



SEP 9 2014

**MCPB No. 14-82**  
**Site Plan No. 820140070**  
**Montgomery Village – South Valley Park**  
**Date of Hearing: September 4, 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 January 14, 2014, Montgomery Village Foundation Inc. (“Applicant”), filed an application for approval of a site plan to construct a joint restroom and concession stand approximately 900 square feet in size, and a restroom approximately 230 square feet in size to replace temporary facilities at both locations, on a 30.3 acre property, zoned TS, and located between Watkins Mill Road and Montgomery Village Avenue, in Montgomery Village “Subject Property”, in the Gaithersburg Vicinity Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820140070, Montgomery Village – South Valley Park (“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 25, 2014, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 4, 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

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Approved as to  
Legal Sufficiency:

*Amalia* 9/2/14  
MNCPPC Legal Department

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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. 820140070 for construction of a joint restroom and concession stand approximately 900 square feet in size, and a restroom approximately 230 square feet in size, on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Development Plan Conformance  
The development must comply with the binding elements of DPA 02-2 (formerly G-806) and all previous applicable amendments.
2. Preliminary Plan Conformance with Subdivision Regulation Waiver  
The development must comply with the conditions of approval for SRW201402.
3. Maintenance  
Maintenance of all on-site facilities and open space is the responsibility of the Applicant and subsequent owner(s).
4. Architecture  
The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings and plans dated January 14, 2014, unless modified as approved by Staff at Certified Site Plan.
5. Certified Site Plan  
Prior to approval of the Certified Site Plan, the Applicant must make the following revisions and/or provide information subject to Staff review and approval:
  - a. Include the Forest Conservation Exemption approval, stormwater management concept approval, and Planning Board Resolution approving this Site Plan in the Certified Site Plan set.
  - b. Remove unnecessary sheets as identified by Staff.
  - c. Make corrections and clarifications to details, calculations, recreation facilities, labeling, data tables, and schedules as needed and directed by Staff.
  - d. Add height dimensions to the architectural drawings.
  - e. Ensure consistency of all details and layout between architecture, and Site Plans.

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<sup>1</sup> 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.

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BE IT FURTHER RESOLVED, that all site development elements as shown on Montgomery Village – South Valley Park drawings stamped by the M-NCPPC on July 7, 2014, 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.*

The Site Plan is subject to Development Plan Amendment DPA 02-2 (formerly G-806), and as conditioned complies with the binding elements.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Property is zoned TS. The purpose of the TS Zone is to, “provide a classification which will permit development of, or additions to, planned new towns or additions to existing urban developments.” Montgomery Village is a “new town”, which has been developing and evolving since the 1970s. The TS Zone also indicates that new towns are to be self-sufficient by “containing as nearly as possible all of the commercial, employment, cultural and recreational facilities desirable and necessary for the satisfaction of the needs of its residents.” The Planning Board finds the proposed facilities are ancillary to and will enhance the cultural and recreational facilities existing onsite.

Per Section 59-C-7.28(c), “Standards for width and area of lots, side and rear yards, setbacks, lot coverage, height and groupings of buildings, and similar requirements shall be established at the time of site plan approval.” The Planning Board finds the location and height of the proposed structures are appropriate in the zone.

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the TS Zone.

DATA TABLE

DEVELOPMENT STANDARDS:	
ZONE: TS	Req.
Property Size	30.3 ac
Building Setback	2'
Building Height	14'

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.*

a. Buildings and Structures

The restrooms and joint restrooms and concession stand shown on the Site Plan are located to provide ease of access while maximizing the preservation of open space. The permanent structures will replace temporary facilities located in the park.

b. Open Spaces

The Site Plan provides less than 1 percent building coverage, which is far less than the maximum allowed by the zone. The structures enhance the existing uses at the park, while allowing for the preservation of open space and recreational uses at the park.

c. Landscaping and Lighting

The approved landscaping shown on the Site Plan facilitates a park feel that is harmonious with the surrounding residential development. The Applicant will provide landscaped screening around the restrooms near the lawn theatre. All landscaping and lighting will be adequate, safe, and efficient.

d. Recreation Facilities

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The restrooms and joint restrooms and concession stand supplement the existing recreational facilities that currently exist on the Subject Property, and they are adequate, safe and efficient to serve the patrons of the park.

e. Vehicular and Pedestrian Circulation

The vehicular access to the site is off Watkins Mill Road, while pedestrian access is provided from multiple points and directions. The restrooms and joint restrooms and concession stand shown on the Site Plan are located to provide ease of access while tying into the existing vehicular and extensive pedestrian circulation system. Montgomery County Fire and Rescue has approved an access plan. The vehicular and pedestrian circulation is adequate, safe and efficient.

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

The buildings shown on the Site Plan are compatible with the existing uses and development. The restrooms and joint restrooms and concession stand integrate well with the environmental setting of the park. The structures will comply with the standard height restriction and development standards of the TS Zone, which are determined by the Planning Board. Each structure and use is located in a way that is compatible with the existing recreational uses onsite and the existing neighborhood.

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 Site Plan is in compliance with the Forest Conservation Law and M-NCPPC's Environmental Guidelines. The Subject Property is exempt from the requirements of submitting a forest conservation plan per 42014036E, approved on September 3, 2013. This exemption covers an activity occurring as a modification to an existing developed property because:

1. No more than 5000 square feet of forest will be cleared;
2. The modification does not affect any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan; and
3. With Subdivision Regulations Waiver No. SRW 201402 as approved by the Planning Board along with this Site Plan, the modification does not require approval of a new subdivision plan.

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Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to the Planning Department for review and approval prior to those activities occurring.

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 19 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).

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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 Anderson, Vice Chair Wells-Harley, and Commissioner Presley voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, September 4, 2014, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board