



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

MCPB No. 16 - 123
Preliminary Plan No. 11988094B
Palatine, Lot 10, Block E
Date of Hearing: November 10, 2016

NOV 15 2016

RESOLUTION

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

WHEREAS, by Opinion dated February 14, 1989, the Planning Board approved Preliminary Plan No. 119880940, "Palatine in Potomac," creating 133 lots on 287 acres of land in the RE2 zone in Montgomery County;

WHEREAS, on December 19, 2013, by Resolution MCPB No. 13-169, the Planning Board approved Preliminary Plan Amendment No. 11988094A to revise conservation easements on Palatine Lot 5, Block C; and

WHEREAS, on August 8, 2016, Shurong Yin ("Applicant" or "Property Owner"), filed an application for approval of an amendment to the previously approved preliminary plan to remove 1,206 square feet of Conservation Easement from Palatine Lot 10, Block E ("Subject Property"); and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11988094B, Palatine Lot 10, Block E ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application, Planning Board staff ("Staff") issued a memorandum to the Planning Board dated October 28, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 10, 2016, 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.

Approved as to
Legal Sufficiency: 
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board approves Preliminary Plan No. 11988094B to remove 1,206 square feet of Conservation Easement from the Subject Property, subject to the following conditions:¹

1. Within thirty (30) days of the mailing date of the Planning Board's Resolution, Applicant must submit a cost estimate for the supplemental planting and two-year maintenance of the tree plantings shown on the Preliminary Plan Amendment No. 11988094B submitted on September 29, 2016.
2. Within sixty (60) days of the mailing date of the Planning Board's Resolution, the Applicant must submit financial security for the planting requirements identified on the Preliminary Plan Amendment No. 11988094B submitted on September 29, 2016 in the amount and format approved by Staff.
3. Within sixty (60) days of the mailing date of the Planning Board's Resolution, the Property Owner must record a Category I Conservation Easement by deed in a form approved by the M-NCPPC Office of the General Counsel in the Land Records of Montgomery County, Maryland for the new 37,103 square feet of Category I Conservation Easement.
4. After recordation of the new Category I Conservation Easement, the Applicant must obtain and record a Deed of Conservation Easement Release in a form approved by the M-NCPPC Office of the General Counsel in the Land Records of Montgomery County, Maryland. All existing conservation easements remain in full force and effect until this Deed of Release is recorded.
5. Within one hundred and fifty (150) days of the mailing date of the Planning Board's Resolution, the Applicant must submit a complete Record Plat application that delineates and references the new Category I Conservation Easement.
6. All planting requirements of Preliminary Plan Amendment No. 11988094B must be completed by the Applicant after a pre-planting meeting with the M-NCPPC Inspector. The Applicant must request an M-NCPPC inspection of the planting for purposes of starting the 2-year warranty period prior to April 30, 2017.

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

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

herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. This Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.


BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 15 2016 (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).

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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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, November 10, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board