



Resolution No. _____
Introduced: September 15, 2009
Adopted: _____
Agenda Item: 16

MONTGOMERY COUNTY, MARYLAND

MEMORANDUM

September 10, 2009

TO: County Council

FROM: Françoise M. Carrier *FMC*
Director, Office of Zoning and Administrative Hearings

SUBJECT: Request for Reconsideration of DPA 09-1 to Add References to Two Exhibits

On July 28, 2009 the County Council, sitting as District Council, approved Development Plan Amendment application DPA 09-1. The District Council Resolution approving DPA 09-1 made that approval subject to the specifications of the Amended Land Use Plan, Exhibit 82(a), as well as the Phasing Plan, Exhibit 82(b), and the depiction of the three Development Plans on Exhibits 25 and 39(f). The Resolution required the Applicant to submit Exhibits 82(a) and (b) to the Hearing Examiner for certification, as called for in the Zoning Ordinance. During the certification process, the Hearing Examiner became aware of two additional exhibits that should have been referenced in the Resolution. These are Exhibits 40(g) and 40(h), the land use plans for the publicly-owned portions of the site. Exhibits 40(g) and 40(h) were not discussed during the hearing, nor were they mentioned in the Hearing Examiner's report, but they are part of the record. To ensure that all of the revised Development Plans are properly identified in the Council Resolution, the Hearing Examiner recommends that the District Council reconsider its action in this matter and adopt a revised resolution that includes Exhibits 40(g) and (h) among the listed exhibits and requires them to be submitted for certification.

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All of the changes proposed to the Resolution that was adopted on July 28 are in the "Action" section on the final page. The final page as proposed on reconsideration is attached to this memorandum. [Single boldface brackets] indicate text that is deleted from the original approved resolution. Underlining indicates text that is added to the resolution. I will be available to answer any questions when this matter is addressed on September 15.

For these reasons and because to approve the instant application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Development Plan Amendment Application No. 09-1, seeking to amend the existing Development Plan approved in conjunction with Zoning Applications G-813 and G-814 to create (1) Development Plan G-813 and G-814, (2) Development Plan G-813 Part II and (3) Development Plan G-813 Part III, is hereby **granted** in the amount requested and the three proposed Development Plans submitted therewith approved, subject to the specifications of the Amended Land Use Plans that form their central components, Exhibits 82(a), 40(g) and 40(h), [which forms their central component,] as well as the Phasing Plan, Exhibit 82(b), and the depiction of the three Development Plans on Exhibits 25 and 39(f), provided, that within ten days of receipt of the District Council's approval resolution, the Applicant must submit a reproducible original and three copies of the approved Amended Land Use Plans and Phasing Plan, Exhibits 82(a), 82(b), 40(g) and 40(h) [and (b)], for certification in accordance with § 59-D-1.64 of the Zoning Ordinance.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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