

Resolution No.: 15-1614

Introduced: September 26, 2006

Adopted: September 26, 2006

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Approval of Schematic Development Plan Amendment (DPA) 06-3

BACKGROUND

1. Schematic Development Plan Amendment (“DPA”) No. 06-3 was filed on November 2, 2005. The Applicant, Cornerstone Land, LLC, seeks to amend the approved Schematic Development Plan applicable to 0.96 acres of land located at the northeast corner of the intersection of Maryland Routes 118 (Germantown Road) and 117 (Clopper Road), in Germantown. The east side of the subject site is also adjacent to Liberty Mill Road. The subject property was reclassified to the Commercial Transition (C-T) Zone on November 14, 1995 via Local Map Amendment (“LMA”) No. G-717.
2. The property is identified as two parcels, Tax Map ET 343, Parcel 58 which is 20,929 square feet in area and Tax Map ET 343, Parcel 114 which is 20,953 square feet in area. The original zoning application G-717 was filed under the optional method of development which permits the applicant to limit development by binding elements on a schematic plan of development (SDP). The original SDP was approved as part of the November 14, 1995 rezoning.
3. The requested changes are a deletion of the three-story office building alternative (15,600 square feet) and deletion of an alternative for a 4,600 square foot restaurant/retail development. The three-story office and the restaurant alternatives are permitted by the original SDP and the binding elements listed on it. The proposal is to replace the three-story office building with three attached, two-story office structures in a townhouse configuration. This change in form and deletion of the restaurant/retail alternative are the primary changes. The maximum floor area of the new office configuration remains 15,600 square feet, and the maximum height remains 35 feet. All other binding elements will remain the same.
4. Technical Staff of the Maryland-National Capital Park and Planning Commission, by memorandum dated March 24, 2006, recommended approval of DPA 06-3, concluding that it

is in compliance with the recommendations of the 1996 Germantown Master Plan, consistent with the purposes of the C-T Zone, in accord with the development standards for the zone and compatible with surrounding development.

5. The Montgomery County Planning Board reviewed DPA 06-3 at its regular meeting on April 6, 2006 and, by unanimous vote, concluded “the proposed revision is compatible,” and recommended approval. The Board’s approval was conveyed to this office in a letter dated April 11, 2006. However, the April 11, 2006 submission did not contain properly executed and amended covenants which must accompany a Schematic Development Plan. On August 17, 2006, Applicant filed appropriately modified and executed covenants, and Technical Staff approved the revised covenants by e-mail dated August 30, 2006.
6. There is no opposition to DPA 06-3, the Planning Board does not recommend a public hearing in this case, and no request has been made for a hearing. Therefore, under the provisions of Zoning Ordinance §59-D-1.74(c)(3), the matter can be considered directly by the District Council without a hearing or report by the Office of Zoning and Administrative Hearings.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution.

DPA 06-3, which requests an amendment to the Schematic Development Plan approved in 1995 in LMA G-717, for Parcels 58 and 114, on Tax Map ET 343, consisting of 0.96 acres of land located at the northeast corner of the intersection of Maryland Routes 118 (Germantown Road) and 117 (Clopper Road), in Germantown, to replace the proposed 3-story office building and alternative restaurant/retail development with three attached, two-story office structures in a townhouse configuration, is approved subject to the specifications and requirements of the Schematic Development Plan Amendment, Exhibit 13, provided that the applicant submits the Schematic Development Plan Amendment, Exhibit 13, for certification by the hearing examiner under the provisions of §59-D-1.64 within 10 days of the District Council action.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council