



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

AUG 10 2012

MCPB No. 12-99
 Site Plan No. 81995036F
 Montrose Crossing
 Date of Hearing: July 26, 2012

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-1-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on August 15, 1995, the Planning Board approved Site Plan No. 819950360 (no resolution number was recorded) for construction of 2,400 square feet of office, 20,377 square feet of restaurant, and 426,048 square feet of retail uses and structured parking on 31.52 net acres of RMX-3C-zoned land, located on the northeast quadrant of the intersection of Rockville Pike and Randolph Road, Parcel A ("Subject Property"), in the North Bethesda/Garret Park Master Plan ("Master Plan") area; and

WHEREAS Planning Staff administratively approved Site Plan Amendment No. 81995036A for minor site modifications (no approval date was recorded); and

WHEREAS on May 27, 2003, the Planning Board approved Site Plan Amendment No. 81995036B (no resolution number was recorded) for an extension to file a site plan for Phase III (eventually filed as 820040130); and

WHEREAS Planning Staff administratively approved Site Plan Amendment No. 81995036C for minor site modifications (no approval date was recorded); and

WHEREAS on September 29, 2010, by Resolution 10-128, the Planning Board approved Site Plan Amendment No. 81995036D to allow the construction of Nebel Street, which required a reduction of 70,732 square feet of retail space; and

WHEREAS on December 20, 2011, by Resolution 11-110, the Planning Board approved Site Plan Amendment No. 81995036E for the addition of a free-standing restaurant; addition of a free-standing bank; minor site, landscaping, and lighting changes; and removal of the "festive place maker" public art piece; and

Approved as to
 Legal Sufficiency:

Christina Sorent 7/11/12

8787 Georgia Avenue, N.C. Planning Department 10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, on June 12, 2012, BVS Montrose, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plans to capture incorrectly calculated gross floor area in Building "H" adding 200 feet to the total commercial square-footage approved; change patron areas to reflect final designs; and make minor lighting and grading changes based on final engineering drawings on the Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81995036F, Montrose Crossing ("Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 11, 2012, setting forth its analysis of, and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, on July 26, 2012, the Planning Board considered the Application on its consent agenda and voted to approve the Application, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 81995036F for the addition of 200 square feet of gross floor area for Building "H" for up to 384,624 total commercial square feet and modification of the internal and external patron area calculations; addition of parking area lighting features; and modification of the grading.

BE IT FURTHER RESOLVED, that all other Site Plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that all site development elements as shown on Montrose Crossing drawings stamped by the M-NCPPC on June 8, 2012, shall be required; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS that:

- 1. This Amendment does not alter the intent, objectives, or requirements in the originally approved Site Plan and approved amendments, and all findings remain in effect.*

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

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

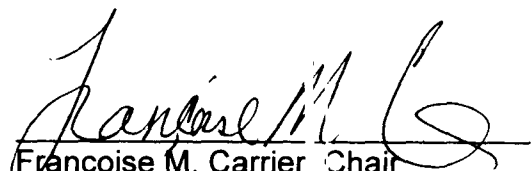
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 10 2012 (which is the date that this resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, July 26, 2012, in Silver Spring, Maryland.


Françoise M. Carrier Chair
Montgomery County Planning Board