



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

MCPB No. 16-090
Preliminary Plan No. 120140240
East Village (North Bethesda Gateway)
Date of Hearing: September 8, 2016

SEP 16 2016

RESOLUTION

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

WHEREAS, on September 23, 2014, Lake Waverly, OP, c/o ProMark ("Applicant") filed an application for approval of a preliminary plan of subdivision to subdivide property into one lot, for up to 557,918 square feet of residential uses for up to 614 dwelling units, and up to 34,000 square feet of retail uses, on approximately 5.1 acres of land in the CR 3.0: C 1.5, R 2.5, H 200 Zone, located in the southeast quadrant of the intersection of Nicholson Lane and Huff Court ("Property"), in the *2010 White Flint Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120140240, East Village at North Bethesda Gateway ("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 August 29, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 8, 2016, 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, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120140240 to subdivide property into one lot, for up to 557,918

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 100, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department
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square feet of residential uses for up to 614 dwelling units, and up to 34,000 square feet of retail uses, subject to the following conditions:¹

- 1) This Preliminary Plan is limited to one lot for up to 557,918 square feet of residential development for up to 614 dwelling units, of which a minimum of 12.5% must be Moderately Priced Dwelling Units (MPDUs), and up to 34,000 square feet of retail uses.
- 2) The Applicant must comply with the conditions of approval of the Preliminary Forest Conservation Plan 120140240 and variance request as specified in the Final Forest Conservation Plan to be approved with the subsequent Site Plan approval.
- 3) The Applicant must participate in the White Flint Special Taxing District, and make the required special taxing district payment, which will satisfy APFO approval for transportation.
- 4) The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Approximately 5 feet for a total right-of-way (ROW) of 45 feet from the centerline along the Property's Nicholson Lane frontage as shown on the Preliminary Plan;
 - b. Approximately 35 feet for a total ROW of 35 feet from the centerline along the Property's B-19 (Public Street A) frontage as shown on the Preliminary Plan; and
 - c. Approximately 19 to 40 feet for a total ROW of 40 feet from the centerline along the Property's Executive Boulevard frontage as shown on the Preliminary Plan.
- 5) Prior to the issuance of any building permit, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the North Bethesda Transportation Management Organization (TMO), as required by the *White Flint Sector Plan*, to help achieve the Sector Plan's recommended non-auto driver mode share of 34%. The Applicant must coordinate with MCDOT to address final elements to be included in the Traffic Mitigation Agreement.
- 6) The Applicant must construct all protected bike lanes (cycle tracks), sidewalks, and roads as shown on the Preliminary Plan according to the timing established by subsequent Site Plan approvals.

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.

- 7) The Applicant must coordinate with MCDOT and the M-NCPPC Staff regarding MCDOT's Capital Improvements Program (CIP) Project No. 501204, White Flint East.
- 8) Prior to the release of any building permit, the Applicant must resubmit the traffic signal warrant studies to MCDOT and include both phases of project buildout at the intersections of Executive Boulevard/Huff Court and Executive Boulevard/Sector-Planned Business District Street, B-19. If MCDOT determines that the traffic signal warrants are met, the Applicant must install both traffic signals and associated improvements as required by MCDOT.
- 9) The Planning Board accepts the recommendations of the MCDOT in its letter dated August 26, 2016, and hereby incorporates them as conditions of the Preliminary Plan 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 recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 11) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated August 3, 2016, and hereby incorporates them as conditions of the Preliminary Plan 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.
- 12) Prior to the recordation of any plat, Site Plan No. 820140180 must be certified by the M-NCPPC Staff.
- 13) The record plat must show necessary easements.
- 14) No clearing or grading of the site, or recording of plats are permitted prior to Certified Site Plan approval.
- 15) In the event that a subsequent site plan and/or site plan amendment approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration, ROW width, or alignment, the Applicant must

obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

- 16) The Property is within the Walter Johnson High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level for the multifamily high-rise with structured parking unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 17) The Adequate Public Facilities (APF) validity period for the non-transportation elements of the approval for the residential uses is subject to the following phasing schedule:
 - Phase I – Issuance of all building permits for Phase I Residential Building for up to 382 residential units, which must include 12.5% MPDUs, within 84 months from the 30th day after the Planning Board Resolution is mailed; and
 - Phase II – Issuance of all building permits for Phase II Residential Building for up to 232 residential units, which must include 12.5% MPDUs, within 36 months from the expiration date of the Phase I validity period.
- 18) 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 by the 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.

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 Sector Plan.*

The Application is in substantial conformance with the recommendations of the Sector Plan. The Property is located in the White Flint Mall District (Block 1: Fitzgerald and Eisinger) and is identified in the Sector Plan as the Eisinger Site. The Sector Plan states

that “new mixed-use development is anticipated for both blocks. The Eisinger property is anticipated to develop with more residential than non-residential development” (p.45).

The Eisinger block is in the CR3, C1.5, R2.5, H200 zone. A pedestrian promenade is recommended for the WMATA easement area along Rockville Pike (Fitzgerald block), and Executive Boulevard extended (B-7) will intersect with Huff Court and continue to the east. A mid-block connection is recommended for both blocks, and the Applicant is providing their portion of the mid-block connection as envisioned by the Sector Plan and approved as part of the Sketch Plan.

The Project will further the objectives of the 2010 White Flint Sector Plan by providing a new mixed-use development including residential and retail uses, and providing the mid-block connection. As recommended in the Sector Plan, the Eisinger property will primarily provide residential uses, away from Rockville Pike.

Density and Building Height

The Sectional Map Amendment, approved and adopted subsequent to the Sector Plan, rezoned the Property to the CR-3: C1.5, R2.5, H200 Zone, which allows a maximum total density of 3.0 FAR and a maximum height of 200 feet on the Property. The approved Sketch Plan Amendment limited the maximum height on the Property to 110 feet. The Application proposes a total of 2.65 FAR on the 5.123-acre Property (approximately 0.15 Non-Residential and 2.5 Residential), and 85-foot maximum height for both Phase I and Phase II buildings, consistent with the Sector Plan’s recommendations, the CR Zoning for the Property, and the approved Sketch Plan Amendment.

Transportation Network

The street network, as shown on the Preliminary Plan, is consistent with Sector Plan recommendations and the 2010 *White Flint Urban Design Guidelines* (“Design Guidelines”).

Nicholson Lane is designated as a four-lane arterial, A-69, with the recommended 90-foot wide ROW, including bike lanes, BL-27, and the recreation loop. An additional 5 feet of dedication is required for a total of 45 feet from centerline along the Property’s frontage of Nicholson Lane. MCDOT’s Nicholson Lane Raised Separated Bike Lanes Concept Design and Planning, dated October 2015, and the draft White Flint Separated Bike Lanes Network, dated September 2015, include a one-way separated bike lane along each side of Nicholson Lane.

Huff Court is designated as a two-lane business district street, B 4, with a recommended 70-foot wide ROW and no bikeway. ROW dedication is not required because the existing ROW is now 75 feet wide. The County Council approved the abandonment petition No. AB 741 to return 5 feet of ROW along the Huff Court frontage

to the Applicant because the Sector Plan reduced the recommended ROW from 80 to 70 feet wide.

Executive Boulevard is designated as a four-lane business district street, B 7, with an 80-foot wide ROW and no bikeway. MCDOT's CIP Project No. 501204, White Flint District East Transportation, is currently underway to design and construct Executive Boulevard east of Rockville Pike. ROW dedication is required for the necessary ROW for a total of 80 feet from the opposite ROW line.

Public Street A (adjacent to existing Dart Drug Road) is designated as a two-lane business district street, B 19, with a 70-foot wide ROW and no bikeway. ROW dedication of 35 feet is required for a total of 35 feet from centerline.

Public Use

The public use spaces are consistent with the Sector Plan recommendations. The Sector Plan recommends a hierarchical public use space system in which each space contributes variety in function and setting (pg.20). The development provides an urban plaza and the 15-foot wide mid-block connection envisioned by the Sector Plan, which includes design elements such as a fountain, street furniture, bicycle racks, and planted areas to enhance the neighborhood experience of residents, workers, shoppers, and visitors.

Bikeway Network and Recreation Loop

The Sector Plan establishes a recreation loop as a "signed pathway that is incorporated into the street right-of-way as part of the sidewalk" (p.61). The Applicant is required to provide a one-way protected bike lane on the south side of Nicholson Lane, which satisfies this recommendation.

Environment

The Sector Plan contains several recommendations to create an environmentally sustainable district. Minimization of carbon emissions; reduction of energy through site design and energy-efficient buildings; improving air and water quality; and usage of environmental site design techniques are some of the Sector Plan's recommendations. Cool roofs, street trees and greenery, and bio-filters are included throughout the development.

White Flint Urban Design Guidelines

The White Flint Urban Design Guidelines recommend public open space via a mid-block connection, streets, and a public plaza for this Property in the White Flint Mall district. By providing the required dedications and improvements to the streets identified in the Sector Plan, and providing and constructing the mid-block connection and plaza as envisioned by the Sector Plan and Design Guidelines, the Application is in substantial conformance with the recommendations and objectives of the Design Guidelines.

Therefore, the Preliminary Plan is in substantial conformance with the Sector Plan.

2. Public facilities will be adequate to support and service the subdivision.

Available Transit Service

The following bus routes currently operate along the Property's adjacent roadways:

1. Ride On routes 38 and 44 and Metrobus routes C8 and J5 operate along the Property frontage of Nicholson Lane.

No transit routes operate along Huff Court, Dart Drug Road (Private Road A), and Executive Boulevard (not yet constructed east of Rockville Pike) frontages. The White Flint Metrorail Station is located approximately $\frac{1}{4}$ to $\frac{1}{2}$ mile walking distance of the Property.

Transportation Demand Management

This Property is within the North Bethesda Transportation Management District (TMD). As a new development, the Applicant will be required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management Organization (TMO) and assist in achieving and maintaining the Phase I non-auto driver mode share goal of 34% recommended by the White Flint Sector Plan.

The Applicant is required to provide one 19-dock Bikeshare Station, and is providing the required bike parking under the CR zone. In addition, the following trip reduction measures should be considered as part of the TMAg:

1. Cooperate with the MCDOT and/or the TMO to obtain residential and non-residential tenant participation in TMD Annual Commuter Survey;
2. Provide and maintain permanent information displays in a highly visible location in the lobby of each building;
3. Provide space for real time transit information signs at highly visible locations;
4. Make a good faith effort to promote the Guaranteed Ride Home Program and any other emergency ride programs that are available in the region for commuters who carpool, vanpool, use transit, or other commuter options;
5. Provide carpool and vanpool parking spaces for retail employees;
6. Provide car sharing parking spaces in highly visible locations;
7. Provide electric vehicle charging stations in highly visible locations;
8. Cooperate with MCDOT and/or TMD in their marketing efforts designed to attract employees working on-site or nearby to purchase or rent housing within the subject development; and
9. Provide an annual summary report to MCDOT and/or TMO outlining the on-site traffic mitigation efforts.

Pedestrian and Bicycle Facilities

The Applicant is required to provide the following pedestrian and bicycle improvements:

1. 10 public spaces and 100 private spaces. For Phase I, the Applicant must provide a minimum of 10 public spaces and 65 private spaces, as shown on the Site Plan. For Phase II, the Applicant must provide the remaining 35 private spaces, as shown on the Site Plan;
2. A 19-dock Bikeshare Station (52 feet by 6 feet area to be accompanied by an additional 6 feet of clearance) on the Property, unless an alternate size bikeshare station or location is approved by, or otherwise not required by, MCDOT; and
3. The Sector Planned recommended recreation loop on Nicholson Lane as part of Phase I.

Transportation Public Facilities Review

The Applicant is required to participate, and make the special taxing district payment required for the new development/impact tax district, in the White Flint Sector Plan area in lieu of satisfying the transportation APF test (i.e., the LATR and TPAR tests).

Phased Adequate Public Facilities (APF) Validity

The Applicant has requested a 10-year APF Validity Period for the total 557,918 square feet of residential uses for up to 614 dwelling units on the Property. The Applicant has not requested a phased plan validity period, and will plat one lot within the standard plan validity period of 60 months. Pursuant to Section 50-20(c)(3)(A)(iii) of the Subdivision Regulations, the Planning Board can make an APF determination for “no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2017.” In accordance with Sections 50-20(c)(3)(B) and 50-34(g) of the Subdivision Regulations, the Applicant has provided the required phasing plan for completion of the project to the Planning Board for its approval. To allow a validity period longer than the minimum, the Planning Board must find that the extended validity period would promote the public interest.

Applicant's Request

The Applicant requests a 10-year (120 month) APF Validity Period subject to the following phasing schedule:

Phase I – Issuance of all building permits for Phase I Residential Building for up to 382 residential units, which must include 12.5 % MPDUs, within 84 months from the 30th day after the Resolution is mailed; and

Phase II – Issuance of building permits for Phase II Residential Building for up to 232 residential units, which must include 12.5% MPDUs, within 36 months from the expiration date of the Phase I validity period.

An APF Validity Period for commercial transportation impact is not applicable because the White Flint Special Taxing District replaced the PAMR and LATR requirements. However, school capacity is still subject to a determination of APF, because schools are not covered by the White Flint Special Taxing District. The extended validity period for the residential units requested above is common and typical of a mixed-use/phased project, to allow for construction phasing and financing, and is consistent with the Subdivision Regulations. The Planning Board agrees with the Applicant that the project will likely require additional years to achieve full build-out due to construction phasing and financing, and that granting additional time for the Phase II building is a reasonable request. The Preliminary Plan approval will allow a maximum density of up to 557,918 square feet of residential uses for up to 614 dwelling units, and up to 34,000 square feet of non-residential uses. Allowing the longer APF Validity period promotes the public interest by better allowing this development to implement the approved sketch plan (Sketch Plan No. 32011002A) and facilitate the recommendations contained in the White Flint Sector Plan, including the transformation of this suburban office block with surface parking into a pedestrian friendly, multi-modal, mixed-use, and urban area.

The road system, open space, and public benefits of the project are site-wide and interrelated. The Planning Board agrees that granting additional time will promote the public interest and help achieve the goals and recommendations of the White Flint Sector Plan.

Because of the Special Taxing District in White Flint, transportation is not considered as part of the request for a longer APF and/or Plan Validity; the school test becomes the only APF consideration subject to a validity period. Since the residential units are multi-family high-rise (which typically produce a low yield of school age children), the Planning Board believes that a longer APF Validity Period would not cause a burden on capacity of the local schools.

Based on the analysis above, the Planning Board finds the extended APF Validity Period as requested is desirable to facilitate the achievement of the goals and recommendations of the Sector Plan, which promotes the public interest.

Therefore, the Planning Board approves the requested 10-year APF Validity period subject to the phasing schedule contained in this Resolution.

Other Public Facilities and Services

Except for schools, other public facilities and services are available and will be adequate to serve the development. The Property is served by public water and sewer. Gas, electric, and telecommunications services are also available to serve the Property. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. The application has been

reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS), which has determined that the Property has adequate access for emergency vehicles.

The Property is within the Walter Johnson High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the multi-family unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

- 3. The size, width, shape, and orientation of the lots are appropriate for the location of the subdivision.*

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the Sector Plan, and for the type of development and use contemplated. As conditioned, the lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Sector Plan. Access and public facilities (with the exception of schools, which requires a Schools Facility Payment) will be adequate to serve the lot. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

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

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420110420) on November 3, 2010 and recertified on November 14, 2013. There are no streams or their buffers, wetlands or their buffers, steep slopes, 100-year floodplains, known habitats of rare, threatened and endangered species, or forests on the Property. The Property does contain five specimen size trees. The Application is in compliance with the Environmental Guidelines.

Forest Conservation

The development is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Preliminary Forest Conservation Plan and a Final Forest Conservation Plan for the entire project; and both are being reviewed concurrently. The total amount of afforestation and reforestation required by the plan is 0.74 acres, which may be satisfied by the payment of a fee-in-lieu, purchase of forest planting or forest protection credits at an approved off-site forest bank, or a combination of the two. Payment of a fee-in-lieu can be justified under the

provisions of Section 22A-12(g)(2) of the Forest Conservation Law. This project meets the criteria specified in that section under items A (on-site forest cover not appropriate), C (no on-site priority planting areas), and D (net tract area less than 5 acres).

Forest Conservation Variance

Section 22A-12(b) (3) of the Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on July 25, 2016 for the impacts to five trees. The approved layout will remove all five trees that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law.

Section 22A-21 of the County Code sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. The Planning Board has made the following determinations and findings based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as maintaining the subject trees would preclude the roadway dedications, sidewalk improvements, streetscape enhancements, and stormwater management facilities included in the project because all specimen trees to be removed are along the perimeter of the Property. Three sides of the Property will be impacted by right of way dedications for Nicholson Lane, Executive Boulevard extended, and Public Road A (adjacent to Dart Drug Road). The subject trees are located within the areas that will be dedicated and therefore considered removed.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is necessary due to site constraints including substantial roadway dedications and requirements for sidewalks and stormwater management.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The trees being removed will be mitigated by the planting of replacement trees that will, in time, replace the lost water quality functions of the removed trees. Therefore, the development will not violate State water quality standards or cause a measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove five trees, which will be mitigated at a rate of 1" caliper per 4" DBH removed, using a minimum 3" caliper native shade tree. The Applicant will plant 45.5 total caliper inches of native shade trees as shown on the Final Forest Conservation Plan.

County Arborist's Recommendation on the Variance

The County Arborist has reviewed the variance request and recommended approval with mitigation.

Conclusion

The Planning Board finds that the Preliminary Forest Conservation Plan meets the requirements of Chapter 22A Forest Conservation Law. Therefore, the Planning Board approves the Preliminary Forest Conservation Plan and the associated variance, with the conditions cited at the beginning of this report.

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

The Department of Permitting Services (DPS) issued an approval letter for a Stormwater Management Concept on August 3, 2016. The stormwater management concept meets the required stormwater management goals via the use of environmental site design to the maximum extent practicable.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h), as amended) 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

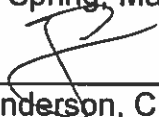
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 16 2016 (which is the date that this Resolution is mailed to all parties of record); and

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 Cichy, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor, and Commissioners Dreyfuss and Fani-González absent at its regular meeting held on Thursday, September 8, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board