



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

APR 10 2013

MCPB No. 12-101
Preliminary Plan No. 119990390
GEICO (Friendship Commons)
Date of Hearing: July 16, 2012

RESOLUTION

WHEREAS, pursuant to Section 50-38(a)(1) of the Montgomery County Code Chapter 50, Subdivision Regulations, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review waiver requests; and

WHEREAS, on July 16, 2012, GEICO ("Applicant"), requested a waiver ("Waiver Application") from the requirements of the preliminary plan validity extension process of Section 35(h)(3)(d) of the Subdivision Regulations and the requirements of the adequate public facilities validity extension process of Section 50-20(c)(10) of the Subdivision Regulations pursuant to Section 50-38 of the Subdivision Regulations; and

WHEREAS, on July 16, 2012, the Planning Board held a public hearing on the Waiver Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Waiver Application; and

WHEREAS, on July 16, 2012, the Planning Board voted to approve the Waiver Application, on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves the Waiver Application.

BE IT FURTHER RESOLVED, that, upon consideration of the entire record, the Planning Board FINDS that the extension of this Preliminary Plan is in keeping with the County Council's recognition of the continuing economic recession through legislative extensions of the Preliminary Plan and APF validity dates. Consistent with the County Council's intent to extend certain development approvals as a means of dealing with the continuing economic recession the Planning Board finds that the waiver is the minimum necessary to provide relief from the requirements of the Subdivision Regulation, and the

Approved as to
Legal Sufficiency

Christina Sowa 3/27/13
M-NCPPC Legal Department

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specific impacts of the economic recession on this case constitute a practical difficulty and an unusual circumstance that prevents full compliance with the requirements from being achieved. Furthermore, the waiver is not inconsistent with the purposes and objectives of the General Plan and not adverse to the public interest.

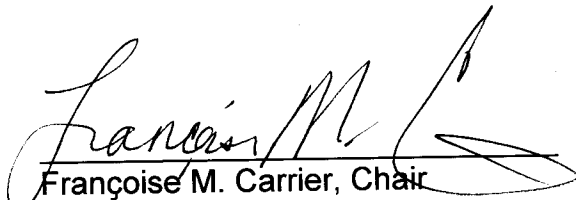
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 10 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 4, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board