



JUL 13 2010

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-76
Site Plan No. 81995030F
Project Name: Hoyle's Mill Village, Section II
Hearing Date: April 22, 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

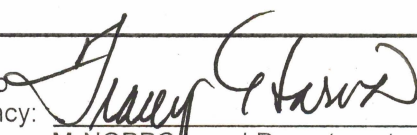
WHEREAS, on August 1, 1995, the Planning Board originally approved, with conditions, Site Plan 819950300 for 259 dwelling units comprised of 223 one-family detached units and 36 MPDU townhouse units. The Planning Board also granted a waiver of the 20% impervious cap up to 21.114% allowing additional impervious area for sidewalks within the community; and

WHEREAS, on February 26, 1999, the Planning Board approved Site Plan Amendment 81995030A with conditions. These amendments consisted of grade changes and landscaping to berms to satisfy noise attenuation requirements along Schaeffer Road in an area where houses had been deleted. No changes to impervious area calculations were made and ten additional units were incorporated into these changes bringing the total number of approved dwelling units to 579; and

WHEREAS, the Planning Board approved Site Plan Amendment 819950300B, which added 3 MPDU townhouse units was approved, with conditions, on January 7, 2004; and

WHEREAS, on September 27, 2001, the Planning Board approved Site Plan Amendment 81995030C, which revised and detailed the development of 261 lots within the R-200 zone consisting of 223 one-family detached dwelling units and 38 MPDU townhouses, with conditions; and

WHEREAS, on January 26, 2006, the Planning Board approved Site Plan Amendment 81995030D which increased the impervious area on the site and mitigated the increase through the purchase of contiguous off-site parcels which were converted to open space and placed under easements; and

Approved as to
Legal Sufficiency: 
M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

WHEREAS, on November 2, 2006, the Planning Board approved Site Plan Amendment E for grading revisions and the addition of several evergreen and ornamental trees; and

WHEREAS, on November 9, 2010, The Management Group Associates for Woodcliffe Park Community Association ("Applicant"), filed a site plan amendment application designated Site Plan No. 81995030F ("Amendment") for approval of the following modifications:

1. Addition of 18 parking spaces resulting in 2,790 square feet of additional impervious surface; and,
2. A waiver of the 21.114% existing impervious limit.

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 April 12, 2010 setting forth its analysis and recommendation for denial of the Amendment ("Staff Report"); and

WHEREAS, on April 22, 2010, Staff presented the Amendment to the Planning Board for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby rejects the Staff's recommendation and analysis set forth in the Staff Report based on the finding that compelling safety, efficiency, and adequacy issues will be served by allowing construction of the requested parking spaces and that such issues outweigh the minimal environmental impacts of the additional impervious surface and hereby approves the Site Plan No. 81995030F; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter 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 **JUL 13 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

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 Alfandre, seconded by Commissioner Presley, with 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, June 24, 2010, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board