



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SEP 12 2012

MCPB No. 12-71  
Site Plan No. 820120120  
4900 Fairmont Avenue  
Date of Hearing: June 14, 2012

## RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review site plan applications; and

WHEREAS, on March 8, 2012, 4900 Fairmont Avenue Residential, LLC ("Applicant"), filed an application for approval of a site plan using the density transfer provisions under Section 59-C-6.2355 of the Zoning Ordinance to transfer density from four properties as indicated below ("Sending Properties") to permit a maximum of 303,793 square feet of development; to construct a 17- story (174 foot) building of up to 250,799 square feet of residential uses with a maximum of up to 250 multi-family dwelling units, of which 15% are MPDUs plus 7,000 square feet of non-residential uses on property located on the south side of Fairmont Avenue at its intersection with Norfolk Avenue, approximately 65 feet west of Woodmont Avenue ("Receiving Property" or "Subject Property") and retain the remaining 45,994 square feet of total allowable development on the Sending Properties, all in the area covered by the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District (sometimes referred to as "CBD") ("Sector Plan"); and

WHEREAS, the Sending Properties are transferring 84,643 square feet of density to the Receiving Property as indicated on the following chart:

Description of Sending Property	Zone	Density Transferred	Density Retained
4851 Rugby Ave <sup>2</sup> – Lots 443, 444, 447, 448, and 627	CBD-1	37,672 s.f.	18,836 s.f.
4912 Del Ray Ave – Lot 629	CBD-1	12,468 s.f.	6,234 s.f.
4909 Cordell Ave – Lot 626	CBD-1	12,468 s.f.	6,234 s.f.
7750 Woodmont Ave – Lot 9	CBD-2	22,035 s.f.	14,690 s.f.

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

M-NCPPC Legal Department

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<sup>2</sup> The approved plans for 4851 Rugby Avenue (Project Plan No. 920070050, Preliminary Plan No. 120060290, and Site Plan No. 820070260) will become invalid when the density transfer easements are recorded as conditioned in the project plan approval for this project...

WHEREAS, Applicant's site plan application was designated Site Plan No. 820120120, 4900 Fairmont Avenue ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 30, 2012, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 14, 2012, 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, on June 14, 2012, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 4-0; Commissioners Carrier, Dreyfuss, Presley and Wells-Harley voting in favor and Commissioner Anderson absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820120120 for a maximum of 303,793 square feet of development; to construct a 17- story (174 foot) building of up to 250,799 square feet of residential uses with a maximum of up to 250 multi-family dwelling units, of which 15% are MPDUs plus 7,000 square feet of non-residential uses, on the Receiving Property, and to retain the remaining 45,994 square feet of total allowable development on the Sending Properties, subject to the following conditions:<sup>1</sup>

### **Plan Conformance**

#### **1. Project Plan Conformance**

The development must comply with the conditions of approval for Project Plan No. 92007003A.

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



## **Density and Housing**

### **2. Density**

The development, including the Receiving Property and the Sending Properties, is limited to a Floor Area Ratio of 4.73, which includes a maximum of 303,793 square feet of development; the Receiving Property to include 250,799 square feet of residential uses for a maximum of up to 250 multi-family dwelling units and 7,000 square feet of non-residential uses; the Sending Properties to retain a total of 45,994 square feet of non-residential uses.

### **3. Moderately Priced Dwelling Units ("MPDUs")**

- a. The Applicant must provide a minimum of 15% MPDUs derived from the total number of residential units, consistent with the requirements of Chapter 25A of the Montgomery County Code. The Applicant is receiving a 22% density bonus for providing 15% MPDUs on the site.
- b. Prior to building permit issuance, the Applicant must execute a MPDU agreement with the Montgomery County Department of Housing and Community Affairs, which shall address all provisions for the construction of MPDUs.

### **Adequate Public Facilities ("APF")**

*The APF approval for this development will remain valid for 85 months from the date of mailing of the Planning Board Resolution approving the Site Plan.*

### **4. Transportation**

- a. The Applicant must limit development on the Subject Property to 250 high-rise residential units and 7,000 square feet of non-residential uses.
- b. The Applicant must show on the Site Plans the following rights-of-way along property frontage consistent with the 1994 Approved and Adopted Bethesda *CBD Sector Plan*:
  - i. Norfolk Avenue – minimum of 40 feet from the roadway right-of-way centerline or 80 feet from the opposite roadway right-of-way line.
  - ii. Fairmont Avenue – minimum of 30 feet from the roadway right-of-way centerline or 60 feet from the roadway right-of-way line.
- c. Prior to the release of any building permit for the development, the Applicant must pay \$163,800.00 to Montgomery County Department of Transportation ("MCDOT") to satisfy the Policy Area Mobility Review ("PAMR") requirement of the APF test to mitigate 14 net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip. The PAMR payment may be used by MCDOT for the construction of a mid-block pedestrian crossing to connect the on-site pedestrian path to the pedestrian

path on the Bainbridge Bethesda site, with a curb extension on the north side of Fairmont Avenue to reduce the crosswalk width as well as bikeshare stations within the Bethesda-Chevy Chase Policy Area.

- d. Prior to the release of any above grade building permit for development on the Subject Property, the Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District ("TMD"). The TMAg must include trip mitigation measures recommended by MCDOT.
- e. The handicapped ramps and crosswalks at the Norfolk Avenue/Fairmont Avenue intersection must be upgraded to a width of 10 feet.
- f. The Applicant must reduce the inbound right-turn radius for the residential garage driveway to 20 feet, to slow vehicles turning right into the garage and to improve pedestrian/bicyclist safety.
- g. The Planning Board has accepted the recommendations of MCDOT in its letter dated May 22, 2012 ("Agency Letter"), and does hereby incorporate them as conditions of the Site Plan approval. Therefore, unless specifically modified herein, the Applicant must comply with each of the recommendations as set forth in the Agency Letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Site Plan approval.

## 5. Schools

Prior to issuance of any building permit, the Applicant must make school facilities payments to the Montgomery County Department of Permitting Services ("MCDPS") at the elementary, middle, and high school levels.

## **Environment**

## 6. Forest Conservation

- a. The Applicant must show all applicable offsite work within the Limits of Disturbance LOD and provide Staff with a square foot measurement of the net tract area (property size + the offsite LOD).
- b. Revise note 12 on the Site Plan to reference the current net tract area and clarify whether the work still conforms to the exemption which was previously granted.
- c. If the net tract area exceeds one acre, Applicant must obtain staff approval for a new exemption (or forest conservation plan, if applicable), prior to approval of the certified Site Plan.

## 7. Noise

- a. Prior to building permit, the Applicant must provide the Staff with a certification from an engineer specialized in acoustics that the building shell has been



designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder must construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.

- b. After construction is complete, and prior to use and occupancy, the builder must provide Staff with a certification from an engineer specialized in acoustics confirming that interior noise levels do not exceed 45 dBA Ldn.

#### 8. LEED Certification

- a. The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified rating certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy permit, the Applicant must inform Staff of the LEED Certification level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy permit, the Applicant must provide to Staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, including an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, and their associated extra cost. Submission of this report constitutes compliance with this condition.

#### 9. Stormwater Management

The development is subject to the Stormwater Management Concept Plan waiver (#228074) granted in April 2012, unless amended and approved by MCPDPS.

### **Public Use, Amenities and Facilities**

#### 10. Public Use and Amenity Space

- a. The Applicant is required to provide a total of 7,481 square feet of public use space for this project. This is based on 20% of the net lot area of the receiving site and 10% of the combined net lot area of the four sending sites as follows:
  - i. 3,622 square feet of the public use space will be on-site within the "Paseo".
  - ii. 1,190 square feet will be treated as public use space but will consist of improvements to Public parking Garage No. 11. This off site public use space will consist of improvements to County Public Parking Garage No. 11 as specified in the Memorandum of Understanding between Montgomery County and the applicant. These improvements include, but are not limited to, relocating the entrance door to the garage, adding new

steps, a ramp and lighting, relocating a payment machine and restriping parking spaces.

- iii. Final determination for the allocation of the 2,926 square feet will be determined by Staff at the time of certified site plan or may be accounted for through a payment to the Amenity Fund.
- b. The Applicant shall provide a minimum of 7,932 square feet (38.5%) of the net lot area of the receiving site for off-site public amenity space to include streetscape improvements and undergrounding of utilities in Veteran's Park.
- c. The public use space must be accessible and open to the public.

#### 11. Memorandum of Understanding

- a. The Applicant must execute a Memorandum of Understanding ("MOU") with the MCDOT for improvements to County Public Parking Garage No. 11. The MOU must be consistent with the amenities approved under this Site Plan.
- b. Prior to submission of a certified Site Plan, the MOU must be fully executed.

### **Site Planning and Design**

#### 12. Recreation Facilities

The Applicant must provide the following onsite recreation facilities for residents in conformance with the approved M-NCPPC Recreation Guidelines: swimming pool, changing rooms, amenity terrace, pedestrian walkway, and "the Paseo,".

#### 13. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform\_\_to IESNA standards for non-residential development.
- b. All onsite down-light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent properties.
- d. The height of on-site the light poles shall not exceed 17 feet including the mounting base.

#### 14. Public Art

- a. The Applicant must provide for and install the public art concept designed by artist William Cochran as presented to the Planning Department's Art Review Panel on April 10, 2012, and illustrated in the certified Site Plan.



- b. Any significant changes to the concept presented on April 10, 2012, must be presented to the Planning Department's Art Review Panel and approved by staff before certified Site Plan.
- c. Significant changes to the concept, as determined by Staff, proposed after certified Site Plan will require a Site Plan Amendment.

### **Surety, Phasing and Compliance**

#### **15. Surety**

Prior to issuance of first building permit within each relevant phase of development, exclusive of sheeting and shoring, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- i. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- ii. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- iii. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- iv. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

#### **16. Development Program**

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the certified Site Plan. The development program must include the following items in its phasing schedule:

- i. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.

- ii. On-site amenities and landscaping including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any final use and occupancy permit.
- iii. The development program must provide phasing for installation of on-site landscaping and lighting.
- iv. The Paseo, including landscape, public art and seating areas must be completed prior to issuance of the final use and occupancy permit.
- v. The improvements to Montgomery County Public Parking Garage No. 11 must be completed prior to issuance of the final use and occupancy permit.
- vi. The development program must provide phasing of stormwater management, sediment and erosion control, trip mitigation.

#### 17. Certified Site Plan

Prior to approval of the certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Ensure consistency off all details and layout between Site Plan and landscape plan.
- b. Provide final details for proposed art work.
- c. The final bedroom mix shall be determined at certified Site Plan.
- d. Record the density transfer easements.
- e. Final determination of the public use space for the 2,926 square feet.

BE IT FURTHER RESOLVED, that all site development elements as shown on 4900 Fairmont Avenue drawings stamped by the M-NCPPC on April 19, 2012, and May 10, 2012, shall be required, except as modified by the above conditions of approval; and

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

1. *The Site Plan is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is consistent with Project Plan No. 920070030A, as approved by the Planning Board. The Site Plan refines elements contained in Project Plan No. 920070030A, including building layout, size, design, height, public art, and streetscaping along both frontages of the Subject Property and landscaping



within the pedestrian walkway. The Site Plan is also consistent with the density transfer provisions pursuant to §59-C-6.2355 of the Zoning Ordinance.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

a. Receiving Property

The Site Plan meets the requirements of the CBD-2 Zone for the Receiving Property and fulfills the specific purposes of the zone by providing incentives for development and allowing a variety of land uses and activities to meet the needs of workers, shoppers and residents. The Site Plan also promotes effective use of transit facilities for employees and residents and improves pedestrian circulation.

Sending Properties

- b. The Application is transferring density from the four Sending Properties, as indicated on the above chart, to the Receiving Property for a gross tract area of 64,235 square feet. The Sending Properties are zoned CBD-1 and CBD-2, and each Sending Property will retain sufficient density under the standard method of development to meet the requirements for the applicable zone. The public use space requirements for the Receiving and Sending Properties are being met through a combination of onsite and off-site improvements.

c. Data Table

Based on the following data table, which sets forth the development standards applicable to this Site Plan, approved by the Planning Board and binding on the Applicant, the Application meets all of the applicable requirements of the zones applicable to each property consistent with the density transfer provisions of the Zoning Ordinance.

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Previous Approval 920070030</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
Existing Tract Area (sf.)	18,000	20,584	20,584 <sup>1</sup>
Properties to transfer density (sf)		NA	33,648 <sup>2</sup>
Proposed Dedications (sf.)	NA	NA	10,003
Gross Tract Area (sf.)		25,586	64,235 <sup>3</sup>
<b>Density §59-C-6.234</b>			
Maximum Density (FAR)	5	4.79	4.73
Maximum Density total (sf.)	321,175	154,864	303,793
Maximum Density, non-residential (sf.) Retail		5,500	7,000
Maximum Dwelling Units, total	200	118	250
Proposed MPDU (%)	12.5	15	15
Minimum MPDUs (du)	25	18	38
<b>Building Height §59-C- 6.235(b)</b>			
Building Height, Maximum (ft.)	200 <sup>4</sup>	174	174
<b>Public Use Space &amp; Amenities §59-C- 6.233</b>			
<b>Public Use</b> On site Public Use Space based upon the 20,584 sf receiving site	4,116 sf	4,130 sf	3,622 sf.
Off-site public use space (sf) including the improvements to the public garage based upon the 20,584 sf receiving site		NA	1,190 sf
Total public use space for the receiving site	4,116		4,812 sf
On-site public use space (sf) based upon the 33,648 sf of the sending sites	3,365 sf	N/A	2,926 sf <sup>5</sup>
Total On and Off-Site Public Use Space	7,481 sf.		7,481 sf. <sup>5</sup>
Off-site public amenity space (sf.)	N/A	7,630sf	7,932 sf
Total public use & amenity space (sf)		11,760 sf	15,413 sf.
<b>Parking spaces §59-E-3.7<sup>6</sup></b>			
Studio (units) (14 units )	1.0 sp/unit		14
Studio (mpdus) (3 units)	0.5		2
1- Bedrm (155 units)	1.25 sp/unit		194
1- Bedrm (mpdus) (28 units)	0.625 sp		18
2 bedrm (43 units)	1.5 sp		65
2 bedroom (mpdus) ( 7 units)	0.75 sp		6
Total required			299 spaces
Less 15% metro proximity			45 spaces



Retail restaurant (60% retail) 7,000 sf			105 spaces
Less 15% metro proximity			16
Retail/restaurant required I			89
Total parking required			343 spaces <sup>7</sup>
Total parking provided			170

<sup>1</sup>The receiving site is approximately 20, 584 square feet.

<sup>2</sup>Properties to transfer density includes existing lot area of sending sites: 1) Rugby Avenue lots 443, 444, 627, 447 and 448 for 15, 835 sq ft, 2) Del Ray Avenue Lot 629 for 5,234 sq ft, 3) Del Ray/Cordell Ave Lot 625 for 5,234 sq ft, and 4) Woodmont Avenue Lot 9 for 7,345 sq ft.

<sup>3</sup>Gross tract area included all existing lots plus prior dedication of right-of-way square footage for all sending and receiving properties.

<sup>4</sup>The Zoning Ordinance permits a height up to 200 feet in the CBD-2 zone. The Woodmont Triangle Amendment recommends a height of 143 feet and if a projects includes a 22% MPDU density bonus in Block 45, the height can be increased from 143 feet to 174 feet.

<sup>5</sup> The public use space provided (7,481 sf – 4,555 sf [3,365 sf + 1,190 sf] = 2926 sf) and includes both the sending and receiving properties. This number represents 20 percent of the net lot area of the receiving site and 10 percent of the net lot area of the transfer properties. Final determination for the allocation of the 2,926 sf will be determined by Staff at the time of certified site plan or may be accounted for through a payment to the amenity fund.

<sup>6</sup>The final bedroom mix will be determined at certified site plan

<sup>7</sup>The site is in the parking lot district and is subject to the PLD tax if not all of the required spaces are provided on site.

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The location of the new building will define the southwest corner of Fairmont and Norfolk Avenues by activating ground floor uses, building articulation, and enhanced streetscaping. The Sector Plan envisioned this corner with prominent structures and a more visible identity. The building location on the Subject Property provides ease of access to the adjoining and surrounding sidewalks in the Woodmont area. The building's location is adequate and this structure will be prominent in the Woodmont Triangle built environment. The building's height and setback separate it from the adjoining building to the south. This separation in form creates the Paseo, a mid-block passage. This defined space produces a safe and efficient passage for pedestrians from the parking garage to the street.

b. Open Spaces

The Site Plan provides 3,622 square feet of public use space on site and 1,190 square feet of public use space to the public parking garage off-site to meet the 20% requirement of public use space for the Receiving Property. The onsite



space creates a new, inviting public use space within the Woodmont Area and links the public garage to Fairmont Avenue, which will help activate both the retail uses and the sidewalk along the Subject Property. The "Paseo" will connect to the mid-block connection across Fairmont Avenue through to St. Elmo Avenue. The public use space required for the Sending Properties equals 3,365 square feet, which is 10% of the net lot area of the Sending Properties; 1,190 square feet of this to be provided through the garage improvements. The remaining public use space of 2,926 square feet will be determined at the time of certified Site Plan or through a payment to the Amenity Fund. The open space adequately and efficiently addresses the needs of the project and fulfills the recommendations of the Sector Plan while providing a safe environment.

c. Landscaping and Lighting

The onsite lighting will illuminate the building, both street frontages and the Paseo. Lighting within the Paseo is intended to illuminate both the walkway and the public art component. The landscaping in the Paseo will consist of planting beds with ground cover, seating benches, a public art component, and festival lighting. Streetscape improvements on Fairmont and Norfolk Avenues, including street trees and lighting, will enhance the pedestrian environment. The undergrounding of utilities within Veterans Park further enhances the public realm. The landscaping and lighting are adequate, efficient, and fulfill recommendations of the Sector Plan and are in conformance with the Bethesda Streetscape standards, while providing a safe environment.

d. Recreation Facilities

The project satisfies the M-NCPPC Recreation Guidelines by meeting or exceeding the required demand points for the on-site recreation facilities provided. The project is providing the Paseo, a swimming pool, community room, fitness room and seating areas. The "tots" category is projected to be 98 percent of the total demand based upon the recreation facilities provided and therefore, meets the 10 percent threshold outlined in the Guidelines. All of the remaining categories exceed 100 percent for the facilities provided and are considered adequate for the development. Off-site credits are not needed for this development.

e. Vehicular and Pedestrian Circulation

Pedestrian access from adjacent sidewalks adequately and efficiently integrates the project into the surrounding area. The vehicular circulation is designed to minimize pedestrian and bicycle conflicts. The emphasis on pedestrian and bicycle circulation coupled with the recommendations contained in the Sector



Plan are an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles. The locations of the buildings and structures are adequate and efficient and do not pose any safety concerns.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structure and uses expand residential and non-residential uses along Fairmont Avenue and are compatible with the existing and proposed adjacent and confronting development. This mixed use project has been designed to ensure compatibility with the existing uses and the general neighborhood. The Woodmont Triangle area is composed of small scale commercial buildings and uses and larger mixed use buildings. The surrounding buildings range in height from 3 stories to 17 stories. As approved, the building's height will be compatible with the existing and proposed buildings. The project's mixed use development will continue the variety of commercial and residential structures and uses found in the Woodmont Triangle. The Site Plan upgrades the sidewalks along Fairmont and Norfolk Avenue with enhanced streetscaping including lighting and special paving treatments. The design of the Paseo connects the properties on both sides of Fairmont Avenue to reinforce the vision of a compatible and interrelated Woodmont Triangle area. Based on the scale, design and orientation, the building is appropriate relative to the adjacent properties and adds architectural character to the area.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Site Plan is exempt from the forest conservation requirements, and as conditioned, if necessary Applicant must obtain staff approval for a new exemption or forest conservation plan prior to approval of the certified Site Plan. MCDPS reviewed the submitted Site Plan, which includes a green roof and onsite water quality treatments and determined that the administrative waiver granted in October 2011, remains valid.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; 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 SEP 12 2012 (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 Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor of the motion, with Commissioner Dreyfuss temporarily absent, at its regular meeting held on Thursday, September 6, 2012, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board



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