



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

MCPB No. 16-083
Preliminary Plan No. 120160050
8008 Wisconsin Avenue
Date of Hearing: July 28, 2016

SEP 16 2016

RESOLUTION

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

WHEREAS, under Section 59-7.7.1.B.3 of the Zoning Ordinance, the Planning Board reviewed this application under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect, and

WHEREAS, on December 4, 2015, Jemal's Surplus, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 13,962 net square feet of land in the CBD-1 zone, located in the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue ("Subject Property"), in the Bethesda CBD Policy Area and *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120160050, 8008 Wisconsin Avenue ("Preliminary Plan" or "Application"); and

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 July 15, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 28, 2016, 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

WHEREAS, on July 28, 2016, the Planning Board voted to approve the Application subject to conditions on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Wells-Harley voting in favor. Commissioner Dreyfuss was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Preliminary Plan No. 120160050 to create one lot on the Subject Property, subject to the following conditions:¹

1. This Preliminary Plan is limited to one lot for a maximum of 150,375 square feet of multi-family residential use consisting of 106 multi-family dwelling units, including 15% Moderately Priced Dwelling Units ("MPDUs"), and 5,793 square feet of non-residential uses.
2. The Applicant must comply with the conditions of approval for Project Plan No. 92015002A.
3. Include the stormwater management concept approval letter, forest conservation exemption letter, and Preliminary Plan Resolution on the approval or cover sheet(s).
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 24, 2016, and 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 may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 2, 2016, and 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 may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Wisconsin Avenue (MD 355): A dedication of 13.5 feet to provide 61 feet between the property line and right-of-way centerline to support a master-planned future right-of-way of 122 feet.

¹ 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.

- b. Woodmont Avenue: A dedication of 5 feet to provide 40 feet between the property line and right-of-way centerline to support a master-planned future right-of-way of 80 feet.
8. The plat must show a ten-foot-wide public improvement easement granted to the Maryland State Highway Administration ("MDSHA"), or another instrument approved by MDSHA, along the entire Wisconsin Avenue frontage.
 - a. Prior to recordation of the plat, the Applicant must provide, for review and approval by Staff, the public improvement easement in a recordable form.
 - b. The liber and folio of the recorded public improvement easement must be noted on the plat.
 - c. The easement must be volumetric, encompassing the space from the top of the underground parking garage below to the bottom of the building overhang above.
 - d. The Applicant must maintain the area within the public improvement easement at its expense.
 - e. The Applicant must keep the sidewalk and other pedestrian areas within the public improvement easement free of snow, litter, and other obstructions and hazards at all reasonable times, at its expense.
9. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
10. The record plat must show necessary easements.
11. Final number of MPDUs as per condition #1 above will be determined at the time of site plan approval.
12. Prior to issuance of any above-grade building permit, the Applicant must provide certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn and must commit to construct the units in accordance with these design specifications, with