



DEC 10 2009

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

MCPB No. 09-138
Site Plan No. 82005012C
Project Name: Baum Property
Hearing Date: December 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 September 17, 2009, Baum LLC. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005012C ("Amendment") for approval of the following modifications:

1. Add 6-foot board fence behind lots 81-107;
2. Add guardrail at terminus of parking lot in front of lots 74 & 75;
3. Revise the Residential Development Program;
4. Revise Landscape Plan;
5. Relocate the 5-foot sidewalk along Coltrane Drive;
6. Revise tot lot grade elevations in accordance to ADA standards; and
7. Modify site details.

WHEREAS, Administrative Amendment B was approved on May 15, 2009, however the modifications are incorporated into this Consent Amendment and will be certified upon approval of this site plan; 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 December 1, 2009 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on December 10, 2009, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing");

Approved as to
Legal Sufficiency: 
M-NCPPC Legal Department

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 No. 82005012C; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter 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 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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Presley present and voting in favor of the motion, and Commissioner Alfandre absent, at its regular meeting held on Thursday, December 10, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board