



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

AUG 1 2013

MCPB No. 13-105
Site Plan No. 82009001A
Project Name: Woodmont View
Hearing Date: July 11, 2013

RESOLUTION

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

WHEREAS, on December 12, 1989, the County Council approved Local Map Amendment G-636 changing the R-60 Zone of the property to the C-T zone; and

WHEREAS, on March 21, 2002, the Planning Board approved Site Plan No. 820020260 for one-family dwelling in the C-T zone; and

WHEREAS, on March 30, 2004, the County Council approved Local Map Amendment G-808, changing the zoning of the property to PD-75; and

WHEREAS, on April 24, 2007, the County Council approved DPA 06-01 for development of an eight-story, 46 unit, mixed-use building, including 8 MPDUs, a restaurant, and retaining existing one-family, detached home on the northern end of the property; and

WHEREAS, on March 27, 2009, the Board of Appeals approved a Special Exception S-2740 for an extended-stay multi-family residence to house up to five families (Children's Inn) located in the northern portion of the site; and

WHEREAS, on July 23, 2009, the Planning Board approved Site Plan No. 820090010 for development of a 46-unit multi-family building and a 3,200 square foot ground floor restaurant, and an existing one-family home to remain on the site; and

WHEREAS, on October 19, 2010, the County Council approved DPA 10-2 to allow a maximum building height of 90 feet, by including 19 percent (9 MPDUs) and a maximum building coverage of 60.5 percent; and

WHEREAS, on May 6, 2013, Duball Battery LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan to waive

Approved as to
Legal Sufficiency

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the parking requirement for commercial use, modify the recreation facilities, and modify the building elevation and footprint ; and

WHEREAS, the May 6, 2013 application was designated Site Plan No. 82009001A, Woodmont View (“Amendment” or “Application”); and

WHEREAS, following review and analysis of the Amendment by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board dated June 07, 2013 setting forth its analysis and recommendation for approval of the Amendment subject to certain conditions (“Staff Report”); and

WHEREAS, on July 11, 2013, the Planning Board held a public hearing on the Amendment, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Site Plan No. 82009001A to waive the parking requirement for commercial use, modify the recreation facilities, and modify the building elevation and building floor plan, subject to the following conditions:¹

1. The maximum number of on-site residential parking spaces provided for the development is 83, and the minimum number of on-site residential parking spaces provided for the development is 60. The development will not have any dedicated non-residential parking spaces.
2. The Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate on the certified Site Plan that each element is in conformance with the approved M-NCPPC Recreation Guidelines. The development must provide sitting areas, an exercise room and an indoor community space.
- 3 The Subject Property is within the Bethesda-Chevy Chase (BCC) school cluster. The Applicant must make a school facilities payment to the Montgomery County Department of Permitting Services at the high school level at the multi-family unit rates for all units for which a building permit is issued. The timing and the amount of payment will be in accordance with Chapter 52 of the Montgomery County Code. The APF review for this development, exclusive of the school test, will remain valid for 85 months from the September 14, 2009 mailing date of the Planning Board Resolution for the Site Plan No. 820090010.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

4. Revise the building footprint in accordance with the submitted Sheet No. 1.0 dated June 12, 2013. Building setbacks as approved by Site Plan No. 820090010 will not be altered.
5. Revise the building façade elements in accordance with the submitted Sheet No. 2.0 dated June 12, 2013. The massing and height of the building on the previously approved site plan submission must be maintained. The façade elements will be substantially similar to the elevations that were previously approved.

BE IT FURTHER RESOLVED, unless specifically amended, all other conditions of approval for Site Plan No. 820090010 remain valid and in full force and effect; 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, with the conditions of approval, that this Amendment is substantially consistent with the intent, objectives, or requirements in the originally approved site plans, and therefore, and all prior findings remain in effect.

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 1 2013 (which is the date that this resolution is mailed to all parties of record); and

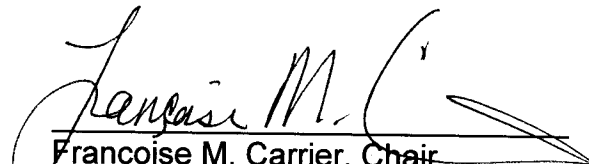
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 25, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board