



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

MCPB No. 16-055
 Project Plan No. 92015002A
 8008 Wisconsin Avenue
 Date of Hearing: July 28, 2016

SEP 16 2016

RESOLUTION

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

WHEREAS, under Section 59-D-2 of the Zoning Ordinance in effect on October 29, 2014, the Montgomery County Planning Board is authorized to review project plan applications; and

WHEREAS, on June 23, 2015, the Planning Board, by Resolution MCPB No. 15-62, approved Project Plan No. 920150020, for a 14-story, mixed-use building containing a maximum of 151,953 square feet of multi-family residential use consisting of up to 140 dwelling units (including a minimum of 15% moderately priced dwelling units ("MPDUs"), and a maximum of 4,500 square feet of non-residential use on 13,962 net square feet of land in the CBD-1 zone, located in the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue ("Subject Property"), in the Bethesda CBD Policy Area and *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, on March 29, 2016, Jemal's Surplus, LLC ("Applicant") filed an application for approval of an amendment to the previously approved project plan to decrease the residential floor area to 150,375 square feet (up to 106 dwelling units) and to increase the nonresidential floor area to up to 5,793 square feet on the Subject Property; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 92015002A, 8008 Wisconsin Avenue ("Application," "Amendment," or "Project Plan"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

Approved as to
 Legal Sufficiency:


 M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Planning Board, dated July 15, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 28, 2016, 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 July 28, 2016, the Planning Board voted to approve the Application subject to conditions on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Wells-Harley voting in favor. Commissioner Dreyfuss was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Project Plan No. 92015002A for a maximum of 150,375 square feet of multi-family residential use consisting of no more than 106 multi-family dwelling units, including 15% MPDUs, and 5,793 square feet of non-residential uses on the Subject Property, subject to the following condition, which modifies Condition No. 1 of Planning Board Resolution MCPB 15-62 dated June 23, 2015, approving Project Plan 920150020:¹

The development is limited to a maximum of 150,375 square feet of multi-family residential uses, consisting of no more than 106 multi-family dwelling units (including a minimum of 15% Moderately Priced Dwelling Units ("MPDUs")), and a maximum of 5,793 square feet of non-residential use. The total floor area of the Project Plan is limited to 156,168 square feet.

BE IT FURTHER RESOLVED that all elements shown on the latest version of 8008 Wisconsin Avenue, 92015002A, submitted to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above condition of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved project plan, and all findings not specifically addressed remain in effect.

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.

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 Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is SEP 16 2016 (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 Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor, and Commissioners Dreyfuss and Fani-González absent at its regular meeting held on Thursday, September 8, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board