



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

MCPB No. 17-013
Site Plan No. 82015001A
Gables White Flint Limited Site Plan Amendment
Date of Hearing: March 9th, 2017

MAR 20 2017

RESOLUTION

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

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on December 11, 2013, the Planning Board, by Resolution MCPB No. 13-150, approved Sketch Plan No. 320130010 for a maximum of 521,000 square feet of development, comprising up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses, and a maximum height of 70 feet, on approximately 5.14 gross acres of land zoned CR4 C 2.0 R3.5 H250 and CR3 C1.5 R2.5 H70, located in the southeast quadrant of the intersection of Old Georgetown Road (MD 187) and Executive Boulevard ("Subject Property"), in the 2010 *White Flint Sector Plan* ("[Master or Sector] Plan") area; and

WHEREAS, on April 30, 2015, the Planning Board, by Resolution MCPB No. 15-41, approved Preliminary Plan No. 120150010 for up to 490,000 square feet of residential development and up to 31,000 square feet of non-residential development, on the Subject Property; and

WHEREAS, on April 30, 2015, the Planning Board, by Resolution MCPB No. 15-42, approved Site Plan No. 820150010 for up to 490,000 square feet of residential development with up to 476 residential dwelling units, and up to 31,000 square feet of non-residential development on the Subject Property; and

WHEREAS, on October 10th, 2016, LG Georgetown LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to increase the height of the western wing of the building; change the limits of disturbance ("LOD") to accommodate stormwater management facilities; remove the pedestrian bridges

Approved as to
Legal Sufficiency:

between two wings of the proposed building; remove the private dog park; modify the design of the green roof areas; relocate the bikeshare station into the public right-of-way, redesign and relocate the public art elements; and minor changes to the architectural details of the proposed building on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82015001A, Gables White Flint ("Site 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 February 24, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 9, 2017, 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 Site Plan No. 82015001A to increase the maximum height of the building to 70 feet; change the limits of disturbance ("LOD") to accommodate stormwater management facilities; remove the pedestrian bridges between two wings of the proposed building; remove the private dog park; modify the design of the green roof areas; relocate the bikeshare station into the public right-of-way, redesign and relocate the public art elements; and minor changes to the architectural details of the proposed building on the Subject Property; subject to the following conditions:¹

1. Public Art

- a. Prior to the issuance of the first building permit, the Applicant must obtain approval of the final concept for the art installation from the Art Review Panel;
- b. The sculpture must be a minimum of 20 feet tall;
- c. The Public Art for Area A must be illuminated 24 hours per day;
- d. Prior to issuance of the final use and Occupancy permit, inspection of the artworks must be completed by the Arts and Humanities Council of

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.

Montgomery County (AHCMC) and Montgomery County Department of Permitting Services (DPS);

- e. Signage of the newly installed artworks must be clearly visible, and it must identify the title of the piece, artist name, materials, completion date, and overall dimensions;
- f. Prior to issuance of the final use and occupancy permit, the Applicant must submit to the Public Art Coordinator staff of the Planning Department at least three images of the artwork(s) installed on-site and information regarding: 1) associated project number; 2) title of the piece; 3) date of completion; 4) description of materials used; and 5) address. This information will be added to the existing inventory of the public artworks throughout the County (<http://www.mcatlas.org/art/>).

2. Transportation

Prior to the issuance of the first residential core and shell building permit, the Applicant must enter into a maintenance and liability agreement with the Montgomery County Department of Transportation (MCDOT) for all non-standard streetscape items and pavements in the County rights-of-way subject to review and approval by MCDOT and the Department of Permitting Services (DPS) Right-of-Way Permitting Section.

3. Certified Site Plan

The Certified Site Plan must include the following revisions and/or information subject to Staff review and approval:

- a. Modify the proposed seat wall and associated groundcover planting at the intersection of Market Street and Grand Park Avenue, so they do not interfere with pedestrian and bicycle movements;
- b. Adequate lighting details;
- c. Final design and elements of the green roofs;
- d. ADA ramps throughout the development;
- e. Detailed plan for the internal bike storage area and the number of bikes to be stored; and
- f. Clearly identify locations of the public art for Areas A and B. The public art in Area A must not impede pedestrian circulation.

BE IT FURTHER RESOLVED that all previously approved plans and conditions of approval for this project remain valid, unchanged and in full force and effect;

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Gables White Flint Limited Site Plan Amendment No. 82015001A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site, and all findings not specifically addressed remain in effect.*

(3) The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

The Project will allow the height of the western wing of the building to be up to 70 feet. It will also remove the internal pedestrian bridges and the private dog park. The dog park will be replaced with a larger green roof on the parking garage. These modifications will maintain adequate, safe, and efficient design for pedestrian and vehicular circulation, which were established by Site Plan 820150010.

(4) Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and

The increase in height in the western wing of the building is comparable to the adjacent proposed and existing developments. The building will continue to be compatible with other uses, other site plans, and existing and proposed adjacent developments.

(5) The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.

Staff finds that the Site Plan Amendment is in conformance with the Environmental Guidelines and in compliance with Chapter 22A, Forest Conservation.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; 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 MAR 20 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 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 Commissioner Cichy, seconded by Commissioner Dreyfuss, with Chair Anderson and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor, and Vice Chair Wells-Harley absent at its regular meeting held on Thursday, March 9, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board