



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 09-84
Site Plan No. 82005009C
Project Name: Woodcrest
Hearing Date: July 30, 2009

DRAFT RESOLUTION NOT ADOPTED

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on June 25, 2009, Miller and Smith ("Applicant"), filed a site plan amendment application designated 82005009C, Woodcrest (the "Amendment") for approval of the following modifications:

1. Revise side yard setback on single family detached lots 11 through 19 in Block B to accommodate the relocation of air conditioning units;
2. Raise the slab elevations on lots 45 and 46 by one foot;
3. Lower the garage elevation on lot 47 to reduce the driveway slope below 12%;
4. Grading changes associated with the changes in the slab elevations; and

WHEREAS, on February 8, 2005, the site plan 820050090 was previously approved for 52 one-family detached units and 34 townhouse units inclusive of 11 MPDUS ON 47 acres zoned R-200/RDT; and

WHEREAS, on September 6, 2007, site plan amendment 82005009A was previously approved for modifications primarily to stormwater management facilities, Department of Parks requests, Fire Marshall requests and minor design changes; and

WHEREAS, on December 24, 2008, site plan amendment 82005009B was previously approved for a number of modifications to street trees, lighting fixtures, trail materials, recreation details, and to add a stream restoration project; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated July 20, 2009, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

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WHEREAS, on July 30, 2009, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on July 30, 2009, the Planning Board approved the Amendment on the motion of Commissioner _____, seconded by Commissioner _____, with a vote of _____ to _____ Commissioners _____, _____, _____, _____ and _____ voting in favor

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby expressly adopts the Staff's recommendation and analysis as set forth in the Staff Report and hereby approves the Site Plan No. 82005009C; and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Montrose Parks drawings stamped by the M-NCPPC on June 25, 2009, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and 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 _____ (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

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administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 _____, seconded by Commissioner _____, with Commissioners _____ (list) voting in favor of the motion, with Commissioner(s) _____ (list) dissenting, Commissioner(s) _____ (list) abstaining, Commissioner(s) _____ (list) being absent or being temporarily absent, at its regular meeting held on Thursday, _____, 200., in Silver Spring, Maryland.