



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

MCPB No. 18-096

OCT 05 2018

Preliminary Plan Validity Extension, Preliminary Plan No.120060830

Bennett Knolls

Date of Hearing: September 27, 2018

RESOLUTION

WHEREAS, on November 25, 2007, the Planning Board, by Resolution MCPB No. 07-197, approved Preliminary Plan No. 120060830, creating 29 lots on 218.99 acres of land in the RC zone, located on the east side of Georgia Avenue (MD 97), approximately 1,300 feet north of Holiday Drive, in the Olney Master Plan area; and

WHEREAS, the Planning Board approved Preliminary Plan No. 120060830 with a 36-month validity period, until December 5, 2010; and

WHEREAS, the validity period for Preliminary Plan No. 120060830 was subsequently extended by Montgomery County Council action to December 5, 2018; and

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to extend a preliminary plan validity period; and

WHEREAS, on May 23, 2018, David Treadwell, on behalf of Central Union Mission, ("Applicant") filed an application for approval of an extension of the validity period of the previously approved preliminary plan for two years, until December 5, 2020; and

WHEREAS, Applicant's application for a Preliminary Plan validity period extension was designated Preliminary Plan Validity Extension, Preliminary Plan No. 120060830, Bennett Knolls ("Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff"), Staff issued a memorandum to the Planning Board, dated September 13, 2018, setting forth its analysis and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, on September 27, 2018, 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

Approved as to

Legal Sufficiency:

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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 a two-year extension of the validity period of Preliminary Plan No. 120060830, which will remain valid until December 5, 2020.

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 that:

- A. *the occurrence of significant, unusual and unanticipated events, beyond the Applicant's control and not caused by the Applicant, have substantially impaired the Applicant's ability to validate the plan, and exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by the Applicant to implement the terms and conditions of the plan approval in order to validate the plan) would result to the Applicant if the plan were not extended.*

The Applicant states that this preliminary plan extension is necessary in light of the severe decline in demand for rural, up-county real estate following the 2007 recession. Given the recession and its ongoing effects on the local real-estate market, the Applicant argues that more time is necessary to purchase a small piece of land from Montgomery County, re-evaluate the site's stormwater management needs to ready the site for sale, and allow time to enter a Letter of Intent agreement with a prospective buyer. The Applicant believes that a two-year extension is the minimum necessary to accomplish these tasks. Staff supports the Applicant's request and agrees that two years is the minimum period needed by the Applicant to validate the plan.

The Planning Board concurs with Staff. While the Applicant received an automatic 8-year preliminary plan validity period extension through County Council legislation, market conditions in the rural up-county region have only now started to fully recover from the recession. When combined with the unique challenges that must be addressed by the Applicant before moving forward with the development of the Subject Property, the Board concludes that significant, unusual, and unanticipated events beyond the Applicant's control have impaired the Applicant's ability to validate the plan, and exceptional or undue hardship would result if the plan were not extended.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~OCT 05 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 Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, September 27, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board