



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

APR 8 2015

MCPB No. 15-44
 Site Plan No. 820140020
 8001 Newell Street
 Date of Hearing: April 2, 2015

RESOLUTION

WHEREAS, on February 27, 2014, the Planning Board, by Resolution MCPB 13-191, conditionally approved Site Plan No. 820140020, 8001 Newell Street ("Site Plan"), for 3,100 square feet of retail uses and up to 156,815 square feet of multi-family uses consisting of a maximum of 187 dwelling units, including 12.5% MPDUs, on 1.2 acres of CBD-1 and Ripley/South Silver Spring Overlay zoned land;

WHEREAS, the Board's approval of the Site Plan was conditioned on the existence of a valid project plan approval for the development, which is a requirement for optional method development projects located in the CBD-1 Zone;

WHEREAS, by Order entered February 21, 2014, Judge Cheryl A. McCally of the Circuit Court for Montgomery County, Maryland vacated Resolution MCPB 13-74, approving Project Plan No. 920130020 for 8001 Newell Street, and remanded the matter to the Planning Board for further proceedings consistent with the Judge's opinion, also entered February 21, 2014;

WHEREAS, without an underlying valid project plan approval, the Site Plan is no longer in conformance with the Zoning Code;

NOW THEREFORE, BE IT RESOLVED that the Planning Board, consistent with Judge McCally's February 21, 2014 Order, hereby revokes its approval of the Site Plan and vacates Resolution MCPB 13-191.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is APR 8 2015 (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

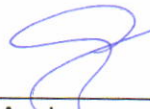
Approved as to
 Legal Sufficiency: Wally D. 3/24/15

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 Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, April 2, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board