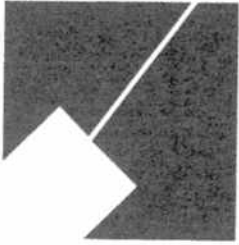


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

**OFFICE OF
THE GENERAL COUNSEL**

**Agenda Date: February 25, 2010
Item # 2
Reconsideration Request**


**(301) 495-4646
FAX (301) 495-2173**

February 19, 2010

REQUEST FOR RECONSIDERATION

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Carol S. Rubin, Associate General Counsel 
301.495.4646

RE: Reconsideration Request for Century XXI,
Preliminary Plan # 120070650

With this memorandum we forward for the Board's review a request for reconsideration of the Century XXI preliminary plan approval filed on February 9, 2010, by Linowes and Blocher (C. Robert Dalrymple and Justin P. Hayes) on behalf of the Applicant, Matan Development, LLP¹.

I. BACKGROUND

At its November 13, 2008 meeting, the Board approved the Century XXI preliminary plan to create a single lot for 235,000 square feet of general office use on 11.53 acres of land located at northwest quadrant of the intersection of Germantown Road (MD118) and Interstate 270, with frontage on Century Boulevard.

The preliminary plan was approved by a 5-0 vote, on motion of Commissioner Robinson, seconded by Commissioner Cryor, Commissioners Alfandre, Cryor, Hanson, Presley and Robinson voting in favor. The resolution memorializing the Board's approval was mailed on December 4, 2008.

¹ Under the Board's Rules of Procedure, a petition for reconsideration must be filed within 10 days of the date of mailing of the Board's resolution. However, on February 17, 2010, in accordance with Rule 4.12.1 of the Planning Board's Rules of Procedure, for good cause shown, Chairman Hanson waived the 10 day filing deadline.

Applicant cites several grounds for his reconsideration request, which we will discuss below.

II. APPLICABLE RULES

A reconsideration request must “specify any alleged errors of fact or law and state fully all grounds for reconsideration because of mistake, inadvertence, surprise, fraud, or other good cause.” The Board is responsible for determining if the grounds stated in support of the reconsideration request are sufficient to merit reconsideration.

Only a Board member who voted in the majority of the decision that is the subject of the request for reconsideration can move to reconsider the decision. In this case, only Commissioners Hanson, Alfandre, and Presley are eligible to move for reconsideration. If there is no motion for reconsideration, the request for reconsideration is denied. Any motion to reconsider must be supported by a majority of the Board members present who either participated in the previous decision or read the record on which it was based.

III. RECONSIDERATION REQUEST

Condition No. 4 of the Planning Board’s Resolution states:

“Prior to certified site plan, the applicant must **modify the existing I-3 Traffic Mitigation Agreement (TMAg)** with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to satisfy the requirements for developments located on an I-3 zoned property.” (Emphasis added)

After extensive search by the applicant and reviewing agencies, it has been determined that no such agreement exists. At the time of preliminary plan review, both staff and the applicant believed erroneously that a traffic mitigation agreement had already been prepared.

The applicant maintains that since no agreement exists, it is impossible for the applicant to amend it. The applicant is requesting that since such an agreement does not exist and for other reasons that will be presented at a hearing should the Planning Board vote in favor of this reconsideration request², the Planning Board should remove this condition from its opinion and release the applicant of this obligation. Staff concurs with the applicant that the condition, as written, is inappropriate, and that the Board should reconsider the erroneous condition.

² Rule 4.12 of the of the Planning Board’s Rules of Procedure provides that if the Board votes to reconsider, the Chairman must promptly schedule a public hearing. The scope of the hearing must include the reason the Board cited for the reconsideration of the resolution and any other issue the Board deems to be related.

However, Staff maintains that the agreement is required in accordance with the zoning ordinance, and the condition should be revised to reflect the development of a new agreement rather than the revision of an existing agreement.

Based on this mistake in the preliminary plan approval, the applicant requests that the Board grant reconsideration to determine whether the condition should be deleted, or as recommended by staff, that the condition should be amended.

IV. RECOMMENDATION

We believe there is a mistake in the Planning Board's action that included an erroneous condition that requires reconsideration so that the resolution can be corrected. If the Board determines that the reconsideration request demonstrates that there was a mistake, inadvertence, surprise, or fraud in its earlier decision, or that the applicant has shown other good cause for reconsideration, the Board may grant the request.

IV. ATTACHMENTS

Attachment 1 -- Preliminary plan reconsideration request

Attachment 2 -- Preliminary plan resolution

ATTACHMENT 1

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

February 9, 2010

C. Robert Dalrymple
301.961.5208
bdalrymple@linowes-law.com

Justin P. Hayes
(301) 961-5237
JHayes@linowes-law.com

FEDERAL EXPRESS

Mr. Rollin Stanley
Planning Director
c/o Ms. Catherine Conlon
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RECEIVED

FEB 16 2010

**The Maryland-National Capital Park
and Planning Commission
MRO Legal Department**

Re: Request for Reconsideration - Century XXI (the "Property")
Preliminary Plan No. 120070650 (the "Preliminary Plan")

Dear Mr. Stanley:

Matan Development, LLP ("Matan") is the owner of the above-referenced Property, which is located at the northwest quadrant of the intersection of Germantown Road (MD 118) and Interstate 270, with frontage on Century Boulevard. With this letter and for reasons discussed below, Matan requests that the fourth condition listed on page 2 of the Planning Board's December 4, 2008, Preliminary Plan Resolution (the "Resolution") (attached hereto as Exhibit "A") be removed as a condition of approval.¹

¹ On December 10, 2009, Matan originally filed an application with the Planning Board to amend the Resolution pursuant to Section 8.E of the Manual of Development Review Procedures for Montgomery County. On or about February 3, 2010, Planning Staff informed Matan that its amendment application should be refiled as a request for reconsideration pursuant to Section 4.12 of the Montgomery County Planning Board's Rules of Procedure. While Matan believes that its original amendment application is the appropriate process to change a condition of approval of the Preliminary Plan, the change being to delete the erroneous condition within the Resolution, Matan is following the Planning Department's instructions to file a request for reconsideration instead. Given the decision by Staff to treat this matter as a reconsideration, it is necessary that the Planning Board waive the requirement under the Board's Rules of Procedure that a reconsideration be requested within ten (10) days of the Board action for which reconsideration is sought.

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Condition 4 of the Resolution states:

Prior to certified site plan, the applicant must modify the existing I-3 Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to satisfy the requirements for development located on an I-3 zoned property.

Based on an extensive search for the referenced “existing I-3 Traffic Mitigation Agreement” by both Matan and Planning Staff, it has been determined that no such agreement exists. Planning Staff has expressly stated that it can find no agreement corresponding to condition 4 in the Resolution. Accordingly, it is clear that condition 4 was erroneously included as part of the Resolution and it is impossible for Matan to amend a non-existent traffic mitigation agreement. Additionally, for the reasons stated below, it is Matan’s position that a new traffic mitigation agreement is not required nor warranted.

Through Section 59-C-5.436 of the Zoning Ordinance (“Special Trip Reduction Guidelines”), the I-3 Zone establishes trip reduction goals that can be accommodated through both design considerations and non-design considerations, none of which creates mandates but rather call for Planning Board consideration and approval at time of site plan review.

In this case, as outlined further herein, the Planning Board approved the Site Plan with design considerations that allow transit orientation for both current transit serviceability and to accommodate the future Corridor Cities Transitway (“CCT”). Additionally, there are specific elements of the Site Plan that will also further encourage trip reduction. Beyond this, however, the Planning Board did not require nor approve additional design or non-design trip reduction measures requiring a subsequent trip reduction agreement. Condition 4 in the Resolution was mistakenly reflected initially in a Transportation Division memorandum relating to the Preliminary Plan and was carried-over to the Resolution also in error. Beyond this erroneous condition, there is absolutely no indication in the Site Plan or Preliminary Plan Resolutions, Staff reports or public records that the Planning Board intended any subsequent trip reduction measures to be provided through a trip reduction agreement or otherwise, and instead, it approved a Site Plan that will accomplish trip reduction through thoughtful design. Significantly, Paragraph 11 of the resolution approving the Site Plan for the Property, which addresses Certified Site Plan conditions, makes no reference to a pre-existing I-3 Traffic Mitigation Agreement. If the Site Plan resolution did not include this condition, clearly the Planning Board did not intend it to be included in the Preliminary Plan Resolution.

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Matan provided extensive design changes, based on requests from Planning Staff, to make the project more pedestrian friendly and conducive to transit, primarily in contemplation of the future CCT. These changes included:

1. enhancement of the current pedestrian and built environment along Century Boulevard by extending the sidewalk on the north side of Century Boulevard from the existing commercial development to the south;
2. construction of an 8 foot bikeway along the frontage of Century Boulevard;
3. construction of bicycle facilities; and
4. provision of an urban pattern of development in a pedestrian-oriented, transit-serviceable form by providing ingress and egress and massing oriented towards Century Boulevard, which is the route proposed for the CCT.

Section 59-C-5.436 of the Zoning Ordinance also allows for non-design trip reduction measures, which can also be approved by the Planning Board during the course of site plan review (and are required to be approved by the Planning Board through site plan review, if intended to be applicable). One such measure approved in the Site Plan includes the phasing of development in accordance with public transit availability. In this regard, the improvements on the Property were located in a manner to allow additional density on the site when the CCT is put into place (density that will be allowed as a result of the Comprehensive Master Plan and rezoning currently considered for the Germantown Town Center). Once mass transit arrives on Century Boulevard, the Property will be suited to accommodate additional density that will be transit oriented and "pedestrian". Accordingly, the additional density that will be phased in with the CCT qualifies as a satisfactory non-design consideration under the I-3 Zone.

In its review and unanimous approval, the Planning Board did not impose any additional requirements on the applicant. As such, the design and non-design measures previously presented to and approved by the Planning Board are to be deemed to have satisfied all requirements of the I-3 Zone relative to trip reduction. The I-3 zoning provisions do not require an agreement and do not mandate further burdens on the applicant, and instead provide the Planning Board with the discretion to require additional measures if deemed necessary on a case-by-case basis scenario that is necessary and appropriate for a project. In this instance, the Planning Board determined that the site design met the burdens imposed by the zone. Therefore, the applicant is requesting only that the Resolution accurately reflect the Planning Board's original determination.

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Furthermore, the I-3 Trip Reduction Guidelines are “guidelines,” to be made applicable to a project if required by the Planning Board. In this case, the Planning Board did not choose to apply the I-3 Trip Reduction Guidelines to the Property. In addition, the I-3 Trip Reduction Guidelines reference standards of the Annual Growth Policy (“AGP”) to assist in determining mitigation requirements for a given project. In this instance, the AGP currently in effect has no mitigation requirements for the Germantown West Policy Area and this standard must be considered the controlling regulatory measure for establishing mitigation requirements in review of a subdivision. In fact, the staff report for this project specifically references this concept and states that because the Property is within the Germantown West Policy Area, “there is no trip mitigation requirement in accordance with the Adopted 2007-2009 Growth Policy.”

It is worth noting that the Germantown Sector Plan was being considered at the time of the Planning Board’s review and the approval of the project was made with the draft Sector Plan in mind, including the implementation of a new zoning tool, the TMX-2 Zone, which zone is currently in the process of being designated for the Property in accordance with the future sectional map amendment. Under the new zoning, greater densities are permitted and the zone does not have the same regulatory guidelines relating to trip reduction programs as does the I-3 Zone. Matan cooperated in the spirit of the new sector plan in designing the Property, which implemented a project that would allow for future development to occur pursuant to the new zone and in contemplation of the CCT.

In summary, the fourth condition listed on page 2 of the Planning Board’s Resolution was noted in error. The Property was designed and presented to accommodate the future CCT and a second LATR study was prepared to show the future conditions with implementation of the CCT. The Planning Board did not impose additional mitigation burdens on Matan and did not intend to require a TMA. The AGP in effect requires no mitigation and the intent of the Zoning Ordinance has been satisfied through the design and non-design measures employed with staff guidance for this Property and approved by the Planning Board.

It is our hope that this letter is sufficient to address the erroneous condition number 4 that was included in the Preliminary Plan Resolution. At a time when job growth in the Germantown area should be embraced, this ministerial mistake is hindering the ability to move forward. On behalf of Matan, we ask for a speedy resolution so this project can move forward in time to take advantage of a recovering economy.

Finally, Matan’s original amendment application (see footnote 1 above) was scheduled for the Planning Board’s February 25, 2010 meeting. Matan requests that the Planning Board consider this reconsideration request on the same date, deciding both to reconsider the

February 9, 2010

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Resolution and to deliberate the merits of the requested change on that date. The ten (10) day notification for a hearing that is required when the Planning Board agrees to a reconsideration under Section 4.12.3 of the Planning Board's Rules of Procedure is not necessary in this case because there are no other "parties" in the Preliminary Plan proceedings, as that term is defined by the Rules of Procedure. As such, it is appropriate and efficient to consider the procedural request for reconsideration and the merits of that reconsideration on the same date.

If you need additional information relative to the merits of this requested change for condition four (4) of the Preliminary Plan, please contact either of the undersigned.

Sincerely

LINOWES AND BLOCHER LLP



C. Robert Dalrymple



Justin P. Hayes

Enclosure

Cc: Mr. Karl Morris
Mr. Joe Caloggero
Ms. Carol Rubin

ATTACHMENT 2



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

DEC 31 2008

MCPB No. 08-146
 Preliminary Plan No. 120070650
 Century XXI
 Date of Hearing: November 13, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on March 2, 2007, Matan Development, LLP ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 11.53 acres of land located on Century Boulevard 1000 feet east of Aircraft Drive, ("Property" or "Subject Property"), in the Germantown master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070650, ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 31, 2008, setting forth its analysis, 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 November 13, 2008, 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

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
 Legal Sufficiency:

Christina Sonent 11/14/08

Exhibit "A"

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

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on November 13, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Cryor; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070650 to create 1 lot on 11.53 acres of land located on Century Boulevard 1000 feet of Aircraft Drive ("Property" or "Subject Property"), in the Germantown master plan area ("Master Plan"), subject to the following conditions:

1. Approval under this Preliminary Plan is limited to 1 lot for a maximum of 235,000 square feet of general office use.
2. The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
3. The Applicant must dedicate 50 feet along and adjacent to the Property frontage on Century Boulevard - thereby providing a total of 130 feet of right-of-way (80 feet of existing roadway and 50 feet of additional dedication).
4. Prior to certified site plan, the Applicant must modify the existing I-3 Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to satisfy the requirements for development located on an I-3 zoned property.
5. The Applicant must comply with the conditions of approval of the MCDOT letter dated October 17, 2008 (*Appendix D*).
6. The Applicant must comply with the conditions of MCDPS stormwater management concept approval letter dated February 8, 2007 (*Appendix D*).
7. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
8. The Applicant must satisfy provisions for access and improvements as required by the Maryland State Highway Administration (SHA) prior to recordation of plat(s), as applicable.
9. No clearing, grading or recording of plats prior to certified site plan approval.
10. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
11. The record plat must reflect denial of access along the I-270 Property frontage.
12. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.
13. All necessary easements must be shown on the Record Plat.
14. For the length of the APF validity period for this Application, the Applicant is responsible for a pro-rata share with other background developments of any

improvements identified by the Supplemental Traffic Impact Study (STIS) if any funding for the Corridor Cities Transitway is allocated.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The project is located within the Employment Corridor of Germantown on a signature site along I-270 as defined in the 1989 Germantown Master Plan. Although there is a pending revision to the Master Plan, review of this Preliminary Plan falls under the approved and adopted 1989 Germantown Master Plan.

The proposed use and location of the building conforms to the 1989 Germantown Master Plan. The Master Plan calls for office and technology uses along I-270 and provides specific objectives and guidance for an urban pattern of development in a pedestrian-oriented, transit-serviceable form. The Preliminary Plan achieves this by providing ingress/egress and massing oriented towards the street, Century Boulevard. The building will be set back 125 feet from the existing curb and will be 70 feet back from the ultimate curb line of Century Boulevard when it is reconstructed for the Corridor Cities Transitway. The Preliminary Plan will enhance the current pedestrian and built environment along Century Boulevard by extending the sidewalk on the north side of Century Boulevard from the existing commercial development to the south. The building will provide a visual termination of Century Boulevard as it extends north from the town center. The Planning Board finds the Preliminary Plan conforms to the approved and adopted 1989 Germantown Master Plan.

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

Site Access and Vehicular/Pedestrian Circulation

The site is located on the east side of Century Boulevard adjacent to the I-270 southbound off-ramp to MD 118. Two vehicular access points from Century Boulevard are proposed. The Planning Board finds the proposed aprons to the site and the vehicular circulation system shown on the Preliminary Plan will provide adequate vehicular access to the site.

The frontages of adjacent properties along Century Boulevard currently contain five-foot-wide sidewalks. The Applicant will provide an eight foot-wide dual

sidewalk/bikeway within the right-of-way connecting to the existing sidewalks. The Planning Board finds the pedestrian facilities and circulation along the Century Boulevard property frontage will be safe and adequate to serve the site.

Local Area Transportation Review

Six locations were identified as critical intersections to be analyzed for effects resulting from the proposed development and were examined to determine whether they operate within the applicable congestion standard of 1,425 Critical Lane Volume (CLV) for the Germantown West Policy Area. New trips generated by the site were added to the existing traffic and the background traffic (existing traffic plus traffic to be generated by the approved but unbuilt developments in the area) to determine the total future traffic condition. The results of the CLV calculation showed that acceptable levels of traffic are projected to be maintained under the background and total development conditions.

Policy Area Mobility Review (PAMR)

The site is located in the Germantown West Policy Area where there is no trip mitigation requirement in accordance with the Adopted 2007-2009 Growth Policy. Therefore, this Application is not subject to the PAMR test.

Other Public Facilities and Services

The Planning Board finds that other public facilities and services are available and will be adequate to serve the proposed office building. The site will be 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 Growth Policy Resolution currently in effect. 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.

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

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The Planning Board finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

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

The proposed forest conservation plan includes 0.56-acres of forest removal and no forest retention, generating a 2.46-acre planting requirement. The Applicant

proposes to meet the planting requirements through a combination of landscape planting and offsite mitigation bank credits. The Planning Board finds the Application satisfies applicable requirements of the Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on February 8, 2007. The stormwater management concept consists of on-site channel protection measures via an existing pond, on-site water quality control via structural underground filtration systems and on-site recharge via infiltration chambers.

6. *Dedication of 130 feet from the opposite right-of-way line is acceptable and a waiver of the standard right-of-way for a median transit-way is granted under Section 49-32 of the Montgomery County Road Code.*

The consensus among reviewers from various county and state agencies is that the approval should be conditioned upon a dedication of 50 feet along and within the parcel boundary on Century Boulevard for the transit way, thereby providing a total of 130 feet (80 feet of existing and 50 feet of additional dedication).

Consistent with Section 49-32 of the Montgomery County Road Code, the Planning Board can waive the 150 feet standard right-of-way for a median transit way. This section, entitled *Design standards for types of roads*, stipulates:

- (a) *The design standards adopted under this Article govern the construction or reconstruction of any County road except Rustic Roads and Exceptional Rustic Roads. If the Planning Board, in approving a subdivision or site plan, determines that a waiver from any applicable design standard is necessary to promote context-sensitive design of a specific road, the Executive or the Executive's designee must adopt the Board's recommendation unless the Executive or the designee concludes that approving the waiver would significantly impair public safety.*

...

- (d) *The minimum right-of-way for a road may be specified in the applicable master plan or sector plan for the area where the road is located.*

The Planning Board finds this waiver to be appropriate for this Preliminary Plan because the resulting 130 foot wide right of way is consistent with site plan

approvals in the immediate area and the Master Plan vision for a more pedestrian friendly Germantown. Moreover, 130 feet of right-of-way will accommodate the Maryland Transit Administration plans for the Corridor Cities Transitway.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 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 among the Montgomery County Land Records or a request for an extension must be filed and

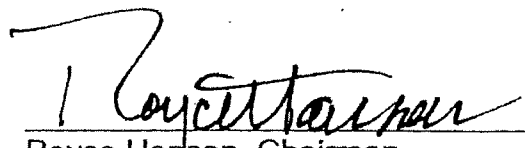
BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 8 2008 (which is the date that this Resolution is mailed to all parties of record); and

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 Alfandre, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Cryor, Alfandre, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, November 20, 2008, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board