

AUG 8 2011



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

**MCPB No. 11-34**  
**Preliminary Plan No. 12006042A**  
**8711 Georgia Avenue**  
**Date of Hearing: April 21, 2011**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on January 19, 2006, the Planning Board approved Preliminary Plan No. 120060420 ("Original Preliminary Plan") for the project named 8711 Georgia Avenue Office, for a mixed use development totaling 152,740 square feet, including 148,278 square feet of office space and 4,462 square feet of general retail use on 0.87 acres in the CBD-2 Zone, located on the east side of Georgia Avenue, 250 feet north of the intersection of Georgia Avenue and Cameron Street (the "Property") in the Silver Spring CBD Sector Plan ("Master Plan") area; and

WHEREAS, on January 14, 2011, 8711 Georgia Avenue Parking Lot, LLC ("Applicant") filed a preliminary plan amendment application designated Preliminary Plan No. 12006042A, 8711 Georgia Avenue for approval to change the uses previously approved; and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 8, 2011 setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and


WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on April 21, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 21, 2011 the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 4-0, Commissioners Alfandre, Carrier, Wells-

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Approved as to  
Legal Sufficiency:

  
7/27/11

8787 Georgia Avenue, Silver Spring, MD 20910 Chairman's Office: 301.495.4305 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: [mcp-chairman@montgomerycountypc.org](mailto:mcp-chairman@montgomerycountypc.org)

Harley, and Presley voting in favor. Commissioner Dreyfuss was absent from the Hearing.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 12006042A, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to 152,740 square feet of development, including 150,340 square feet of residential (for a maximum of 160 dwelling units of which 12.5 % are MPDU's) and 2,400 square feet of general retail.
2. All other conditions of Preliminary Plan No. 120060420 remain in place.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The uses proposed in this project help fulfill the vision of the Master Plan of a Transit-Oriented Downtown, a Commercial Downtown, a Residential Downtown and a Pedestrian-Friendly Downtown. This site is centrally situated on Georgia Avenue, a central corridor of Silver Spring, and half a block from Spring Street, the northern gateway to the central business district ("CBD"). For the "Corridors and Gateways", the objective of the Master Plan is to "Improve the image of the entire downtown by improving the appearance of its primary corridors." In replacing a surface parking lot, which currently features only a well-intended gatehouse and archway structures which are now abandoned and in disrepair, this project as designed will contribute significantly to the attractiveness and vitality of Georgia Avenue.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The density under this Preliminary Plan will generate less peak hour trips than what would have been generated under the Original Preliminary Plan. Therefore, this Preliminary Plan satisfies the LATR requirements of the APF test. Furthermore, this Application is not subject to the PAMR requirements of the APF test since the Original Preliminary Plan was filed prior to January 1, 2007.

The Board finds that local schools, police stations, fire houses and medical clinics are all operating within the acceptable levels established within the current applicable growth policy. Further, the Board finds that local utilities are adequate to serve the property.

*3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

Other than a change in use, all other conditions of the Original Preliminary Plan remain in place, including the size, width, shape, and orientation of the lot. Therefore, this Preliminary Plan does not change the Board's finding from the Original Preliminary Plan.

*4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Original Preliminary Plan satisfied all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. Other than a change in use, all other conditions of the Original Preliminary Plan remain in place, including the building footprint and the associated limits of disturbance. Therefore, this Preliminary Plan does not change the Board's finding from the Original Preliminary Plan.

*5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The proposed storm water management concept approved by DPS on July 23, 2008, consists of on-site water quality via a Storm Filter and a "green" roof. On-site recharge is not required since this is a redevelopment. Other than a change in use, all other conditions of the Original Preliminary Plan remain in place. Therefore, this Preliminary Plan does not change the Board's finding from the Original Preliminary Plan.

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 Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record

plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and


BE IT FURTHER RESOLVED, that this Resolution constitute the written opinion of the Board in this matter, and the date of this Resolution is AUG 8 2011 (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).

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**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 Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley present and voting in favor of the motion, and Commissioner Anderson abstaining at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board