



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
MCPB 1-15-09

MEMORANDUM

DATE: January 5, 2009
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RAK*
Development Review Division
FROM: Joshua Sloan, Coordinator
Development Review Division
(301) 495-4597
Joshua.Sloan@mncppc-mc.org



REVIEW TYPE: **Project Plan Review**
CASE #: **920070060**
PROJECT NAME: **Bonifant Plaza**

APPLYING FOR: Extension of the 90-day review period for a project plan for up to an additional 30 days, or no later than February 12, 2009

REVIEW BASIS: Div. 59-D-2.2 of Montgomery County Zoning Ordinance

ZONE: CBD-1

LOCATION: Located on Bonifant Street, approximately 135 feet east of Georgia Avenue

MASTER PLAN: Silver Spring CBD Sector Plan

APPLICANT: 949/961, LLC
FILING DATE: February 2, 2007
HEARING DATE: January 15, 2009

Section D-2.2 of the Zoning Ordinance provides that the Planning Board shall hold a public hearing no later than 90 days after the filing of a project plan. The Planning Board may, however, extend this period. The Applicant has requested additional time in their letter dated December 24, 2008 (attached) to coordinate with M-NCPPC-Transportation Planning and Montgomery County DOT for the alley access to the site.

Staff recommends APPROVAL of the extension request to no later than February 12, 2009.

Holland+Knight

Tel 301 654 7800
Fax 301 656 3978

Holland & Knight LLP
3 Bethesda Metro Center, Suite 800
Bethesda, MD 20814-6337
www.hklaw.com

December 24, 2008

Patricia Harris
301 215 6613
patricia.harris@hklaw.com

VIA ELECTRONIC MAIL

Mr. Joshua Sloan
Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Bonifant Street -- Request for Extension of Project Plan No. 920070060

Dear Mr. Sloan:

On behalf of Mr. Theo Margas, we respectfully request a 30-day extension for the above-referenced Project Plan which will extend the Project Plan from January 24, 2009 to February 24, 2009. As you are aware, we met with you and other Maryland-National Capital Park and Planning Staff and Department of Transportation ("DOT") Staff in late August following DOT's long awaited decision with respect to the exclusive alley access to the project. Unfortunately, it took many months to reach resolution on this issue which contributed to the delay of the Project Plan.

Subsequent to the August meeting, it was our intention to promptly address the remaining outstanding issues with the objective of working toward a Project Plan hearing before the Planning Board prior to the January 24, 2009 expiration date. However, two factors have made adherence to this date difficult. First, as we previously informed you, the Applicant was negotiating the potential acquisition of the parcel adjacent to the Project Plan site. Because the acquisition of this parcel would have necessitated certain changes in the Project Plan, we postponed further work on the Project Plan until a determination was made with respect to this issue. In the end, the parcel was not acquired and as a result, no change to the Project Plan was required. The second factor related unfortunately to the current economic crisis which caused the Applicant to temporarily suspend any activity on the project for more than a month. We are now pleased to be able to resume pursuing the Project Plan approval. Nonetheless, the two brief suspensions of work in the Fall have made it difficult for the Applicant and its consultants to complete all of the work which is necessary to bring the Project Plan to hearing prior to the expiration date.

For these reasons, we respectfully request a minor extension of 30 days. We look forward to presenting the Project Plan and Preliminary Plan to the Planning Board in late January or February 2009 and appreciate your consideration of this matter.

Mr. Joshua Sloan
December 24, 2008
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If you have any questions, please do not hesitate to contact me.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read 'Patricia A. Harris', written over the printed name.

Patricia A. Harris

cc: Mr. Robert Kronenberg
Mr. Theo Margas

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