



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

MCPB No. 13-59  
Site Plan No. 82008023B  
Project Name: 8711 Georgia Avenue  
Hearing Date: April 25, 2013

**MAY 15 2013**

**RESOLUTION**

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

WHEREAS, on October 23, 2008, the Planning Board approved Site Plan No. 820080230 for development of 152,740 square feet of a mixed-use project, including 148,278 square feet of office space and 4,462 square feet of general retail use. As one of the conditions of approval, a public art component was included in the public use space along Fenton Street.

WHEREAS, on April 21, 2011, the Planning Board approved an amendment to the Site Plan, Site Plan No. 82008023A for development of 160 residential dwelling units and 2,400 square feet of retail use. As one of the conditions of approval, a public art component was included in the public use space along Fenton Street.

WHEREAS, on January 1, 2013, 8711 Georgia Avenue Parking Lot, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan to amend the public art component and to make minor changes to the design of the public use space along Fenton Street; and

WHEREAS, Applicant's application to amend the previously approved site plan was designated Site Plan No. 82008023B, 8711 Georgia Avenue ("Amendment" or "Application"); and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated April 9, 2013, setting forth its analysis and recommendation for approval of the Amendment, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 25, 2013, the Planning Board held a public hearing on the Amendment, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

Approved as to  
Legal Sufficiency

  
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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. 82008023B to revise the public art component of Site Plan No. 82008023A to allow Applicant an alternative art component and minor changes to the public use space design, subject to the following conditions:<sup>1</sup>

1. The Applicant must provide for and install the public art sculpture designed by artist Barton Rubenstein as presented to the Art Review Panel on January 30, 2013. The sculpture called 'Botero's Ballerinas' will consist of three stainless steel elements of approximately six to seven feet in height, and will be installed at the northeastern corner of the public use space along Fenton Street. The art sculpture must have smooth edges and materials.
2. The landscape details, proportions, materials, and articulation of the rear public use plaza along Fenton Street must be similar to the Site Plan as illustrated on sheet nos. L1.0 and L 3.1A, dated 12-21-2012 of the submitted landscape drawings. The public use plaza must have a radial seating wall of one-foot, six-inches in height and three elongated benches for seating purposes.

BE IT FURTHER RESOLVED, unless specifically amended, all other conditions of approval for Site Plan Nos. 82000230 and 82008023A, as previously amended remain valid and in full force and effect; 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:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plans, as revised by previous amendments, in any manner that would affect the Board's original findings, and therefore, and all findings not specifically addressed remain in effect.*

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

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<sup>1</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 this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

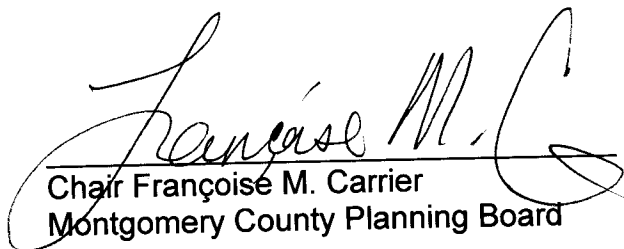
**MAY 15 2013**  
BE IT FURTHER RESOLVED, that the date of this written Resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record); and

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 written 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 Anderson, seconded by Vice Chair Wells-Harley, 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, April 25, 2013.., in Silver Spring, Maryland.

  
Chair Françoise M. Carrier  
Montgomery County Planning Board