



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

SEP 23 2014

MCPB No. 14-79
Site Plan No. 82005015F
Cabin Branch Infrastructure
Date of Hearing: September 11, 2014

RESOLUTION

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

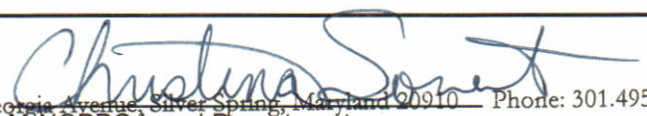
WHEREAS, on September 19, 2007, the Planning Board, by Resolution MCPB No. 07-131, approved Site Plan No. 820050150, for the Infrastructure and Roads Only Site Plan to accommodate 1,886 residential dwelling units, 500 senior units, and 2,436,000 square feet of retail and employment, including 635 Transfer Development Rights (TDRs), and 236 Moderately Priced Dwelling Units (MPDUs), on 535.04 acres of RMX-1/MXPD zoned-land, located west of I-270, north of West Old Baltimore Road and southeast of Clarksburg Road (MD 121) ("Subject Property"), in the Clarksburg Policy Area, Clarksburg Master Plan ("Master Plan") area; and

WHEREAS, on June 9, 2008, the Planning Board approved an amendment to the Site Plan No. 82005015A (MCPB No. 08-68) to amend the Infrastructure and Roads Only Site Plan for the design and cross section of West Old Baltimore Road on the Subject Property; and

WHEREAS, on March 7, 2012, the Planning Board approved an amendment to the Site Plan No. 82005015B (MCPB No. 11-124) to revise Conditions of Approval for Water Quality, Forest Conservation, and clearing and grading, on the Subject Property; and

WHEREAS, on November 27, 2012, the Planning Director approved an administrative amendment to the Site Plan No. 82005015C to amend the Infrastructure and Roads Only Site Plan to make minor changes to the Forest Conservation Plan associated with the Infrastructure Plan to reflect the final engineering for a water line on the Subject Property; and

Approved as to
Legal Sufficiency:

 9/4/14
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

WHEREAS, on May 2, 2013, the Planning Director approved an administrative amendment to the Site Plan No. 82005015D to amend the Infrastructure and Roads Only Site Plan for minor modifications to MD 121 on the Subject Property; and

WHEREAS, on June 2, 2014, the Planning Board approved an amendment to the Site Plan No. 82005015E (MCPB No. 14-36) to revise the Final Forest Conservation Plan to adjust the Limits of Disturbance and Category I conservation easements for new culvert design and mitigation projects on the Subject Property; and

WHEREAS, on June 25, 2014, Cabin Branch Management, LLC Applicant, filed an application for approval of an amendment to the previously approved site plan(s) to revise the Final Forest Conservation Plan to adjust the Limits of Disturbance to accommodate the I-270/MD121 Interchange Improvements, on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82005015F, Cabin Branch Infrastructure Plan ("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 August 29, 2014, setting forth its analysis of, and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, on September 11, 2014, 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. 82005015F for revisions to the Final Forest Conservation Plan to adjust the Limits of Disturbance to accommodate the I-270/MD121 Interchange Improvements.

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 Cabin Branch Infrastructure Plan drawings submitted to M-NCPPC on June 11, 2014, 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:

- 1- Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and as revised by previous amendments, and all findings not specifically addressed remain in effect.
- 2- *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and the protection of environmentally sensitive features:*

A. Forest Conservation

The Applicant revised portions of the approved final forest conservation plan affected by the MD 121 & 1-270 Improvements. These revisions did not generate any additional forest clearing and did not impact the overall forest conservation worksheet numbers. The Stream Valley Buffer encroachments for the required sediment trap are temporary and will be restored and stabilized following completion of construction. No changes to any conservation easements are required to implement the interchange improvements.

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 SEP 23 2014 (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 Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor at its regular meeting held on Thursday, Thursday, September 11, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board