



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

MCPB No. 13-183
 Site Plan No. 82008016C
 Layhill Overlook / Vedanta Center
 Date of Hearing: December 19, 2013

DEC 23 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 September 25, 2008, the Planning Board, by Resolution MCPB No. 08-103, approved Site Plan No. 820080160 ("Site Plan" or "Plan"), for 39 dwelling units, including 6 MPDUs, and a 10,800-square foot worship center on 16 acres of PD-2 zoned-land, located at 3001 Bel Pre Road, approximately 350 feet east of the intersection with Homecrest Road ("Subject Property"), in the Aspen Hill Policy Area and 1994 Aspen Hill Master Plan area; and

WHEREAS, on September 22, 2010, the Montgomery County Planning Director administratively approved Site Plan Amendment No. 82008016A to reduce the size of the Vedanta Worship Center; modify the parking lot configuration to consolidate stormwater management and bio-retention areas; modify the internal driveway, sidewalk, and bike rack locations at the Vedanta Center; and make minor changes to landscaping, grading, utilities, and stormwater management; and

WHEREAS, on September 14, 2012, the Montgomery County Department of Permitting Services ("DPS") issued a Notice of Non-Compliance ("NONC") for items in need of adjustment, including the Worship Center parking lot design; onsite parking lot lighting plan; and a board-on-board fence across from single-family lots 25 and 26; and

WHEREAS, on July 11, 2013, the Montgomery County Planning Director administratively approved Site Plan Amendment No. 82008016B to address the DPS NONC violations, except the board-on-board fence, which was to be included in a subsequent site plan amendment; and

WHEREAS, on November 1, 2013, Pennoni Associates ("Applicant"), filed an application for approval of an amendment to the previously approved site plans to modify condition of approval 3a, which requires all on-site fencing to be wooden split-

rail; to modify the landscape plan to match the approved Forest Conservation Plan; and to add a monument sign on the Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82008016C, Layhill Overlook/Vedanta Center ("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 December 06, 2013, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 19, 2013, Staff presented the Amendment to the Planning Board as a consent item for its review and action; and

WHEREAS, 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. 82008016C, subject to the following conditions:¹

1. Site Plan Conformance
The development must comply with the conditions of approval for Site Plan No. 820080160 as listed in the MCPB Resolution No. 08-103, and Site Plan Amendment No. 82008016A and 82008016B, except as amended by this Application.
2. Modification of Site Plan Condition 3a
This Amendment modifies Condition of Approval #3a of Site Plan No. 820080160 to "All on-site fencing must be wooden split-rail except for a board-on-board white vinyl fence located across from Lots 25 and 26 on Big Bear Terrace."
3. Certified Site Plan
Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

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.

- a) add language to the Monument Sign Details plan sheet to demonstrate that the sign meets the height controls of the PD-2 Zone.
- b) relocate the fence currently shown on the Landscape Plans sheets 10 and 10A from within the Reforestation Area B easement to be outside the easement area, per Staff's comments uploaded to ePlans on November 19, 2013.

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 as shown on Layhill Overlook/Vedanta Center drawings uploaded to ePlans on November 1, 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 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 as revised by previous amendments, and all findings not specifically addressed remain in effect.

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 DEC 23 2013 (which is the date that this resolution is mailed to all parties of record); and

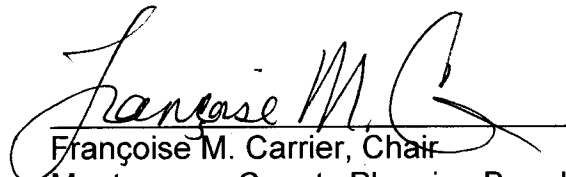
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 and Presley voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, December 19, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board