



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OCT 21 2015

MCPB No. 15-132
Site Plan No. 82014006A
4990 Fairmont Avenue
Hearing Date: October 15, 2015

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on April 14, 2014, by Resolution MCPB No. 14-17, the Planning Board approved Site Plan 820140060 for a mixed use building with 138,052 square feet, consisting of 131,052 square feet of residential space for a maximum of 72 multi-family units, including 15% Moderately Priced Dwelling Units, and 7,000 square feet of non-residential space on approximately 0.52 acres of CBD-2 zoned land located in the eastern quadrant of the intersection of Fairmont Avenue and Old Georgetown Road ("Subject Property"), in the 2006 Woodmont Triangle Amendment to the 1994 Bethesda CBD Plan Sector Plan ("Sector Plan"); area; and

WHEREAS, on August 26, 2015, 4990 Fairmont Avenue, LLC, ("Applicant"), filed a site plan amendment application, which was designated Site Plan No. 82014006A ("Amendment"), for approval of the following modifications:

1. Increase the maximum amount of residential square footage from 131,052 square feet to 133,511 square feet.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated October 2, 2015, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on October 15, 2015, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote as certified below.

Approved as to
Legal Sufficiency

 10/6/15

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Site Plan No. 82014006A to increase the maximum residential square footage to 133,511 square feet and modify the following condition of approval of Site Plan No. 820140060 as follows:

1. Project Plan Conformance

The Applicant must comply with the conditions of approval for Project Plan No. 920130070 [MCPB Resolution No. 13-107], or as amended, except for the requirement that residential density be limited to a maximum of 131,052 square feet.

BE IT FURTHER RESOLVED that all other conditions of approval for Site Plan No. 82014006 remain valid and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements as shown on the latest version of Site Plan No. 82014006A, 4990 Fairmont Avenue, submitted via e-Plans to the M-NCPPC as of the date of this Staff Report, shall be required; and

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), the Montgomery County Planning Board FINDS that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and that all findings remain in effect; and

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 OCT 21 2015 (which is the date that this resolution is mailed to all parties of record); and

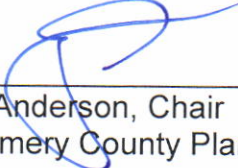
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor, at its regular meeting held on Thursday, October 15, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board