






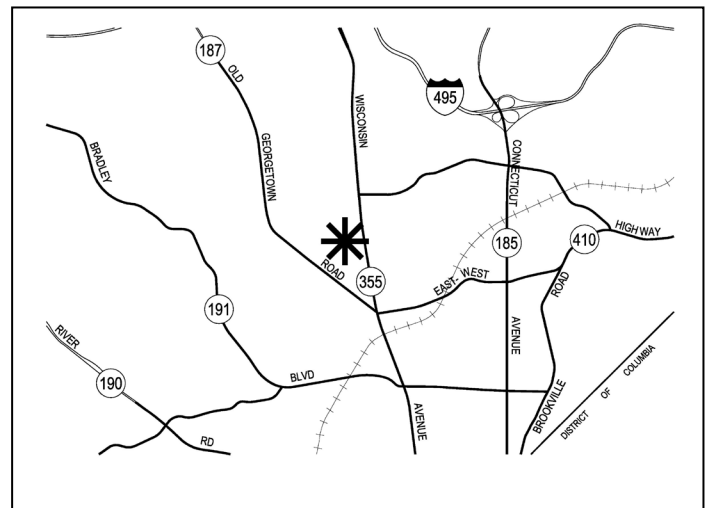
Battery Lane District Preliminary Plan No. 120190240 Extension Request No. 2

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Staff Report Date: 1/17/2020

Description

- Request to extend the review period for Battery Lane District Preliminary Plan from January 30, 2020 to not later than April 30, 2020
- Location: Battery Lane between Old Georgetown Road and Woodmont Avenue
- Zone: CR 3.5 C 0.5 R 3.5 H 120 zone, CR 1.5 C 0.5 R 1.5 H 120, and the Bethesda Overlay Zone
- Master Plan: 2017 *Bethesda Downtown Sector Plan*
- Property size: 9.65 acres
- Applicant: Aldon Management Corp.
- Acceptance Date: July 3, 2019



Summary

Section 59.7.3.3.C of the Zoning Ordinance and Section 50.4.1.E of the Subdivision Regulations provide a 120-day limit for preliminary plan hearings. The Planning Board may, however, extend this period.

The Planning Board previously granted an extension request by the Applicant for the Preliminary Plan from October 24, 2019 to January 30, 2019. The Applicant requested, in an application dated January 13, 2020, that the review period for the Preliminary Plan be extended from January 30, 2020 to April 30, 2020. The Planning Board hearing on the application may take place before the end of the review period and will be publicly noticed in accordance with the Zoning Ordinance.

On December 12, 2019, the Planning Board approved the related Sketch Plan application. Subsequently, the Montgomery County Department of Transportation (MCDOT) directed the Applicant to locate the separated bicycle facility on the south side of Battery Lane. The Applicant requests this additional time to incorporate MCDOT comments into the Preliminary Plan, and additionally, to conduct a floodplain study as required by the Department of Permitting Services Stormwater Management Division (MCDPS) prior to receiving Stormwater Concept Approval for one of the sites within the Project. This is the second extension request associated the Preliminary Plan.

Staff recommends **APPROVAL** of the extension request.

Attachment A: Applicant's Extension request



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REGULATORY PLAN EXTENSION REQUEST

Request #1 Request #2

M-NPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

Plan Name: Battery District **Plan No.** 120190240

This is a request for extension of: Project Plan Sketch Plan
 Preliminary Plan Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: January 30, 2020

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:

Owner, Owner's Representative, Staff (check applicable.)

Nancy P. Regelin, Esquire, Attorney for Applicant		Shulman Rogers Law Firm	
<i>Name</i>		<i>Affiliation/Organization</i>	
12505 Park Potomac Avenue #600			
<i>Street Address</i>			
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<i>City</i>		<i>State</i>	
(301) 230-5224	(301) 230-2891	nregelin@shulmanrogers.com	
<i>Telephone Number</i>	<i>ext.</i>	<i>Fax Number</i>	<i>E-mail</i>

We are requesting an extension for 3 months until April 30, 2020

Describe the nature of the extension request. Provide a separate sheet if necessary.

The Planning Board recently approved the companion Sketch Plan for Battery District on December 12, 2019 and deferred a decision on the north or south side location of the Battery Lane cycle track to the hearing on the Preliminary Plan. Subsequently, Montgomery County DOT has taken a position on the cycle track and requested Applicant resubmit the Preliminary Plan showing the cycle track on the south-side which will require additional review by MCDOT. Also, MCDPS has recently requested an additional flood-plain study for the outlet on Site D into the NIH regional SWM pond before approval of the one remaining unapproved stormwater concept plan which will require additional engineering by Applicant and additional review time by the County.

Applicant is moving forward with all due haste to comply and desires to be scheduled for a Planning Board hearing on the Preliminary Plan at the very earliest date, but respectfully requests an extension to April 30, 2020 to accommodate any unforeseen delays in County technical review.

Signature of Person Requesting the Extension

Nancy Regelin, Esquire

 Signature Attorney for Applicant

1/13/2020

 Date

Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from _____ until _____.

Signature

Date

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on _____ and approved an extension for more than 30 days of the Planning Board public hearing date from _____ until _____.