




October 4, 2018

**MEMORANDUM**

TO: Montgomery County Planning Board

FROM: Christina Sorrento, Associate General Counsel   
301.495.4646

RE: First Amendment to Planning Board Agreement  
17902 Georgia Avenue- Preliminary Plan No. 119881370

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The Legal Department presents the attached First Amendment to Agreement for 17902 Georgia Avenue ("Amendment") to the Planning Board for review and approval. The original agreement ("Agreement") was made on November 25, 1988 in compliance with a condition of Preliminary Plan No. 119881370. The Agreement requires both parties to agree to any modifications in writing.

The purpose of the Agreement is to limit the use of the development to ensure it generates fewer than 50 peak hour trips. The Planning Board Opinion required the limitation on peak hour trips but did not specify a type of use. However, the Agreement itself specified the use as a "5,600 square feet dental clinic" [sic]. The current property owner would like to use the building for a use that is still under the 50 peak hour trip requirement of the Planning Board's approval but does not want to be limited to a dental clinic. This Amendment would modify item two of the Agreement allowing restriction of development to "5,600 square feet of general office use" that generates fewer than 50 peak hour trips. Staff believes this Amendment meets the intent of the Planning Board's Preliminary Plan approval.

If the Planning Board votes to approve this Amendment, the document will be sent to the Executive Director for signature on behalf of the Planning Board.

**ATTACHMENTS**

Attachment 1 – First Amendment to Agreement

Attachment 2 – Agreement dated November 25, 1988

Attachment 3 -- Preliminary Plan No. 119881370 Opinion