

Resolution No.: 16-1102
Introduced: September 15, 2009
Adopted: September 15, 2009

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

By District Council

**SUBJECT: APPLICATION NO. G-878, FOR AMENDMENT TO ZONING ORDINANCE
MAP, Remand to the Hearing Examiner**


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, Maryland approves the following resolution:

Zoning Application No. G-878, seeking reclassification from the C-1 Zone to the RT-15 zone of 8.46 acres known as Germantown Park, Lot 685, Subdivision 21, located at 18451 Mateny Road, Germantown, in the 9th Election District, is hereby remanded to the Hearing Examiner for the reasons given in the Council's deliberations to permit the applicant and other interested parties to submit additional evidence on the following:

- 1) the economic performance of the current tenants in the shopping center;
- 2) the economic viability of the center in light of larger, newer nearby centers;
- 3) the effects on the environment of converting the property to residential use;
- 4) proposed density, green space, open space, and recreational facilities;
- 5) the compatibility of the proposed residential development with existing and proposed land uses in the surrounding area;
- 6) school capacity for the proposed development;
- 7) the public interest in approving the requested land use; and
- 8) the owner's original intent in purchasing the subject property and the relevance of that intent to the rezoning application.

The applicant may revise Zoning Application No. G-878 on remand to address concerns about density, green space, open space, and recreational facilities or other elements of compatibility. The applicant is requested to consider the feasibility of a mixed retail/residential development on the subject site.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council