

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

MAR 29 2016

MCPB No. 16-033
Site Plan No. 82007014B
Cabin Branch Toll Brothers Phase 1: Community Center and Pool Complex
Date of Hearing: March 17, 2016

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 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 April 18, 2013, the Planning Board, by Resolution MCPB No. 13-55, approved Site Plan No. 820070140 for 436 residential dwelling units (240 single-family detached units, 68 single-family attached units, and 128 multi-family units) of which 62 are Moderately Priced Dwelling Units (MPDUs) using 161 Transfer Development Rights (TDRs) on 80.73 acres of land zoned MXPB and RMX-1/TDR3, located at the intersection of Clarksburg Road and Interstate 270 ("Subject Property"), in the Clarksburg Policy Area, Clarksburg Master Plan ("Master Plan") area; and

WHEREAS on March 5, 2014, Toll Brothers filed an application for approval of 82007014A for review of major public open spaces (Dovekie Lawn and The Ellipse), which is still pending; and

WHEREAS, on July 18, 2014, *Cabin Branch Management, LLC* ("Applicant") filed an application for approval of an amendment to the previously approved site plan to fulfill the requirements of Condition 9 regarding review of architectural and site drawings (including plans, sections and elevations) for the Community Center and Pool Complex, a two-story building and outdoor pool area, pedestrian circulation area, and two surface parking areas on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82007014B, *Cabin Branch Toll Brother I: Community Center and Pool Complex* ("Site Plan Amendment"); and

Approved as to
Legal Sufficiency

8707 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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 March 4, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 17, 2016, the Planning Board held a public hearing on the Application at which it 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 certified below;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82007014B for the Community Center and Pool Complex subject to the following conditions, which must be reflected on the Certified Site Plan:¹

1. Provide six additional bicycle parking spaces for the Community Center (10 spaces total serving the upper level and lower level entrances).
2. Provide two handicapped accessible parking spaces for the lower level of the Community Center in the absence of an elevator for handicapped access between floors within the building envelope.
3. Provide signage within HOA Parcel C parking lot that identifies all of the parking spaces reserved for users of the Community Center and pools.
4. Show handicapped accessible dimensions and grade of the sidewalk south of the Community Center (HOA parcel) with finished floor levels;
5. Ensure that the architectural floor plans, sections, and elevations, including the fenestration placement and proportions, exterior stairs and egress, are consistent.
6. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations as shown in the staff report on Sheet 4A of the submitted architectural drawings, as determined by M-NCPPC Staff.

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 shown on the latest electronic version of Cabin Branch Toll Brothers Community Center and Pool Complex, 82007014B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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.

BE IT FURTHER RESOLVED that having considered 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. *Except as specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan and all findings not specifically addressed remain in effect.*

The Planning Board is concerned about approving a public building such as this one without an elevator providing access between the two floors, and is willing to do so only under the limited circumstances of this project. Lacking an elevator, an individual unable to navigate stairs would be required to take the circuitous route of exiting the building on one floor and taking a paved walkway up or down to the other floor, which could improperly limit the usability of this important public amenity for such individuals. The Board is willing to accept this situation only because it is convinced that the building's upper and lower floors, containing a gathering space and pool facilities, respectively, will effectively function as separate buildings such that visitors to one floor would ordinarily have no reason to go to the other.

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

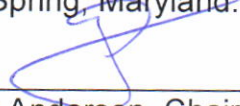
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 29 2016 (which is the date that this resolution is mailed to all parties of record); and

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).

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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 Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, March 17, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board