



JUL 10 2009

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 09-55
Site Plan No. 82003021C
Project Name: Middlebrook Industrial Park, Lots 1 & 2
Hearing Date: May 21, 2009

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 April 14, 2009 Kensington Realty, Inc. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82003021C, Middlebrook Industrial Park, Lot 1 and 2 (the "Amendment") for approval of the following modifications:

1. Modifications made to the building restriction line (as a result of a violation);
2. Modifications made to the building entry;
3. Installation of two (20-foot) solar panels; and
4. Revisions made to the landscape plans;

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 May 8, 2009, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on May 21, 2009, 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

WHEREAS, on May 21, 2009, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Robinson, with a vote of [5-0], Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

Approved as to
Legal Sufficiency:

Christina Souent 6/29/09

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

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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.

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 Middlebrook Industrial Park, Lots 1 and 2 drawings stamped by the M-NCPPC on May 15, 2009 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution is the written opinion of the Planning Board and 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 JUL 10 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 Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Alfandre, Cryor, and

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Presley voting in favor of the motion, at its regular meeting held on Thursday, July 2, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board