



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

JUL 26 2013

MCPB No. 13-120
Site Plan No. 82011009C
Parklawn North
Date of Hearing: July 18, 2013

RESOLUTION

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

WHEREAS, on July 21, 2011 the Planning Board, by Resolution MCPB No. 11-70, approved Site Plan No. 820110090, for 520,000 square feet of additional office development, including up to 1,000 square feet of ancillary retail use on 12.96 acres of TMX-2 zoned-land, located on Fishers Lane approximately 1,000 feet east of Twinbrook Parkway ("Subject Property"), in the Twinbrook Sector Plan ("Master Plan") area; and

WHEREAS, on December 19, 2012 the Planning Board approved an amendment to Site Plan No. 82011009A (MCPB No. 12-140) to revise the Final Forest Conservation Plan and to make minor changes to the site plan; and

WHEREAS, on April 30, 2013 Parklawn North Lot LLC, filed an application for approval of an amendment to the previously approved site plan(s) to change the condition on the trail timing, and modify the parking and the public space provided on the Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82011009C, Parklawn North ("Site Plan," "Amendment" 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 July 5, 2013 setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 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

Approved as to
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M-NCPPC Legal Department
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WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No.82011009C to modify the timing of the off-site trail construction and change parking and public use space requirements with the following conditions:¹

10. Conditions on the Hiker/Biker Trail Construction Schedule

- a. Prior to issuance of the use and occupancy permit for the office building (the garage use-and-occupancy permit may be issued independent of the trail permit process):
 - i. The Applicant must submit the Joint Federal/State wetlands, floodplains, and waterways permit application to the Maryland Department of the Environment.
 - ii. The Applicant must submit the park construction permit application to the Department of Parks.
 - iii. The Applicant must post a performance bond for construction of the trail.
- b. A final forest conservation plan must be approved prior to clearing and grading.
- c. Construction of the trail must be completed within 3 years of the issuance of the use- and- occupancy permit for the office building.

11.g.The Applicant must update the development program to reflect the hiker/biker trail construction requirements as enumerated in condition 10.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED, that all site development elements as shown on Parklawn North drawings stamped by the M-NCPPC on February 13, 2013 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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 changes in public use space and parking listed in the data table below do not alter the intent, objectives, or requirements in the originally approved site plan.*

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.

Data Table for the TMX-2 Zone

Development Standards	Required/Allowed	Pending Site Plan Amendment 82011002B	Approved with Site Plan Amendment 82011002C
Minimum Public Use Space (% of net lot area) (59-C-14.243)	20	22	21.5
Minimum Parking (59-C-14.214)	1204	1205	1208

2. *The change in the timing of the trail construction does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed above remain in effect.*

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

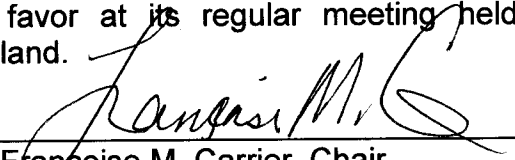
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 26 2013 (which is the date that this resolution is mailed to all parties of record); and

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).

* * * * *

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 Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 18, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board