



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

MCPB No. 21-026
Site Plan No. 820210030
Flats at Knowles Station
Date of Hearing: March 18, 2021

MAY 13 2021

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on October 7, 2020, 10509 Summit Venture, LLC c/o Woodside (“Applicant”) filed an application for approval of a site plan for construction of a mixed-use development with up to 102,205 square feet of total development, with up to 79,554 square feet of residential development and up to 22,651 square feet of commercial development. The Application includes a transfer of 33,666 square feet of residential density and 25% Moderately Priced Dwelling Units (MPDUs), on 0.84 acres of CRT-1.5, C-1.0, R-0.5, H-60 zoned-land, located at 10509 Summit Avenue (“Subject Property”) in the 2012 Kensington Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820210030, Flats at Knowles Station (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 8, 2021, setting forth its analysis and recommendation for approval of the Application, subject to conditions (“Staff Report”); and

WHEREAS, on March 18, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 18, 2021, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Verma, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820210030, Flats at Knowles Station, for construction of up to 102,205 square feet of total development, with up to 79,554 square feet of residential development and up to 22,651 square feet of commercial development, including a transfer of 33,666 square feet of residential density and 25% MPDUs on the Subject Property, subject to the following conditions¹:

1. Density

The Site Plan is limited to a maximum of 102,205 square feet of mixed-use development including up to 79,554 square feet of residential development for up to 75 multi-family dwelling units and up to 25 live/work units (including bonus density for providing 25% Moderately Priced Dwelling Units (MPDUs) on site and density transferred from neighboring properties) and up to 22,651 square feet of commercial development.

2. Density Averaging

Before plat recordation, the Applicant must record an instrument among the County Land records reflecting the density transfer for this project as required under Section 59-4.5.2.B of the Zoning Ordinance.

3. Height

The development is limited to a maximum height of 72 feet (including up to 12 feet of additional height for providing 25% MPDUs), as measured from the building height measuring point, as illustrated on the Certified Site Plan.

4. Occupancy Provisions

- a) The twenty-five units designated as live/work on the Certified Site Plan must each be restricted to commercial and residential uses.
- b) The twenty-five live/ work units cannot include any MPDUs that count toward the 25% MPDU requirement.
- c) Commercial usage of the live/work units must be included in lease agreements.
- d) Prior to Certified Site Plan:
 - i. The Applicant must enter into a covenant with the Planning Board reflecting the commercial use restriction in a form approved by the M-NCPPC Office of General Counsel;
 - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
 - iii. The Book/Page reference must be included on the Certified Site Plan.

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

5. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 2,705 square feet of public open space (8.2% of site area). This open space is comprised of 1,125 square feet on-site and 1,580 square feet off-site, as shown on the Certified Site Plan.
- b) Before the issuance of the final use and occupancy certificate for the residential development,
 - i. All public use space on the Subject Property and off-site must be completed and open to the public;
 - ii. The Applicant must construct the streetscape improvements, as shown on the Certified Site Plan, along the Property's frontage on Knowles Avenue and Summit Avenue; and
 - iii. The Applicant must underground existing and future utility poles located along the Property's frontage on Knowles Avenue as shown on the certified plan.
- c) Within one growing season after issuance of the final use and occupancy certificate, all landscaping must be installed.

6. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines for each one.

- a) Connectivity and Mobility
 - i. Streetscape Improvements
 - a. The development must provide 1,580 square feet of off-site public open space improvements.
- b) Diversity of Uses and Activities
 - i. Affordable Housing/MPDUs.
 - a. The development must provide 25 percent MPDUs on-site, consistent with the requirements of Chapter 25A.
 - b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the Montgomery County Department of Housing and Community Affairs (MCDHCA) must be executed.
- c) Quality Building and Site Design
 - i. Architectural Elevations
 - a. Final elevation design must be shown on the Certified Site Plan. The architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.
 - ii. Structured Parking
 - a. The Applicant must provide a minimum of 166 spaces in an above and below grade structure.

7. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities.

9. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

10. Forest Conservation

The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Forest Conservation Exemption.

11. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right of Way Plan Review Section in its letter dated December 18, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

12. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 55 long-term and 10 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room within the parking garage, and the short-term spaces must be inverted-U racks (or

approved equal) installed in a location convenient to building main entrances (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

14. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

15. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."

- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans. Add a note to the Site Plan stating that “An on-site pre-construction meeting is required to be set up with the Montgomery County Department of Permitting Services (MCDPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or designee who has signature authority and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times.”
- f) Include floor plans showing the entire live/work floor and designation of commercial and residential density.
- g) Revise the cross-section for Summit Avenue to remove the on-street parking and provide a cross-section that includes the following elements:
 - i. Existing Five-foot Sidewalk
 - ii. Existing Twelve-foot & Six-inches (12 ft.- 6 in.) Lawn Panel
 - iii. Existing Eight-foot (8-ft.) Parking
 - iv. Restripe Eleven-foot (11-ft.) Travel Lane
 - v. Restripe Ten-foot (10-ft.) Left Turn lane
 - vi. Restripe Eleven-foot (11-ft.) Travel Lane
 - vii. Relocate the Curb and Gutter
 - viii. Proposed Nine-foot-six-inches (9.6-ft.) Lawn Panel with Major Species Trees
 - ix. Proposed Ten-foot (10-ft.) Sidewalk
 - x. Proposed Two-foot (2-ft.) Maintenance Buffer between sidewalk and property line.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Flats at Knowles Station, 820210030, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

The Site Plan is consistent with the Sketch Plan No. 320210020 and Preliminary Plan No. 120210030, which were reviewed concurrently with this Site Plan.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable; the Property was not associated with any development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable; the zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use Standards

All shown uses are permitted uses in the CRT Zone with no applicable use standards.

- b. Development Standards

The Subject Property includes approximately 0.84 acres zoned CRT 1.75, 1.5, C-1.0, R-0.5, H-60. The Application satisfies the applicable development standards as shown in the following data table:

Data Table: CRT-1.5, C-1.0, R-0.5, H-60 Zone			
Chapter 59	Development Standard	Permitted/ Required	Approved
	Tract Area (sf)	n/a	36,507 sq. ft.
	Previous Dedication	n/a	14,018 sq. ft.
	Dedication	n/a	3,414 sq. ft.
	Site Area	n/a	33,093 sq. ft.
4.5.4.B.2.b	Density		
	Commercial	C-1.0 FAR (50,525 sq. ft.)	C-0.45 FAR (22,651 sq. ft.)

	Residential	R-0.5 FAR (25,263 sq. ft.)	R-1.57 FAR (79,554 sq. ft.) ²
	Total Density including transferred density and bonus density for 25% MPDUs	1.50 FAR (503,552 sq. ft.)	2.02 FAR (102,205 sq. ft.)
4.5.4.B.2.b	Building Height (feet)	60	72 ³
4.5.4.B.3	Minimum Setback (feet)	TBD at Site Plan	0
4.5.4.B.1	Minimum Public Open Use Space (%)	0%	8.2% (2,705 sq. ft.) ⁴

For an optional method development in the CRT Zone, the Zoning Ordinance requires 50 points in a minimum of three categories. However, per Section 59.4.5.2.B.3.c, when density is averaged across two or more non-contiguous properties in the CR or CRT zones, the minimum public benefit points must be exceeded by at least 50%. This development requires a minimum of 75 public benefit points. The following table shows both the categories and points for the approved public benefits. Per Section 59.4.7.1.B, granting points as a public benefit for any amenity or project feature otherwise required by law is prohibited.

Approved Public Benefits		
Public Benefit	Incentive Density Points	
	Max Allowed	Total Requested
59.4.7.3.C: Connectivity and Mobility		
Streetscape Improvements	20	3
59.4.7.3.D: Diversity of Uses and Activities		
Affordable housing-25% MPDUs	n/a	150
59.4.7.3.E: Quality of Building and Site Design		
Architectural Elevations	20	10
Structured Parking	20	10
Total	-	173

² 25,263 sq. ft. residential base density + 33,666 sq. ft. residential transferred density + 20,625 sq. ft. 35% MPDU bonus residential density = 79,554 SF

³ Additional increase in building height to provide 25% MPDUs

⁴ 1,125 sq. ft. on-site + 1,580 sq. ft. off-site

Connectivity and Mobility

Streetscape improvements: The Applicant was approved for 3 points for providing approximately 1,114 SF of paver installation and the addition of four public benches to upgrade the off-site public open space on the southeast corner of Knowles Avenue and Summit Avenue. The Planning Board approved the Applicant's request based on the following calculation:

$$[1,114/33,093] * 100 = 3 \text{ points}$$

Diversity of Uses and Activities

Affordable housing-25% MPDUs: The Applicant was approved for 150 points for providing 25% MPDUs. The project will provide 25% MPDUs, 12.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs as demonstrated in the calculation below. The Planning Board approved the Applicant's request based on the following calculation:

$$[25\% \text{ (percentage MPDUs provided)} - 12.5\% \text{ (percentage MPDUs required)}] * 12 = 150 \text{ points}$$

Quality of Building and Site Design

Architectural Elevations: The Applicant was approved for 10 points for providing architectural elevations with the Site Plan. The elevations show elements including transparency on the first floor, minimal spacing between operable doors, and the implementation of the design guidelines of the Sector Plan.

Structured parking: The Applicant was approved for 10 points for providing structured parking. All of the 166 parking spaces will be provided in structured parking.

c. General Requirements

Site Access

As conditioned, the Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area. Vehicular access to the Property occurs via a new curb cut on Summit Avenue, midblock between Knowles Avenue and Brainard Avenue, on the western frontage of the Site, providing access to the structured, multi-level

parking garage. Additionally, an access point into the parking garage is created to the existing private drive aisle with access to Detrick Avenue. Trash pick-up is accommodated through a loading dock area, adjacent to the Summit Avenue vehicular garage entrance, providing access to a trash room and associated compactor for trucks backing into the garage from the street. A new dumpster is also accommodated by vehicular access located off the drive aisle in the existing surface parking area, where trash will be wheeled out of the existing adjacent building for pick-up, with an expected frequency of twice per week.

Parking, Queuing, and Loading

Parking, queuing, and loading will be provided in an adequate, safe, and efficient manner. As demonstrated below, the Site provides an adequate number of parking, queuing, and loading spaces for the uses. All parking spaces are located within the parking garage.

Parking		
Parking	Spaces Required	Spaces Provided
Residential Vehicle Parking Studios (18 units) 1 bedroom (39 units) 2 bedroom (18 units)	9 min/18 max 19.5 min/48.75 max <u>13.5 min/27 max</u> 42 min/94 max	48 spaces
Live/work (residential component) (25 units)	25	25 bundled tandem
Commercial Vehicle Parking Office (6,000 sq. ft.) Retail (6,000 sq. ft.) Live/work (commercial component) (11,500 sq. ft.) ⁵	12 min/18 max 21 min/36 max 23 min/35 max	15 spaces 23 spaces 25 bundled tandem
Total	123 min/208 max	166 spaces
Residential Bicycle Parking (100 units)	50 min/100 max	50 long term

⁵ Office parking requirement used for live/work units.

Office Bicycle Parking (17,500 sq. ft.) ⁶	3 min/200 max	5 long term 10 short term
Retail Bicycle Parking (6,000 sq. ft.)	1 min/50 max	
Total	54 min/350 max	65 (10 short term, 55 long term)

Open Space and Recreation

Per Section 59.4.5.4.B.1, a project developed on a tract smaller than 1.00 acres with two frontages is not required to provide Public Open Space. However, the development is providing a total of 8.2% Public Open Space in two separate locations. A 1,125 sq. ft gateway plaza at the corner of Summit Avenue and Knowles Avenue provides a welcoming entrance to the Town of Kensington and complements the open space provided on the south side of Knowles Avenue, directly opposite of the Subject Property. The Applicant is also developing a 1,580 square feet off-site area connecting to the open space on the HOC property to the south (4000 Knowles Avenue). The Public Open Spaces include landscaping, seating, and specialty paving and help define and connect the entrance to Kensington.

Section 59.6.3.9 of the Zoning Ordinance requires that any building containing 20 or more dwelling units offer recreational facilities in accordance with M-NCPPC's Recreation Guidelines. The recreation facilities meet the requirements of the Recreation Guidelines according to the Recreation Facilities Data table shown on the Certified Site Plan. The Applicant is providing a courtyard on the third floor (live/work level) that provides a gathering space and amenities for residents in addition to the yoga room, resident lounge, interior courtyard, urban plaza, and bicycle support station.

General Landscaping and Outdoor Lighting

The Project provides adequate landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and efficient for residents and visitors. The Project includes streetscaping along Knowles Avenue and Summit Avenue, with widened sidewalks, street trees, and lighting that connects to the on-site amenities.

⁶ Includes 11,500 sq. ft. live/work and 6,000 sq. ft. office.

As shown in the Development Standards table and findings above, the Site Plan meets all the applicable use standards, development standards of Division 4.5. of the Zoning Ordinance, and the general development requirements of Article 6 of the Zoning Ordinance.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on January 28, 2021. Stormwater treatment will be accomplished through the use of micro bioretention and a green roof. A partial stormwater management quantity waiver was requested, due to site constraints associated with this redevelopment project. The Applicant submitted a study demonstrating adequacy of the existing storm drain receiving system. The partial quantity waiver was granted by DPS.

b. Chapter 22A, Forest Conservation

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Environmental Guidelines and the Forest Conservation Law. Forest Conservation Exemption No. 42019044E was confirmed on October 3, 2018 because the tract is less than one acre and will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

As conditioned, the Site Plan provides adequate, safe, and efficient parking and circulation patterns. The Project provides well-integrated structured parking with multiple access points, including the ingress and egress access easement on the adjacent property (10414 Detrick Avenue). The Site Plan provides adequate open space and site amenities, circulation patterns, streetscape improvements, safe pedestrian environments, and building massing consistent with the zone.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Property is located at the corner of Knowles Avenue and Summit Avenue, within the Town Center District, as delineated on page 20 of the 2012 Kensington Sector Plan. According to page 21 of the Sector Plan, “The town center is envisioned as a walkable attractive place with local convenience retail, housing, dining and entertainment, offices, and neighborhood services in a compact development pattern with a variety of buildings along Connecticut Avenue.”

The Property is a part of analysis area TC-19, as outlined on page 22 of the Sector Plan. The Sector Plan recognized the small scaled parcels within this analysis area and expected proposals to be filed under the Standard Method. The Sector Plan did state that should significant land assembly occur, optional method, mixed-use development would be desirable. While the Site Plan does not include assembly, it does include the transfer of density, as allowed under Section 59.4.5.2.B, and the Sketch Plan is for mixed-use development using the optional method of development.

The Sector Plan’s goal is to create a mixed-use core for the Town of Kensington. The mix of unit types and office and retail space will provide new residential and commercial options in Kensington.

Both the Sector Plan and associated Urban Design Guidelines emphasize that development within the Town of Kensington should be compatible with the Town’s character. While the Property is not within a historic district, the Sector Plan and Urban Design Guidelines still recommend that compatibility be a key factor in building design. The development incorporates the following elements as described in the Sector Plan and Urban Design Guidelines:

- o Strong delineation of a base – middle – top.
- o Strong horizontal expression along the top datum line where a traditional cornice would occur.
- o A balanced façade composition with repeating bays and standard doors and windows.
- o Human-scaled design features and details, especially along the base.
- o Detailing in the portion of the façade along Knowles Avenue and Summit Avenue, especially at the ground floor level.

Additionally, both the Sector Plan and Urban Design Guidelines emphasize the need for street-oriented development that creates an animated community life along the sidewalks to encourage high levels of pedestrian comfort and activity. The project increases the street-level activity by having retail uses opening onto public open space at the corner of Summit Avenue and Knowles Avenue. The open space at the corner of the Property is similar in design and materials to the

open space on the southeast corner of Summit Avenue and Knowles Avenue (approved with Preliminary Plan No. 120200160), creating a unified streetscape and a pedestrian-scale entrance into Kensington.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The Planning Board determined adequate public services and facilities exist to support the proposed development as part of Preliminary Plan No. 120210030.

9. *The development is compatible with existing and approved or pending adjacent development.*

The development is compatible with existing and approved or pending adjacent development through architectural elements and streetscape connections. The Property confronts a townhouse project located south of the Subject Property on the Knowles Avenue known as Residences at Knowles Station (Preliminary Plan No. 120200160) which was approved by the Planning Board on July 2, 2020 and includes architecture and open space complementary to the proposed development. By using similar elements on both sides of Knowles Avenue, the proposed development creates a unified, visual entrance to the Town of Kensington. The architecture of the approved development also complements the existing adjacent commercial development to the east. The pedestrian and vehicular connections from Summit Avenue to Detrick Avenue through the proposed parking garage also create an important connection that helps tie the development to the surrounding area.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 13 2021 (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 Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, April 29, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board