



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

MCPB No. 09-127

Adequate Public Facilities Determination – APF201001

Project Name: Olney Town Center

Hearing Date: September 24, 2009

OCT 27 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 8, Sections 8-30, 8-31, and 8-32, the Montgomery County Planning Board (“Planning Board” or “Board”) is vested with the authority to determine Adequate Public Facilities (“APF”) before a building permit is issued; and

WHEREAS, on August 19, 2009, Gutschick, Little and Weber, P.A. on behalf of Olney Town Center LLC (“Applicant”), filed an application for a determination of APF in anticipation of a building permit for Olney Town Center expansion (APF201001; originally approved as Preliminary Plan No. 119831720, and Record Plat No. 16445) (“Application”) for additional 9,033 square feet of retail density on the property¹; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and the staffs of other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 11, 2009, setting forth its analysis and recommendation for approval of the timely APF determination subject to certain conditions (“Staff Report”); and

WHEREAS, on September 24, 2009, the Planning Board held a public hearing on the Application (the “Hearing”); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 24, 2009, at the Hearing, the Planning Board found the application to satisfy APF requirements, and APPROVED the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Wells-Harley;

¹ The Olney Town Center buildings existed before adoption of the Sectional Map Amendment applicable to the zoning of the property, and the proposed expansion is less than 10,000 square feet and 10% of the gross building floor area. Therefore, in accordance with Section 59-C-11.2 of the Montgomery County Zoning Ordinance this expansion does not require review under MXTC zoning requirements; provided however, any additional expansion that takes the cumulative total above either 10,000 square feet or 10% of the gross building area of the project will require site plan review.

Approved as to
 Legal Sufficiency:

with a vote of 3-0, Chairman Hanson and Commissioners Wells-Harley and Alfandre voting in favor, and Commissioners Cryor and Presley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 8, the Planning Board hereby ADOPTS the Staff's recommendation and analysis set forth in the Staff Report and APPROVES APF201001, subject to the following conditions:

1. Limit development on the property to a maximum of 110,884 SF of retail uses.
2. Install within the Olney Policy Area as PAMR mitigation a real-time transit information sign at a location approved by the Montgomery County Department of Transportation (DOT). The sign must be installed prior to the release of any building permits associated with the proposed shopping center expansion. If acceptable to the DOT, the Applicant may meet this condition by paying an amount equivalent to the design, purchase, and installation of the real-time transit information sign to DOT or WMATA prior to release of any building permits associated with the proposed shopping center expansion.
3. Limit validity period of the APF approval for the subject application (to increase density at the Olney Town Center Shopping Center by 9,033 square feet) to 85 (eighty-five) months from the date of mailing of this Planning Board Resolution.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 27 2009 (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).

* * * * *

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 Wells-Harley, seconded by

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Commissioner Alfandre, with Chairman Hanson, Commissioners Wells-Harley and Alfandre present and voting in favor of the motion, and Commissioners Cryor and Presley absent at its regular meeting held on Thursday, October 22, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board