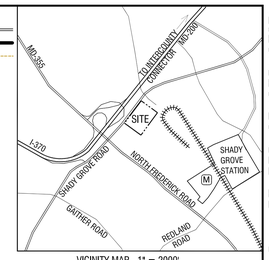
N

Maryland Coordinate System

Legend

- Site Boundary
- Soils Lines and Text
- Existing Canopy Edge
- 15-25% Slopes
- Slopes 25% and greater
- Existing Contours
- Existing Light Pole



VICINITY MAP - 1" = 2000'

General Notes:

Tax Map(s): GS13

Lots / Parcels: N606

Property Area: 13.66 Acres +/-

Existing County Zone: Research and Development (R&D)

Property Description:

The property is currently within Montgomery County, but is requesting annexation into the City of Galthersburg. The property currently contains one building housing retail and warehouse uses, and associated parking lots. Northeast of the property is a U.S. Postal Service facility, northwest of the property is Shady Grove Road with I-370 beyond, southwest of the property is the access road for the transfer station for the Montgomery County landfill, and beyond that a fallow field with the remains of a gravel parking lot. South of the property is the transfer station, and southeast of the property are abandoned railroad tracks, with the WMATA maintenance facility for the red line of Metro beyond. The Shady Grove Metro station is approximately half a mile (straight line) and one mile (walking distance) from the property.

Boundary and Topography:

Boundary information and two-foot contour interval information for the site was field run by Rodgers Consulting, Inc. in October, 2011.

Other Property Information:

Gross Floor Area:	204,490 sf
Floor Area Ratio:	0.34
Green space:	13.4%

Parking Required:

Retail, General 5 spaces/1000 sf: 681 spaces

Warehouse 1.5 spaces/1000 sf: 102 spaces

Existing Parking: 810 spaces

Mayor and City Council
X-184
Exhibit #19

PRELIMINARY NOT FOR CONSTRUCTION

REVISION	DATE	REVISION	DATE	REVISION	DATE
Revised to include info requested by Gaithersburg	2/9/12				

Applicant/Client Info:
Sears Holdings
c/o Dept. 36475 B2-112A
3333 Beverly Road
Hoffman, IL 60179-0001

Contact: James Terrell

EXHIBIT J
EXISTING CONDITIONS MAP

RODGERS CONSULTING
Knowledge • Creativity • Enduring Values
19847 Century Boulevard
Suite 200
Germantown, Maryland 20874
Ph: 301.948.4700 (Main)
Ph: 301.253.6609 (Frederick)
Fx: 301.948.6256
www.rodgers.com

	BY	DATE
BASE DATA		
DESIGNED		
DRAWN		
REVIEWED		

RODGERS CONTACT:

RELEASE FOR

BY _____ DATE _____

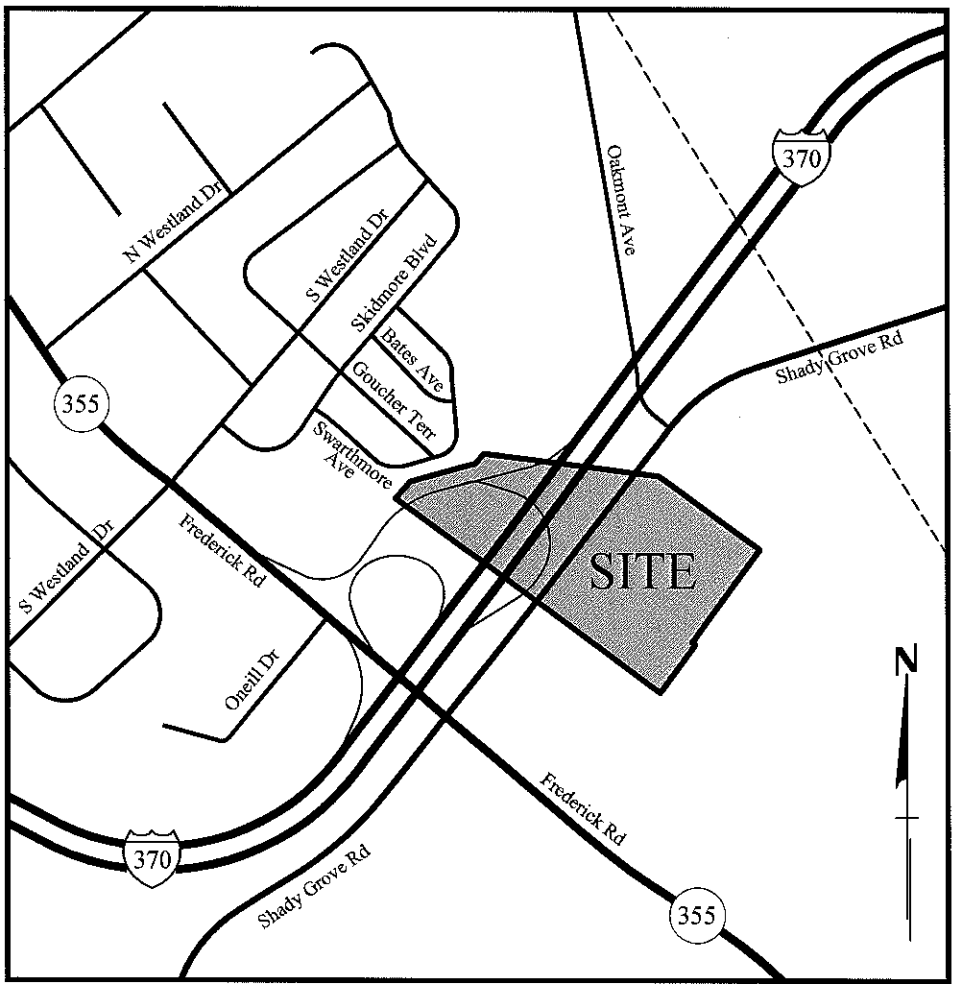
THE GREAT INDOORS

9TH ELECTION DISTRICT
GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND

SCALE:	1"= 50'
JOB No.	1123A
DATE:	12/11
SHEET No.	1 OF 1

EXISTING CONDITIONS PLAN

N:\MD-Montgomery\Great Indoors-Sears\autocad\Plot Plans\Ex-conditions.dwg



Vicinity Map: 1" = 1000'

Mayor and City Council
X-184
Exhibit #20

VICINITY MAP
EXHIBIT L

9TH ELECTION DISTRICT
MONTGOMERY COUNTY

RODGERS CONSULTING
Knowledge • Creativity • Enduring Values

19847 Century Boulevard
Suite 200
Germantown, Maryland 20874
Ph: 301.948.4700 (Main)
Ph: 301.253.6609 (Frederick)
Fx: 301.948.6256
www.rodgers.com

	BY	DATE
BASE DATA		
DESIGNED		
DRAWN	HRM	12/11
REVIEWED	GU	12/11

RELEASE FOR
BY DATE

SCALE: 1:1000
JOB No. 1123A
DATE: 12/11
SHEET No. 1 OF 1

GREAT INDOORS VICINITY MAP

ORDINANCE NO. O-11-88

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE), ARTICLE III, ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES", SO AS TO CREATE NEW DIVISION 19, ENTITLED "MXD ZONE, MIXED USE DEVELOPMENT", SECTION 24-160D.1 THROUGH 24-160D.11, INCLUSIVE, ESTABLISHNG OBJECTIVES, USES, STANDARDS, PROCEDURES AND REGULATIONS RELATING TO LARGE-SCALE DEVELOPMENTS WITHIN THIS ZONING DISTRICT

Text Amendment T-255

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that new Division 19 of Article III of the City Code, to be entitled "MXD ZONE - MIXED USE DEVELOPMENT", is hereby created and enacted to read as follows:

ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES.

* * * *

Division 19. MXD ZONE, Mixed Use Development.

Sec. 24-160D.1. Purposes and Objectives of Zone.

It is the objective of this zone to establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

(a) To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual multi-use center development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.

Mayor and City Council
X-184
Exhibit #21

(b) To encourage orderly, staged development of large-scale comprehensively planned, multi-use centers by providing procedures for various zoning and plan approvals, including development phasing.

(c) To encourage design flexibility and coordination of architectural style of buildings and signage.

(d) To ensure the integration and internal compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by commercial, recreational, open space, employment and institutional uses and amenities within all land use components of the multi-use project.

(e) To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.

(f) To encourage the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use and encouraging pedestrian and other non-vehicular circulation systems; retaining and providing useable open space and active recreation areas close to employment and residential populations; and providing for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.

(g) To provide a superior natural environment by the preservation of trees, natural topographic and geologic features, wetlands, water courses and open spaces.

(h) To allow development only in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

This zone and any accompanying development plan(s) may be approved upon findings that the application is proper for the comprehensive and systematic development of the city, is capable of accomplishing the purposes of this zone, is an internally and externally compatible form of development and is consistent with the applicable master plan, special conditions within such plan relating to the property under consideration, and other applicable planning and land use policies. In order to enable the city council or the city planning commission to

evaluate the conformance with the standards contained herein and elsewhere within Division 19, specific sets of plans shall be submitted in accord with Section 24-160D.9, and the city council and/or the commission, as authorized pursuant to this Division 19, may approve said plan(s) if they find the plans capable of accomplishing the above purposes and in compliance with the standards and requirements of this zone.

Sec. 24-160D.2. Minimum Location and Development Requirements.

(a) Master Plan. No land shall be classified in the Mixed Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application.

(b) Minimum Area. No land shall be classified in the Mixed Use Development Zone unless it contains a minimum of ten (10) acres. Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing MXD zoned area and may be harmoniously integrated into the MXD area, consistent with the objectives and purposes of this zone.

(c) Location. Such land shall be located adjacent to and readily accessible from existing or planned highways that are in an approved construction program and are adequate to service the proposed development. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

(d) Public Water and Sewer. No development shall be permitted unless served by public water and sewer.

(e) Signage. Signage shall be coordinated between adjoining uses and be thematic in approach, in accord with the purposes of this zone and overall character of the surrounding area.

Sec. 24-160D.3. Uses Permitted.

(a) Residential. All types of residential uses allowed by right or by special exception in Chapter 24 of the City Code shall be permitted, as well as all accessory uses thereto.

(1) The various residential housing types must be planned and constructed in accordance with recommendations and special conditions, if any, of the approved and adopted master plan.

(2) The location and type of all residential uses proposed on the site must be shown on the plans submitted

in accordance with the requirements of Section 24-160D.9 and Article V of this Code, with the level of specificity increasing at each level of plans review.

(3) Residential uses should be a prominent element in any Mixed Use Development Zone where the applicable master plan specifically recommends that residential development is to be an integral component of a proposed multi-use project.

(4) Residential uses may be mixed with proposed commercial/industrial/employment uses, rather than located in a separate residential area on the site, upon a finding by the city council that combining residential and nonresidential uses at one location, within a site, will not adversely affect the overall development proposed.

(b) Commercial/Employment/Industrial. All uses allowed by right or by special exception in the R-B, C-B, C-1, C-2, C-3, E-1 and I-3 Zones are permitted uses, except the following uses, which are specifically prohibited:

- Manufacture, compounding, and processing of goods or articles

- Drive-in Theatres

- Automobile Paint and Body Repair Shops

(1) The approximate location and general type of commercial, employment and industrial uses proposed on the site must be shown on sketch plan and schematic development plan submitted in accord with Section 24-160D-9.D and Article V, with the level of specificity increasing at each level of plans review.

(2) In order to establish an appropriately mixed character within the entire MXD zoned area, the following percentages of floor area proposed on site as shown on a sketch plan shall not exceed:

retail commercial -	60%
employment/office -	65%
other commercial/ institutional -	15%

Individual percentages may be exceeded by approval of the city council upon application by an applicant and for good cause shown; provided, however, the cumulative total of all categories shall not exceed 100%.

Sec. 24-160D.4. Density and Intensity of Development.

(a) Residential.

(1) The residential density in the MXD Zone shall not exceed the residential density or total number of dwelling units stated in the applicable master plan, if any. The total number of dwelling units and the corresponding overall density, as well as the approximate location of such units, shall be established at the time of sketch plan approval pursuant to Section 24-160D.9(a).

(b) Commercial/Employment/Industrial. The commercial/employment/industrial density in the Mixed Use Development Zone shall be compatible with any gross floor area or floor area ratio recommended in the applicable area master plan or special conditions or requirements, if any are stated therein. The maximum density of commercial/employment/ industrial development shall be based on the area shown for commercial/employment/industrial uses on the sketch plan or schematic development plan, and shall not exceed a floor area ratio of 1.5, except where authorized by a waiver of the city council after public hearing and recommendation thereon by the city planning commission.

Sec. 24-160D.5. Compatibility Standards.

(a) All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such compatibility, the following requirements shall apply:

(1) All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.

(2) Where setback, height limits, open space or buffer areas are not recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas, the following requirements shall be incorporated into all plans subject to approval under this zone.

A. No buildings other than single-family detached dwellings shall be constructed within 100 feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than 100 feet, with the

setback approved by the city planning commission.

B. No building proposed for commercial/employment/industrial use shall be constructed less than 100 feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.

C. No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan, unless the city planning commission finds that approval of a waiver of this requirement will not adversely affect adjacent property.

(b) Compliance with these requirements shall not in and of itself be deemed to create a presumption of compatibility.

Sec. 24-160D.6. Minimum Green Area, Landscaping and Amenity Requirements.

(a) The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed use development shall be not less than 40 percent of the total area shown for residential use. The minimum green area requirement, which shall include designated parks, public and private open space, active and passive recreational areas, for the commercial/employment/industrial portion of a mixed use development shall be not less than 25 percent of the total area devoted to commercial/employment/ industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the city council determines that such amenities or facilities are sufficent to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

(b) All recreation areas, facilities and amenities, and all open space and landscaped areas shall be reflected on the final site plans for approval by the city planning commission. With respect to such areas, facilities and amenities, the site plan or accompanying documents shall reflect:

(1) That such areas, facilities or amenities shall not be constructed, converted or used for any purposes other than reflected and designated on the site plan unless amended by consent of the city planning commission.

(2) A staging or construction timetable specifying the construction of all recreational areas,

facilities and amenities. This staging or construction timetable may be related to the number of residential units under construction or complete, or population levels, or other appropriate standard. The adherence to the performance of such timetable shall be secured by appropriate bond, letter of credit or security acceptable to the City.

(3) A detailed plan with copies of proposed supporting covenants to be filed among the Land Records prior to the issuance of building permits for each phase of development, which shall enumerate the property owner's and all successors' obligations for perpetual maintenance of all common area, green space, recreation areas, facilities and amenities, and all common landscaped areas.

Sec. 24-160D.7. Public Facilities and Utilities.

(a) A mixed use development should conform to the facilities recommended for the site by the approved and adopted master plan, including and granting such easements or making such dedications to the public as may be shown thereon or as shall be deemed necessary by the city to ensure the compatibility of the development with the surrounding area and to assure the ability of the area to accommodate the uses proposed by the application.

(b) All utility lines in the Mixed Use Development Zone shall be placed underground. The developer or subdivider shall ensure final and proper completion and installation of utility lines. Poles and lamps for street lighting shall be provided by the developer in accordance with the approved site plan.

(c) All streets to be dedicated to public use shall be shown on the schematic development plan and the final site plan, respectively. All private streets and alleyways shall also be shown on the schematic development plan and the final site plan, but they will only be allowed where they are found to be more appropriate due to the type and density of development or other applicable factors. All private streets and alleyways are to be constructed to the same width and road code standards as are applicable to public streets unless waivers of any street standard or road code requirement are granted by the council as part of the schematic development plan review or by separate public hearing.

(d) An applicant for approval under the MXD Zone shall demonstrate at the time of filing a schematic development plan, and at time of site plan approval that all public facilities are either presently adequate to service the development requested for approval or will be provided or in place by the completion of construction of the development reflected in the schematic development plan. It is the intent

of this provision that development shall be staged in such a manner as to coordinate development with the provision of public facilities, and that such facilities shall be operational at acceptable service levels and capacities.

(e) All public facilities to be provided by an applicant shall be secured at the time of receipt of building permits by a bond or other financial security satisfactory to the city to ensure completion. The city may require as part of site plan approval, written agreements, either secured or unsecured, to be executed to ensure satisfactory completion of all public facilities and project amenities.

Sec. 24-160D.8. Parking Requirements.

Off-street parking shall be provided in accordance with Article XI of this Chapter, except as may be authorized below:

(a) The council, at the time of schematic development plan review, shall determine the appropriate approximate number of spaces. At the time of final site plan approval, the commission shall determine the final number of spaces, based upon considerations of safety, convenience, pedestrian and vehicular circulation, and added landscaping within parking lot areas In addition, the planning commission may reduce the number of spaces required for any use in Article XI, Section 24-219(b) of this Code where such reduction will meet the purposes of the MXD Zone.

Sec. 24-160D.9. Application and Processing Procedure.

Procedures governing the application for the MXD Zone and approvals necessary to seek building permits shall be subject to the following multi-step process:

(a) Application for the MXD Zone and Sketch Plan Approval.

(1) An applicant shall file, together with the prescribed application fee, an application for the MXD Zone pursuant to the provisions of Section 24-196 of this Code, and in addition, shall submit for approval as part of the application for separate approval, a sketch plan reflecting at a minimum, the following:

A. The boundaries of the entire tract or parcel.

B. Generalized location of existing and proposed external roads and adjacent land use and development.

C. Generalized location and description of various internal proposed land use components, including information as to proposed densities and intensities, proposed size and heights of development.

D. Generalized location, description and timing of proposed roads, proposed dedicated public lands and perimeter setback or buffer areas.

E. Proposed phasing or staging plan of development, public facilities and information regarding such plan's consistency with provision of master planned or otherwise necessary public facilities.

F. Generalized area of woodlands, streams and watercourses and other areas intended for natural preservation.

G. Demonstration of general compliance with any master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.

(2) The city council and city planning commission shall conduct a public hearing(s) on the application subject to the notification procedures in Section 24-196 of this code. Such hearings may be held jointly by the city council and city planning commission. The planning commission shall deliver its recommendation to the city council within thirty (30) days of the close of the commission's hearing record. The council shall take action on the application within ninety (90) days after the close of the council's hearing record. If the council shall fail to do so, the application shall be deemed denied.

(b) Application for Schematic Development Plan Approval.

(1) A schematic development plan shall be filed for approval by the city council of all or portions of the area zoned MXD and reflected within the approved sketch plan, together with the required filing fee. The schematic development plan shall be scaled at 1" equals 50' and shall contain, at a minimum, the following:

A. Boundary survey and identification plat or survey plat.

B. The use(s) of all buildings and structures within the schematic development plan area, as well as existing uses of adjacent property external to the MXD zoned area and proposed uses within adjoining MXD zoned areas.

C. The location, height, approximate dimensions and conceptual elevations of all buildings and structures, and the setbacks and densities and/or square footage thereof.

D. The location of points of access to the site and all public and private roads, pedestrian and bike paths.

E. The location and setbacks of parking areas.

F. Existing topography, including:

1. Contour intervals of not more than two feet (2');

2. Major vegetative growth, as well as natural treed areas to be preserved and those to be removed;

3. One hundred year floodplans;

4. Other natural features, such as rock outcroppings and scenic views;

5. Utility easements, if any; and

6. Historic buildings, structures or areas.

G. All landscaped areas, proposed conceptual screen planting, open spaces, plazas, malls, courts, community identification signage, recreation and amenity areas.

H. Proposed phasing or staging plan of development and information relating to such plan's consistency with the provision of public facilities.

I. Demonstration of general compliance with any master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.

J. A proposed covenant or other form of agreement indicating how the area will be included in any homeowners' association or other organization, and how any open space, community space or amenities located within the area subject to review will be perpetually maintained.

(2) Unless a prior waiver is obtained from the city planning commission, a schematic development plan shall contain at a minimum at least 200 dwelling units and/or 100,000

square feet of proposed retail/office development, or a comparable equivalent mix of such development. This restriction shall not apply to amendments of schematic development plans.

(3) The city council and city planning commission shall conduct a public hearing(s) on the application subject to the notification procedures in Section 24-196 of this code. Such hearings may be held jointly by the city council and city planning commission. The planning commission shall deliver its recommendation to the city council within thirty (30) days of the close of the commission's hearing record. The council shall take action on the application within ninety (90) days after the close of the council's hearing record. If the council shall fail to do so, the application shall be deemed denied.

(4) The approval of a schematic development plan shall substitute for preliminary site plan approval.

(c) Final Site Plan Review.

Following approval of a schematic development plan, an applicant shall submit to the city planning commission a final site plan for approval, which shall be in accord with the approved schematic development plan and shall include the following:

(1) All information and documentation required pursuant to Section 24-169 of this Code.

(2) Proposed phasing or staging plan of development and information regarding such plan's consistency with the provision of public facilities.

(3) Demonstration of general compliance with any master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.

(4) Demonstration of compliance with the approved schematic development plan.

(5) A proposed covenant, suitable for filing in the Land Records of Montgomery County, which shall indicate in specific language that the property which is the subject of the application is restricted in its use and/or development standards to the schematic development plan and any accompanying or qualifying text material submitted with such plan, as such plan may be approved or modified by the planning commission at the time of final site plan review. The covenant to be filed in the Land Records shall also indicate that such restrictions shall be in effect until such time as the property

may be rezoned, at which time such restrictions shall be removed.

(6) A site plan enforcement agreement to be signed by the applicant and the city, requiring the applicant to execute all of the features shown on the site plan and the sequence and timing when said features will be completed. The commission may require that performance of the terms of the agreement be secured by a bond, letter of credit or other security acceptable to the city.

Approvals, processes, procedures and amendments to site plans shall be in accord with Article V of this Chapter 24 of the Code.

Sec. 24-160D.10. Findings Required.

(a) The city council shall approve MXD zoning and the accompanying sketch plan only upon finding that:

(1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and

(2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and

(3) The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.

(b) The city council shall approve a schematic development plan only upon the finding that:

(1) The plan is substantially in accord with the approved sketch plan; and

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and

(3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and

(5) That existing or planned public facilities are adequate to service the proposed development contained in the plan; and

(6) That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and

(7) That the plan, if approved, would be in the public interest.

(c) The city planning commission shall approve a final site plan consistent with the findings required in Sections 24-170 and 24-170A of this Code, and upon considerations, determinations and powers set forth in Section 24-171 of this Code. The city planning commission shall, as a condition of its approval, require the posting of all necessary bonds or other security instruments, the execution of required agreements, and recording of covenants.

Sec. 24-160D.11. Procedures for Amendment.

Amendments to a sketch plan or schematic development plan may be permitted, consistent with the procedures for amendment of optional method plans as provided in Section 24-198(c) of this Code.

ADOPTED by the City Council of Gaithersburg, this 7th day of November, 1988.

W. EDWARD BOHRER, JR., MAYOR AND PRESIDENT OF THE COUNCIL

DELIVERED to the Mayor of the City of Gaithersburg, this 7th day of November, 1988. APPROVED/~~VETOED~~ by the Mayor of the City of Gaithersburg this 7th day of November, 1988.

W. EDWARD BOHRER, JR., MAYOR

RESOLUTION NO. R-88-11

RESOLUTION OF THE MAYOR AND CITY COUNCIL
ADOPTING THE 2009 LAND USE ELEMENT
AMENDMENT TO THE GENERAL PLAN
FOR THE CITY OF GAITHERSBURG MASTER PLAN

AS APPROVED AND RECOMMENDED BY
THE PLANNING COMMISSION ON NOVEMBER 16, 2011

AS ADOPTED BY THE MAYOR AND CITY COUNCIL ON DECEMBER 19, 2011

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommend same to the local legislative body for adoption, to serve as a guide to public and private actions and decisions to ensure the logical development of public and private property in appropriate relationships; and

WHEREAS, as codified in Article 66B of the Annotated Code of Maryland, the General Plan, at a minimum, is required to contain goals, objectives, principles, policies, and standards, which shall serve as a guide for the development and economic and social well-being of the local jurisdiction; and

WHEREAS, Section 3.08 of Article 66B of the Annotated Code of Maryland states that the local legislative body shall adopt the plan and or amendment thereto, and

WHEREAS, Section 3.05(a)(4)(i) of Article 66B of the Annotated Code of Maryland sets forth that the General Plan must include "A statement of goals and objectives, principles, policies, and standards, which shall serve as a guide for the development and economic and social well-being of the local jurisdiction"; and

WHEREAS, Section 3.05(a)(4)(ii) of Article 66B of the Annotated Code of Maryland sets forth that the General Plan must include a Land Use Element; and

WHEREAS, the City has drafted a Land Use Element, dated January 5, 2011 and entered into the record as Exhibit 1, that was the subject of a joint Planning Commission and Mayor and City Council public hearing on March 7, 2011 (MP-1-11); and

WHEREAS, joint Planning Commission and Mayor and City Council work sessions were conducted on April 11, 2011; July 11, 2011; and September 26, 2011; and

WHEREAS, the City has revised and amended the Land Use Element in response to the aforementioned joint public hearing, joint work sessions, and public comments received, with all changes reflected and in the public record as Exhibit 153; and

WHEREAS, the Planning Commission approved Resolution No. PCR-1-11 on November 16, 2011, being the approval of a master plan amendment entitled the 2009 Land Use

Mayor and City Council
X-184
Exhibit #22

Element and transmitted an attested copy of the same and a copy of the November 17, 2011 Communication: Planning Commission as its recommendation to the Mayor and City Council, which is hereby attached and incorporated as part of this resolution; and

WHEREAS, the Mayor and Council discussed the aforementioned 2009 Land Use Element and the Planning Commission recommendation (PCR-1-11) during its regular meeting on November 16, 2011; and

WHEREAS, the General Plan and amendments made from time to time provide a general framework for assisting the Mayor and City Council and City Planning Commission in making land use policy and facilities decisions:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the Master Plan Amendment MP-1-11, the 2009 Land Use Element amendment to the General Plan and entered into the official record as Exhibit 153, thoroughly reviewed by the legislative body during the joint public hearing conducted on March 7, 2011 and the joint work sessions held on April 11, 2011; July 11, 2011; and September 26, 2011; approved by the City Planning Commission on November 16, 2011 (as PCR-1-11); and recommended to the legislative body in a Communication: Planning Commission, dated November 17, 2011, is hereby adopted by the Mayor and City Council as an amendment to the General Plan for the City, the 2009 City of Gaithersburg Master Plan Land Use Element, as heretofore amended.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that all other recommendations of the City Planning Commission, as documented in Exhibit 163 (November 17, 2011 Communication: Planning Commission) pursuant to the adoption of PCR-1-11, are hereby approved and ratified to the extent not inconsistent with this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that maps, tables and illustrative material may be revised where necessary to conform to City Council actions. The text may be revised as necessary to achieve clarity and consistency and to convey the actions of the City Council.

ADOPTED by the City Council this 19th day of December, 2011.

Sidney A. Katz, Mayor and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council on the 19th day of December, 2011

Angel L. Jones, City Manager