

Resolution No.: 17-15
Introduced: December 14, 2010
Adopted: December 14, 2010

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Resolution to Amend Resolution 16-1517, Diagrammatic Plan Amendment (DPA) 10-3

Background

1. The Shangri-La Limited Partnership filed an application for Diagrammatic Plan Amendment (“DPA”) No. 10-3 on February 4, 2010. It sought an amendment to the diagrammatic plan approved by the Council on July 2, 1996, in LMA G-718. The 1996 diagrammatic plan contains the following restriction: “R&D Non-Residential uses (limited to those allowed in the R & D Zone).” The only change to the diagrammatic plan was to add the following words below that restriction: “— with the exception that Private Educational Institute is permitted in parcel L and O, Block A, Map – FR 43.” See Exhibit 5. The Planning Board recommended approval.
2. The Council approved DPA 10-3 by approving Resolution 16-1517 on October 12, 2010. The Council concluded that the DPA meets the requirements of the Zoning Ordinance and that its approval would be in the public interest.
3. The Zoning Ordinance requires the Applicant to submit the approved DPA to the Hearing Examiner for certification within 10 days of the District Council’s action. It is the Council staff’s practice to send a written courtesy notice to the Applicant of the Council action. The mailing list for the courtesy notices is supplied to Council staff by the Office of Zoning and Administrative Hearings (OZAH).
4. The Applicant’s name, Pradip K. Ghosh, was inadvertently left off OZAH’s DPA 10-3 mailing list for the courtesy notice. As a result, Dr. Ghosh was unaware of the Council action. He did not timely submit the DPA to the Hearing Examiner for certification. The Hearing Examiner did not have the authority to extend the time for certification.

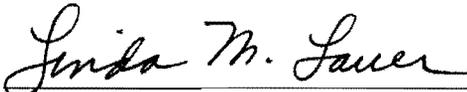
5. Under Council Rule 7(c)(5), the Hearing Examiner recommended that the Council amend its previously adopted Resolution No. 16-1517, to establish a Council approval date of December 14, 2010. The effect will be to give Dr. Ghosh 10 days to submit the DPA copies for certification from December 14, 2010.

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, approves the following resolution.

DPA 10-3, which requests an amendment to the Diagrammatic Plan approved on July 2, 1996, in LMA G-718, by adding the following words below the restriction in the Diagrammatic Plan, “— with the exception that Private Educational Institute Is permitted in parcel L and O, Block A, Map – FR 43,” as set forth in paragraph numbered 1, above, **is hereby approved**, subject to the specifications and requirements of the Diagrammatic Plan Amendment, Exhibit 5, **provided that** the DPA is submitted to the Hearing Examiner for certification within 10 days of the District Council’s action on December 14, 2010, pursuant to the provisions of Zoning Ordinance §59-D-1.64.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council