



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-175
 Site Plan No. 82005028C
 Project Name: Reserve at Fair Hill
 Hearing Date: December 16, 2010

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 February 2, 2006, the Planning Board approved Site Plan 820050280 and the Final Water Quality Plan for 113 market rate units and 20 MPDUs on 334 acres in the RNC zone; and

WHEREAS, on September 21, 2006, the Planning Board approved Site Plan Amendment application designated 82005028A, to modify the impervious surface limitation from 6.88% to 7.03% in order to address comments from the Montgomery County Department of Permitting Services ("DPS") and the Fire Marshall regarding the standard widths for private roads and the termini for emergency vehicles and stormwater management facilities; and

WHEREAS, on February 26th 2009 the Planning Director approved an Administrative Site Plan Amendment application designated 82005028B to modify the lighting poles, landscape, site grading and general notes; and

WHEREAS, on October 6, 2010, Pulte Homes ("Applicant"), filed a Site Plan amendment application designated 82005028C, Reserve at Fair Hill (the "Amendment") for approval to revise the Forest Conservation and Environmental Conditions 10d, 10g and 10h of the previous site plan approvals; 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 December 6, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on December 16, 2010, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the

Approved as to
 Legal Sufficiency:

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

WHEREAS, at the public hearing the Applicant requested, and the Planning Board approved the release of additional building permits once, per Condition 10.d set forth below, the Impervious Surface Compliance Agreement is amended and accepted by the Applicant and M-NCPPC; and

WHEREAS, on December 16, 2010, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Dreyfus, seconded by Commissioner Alfandre, with a vote of 4-0, Commissioners Presley and Wells-Harley voting in favor. Commissioner Carrier was absent for this 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. 82005028C; The following conditions will supersede the respective conditions; however, all other conditions of approval will remain valid.

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 (which are amendments to, and correspond by number to conditions in the approval of Site Plan 820050280):

10. Forest Conservation and Environmental Conditions

- d. Applicant to amend the Impervious Surface Compliance Agreement, dated December 11, 2006, with M-NCPPC for the purpose of withholding of building permits for four (4) residential lots identified as Lot 1, Block A, Lot 4, Block F and Lots 17 and 23, Block B ("the Withheld Lots") to ensure compliance with the impervious limitations and monitoring compliance with the impervious limitations of the site plan. The 4 Withheld Lots shall be graphically denoted on the site plan. Planning Board approves the release of all building permits except the Withheld Lots once the Impervious Surface Compliance Agreement is amended and accepted by the Applicant and M-NCPPC.

- g. The applicant must submit to M-NCPPC Staff Impervious Surface Reports on a monthly basis. The Impervious Surface Reports must include: surveyed "as-builts" drawings and/or wall check plans, which show dimensions for buildings, driveways, sidewalks, leadwalks, porches, patios, chimneys,

welled exits, rear exits and any building feature that is two feet or less from the ground.

- h. If the submitted Impervious Surface and M-NCPPC reviewed reports for the first 100 units demonstrate that construction of the units is less than or equal to 80% of the total on-lot impervious area shown for the first 100 units on the On-Lot Impervious Area Table shown on Sheet SP-1A of the site plan, then M-NCPPC staff will release building permits for the Withheld Lots.

If the submitted Impervious Surface and M-NCPPC reviewed reports for the first 100 units show that construction of the units is greater than 80% of the total on-lot impervious area shown for the 100 units on the On-Lot Impervious Area Table shown on Sheet SP-1A of the site plan, then staff will release building permits for the Withheld Lots as staff determines compliance with the on-lot impervious limitations.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis as presented at the Hearing and as 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 Reserve at Fair Hill drawings stamped by the M-NCPPC on October 6, 2010, 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 written resolution is JAN 20 2011 (which is the date that this resolution is mailed to all parties of record); and

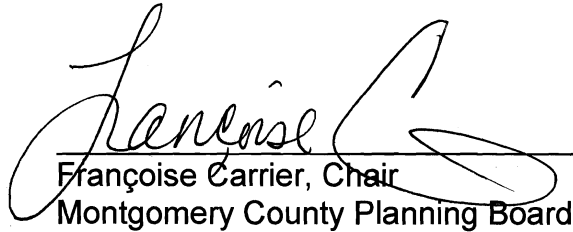
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Dreyfuss, seconded by Commissioner Presley, with Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, and Chair Carrier abstaining, at its regular meeting held on Thursday, January 13, 2010, in Silver Spring, Maryland.


Françoise Carrier, Chair
Montgomery County Planning Board