



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

MCPB No. 09-04
Preliminary Plan Amendment No. 12004018D
Centerpark
Date of Hearing: December 4, 2008

JAN 12 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on August 25, 2008, Centerpark East, L.L.C. ("Applicant"), filed an application for approval of an amendment to a preliminary plan of subdivision of property that would eliminate a previously approved but unplatted road (Chafee Court) and reconfigure the interior lot lines on 134 acres of land located on the east side of Snouffer School Road opposite the intersection with Alliston Hollow Way ("Property" or "Subject Property"), in the Gaithersburg and Vicinity master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 12004018D, Centerpark ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 22, 2008, setting forth its analysis, and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 4, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
 Legal Sufficiency:

Christina Sorrento 12/30/08

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WHEREAS, on December 4, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson ; seconded by Commissioner Alfandre; with a vote of 5-0 Commissioners Alfandre, Cryor, Hansen, Presley and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved the amendment to Preliminary Plan No. 12004018D to eliminate unplatted Chaffee Court from the plan drawing and establish new lot lines for the lots immediately abutting the former road on 134 acres of land located on the east side of Snouffer School Road opposite the intersection with Alliston Hollow Way in the Gaithersburg and Vicinity Master Plan area, subject to the following condition:

All other previous conditions of approval for Preliminary Plan 120040180 as contained in the Planning Board Opinion dated July 26, 2004, and as amended by Resolution dated October 18, 2007, remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the condition of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Board finds that the plan remains substantially unchanged by this amendment and continues to conform to the Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The Board finds that because the amendment generates no additional development, the previous findings for adequate public facilities remain valid, including access and safety for vehicles and pedestrians.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The Board finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The previous preliminary forest conservation plan remains valid for this amendment, therefore, the Planning Board finds that the Preliminary Plan continues to satisfy all requirements of Chapter 22A, the Forest Conservation law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. The approved stormwater concept remains valid since no additional development is approved as part of this application.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from the Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) of the original approval except as modified by subsequent Planning Board action and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is JAN 12 2009 (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).

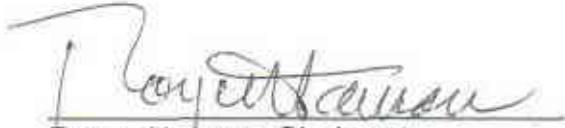
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CERTIFICATION

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 Robinson, seconded by Commis-

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sioner Cryor, with Commissioners Hanson, Robinson, Alfandre, and Cryor voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, January 8, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, appearing to read "Royce Hanson", written in black ink.

Royce Hanson, Chairman
Montgomery County Planning Board