

OCT 6 2009



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 09-121  
Site Plan No. 82004026B  
Project Name: River Quarry  
Hearing Date: September 10, 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 5, 2009, Michael T. Rose ("Applicant"), filed a site plan amendment application designated No. 82004026B, River Quarry (the "Amendment") for approval of the following modification:

1. A reduction in the required rear yard setback (from 20-feet to 11.5-feet) for a portion of Lot 20 only.

WHEREAS, Site Plan No. 820040260 was originally approved on July 22, 2004 for 15 one-family detached homes and 15 townhouses, including 18 Transfer Development Rights on 6.02 acres of land; and

WHEREAS, Amendment A was approved on July 27, 2006 for modifications to the vehicular/pedestrian circulation, drainage systems, Development Data table, Landscape Plan and Development Plan; and

WHEREAS, following review and analysis of Amendment B by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated August 28, 2009, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

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Approved as to  
Legal Sufficiency:

  
M-NCPPC Legal Department

WHEREAS, on September 10, 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 September 10, 2009, the Planning Board approved the Amendment on the motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 3-0, Commissioners Hanson, Presley, and Wells-Harley voting in favor, with Commissioners Alfandre and Cryor being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis as set forth in the Staff Report and hereby approves the Site Plan Amendment No. 82004026B; 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 8, 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 Resolution is OCT 6 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).

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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 Wells-Harley, seconded by Commissioner Alfandre, with Chairman Hanson, and Commissioners Wells-Harley and Alfandre voting in favor of the motion, and Commissioners Cryor and Presley absent at its regular meeting held on Thursday, September 24, 2009, in Silver Spring, Maryland.

  
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Royce Hanson, Chairman  
Montgomery County Planning Board