

WHEREAS, an affirmative vote of a majority of the Planning Board members present and voting is necessary for an application to be approved and the lack of an affirmative vote results in the denial of an application; and

WHEREAS, Commissioner Lynch moved to deny the Application, and Chairman Hanson seconded the motion; and

WHEREAS, Commissioner Lynch's motion failed, with Commissioners Hanson and Lynch voting in favor and Commissioners Bryant and Cryor voting against it; and

WHEREAS, no motion to approve the Application was made;

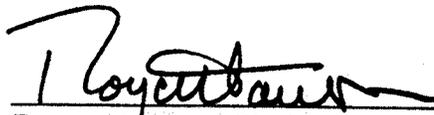
NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Montgomery County Code Chapter 50, Pre-Preliminary Plan No. 720060540 to create three one-family detached residential lots on 44.55 acres of land in the RDT zone located on the west side of Georgia Avenue (MD 97), approximately 3,500 feet south of New Hampshire Avenue (MD 650) a.k.a. Damascus Road ("Property" or "Subject Property"), in the Olney Master Plan area ("Master Plan"), is denied.

BE IT FURTHER RESOLVED, that the date of this Resolution is MAY - 3 2008 (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).

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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 Bryant, seconded by Commissioner Cryor, with Commissioners Bryant, Cryor, and Hanson voting in favor of the motion, and Commissioner Robinson abstaining, at its regular meeting held on Thursday, May 1, 2008, in Silver Spring, Maryland.

  
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Royce Hanson, Chairman  
Montgomery County Planning Board