



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

CONSENT ITEM
MCPB 5.21.09

MEMORANDUM

DATE: May 8, 2009
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *R&K*
Robert Kronenberg, Supervisor *R&K*
Development Review Division
FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *am*
Planner Coordinator
Development Review Division
(301) 495-2115
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REVIEW TYPE: **Project Plan Review**
CASE #: **920070100**
PROJECT NAME: **8700 Georgia Avenue**

APPLYING FOR: Extension of the 90-day review period for a project plan for up to an additional six months, from May 28, 2009, to no later than November 21, 2009
REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: CBD-2
LOCATION: The northwest quadrant of the intersection of Georgia Avenue and Cameron Street
MASTER PLAN: Silver Spring CBD Sector Plan

APPLICANT: 8700 Georgia Avenue, Inc.
FILING DATE: November 28, 2006
ACCEPTANCE: April 2, 2007
HEARING DATE: May 21, 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, though the Board may extend this period. The building currently occupying the site was nominated for designation and protection as a Historic Building. On August 15, 2007, the Historic Preservation Commission (HPC) voted to recommend the nomination to the Planning Board for the building to be designated Historic. On March 20, 2008, the Board voted not to recommend the site for designation, and on October 28, 2008, the County Council rejected a motion to schedule a public hearing for the petition. The 105-day window for the County Council to act on the nomination expired November 13, 2008. Civic groups have appealed the Planning Board's and County Council's decisions to the Circuit Court of Montgomery County, appeals which have yet to be ruled upon. Upon conclusion of these appeals, the Applicant will re-engage the development review process and respond to the DRC comments staff provided in May of 2007.

Since the initial designation petition, the Applicant has requested, and the Planning Board has granted, several previous review period extensions, from June 21, 2007, to May 28, 2009. The Applicant has now requested, in a letter dated May 4, 2009, that the review period for the Project Plan again be extended for up to an additional 6 months, from May 28, 2009, to no later than November 21, 2009. Staff recommends **APPROVAL** of the extension request.

May 4, 2009

Patricia Harris
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BY ELECTRONIC MAIL

Mr. Elza Hisel-McCoy, Assoc. AIA, LEED-AP
Planner Coordinator
Development Review Division
Maryland-National Capital Park and Planning
Commission
8787 Georgia Avenue
Silver Spring, MD 20914

Re: 8700 Georgia Avenue –
Project Plan No. 920070100 and Preliminary Plan No. 120070190

Dear Mr. Hisel-McCoy:

On behalf of 8700 Georgia Avenue, Inc., the Applicant in the above-referenced case, we respectfully request that the Project Plan hearing date of May 21, 2009, be extended for at least six (6) months until November 21, 2009, in order that the Circuit Court of Montgomery County Maryland may hear and rule upon the three appeals that have been filed by Montgomery Preservation Inc. challenging the Planning Board's and District Council's "actions" with respect to the non-designation of the Property on the Master Plan for Historic Preservation.

We appreciate your assistance in this matter.

Very truly yours,

HOLLAND & KNIGHT LLP



Patricia A. Harris

cc: Mr. Bert Foer

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