



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

MCPB No. 13-62
Site Plan No. 82006022A
High Acres
Date of Hearing: May 2, 2013

MAY 8 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on March 27, 2007, the Planning Board, by Resolution MCPB No. 06-123, approved Site Plan No. 820060220 for 11 new townhouses and one existing detached house on 4.4 acres of R-90 zoned land, located on the west side of Brookes Lane, north of Brookes Hill Court between Sangamore Road and Mac Arthur Boulevard ("Subject Property"), in the Bethesda Policy Area, Bethesda Chevy Chase Master Plan ("Master Plan") area; and

WHEREAS, on November 26, 2012, Brookes Lane Development Company LLC, ("Applicant"), filed an application for approval of an amendment to the previously approved site plan to:

- Eliminate the clubhouse and pool as the approved recreational facilities¹ and provide benches and tables in a sitting area as the recreational facilities;
- Eliminate the underground parking garages for each unit and replace with at-grade parking garages for each unit;
- Reconfigure the two drive aisles into one roadway that will terminate in a cul-de-sac to serve all new and existing residential units;
- Eliminate the courtyard above the underground parking;
- Replace the single retaining wall at the rear of each lot with two terraced retaining walls and increase the overall wall height;
- Adjust the townhouse lot lines;
- Relocate the approved light fixtures in conjunction with the reconfigured driveway; and
- Revise landscaping plans on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82006022A, High Acres ("Site Plan," "Amendment" or "Application"); and

¹ The approved recreational facilities were proffered by the Applicant, as the project, with less than the threshold requirement of 25 units, is not required to provide recreational facilities.

Approved as to
Legal Sufficiency:

Amal K. 5/2/13
M-NCPPC Legal Department
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org

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 April 19, 2013, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 2, 2013, 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

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82006022A by modifying the following conditions of the previously approved site plan for High Acres:²

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120050560 as set forth in Planning Board Resolution No. 06-122 dated April 3, 2007.

2. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820060220 as set forth in Planning Board Resolution No. 06-123 dated March 27, 2007 or amended by this Application.

Environment

3. Forest Conservation & Tree Save

Condition Nos. 5 (a), (b) and (c) of Site Plan No. 820060220 are replaced by the following:

- a. The development must comply with the conditions of the revised Final Forest Conservation Plan ("FFCP"). The Applicant must satisfy all conditions prior to the later of i) recording of a plat(s), or ii) issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services.
- b. The Applicant must submit and obtain Staff approval of a revised FFCP, which shall include the following:

² 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.

- i. Adjust the retaining wall design and/or shift the Site Plan elements to maintain at least 3 feet of clearance between the wall foundation and the forest conservation easement.
 - i. Provide an invasive species management plan throughout the entire onsite forested slope area (rather than only within 20' of the wall). Specify target species, recommended treatment methods and timing of applications.
 - ii. Clarify the tree preservation notes for Tree #54³ and include improved tree preservation measures such as heavy duty temporary matting and specialized construction techniques for installation of the 8" water line.
 - iii. Update FFCP to reflect that Tree #45 has been felled.
 - iv. Add at least three 2-inch caliper American Holly Trees within the conservation easement area in the vicinity of Trees # 45 & 47.
 - v. Update the FFCP references in the title blocks & developers certificate to reflect the Amendment number.
 - vi. Remove the references to a 36" tree fronting Maryland Ave (near the corner of Brooks Hill Court). Staff has confirmed that no such tree is present.
 - vii. Adjust the planting details/notes for the tree and shrubs to clearly indicate that the size of plantings pits rather than the root balls shall be minimized for plantings within the conservation easement among the roots of saved trees.
 - viii. Revise the print quality of the FFCP so that all elements are clearly legible.
 - ix. Show LOD along the outer retaining wall more clearly. Adjust tree protection fence/LOD lines so they are contained within the LOD.
 - x. Add the M-NCPPC Standard plantings inspection schedule at the end of the new plantings notes on sheet FCP-3. The schedule can be found at following link:
[http://montgomeryplanning.org/development/forms/FC Inspection Schedule.pdf](http://montgomeryplanning.org/development/forms/FC%20Inspection%20Schedule.pdf)
- c. The Applicant must submit financial security for the planting requirements and invasive management work specified on the FFCP, which must be approved by M-NCPPC Associate General Counsel prior to any land disturbing activities occurring onsite.
 - d. The Applicant must perform the initial invasive species control work following the preconstruction meeting, and prior to the planting of trees and shrubs within the conservation easement. The supplemental native plantings must occur no later than 2 growing seasons after the pre-construction meeting date.
 - e. The forest conservation supplemental planting, including at least forty-five trees (2-inch caliper overstory/6-foot tall understory) within the conservation easement

³ Trees are as identified on the FFCP.

must be located during the pre-construction meeting in the field by the inspector in coordination with the Applicant to address site lines and screening from MacArthur Boulevard and from the adjacent homes on Brookes Hill Court.

4. Landscape Plan

- a. The Applicant must submit and obtain Staff approval of a revised Landscape Plan to:
 - i. Specify the composition of fill materials shown below the 18" top soil. Fill materials must be appropriate to sustain the plantings and allow for adequate drainage; and
 - ii. Revise the retaining wall terrace plantings, specifically shrubs, to provide a more diversified arrangement of the species and more visual interest.

5. Lighting

Condition No. 4(d) of Site Plan No. 820060220 is replaced by the following:

Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residentially developed properties, especially at the site's entrance.

6. Development Program

Condition Nos. 3(a), (c) and (e) of Site Plan No. 820060220 are replaced by the following:

The Applicant shall construct the development in accordance with the Development Program, which must be approved by Staff prior to approval of the certified Site Plan. The Development Program shall include the following items in addition to the previously approved Development Program.

- a. Community seating areas, benches, retaining walls and associated landscaping shall be completed as the construction of the townhouse units are finished, but no later than six months after occupancy of the townhouse units;
- b. Pedestrian pathways shall be completed as construction of the townhouse units and private drive is completed;
- c. Phasing of dedications, stormwater management, sediment and erosion control, recreation, paths, or other features.

7. Certified Site Plan

Condition No. 10 of Site Plan No. 820060220 is replaced by the following:

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

- a. Revise Site Plan to show a 50 foot setback from the southeast corner of Lot 1 to the abutting property line, Parcel B, Block A.
- b. Include the FFCP approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- c. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- d. Ensure consistency of all details and layout between Site Plan and landscape lighting plan.
- e. Adjust the wall design and/or shift the Site Plan elements to maintain at least 3 feet of clearance between the wall foundation and the conservation easement.
- f. Adjust the wall detail to eliminate the reference to Nellie Stevens hollies.

BE IT FURTHER RESOLVED, that all other conditions of approval of Site Plan No. 820060220 for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED, that all site development elements as shown on High Acres, drawings stamped by the M-NCPPC on April 10, 2013, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to 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, and all findings not specifically addressed remain in effect.

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

Buildings

The townhouses will now have at grade garages instead of underground structures. The buildings' impact on the site's steep slopes are minimized by reducing the amount of imperviousness. As conditioned the terraced retaining wall will be located a minimum of 3 feet from the conservation easement to allow for installation, maintenance and additional plantings.

Open Space

Under this Amendment, the approved open space shown as 3.6 acres remains unchanged.

Landscaping

As revised, the landscaping consists of a mix of trees, shrubs, groundcover and container plantings. Beech trees will be added to the conservation easement to adequately and effectively screen the retaining wall from adjacent residential properties south of the site. Additional landscaping has been added near the site's driveway entrance on Brooke Lane to screen the glare of vehicular headlights from the residential properties opposite Brooke's Lane. The lighting remains adequate and ensures the safety for residents and visitors either walking or driving onto the site.

Recreational Facilities

The previous approved site plan included a small clubhouse lap pool and sitting areas. This Amendment eliminates the clubhouse and pool due to the revised parking and garage configuration. Under the Recreational Guidelines, this project is exempt from required recreation facilities because it contains less than 25 single family dwelling units. However, the Applicant will place a sitting area with benches and tables onsite, which satisfies the Guidelines recommendation for sitting areas in lieu of facilities.

Pedestrian and Vehicular Systems

The vehicular circulation pattern has been redesigned to minimize vehicular and pedestrian conflicts. The rear loaded alley has been eliminated in favor of front end garages to help alleviate concerns for vehicular movements in the alley. The sidewalks continue to provide safe connection throughout the site and connect to Brookes Lane where it will meet an existing sidewalk that leads to Sangamore Road. The sidewalk adequately and efficiently integrates this site into the surrounding area. The *no right turn sign* at the site's entrance, a previous condition of approval, continues to reinforce safe pedestrian and vehicular movement from the site into the adjacent community and from MacArthur Boulevard.

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

The structures and uses are compatible with existing and proposed adjacent development. The scale, design and orientation of the townhouse units are appropriate relative to the existing steep slopes and forested character of the Subject Property to the surrounding area. The townhouse units have been

designed to ensure compatibility with approved uses within the site and the general neighborhood. The retaining wall has been redesigned to be terraced and to be compatible and less visible from the adjacent development.

- 3. 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 limits of disturbance have not changed from the original approval and continue to meet the forest conservation requirements. The approved stormwater management concept plan has been reconfirmed by the Department of Permitting Services.

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

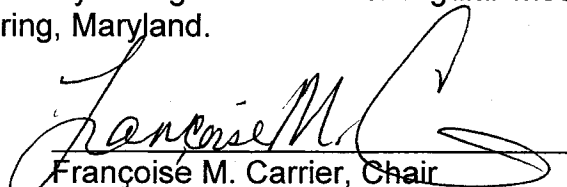
BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 8 2013 (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 Dreyfuss, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, May 2, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board