



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

JUN 19 2013

MCPB No. 13-76
Preliminary Plan No. 120080240
Garnkirk Farms
Date of Hearing: May 30, 2013

RESOLUTION

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

WHEREAS, on February 1, 2008, Garnkirk, Inc. ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 208 lots for 18 one-family detached units and 190 townhouses, and 1 lot for 184 multi-family dwelling units, on 37.18 acres of land in the PD-11 zone, located on Shawnee Lane approximately 3,000 feet west of Fredrick Road (MD 355) ("Subject Property"), in the Clarksburg Policy Area and Clarksburg master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120080240, Garnkirk Farms ("Preliminary 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 17, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 30, 2013, 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, on motion of Commissioner Anderson and seconded by Commissioner Presley, by a vote 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor;

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board approves Preliminary Plan No. 120080240 to create 208 lots for 18 one-family detached units and 190 townhouses, and 1 lot for 184 multi-family dwelling units on the Subject Property,

Approved as to
Legal Sufficiency:

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subject to the following conditions:¹

- 1) This Preliminary Plan is limited to 208 lots for 18 one-family detached units and 190 townhouses, and 1 lot for 184 multi-family dwelling units, with an overall total of 392 dwelling units, including 12.5 percent MPDUs.
- 2) The Applicant must comply with the binding elements and conditions of County Council Resolution No. 15-1680 approving Local Map Amendment G-832.

Final Forest Conservation Plan

- 3) The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820120100, approved as part of this Preliminary Plan, as follows:
 - a. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved final forest conservation plan.
 - b. A Category I conservation easement must be shown on the record plat over all areas of forest retention and forest planting as shown on the approved Final Forest Conservation Plan.
 - c. Onsite reforestation must begin within the first planting season after completion of the construction of the retaining walls located adjacent to the planting areas, with appropriate phasing to allow for construction of sediment and erosion control structures.
 - d. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
 - e. The Applicant must submit financial security for planting 0.26 acres prior to the start of clearing and grading.
 - f. The Applicant must obtain M-NCPPC approval of a five-year maintenance and management agreement prior to M-NCPPC accepting any on-site planting.
 - g. The Applicant must install permanent Category I Forest Conservation Easement signage along the perimeter of the conservation easements.
 - h. Prior to clearing and grading, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement for use of an M-NCPPC-approved forest mitigation bank or other approved location to satisfy the forest mitigation planting requirements. The offsite forest mitigation requirement must be met within the Clarksburg Special Protection Area or within the Seneca Creek watershed.

¹ 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.

- i. The Applicant must field locate and install the natural surface trail required on the Approved Development Plan G-832, within the first planting season after issuance of the first grading permit. The exact location of the path through the Category I conservation easement must be approved by M-NCPPC Staff prior to installation.

Road Dedication/ Improvements

- 4) The Applicant must dedicate and show on the record plat, the following rights-of-way:
 - a. 60 feet from the centerline of the approved four lane divided, Shawnee Lane cross section (MR2010815A) along the Subject Property frontage.
 - b. 75 feet along the eastern property line for Observation Drive.
 - c. 83 feet along the eastern property line for Observation Drive at future Transit Station.
 - d. Internal Street "A" – 60 feet (Secondary Street MC-2002.02)
 - e. Internal Street "C" – 50 feet (Tertiary Street MC-201.02 (Modified))
- 5) The Applicant must construct Observation Drive (A-19) from Shawnee Lane to the northernmost point of access as a two-lane arterial roadway including an eight-foot shared use path. Construction of Observation Drive from Shawnee Lane to Street "C" must be completed and open to traffic prior to issuance of 200th building permit.
- 6) Prior to plat recordation, the Applicant must satisfy Montgomery County Department of Permitting Services (MCDPS) requirements to ensure the construction of a 5-foot wide sidewalk along the property frontage on Shawnee Lane, unless MCDPS waives construction.
- 7) Prior to issuance of the 50th building permit, the Applicant must provide the following intersection improvement at MD 355 and Foreman Boulevard/Clarksburg High School to meet Local Area Transportation Review (LATR) requirements: One exclusive right-turn lane by re-designating one exclusive northbound left-turn lane as a shared left/through lane with the particular design requirements to be approved by Montgomery County Department of Transportation. Applicant is responsible for all changes required to the traffic signal system as a result of the change in lane configuration at this location.
- 8) The property known as the Cawood Property, located in the northeast quadrant of the Observation Drive/Shawnee Lane intersection, must be placed in reservation for a period of five years from the date of Preliminary Plan approval for future acquisition by the governmental authority should it be required for transit related parking.

Other Agencies

- 9) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 15, 2013, and hereby incorporates them as conditions of this approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 10) Prior to plat recordation, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 11) The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated May 14, 2012, and hereby incorporates them as conditions of this approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 12) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
- 13) The Planning Board accepts the recommendations of the MCDPS – Water Resources Section in its Final Water Quality Plan approval letter dated April 16, 2013, and hereby incorporates them as conditions of this approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

Record Plat(s)

- 14) The record plat(s) must show necessary easements.
- 15) The record plat(s) must reflect common ingress/egress and utility easements over all shared driveways.
- 16) The record plat(s) must reflect a public use and access easement over all private streets and adjacent parallel sidewalks.
- 17) The record plat(s) must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 18) The record plat(s) must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Prior to issuance of the 294th building permit, the Applicant must provide verification to Staff that the Applicant's recorded HOA Documents incorporate the Covenant by reference.

Concurrent Site Plan

- 19) Prior to recordation of any plat, Site Plan No. 820120100 must be certified by Staff.
- 20) No clearing, grading or recording of plats prior to Certified Site Plan approval.
- 21) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
- 22) The final number of MPDUs will be determined at the time of Site Plan.
- 23) The Certified Preliminary Plan must contain the following note:
"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 24) In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

APF Validity Period

- 25) The Adequate Public Facilities review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

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 Preliminary Plan substantially conforms to the Master Plan.*

The Development Plan approved with Local Map Amendment G-832 was found to be in conformance with the 1994 Clarksburg Master Plan. The Preliminary Plan is substantially the same as the Development Plan and is also in conformance with the 1994 Clarksburg Master Plan.

- The PD-11 Zone and residential density at 10.54 units per acre (392 units / 37.18 ac.) complies with the land use and zoning recommendations of the Master Plan;
- The residential mix substantially conforms to the unit types and mix specified for the Transitway Area within the Transit Corridor District. The Master Plan recommends a range of 5 to 10 percent for one-family detached units, and the project proposes 4.6 percent. The Board finds that overall mix substantially conforms to the Master Plan recommendations because the other unit types are well within the recommended ranges.

	Recommended Master Plan Range	Approved Garnkirk Farms
Sing. Fam. Detached	5 -10 %	4.6 % (18 units)
Sing. Fam. Attached (Townhouse)	40-60 %	48.5 % (190 units)
Multi-family	30-50 %	46.9 % (184 units)
Total units provided		100% (392 units)

The Project substantially complies with the applicable Objectives of the Transit Corridor District:

- *Continue the present residential character along MD 355.*
This Objective is not applicable since the Subject Property is separated from MD 355 by land zoned R-200 and environmental buffers.
- *Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.*
The Application will provide dedication and construction of Observation Drive as an alternative north-south thoroughfare recommended in the Master Plan to alleviate anticipated traffic from MD 355.
- *Provide housing at designated areas along the transitway near significant employment uses.*
The Application fulfills this Objective by introducing 392 residential units consisting of 18 one-family detached, 190 townhouses, and 184 multi-family units in land adjoining one of the transit stops for the CCT.
- *Allow small amounts of office and retail uses at transit stop areas as part of a mixed-use development pattern.*
The Application does not provide office or retail uses for the following reasons: 1) lack of patrons in the foreseeable future to support a retail use even with the full built out of the Application; 2) the topography of the Subject Property poses challenges to the creation of functional, accessible retail and compromises the visibility of the retail from the transit stop.

- *Establish strong pedestrian and bicycle linkages to the greenway.*
Walkways are provided at the full perimeter of the Subject Property allowing access to the large wooded areas at the northwest and southwest of the site. Pedestrian and bicycle linkages will be provided to both Observation Drive and Shawnee Lane (A-301). Direct linkages to areas northeast will be provided with the ultimate construction of Observation Drive.
- *Improve east-west roadway connections.*
The Application will complete the north side streetscape of Shawnee Lane opposite the adjacent Gallery Park project (formerly Eastside).
- *Provide an open space system which includes small civic spaces at the transit stops.*
An internal open space system, including a central open space area with an amphitheater, will front onto Observation Drive and be within 800 feet of the intersection with Shawnee Lane, where the transit stop will be located.

The Master Plan recommends a complete transit system as part of the Transportation and Mobility Plan to support future developments in the area with emphasis on transit use in accordance with the Master Plan objectives for transit-oriented community developments in Clarksburg. The Master Plan recommends the location of the transitway within the entire length of the A-19 (Observation Drive) right-of-way from Germantown to MD 355 and identifies the Garnkirk Farms site as one of the Transit Stops. The Park-and-Ride lot at the Cawood Property that was acquired by the Applicant to satisfy the master planned transit stop requirement will be placed in reservation for a period of five years. The Board accepts the Applicant's proposal to place the previously-known Cawood Property in reservation for future acquisition by the governmental authority should it be required for the location of transit related parking.

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

As conditioned, the subject Preliminary Plan for a 392-unit residential development will satisfy the LATR and TPAR requirements of the Adequate Public Facilities (APF) review.

Local Area Transportation Review (LATR)

A traffic study dated April 28, 2011, identified five local intersections as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,425 Critical Lane Volume (CLV) for the Clarksburg Policy Area.

As analyzed in the Staff Report, all existing intersections analyzed are currently operating at acceptable 1,425 CLV congestion standards and will also operate at acceptable levels under the background development conditions. However, under

the total development condition, the traffic study indicated that the MD 355/Foreman Boulevard/Clarksburg intersection will operate at an unacceptable CLV (1,465) during the AM peak hour. In order to address this projected AM peak hour failing condition, the Applicant must construct intersection improvements to provide for one exclusive right-turn lane by re-designating one exclusive northbound left-turn lane as a shared left/through lane. Upon implementation of these roadway improvements, the MD 355/Foreman Boulevard/Clarksburg High School intersection is projected to operate at an acceptable 1,425 CLV congestion standard and meet LATR requirements.

Transportation Policy Area Review (TPAR)/Policy Area Mobility Review (PAMR)

As analyzed in the Staff Report, the 2012-2016 Subdivision Staging Policy (SSP), the Clarksburg Policy Area is adequate under the roadway test and inadequate under the transit test, requiring 25% of the Impact Tax as the TPAR payment. However, the Application was submitted before January 1, 2013. As such, the current SSP provides the Applicant with certain discretion to meet the TPAR requirement by either complying with all applicable requirements of TPAR or the PAMR requirements that were in force immediately before the County Council's SSP was amended in 2012. The Applicant chose to be subject to PAMR. According to the applicable PAMR requirements, applications submitted prior to July 1, 2011 are subject to the trip mitigation requirements in effect for FY 2012. There were no trip mitigation requirements for the Clarksburg Policy Area at that time. Therefore, the Application meets the applicable TPAR requirement under the current SSP.

Site Access, Vehicular/Pedestrian Circulation and Rights-of-way

The Planning Board was satisfied that the road network shown on the Preliminary Plan provided the lots with adequate vehicular and pedestrian circulation and access. The Garnkirk Farms development will have three access points, two from Observation Drive and the third from Shawnee Lane which will be aligned with the access point to the Gallery Park (formerly known as Eastside) development. The development will be bisected by Public Street "A," which intersects with Public Street "C" on the northern side of the Subject Property. The internal public streets intersect with Observation Drive and Shawnee Lane to provide adequate vehicular access to the major transportation routes in the planning area. A system of internal private streets provides access to individual units. All of the lots for the detached units have frontage on a public streets as well as some of the townhouse units. The majority of townhome lots front to a private street but in all instances, the private street system has been designed to function as a public street by providing adequate pavement width, turning movements and radii. Montgomery County Fire and Rescue Service (MCFRS) have approved a Fire Access Plan which demonstrates that emergency apparatus can access each unit safely.

Street "C" is to be built as a modified tertiary street with 26 feet of pavement rather than the standard 20 feet of pavement width. The street cross section is also modified to show a sidewalk only on one side. MCDOT has recommended approval of these modifications finding that the additional pavement width will accommodate the number of units that will access it. MCDOT also supports the request to provide a sidewalk on one side of the street only (eastern side) because there is no development on the western side, where a Category I easement is located. MCDOT also considered the safety of pedestrians when they reviewed this design exception.

The entire length of Shawnee Lane from Gateway Center Drive to MD 355 will be widened to a four-lane divided arterial roadway by the Gallery Park development (Preliminary Plan No. 12005101B). As conditioned, the Applicant will dedicate 60 feet from the centerline of the approved Shawnee Lane cross section along the Subject Property frontage. The Applicant will also dedicate land for, and construct, two lanes of Observation Drive along the northeastern property line. This will require a dedication of 75 feet along most of the northeastern property line, providing half of the 150-foot right-of-way recommended in the Master Plan. At the east end of the northern property line, the Applicant has agreed to dedicate an additional 8 feet of land, for 83 feet total, to provide for a 166-foot right-of-way section, which will accommodate the future transit stop at that location.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Preliminary Plan will be served by public water and sewer systems, as recommended in the Master Plan. The Application has been reviewed by MCFRS, which has determined that the Subject Property has appropriate access for fire and rescue vehicles. Electrical and telecommunications services are also available to serve the Subject Property. Washington Suburban Sanitary Commission recommends approval of the plan finding that local lines exist, and they are of adequate size to serve the approved number of homes. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

The Application is located in the Clarksburg School Cluster and subject to the Annual School Test effective for FY13, under which the cluster has adequate capacity at all school levels. Therefore, no school payment is required.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Application complies with all applicable requirements of the Subdivision Regulations. The size, width, shape and orientation of the lots are appropriate for the location of the subdivision, given the recommendations of the 1994 Clarksburg Master Plan. The lot pattern follows new urbanist principles, while accommodating the densities envisioned by the Master Plan, and will set the precedent for the future development of this area. The Board finds that the size, shape, width and orientation of lots on the Garnkirk Farms Preliminary Plan is appropriate.

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

A. Forest Conservation

The Board finds that as conditioned, the Final Forest Conservation Plan (FCP) complies with the requirements of the Forest Conservation Law. The subject FCP includes 1.80 acres of offsite area to the northeast that will be disturbed as part of this Application. This area has a separate forest conservation worksheet because it is zoned R-200, and the Subject Property is zoned PD-11. Forest conservation requirements may vary for different zones. The FCP proposes to clear approximately 28.37 acres of existing onsite forest, and 0.92 acres of existing offsite forest. The remaining 7.43 acres of onsite forest will be retained and protected in a Category I conservation easement. This Application is subject to Section 22A-12(f), and onsite forest retention must equal the conservation threshold of 20%, or 7.16 acres. The FCP proposes to retain 7.43 acres of onsite forest, thereby meeting this requirement. There is a 7.68-acre reforestation requirement that will be met with 0.26 acres of onsite planting and 7.42 acres in an offsite forest bank or other approved location.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

In accordance with Section 22A-21(a), the Applicant has requested a variance for the removal of 9 Protected Trees, and to impact, but not remove 5 others that are considered high priority for retention as identified in the Staff Report. The Board agreed that the Applicant would suffer unwarranted

hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the following findings necessary to grant the Variance:

- 1. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the Protected Trees are due to the development of the Subject Property. The Subject Property contains numerous large trees located within the developable area of the site and within the Master Planned road right-of-way. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this Applicant. The Board believes that the granting this variance is not a special privilege that would be denied to other applicants.

- 2. The need for the Variance is not based on conditions or circumstances that are the result of the actions by the Applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, Master Plan recommendations, and the development standards of the PD-11 zone.

- 3. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions, the site design and layout on the Preliminary Plan, and fulfillment of Master Plan objectives to construct Observation Drive from Germantown to Clarksburg, and not a result of land or building use on a neighboring property.

- 4. Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. Reforestation and landscaping on the site will replace the functions currently provided by the Protected Trees. In addition, Montgomery County Department of Permitting Services has found the stormwater management concept for the project to

be acceptable. The stormwater management concept incorporates Environmentally Sensitive Design.

The Board granted the variance without additional mitigation required since all the Protected Trees are located within existing forest that will be removed and are accounted for in the reforestation requirements.

5. *All storm water management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Section 19-20 through 19-35.*

As conditioned, the Applicant has satisfied all applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

Special Protection Area Final Water Quality Plan

The Subject Property is located within the Clarksburg Special Protection Area (SPA). As part of the requirements of the Special Protection Area Law, a SPA Water Quality Plan was reviewed in conjunction with the Preliminary Plan. MCDPS and the Planning Board have different responsibilities in the review of a water quality plan. By letter dated April 16, 2013, MCDPS has conditionally approved the elements of the SPA Final Water Quality Plan under its purview. These elements include site performance goals, stormwater management, sediment and erosion control and monitoring of Best Management Practices. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Environmental Buffers

Based on the analysis provided in the Staff Report, the Planning Board determined that impacts to the environmentally sensitive features on the Subject Property and to off-site areas disturbed by this development were minimized to the extent practicable. Category I easements will provide adequate long-term protection of all remaining environmental buffers and forest.

Forest Conservation and Planting Requirements

As part of the FCP approval, the Planning Board determined that the Application complies with the SPA forest conservation and planting requirements. Per SPA requirements, the onsite forest planting will occur during the first planting season after issuance of the first grading permits, and a five year maintenance program

is required. All offsite planting must be met in a forest bank or other approved location located in the Clarksburg SPA or within the Seneca Creek watershed.

Site Imperviousness

The Clarksburg SPA does not have a numerically defined impervious surface limit. But the Planning Board was satisfied that impervious surface levels are minimized to the extent possible. According to the analysis within the Staff Report, developments in other PD-11 zones within the County result in impervious surface levels of approximately 50%. Development of the Subject Property will result in an impervious level of approximately 47.5%. The Applicant has minimized the amount of impervious surface by eliminating parking along one side of Street "A," reducing its width from 36 feet to 29 feet, obtaining design exceptions in order to eliminate sidewalks along several street frontages, and by eliminating a previously planned cul-de-sac. The Preliminary Plan also incorporates green space in the majority of the recreation facilities in order to minimize the impervious area.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for _____ months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), 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 in the Montgomery County Land Records, 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 JUN 19 2013 (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).

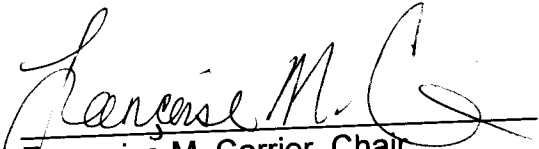
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CERTIFICATION

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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners

MCPB No. 13-76
Preliminary Plan No. 120080240
Garnkirk Farms
Page 14

Anderson and Dreyfuss voting in favor, and Commissioner Presley absent, at its regular meeting held on Thursday, June 13, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board