

AUG 8 2011



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-33

Project Plan Amendment No. 92005002B

Project Name: 8711 Georgia Avenue

Date of Hearing: April 21, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

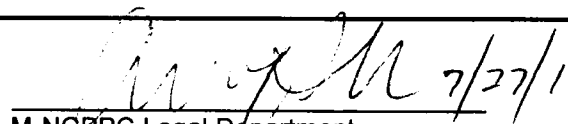
WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review project plan applications; and

WHEREAS, on January 19, 2006, the Planning Board approved Project Plan No. 920050020 for the project named 8711 Georgia Avenue Office, for a mixed use development totaling 152,740 square feet, which was amended on October 23, 2008, designating up to 148,278 square feet of office space and 4,462 square feet of general retail use (Project Plan Amendment No. 92005002A, MCPB 08-120) on 0.87 acres in the CBD-2 Zone, located on the east side of Georgia Avenue, 250 feet north of the intersection of Georgia Avenue and Cameron Street (the "Property") in the Silver Spring CBD Sector Plan ("Master Plan") area; and

WHEREAS, on January 14, 2011, 8711 Georgia Avenue Parking Lot LLC ("Applicant") filed a project plan amendment application designated Project Plan No. 92005002B, 8711 Georgia Avenue (the "Amendment" or "Application") for approval of the following modifications:

1. Change use from retail and office use to residential and retail use. The Amendment proposes up to 152,740 gross square feet of mixed-use development, with 150,340 square feet of residential use (160 dwelling units of which 12.5% are MPDU's) above 2,400 square feet of ground floor retail uses.
2. Reduce number of on-site parking spaces from 326 to 194 within and underneath the building to account for the change in use.
3. Modify design of public use space in response to changes to the access drive and stormwater access easement.

Approved as to
Legal Sufficiency:

 7/27/11
M-NCPPC Legal Department

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

4. Modify on site driveway to accommodate change in use and comments by the Montgomery County Department of Transportation ("MCDOT").
5. Modify loading area to accommodate change in use.
6. All other elements of the previously approved Project Plan, including building density and heights remain unchanged; and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated April 8, 2011 setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on April 21, 2011 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

WHEREAS, on April 21, 2011 the Planning Board approved the Amendment subject to conditions on motion of Commissioner Alfandre, seconded by Commissioner Wells-Harley, with a vote of 4-0, Commissioners Carrier, Alfandre, Wells-Harley, and Presley voting in favor. Commissioner Dreyfuss was absent from the Hearing.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 92005002B, subject to the following conditions:

1. **Development Ceiling**
Development under this approval is limited to 150,340 gross square feet of residential development, including a maximum of 160 multi-family units and 2,400 square feet of ground floor retail.
2. **Public Use Space**
The proposed public use space and off site amenities shall adhere to the following conditions:
 - a) The Applicant must provide a minimum of 6,959 square feet (22.4 percent of the net lot area) as on-site public use space;
 - b) The on-site public use space must be easily and readily accessible to the general public and available for public enjoyment; and

c) Provide a minimum of 11,605 square feet (37.3 percent of the net lot area), for off-site public amenity, of streetscape improvements.

3. Moderately Priced Dwelling Units

The Applicant must provide a minimum of 12.5 percent of the total number of units as moderately priced dwelling units in accordance with Chapter 25A of the Montgomery County Code.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and 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 and all applicable elements of § 59-D-2.43, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

(a) The proposed development, as amended by Project Plan No. 92005002B, complies with all of the intents and requirements of the CBD-2 zone.

This Project Plan Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in its approval of Project Plan No. 920050020.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 92005002B, Georgia Avenue Parking Lot LLC stamped "Received" by M-NCPPC on January 14, 2011 are required except as modified by the above conditions of approval; and

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

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

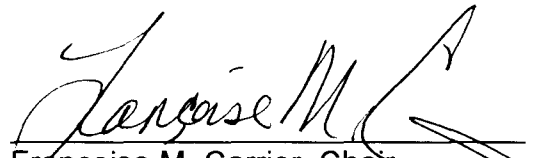
BE IT FURTHER RESOLVED that the date of this Resolution is AUG 8 2011
(which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley present and voting in favor of the motion, and Commissioner Anderson abstaining at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board