



AUG 10 2011

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

MCPB No. 11-51
Preliminary Plan No. 11994094A
Srou Falls Lot 9, Block A
Date of Hearing: June 2, 2011

RESOLUTION

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

WHEREAS, on February 3, 2010, Mr. Daniel Ball, ("Applicant"), filed a limited amendment application to amend the conditions of approval of Preliminary Plan No. 119940940 on a 0.47 acre lot, Lot 9, Block A, Srou Falls, Located on Woodford Road 400 feet east of the intersection with Falls Road (MD-189) in Potomac ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan limited amendment application was designated Preliminary Plan No. 11994094A, Srou Falls (a.k.a. Ball Property) ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated May 20, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on June 2, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 2, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with a vote of 3-0, Commissioners Carrier, Dreyfuss, and Presley, voting in favor. Commissioners Alfandre and Wells

APPROVED AS TO LEGAL SUFFICIENCY
Christina Sorensen 7/19/11
M-NC FPC LEGAL DEPARTMENT

MCPB No. 11-51
Preliminary Plan No. 11994094A
Srouer Falls Lot 9, Block A
Page 2 of 4

Harley were absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved a limited amendment to Preliminary Plan No. 119940940 to revise the conditions of the approved preliminary forest conservation plan on the Subject Property, located on Woodford Road 400 feet east of the intersection with Falls Road (MD-189) in Potomac, in the Potomac Subregion Master Plan area, 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. 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. All plantings as shown on the 3/31/11 plan must occur within one (1) year of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan.
3. All other conditions of Preliminary Plan and Forest Conservation Plan No. 119940940 that were not modified herein, as contained in the Planning Board's Resolution dated June 19, 1995, remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

All previous findings by the Planning Board remain in full force and effect including substantial conformance to the Master Plan

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

All previous findings by the Planning Board remain in full force and effect including adequacy of public facilities.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

All previous findings by the Planning Board remain in full force and

effect including those related to lot configuration.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Applicant is mitigating the removal of 1,781 square feet of Category I conservation easement and adding 1,213 square feet of Category I conservation easement on site. The remaining 568 square feet of easement will be mitigated for with supplemental planting of the forest within the stream valley buffer on site. The mitigation is based on conservation easement removal only since the Forest Conservation Law requirements were satisfied by the previous landowner through off site mitigation. Therefore the Planning Board finds that the Application satisfies the applicable requirements of the Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

This limited amendment makes no changes to the existing stormwater management facilities within the Srou Falls Subdivision. The Application meets all applicable stormwater management requirements.

BE IT FURTHER RESOLVED that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and the date of this Resolution is AUG 10 2011 (which is the date that this Resolution is mailed to all parties of record); and

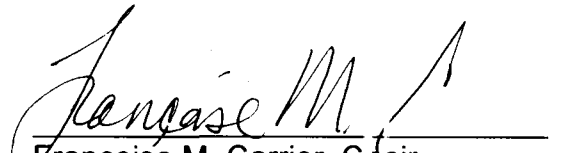
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

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 Anderson, Dreyfuss and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board