



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

MCPB No. 17-059  
Preliminary Plan No. 12015003A  
Elizabeth Square  
Date of Hearing: July 20, 2017

JUL 25 2017

**RESOLUTION**

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

WHEREAS, on July 28, 2015, the Planning Board, by Resolution MCPB No. 15-89, approved Preliminary Plan No. 120150030, creating one lot on 3.12 acres of land in the CBD-1 and CBD-2 zones, located northwest quadrant of the intersection of Second Avenue and Apple Avenue ("Subject Property"), in the Silver Spring CBD Policy Area and Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on June 7, 2017, Lee Development Group, Inc. and the Housing Opportunities Commission of Montgomery County ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to modify condition 1, condition 7 and condition 17 to allow for the creation of up to four (4) lots to allow for phased platting on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12015003A, Elizabeth Square ("Preliminary Plan," "Amendment," 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 June 7, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 20, 2017, 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 certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12015003A to modify condition 1, condition 7 and condition 17 to allow for the creation of up to four (4) lots to allow for phased platting the following

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

conditions:<sup>1</sup>

1. Approval is limited to up to four lots, with a maximum density of 772,078 square feet of total development, which includes i) up to 766,046 square feet of residential uses for up to 907 high rise residential dwelling units (a net increase of up to 436 residential units above the existing number), including 15% moderately priced dwelling units ("MPDUs") and 10% workforce housing units ("WFHUs"), or MCDHCA approved equivalent for either, and ii) up to 6,032 square feet of non-residential uses; with up to an additional 63,896 square feet for community recreational center use.
7. No release of any above grade building permit for new development on the site will be permitted prior to recordation of plat(s) for the portion of the property associated with the applicable building permit, except for any sheeting and shoring permit and permit for renovation of an existing building.
17. No clearing, grading or recording of plats prior to Certified Site Plan approval for the new development on the relevant phase.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and all findings not specifically addressed remain in effect.*

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 25 2017 (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

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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.

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**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 Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor, and Commissioners Dreyfuss and Fani-González absent at its regular meeting held on Thursday, July 20, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board