



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

MCPB No. 17-129  
 Preliminary Plan No.12011034C  
**Travilah Square**

JAN 03 2018

Date of Hearing (by Consent): November 30, 2017

**RESOLUTION**

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

WHEREAS, on April 9, 2012, the Planning Board, by Resolution MCPB No. 11-136, approved Preliminary Plan No. 120110340, creating one lot from two unrecorded parcels and one previously recorded lot on approximately 5.56 acres of land in the CR0.75, C 0.5, R 0.75, H 80 Zone, located on the south side of the intersection of Darnestown Road and Travilah Road (“Subject Property”), in the *Great Seneca Science Corridor Master Plan* (“*Master Plan*”) area; and

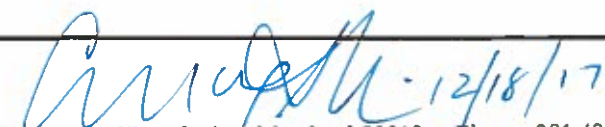
WHEREAS, on November 6, 2013, the Planning Board approved an amendment, Preliminary Plan No. 12011034A (MCPB No. 13-96) to allow the replacement of 19,694 square feet of retail and office uses with a 14,490-square-foot pharmacy/retail store with drive-through window and drive aisles for a total of 56,292 square feet of commercial uses on the Subject Property; and

WHEREAS, on October 21, 2016, the Planning Board approved an amendment, Preliminary Plan No. 12011034B (MCPB No. 16-112) to replace the previous approval for a 14,490-square-foot pharmacy/retail store with a 16,300-square-foot multi-tenant retail building resulting in an overall approved square footage of up to 58,102 square feet on the Subject Property; and

WHEREAS, on July 20, 2017, MFS Travilah LLC and ABS Travilah LLC (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan(s) to replace the Condition of Approval No. 5b in Preliminary Plan No. 12011034B, requiring a five-and-a-half-foot-wide bike lane along Darnestown Road with a condition requiring a 10-foot-wide shared-use-path on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan No. 12011034C, Travilah Square (“Preliminary Plan,” “Amendment,” or “Application”); and

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Approved as to  
 Legal Sufficiency:  12/18/17  
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 MNCPPC Legal Department  
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WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a revised memorandum to the Planning Board, dated November 21, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 30, 2017, Staff presented the Amendment 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, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor. Commissioner Dreyfuss was absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12011034C subject to the following conditions:<sup>1</sup>

1. All conditions of approval in Preliminary Plan No. 12011034B remain in full force and effect except as modified herein.
2. Condition No. 5b of Preliminary Plan No. 12011034B, in Planning Board MCPB No. 16-122, is hereby amended to read: Provide a 10-foot wide shared-use-path and plant street trees along the Property’s Darnestown Road frontage as shown on the plan dated October 16, 2017.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its e-mail dated November 13, 2017, and hereby incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management reconfirmation concept letter dated November 3, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS – Water Resources Section may amend provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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<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.

5. The Applicant must reflect the changes approved by this amendment on Certified Site Plan No. 82013007A.

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 notwithstanding that the Staff Report indicated the Application was reviewed under the Subdivision Regulations in effect prior to February 13, 2017, this Application was approved under the Subdivision Regulations effective as of the date the Application was submitted; and

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 conditions of approval, that unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan 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 JAN 03 2018 (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).

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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 Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 21, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board