

SEP 30 2010



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-130  
Site Plan No. 82003029B  
Project Name: Estates at Greenbriar Preserve, Lot 5  
Hearing Date: September 23, 2010

## 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 January 14, 2010, Thomas C. & Kerri R. Morey ("Applicant"), filed a Limited Amendment application designated Site Plan No. 82003029B ("Amendment"). The Applicant originally requested a Limited Site Plan Amendment to include the removal of the Forest Conservation Easement and the 6 foot fence along the property. However, due to Staff's initial review of the proposal, the Applicant changed the application to a Consent Amendment that only requests removal of the 6 foot fence along the property and retains the Forest Conservation Easement. The Applicant is now requesting approval of the following modifications:

1. Deletion of the Condition 1B from the approved resolution Site Plan No. 820030290 (dated December 11, 2003); and
2. Removal of the 6-foot fence (as referred in Condition 1B) along the southern property boundary, directly adjacent to the Johnson property (P099).

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 September 13, 2010 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report");

WHEREAS, on September 23, 2010, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing");

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 set forth in the Staff Report and hereby approves the Site Plan No. 82003029B;

Approved as to  
Legal Sufficiency:

*Christina Sonnet* 9/13/10

8787 Georgia Avenue, N.W., Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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BE IT FURTHER RESOLVED, that this Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connections with the originally approved site plan; 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;

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8;

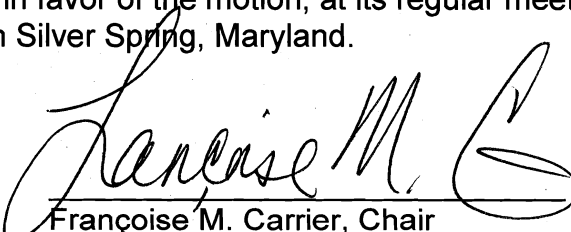
BE IT FURTHER RESOLVED, that the date of this written Resolution is SEP 30 2010 (which is the date that this Resolution is mailed to all parties of record); and

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).

\* \* \* \* \*

**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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, September 23, 2010, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board