



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

MCPB
Agenda Date: 6/23/16
Consent Agenda Item

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Planning Director *GLMN*

VIA: Glenn Kreger, Chief, Area 2 Division, 301-495-4653 *GK*
Khalid Afzal, Supervisor, Area 2 Division, 301-495-4650 *KA*
Ed Axler, Planner Coordinator, Area 2 Division, 301-495-4536 *EA*

SUBJECT: Correction of Resolution for the Walnut Hill Shopping Center Adequate Public Facilities finding, MCPB No. 15-78.

Attached is a redlined version of the Resolution MCPB No. 15-78 for Adequate Public Facilities finding for the Walnut Hill Shopping Center expansion. The Resolution was mailed out to all parties of record on July 16, 2015.

The corrected resolution deletes Condition No. 3 because the Montgomery County Department of Transportation and the State Highway Administration comments are not relevant for developments that do not require a preliminary plan or site plan approval by the Planning Board. Since this approval was for Adequate Facilities finding only, Condition No. 3 is not applicable.

This modification will ensure consistency with the intended conditions of approval. Staff is requesting the Planning Board's approval so that the corrected resolution can be mailed out to all parties of record.



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

MCPB No. 15-78
 Adequate Public Facilities Determination
 Walnut Hill Shopping Center
 Date of Hearing: July 9, 2015

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CORRECTED RESOLUTION

WHEREAS, under Montgomery County Code Chapter 8-32, Article IV, the Montgomery County Planning Board (Planning Board or Board) is authorized to make an Adequate Public Facilities (APF) determination; and

WHEREAS, on April 9, 2015, Standard Properties ("Applicant") filed an application for approval of an APF determination for expansion of the existing Walnut Hill Shopping Center by 9,999 square feet for a total of 109,856 square feet of non-residential development on approximately 7.87 acres in the CRT2.25 C1.5 R7.5 H45 Zone, located along Frederick Avenue (MD 355), between North Westland Drive and South Westland Drive ("Property") in the 2010 *Great Seneca Science Corridor Master Sector Plan* ("Master Plan") area; and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 25, 2015, setting forth its analysis and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on July 9, 2015 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Montgomery County Code Chapter 50, the Planning Board approves the Adequate Public Facilities determination subject to the following conditions:

- 1) This transportation APF determination is limited to an expansion of general retail use by 9,999 square feet from the existing 99,857 to the total of 109,856 square feet.
- 2) The Applicant must satisfy the Transportation Policy Area Review (TPAR) test by making the TPAR payment to the Montgomery County Department of Permitting Services (MCDPS) equal to 25% of the development impact tax.

~~3) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated May 21, 2015, and the Maryland State Highway Administration (SHA) letter dated May 15, 2015, and hereby incorporates them as conditions of the APF approval. The Applicant must comply with each of the comments as set forth in the letters, which may be amended by MCDOT or SHA provided that the amendments do not conflict with other conditions of the APF approval.~~

BE IT FURTHER RESOLVED that for the purpose of these conditions, the term Applicant shall also mean the developer, the owner, or any successors in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that this Adequate Public Facilities determination will remain valid for 85 months from its initiation date (as defined in Montgomery County Code Section 8-32), and that prior to the expiration of this validity period, a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the effective date of this Resolution is July 16, 2015 (which is the date that this the original Resolution is was 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 Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-González voting in favor, and Commissioners Dreyfuss and Presley absent at its regular meeting held on Thursday, June 23, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board