

ATTACHMENT 2

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

MAR 23 2012

MCPB No. 12-36
Staging Allocation Request No. 25400 (Site Plan No. 820120020)
Mid-Pike Plaza (Pike & Rose)
Date of Hearing: March 22, 2012

RESOLUTION

WHEREAS, under the Subdivision Staging Policy's White Flint Alternative Review Procedure, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Staging Allocation Requests in the White Flint Sector Plan area; and

WHEREAS, on March 9, 2012, Federal Realty Investment Trust ("Applicant"), filed an application for approval of a multi-building Staging Allocation Request associated with Site Plan No. 820120020, which is approved for up to 493 residential units and 341,800 square feet of non-residential uses on 6.77 acres of land located on Old Georgetown Road, approximately 300 feet west of the intersection with Rockville Pike in the White Flint Sector Plan area; and

WHEREAS, Applicant's Staging Allocation Request application was designated Staging Allocation Request No. 25400, Mid-Pike Plaza (Pike & Rose) ("SAR"); and

WHEREAS, following review and analysis of the SAR by Planning Board staff ("Staff"), Staff issued a memorandum to the Planning Board, dated March 15, 2012, setting forth its analysis, and recommendation for approval of the SAR; and

WHEREAS, on March 22, 2012, the Planning Board held a public hearing on the SAR, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the SAR; and

WHEREAS, under the Planning Board's Regulation on Implementing the Subdivision Staging Policy's White Flint Alternative Review Procedure, COMCOR 50.35.02.01, the Planning Board must approve an SAR if sufficient staging capacity is available under the White Flint Sector Plan to meet the entire SAR; and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 500, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, at the time of the hearing, the available staging capacity was 3,000 residential units and 2,000,000 non-residential square feet; and

WHEREAS, at the hearing, the Planning Board approved the Application in accordance with the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board APPROVES an allocation of staging capacity for 493 residential units and 262,800 square feet of non-residential uses on the Property;

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations of its Staff as presented at the Hearing and in the Staff Report, which the Board hereby adopts and incorporates by reference, that the Board finds there is sufficient capacity available in the White Flint Staging Plan; and

BE IT FURTHER RESOLVED that this allocation of staging capacity represents the number of residential units approved in the Site Plan for this project, and the total non-residential square footage approved in the Site Plan minus the 79,000 square feet of commercial uses to be demolished. The staging allocation rules adopted for White Flint call for the netting of demolished square footage from staging capacity allocations. The Board further notes that the staging allocation approved in this Resolution exceeds the amount requested by the Applicant, which was 223,408 net square feet, to reflect that the site plan permits greater non-residential development and the fluctuation in the precise amount of square footage that will ultimately be approved at building permit. For future allocation requests, the Board urges applicants to request the number of units and square footage approved in the Site Plan; and

BE IT FURTHER RESOLVED that the Applicant must have all core and shell building permit applications associated with this SAR accepted by the Department of Permitting Services ("DPS") by no later than the close of business on the 180th day after the date of the this Resolution, and that failure to meet this deadline will automatically void any staging capacity that has not been perfected by the timely acceptance by DPS of a core and shell building permit application; and

BE IT FURTHER RESOLVED that the Applicant must present evidence of DPS's acceptance of any core and shell building permit application associated with this staging allocation approval no later than 15 days after its acceptance; and

BE IT FURTHER RESOLVED that no later three years from the date of this Resolution the Applicant must obtain core and shell building permits from DPS for all buildings associated with this staging allocation approval, and that failure to meet this deadline will automatically void any staging capacity that has not been perfected by the timely issuance of a core and shell building permit; and

BE IT FURTHER RESOLVED, that 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.

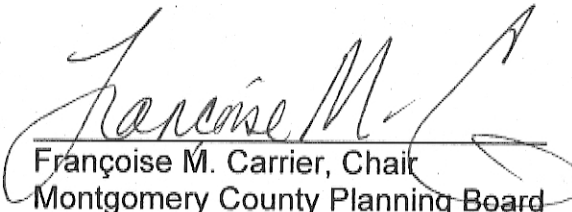
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, March 22, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board