



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

MAY 24 2016

MCPB No. 16-064
Preliminary Plan No. 12000098A
Balsamah Property, Adequate Public Facilities Test
Date of Hearing: May 19, 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 26, 2000, the Planning Board, by Opinion, approved Preliminary Plan No. 120000980, creating six lots on 153.88 acres of land in the RDT zone (now AR zone), located on the southeast side of Peachtree Road 2,000 feet southwest of Barnesville Road, within the ("Subject Property"), in the Poolesville Policy Area and 1980 Preservation of Agricultural & Rural Open Space Master Plan ("Master Plan") area; and

WHEREAS, on February 18, 2016, Balsamah Corporation, N.V. ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to be granted a new a new Adequate Public Facilities Determination on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12000098A, Balsamah Property, Adequate Public Facilities Test ("Preliminary 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 April 29, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 19th, 2016, 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 as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12000098A to grant a new Adequate Public Facilities

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Spring, Maryland 20910

MNCPPC Legal Department
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Determination by adding the following conditions:¹

- 1) This Adequate Public Facilities determination is limited to six single family residential lots.
- 2) This APF determination will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
- 3) All other conditions and findings of Preliminary Plan No. 120000980 and Forest Conservation Plan No. 120000980 as contained in the Planning Board's Opinion dated October 26, 2000, that were not modified herein, remain in full force and effect.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

1. Public facilities will be adequate to support and service the area of the approved subdivision.

Public Schools

The Application is located within the Poolesville High School Cluster, which as of January 14, 2016, is not in moratorium and does not require any school facility payments.

Local Area Transportation Review (LATR)

Based on trip generation rates included in the LATR Guidelines, six, single family dwelling units are anticipated to generate six vehicular trips in the morning peak hour (0.95/dwelling unit) and seven vehicular trips in the evening peak hour (1.11/ dwelling unit). Since this is below the 30 trip threshold, a traffic statement satisfies the LATR requirements of the 2012-2016 SSP.

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.

Transportation Policy Area Review (TPAR)

The Applicant is subject to the TPAR because the anticipated trip generation exceeds the *de minimus* 3 vehicular trips allowed under the County code. As of March 16, 2016, the Rural West Transportation Policy Area is exempt from both the Roadway and Transit tests of TPAR. As a result, the Applicant is not required to make a TPAR payment to satisfy the test.

The issuance of a new Adequate Public Facility finding for the development meets all requirements established under County Code Section 8-31(b). The public facilities will be adequate to serve the development.


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 24 2016 (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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, May 19, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board