



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-144
Preliminary Plan No. 120150200
St. Elmo Apartments
Date of Hearing: December 10, 2015

DEC 17 2015

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 13, 2015, 4931 Fairmont, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.41 acres of land in the CR 5.0 C 1.0 R 4.75 H 145T zone, located on St. Elmo Avenue and Fairmont Avenue, approximately 275 feet northeast of Old Georgetown Road ("Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120150200, St. Elmo Apartments ("Preliminary 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 November 25, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 10, 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 conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120150200 to create one lot on the Subject Property, subject to the following conditions:¹

¹ 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.

Approved as to
Legal Sufficiency:

Christina Scott 11/23/15
MNCPPC Legal Department
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1. Approval is limited to one lot with a maximum density of 263,956 square feet of total development, consisting of up to 210 residential dwelling units, up to 10,000 square feet of office and up to 6,000 square feet of retail or another combination of non-residential uses which generate no more than the same number of vehicular trips and not to exceed 15,488 total square feet of non-residential uses. The development must include 15% Moderately Priced Dwelling Units (MPDUs).
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150040 and any subsequent amendments.
3. The development is limited to the maximum height of 174 feet, as measured from the approved building height measuring point for the building, in accordance with Section 59-4.1.7.C.2, and the final location to be determined at Site Plan. The Certified Preliminary Plan must accurately reflect the correct building height measuring point.
4. At the time of Site Plan, the Applicant must submit a tree save plan that provides mitigation for the removal of the one onsite specimen tree. The mitigation plantings must be provided either onsite and/or elsewhere within the Bethesda CBD. The mitigation plantings shall consist of four, three inch caliper trees; the final species and locations of which will be determined as part of the Site Plan.
5. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated June 12, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated August 11, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval, except for Condition #4, Garage Entrance Width, as follows:
 - a. The Applicant must construct the garage entrance located on St. Elmo Avenue to a minimum of 22 feet in width configured as one 12-foot wide inbound lane and one 10-foot wide outbound lane.
 - b. The Applicant must comply with all other recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements, except as modified by Condition No. 6 above, which are associated with each plat, as required by MCDOT.