

APR 8 2011



## MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-01  
Site Plan No. 82006034B  
Project Name: Children's Manor Montessori School  
Hearing Date: January 6, 2011

### 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 July 2, 1996, the County Council for Montgomery County, Maryland, sitting as the District Council ("District Council") approved a Diagrammatic Plan and an accompanying rezoning application (G-718) for this and other properties ("Diagrammatic Plan") that included a 12,000 square foot day care center; and

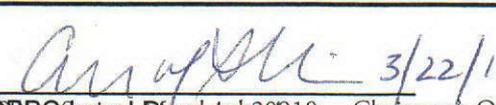
WHEREAS, on April 23, 2001, the Planning Board approved Preliminary Plan 119970220 for this and other properties, which was specifically conditioned on the Applicant abiding by and complying with the conditions of approval of the Diagrammatic Plan; and

WHEREAS, on December 6, 2007, the Planning Board approved Site Plan 820060340 for 12,000 square feet of day care space and a waiver of 14 parking spaces on Parcel L, located on Traville Gateway Drive approximately 500 feet south of Darnestown Road ("Property"), also specifically conditioned on the Applicant abiding by and complying with the conditions of approval of the Diagrammatic Plan; and

WHEREAS, on October 8, 2009, the Planning Board denied Site Plan 82006034A in which the Applicant proposed the addition of a private educational institution as an approved use on finding that a such use was not allowed by the Diagrammatic Plan; and

WHEREAS, on October 12, 2010, the District Council by Resolution No. 16-1517 approved an amendment to the Diagrammatic Plan adding Private Educational Institute as a permitted use in Parcels L and O, Block A, Map R 43; and

Approved as to  
Legal Sufficiency:

 3/22/11  
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](mailto:mcp-chairman@mncppc.org)

WHEREAS, on June 24, 2010, Children's Manor Montessori School ("Applicant"), filed a site plan amendment application designated 82006034B, Montrose Parks (the "Amendment") for approval of the following modifications to Site Plan 820060340:

1. Addition of a gazebo within the play area;
2. Addition of a monument sign at the entrance to the site; and
3. Addition of a private educational institution as an approved use; 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 22, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on January 6, 2011, 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 January 6, 2011, the Planning Board approved the Amendment on the motion of Commissioner Alfandre, seconded by Commissioner Presley with a vote of 5-0; Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

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 Site Plan No. 82006034B, subject to the following conditions:

1. All conditions of the original approval for Site Plan 820060340 except as modified herein shall continue in full force and effect.
2. All site development elements as shown on Montrose Parks drawings stamped by the M-NCPPC on June 11, 2009, shall be required, unless modified by this Resolution.

BE IT FURTHER RESOLVED, that the Planning Board FINDS:

1. The Amendment is consistent with the conditions of approval of the Diagrammatic Plan, as amended.
2. The Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance.

2. The Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance.
3. 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 820060340; 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

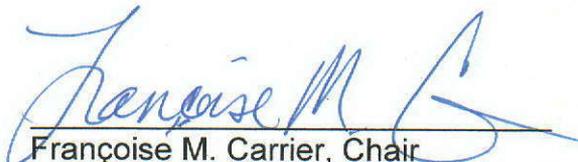
BE IT FURTHER RESOLVED, that the date of this written resolution is APR 8 2011 (which is the date that this resolution is mailed to all parties of record); and

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).

\* \* \* \* \*

**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