



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

AUG 5 2014

MCPB No. 14-66
Preliminary Plan No. 11987112A
Denit Property (Olney Gardens)
Date of Hearing: July 24, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review amendments to preliminary plan applications; and

WHEREAS, the Planning Board, on January 28, 1988 and by an undated Opinion, approved Preliminary Plan No. 119871120, Helen Denit Property, creating one lot on 3.11 acres of land in the C-2 zone, for 92,000 square feet of office, located at 3110 to 3140, Georgia Avenue, ("Subject Property"), in the Olney Policy Area, and Olney master plan ("Master Plan") area; and

WHEREAS, on September 12, 1996, the Planning Board approved an amendment to Preliminary Plan No. 119871120, Helen Denit Property, by Opinion dated September 17, 1996, to limit development to a maximum of 30,625 square feet of general retail use and 4,000 square feet of high turn over, sit-down restaurant on the Subject Property; and

WHEREAS, on May 13, 2014, Olney Gardens Trio L.C., ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan(s) to change the uses permitted on the Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11987112A, Denit Property (Olney Gardens) ("Preliminary Plan 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, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 24, 2014, Staff presented the Application to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

Approved as to
Legal Sufficiency

Christina Sonnet 7/16/14

8767 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11987112A, subject to the following revised condition:¹

- 1) Development is limited to a maximum of 34,625 square feet of general retail uses except a major grocery food chain store.

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

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the revised condition of approval, that: this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan or as revised by previous amendments, and all findings not specifically addressed remain in effect.

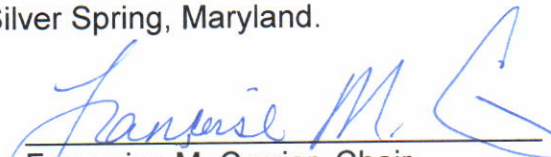
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 15 2014 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor, and Commissioner Anderson absent, at its regular meeting held on Thursday, July 24, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

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.