

JAN 23 2012



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

MCPB No. 11-102  
Site Plan No. 820110100  
Project Name: 10914 Georgia Avenue  
Date of Hearing: October 20, 2011

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on May 10, 2011, Washington Property Company ("Applicant"), filed an application for approval of a Site Plan for up to 245 multi-family units including 12.5% MPDUs ("Site Plan" or "Plan") on 2.36 gross acres of TS-R-zoned land, located on Georgia Avenue approximately 20 feet south of the intersection with Veirs Mill Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820110100, 10914 Georgia Avenue (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on October 20, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 20, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss, seconded by Commissioner Anderson; with a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board

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Approved as to  
Legal Sufficiency

*Christina Sount* 1/12/12  
M-NCPPC Legal Department

APPROVES Site Plan No. 820110100 for 245 multi-family units including 12.5% MPDUs on 2.36 gross acres of TS-R-zoned land, subject to the following conditions:

1. Development Plan Conformance

The proposed development must comply with the binding elements for Local Map Amendment G-876 approved by the County Council on January 18, 2011, Resolution No. 17-22.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120110320, unless amended and approved by the Planning Board.

3. Site, Landscape, and Lighting Plans

- a. Provide additional sidewalk connections between the paths in Public Use Space and the sidewalk along Georgia Avenue. Final design to be approved by Staff at Certified Site Plan.
- b. Provide additional plantings in Public Use Space and active/passive recreation space as shown on original Site Plan submitted dated May 17, 2011.
- c. Provide corrected lighting legend, cut sheets, and photometric plan as required by Staff.
- d. Correct unit count per bedroom mix on data table.
- e. Provide two benches along each sitting area or path within the Public Use Space.

4. Transportation

The Applicant must provide and show on the Certified Site Plan the following pedestrian and bicycle improvements:

- a. Secure bike storage room with 16 racks in the building's garage near the entrance, exit, or elevator in a well-lit area. The final location will be reviewed at Certified Site Plan.
- b. Sidewalk connection between the Subject Property and the Wheaton Westfield Mall, unless permission cannot be obtained from the Mall.

5. Environment

- a. The Applicant must provide a financial security to M-NCPPC prior to any clearing or grading for forest conservation plantings.
- b. The Applicant must provide a financial security to M-NCPPC prior to any clearing and grading for stream improvement measures.
- c. Required phasing and inspections of any stream improvement measures must be included on the development program and inspection schedule on the Certified Site Plan.

- d. An acoustical engineer must certify that that interior noise levels will not exceed the 45 dBA<sub>LDN</sub> standard, with documentation provided to M-NCPPC Staff prior to issuance of a building permit.
  - e. The Applicant must obtain written permission for access and disturbance from the three adjoining property owners whose properties will be affected by the stream valley mitigation prior to approval of the Sediment and Erosion Control Permit.
6. Moderately Priced Dwelling Units (MPDUs)
  - a. The proposed development must provide 12.5 percent MPDUs in accordance with the letter from the Department of Housing and Community Affairs (DHCA) dated August 12, 2011.
  - b. Final bedroom proportions and schematic floor plans must be approved by DHCA prior to release of any building permits.
  - c. The MPDU agreement to build shall be executed prior to the release of any building permits.
7. Recreation Facilities

The Applicant must provide at least the recreation facilities shown on the Site Plan including five sitting/picnic areas, one indoor community space, one indoor fitness facility, one outdoor recreation area, one cyber café, and one swimming pool. These facilities must comply with the Recreation Guidelines approved by the Planning Board in September 1992, except as noted in the findings of approval.
8. Maintenance

Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, and benches.
9. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A4-01 of the submitted architectural drawings, as determined by Staff.
10. Performance Bond and Agreement

The Applicant must provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

  - a. The amount of the surety must include plant material, on-site lighting, recreational facilities, and site furniture. The surety must be posted prior to issuance of first building permit and will be tied to the development program.

- b. Provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial bond amount.
- c. Completion of plantings by area indicated in the development program, to be followed by inspection and bond reduction. Inspection approval starts the one year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a Site Plan Surety & Maintenance Agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

#### 11. Development Program

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

- a. Street lamps and sidewalks must be installed prior to release of any use-and-occupancy permit. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, recreation amenities and public use space amenities, must be installed prior to release of any use-and-occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all environmental protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

#### 12. 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. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Ensure consistency of all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on 10914 Georgia Avenue drawings stamped by the M-NCPPC on August 12, 2011 are 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, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or 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 subject to the following binding elements of Development Plan G-376:

1. Because the Planning Staff has determined that the proposed building improvements will encroach upon stream valley buffer, the Applicant must provide stream valley buffer mitigation as generally provided for in the exhibit labeled "Conceptual Stream Valley Buffer Encroachment Mitigation Exhibit" made part of the record for this case or as otherwise approved by the Planning Board in conjunction with 59-D-3 site plan approval for this project.
2. The Applicant may pursue any uses permitted in the T3-R Zone at the time of site plan, at the Applicant's option.
3. The project will not exceed a maximum of 245 multi-family dwelling units, including 12.5% MPDUs, with final unit count, unit mix, and parking requirements to be addressed at site plan.
4. The project will not exceed 70 feet in building height (measured from the building height measuring point of 410.3 feet as shown on the Development Plan), with final building height, not to exceed 70 feet, to be determined at the time of site plan.
5. The project will be set back a minimum of 10 feet from the southern property line adjacent to the townhouses.
6. The 10-foot setback along the southern property line will be landscaped to the extent practical to provide additional screening and buffering from the adjacent townhouses.

The Site Plan conforms to each of these binding elements. A stream valley buffer encroachment mitigation plan has been provided with the Site Plan Application and, as conditioned, will mitigate the effects of the environmental

buffer encroachments. The Applicant has proposed only residential use with the Site Plan, which is a permitted use in the TS-R Zone. The project is limited to a maximum of 245 multi-family dwelling units and must provide a minimum of 12.5% MPDUs. At the time of Certified Site Plan, the final unit count, mix, and parking requirements will be provided within the limitations set by the Planning Board's Resolution. The proposed development does not exceed 70 feet in height and provides a well-landscaped setback along the southern property line in excess of the required 10 feet.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Transit Station zones have several intents enumerated in Section 59-C-8.21:

- (a) The TS-R and TS-M zones are intended to be used in a Transit Station Development Area as defined in section 59-A-2.1. However, the TS-R zone may also be used in an area adjacent to a Central Business District, within 1,500 feet of a metro transit station, and the TS-M zone may also be used within a Central Business District if the property immediately adjoins another property outside a Central Business District that is eligible for classification in the TS-M zone or separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone.
- (b) The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.
- (c) The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.
- (d) In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.

The Subject Property is within 1,500 feet of a Metro station and is adjacent to the Wheaton CBD; near numerous multi-family residential sites. The Property meets the standards of the zone and has an approved Development Plan ensuring that it provides a "compatible and desirable pattern of land use ... meeting the requirements of [Division 59-C-8]".

Section 59-C-8.22 specifies additional purposes of the TS-R Zone:

- (a) To promote the effective use of the transit station development areas and access thereto;
- (b) To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;
- (c) To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the county; and
- (d) To provide the maximum amount of freedom possible in the design of buildings and their grouping and layout within the areas classified in this zone; to stimulate the coordinated, harmonious and systematic development of the area within the zone, the area surrounding the zone and the regional district as a whole; to prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels; and to promote the health, safety, morals and welfare of the present and future inhabitants of the regional district and the county as a whole.

The Subject Property promotes effective use of transit, although not in a transit station development area, and provides residential uses within walking distance of a transit station at a density appropriate to the area as it transitions from the CBD to the townhouse development to the south. Further, the freedom allowed by the zone to design the building and site without numerous constraining standards has enabled the Applicant to achieve a harmonious massing of the building through floor plate design, articulation, and inclusion of open space in and around the building.

The density provided on the Property will relieve pressure on surrounding neighborhoods to provide additional housing further from transit and commercial services. Affordable housing is provided as well as numerous unit types, which will expand choices for people in diverse economic levels. The Subject Property will also partially rectify a deleterious stormwater situation and provide additional trees, landscaping, and pervious areas. For these reasons, the Property promotes the purpose of the TS-R zone.

Section 59-C-8.25 requires that certain facilities and amenities be provided: A development must conform substantially to the facilities and amenities recommended by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or are deemed necessary by the Planning Board to provide for safe and efficient circulation, adequate public open space and recreation, and insure compatibility of the development with the surrounding area, and assure the ability of the area to accommodate the uses proposed by the application. The provision of MPDUs does not authorize a reduction in any public facility and

amenity or active or passive recreation space recommended in a master plan or sector plan.

No public facilities or amenities are recommended in the Wheaton Sector Plan with regard to the Subject Property. Dedication to the recommended right-of-way along Georgia Avenue has been provided. Additional amenities and improvements are provided as noted in the subsequent findings.

Section 59-C-8.5. details additional requirements of the TS-R Zone:

**59-C-8.51. Building height limit.**

The maximum height permitted for any building shall be determined in the process of site plan review. In approving height limits the planning board shall take into consideration the size of the lot or parcel, the relationship of the building or buildings to surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties and any other factors relevant to height of the building.

**59-C-8.52. Off-street parking.**

Parking shall be so located as to have a minimal impact on any adjoining residential properties.

**59-C-8.53. Streets.**

Interior streets may be private or public but private streets must have a minimum width of 20 feet for two-way traffic and 10 feet for one-way traffic and must be paved and maintained in good repair.

**59-C-8.54. Ancillary commercial uses.**

Ancillary commercial uses, as a permitted use or by special exception as set forth in section 59-C-8.3, may be permitted as follows:

- (a) The amount of floor area devoted to commercial uses cannot exceed the amount or substantially alter the configuration specified for the site in the applicable master or sector plan.
- (b) If the master or sector plan does not make a specific recommendation as to the amount of floor area allowed, then commercial uses are limited to the street level only.

In addition, a restaurant may be permitted on the top or penthouse floor. All commercial uses must be so located and constructed to protect tenants of the building from noise, traffic, odors and interference with privacy.

The proposed building was approved with a height of 70 feet during Development Plan review with no objections raised by the adjoining property owners. The building is setback 15 feet from the southern property line ensuring that the building is at least 37 feet from the closest townhouse. In addition, the "U"-shaped plan of the building breaks the width of the building along the southern



elevation into two sections about 125 and 75 feet wide, respectively from what would have been a 350-foot wide wall. This separation will allow increased light and air in and around the site and adjacent properties. Further, being situated to the north of any residential development, however, eliminates any potential shading effect.

Off-street parking will be provided within three structured levels below the residences and, where visible above grade, buffered by plantings. Headlight glare and vehicular noise will be mitigated by the surrounding structure.

No streets or commercial uses are proposed on site.

Finally, the Site Plan meets or exceeds all development standards as shown on the table below. The maximum permitted FAR is 2.5 FAR or 150 units per acre, both of which are above the density proposed. There is no height limit in the TS-R Zone, nor any setbacks required. The development is, however, limited to the maximum height and minimum setbacks approved by the Development Plan. These limits are met or exceeded by the Site Plan. The active and passive recreation space required by the zone is exceeded by almost 10% and the public use space required by the zone is exceeded by almost 2%.

The Subject Property is allowed a 5% reduction in parking because it is located within 1,600 feet of a Metro station, and an additional 10% reduction because the site is located within a Metro Station Policy Area. This reduces the required parking spaces by 43 from 291 to 248. The Applicant requests a further reduction in required parking, through the waiver provisions of 59-E-4.5, of 18 spaces. A waiver is supported because of the site's proximity to transit services including Metro and high-frequency bus routes, the site's proximity to numerous basic services, and the non-auto driver mode share goals of the Sector Plan. The maximum parking waiver is granted at 10% rather than 18 spaces because the final number of unit types and total count may differ from the proposed (within the maximum approved).

<b>Data Table for the TS-R Zone</b>			
<b>Development Standard</b>	<b>Required/ Allowed</b>	<b>Approved by G-876</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
<b>Min. Gross Tract Area (square feet)</b>	18,000	102,612	102,680 <sup>1</sup>
<b>Density</b>			
Max. Floor Area Ratio	2.5	Up to 2.5	2.39
Max. Units per Acre	150 (353 total)	104 (up to 245 total)	104 (up to 245 total)
<b>Min. MPDUs (%)</b>	12.5	12.5	12.5
<b>Min. Setbacks (feet)</b>			
Front (east)	n/a	20	20
Side (south)	15	15	15
Rear	17	17	17
<b>Min. Open Space (%)</b>			
Public Use Space	10	10.3	12
Active/Passive Recreation	25	30.2	34
Total	35	40.6	46
<b>Parking (spaces)</b>			
Vehicle	248 <sup>2</sup>	n/a	230 <sup>3</sup>
Bicycle	20	n/a	20
Motorcycle	10	n/a	10

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

a. Locations of buildings and structures

The Application provides an appropriate use and density on the Subject Property, given its proximity to transit and numerous commercial services,

<sup>1</sup> Difference in gross tract area between Development Plan and site plan is due to a more accurate survey.

<sup>2</sup> Including 5% reduction for location within 1,600' of a Metro station and 10% reduction for location within a Metro Station Policy Area.

<sup>3</sup> With waiver of up to 10% under Section 59-E-4.5; final number of spaces may be modified per unit mix and total units provided that no fewer than 90% of the required spaces are provided.

while providing a massing envelope that minimizes visual impacts on property owners to the south. The six-story multi-family residential building over structured parking in a “U”-shaped structure opening to the south with the proposed setbacks is an adequate, safe, and efficient land use at this location.

b. Open Spaces

Open spaces are appropriately located on the Subject Property. Public use space is placed along Georgia Avenue with benches, lighting, and plantings. Private recreation space is provided in the building as well as in a courtyard with outdoor amenities for the residents. Passive recreation and amenity space surrounds the building with plantings and stormwater management facilities improving run-off. This arrangement of various types of open space is an adequate, safe, and efficient use of the space around the building footprint.

c. Landscaping and Lighting

Landscaping and lighting are broken into three patterns appropriate to each of the open space areas: public use along Georgia Avenue, private recreation space within the courtyard, and passive amenity space around the building. In the first case, the plantings and lighting will provide visual interest and shade along the public sidewalk, which is well lit with street lights and bollard lighting. In the case of the private recreation space, significant plantings and integrated lighting techniques have been provided to allow use of what would otherwise be a garage roof. Finally, the space around the building will be used for plantings to buffer the mass of the building, plantings within micro-bioretenion facilities to mitigate stormwater run-off, and functional lighting to ensure safety for residents and neighbors. This landscape and lighting plan is an adequate, safe, and efficient use of plant material and lighting fixtures to respond to various open space contexts.

d. Recreation Facilities

The Subject Property exceeds the active and passive recreation space required by the zone: 25% of the net lot area (18,034sf). Within the building a cyber café, club room, and fitness room will be provided totaling approximately 4,157sf; the courtyard with a swimming pool, pool deck with trellises, a gazebo, and an outdoor “lawn” area with an exterior tv/movie screen. When the courtyard area is added to the passive amenity space around the footprint of the building, the total is approximately 20,140sf.

<b>Recreation Demand (points required for 232 “high-rise apartments” per age group)</b>						
<b>Units</b>	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>	<b>Total</b>
245	9.80	9.80	9.80	188.65	112.70	313.20
<b>Recreation Supply (points provided for 232 “high-rise apartments per facility)</b>						
<b>On Site (must be within 10% of demand)</b>						
Picnic/Sitting Areas (5)	5.0	5.0	7.5	25.0	10.0	52.50
Indoor Community Space (1)	0.93	1.39	2.78	53.59	22.69	101.38
Indoor Fitness Facility	0.0	0.93	0.93	35.73	16.01	53.59
Cyber Café	0.5	1.0	5.0	30.00	20.00	70.5
Swimming Pool	0.22	0.82	0.82	19.25	6.9	28.01
Outdoor Area	3.0	1.39	2.78	53.59	22.69	103.45
<b>Total</b>	<b>9.65</b>	<b>10.53</b>	<b>19.81</b>	<b>217.16</b>	<b>38.29</b>	<b>409.43</b>

Proposed recreation facilities meet the demand stipulated by the Planning Board’s Recreation Guidelines, as shown in the table. Although not listed in the provided recreation facilities on the Site Plan, a swimming pool is shown on the Site Plan and is required to fulfill the recreation amenity needs, unless modified by the Planning Board by amendment. Also, although a cyber café is not listed in the recreation guidelines, points for this facility are deemed appropriate equal to about 50-75% of the indoor community space, except for teens, which are expected to get greater use from this facility as reflected in the table. Last, because there is no good fit for the outdoor “lawn”, gazebo, and movie area, which will provide for more than sitting/picnicking, points were deemed appropriate similar to the indoor community space, except tots, for whom the “lawn” during the day is the best supervised contained, and safe area nearby for outdoor play, as reflected in the table. As reflected in the table and as conditioned, the Application is providing adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

e. Pedestrian and Vehicular Circulation Systems

With only one ingress and egress point for all vehicles at the southeast corner of the site, there is little vehicular circulation to be concerned with. This

location is the furthest point from the intersection of Georgia Avenue and Veirs Mill Road. All turning movements and loading activities can be made within the parking structure.

Likewise, pedestrian circulation from the building to the sidewalk leading north and south along Georgia Avenue is basically linear.. Within the public use space, however, meandering paths and seating have been provided to enhance the circulation system. Facilities for bicycle storage are also being provided to encourage cycling. The pedestrian and vehicular circulation systems are adequate, safe, and efficient, given the limited "system" that they provide. More importantly, the connections to the larger network are obvious and direct.

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

The residential use is certainly compatible and appropriate for this area with similar uses and with access to necessary services and transit. As described above, the building has been designed to have the least impact possible on the adjacent properties to the south, while respecting the allowed height and density approved by the Development Plan. The specific footprint of the building above the parking deck – a rough "U"-shape open to the south – as well as façade articulation, balconies, height variation, and fenestration also help create a more compatible relationship with the adjacent townhomes. No other site plans are proposed in the immediate 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.*

- a. Forest Conservation

This Property is subject to Chapter 22A (Forest Conservation Law) of the Montgomery County Code and a Final Forest Conservation Plan has been reviewed as part of the Site Plan Application. The Forest Conservation Plan includes all areas of off-site disturbance, including the stream improvements. The Application generates a planting requirement of 0.59 acres, which will be met through a payment of fee-in-lieu.

- b. Stormwater Management

The Department of Permitting Services approved a Stormwater Management Concept Plan on February 11, 2011. It includes stormwater planters and micro-biofiltration facilities as water quality devices and control for the first 1"

of rainfall. The remainder of the quantity control will drain to the Dennis Avenue Wheaton Branch Regional facility.

c. Environmental Buffer Encroachment

As required by the Environmental Guidelines, the encroachment into on-site environmental buffers will be mitigated by stream restoration measures. The proposed improvements are designed to provide protection for the stream banks and enhance downstream water quality through the reduction of sediment flow. The specific forms of improvements include: slope stabilization with individually placed rip-rap, extension and redirection of outfalls to reduce erosion, stabilization of undercut tree roots, and log jam and debris removal.

BE IT FURTHER RESOLVED, that this Resolution constitutes 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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

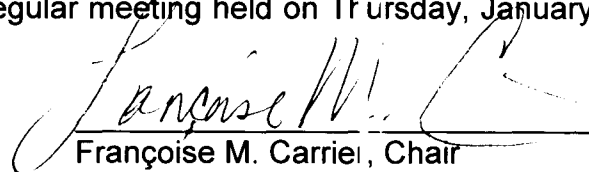
BE IT FURTHER RESOLVED, that the date of this Resolution is JAN 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Commissioner Presley abstaining, at its regular meeting held on Thursday, January 19, 2012, in Silver Spring, Maryland.

  
Françoise M. Carriel, Chair  
Montgomery County Planning Board