

MAY 28 2009



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

MCPB No. 09-48
Site Plan No. 82005005A
Project Name: The Enclave
Hearing Date: April 2, 2009

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 4, 2008, Stellar Silver Spring, LLC ("Applicant"), filed a site plan amendment application designated 82005005A, The Enclave (the "Amendment") for approval of the following modifications:

1. Addition of a Zen garden,
2. Change the stone pavers to concrete at two locations,
3. Addition of a trash receptacle,
4. Addition of three benches,
5. Change the layout of a sidewalk,
6. Change the grading around sidewalks and at other areas,
7. Addition of a stepped path,
8. Deletion of three walls,
9. Addition of a sign,
10. Addition of a modular retaining wall,
11. Deletion of two pergolas,
12. Deletion of a planter,
13. Modification of a pergola and pavilion,
14. Revision of planting and lighting,
15. Modification of the parking lot layout, and
16. Addition of a concrete island and median; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated March 23, 2009, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on April 2, 2009, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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heard testimony and received evidence submitted for the record on the Amendment;
and

WHEREAS, on April 2, 2009, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Robinson, seconded by Commissioner Cryor, with a vote of 4-0; Commissioners Cryor, Hanson, Presley, and Robinson voting in favor, Commissioner Alfandre 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:

1. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Ensure consistency of all details and layout between site plan and landscape plan.
- b. Minor modifications and clarifications as required by Staff.

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 The Enclave drawings stamped by the M-NCPPC on March 13, 2009, shall be required, except as modified by the above conditions of approval; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

~~MAY 28 2009~~ BE IT FURTHER RESOLVED, that the date of this written resolution is MAY 28 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

written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Cryor, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 21, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board