



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

MCPB No. 16-125
 Preliminary Plan No. 120170040
 8600 Georgia Avenue
 Date of Hearing: November 17, 2016

NOV 22 2016

RESOLUTION

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

WHEREAS, on August 17, 2016, Starr Georgia, LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.87 acres of land in the CR 5.0, C 4.0, R 4.75, H 145T zone, located at the northwest corner of the intersection of Georgia Avenue and Colesville Road (“Subject Property”), in the Silver Spring CBD Policy Area and *Silver Spring CBD Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120170040, 8600 Georgia Avenue (“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 4, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 17, 2016, 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 certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120170040 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:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

1. Approval is limited to one lot with a maximum density of up to 173 hotel rooms and up to 4,206 square feet of retail uses.
 2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320170050 and any subsequent amendments.
 3. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated September 15, 2016, 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 the amendments do not conflict with other conditions of the Preliminary Plan approval.
 4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 21, 2016, 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 MCDOT provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 5. The Planning Board accepts the recommendations of the Maryland State Highway Administration (MSHA) in its letter dated September 8, 2016, 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 MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements, which are associated with each plat, as required by MSHA.
 7. The Applicant must dedicate and show on the record plat(s) the following:
 - a. Georgia Avenue (MD 97): Dedication necessary to provide a width of 63 feet between the property line and right-of-way centerline in support of the master-planned future right-of-way of 126 feet.
 - b. Colesville Road: Dedication necessary to provide a width of 62 feet between the property line and right-of-way centerline in support of the master-planned future right-of-way of 124 feet.
 8. The Applicant must provide a minimum 10-foot wide sidewalk along the Subject Property frontages on Georgia Avenue and Colesville Road, as shown on the Certified Preliminary Plan.
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9. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated October 11, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
10. The Applicant must provide public bicycle parking for short-term use near the main entrance to the hotel building. Secure, private bicycle parking for long-term use must be installed internal to the building, for guests and employees' use. The exact number and location of bicycle parking will be determined at the time of Site Plan.
11. Prior to Certified Site Plan, the Applicant must execute a Traffic Mitigation Agreement (TMAG) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD). The TMAG must include trip mitigation measures recommended by MCDOT in its letter dated September 21, 2016.
12. The certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
13. The record plat must show necessary easements.
14. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
15. No clearing, grading, or demolition of the site, or recording of plats prior to Certified Site Plan approval.
16. Final approval of the location of the building, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
17. Include the stormwater management concept approval letter, other agency recommendation letters, updated data table and the Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.

18. If a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the 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:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Approved and Adopted Silver Spring Sector Plan is organized around six themes, five of which are applicable to the Application, including a transit oriented downtown, commercial downtown, green downtown, civic downtown, and pedestrian friendly downtown.

The Sector Plan identifies Silver Spring as a transportation center where regional train, bus, road and trail systems come together. The Preliminary Plan will be less than a mile walking distance from the Silver Spring Metro and from the multi-modal Paul S. Sarbanes Transit Center that includes the MARC commuter rail station, WMATA Metrobus, Montgomery County Ride-On Bus service, and the University of Maryland bus. The future Purple Line stop will be located near the Silver Spring Metro Station. The Preliminary Plan is also within walking distance to the proposed Purple Line Station that will be located adjacent to the new Silver Spring Library, approximately 1,530 feet from the site.

Improved and varied community facilities add value to existing businesses and residences in the CBD and help implement one of the Sector Plan's stated Community Goals: "Silver Spring should be an active place with mixed uses attracting people at all times of the day, week and year". The Sector Plan also identifies four specific areas in the CBD – Ripley, South Silver Spring, Fenton Village and the Core – as vital strategic target areas in which to achieve the public goal of downtown revitalization. The Sector Plan is quite specific throughout its text regarding the Core, which includes the Property, noting its objective "to recreate the Core as the active center of downtown Silver Spring, ensuring that development contributes to the Sector Plan's vision for downtown Silver Spring." The location of the Property in the Core of the CBD makes it an appropriate candidate for a mixed-use project. The Preliminary Plan will help to create a vibrant, more active atmosphere with street level retail. Visitors to the hotel will arrive at all times of the day and night, creating activity at this prominent corner.

The Preliminary Plan will contain several “green elements,” including a vegetated roof and a vegetated wall. The building's “L” shape plan will frame a third floor courtyard that will contain a green roof to filter rain water from the roofs, as required for stormwater management, as well as the vegetated wall. While not directly accessible for guest use, this space will assure air and light for guest rooms facing the courtyard, as well as an improved view from these rooms and the adjacent Twin Towers apartment complex. In addition, the Preliminary Plan is being designed to exceed the energy efficiency standards for its building type by 17.5%, through such features as a highly efficient building envelope system, the main mechanical system will be a VRF system, a Variable Refrigerant Flow system, and energy efficient lighting.

The Sector Plan also includes some very specific Urban Design Guidelines, one of which applies to the Property: “Redevelopment of the northwest corner of the intersection of Georgia Avenue and Colesville Road should recognize that site’s critical visual significance and make safe and attractive connections to the Urban Renewal site and to the Silver Triangle.” The hotel recognizes the visual significance of the site by providing a building that carefully addresses the urban context and streetscape. The building design incorporates a two-story base to help establish a pedestrian-friendly scale along the frontages. The retail space provided along both roadways, will also help to activate the sidewalk with more pedestrian activity. The facades include punched windows for hotel guestrooms facing the streets and interior courtyard. The southwest facade along the property line has no windows and rises above the single-story retail buildings on the adjoining site. A mural is planned for this southwest wall. As envisioned, the mural will have an image of importance to Silver Spring and will also serve as a wayfinding marker for the urban context, especially for those approaching from the Metro or Transit Center along Colesville Road, whether by foot or by vehicle.

In addition, the development will make safe attractive connections to the “Core” area, described in the Urban Design Guidelines as the Urban Renewal Site and Silver Triangle. Pedestrian circulation will be greatly enhanced by new sidewalks along both street frontages, replacing the existing substandard sidewalks. Furthermore, the existing curb cuts on Georgia Avenue and Colesville Road will be consolidated into two points of ingress and egress. The Preliminary Plan will provide an entrance ramp into a parking garage and a loading area with “right-in” access from Colesville Road, which has a divided median accommodating traffic in an east-west direction in this area. The addition and enhancement of sidewalks, and the consolidation of four vehicular entrances, will be of immense benefit to the surrounding community, increasing the ease and safety of traversing the frontages of the Property. In addition, the lay-by along Colesville Road, which can accommodate two vehicles, will offer a

refuge for guests and visitors to the Property and are intended to prevent congestion along the roadway from those stopping or being dropped off at the hotel. These improvements will help to reduce pedestrian and vehicular conflicts, making for a more “pedestrian-friendly downtown,” and will increase the efficiency of vehicular circulation in the area.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Public Transportation Facilities

Vehicular access to the Property will be directly from Georgia Avenue (MD 97) and Colesville Road (MD 384) in the following configuration: loading access via Georgia Avenue at the northeast corner of the building, and garage access via Colesville Road. Both of these movements will be restricted to “right-in/right-out” operation due to the existing median on both frontage roadways. In addition to the site access points, the development will have a 10-foot wide lay-by on Colesville Road to permit drop-off and pick-up of the hotel’s guests. This lay-by will also provide a means of ingress directly into the parking garage entrance without the need for vehicles in the lay-by to re-enter southbound travel lanes of Colesville Road. Pedestrian and bicycle access to the Property will be provided along both the Georgia Avenue and Colesville Road frontage.

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station, MARC Rail, Metrobus, RideOn, and the Silver Spring VanGo Circulator. Future transit in the area includes a proposed Purple Line station at the existing Silver Spring Metrorail Redline station, to the southwest, and a Purple Line station at the new Silver Spring Library, to the southeast.

As a mixed-use development within the Silver Spring Transportation Management District (TMD), the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD.

LATR/TPAR

A traffic statement, dated August 2, 2016 was submitted for the subject application per the *LATR/TPAR Guidelines* since the development was estimated to generate fewer than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

A Site trip generation summary for the development, provided in the Staff Report, estimates that the Preliminary Plan will generate 20 net new peak-hour trips during the weekday morning peak period and 21 net new peak-hour trips during the weekday evening peak period. This trip generation estimate is based on the addition of up to 173 hotel rooms and up to 4,206 square feet of retail.

Since the development is within the Silver Spring CBD Policy Area, the Application is exempt from both the roadway and transit tests set forth in the 2012-2016 *Subdivision Staging Policy*. As a result, the development is not required to pay the transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Subject Property.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable Sector Plan, and for the type of development or use contemplated. The Application substantially conforms to the 2000 *Silver Spring CBD Sector Plan*. The Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of the subsequent site plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements are not in excess of 10,000 square feet.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The MCDPS Stormwater Management Section approved the stormwater management concept on September 15, 2016. According to the approval letter, the stormwater management concept meets stormwater management requirements via ESD to the MEP via the use of green roof.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 NOV 22 2016 (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 Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, November 17, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board