



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

MCPB No. 17-074  
 Preliminary Plan No. 12004049B  
**North Bethesda Town Center**  
 Date of Hearing: July 24, 2017

**'JUL 31 2017**

**RESOLUTION**

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

WHEREAS, on March 22, 2005, the Planning Board approved Preliminary Plan No. 120040490 to create 9 lots, 2 parcels with 1,350 multi-family residential units including 12.5% (169) MPDUs, 1,148,000 square feet of commercial office, 202,037 square feet of general retail with a possible supermarket, and an 80,000 square foot theater with matinees and a 3,500 seating capacity on 32.42 acres in the TS-M and I-1 Zones, located on the east side of Rockville Pike (MD 355) between Marinelli Road and Old Georgetown Road (MD 187), in the 2010 White Flint Sector Plan area ("Master Plan"); and

WHEREAS, on March 20, 2008, the Planning Board approved an amendment to Preliminary Plan No. 12004049A (MCPB No. 08-28 B) to extend the phasing schedule for recordation of plats for the development to twelve years; to establish a twelve-year Adequate Public Facilities (APF) validity period; and to record a separate public access easement; and

WHEREAS, on June 2, 2017, LCOR White Flint, LLC ("Applicant") filed a limited Preliminary Plan Amendment to amend Condition Nos. 3, 8, 11 and 14 of Preliminary Plan No. 120040490 to allow recordation of a plat for Parcel G ("Subject Property") before Certified Site Plan. The Subject Property is part of the 32.42 acres North Bethesda Town Center development. Parcel G lies to the east of Citadel Avenue, within the larger site. Parcel G is now zoned, CR-4.0, C-2.0, R-3.5, H-250; and

WHEREAS, the Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12004049B, North Bethesda Town Center ("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

Approved as to  
 Legal Sufficiency:

*Christina Sount* 7/19/17

Planning Board, dated July 14, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 24, 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, 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 the Planning Board APPROVES Preliminary Plan No. 12004049B for a limited Preliminary Plan Amendment to amend Condition Nos. 3, 8, 11, and 14 of Preliminary Plan No. 120040490 to allow recordation of a plat for Parcel G before Certified Site Plan subject to the following conditions:<sup>1</sup>

3. No clearing, grading or recording of plats prior to site plan signature set except Parcel G record plat can proceed before Certified Site Plan.
8. Record plat to reflect all areas under Homeowners Association ownership and stormwater management areas in all parcels except Parcel G. In Parcel G, the record plat shall include a notation that any necessary stormwater management easement will be recorded before the issuance of any new sediment and erosion control permit.
11. All road right-of-way shown on the approved preliminary plan shall be dedicated by the Applicant, to the full width mandated by the North Bethesda/Garrett Park Master Plan, unless otherwise designated on the Preliminary Plan. On Marinelli Road, the Applicant must dedicate, and show on the record plat(s), 5 feet of right-of-way as shown on this Preliminary Plan Amendment No. 12004049B.
14. Compliance with conditions of the Montgomery County Department of Transportation (formerly the Montgomery County Department of Public Works and Transportation) letter dated July 15, 2004, as amended September 21, 2004 and June 26, 2017, and as may be further amended.

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

---

<sup>1</sup> 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 having considered the recommendations and findings of its Staff as presented at the hearing and 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 conditions of approval, that:

1. *All previous findings are unaffected and previous conditions remain in full force and effect.*

The Planning Board finds that this Preliminary Plan Amendment does not affect the previous findings of the Board regarding the Preliminary Plan, and all other previous conditions of approval remain in full force and 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 JUL 31 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 Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Monday, July 24, 2017, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board