



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

MCPB No. 16-142
 Site Plan No. 82007018C
 Lot 31/31A Bethesda
 Date of Hearing: March 30, 2017

APR 27 2017

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on December 20, 2007, the Planning Board, by Resolution MCPB No. 07-198, approved Site Plan No. 820070180 for a mixed-use development with a up to 250 multi-family dwelling units and 40,000 square feet of retail space on 3.07 acres of TS-M zoned-land, located in the southern half of the intersection of Woodmont Avenue and Bethesda Avenue ("Subject Property"), in the *Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, on August 9, 2011, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82007018A (MCPB No. 11-57), for minor changes to the approved Final Forest Conservation Plan; and

WHEREAS, on April 6, 2015, the Planning Director administratively approved an amendment to the previously approved site plan, designated Site Plan No. 82007018B, for minor modifications to the details of the public spaces and streetscape; and

WHEREAS, on August 29, 2016, Lot 31 Associates/Stonebridge ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to remove a note defining the area within the public right-of-way that may be used for outdoor restaurant seating (Note 26) on the Subject Property; and

Approved as to
 Legal Sufficiency:

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82007018C, Lot 31/31A Bethesda ("Site 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 March 20, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 30, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 30, 2017, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Wells-Harley voting in favor and Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017018C to remove Note 26 by adding the following condition:¹

1. Clear Pedestrian Path

- a. The Applicant must provide along the site street frontage a minimum free and clear pedestrian path of 7 feet.
- b. The Applicant must limit outdoor seating located immediately along the building face to an area within 3 feet from the building face.

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 shown on the latest electronic version of Lot 31/31A Bethesda, 82007018C, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and

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.

upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 1. This Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous 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 APR 27 2017 (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 Fani-González, seconded by Commissioner Cichy, with Vice Chair Wells-Harley and Commissioners Fani-González and Cichy voting in favor, and Chair Anderson and Commissioner Dreyfuss absent at its regular meeting held on Thursday, April 20, 2017, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board