



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

MCPB No. 11-66
Site Plan No. 82006017E
Project Name: North Bethesda Market
Hearing Date: July 28, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on September 28, 2006, Site Plan No. 820060170 was approved, with conditions, for 440 multi-family dwelling units, including 15% MPDUs, and up to 223,000 square feet of commercial development on 5.91 acres in the TS-M zone; and

WHEREAS, on May 25, 2007, Site Plan Amendment No. 82006017A was approved for the following modifications: realignment of Executive Boulevard; inclusion of Rockwall I & II buildings in shared parking analysis; decrease in dwelling units and associated changes; increase in floors in building B with no change in height; adjustments to the service lane and loading dock; and minor site and architectural clarifications and design adjustments; and

WHEREAS, on September 18, 2008, Site Plan Amendment No. 82006017B was approved for numerous minor modifications to paving, landscaping, drainage, seating, artwork and water feature, lighting, and amenity designs and details; and

WHEREAS, on September 24, 2009, Site Plan Amendment No. 82006017C was approved for numerous minor modifications to rights-of-way, architectural elevations, paving, landscaping, drainage, seating, lighting, and amenity designs and details; and

WHEREAS, on March 3, 2011, Site Plan Amendment No. 82006017D was approved for numerous minor modifications to rights-of-way, architectural elevations, paving, landscaping, drainage, seating, lighting, and amenity designs and details; and

WHEREAS, on June 6, 2011, White Flint Crossing I, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82006017E ("Amendment") for approval of the following modifications:

Approved as to
Legal Sufficiency:

Carly M. [Signature] 8/23/11

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

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1. Replacement of second-floor retail space with 14 dwelling units;
2. Adjustments to residential amenity space, public use space, and café seating areas;
3. Architectural modifications to reflect change of use;
4. Update of data table to reflect changes;
 - a. Dwelling units will change from 397 to 411, including 2 additional MPDUs (under the 440 allowed by Resolution);
 - b. Required parking will change to 1,777 (1,793 spaces are provided);
 - c. Residential recreation space, public use space, and café seating areas will be adjusted with no change in the approved total amounts; and
5. Minor landscape and site detail changes.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated July 15, 2011 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on July 28, 2011, Staff presented the Amendment to the Planning Board as a consent item for its review and action; and

WHEREAS, in accordance with Planning Board Rule of Procedure 4.13.4, the item was removed from the consent agenda and set for immediate hearing on July 28, 2011 (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 July 28, 2011 the Planning Board approved the Application on motion of Commissioner Presley; seconded by Commissioner Dreyfuss; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Wells-Harley, and Presley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82006017E; and

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, and upon consideration of the entire record, the Planning Board FINDS that this Amendment does not change the Board's findings from the previously approved Site Plan and Amendments; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

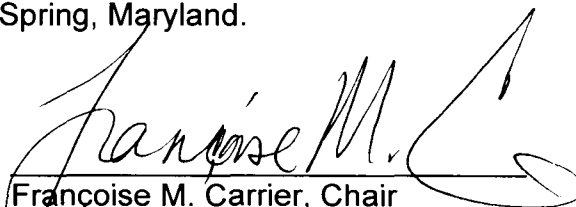
BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 19 2011 (which is the date that this Resolution is mailed to all parties of record); and

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).

* * * * *

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 Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, September 8, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board