

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS**

**For**

**MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building**

**100 Maryland Avenue, Room 200**

**Rockville, Maryland 20850**

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**Phone: (240) 777-6660**

**CASE NO. CU 22-01**

**APPLICATION OF HERITAGE GARDENS LAND LLC**

**ORDER EXTENDING TIME FOR ISSUANCE  
OF HEARING EXAMINER'S REPORT**

A public hearing in the above case was held on January 28, 2022, March 2, 2022, May 31, 2022, and June 1, 2022. After the hearing was adjourned, the record was kept open until July 15, 2022, to permit the Applicant to submit a revised landscape plan to Staff of the Montgomery County Planning Department for review. Staff was to provide comments on the revised plan by July 1, 2022 and the parties were to submit final comments by July 8, 2022. 6/1/22 T. 103-104. Staff timely completed its review with the following comments (Exhibit 188):

1. The landscaping along the western property line between Lots 26 and 35, as shown on Sheet 6A - The original landscape plan included the required mix of overstory canopy trees, evergreen trees, large shrubs and medium shrubs meeting code requirements. The revised landscape plan removed the overstory canopy trees and shrubs, replacing them with a long line of evergreen trees consisting of Arborvitae and Japanese Cedar.

Recommendation: Either revise the landscaping by adding in a mix of canopy and shrubs between the proposed units and the revised/proposed planting, or seek alternative compliance from the Hearings Examiner.

2. The new landscaping behind Lots 24 to 26, as shown on Sheet 6A.

Recommendation: Either revise the landscaping by adding in canopy trees to the proposed screening, or seek alternative compliance from the Hearings Examiner. Additionally, any plantings proposed within the stream valley buffer must comply with Chapter 22A and will be required to be native species, as that area is required to be placed in a Category I Forest Conservation Easement.

3. The proposed plantings, as shown on Sheet 7 – Only native species are allowed to be planted within Conservation easements. Any plantings must meet the same community standards of the existing forest stand.

Recommendation: Remove all new landscaping/screening plantings from Sheets 7/7A and add condition of approval that requires the Applicant to coordinate with Planning Staff at time of Final Forest Conservation Plan to provide a supplemental planting plan in accordance with Chapter 22A, the Environmental Guidelines, and Trees Technical Manual. Alternatively, the applicant can remove plants from the Landscape Plan and submit a revised Preliminary Forest Conservation Plan which includes a detailed supplemental planting plan for review and approval.

4. The deletion of previously labeled ownership Lot 31 and the new open space landscaping is acceptable.

In response to Staff's comments, the Applicant submitted a second revision to the landscape plan on July 8, 2022, along with a request for alternative compliance. Exhibit 191.

To give Staff and all parties time to review the second revised landscape plan and the request for alternative compliance and for Staff to provide recommendations thereon, the Hearing Examiner extends the time for closing the record in this case to **Friday, July 29, 2022**. Comments from Staff are due on **Monday, July 25, 2022**. Any further responses from the parties are due by **5:00 p.m. on Friday, July 29, 2022**.

So Ordered this day 12<sup>th</sup> of July 2022.



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Lynn Robeson Hannan  
Hearing Examiner

COPIES TO:

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