

FEB 06 2009



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

LIMITED SITE PLAN RESOLUTION

MCPB No. 09-05
Site Plan No. 82000017D
Project Name: Gateway 270 West Building 4, Lot 11
Hearing Date: December 18, 2008

MONTGOMERY COUNTY PLANNING BOARD

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 November 3, 2008, FP Gateway 270, LLC ("Applicant"), filed a site plan amendment application designated Site Plan Amendment No. 82000017D, Gateway 270 West Building 4, Lot 11 (the "Amendment") for approval of the following modifications:

1. Convert Lot 11 Building 4 from 60,872 square feet of research and development to 40,512 square feet of research and development/warehouse, 9,356 square feet of health club, and 11,004 square feet of daycare;
2. Remove the existing striping for 10 surface parking spaces;
3. Add an outdoor play area of 3,000 square feet including a four foot vinyl fence, bollards, and green space;
4. Add two 6 foot concrete walks to connect the existing sidewalk system; and
5. Modify the proposed landscaping as shown on the Final Site Plan received by the Development Review Division on January 14, 2009.

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 December 1, 2008, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on December 18, 2008, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

Approved as to
Legal Sufficiency:

Christina Sorenson 1/23/09

8787 Georgia Avenue, N.C. Legal Department 10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

WHEREAS, on December 18, 2008, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Cryor, seconded by Commissioner Presley, with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Convert Lot 11 Building 4 from 60,872 square feet of research and development to 40,512 square feet of research and development/warehouse, 9,356 square feet of health club, and 11,004 square feet of daycare;
2. Remove the existing striping for 10 surface parking spaces;
3. Add an outdoor play area of 3,000 square feet including a four foot vinyl fence, bollards, and green space;
4. Add two 6 foot concrete walks to connect the existing sidewalk system; and
5. Modify the proposed landscaping as shown on the Final Site Plan received by the Development Review Division on January 14, 2009.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Gateway 270 West drawings stamped by the M-NCPPC on December 3, 2008, shall be required, except as modified by the above conditions of approval; and

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 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 FEB 06 2009 (which is the date that this Resolution is mailed to all parties of record); and

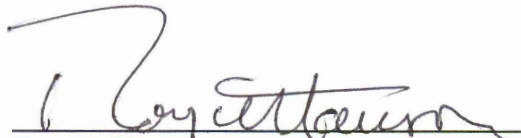
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

written 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 Presley, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, January 29, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board