

1. Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel to the extent that such testimony and evidence are identified in the Hearing Examiner's report and in this opinion.
2. Petitioner must comply with the terms of its revised Site Plan (Exhibit 19(d)), Landscape Plan (Exhibit 5(a) and 5(b)), Lighting Plan (Exhibit 6(a)).
3. Petitioner must operate a shuttle bus service for tenants and employees who work in the building during the weekday morning and evening peak periods until this special exception is formally abandoned by the Board of Appeals.
4. General office use is limited to 50% of the floor area of the building as determined by Use and Occupancy Certificates issued by the Montgomery County Department of Permitting Services.
5. The Board of Appeals shall retain jurisdiction of this case for the purpose of enforcing the amount of floor area permitted to be used for general office uses.
6. No later than one year from the date of the Board of Appeals resolution approving this special exception, and annually thereafter, the Petitioner must submit a report to the Board of Appeals, with a copy to the Department of Permitting Services, including the following information:
 - a. A list of all tenants currently occupying the building under a Use and Occupancy Certificate that classifies the use as general office; and
 - b. The gross floor area attributable each tenant of the building, regardless of use.
7. Petitioner must amend the site plan approved by the Planning Board (Site Plan No. 820130180) to show the Board of Appeals' resolution approving the special exception, including all conditions of approval.
8. Petitioner must amend its Traffic Mitigation Agreement (Exhibit 35) to include Condition No. 3 (above) and to require the Petitioner to promote the shuttle in the same manner as other non-auto commuting options until this special exception has been formally abandoned by the Board of Appeals.
9. A sign permit must be obtained for the proposed signs shown on the Landscape Plan (Exhibits 5(a) and 5(b)), and a copy of the permit for

the approved sign must be submitted to the Board of Appeals before the sign is installed.

10. Pursuant to Zoning Ordinance §59-E-5.4, a waiver is hereby granted from minimum number of spaces required for the proposed use to the limit stated on the site plan (Exhibit 19(d)).
11. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to, building permits and use and occupancy permits necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

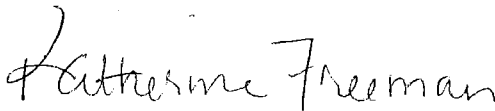
On a motion by Stanley B. Boyd, seconded by Edwin S. Rosado, with John H. Pentecost, Carolyn J. Shawaker, Vice-Chair, and David K. Perdue, Chair, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



David K. Perdue
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
This 26th day of June, 2015.



Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.