian access point within the fence will be 7 feet wide, located on a common green space area, and will provide an adequate and safe connection to the existing bus stops and sidewalks. The alignment of the proposed 5 foot wide sidewalk will have a minimal slope, not to exceed 8 percent, and a 2 percent cross slope for drainage purposes. Although the Applicant would have preferred to install the fence without any pedestrian access point, the Board finds that this condition is important to ensure connections between the existing communities and to ensure safe and efficient access to roads and other public facilities.

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

The installation of the fence within the Greencastle Lakes community near Tapestry Circle, Wexhall Drive and Ballinger Drive is permitted with an amendment to the approved Site Plans; however, as discussed above, it is important for pedestrian access to public amenities not to be substantially diminished. The pedestrian access point through the fence will provide a safe and adequate connection to the existing bus stops along Ballinger Drive and to the other public amenities within the surrounding neighborhoods. The proposed materials and height of the fence are compatible with the existing and surrounding conditions, as a similar fence currently exists along Robey Road.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5t, because the site is a

modification to an existing developed property, will not remove greater than 5,000 square feet of forest, does not affect any forest in a stream buffer, is not located on property in a special protection area, and does not require approval of a new subdivision plan. A Forest Conservation Exemption No. 42012063E was approved on April 4, 2012.

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

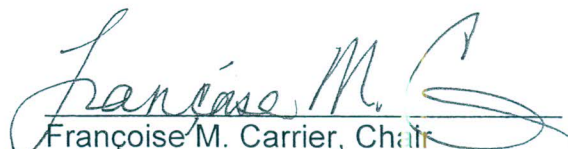
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 11 2012 (which is the date that this resolution is mailed to all parties of record); and

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 motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, October 4, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board