



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

OCT 16 2014

MCPB No. 14-85
Site Plan No. 82007002C
Poplar Run (formerly known as Indian Spring)
Date of Hearing: October 2, 2014

RESOLUTION

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

WHEREAS, on February 20, 2008, by MCPB Resolution No. 08-26, the Planning Board approved Site Plan No. 820070020 for a maximum of 773 dwelling units (471 one-family detached and 302 townhouse units) with supporting infrastructure, recreational amenities, and open space on approximately 310 acres of R-90 and R-200-zoned land, located on the east side of Layhill Road, approximately 1,300 feet south of the intersection with Middlevale Lane ("Subject Property"), in the 1997 White Oak Master Plan ("Master Plan") area; and

WHEREAS, on October 18, 2011, by MCPB Resolution No. 11-63, the Planning Board approved Site Plan 82007002A, an amendment to the previously approved site plan to revise stormwater management facilities and adjacent lots, building setbacks, recreations areas, landscape, lighting and paving on the Subject Property; and

WHEREAS, on March 11, 2014, by MCPB Resolution No. 14-14, the Planning Board approved Site Plan 82007002B, an amendment to the previously approved site plan to revise the final forest conservation plan to allow for changes in the culvert, roadway, and sanitary sewer designs on the Subject Property; and

WHEREAS, on June 11, 2014, Winchester Homes ("Applicant") filed a site plan application to amend the Final Forest Conservation Plan approved with the previous site plans for approval of the following modifications:

1. Minor changes to areas of forest clearing, plantings, and easements due to relocation of stormwater management outfalls and relocation of utility lines.
2. Bringing the forest conservation plan into agreement with the site plan.
3. Clearing of 0.34 acres of protected forest to be replaced on-site.

Approved as to
Legal Sufficiency:

 9/24/14

WHEREAS, Applicant's application to amend the site plan was designated Limited Site Plan Amendment 82007002C ("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 September 19, 2014, setting forth its analysis and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, on October 2, 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 approved the Application by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board hereby APPROVES Site Plan No. 82007002C.

BE IT FURTHER RESOLVED, that all other conditions of approval for Site Plan No. 820070020, as amended by Site Plan No. 82007002A and 82007002B, remain valid and in full force and effect; and

BE IT FURTHER RESOLVED, that having given full consideration to 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:

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.

1. *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 Final Forest Conservation Plan complies with the requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

This Amendment permits the clearing of an additional 0.34 acres of forest but requires the Applicant to retain an additional 0.44 acres of forest and plant an additional 1.16 acres of forest. The Amendment results in additional protection for environmentally sensitive features on the Subject Property, and it satisfies the applicable requirements of the Forest Conservation Law.

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 6 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 written opinion, 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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion at its regular meeting held on Thursday, October 2, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board