

APR 7 2011



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

MCPB No. 10-147
Potomac Crest
Preliminary Plan No. 12002119A
Site Plan No. 82003035A
Date of Hearing: October 21, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50 and Chapter 59, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan and site plan applications; and

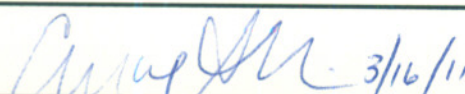
WHEREAS, on August 20, 2010, the Churchill Reserve Homeowners Association (HOA) ("Applicant"), filed a limited amendment application to amend i) Preliminary Plan No. 120021190, Potomac Crest, for the purpose of amending the final forest conservation plan, and ii) Site Plan No. 820030350, Potomac Crest, for the purpose of deleting two entrance features and adding entry signage along Patriot Lane, on 9.1 acres of land, located on Patriot Lane, southwest of the intersection of Declaration Land and Seven Locks Road ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Applicant's amendment applications were respectively designated Preliminary Plan No. 12002119A, Potomac Crest ("Preliminary Plan Amendment"); and Site Plan No. 82003035A, Potomac Crest, ("Site Plan Amendment"), and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 11, 2010, setting forth its analysis and recommendation to approve both the Preliminary Plan Amendment and Site Plan Amendment ("Staff Report"); and

WHEREAS, following review and analysis of the Preliminary Plan Amendment and Site Plan Amendment by Staff and the staffs of other governmental agencies, on October 21, 2010, the Planning Board held a public hearing on the Preliminary Plan Amendment and Site Plan Amendment (the "Hearing"); and

Approved as to
Legal Sufficiency:

 3/16/11

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Preliminary Plan Amendment and Site Plan Amendment; and

WHEREAS, on October 21, 2010, the Planning Board approved the Preliminary Plan Amendment subject to certain conditions on motion of Commissioner Wells-Harley, seconded by Commissioner Alfandre, with a vote of 3-0; Commissioners, Alfandre, Carrier, and Wells-Harley voting in favor, with Commissioners Dreyfuss and Presley absent, and

WHEREAS, on October 21, 2010, the Planning Board approved the Site Plan Amendment subject to certain conditions on motion of Commissioner Alfandre, seconded by Commissioner Wells-Harley, with a vote of 3-0; Commissioners, Alfandre, Carrier, and Wells-Harley voting in favor, with Commissioners Dreyfuss and Presley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of the Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 12003119A, a limited amendment to the previous conditions of approval for Preliminary Plan No. 12003119, to revise the conditions of the approved final forest conservation plan on the Subject Property, subject to the following conditions:

1. Applicant must record a new record plat within nine (9) months of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan 12003119A. The record plat must reference the standard Category I (liber 13178 folio 412) conservation easement as recorded in the Land Records for Montgomery County, Maryland.
2. Applicant must install additional plantings within the Category I conservation easement area, as enumerated below, to be completed by December 23, 2010 to satisfy the survival requirement per COMCOR 22A.00.01.08.E:
 - a. Plant three (3) 1.5 inch to 2 inch caliper white oaks or MNCPPC approved equivalent.
 - b. Plant eight (8) 18 inch to 24 inch in height mountain laurel shrubs or MNCPPC approved equivalent. (MNCPPC will accept 3-3/4 inch to 1 inch caliper native Maryland trees as an equal substitution for the shrubs.)
 - c. Use MNCPPC approved deer protection guards.
 - d. A pre-planting inspection and post-planting inspection by MNCPPC inspection staff.

3. All other conditions and findings of Preliminary Plan No. 120021190 and Forest Conservation Plan approved as a part thereof that were not modified herein, as contained in the Planning Board's Resolution dated February 6, 2003, remain in full force and effect.

BE IT FURTHER RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Site Plan No. 82003035A, a limited amendment to previous conditions of approval for Site Plan No. 82003035, Potomac Crest, to revise the conditions of the approved final forest conservation plan deleting two entrance features and adding entry signage along Patriot Lane on the Subject Property, subject to the following conditions:

1. Preliminary Plan Conformance

The development must specifically comply with the conditions of approval for the Preliminary Plan No. 12002119A, which includes all references to the amended Final Forest Conservation Plan and Record Plat.

The overall development is still subject to the conditions of approval for Preliminary Plan No. 120021190 as listed in the Planning Board Resolution dated February 6, 2003. This includes but is not limited to all references to density, rights-of-way, dedications, transportation conditions, DPWT conditions, and DPS stormwater conditions.

2. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820030350 as listed in the Planning Board Resolution dated July 31, 2003, except as amended herein.

3. 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. Include the revised final forest conservation approval, and Site Plan resolution on the approval or cover sheet.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 7 2011 (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 Dreyfuss, seconded by Commissioner Presley, 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, March 31, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board