

APR 27 2009



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

MCPB No. 09-29  
Site Plan No. 82002013A  
Project Name: Middlebrook Industrial Park, Lot 8-9  
Hearing Date: March 12, 2009

**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 November 3, 2008, Foresees, LLC. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82002013A ("Amendment") for approval of the following modifications:

1. Modify the existing building to add an expansion of 17,865 square feet;
2. Shift the property line 10 feet on the northeast side;
3. Add a crosswalk and additional parking spaces to Lot 8 (for the use of Lot 9); and
4. Enhance the green space and plant material on Lot 8.

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 February 26, 2009 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on March 12, 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 March 12, 2009, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Robinson, seconded by Commissioner Cryor with a vote of 4-0, Commissioners Alfandre Cryor, Hanson and Robinson voting in favor, Commissioner Presley being absent.

Approved as to  
Legal Sufficiency:

A handwritten signature in black ink, appearing to be "J. D. ...".

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

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82002013A with the following conditions:

1. The final proposed Landscape Plan must be resubmitted for final review and approval prior to the certification of the site plan;
2. Record plat will reflect conservation easement limits as delineated on the site plan with accurate bearings and distances; and
3. The Applicant will install stop signs within the parking lot on Lot 9 at drive aisle intersections; and the locations will be shown on the certified site plan.

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, Lot 8-9 drawings stamped by the M-NCPPC on February 25, 2009, shall be required, except as modified by the above conditions of approval; and

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 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 APR 27 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 Presley, seconded by

MCPB No. 09-29 Site Plan No. 82002013A  
Middlebrook Industrial Park, Lot 8- 9  
Page 3

Commissioner Robinson, with Commissioners Hanson, Robinson, and Presley voting in favor of the motion, and with Commissioners Alfandre and Cryor absent, at its regular meeting held on Thursday, April 23, 2009, in Silver Spring, Maryland.



---

Royce Hanson, Chairman  
Montgomery County Planning Board