



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

MCPB No. 18-023
Preliminary Plan No. 12002020C
Chevy Chase Lake Block B
Date of Hearing: February 22, 2018

MAY 08 2018

RESOLUTION

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

WHEREAS, on November 22, 2002, the Planning Board approved Preliminary Plan No. 120020200, creating one lot for a maximum of 174,016 square feet of retail uses and 48,708 square feet of office uses on 5.0 acres of land in the C-1, C-2, and R-30 zones, located in the southeast quadrant of the intersection of Connecticut Avenue and Manor Road ("Subject Property"), in the Bethesda/Chevy Chase Policy Area and Chevy Chase Lake Sector Plan ("Sector Plan") area; and

WHEREAS, on February 21, 2006, the Planning Board approved Preliminary Plan Amendment No. 12002020A to increase the office use floor area to 74,356 square feet on the Subject Property; and

WHEREAS, on June 15, 2017, the Planning Board approved Preliminary Plan Amendment No. 12002020B to create two lots for a maximum density of 789,450 square feet of total development, including up to 681,746 square feet of multi-family residential uses, consisting of up to 534 dwelling units (including 12.9% MPDUs), and up to 107,704 square feet of nonresidential (retail, restaurant, or service) uses on 6.19 acres of land in the CRT-2.0 C-1.0 R-1.75 H-120 and CRT 2.0 C 2.0 R 2.0 H80 zones, on the Subject Property; and

WHEREAS, on December 22, 2017, Bozzuto Development Company/Chevy Chase Land Company ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plans to abandon an easement on the Subject Property which has not been put to public use; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12002020C, Chevy Chase Lake Block B ("Preliminary Plan," "Amendment," or "Application"); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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 February 12, 2018, setting forth its analysis and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, on February 22, 2018, 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 Amendment, on motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12002020C to abandon an easement which has not been put to public use.

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

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, and upon consideration of the entire record, the Planning Board FINDS that:

1. this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as revised by previous amendments, and all findings remain in effect; and
2. the "easement for drainage sanitary and storm sewers" shown on Plat No. 2171, Parcel A, Block 2, Chevy Chase Section 5-C that is the subject of this Amendment and further described in the Staff Report has not been in public use and is not necessary for anticipated future public use. Accordingly, the easement is appropriate for abandonment under Montgomery County Code Section 49-68, subject to the Washington Suburban Sanitary Commission abandoning its interest in the easement.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); 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 MAY 08 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).

* * * * *

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 Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, April 26, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board