



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

MCPB No. 17-036
Project Plan No. 92005003B
900 Thayer Avenue
Date of Hearing: June 1, 2017

JUN 09 2017

RESOLUTION

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

WHEREAS, under Section 59-D-2 of the Zoning Ordinance in effect on October 29, 2014, the Montgomery County Planning Board is authorized to review project plan applications; and

WHEREAS, by Opinion dated January 10, 2006, the Planning Board, approved Project Plan No. 920050030, for 145,471 square feet of development, with 96 multi-family units, including 15% moderately priced dwelling units ("MPDUs") and 33,220 square feet of office and retail uses on 0.96 acres, in the CBD-1 zone and Fenton Village Overlay Zone, located in the southwest quadrant of the intersection of Fenton Street and Thayer Avenue ("Subject Property"), in the Silver Spring CBD Policy Area and *Silver Spring CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, on June 27, 2013, the Planning Board, by Resolution MCPB No. 13-80, approved Project Plan Amendment No. 92005003A, for a redesign of the entire project for 119,691 square feet of development with 124 units, including 12.5% moderately priced dwelling units ("MPDUs") and 5,300 sf. of retail, on 0.96 acres, in the CBD-1 zone and Fenton Village Overlay Zone, located on the Subject Property, in the Silver Spring CBD Policy Area and *Silver Spring CBD Sector Plan* area; and

WHEREAS, on December 2, 2016, the Housing Opportunities Commission ("Applicant") filed an application for approval of an amendment to the previously approved project plan to increase the building height from 66 feet to 68 feet on Thayer Avenue on the Subject Property; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 92005003B, 900 Thayer Avenue ("Application," "Amendment," or "Project Plan"); and

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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 May 19, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 1, 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 Project Plan No. 92005003B to increase the building height from 66 feet to 68 feet on Thayer Avenue on the Subject Property, subject to the following condition, and all other conditions of previous approvals remain valid and binding:

1. Building Height

The development is limited to a maximum building height of 68 feet as measured from the applicable building height measurement point to be illustrated on the Certified Site Plan.

BE IT FURTHER RESOLVED that all elements shown on the latest version of 900 Thayer Avenue, 92005003B, submitted to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above condition of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, 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 project plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.*

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 Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; 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 JUN 09 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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Fani-González voting in favor, and Commissioner Cichy absent, at its regular meeting held on Thursday, June 1, 2017, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board