



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

MCPB No. 17-116
Site Plan No. 81988046F
Ellsworth Place (formerly City Place)
Hearing Date: December 14, 2017

JAN 12 2018

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.a., 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 October 16, 2007, the Planning Board, by Resolution MCPB No. 07-185, approved City Place, Site Plan No. 81988046B, for 299,307 square feet of office space and 439,962 square feet of retail space, as well as 91,772 square feet of cellar area devoted to retail uses, on 2.48 acres of CBD-3-zoned-land, located south of Fenton Street, between Colesville Road and Ellsworth Drive ("Subject Property"), in the Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on May 14, 2008, the Planning Director administratively approved Site Plan No. 81988046C to remove one tree and relocate a bus shelter on the Subject Property; and

WHEREAS, on March 4, 2010, the Planning Board approved Site Plan No. 81988046D (MCPB No. 10-27) to address architectural and streetscape and entry-related modifications on the Subject Property; and

WHEREAS, on January 2, 2014, the Planning Director administratively approved Site Plan No. 81988046E to address façade improvements and revisions to public use and amenity space on the Subject Property; and

WHEREAS, on October 25, 2017, Chris Duffy ("Applicant"), filed an application for approval of an amendment to the previously approved site plans in response to an Administrative Citation, No. SP004, for continued non-compliance with the Certified Site

Approved as to
Legal Sufficiency

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Plan 81988046E, dating back to an original Notice of Non-Compliance from May 25, 2016, for approval of the following modifications:

- 1) Update plans to show size and current location of all planter boxes, trash cans, lighting, landscaping, and entrance amenities;
- 2) Add notes to the plans to indicate which items relate to the future office tower development;
- 3) Replace existing installed bike racks with County standard "U" shaped rack and update plans accordingly.

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81988046F, Ellsworth Place ("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 December 1, 2017, setting forth its analysis, and recommendation for approval, of the Application ("Staff Report"); and

WHEREAS, on December 14, 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 adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81988046F, with all site development elements shown on the latest electronic version of Ellsworth Place, Site Plan 81988046F, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required.

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

BE IT FURTHER RESOLVED that, having fully considered the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board finds that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and that all findings remain in effect; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is JAN 12 2018 (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 written opinion, 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 Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, January 11, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board