



NOV 10 2011

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

MCPB No. 11-90
Site Plan No. 82008011A
Project Name: North Bethesda Center Parcels F, I, & J
Hearing Date: September 22, 2011

RESOLUTION

WHEREAS, under 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 16, 2008, the Planning Board approved Site Plan 82080110 (MCPB Resolution 08-70) for 327 multi-family residential units, including 41 MPDUs in a 19-story building on Parcel F and approximately 63,100 square feet of public use space on Parcels F & J; and

WHEREAS, on July 29, 2011, LCOR North Bethesda Phase II, LLC ("Applicant"), filed a site plan amendment application designated 82008011A, North Bethesda Center Parcels F, I, & J (the "Amendment") for approval of the following modifications:

1. Reduction of building height from 19 to 18 floors;
2. Reduction of construction area by approximately 29,500 square feet;
3. Modification of unit sizes and mix;
4. Increase of 14 units to 341 total;
5. Removal of certain sun rooms from some units and reconfiguration of 1st floor units' patios;
6. Revisions of site details per previous conditions of approvals;
7. Minor grading, site, and streetscape changes due to stormwater management, utilities, and site conditions;
8. Increase in screening of utilities; and
9. Adjustment of parcel boundaries and addition of a volumetric easement to accommodate structures; and

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 September 9, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on September 22, 2011, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on September 22, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 4-0, Commissioners Anderson, Dreyfuss, Presley, and Wells-Harley voting in favor, Commissioner Carrier being absent.

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.82008011A; and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. The proposed development must comply with the conditions of approval for Preliminary Plan 120040490 as amended by Preliminary Plan Amendment 12004049A, approved by the Planning Board on September 30, 2004 and March 20, 2008, respectively.
2. The proposed development must comply with the conditions of Site Plan 820080110, approved by the Planning Board on September 16, 2008, except as amended herein.
3. Condition 8.a. is modified to read, in full:
The proposed development shall provide 43 (or 12.5 percent) MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated May 7, 2008, as amended.
4. Condition 9.a. is modified to read, in full:
The Applicant must limit the Site Plan development to no more than 341 high-rise, multi-family dwellings.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. The building height has been reduced and the increase in number of units will be offset by reductions in future site plans under the cap established by the Preliminary Plan approval. Most changes are simple modifications to address utility, permitting, and site constraints and requirements. The changes to the parcel

boundaries are minor and remain consistent with the approved preliminary plan as allowed under Chapter 50, Section 50-36; platting will continue as conditionally approved under the extension granted by Subdivision Amendment Resolution 11-01; and

BE IT FURTHER RESOLVED that all site development elements as shown on Montrose Parks drawings stamped by the M-NCPPC on July 15, 2011, shall be required, except as modified by the above conditions of approval; 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 ~~NOV 10 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 Anderson, seconded by Vice Chair Wells-Harley, with Vice Chair Wells-Harley and Commissioners Anderson and Dreyfuss voting in favor of the motion, with Chair Carrier abstaining, and with Commissioner Presley absent, at its regular meeting held on Thursday, November 10, 2011, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board