



AUG 9 2011

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

MCPB No. 11-57
Site Plan No. 82007018A
Project Name: Lot 31/31A – Bethesda
Hearing Date (Consent Agenda): July 21, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board (“Planning Board”) is required to review amendments to approved site plans; and

WHEREAS, the subject site located on the southeast and southwest corners of the intersection of Bethesda Avenue and Woodmont Avenue is comprised of two public parking lots and includes the public right of way of Woodmont Avenue with Parking Lot 31 adjacent to an existing single family neighborhood to the south and the Capital Crescent Trail to the west (“Property”); and

WHEREAS on October 10, 2006 the County Council for Montgomery County, sitting as the District Council, approved the reclassification of land in the R-60 Zone and CBD -1 Zone to TS-M zoning for the Property; and.

WHEREAS on September 20, 2007, the Planning Board approved, subject to conditions, Site Plan 820070180 for a mixed use development with a maximum density of 2.59 floor area ratio including a maximum of 250 multi-family dwelling units, of which a minimum of 12.5% of the units will be moderately priced dwelling units and up to 35 of the units will be workforce housing units, and a maximum of 40,000 square feet of retail space for development of the Property; and.

WHEREAS, on May 9, 2011, in accordance with Section 59-D-3.7 of the Zoning Ordinance, Lot 31 Associates, LLC and Montgomery County, Maryland, filed a site plan amendment application that included some minor amendments to the approved forest conservation plan for the Property, together designated Site Plan No. 82007018A (“Amendment”) for approval of the following modifications:

- ξ Lot 31A building footprint adjustment at northwest building corner (adjacent to Bethesda Avenue/Woodmont Avenue); adjustments to seating area and elimination of plantings based on footprint adjustment resulting in reduced open space on this corner.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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- Lot 31 rear courtyard plaza enlarged with layout revisions to landscape, water feature, and hardscape, with associated minor lighting adjustments.
- Lot 31A landscape and hardscape alterations along Woodmont Avenue and eastern property line.
- A slight increase in total open space provided.
- Minor detailing adjustments to seat wall along southern buffer on Lot 31.
- Minor alterations of final grade at various locations around the entire site.
- Extension of screen wall from Lot 31 southwest property line.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated July 11, 2011 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on July 21, 2011, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby APPROVES Site Plan No. 82007018A; and

BE IT FURTHER RESOLVED, that the development must comply with the conditions of approval for Site Plan 820070180 as enumerated in the Planning Board Resolution dated December 20, 2007 and Corrected Resolution dated February 28, 2008, except as modified herein; and

BE IT FURTHER RESOLVED, that upon consideration of the entire record, the Montgomery County Planning Board FINDS that the modifications to the Site Plan will not alter the overall character or impact of the development with respect to the original findings of approval, and that these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

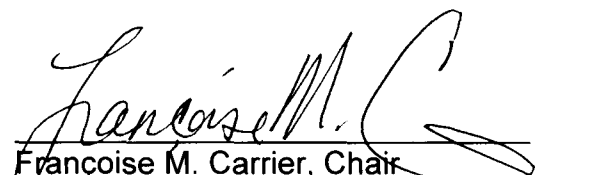
~~BE IT FURTHER RESOLVED~~, that the date of this written resolution is AUG 9 2011 (which is the date that this Resolution is mailed to all parties of record);; and

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 written opinion, 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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CERTIFICATION

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 Presley, seconded by Vice Chair Wells Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Presley present and voting in favor of the motion, with Commissioner Anderson abstaining, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 21, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board