



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

MCPB
Item #
1/24/08

2

MEMORANDUM

DATE: January 14, 2008

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor *CA*
Development Review Division
(301) 495-4542

FROM: Stephen Smith *SS*
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for January 24, 2008

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220071380 **Crabbs Branch Way**
220071510 **Blair**

PLAT NO. 220071380

Crabbs Branch Way

Located at the terminus of existing Crabbs Branch Way, approximately 900 feet north of Shady Grove Road

I-3 zone; road dedication

Community Water, Community Sewer

Master Plan Area: Shady Grove

EYA, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120070320, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plan.

RECORD PLAT REVIEW SHEET

Plan Name: Shady Grove Plan Number: 120070320
 Plat Name: Crabbs Branch Way Plat Number: 220071380
 Plat Submission Date: 4-20-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: R. Weaver

Initial DRD Review:

Signed Preliminary Plan - Date 8-1-07 Checked: Initial RW Date 8/12/07
 Planning Board Opinion - Date 6/28/07 Checked: Initial SSS Date 8-8-07
 Site Plan Req'd for Development? Yes No Verified By: SSS (initial)
 Site Plan Name: _____ Site Plan Number: _____
 Planning Board Opinion - Date _____ Checked: Initial _____ Date _____
 Site Plan Signature Set - Date _____ Checked: Initial _____ Date _____
 Site Plan Reviewer Plat Approval: Checked: Initial _____ Date _____

Review Items: Lot # & Layout N/A Lot Area N/A Zoning Bearings & Distances ok
 Coordinates ok Plan # Road/Alley Widths ok Easements Open Space N/A
 Non-standard BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert ok Owner Cert ok Tax Map ok

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>M. Paffelke</u>	<u>5-14-07</u>	<u>6-1-07</u>	<u>6-14-07</u>	<u>No Revisions</u>
Research	Bobby Fleury	↓	↓	<u>5-30-07</u>	<u>Coordinate Points</u>
SHA	Doug Mills	↓	↓	—	—
PEPCO	Steve Baxter	↓	↓	—	—
Parks	Doug Powell	↓	↓	—	—
DRD	<u>Steve Smith</u>	↓	↓	<u>5-30-07</u>	<u>OK</u>

Final DRD Review:

DRD Review Complete: Initial SSS Date 1-11-08
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial SS Date 8-14-07
 Final Mylar w/Mark-up & PDF Rec'd: Initial SSS Date 1/3/08
Board Approval of Plat:
 Plat Agenda: Initial SS Date 1-24-08
 Planning Board Approval: _____
 Chairman's Signature: _____
DPS Approval of Plat:
 Engineer Pick-up for DPS Signature: _____
 Final Mylar for Reproduction Rec'd: _____
Plat Reproduction:
 Addressing: _____
 File Card Update: _____
 Final Zoning Book Check: _____
 Update Address Books with Plat #: _____
 Update Green Books for Resubdivision: _____
 Notify Engineer to Seal Plats: _____
 Engineer Seal Complete: _____
 Complete Reproduction: _____
 Sent to Courthouse for Recordation: _____

No. _____



JUN 28 2007

MCPB No. 07-66
Preliminary Plan No. 120070320
Shady Grove Parcels 6 and 7—Phase I
Date of Hearing: March 29, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 27, 2006, EYA, Inc. ("Applicant"), filed an application for approval to extend existing Crabbs Branch Way on 42.5 acres of land located Northern terminus of Crabbs Branch Road extending under I-370 underpass. ("Property" or "Subject Property"), in the Shady Grove Sector Plan area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070320, Shady Grove Parcels 6 and 7—Phase I ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated March 16, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on March 29, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

6787 Georgia Avenue

MNCPPC Legal Department
www.MCParkandPlanning.org

Chairman's Office 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

WHEREAS, on March 29, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Perdue; seconded by Commissioner Wellington; with a vote of 4-0, Commissioners Bryant, Hanson, Perdue, and Wellington voting in favor and Commissioner Robinson absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070320 to extend existing Crabbs Branch Way on 42.5 acres of land located Northern terminus of Crabbs Branch Road extending under I-370 underpass. ("Property" or "Subject Property"), in the Shady Grove Sector Plan area ("Master Plan"), subject to the following conditions:

- 1) The forest conservation plan for the Phase I roadway shall be incorporated into the forest conservation plan for the overall Casey 6 and 7 preliminary plan. If clearing or grading of the roadway project proceeds prior to Planning Board approval of the overall preliminary plan of subdivision for Casey 6 and 7, the applicant shall submit a final forest conservation plan only for the area within the limits of disturbance needed to construct the road.
- 2) The Applicant must record a plat to dedicate an 80-foot right-of-way as recommended in the Shady Grove Sector Plan for the segment of right-of-way shown on the plan.
- 3) The Applicant must construct all road improvements within the right-of-way shown on the approved preliminary as follows, unless otherwise amended by the MCDPWT approval:
 - a. Crabbs Branch Way Extended shall be extended approximately 750 feet and have a 50-foot-wide roadway pavement section consistent with County Road Code Standard No. MC-214.01, Commercial-Business District Road, with exceptions noted below.
 - 1) South and north of the I-370/future ICC bridge, the sidewalks shall be at least five feet wide on the west side, and the bike path/shared use path SP-53 shall be at least eight feet wide on the east side. Both the sidewalk and bike path shall be within the dedicated right-of-way and have a landscape panel with street trees separating them from the curb.
 - 2) A reduction in roadway pavement width to minimize wetland impacts may be required per Montgomery County Department of Public Works and Transportation ("DPWT") direction.
 - b. The sidewalk and bike path along Crabbs Branch Way Extended shall be continued under the I-370/future ICC bridge with the continuation of the

sidewalk and bike path and no landscape panel separating them from the curb. This segment's right-of-way width will be reduced for bridge support structures to approximately 76 feet.

- c. A temporary turnaround shall be provided at the northern terminus as required by DPWT.
- 4) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services stormwater management concept approval dated March 9, 2007.
- 5) Other necessary easements must be included on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

Phase I conforms to the Shady Grove Sector Plan by constructing a portion of Crabbs Branch Way from its current terminus just beyond The Grove Shopping Center to just north of I-370, providing street access to Casey 6. The resulting plat will provide a means for timely construction of vehicular access to the State Highway Administration's Western Maintenance Facility on Casey Parcel 6.

The Sector Plan calls for Crabbs Branch Way to be extended under I-370 with an 80-foot right-of-way to its ultimate connection with Amity Drive. Phase I proposes an 80 foot right-of-way and extends Crabbs Branch Way only under I-370. Sidewalk and bikeway recommendations also have been incorporated into the proposed plan in accordance with the Sector Plan recommendations. The streetscape treatment for lighting, tree species and sizes will be established by this approval but will require DPWT final approval.

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

Public facilities are adequate to serve the proposed development. Staff has reviewed the road alignment for compliance with the Subdivision Regulations. Because this is a road right-of-way, some of the elements of a typical Adequate Public Facilities review, such as availability of water and sewer, do not apply. Final approval of the cross section of Crabbs Branch by DPWT was approved on March 28, 2007; Transportation Planning has established the

minimum dimensions required to be built within the right-of-way, which are outlined in the Transportation Planning memorandum.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This plan does not propose any developable lots. The right-of-way approved by the Planning board is sufficient to accommodate the master plan roadway.

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

The plan complies with Chapter 22A of the Montgomery County Code. The forest conservation plan for the Phase I roadway shall be incorporated into the forest conservation plan for the overall Casey 6 and 7 preliminary plan. If clearing or grading of the roadway project is to begin prior to Planning Board approval of the overall preliminary plan of subdivision for Casey 6 and 7, prior to any clearing or grading the Applicant must submit and obtain approval of a final forest conservation plan only for the area within the limits of disturbance needed to construct the road.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

MCDPS has approved a stormwater management concept by letter dated March 9, 2007.


BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) 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 among the Montgomery County Land Records or a request for an extension must be filed and

~~BE IT~~ FURTHER RESOLVED, that the date of this Resolution is April 28 2007 (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

At its regular meeting, held on Thursday, May 31, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Wellington, seconded by Vice Chair Perdue, with Chairman Hanson, Vice Chair Perdue, and Commissioner Wellington present and voting in favor, and Commissioners Bryant and Robinson absent. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120070320, Shady Grove Parcels 6 and 7—Phase I.



Royce Hanson, Chairman
Montgomery County Planning Board

RAW

PLAT NO. 220071510

Blair

Located in the northeast quadrant of the intersection of Georgia Avenue (US 29) and Burlington Avenue (MD 410)

CBD-1 zone; 1 lot, 1 parcel

Community Water, Community Sewer

Master Plan Area: Silver Spring CBD

Cypress Realty Investments, LLC, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060080, and Site Plan No. 820060380, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plans.

Note: As of the date of this report, the attached site plan has been reviewed by staff, but is not signed by Development Review Chief, Rose Krasnow. Staff will ascertain all of the appropriate signatures on the certified site plan, prior to requesting Chairman Hanson's signature on the record plat.

AREA OF ABANDONMENT
PORTION OF STODDARD PLACE
PER COUNTY COUNCIL
RESOLUTION NO. R-348
MMATA
L 4473 F 502

STODDARD PLACE
150.06'

PARCEL "A"
2,409 SQ FT

LOT 24
BLOCK "M"
51,009 SQ FT

GEORGIA AVENUE
1/2 S. ROUTE 20
W/TH MARKS - STATE ROAD 8877

BURLINGTON AVENUE
W/TH MARKS - STATE ROAD 8877



AREA TO BE DEDICATED FOR PUBLIC STREET PURPOSES	
1	15.00' x 15.00'
2	15.00' x 15.00'
3	15.00' x 15.00'
4	15.00' x 15.00'
5	15.00' x 15.00'
6	15.00' x 15.00'



PLAT NO.

AREA	ACRES	SQ. FT.
LOT 24	1.17535	51,009
PARCEL "A"	0.05530	2,409
TOTAL	1.23065	53,418

VICINITY MAP
SCALE: 1" = 2000'

OWNERS CERTIFICATE
I, the undersigned, being the owner of the above described premises, do hereby certify that the same are being offered for sale to the public in accordance with the provisions of the laws of the State of Maryland, and that the same are being offered for sale to the public in accordance with the provisions of the laws of the State of Maryland, and that the same are being offered for sale to the public in accordance with the provisions of the laws of the State of Maryland.

BY: *[Signature]*
RESIDENT USE PROCEEDS
DATE: 1/15/08

AUTHORIZED SIGNATORY: *[Signature]*
DATE: 1/16/08

NOTES:
1) THE SUBJECT PROPERTY IS LOCATED ON THE ABANDONMENT MAP AS SHOWN AND IS NOT TO BE CONSIDERED AS A PART OF THE ABANDONMENT MAP.
2) THE PROPERTY SHOWN HEREON IS SUBJECT TO A DECLARATION OF CONDOMINIUM COOP BROOKVIEW ORES, SUEC, AND STORM DRAINAGE, RECORDED IN LIBER 33234 AT FOLD 765 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
3) THE PROPERTY SHOWN HEREON IS SUBJECT TO THE COMMON OPEN SPACE COMPONENT WITH THE BLOCK "A" RECORDED IN LIBER 28643 AT FOLD 378 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
4) THE PROPERTY SHOWN HEREON IS EXEMPT FROM THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST PRESERVATION LAW OF 1983.
5) THIS PROPERTY IS ZONED "R-1".

1) THIS PLAT IS TO BE CONVEYED TO THE MONTGOMERY COUNTY TRANSPORTATION AREA TRANSIT AUTHORITY (MMATA).
2) THIS PLAT IS SUBJECT TO A "TRANSFER IN ABANDONMENT AGREEMENT" RECORDED IN LIBER 34228 AT FOLD 107 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

SUBMISSION RECORD PLAT
LOTS 24 AND PARCEL "A", BLOCK "M"
SECTION 3
BLAIR
13TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 30'
DATE: JANUARY 15, 2008

COMPILED & DRAWN BY: *[Signature]*
DATE: 1/15/08

SURVEYOR'S CERTIFICATE
I, the undersigned, being a duly licensed and qualified surveyor, do hereby certify that the above described premises are being offered for sale to the public in accordance with the provisions of the laws of the State of Maryland, and that the same are being offered for sale to the public in accordance with the provisions of the laws of the State of Maryland.

DATE: 1/15/08
PLAT NO.: 1/15/08

FOR PUBLIC WATER AND SEWER ONLY

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: *[Signature]*
DIRECTOR

APPROVED: *[Signature]*
SECRETARY - TREASURER

APPROVED: *[Signature]*
CHAIRMAN

APPROVED: *[Signature]*
MEMBER

RECORD PLAT REVIEW SHEET

Plan Name: 8021 Georgia Avenue Plan Number: 120060080
 Plat Name: BLAIR Plat Number: 220071510
 Plat Submission Date: 5-25-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: C. Colton

Initial DRD Review:

Signed Preliminary Plan - Date 3-28-07 Checked: Initial SJS/KAC Date 7-3-07 (1/2/07)
 Planning Board Opinion - Date 7-25-06 Checked: Initial SJS Date 7-3-07
 Site Plan Req'd for Development? Yes No Verified By: SJS (initial)
 Site Plan Name: 8021 Georgia Avenue Site Plan Number: 820060380
 Planning Board Opinion - Date 10-2-06 Checked: Initial SJS Date 7-3-07
 Site Plan Signature Set - Date 1-14-08 Checked: Initial dm Date 1-14-08
 Site Plan Reviewer Plat Approval: Checked: Initial dm Date 1-14-08

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths Easements ok Open Space N/A
 Non-standard BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map ok

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsay</u>	<u>6-8-07</u>	<u>6-29-07</u>	<u>6-12-07</u>	<u>EXEMPT</u>
Research	<u>Bobby Fleury</u>	<u>↓</u>	<u>↓</u>	<u>6-12-07</u>	<u>OK</u>
SHA	<u>Doug Mills</u>	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
PEPCO	<u>Steve Baxter</u>	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
Parks	<u>Doug Powell</u>	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
DRD	<u>Nellie Carey</u>	<u>↓</u>	<u>↓</u>	<u>6-29-07</u>	<u>OK</u>

Final DRD Review:

DRD Review Complete:	<u>SJS</u>	<u>1-14-08</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>SJS</u>	<u>1-9-08</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>SJS</u>	<u>1-14-08</u>
Board Approval of Plat:		
Plat Agenda:	<u>SJS</u>	<u>1-24-08</u>
Planning Board Approval:	<u>—</u>	<u>—</u>
Chairman's Signature:	<u>—</u>	<u>—</u>
DPS Approval of Plat:		
Engineer Pick-up for DPS Signature:	<u>—</u>	<u>—</u>
Final Mylar for Reproduction Rec'd:	<u>—</u>	<u>—</u>
Plat Reproduction:		
Addressing:	<u>—</u>	<u>—</u>
File Card Update:	<u>—</u>	<u>—</u>
Final Zoning Book Check:	<u>—</u>	<u>—</u>
Update Address Books with Plat #:	<u>—</u>	<u>—</u>
Update Green Books for Resubdivision:	<u>—</u>	<u>—</u>
Notify Engineer to Seal Plats:	<u>—</u>	<u>—</u>
Engineer Seal Complete:	<u>—</u>	<u>—</u>
Complete Reproduction:	<u>—</u>	<u>—</u>
Sent to Courthouse for Recordation:	<u>—</u>	<u>—</u>

No. _____

8021 GEORGIA AVENUE
 (Preliminary Development)

8011 13th Street, NW
 Atlanta, Georgia 30309-4000
 Phone: 404.524.1111
 Fax: 404.524.1112

Cypress Realty Investments, LLC
 1000 Peachtree Street, NE
 Suite 2000 Atlanta, GA 30309
 Phone: 404.524.1111
 Fax: 404.524.1112

SMITHGROUP
 ARCHITECTS & INTERIORS

1000 Peachtree Street, NE
 Suite 2000 Atlanta, GA 30309
 Phone: 404.524.1111
 Fax: 404.524.1112

1000 Peachtree Street, NE
 Suite 2000 Atlanta, GA 30309
 Phone: 404.524.1111
 Fax: 404.524.1112

NO.	DATE	DESCRIPTION
1	11/11/11	PRELIMINARY DEVELOPMENT
2	11/11/11	PRELIMINARY DEVELOPMENT
3	11/11/11	PRELIMINARY DEVELOPMENT
4	11/11/11	PRELIMINARY DEVELOPMENT
5	11/11/11	PRELIMINARY DEVELOPMENT
6	11/11/11	PRELIMINARY DEVELOPMENT
7	11/11/11	PRELIMINARY DEVELOPMENT
8	11/11/11	PRELIMINARY DEVELOPMENT
9	11/11/11	PRELIMINARY DEVELOPMENT
10	11/11/11	PRELIMINARY DEVELOPMENT

PRELIMINARY PLAN
 1-06000

SCALE	1" = 30'
SHEET NUMBER	111A
TOTAL SHEETS	111



GENERAL NOTES:

1. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND AGENCIES.
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37. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND AGENCIES.

38. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND AGENCIES.

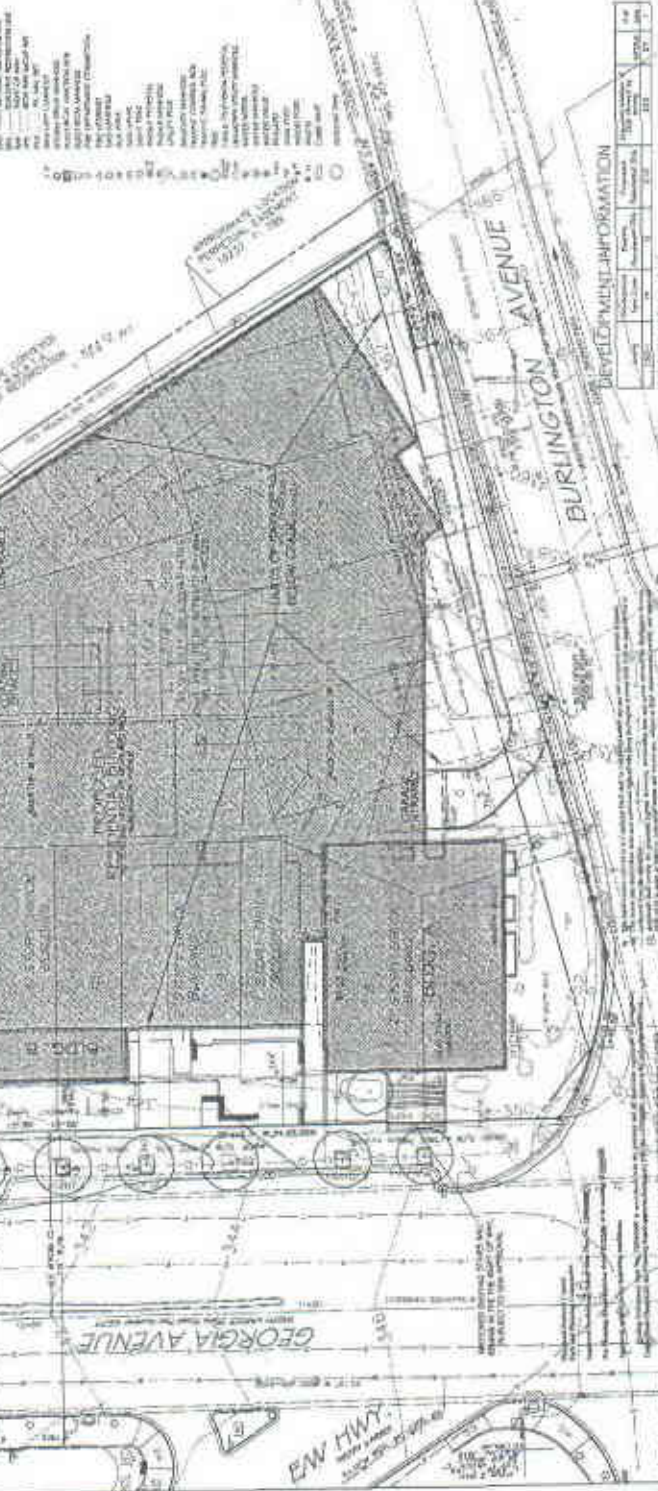
39. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND AGENCIES.

40. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND AGENCIES.



SURVEY LEGEND

Symbol	Description
Circle with dot	Survey Station
Circle with cross	Survey Station
Circle with plus	Survey Station
Circle with asterisk	Survey Station
Circle with triangle	Survey Station
Circle with square	Survey Station
Circle with diamond	Survey Station
Circle with hexagon	Survey Station
Circle with octagon	Survey Station
Circle with decagon	Survey Station
Circle with dodecagon	Survey Station
Circle with hexagram	Survey Station
Circle with heptagram	Survey Station
Circle with octagram	Survey Station
Circle with nonagram	Survey Station
Circle with decagram	Survey Station
Circle with hendecagon	Survey Station
Circle with dodecagon	Survey Station



DEVELOPMENT INFORMATION

Item	Value
Site Area	100,000 sq ft
Building Area	50,000 sq ft
Parking Area	20,000 sq ft
Landscaping Area	10,000 sq ft
Other Area	10,000 sq ft

SITE TABULATIONS: ZONE CODE

Zone Code	Area (sq ft)	Notes
Zone 1	100,000	Building Footprint
Zone 2	20,000	Parking Area
Zone 3	10,000	Landscaping Area
Zone 4	10,000	Other Area

PARKING TABULATIONS

Category	Count
Total Parking Spaces	100
Surface Parking	80
Structural Parking	20
Handicap Spaces	5
Motorcycle Spaces	2
Other Spaces	3

STODDARD PLACE
 155 x 100 ft

GEORGIA AVENUE
 100 ft wide

BURLINGTON AVENUE
 100 ft wide

13th ST
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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4300, www.mncppc.org

Public Hearing Date: May 4, 2006

Date Mailed: **JUL 25 2006**

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Berlage,
with a vote of 5-0;
Chairman Berlage and Commissioners
Perdue, Bryant, Wellington, and
Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060080

NAME OF PLAN: **8021 Georgia Avenue**

The date of this written opinion is JUL 25 2006 (which is the date that this opinion is mailed to all parties of record). 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 of Court – State).

I. INTRODUCTION

On November 10, 2005, WMATA by Cypress Realty Investment, LLC ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-1 zone. The application proposed to create 1 lot on 1.88 acres of land located at the northeast quadrant of the intersection of Georgia Avenue (MD 97) and Burlington Avenue, in the Silver Spring CBD master plan area ("Subject Property"). The application was designated Preliminary Plan 120060080 ("Preliminary Plan" or "Application"). On May 4, 2006, Preliminary Plan 120060080 was brought before the Montgomery County Planning Board for a public hearing ("Hearing"). At the Hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE DESCRIPTION

The property, identified as Lots 1 through 11 and Lots 21 through 23 ("Subject Property" or "Property"), is located at the northeast quadrant of the intersection of Georgia Avenue (MD 97) and Burlington Avenue. The Subject Property contains a total tract area of 1.88 acres and is zoned CBD-1. The Property is also the site of the historic Dyers and Cleaners Building, which will remain. Other structures that currently exist on the property will be removed.

III. PROJECT DESCRIPTION

This is a preliminary plan application to create one lot for the construction of 210 multi-family dwelling units including 27 moderately priced dwelling units (MPDUs). This preliminary plan is reviewed concurrently with Project Plan #920060020. The site is exempt from forest conservation. Ingress and egress access to the site will be directly from Stoddard Place with a potential ingress point located off of Burlington Avenue, subject to further review and consideration, as provided in Condition No. 11 of this Preliminary Plan. The site will generate more than 30 peak hour weekday vehicle trips and, therefore, it is subject to a Local Area Transportation Review (LATR).

On-site pedestrian circulation is provided by sidewalks along northbound Georgia Avenue, the north side of Burlington Avenue and along the southern side of Stoddard Place. The site will provide improved pedestrian access across Burlington Avenue southward towards the recently expanded Montgomery College campus. The centerline median on Burlington Avenue will be extended and include a pedestrian refuge. In addition, the south-westernmost corner of the site will be reconfigured to allow for a larger landing area and improved visibility at the intersection of Georgia Avenue with East-West Highway.

IV. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

At the Hearing, Staff recommended against providing vehicular access into the site from Burlington Avenue. Staff contended that, to make the deceleration lane viable, both pedestrian access and circulation would be compromised, as well as the ability of the applicant to provide streetscape improvements, consistent with the Silver Spring streetscape standards, and pedestrian amenities within the right of way. Staff stated its view that removing the proposed entrance on Burlington Avenue would not be detrimental to the operation and access of the site.

Representatives of the Silver Spring Historical Society and Montgomery Preservation, Inc., testified at the Hearing, stating their support for the proposed project. The representatives noted the research that the Applicant had completed concerning the historical importance of the buildings and complimented the project for serving as a good example of adaptive re-use, by making sure that the new construction is compatible to the historical buildings that currently exist on the site, and which will be retained and restored.

Citizens offered testimony, stating their concern over the use of Stoddard Place as the sole entrance, exit, and delivery/ pick-up zone for the site. A business owner across from the Property relies on parking spaces located on Stoddard Place and expressed concern that the parking will be removed and that Stoddard Place is not adequate to accommodate all of the traffic that will be flowing into and out of the complex. Citizens also offered their support for an additional access point to the site off of Burlington Avenue in order to alleviate the traffic flowing into and out of the single proposed access point at Stoddard Place.

The Applicant testified that access from Burlington Avenue would be a significant improvement, not just to relieve Stoddard Place, but to help the whole circulation of the area with far fewer turns made by someone who wants to access the property. However, the Applicant also indicated a willingness to accept Stoddard Place as the sole ingress and egress point to the site.

The Board considered Staff's testimony concerning its reasons for prohibiting access from Burlington Avenue but disagreed with Staff's conclusion. Certain Board members suggested that allowing an access point off Burlington Avenue may be preferable because it would reduce congestion at the Georgia Avenue/Burlington Avenue intersection and reduce traffic on Stoddard Place, thereby serving to minimize the impact of the project on its neighbors and. Additionally, the Board noted that, upon further review, the Applicant and Staff may be able to resolve or sufficiently mitigate Staff's pedestrian circulation and streetscape concerns. Therefore, the Board recommended a revision to the condition of approval addressing the access point to require the Applicant to review its proposed ingress driveway, deceleration lane, and access entrance and to have SHA and Commission Staff review the proposal. The

Board directed that it would will revisit and reconsider the access point as a part of its site plan review.

The Record contains many letters and e-mails submitted by the individuals and organizations that offered testimony at the Hearing, as well as concerned citizens who could not attend. The correspondence focused primarily on the points highlighted by the various speakers at the hearing. No other testimony was received on the Application and the Record contains no other correspondence or other evidence submitted in opposition to the Application.

V. FINDINGS

Having given full consideration to the recommendations of its Staff, which the Board hereby adopts and incorporates by reference (except as expressly modified herein); the recommendations of the applicable public agencies¹; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) *The Preliminary Plan No. 120060080 substantially conforms to the Silver Spring CBD master plan.*

The Silver Spring Central Business District (CBD) Sector Plan encourages revitalization of the core, a residential downtown, a green downtown, a pedestrian friendly downtown and the reuse of historic resources. The proposed development is located on the former site of the National Association of Dyers and Cleaners, also known as the National Institute of Cleaning and Dyeing, and has recently been placed on the Locational Atlas and Index of Historic Sites in Montgomery County. The proposed preliminary plan complies with the recommendations adopted in the sector plan in that it proposes the redevelopment of property to contain 210 multi-family residential units on a site which is shared with the locally historic, National Institute of Cleaning and Dyeing, and provides landscaped areas and streetscaping.

Georgia Avenue is a major highway with 125 feet of right-of-way in the vicinity of the site. Burlington Avenue (MD 410) is a state arterial roadway of recommended 80 feet of right-of-way. The applicant has agreed to dedicate right-of-way to provide 40 feet from the centerline of Burlington Avenue to insure compliance with the Sector Plan. Stoddard Place is a Business Street of substandard width of 30 feet. Due to the historic buildings located on the site, the applicant cannot dedicate right-of-way to provide the recommended

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

minimum right-of-way for a standard Business Street cross section. Instead, Stoddard Place is to be reclassified as an alleyway with a pavement width of 28 feet and a right-of-way width of 30 feet, enabling its current dimensions to remain unchanged.

- b) *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Staff informed the Board that the Applicant had submitted an LATR traffic study in accordance with M-NCPPC policies stated in the LATR Guidelines adopted in July of 2004. The proposed development is estimated to generate 71 additional trips during the AM and PM weekday peak periods of travel.

Staff advised the Board that three signalized intersections adjacent to the development were selected for analysis: Georgia Avenue (US 29) at Sligo Avenue, Georgia Avenue (US 29) at East-West Highway (MD 410)/Burlington Avenue/13th Street, and Burlington Avenue/Philadelphia Avenue at Fenton Street. In addition, the unsignalized intersection of Stoddard Place and Georgia Avenue (US 29) was also studied. All intersections are estimated to operate below the 1,800 Current Levels (CLV) threshold. Therefore, the Board finds that the proposed development will meet the requirements of LATR. The table reproduced on page 8 of the April 21, 2006 Staff Report set forth the CLV analysis results for the studied intersections.

Staff informed the Board that the traffic study estimated that a portion (29 out of the 71) of the peak hour trips would exit onto westbound Burlington Avenue, under the assumption that an exit driveway would be approved. When these estimated outbound trips are relocated to the intersection of Stoddard Place with Georgia Avenue, Staff advised the Board that no significant change in the CLV calculations occurs. As the traffic study originally directed all entering traffic to Stoddard Place, Staff advised the Board that the removal of the proposed entrance from Burlington Avenue does not alter the findings and conclusions expressed in the traffic study. Staff estimated that CLV for the intersection of Stoddard Place with Georgia Avenue has sufficient capacity to absorb all of the estimated peak hour trips.

All adjacent intersections have marked pedestrian crosswalks. The three signalized intersections reviewed for the LATR study have adequate crossing times and clearly marked crosswalks for pedestrians. The proposed development will connect to the existing network of pedestrian facilities in this area of downtown Silver Spring.

Stoddard Place is currently a cul-de-sac with a right-of-way width of 30 feet. It is not a classified master planned street and as such, would require a

minimum of 60 feet right-of-way to comply with Montgomery Department of Public Works and Transportation (DPWT) Business Street standards. Due to the close proximity of the roadway to the existing buildings on-site, Stoddard Place cannot be widened without the removal of one of the historical structures. Staff informed the Board that the applicant had requested that Stoddard Place be reclassified as an alleyway to allow for less stringent design standards. Staff advised the Board that, following extensive negotiations, DPWT agreed to reclassify Stoddard Place as an alleyway.

Stoddard Place will serve as a point of vehicular access to the site, with provision for both resident and service vehicles. Staff informed the Board that it had requested that the Applicant install sidewalks along the site frontage of Stoddard Place to allow for improved pedestrian access. As the dimensions of Stoddard Place do not meet the minimum standards for Business Streets or Primary Residential Streets, staff also asked that the Applicant work with personnel from DPWT and from Fire and Rescue Services to ensure adequate provision for emergency vehicles.

- c) *The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.*
- d) *The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.*
- e) *The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*
- f) *The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.*

V. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060080 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060080, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 210 multi-family dwelling units including 27 MPDUs.
- 2) Compliance with conditions of approval for Project Plan #920060020.

- 3) Provide full width Type B streetscape improvements on Georgia Avenue and MD 410 in accordance with the Silver Spring Streetscape (April 1992) technical manual, or as amended. (Provision of full-width streetscape along Burlington Avenue is subject to the review of the proposed ingress driveway, deceleration lane, access entrance, and streetscape options, set forth in Condition No. 11.)
- 4) Compliance with Historic Preservation conditions of approval letter dated February 2, 2006 as part of the site plan.
- 5) Final approval of the number and location of buildings, dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 6) The Applicant shall coordinate with the DPWT, Fire and Rescue Services/Office of Code Enforcement and Permitting Services for design of Stoddard Place as an alleyway.
- 7) The Applicant shall enter into a traffic mitigation agreement (TMA) to participate in the Silver Spring Transportation Management District (TMD). The agreement must be signed and executed by all parties prior to certified site plan approval.
- 8) The Applicant shall reconfigure and extend the southwestern corner of the site at the intersection of Burlington Avenue and Georgia Avenue for improved pedestrian circulation and access across both Georgia Avenue (US 29) to the west and Burlington Avenue (MD 410) to the south if permitted by SHA.
- 9) The improvement referred to in Condition No. 8 shall be completed before any use and occupancy permit is issued.
- 10) The record plat shall reflect dedicated additional right-of-way along Burlington Avenue (MD 410) to equal 40 feet as measured from the centerline.
- 11) Applicant shall review the proposed ingress driveway, deceleration lane and access entrance on Burlington Avenue (MD 410) in order to improve pedestrian access and streetscape, subject to SHA requirements, review, and approval and M-NCPPC Staff review and Planning Board approval at site plan review.
- 12) The Applicant shall lengthen and improve the existing centerline median along Burlington Avenue (MD 410), inclusive of a pedestrian refuge within the median for improved pedestrian safety and access across MD 410. This improvement shall be complete before any use and occupancy permit is issued.
- 13) Compliance with conditions of DPWT letter dated, March 7, 2006, unless otherwise amended.
- 14) Access and improvements as required to be approved by SHA prior to issuance of access permits.
- 15) Compliance with the conditions of approval of the MCDPS stormwater management approval dated October 11, 2005.
- 16) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 17) Other necessary easements.
- 18) The Applicant shall provide a comprehensive noise analysis of noise impacts from all transportation sources (roadways, railways, and METRO rail) and all

mitigation measures (e.g., acoustical treatment, design measures, etc.) as part of the site plan submittal.

- 19) Revocation, rescission or withdrawal of Abandonment Resolution No. 8-549 dated November 18, 1975, concerning Stoddard Place, DOT Docket AB-207D. If it is determined, following staff consultation with DPWT, that abandonment has occurred, re-dedication of the entire portion of Stoddard Place so abandoned shall be reflected on the record plat.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

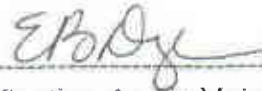
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DK

APPROVED AS TO LEGAL SUFFICIENCY
TAB
M-NCPPC LEGAL DEPARTMENT
DATE 7/17/06

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, July 20, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Commissioners, Berlage, Bryant, Robinson, and Wellington voting in favor of the motion; with Commissioner Perdue absent, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060080, 8021 Georgia Avenue.



Certification As To Vote of Adoption
Technical Writer

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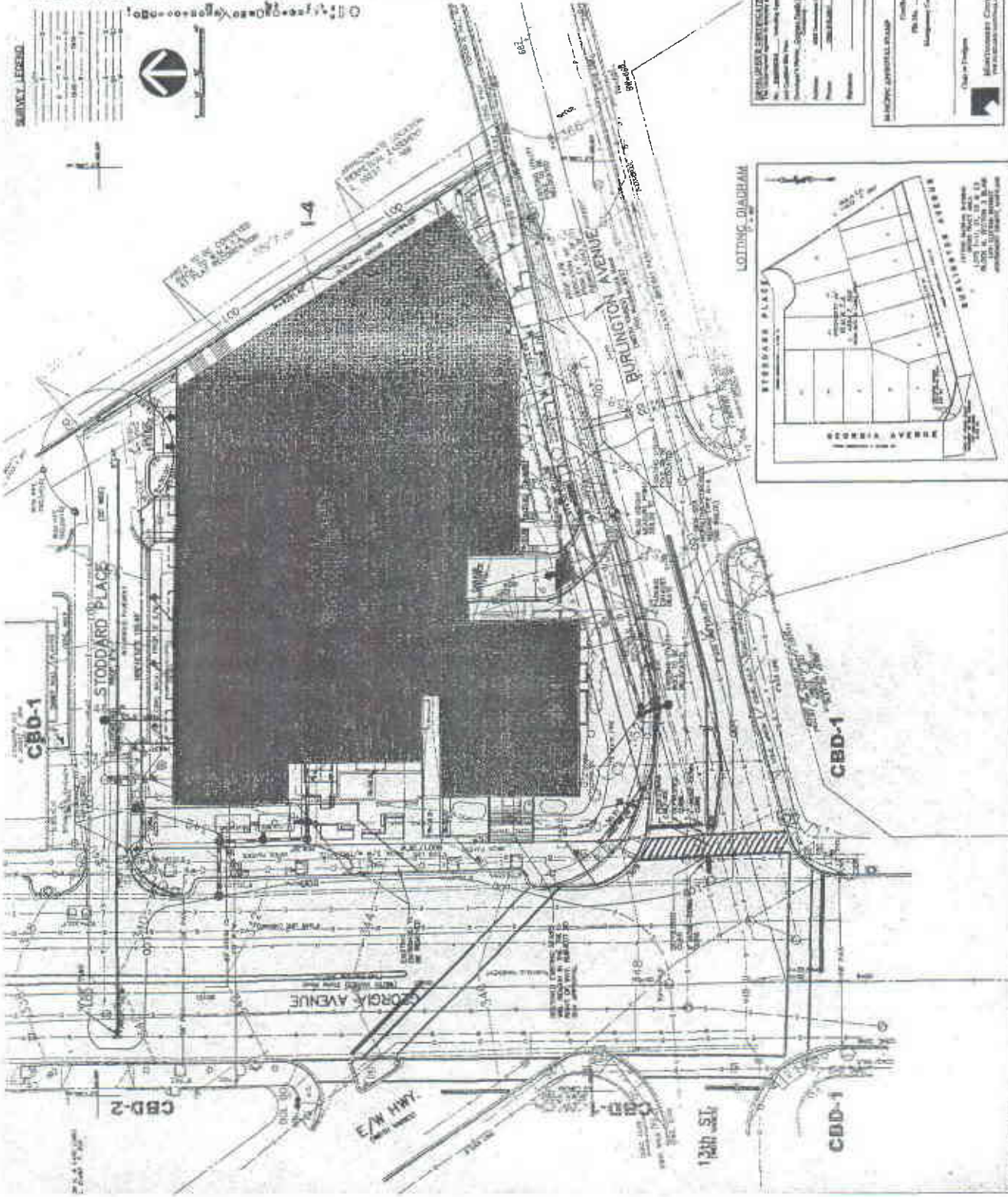
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SITE PLAN AMENDMENT

DATE: 08/14/13
 SHEET NO.: 1314
 SHEET TOTAL: 3 OF 35

PROPERTY LEGEND

1	EXISTING IMPROVEMENTS
2	EXISTING DRIVEWAYS
3	EXISTING SIDEWALKS
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100	EXISTING CURBS



REGULATORY COMPLIANCE:
 This site plan is submitted for review and approval by the City of Marietta, Georgia. The site plan is prepared in accordance with the City of Marietta, Georgia Ordinance 1314, which governs the review and approval of site plans. The site plan is prepared in accordance with the City of Marietta, Georgia Ordinance 1314, which governs the review and approval of site plans.

PREPARED BY:
 HOK, Inc.
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 Phone: 404.521.1000
 Fax: 404.521.1001
 www.hok.com

DATE: 08/14/13

PROJECT: 8021 GEORGIA AVENUE





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

MCPB No. 07-153
 Site Plan No. 82006038A
 Project Name: 8021 Georgia Avenue
 Hearing Date: October 18, 2007

OCT 30 2007
RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on July 12, 2007, Cypress Realty Investments, LLC, ("Applicant") filed a site plan amendment application designated Site Plan No. 82006038A ("Amendment") for approval of the following modifications:

1. eliminate two townhouses and relocate those units into the multi-family building;
2. reduce by two the number of parking spaces provided on site;
3. make minor adjustments to the vehicular entrances to the building from Stoddard Place and Burlington Avenue and the pedestrian entrance from Georgia Avenue;
4. show minor revisions to the building architecture, including the addition of balconies;
5. illustrate a minor shift of the lot line location to reflect new survey data;
6. update the unit type distribution; and
7. update the Development Data table to reflect the lot line adjustment and to correct typographical errors.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated October 5, 2007, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on October 18, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing").

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82006038A; and

Approved as to

Legal Sufficiency:

William J. Miller 10/3/07

8021 Georgia Avenue, Suite 200, Bethesda, Maryland 20814

www.MCParkandPlanning.org

Chairman Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@macppc.org

BE IT FURTHER RESOLVED that all site development elements as shown on National Park Seminary drawings stamped by the M-NCPPC on September 26, 2007, shall be required; 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

OCT 30 2007 BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (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).

* * * * *

CERTIFICATION

At its regular meeting, held on Thursday, October 18, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Commissioner Lynch, with Vice Chair Robinson, presiding, Commissioners Bryant, Cryor, and Lynch present and voting in favor, and with Chairman Hanson absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Site Plan No.82006038A, for 8021 Georgia Avenue.



John Robinson, Vice Chair, presiding
Montgomery County Planning Board