

DRAFT RESOLUTION NOT ADOPTED



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

Memorandum

TO: Rollin Stanley, Planning Director

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Richard A. Weaver, Coordinator *RAW*
Development Review Division

RE: Correction of typographical error on Preliminary Plan Resolution for Small's Nursery,
Plan No.11994011C

DATE: September 27, 2010

Pursuant to Section 4.11.4 of the Montgomery County Planning Board Regulation on Rules of Procedure (Correcting Errors in Resolutions), typographical errors may be corrected by issuance of a corrected Resolution approved by the Planning Director.

On June 24, 2010, the Planning Board approved Preliminary Plan Amendment No.11994011C for Small's Nursery. The Resolution sent to the Legal Department for review and subsequently approved by the Planning Board on Thursday, September 16, 2010, contained a typographical error. On page 1, paragraph 2, the Subject Property was incorrectly identified as, Parcel B, Preserves at Small's Nursery and should read, Parcel A, Preserves at Small's Nursery. Staff recommends correction of this typographical error; no further changes are required or recommended.

ACCEPTED & APPROVED BY:

A handwritten signature in black ink, appearing to be "Rollin Stanley", written over a horizontal line.

Rollin Stanley, Planning Director

10-1-10

Date Approved



DRAFT RESOLUTION NOT ADOPTED

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

MCPB No. 10-91
Preliminary Plan No. 11994011C
Small's Nursery (Parcel A)
Date of Hearing: June 24, 2010

MONTGOMERY COUNTY PLANNING BOARD

CORRECTED 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

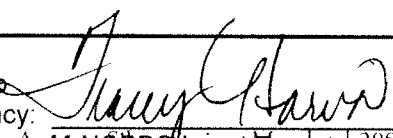
WHEREAS, on March 9, 2010, Small's Nursery L.L.C. ("Applicant"), filed an application for approval of a preliminary plan of subdivision amendment to amend the configuration of an existing forest conservation easement located on a 1.8 acre Homeowners Association parcel identified as Parcel BA, Preserves at Small's Nursery, zoned RE-1 and located on the south side of Thistlebridge Drive, approximately 500 feet west of Georgia Avenue ("Property" or "Subject Property"), in the Olney master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 11994011C, Smalls Nursery, Parcel A, "Preliminary Plan" or "Application"; and

WHEREAS, on June 16, 1994, the Board originally approved Preliminary Plan No. 119940110 for 130 lots on 180.3 acres of land in the RE-1 zone; and

WHEREAS, on January 24, 2002 the Board approved an amendment to the Preliminary Plan, Preliminary Plan Amendment No. 11994011A to adjust the timing for completion of required Park Improvements in coordination with certain State Highway Administration intersection improvements; and

WHEREAS, on February 26, 2009, the Board approved an amendment to the Preliminary Plan, Preliminary Plan Amendment No. 11994011B to amend the final forest conservation plan for Small's Nursery to create Inter-County Connector right-of-way within an area shown as forest conservation easement; and

Approved as to
Legal Sufficiency: 

8787 Georgia Avenue, N.C.P.P.C. Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 2, 2010, regarding Preliminary Plan Amendment No.11994011C 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 24, 2010, 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 24, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Dreyfuss; with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Presley and Wells-Harley voting in favor, with one seat being vacant.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan Amendment No. 11994011C to amend the final forest conservation plan on the Subject Property, subject to the following conditions as modified by the Planning Board:

1. Applicant must record a new record plat approving the limited amendment to the Preliminary Plan. The record plat must reference the standard Category I conservation easement as recorded in the Land Records for Montgomery County, Maryland (liber 13178/folio 412).
2. Applicant must receive staff approval of the certificate of compliance for an offsite forest conservation mitigation bank for 0.50 credits prior to Planning Board approval of the record plat.
3. All other conditions of Preliminary Plan and Forest Conservation Plan No. 119940110, as contained in the Planning Board's Resolution dated February 23, 1995 and all subsequent amendments, that were not modified herein, remain in full force and effect.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, except as modified by the Planning Board at the Hearing to amend Condition #1 to eliminate the requirement for the record plat to be recorded within an established time frame, 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 conformance with 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.*

With the conditions of approval referenced above as approved by the Planning Board for limited amendment 11994011C, this plan satisfies the applicable requirements of Chapter 22A, the Montgomery County 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 approval makes no changes to the stormwater management concept originally approved for the Small's Nursery Subdivision. The application meets all applicable stormwater management requirements.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

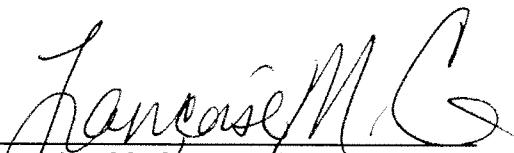
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

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 Alfandre, seconded by Vice Chair Wells-Harley, with Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Chair Carrier abstaining, and Commissioner Presley absent at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board