



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

MCPB No. 14-01
Preliminary Plan No. 12012011A
Ayrlawn
Date of Hearing: March 13, 2014

MAR 27 2014

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 10, 2012, the Planning Board, by Resolution MCPB No. 12-79 (corrected on November 21, 2012), approved Preliminary Plan No. 120120110, creating five lots on 0.76 acres of land in the R-60 zone, located in the northwest quadrant of the intersection of Johnson Avenue and Lindale Drive ("Subject Property"), in the Bethesda/Chevy Chase Master Plan ("Master Plan") area; and

WHEREAS, on September 26, 2013, the Betty W. Sutermeister Revocable Trust ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to modify the conditions related to the required tree save plan in order to provide flexibility regarding tree removal and the placement of storm water management facilities; and

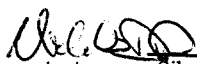
WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12012011A, Ayrlawn ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 28, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 13, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120120011A to amend conditions of approval 2 and 9 of

Approved as to  3/12/14
Legal Sufficiency Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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Preliminary Plan 120120110 as follows:¹

- 2) Prior to issuance of any additional sediment and erosion control permits, the Applicant must obtain Staff approval of a revised tree save plan that addresses the following:
 - a. Provide protection measures for tree #74.
 - b. Provide three new replacement trees on Lot 11 to mitigate the 17" tree that was removed. At least one of the replacement plantings must be located near the area of the tree that was removed.

- 9) Prior to the issuance of any additional building permits, the Applicant must make school facilities payments to the Montgomery County Department of Permitting Services at the middle school and high school levels.

BE IT FURTHER RESOLVED, that all other preliminary plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings remain in effect.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 27, 2014 (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

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

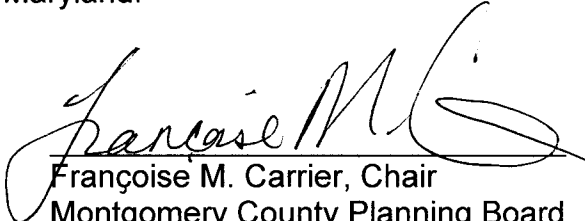
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Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, March 13, 2014, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board