

FEB 17 2012



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

**MCPB No. 11-120**  
**Use of Amenity Contribution for Site Plan No. 820060380**  
**8021 Georgia Avenue**  
**Hearing Date (Consent Agenda): February 2, 2012**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, by MCPB Resolution No. 06-19, on October 2, 2006, the Montgomery County Planning Board ("Planning Board" or "Board") approved with conditions Site Plan No. 820060380, 8021 Georgia Avenue for development of 210 multi-family dwelling units, including 27 moderately priced dwelling units on 1.88 acres of land ("Site Plan") in the Silver Spring Central Business District ("CBD") Master Plan area; and

WHEREAS, Cypress Realty Investments, LLC ("Applicant"), in accordance with Condition no. 16(i) of the Site Plan approval was required to, and did contribute \$140,000 to the Maryland-National Capital Park and Planning Commission ("MNCPPC") to be held in a fund identified as the Park Improvement Fund to be used for parkland acquisitions or improvements in the Silver Spring CBD; and

WHEREAS, the Park Improvement Fund was never established, and

WHEREAS, on November 17, 2011, Planning Board staff ("Staff") made a recommendation to the Planning Board that the \$140,000 be used as matching funds for a grant from the Maryland Department of Transportation to fund a bike sharing system in the Silver Spring CBD, and that such a bike sharing system would be an improvement in the Silver Spring CBD - appropriate for application of the \$140,000 as intended; and

WHEREAS, the Planning Board has the authority pursuant to MNCPPC Practice 1-10 for the Organization and Functions of Commission and Planning Boards to exercise powers in regard to planning and related matters that are primarily local in scope; and

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Approved as to  
Legal Sufficiency:

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

*[Signature]* 1/26/12  
MNCPPC Legal Department  
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