

for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on December 3, 2015, the Planning Board held a public hearing on the Application at which it 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 binding elements and conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32015001A, Ripley East, for construction of a maximum total density of 367,606 square feet on the Subject Property, including up to 352,406 square feet of residential uses (including the 22% MPDU density bonus) and up to 17,300 square feet of commercial uses, subject to the following binding elements and conditions, which supersede the binding elements and conditions 1 and 3 approved with Sketch Plan No. 320150010:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum total density of 367,606 square feet. The maximum number and distribution of residential dwelling units and amount of non-residential uses will be determined at Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I at the time of Site Plan. The requirements of Division 59-4.7.1 and the 2012 CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

¹ For the purpose of these binding elements and conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.