



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

JAN 23 2013

MCPB No. 13-08  
Site Plan No. 82007011B  
Gilbert & Wood  
Date of Hearing: January 17, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on October 16, 2007, the Planning Board, by Resolution MCPB No. 07-182, approved Site Plan No. 820070110, for a total of 20,145 square feet of mixed commercial uses, including 12,532 square feet of general retail, 540 square feet of general office, and 7,073 square feet of restaurant, on 1.64 acres of C-1/Takoma Park-East Silver Spring Commercial Revitalization Overlay Zone (CROZ) zoned-land, located at the eastern quadrant of the intersection of Laurel Avenue and Eastern Avenue, NW, Washington, DC ("Subject Property"), in the Takoma Park Master Plan area; and

WHEREAS, on July 15, 2008, the Planning Director administratively approved amendment Site Plan No. 82007011A for minor changes to landscaping, lighting, and on-site amenities required as part of the previous site plan approval; and

WHEREAS, on July 15, 2010, Urciolo Properties, LLC, ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to allow for interim site and landscape plans, including the new parking area within the area proposed for the new building, alternative lighting and landscaping in the parking lot, and alternative landscaping and seating along Eastern Avenue, NW;<sup>1</sup>  
and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82007011B, Gilbert & Wood ("Amendment" or "Application"); and

<sup>1</sup> Applicant has made certain temporary improvements to the Subject Property that do not match the certified site plan, for which the Montgomery County Department of Permitting Services has issued a Notice of Non-Compliance, and the City of Takoma Park has issued a citation for non-compliance with the City Tree Removal Permit. This Application will bring the Subject Property into conformance with each.

Approved as to  
Legal Sufficiency:

 1/7/13

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WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 4, 2013, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 17, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82007011B for interim site and landscape plans to document temporary site improvements, including the new parking area within the area proposed for the new building and alternative landscaping and seating along Eastern Avenue, NW, by adding the following conditions:<sup>2</sup>

1. Interim Site and Landscape Plans

Site Plan Amendment 82007011B is limited to the addition of an interim site plan and an interim landscape plan and related detail drawings.

2. Site Plan Conformance

The ultimate development must comply with the conditions of approval for Site Plan No. 820070110 as listed in the Planning Board Resolution MCPB No. 07-182 dated October 16, 2007, as amended by Administrative Site Plan Amendment 82007011A, approved July 15, 2008.

3. Takoma Park Tree Permit

The Applicant must comply with the provisions of Takoma Park Tree Removal Permit #8070008 except as modified by the Stipulation of Dismissal for Montgomery County Circuit Court Case No. 8383D, dated April 17, 2012.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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<sup>2</sup> 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 all site development elements as shown on Gilbert & Wood drawings stamped by the M-NCPPC on September 7, 2012, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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 this Amendment does not alter the intent, objectives, or requirements in the originally approved site plans in any manner that would affect the Board's original findings, and all findings remain in effect.

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

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

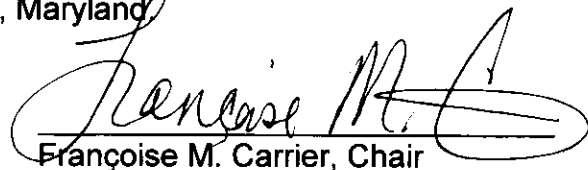
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 23 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, January 17, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair  
Montgomery County Planning Board