



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

JUL 26 2013

MCPB No. 13-124
Preliminary Plan No. 12011030A
Parklawn North
Date of Hearing: July 18, 2013

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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 August 9, 2011, the Planning Board approved Preliminary Plan No. 120110300 for up to 60,132 square feet of commercial office uses and 520,000 square feet of general office uses on 3 lots and 1 outlot in the TMX-2 Zone on approximately 12.96 acres of land located on the north side of Fishers Lane approximately 1,000 feet east of the intersection with Twinbrook Parkway ("Subject Property"), in the Twinbrook Sector Plan ("Sector Plan") area;

WHEREAS, on June 28, 2013, Parklawn North Lot, LLC, ("Applicant"), filed a preliminary plan amendment to: i) amend Condition No. 4.b. of the Preliminary Plan No. 120110300 resolution; ii) correct a typographical error on page No. 5 of the of the Preliminary Plan No. 120110300 resolution regarding the allowed building height from 110 feet to 125 feet; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 12011030A, Parklawn North ("Preliminary Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board on July 8, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
 Legal Sufficiency:

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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 Preliminary Plan No. 12011030A, which modifies Condition No. 4.b. as follows:¹

4.b. Construct approximately 5,500 linear feet of an 8-foot-wide (or equivalent of 4,374 linear feet of a 10-foot wide) B-2, shared use path. The length and/or width of B-2 may be reduced by the equivalent cost of the bridge over the stream and segments of the boardwalk. A combination is also permissible, subject to Staff review, to mitigate the required 55 PAMR trips. The final alignment must be approved by the Department of Parks prior to certified site plan. Construction of the trail must be completed within 3 years of the issuance of the use-and-occupancy permit for the office building.

BE IT FURTHER RESOLVED, that all other conditions of approval for Preliminary Plan 120110300 remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, that unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as amended, and all findings not specifically addressed remain in effect, and with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

This Amendment does not materially change the existing approvals for uses and square footage. The Subject Property is currently limited to a total of 60,132 square feet of commercial office uses and 520,000 square feet of general office uses on 3 lots and 1 outlot in the TMX-2 Zone. This Amendment makes no changes to these limitations.

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.

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

The development of this site continues to be bound to the density and uses approved with the original preliminary plan. The finding of Adequate Public Facilities, including fire and rescue access, roads, water and sewer remains valid for the square footages approved.

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

The lots are of the appropriate dimensions with respect to size, shape, width and orientation to accommodate the multiple uses expected to occur on this County-owned property. The Amendment remains in conformance with all applicable sections of the Subdivision Regulations.

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

The original approval by the Planning Board included provisions to satisfy the requirement of Chapter 22A as shown on the approved preliminary forest conservation plan. The Subject Property continues to be bound by the conditions of the approved forest conservation plan.

- 5. The Amendment 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.*

This finding is based on the fact that the Montgomery County Department of Permitting Services approved a stormwater management concept for the entire site at the time of the original preliminary plan approval. This Amendment does not change the elements of that concept.

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 26 2013 (which is the date that this Resolution is mailed to all parties of record); and

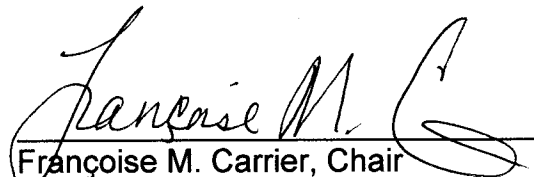
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 18, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board