

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

NOV 25 2015

MCPB No. 15-137
Site Plan No. 81985085A
4925 Battery Lane
Hearing Date: November 19, 2015

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

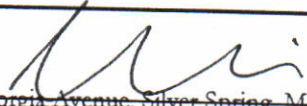
WHEREAS, on November 1, 1985, the Planning Board approved Site Plan No. 819850850, by opinion, for a 92-unit housing for the elderly facility on 1.15 acres of R-10 zoned-land, located at 4925 Battery Lane, on the north side, approximately 660 feet west of Woodmont Avenue ("Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on September 30, 2015, Sunrise Development, Inc. ("Applicant"), filed an application for approval of an amendment to the previously approved site plan for approval to modify Condition #2 of the Site Plan approval which limits the maximum lot coverage to 20% of the net lot area to allow for exterior building modifications, to add associated Stream Valley Buffer (SVB) mitigation conditions, and to update the parking requirements to the specifications of the current 2014 Zoning Ordinance; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81985085A, 4925 Battery Lane ("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 November 6, 2015, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:


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M-NCPPC Legal Department
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WHEREAS, on November 19, 2015, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81985085A, subject to the following modified condition:

2. Adjustment of the coverage not to exceed 26 percent of the net lot area and green space not to be below 45 percent of the net lot area.

This Amendment also adds the following conditions:

8. Prior to Certified Site Plan approval, the Applicant must submit for M-NCPPC Staff approval, a Stream Valley Buffer mitigation plan. Final design, including quantities, species, locations, and soil restoration techniques, must be illustrated on the Certified Site Plan.
9. Prior to Certified Site Plan approval, the Applicant must submit a stormwater management concept plan and sediment control plan to Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section.
10. Prior to building permit, the Applicant must obtain approval of the stormwater management concept plan and sediment control plan from MCDPS - Water Resources Section.

All site development elements shown on the latest electronic version of 4925 Battery Lane, Site Plan Amendment No. 81985085A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required.

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, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and that all findings remain in effect; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is NOV 23 2015 (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).

* * * * *

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 Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, November 19, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board