



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

MCPB No. 15-119  
Site Plan No. 820140090  
819 Silver Spring Avenue  
Date of Hearing: September 17, 2015

NOV 10 2015

**RESOLUTION**

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

WHEREAS, on April 28, 2014, Hopscotch Properties LLC ("Applicant"), filed an application for approval of a site plan for a total of up to 12,110 square feet of non-residential uses, including up to 12,110 square feet of general office and up to 5,110 square feet of restaurant/retail uses on 0.19 acres of CR-3.0 C-2.0 R-2.75 H-60T and Fenton Village Overlay zoned land, located at 819 Silver Spring Avenue, approximately 60 feet East of Fenton Street ("Subject Property"), in the Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820140090, 819 Silver Spring Avenue ("Site Plan" or "Application"); and,

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 September 4, 2015, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 17, 2015, 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, on September 17, 2015 the Planning Board voted to approve the Application subject to certain binding elements and conditions, on the motion of Commissioner Fani-Gonzales, seconded by Commissioner Presley, with a vote of 5-0; Chair Anderson, Commissioners Dreyfus, Fani-Gonzales, Presley and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140090 for a total of up to 12,110 square feet of non-residential uses,

Approved as to  
Legal Sufficiency:

Christina S. [unclear] 10/29/15

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including up to 12,110 square feet of general office and up to 5,110 square feet of restaurant/retail uses, on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320150080 and any amendments.

2. Public Amenities & Landscaping

- a. The Applicant must construct the streetscape improvements along the Property's frontage on the north side of Silver Spring Avenue consistent with the Silver Spring Streetscape Design Guidelines.
- b. Amenities including, but not limited to, lighting, bicycle racks and canopy, public artwork and streetscape improvements must be installed prior to release of any Use and Occupancy Certificate.
- c. The Applicant must install the landscaping associated with the project no later than the next growing season after completion of site work.

3. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on or fronting the Subject Property including, but not limited to pedestrian pathways, landscaping/hardscape, and art, unless contracted to a third party.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a. *Transit Proximity*

The Subject Property is located between ¼ mile and ½ mile from the Silver Spring Metro Station which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Furthermore the Property is also located between ¼ mile and ½ mile from a MARC Train station, and less than a ¼ mile from a planned Purple Line station.

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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.