



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

MCPB No. 18-019
 Preliminary Plan No. 12013008A
Glenmont Metrocenter
 Date of Hearing: March 01, 2018

MAR 06 2018

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 24, 2013, the Planning Board, by corrected Resolution MCPB No. 13-129, approved Preliminary Plan No. 120130080, creating 229 lots on 30.93 acres of land in the TS-R zone, located along Glenallan Avenue between Georgia Avenue and Layhill Road ("Subject Property"), in the 2013 Glenmont Sector Plan ("Sector Plan") area; and

WHEREAS, on December 22, 2017, Layhill Investment Associates LLC; ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to provide flexibility regarding the location and provision of 4,000 square feet of retail on site on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12013008A, Glenmont Metrocenter ("Preliminary 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 February 15, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 01, 2018, 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 Preliminary Plan No. 12013008A to amend the previously approved preliminary plan(s)

Approved as to
 Legal Sufficiency:

to provide flexibility regarding the location and provision of 4,000 square feet of retail on site on the Subject Property by modifying the following conditions:¹

Condition Nos. 37 and 38 of the approved Preliminary Plan No. 120130080 are modified as follows:

37. The Preliminary Plan will remain valid for one hundred and twenty-one (121) months from the date of mailing of the original Planning Board Resolution (September 26, 2013). Record plats may be recorded in stages based upon the following schedule:

- Stage I (expires 61 months from the date of mailing of the original Planning Board Resolution (September 26, 2013)): 485 residential units and up to 4,000 square feet commercial uses in Building D (Phase 1.2). The amount of commercial uses in Stage 1 may be increased consistent with the approved Development Plan if approved at Site Plan. The Applicant must make a reasonable effort to lease the 4,000 square feet of floor area to retail uses as stated in the approved Preliminary Plan No. 120130080. If all or a portion of the 4,000 square feet of retail space has not been leased by the issuance of the final Use and Occupancy Permit for the third building increment (or the second to last building increment to be occupied), the Applicant may convert up to 3,000 square feet of the retail space into residential units. A minimum of 1,000 square feet of floor area located at the street level in the southwest corner of the building along Glenallan Avenue must be used for street activating use(s). Any conversion of the retail space must not increase the total number of units beyond the maximum 260 residential units for Phase 1.2, as approved in the Preliminary Plan No. 120130080.
- Stage II (expires 121 months from the date of mailing of the original Planning Board Resolution (September 26, 2013)): 1,065 residential units and up to 86,000 square feet of commercial uses.

Prior to the expiration period, the final record plat for all remaining lots within each stage must be recorded, or a request for extension must be filed.

38. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred and forty-five (145) months from the date of mailing of the original Planning Board Resolution (September 26, 2013), based upon the following staging schedule:

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.

- Stage I (expires 85 months from the date of the original Planning Board Resolution (September 26, 2013)): Issuance of building permits for 485 residential units and up to 4,000 square feet commercial uses in Building D (Phase 1.2). The amount of commercial uses in Stage 1 may be increased consistent with the approved Development Plan if approved at Site Plan. The Applicant must make a reasonable effort to lease the 4,000 square feet of floor area to retail uses as stated in the approved Preliminary Plan No. 120130080. If all or a portion of the 4,000 square feet of retail space has not been leased by the issuance of the final Use and Occupancy Permit for the third building increment (or the second to last building increment to be occupied), the Applicant may convert up to 3,000 square feet of the retail space into residential units. A minimum of 1,000 square feet of floor area located at the street level in the southwest corner of the building along Glenallan Avenue must be used for street activating use(s). Any conversion of the retail space must not increase the total number of units beyond the maximum 260 residential units for Phase 1.2, as approved in the Preliminary Plan No. 120130080.
- Stage II (expires 145 months from the date of mailing of the original Planning Board Resolution (September 26, 2013)): Issuance of building permits for remaining 1,065 residential units and up to 86,000 square feet of commercial uses.

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

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 Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *All previous findings are unaffected and previous conditions remain in full force and effect.*

The Planning Board finds that this Preliminary Plan Amendment does not affect the previous findings of the Board regarding the Preliminary Plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 06 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 Resolution, 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 Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, March 1, 2018, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board