

JUL 12 2010



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

MCPB No. 10-68
Site Plan No. 82009017A
Project Name: Safeway Store #2848
Hearing Date: May 20, 2010

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 March 23, 2010, Safeway, Inc., ("Applicant") filed a site plan amendment application designated Site Plan No. 82009017A, Safeway Store #2848, (the "Amendment") for approval of the following modification:

1. Revise Site Plan No. 820090170 Condition 13 to allow a screen wall, originally required to be constructed entirely on the Applicant's property, to be located in whole or in part on the common area property of an adjacent residential condominium community; 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 May 10, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on May 20, 2010, 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 May 20, 2010, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Alfandre, seconded by Commissioner Wells-Harley, with a vote of 4-0, Commissioners Alfandre, Hanson, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss being absent.

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, subject to the following conditions:

Approved as to
Legal Sufficiency:

Christina Sorenst 6/23/10

8787 Georgia Avenue, N.C. Special Services Department, Chairman's Office: 301.495.4605 Fax: 301.495.1320

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1. Site Plan Condition 13

Original Site Plan 820090170 Condition 13 is replaced by the following new Condition 13:

Landscaping

- a. Safeway will increase the planting size of the proposed Leyland Cypress trees planted in the western landscape buffer to 12 feet at a diameter of 3" caliper (increased from 10 feet and 2.5" caliper).
- b. Prior to issuance of any use and occupancy permit for the supermarket, Safeway must donate to KFA a sum of \$10,000 for KFA's use to provide supplemental landscaping on KFA property in the green area adjoining Safeway's western and southern property lines.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation, as conditioned above, 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 Safeway's drawings stamped by the M-NCPPC on March 23, 2010, 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 JUL 12 2010 (which is the date that this Resolution is mailed to all parties of record); and

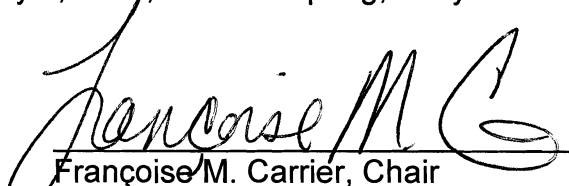
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Commissioner Wells-Harley, with Commissioners Wells-Harley, Alfandre, and Presley voting in favor of the motion, and with Chair Carrier abstaining and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 1, 2010, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board