



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

MCPB 19-048
Site Plan No. 82018002A
Montgomery Village Center
Date of Hearing: Thursday, April 25, 2019

MAY 21 2019

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on June 25, 2018, the Planning Board approved Site Plan No. 820180020, by Resolution MCPB No. 18-038, for a 32-unit multifamily condo building (including two MPDUs) for a total of 35,100 square feet of residential uses, and up to 165,000 square feet of retail/service uses under Optional Method Development on 18.78 acres of land zoned CRT-1.5, C-0.75, R-1.0, H-75, located west of the intersection of Montgomery Village Avenue and Centerway Road in Gaithersburg, MD ("Subject Property"), in the 2016 Montgomery Village Master Plan ("Master Plan") area; and

WHEREAS, on October 17, 2018, W-ARC MV Owner VII, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to modify condition no. 4 to reflect the revised stormwater management concept; reduce building footprint for the main retail building; modify the three retail pad sites; modify the shared-use path to avoid existing street lights; and modify the property lines for the condos on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82018002A, Montgomery Village Center ("Site 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 Friday, April 12, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 25, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board

Approved as to
Legal Sufficiency:

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voted to approve the Amendment subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Dreyfuss, with a vote of 4-0; Chair Anderson, Cichy, Dreyfuss and Fani-Gonzalez voting in favor, with Commissioner Patterson absent;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180020A by modifying and adding the following conditions:¹

Modified Condition:

4. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated February 26, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Additional Condition:

13. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- i. All Forest Conservation Plan sheets must reflect the same Limits of Disturbance boundaries.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Montgomery Village Center Site Plan No. 820180020A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and

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.

upon consideration of the entire record, 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 site plan, and all findings not specifically addressed remain in effect.*

The Site Plan Amendment alters finding No. 2.e.i. of the previous approval as follows:

- e. *satisfies the applicable requirements of:*
 - i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on February 26, 2019. Stormwater treatment will be accomplished through the use of micro bioretention, drywells, green roof and structural practices.

Except for finding No. 2.e.i. above, Site Plan Amendment No. 82018002A will not alter the overall character, or significantly impact the development with respect to the original findings of approval under Site Plan No. 820180020, and all other findings remain in full force and effect. The proposed project remains compatible with the existing and proposed development adjacent to the site and with respect to the surrounding neighborhood, in terms of efficiency, adequacy, safety, structures, uses, vehicular and pedestrian circulation, open space, landscaping and lighting. The proposed amendment remains in conformance with environmental regulations, the development standards of the zone and Master Plan.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that the date of this written Resolution of the Board is MAY 21 2019 (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 Cichy, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, May 9, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board