

August 25, 2020

VIA ELECTRONIC MAIL

Sandra Pereira, Area 3 Regulatory Supervisor
Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring
Silver Spring, Maryland 20910

Re: Fairchild Apartments – Letter of Explanation for Minor Subdivision and Limited Site Plan Amendment Applications (the "Applications")

Dear Ms. Pereira:

On behalf of GTTCE Owner LLC ("GTTCE", or the "Applicant"), an affiliate of Henry Investment Partners, LLC, we respectfully submit the above-referenced Applications to the Montgomery County Planning Department ("Planning Department") for concurrent review. The Applications request the following:

- (i) Approval of a minor subdivision application ("Minor Subdivision") by the Planning Department to create two new lots within an approximate 5.49 acre parcel known as "Parcel V", "Century XXI" subdivision, located in Germantown, Maryland (as defined herein, the "Property"); and
- (ii) Approval of a Limited Site Plan Amendment ("Limited Amendment") by the Montgomery County Planning Board ("Planning Board") to adjust certain approved setbacks for the multi-family residential building that is subject to Site Plan No. 820180220, as amended (the "Fairchild Apartments", or the "Project"), so that the approved building setbacks will be consistent with the configuration of the two new lots that the Minor Subdivision proposes within the Property.

The Limited Amendment also proposes minor revisions to the previously approved layout of certain outdoor grills in the Project's courtyard to provide greater separation from the building. The Montgomery County Department of Permitting Services ("MCDPS") has recently informed the Applicant that the locations of the proposed grills should be adjusted in order to ensure compliance with applicable building and fire safety code requirements.

The Applications are primarily intended to facilitate the financing of the Project and to establish it as a discrete property interest from the remainder of the improvements located within Parcel V. To this end, the Applications are being submitted for review pursuant to Section 50.7.1.D of Chapter 50 of the Montgomery County Code (the "Subdivision Regulations") for minor subdivisions, and Section 59.7.3.4.J of Chapter 59 of the Montgomery County Code (the "Zoning

Ordinance") for major site plan amendments. This letter addresses the applicable criteria of these Sections in detail, and otherwise serves to satisfy the respective requirements of the Planning Department's Development Review Procedures Manual for the submission of minor subdivision and major amendment requests.

I. Background

Parcel V is located in Germantown immediately adjacent to the newly constructed TopGolf recreation facility. The Property is located to the east of the intersection of Century Boulevard and Aircraft Drive, to the north of Maryland Route 118 ("MD 118"), and to the west of Interstate 270 ("I-270"). The Property was formerly part of the broader approved Germantown Town Center East Site Plan (Site Plan No. 819990010) (the "GTTCE Site Plan"), which extends to two adjacent large blocks (to the north across Century Boulevard and to the west across Aircraft Drive) and includes approximately 19.25 acres of land (not including Parcel V).

Several plats have been recorded to create lots within the area that is subject to the GTTCE Site Plan including Plat No. 22590, which created Parcel V (the "Approved Record Plat"). All of these lots are subject to an original approved preliminary plan of subdivision that pre-dates the Planning Board's approval of the GTTCE Site Plan: Preliminary Plan No. 119783190. However, Parcel V is also subject to two additional preliminary plans of subdivision, Preliminary Plan Nos. 119791210 and 119791220. For purposes of convenience, these preliminary plans – Preliminary Plan Nos. 119783190, 119791210, and 119791220 – are collectively referred to herein as the "Preliminary Plans".

The GTTCE Site Plan properties and the existing development on Parcel V have been constructed in phases over the past twenty years under the standards and procedures of the formerly applicable Town Sector ("TS") zone. The existing development is predominantly commercial and includes a variety of restaurant uses, a hotel, a convenience store, a movie theater, and a park-and-ride lot that is subject to an agreement with the Montgomery County Department of Transportation ("MCDOT").

In 2018, the Planning Board approved a Sketch Plan for the Project (Sketch Plan No. 320180130) (the "Sketch Plan"), followed by the Site Plan and a simultaneous amendment to the GTTCE Site Plan, Site Plan Amendment No. 820180220 (the "GTTCE Site Plan Amendment") (collectively, the "Approvals").¹ Together, the Approvals allow the Applicant to extract Parcel V from the broader GTTCE Site Plan, and to develop a new multi-family residential building on the Property under the standards and procedures of the currently applicable Commercial/Residential ("CR") zone (*i.e.*, the Project). The Approvals allow for a maximum of 222,653 square feet of total development on Parcel V, including 201,720 square feet for the new multi-family residential building (with up to 212 dwelling units, of which 12.5 percent will be Moderately Priced Dwelling Units ("MPDUs")) and up to 20,933 square feet for existing commercial uses.

¹ The Planning Board approved the Sketch Plan on July 26, 2018, as indicated by the Resolution dated July 31, 2018. The Planning Board then approved the Site Plan and the simultaneous amendment to the GTTCE Site Plan on December 20, 2018, as indicated by the Resolutions for each plan dated January 8, 2019.

The Planning Department approved the Certified Site Plan for the Project on June 5, 2019. Since that time, the Applicant and its consultants have continued to refine the technical plans for the Project, and are now in the process of completing the materials that are required for building permit application resubmission. To facilitate building permit issuance by the MCDPS, the Planning Board approved an extension of the validity period of the APF determination for the Project on July 30, 2020.² Given the passage of a series of Montgomery County Council legislative enactments that together provide for an automatic, cumulative extension of ten years, the APF determination now remains valid until April 27, 2024.³

II. Minor Subdivision Application

As explained above, the Applicant is requesting approval of this Minor Subdivision to create two new lots within Parcel V (the "Lots"), as shown on the record plat that is being submitted with this application (the "Proposed Record Plat"). The Lots will allow the Applicant to secure financing for the Project, and will establish the Project area as a discrete property interest that is separate from the remainder of current Parcel V.

The Subdivision Regulations provide for a minor subdivision process that allows applicants to proceed directly to a record plat in certain prescribed circumstances. One of these prescribed circumstances is defined in Section 50.7.1.D, which applies to a "Subdivision to Reflect Ownership": where a record lot has been approved for a commercial, industrial, or multi-unit residential use, a property may be resubdivided to create an internal lot to reflect a change in ownership, deed, mortgage, or lease line.

In this case, the subject Property is a recorded lot that has been approved for multi-unit residential and commercial uses, and that qualifies for the delineation of an internal lot pursuant to the recordation of a new subdivision record plat. More specifically, the Property satisfies the requirements of Section 50.7.1.D as follows:

² The initial APF determination was approved by the Planning Board on April 27, 2000, at the time of building permit review for the GTTCE Site Plan. The APF determination was originally valid for 12 years, and was conditioned upon making certain transportation improvements that have since been completed. More specifically, the Planning Board required the developers of the GTTCE Site Plan properties (including the developers of Parcel V) to complete the following: (i) for Century Boulevard between Aircraft Drive and Crystal Rock Drive, to dedicate and construct a new four lane road with median for the Corridor Cities Transitway ("CCT"); (ii) for Century Boulevard west of Aircraft Drive travelling to the east on Century Boulevard, to dedicate and construct the expanded Century Boulevard past its easternmost boundary including a median for the CCT; (iii) to widen Aircraft Drive north and south of Century Boulevard for regional transportation improvements; and (iv) to complete the intersection reconstruction at Century Boulevard and Aircraft Drive, Aircraft Drive and Crystal Rock Drive, and Crystal Rock Drive and Father Hurley Boulevard.

³ More specifically, the ten-year extension was granted by the Montgomery County Council action in legislatively extending all currently valid approvals, pursuant to the Subdivision Regulation Amendments ("SRAs") approved as SRA No. 09-01 (effective April 1, 2009), SRA No. 11-01 (effective April 1, 2011), SRA No. 13-01 (effective April 1, 2013), SRA No. 15-01 (effective March 31, 2015), and SRA No. 20-01 (effective July 28, 2020).

1. *[A]ll conditions of approval for the original subdivision that created the lot remain in effect;*

The Property was previously subdivided in accordance with the Preliminary Plans, and its compliance with the applicable terms and conditions therein was verified at the time of approval and recordation of the Approved Record Plat. All of the applicable conditions of approval associated with the Preliminary Plans will remain in effect for the proposed Lots, unless and until the Planning Board modifies such conditions pursuant to a future Preliminary Plan amendment.

2. *[T]he total maximum number of trips generated on all new lots created will not exceed the number of trips approved for the lot in the original subdivision;*

The Minor Subdivision does not propose any changes to the development that the Planning Board authorized with the Approvals, and the Property will continue to be utilized in accordance with the Planning Board's previous findings for public facility adequacy. The Approvals utilize the same APF determination that was approved by the Planning Board on April 27, 2000 at the time of building permit review for the original GTTCE Site Plan, and the Minor Subdivision will have no effect on the number of trips that the Planning Board previously has approved for the site. The Minor Subdivision simply proposes to create an internal lot line to reflect a division of ownership interests in the Property. Any future changes to the existing and approved improvements would require amendments to the Approvals, which otherwise will continue to apply to the Property after recordation of the Proposed Record Plat.

3. *[A]ll land in the original subdivision is included in the plat; and*

In satisfaction of this requirement, the Proposed Record Plat includes the entirety of Parcel V as shown on the Approved Record Plat. All of existing Parcel V is included within the proposed Lots, and the Minor Subdivision will not produce any remnant parcels or outparcels.

4. *[A]ll necessary code requirements of Chapters 8, 19, and 22 are met and any necessary cross easements, covenants, or other deed restrictions necessary to implement all the conditions of approval on the lot in the original subdivision are executed before recording the plat.*

Compliance with all applicable requirements of Chapter 8 was demonstrated in connection with permit issuance for the existing improvements on Parcel V, and will be demonstrated for the Project in the course of obtaining all necessary building permits from MCDPS. With respect to compliance with Chapter 19, at the time of the Approvals, the Planning Board found that MCDPS conditionally approved a Stormwater Concept Plan and Site Development Stormwater Management Plan on December 6, 2018. With respect to compliance Chapter 22, the Planning Board found the Property is subject to Forest Conservation Plan Exemption No. 42018017E and

qualifies for exemption under Section 22A-5(t). The Minor Subdivision does not affect these previous findings.

Furthermore, the Property and the broader GTTCE Site Plan development is subject to a Declaration of Restrictions, Covenants and Easements that is recorded in the Land Records of Montgomery County, Maryland at Liber 18060, Folio 302, as well as an Amendment to Declaration of Restrictions, Covenants and Easements that is recorded in the Land Records at Liber 41760, Folio 238 (together, the "Cross Easements"). The Cross Easements confirm the reciprocal rights and obligations of the respective portions of the Property and certain existing and approved mutual improvements thereon. Among other things, the Cross Easements provide for shared access to surface parking spaces and common facilities, as well as certain shared services (*i.e.*, utilities, cleaning, landscaping, stormwater management).⁴

III. Limited Site Plan Amendment Application

As previously stated, the Applicant also requests Planning Board approval for the proposed Limited Amendment in connection with its Minor Subdivision request. Section 59.7.3.4.J.1.a of the Zoning Ordinance requires approval of a "major amendment" – including limited major amendments such as the proposed Limited Amendment – for any request to deviate from a binding element or a condition of approval in a Site Plan.

In this case, the Limited Amendment seeks to adjust certain approved setbacks for the Project that are described in the Planning Board's December 20, 2018 Resolution, so that the setbacks will be consistent with the configuration of the Lots shown on the Proposed Record Plat. More specifically, the Limited Amendment proposes to revise a portion of the project data table shown on Page 8 of the Resolution as follows:

| 4.5 Zoning Data Table: CR 2.0, C1.5 R-1.5 H-145T | | |
|---|-------------------------|------------------------------------|
| <u>Development Standard</u> | <u>Required/Allowed</u> | <u>Approved</u> |
| * * * | | |
| Placement | | |
| Front Setback Century Blvd | Determined By Site Plan | 11 ft. min., 13 ft. avg. |
| Setback from MD 118 | Determined By Site Plan | 390 ft. min. |
| Side Setback, western boundary | Determined By Site Plan | 10 ft. min. |
| Side Setback , eastern boundary | Determined By Site Plan | 50 ft. min. 10 ft. min. |

The Limited Amendment also proposes to adjust the previously approved locations of certain outdoor grills in the Project's courtyard. For building and fire safety code compliance purposes,

⁴ The Applicant acts as the Declarant under the Cross Easements, overseeing, regulating and controlling the Property and the remainder of the GTTCE Site Plan development.

MCDPS has informed the Applicant that a separation of at least twenty feet is required between the outdoor grills and any structures.

With the proposed Limited Amendment, the Project will continue to satisfy all of the necessary findings applicable to the Site Plan as Section 59.7.3.4.J.1.c of the Zoning Ordinance requires, as well as the applicable requirements of the CR Zone (which allows setbacks for optional method development to be established by the site plan approval process). In all other respects, the Project will continue to satisfy the findings specified in the Planning Board's Resolution for the Site Plan.

IV. Conclusion

The above-described Minor Subdivision is necessary for the Applicant to secure the financing for the Project, so that construction to implement the Approvals can begin. Similarly, the Limited Amendment request simply updates the Project's approved setback table, so that it will reflect accurate setback distances for the Project that will be constructed on the proposed new Lots. For these reasons, the Applicant respectfully requests approval for this Minor Subdivision and Limited Amendment request. We appreciate your acceptance of this Application, and trust that you will not hesitate to contact us if more information is needed.

Very truly yours,



Christopher M. Ruhlen

cc: Mr. Steven Smith
Mr. Chris Van Alstyne
Robert G. Brewer, Jr., Esq.



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Attachment 2

May 1, 2018

Matthew Walters
HIP Projects, LLC
230 Spectrum Ave
Gaithersburg, MD 20879

RE: Forest Conservation Exemption Request # 42018173E
Property Name: Fairchild Apartments
Action Taken: **Confirmed**

Dear Mr. Matthews,

On April 11, 2018 the Montgomery County Planning Department's Development Applications and Regulatory Coordination staff, received a Chapter 22A-5(t) forest conservation plan exemption request for a project at Parcel V, Block UVW, southeast quadrant of intersection of Aircraft Drive and Century Boulevard, Germantown Maryland. Based on the information provided, qualification for an exemption under 22A-5(t) is confirmed.

Chapter 22A-5(t)(1) exempts a modification to an existing:

(1) non-residential developed property if:

- (A) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued;
- (B) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan;
- (C) the modification does not require approval of a preliminary or administrative subdivision plan; and
- (D) the modification does not increase the developed area by more than 50% and the existing development is maintained;

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading. The property owner, construction superintendent, forest conservation inspector, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this meeting. If you have any questions regarding these actions, please feel free to contact me at 301-495-4603 or at michael.sharp@montgomeryplanning.org.

Sincerely,

Michael J. Sharp

Michael J. Sharp
Senior Planner
Forest Conservation Inspector
Development Applications and Regulatory Coordination
MNCPPC- Montgomery County Planning Department



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

MCPB No. 18-136
Site Plan No. 820180220
Fairchild Apartments
Date of Hearing: December 20, 2018

JAN 08 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 August 2, 2018, Matthew Walters ("Applicant") filed an application for approval of a site plan for a new multi-family residential building 201,720 square feet in size with 212 multi-family dwelling units, and to retain 20,933 square feet of existing commercial restaurant uses in three one-story buildings on 5.49 acres of CR 2.0, C-1.5 R-1.5 H-145T, AND Germantown Transit Mixed Use Overlay zoned-land, located on the south side of Century Boulevard, approximately 150 feet east of the intersection with Aircraft Drive ("Subject Property"), in the Germantown Town Center Policy Area and the 2009 Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820180220, Fairchild Apartments ("Site Plan" 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 December 7, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 20, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence 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 Site Plan No. 820180220 for a new multi-family residential building 201,720 square feet in size with 212 multi-family dwelling units, and to retain 20,933 square feet of existing

Approved as to
Legal Sufficiency:

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

commercial restaurant uses in three one-story buildings on the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 222,653 square feet of total development on the Subject Property, including 201,720 square feet of new residential uses, for up to 212 dwelling units including 12.5% MPDUs, and 20,933 square feet of existing commercial uses.

2. Height

The development is limited to a maximum height of 80 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 1.4132 BLTs to the Department of Permitting Services (DPS).

4. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated October 22, 2018 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

a) The development must provide 12.5 percent MPDUs or DHCA -approved equivalent on-site consistent with Chapter 25A and the applicable Master Plan.

b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

Open Space, Facilities and Amenities

5. Public Open Space, Facilities, and Amenities

a. The Applicant must provide a minimum of 23,955 square feet of Public Open Space (10% of net lot area) on-site.

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.

- b. The Applicant must coordinate with MCDPS right-of-way permitting to ensure replacement of any dead or missing trees in the existing streetscape along the Subject Property frontage on Century Boulevard.
- c. Before the issuance of any use and occupancy certificates for the residential development, all Public Open Space areas on the Subject Property must be completed.

6. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines for each one.

- a) Major Public Facilities – Before issuance of the first above-grade building permit for the multi-family building, the Applicant must provide MCDPS verification that the Applicant reconstructed the portion of Century Boulevard adjacent to the Fairchild Property.
- b) Transit Proximity
- c) Diversity of Uses and Activities
 - i. Adaptive Buildings – The Applicant must provide, at a minimum, floor-to-floor heights of at least 15 feet on the first floor facing Century Boulevard, and at least 12 feet on the upper level of the parking structure.
 - ii. Enhanced Accessibility for the Disabled – The Applicant must construct 15 dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
- d) Quality Building and Site Design
 - i. Structured Parking – The Applicant must provide a minimum of 166 parking spaces within an above grade structure and 73 spaces within a below grade structure.
- e) Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 1.4132 BLTs to the MCDPS.
 - ii. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12 as shown on the Certified Site Plan.

7. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to Staff that each element meets M-NCPPC Recreation Guidelines.

- b) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly-accessible amenities including, but not limited to bike racks, trash receptacles, benches, seating walls, interpretative signage, sculptures and artwork, and outdoor musical play instruments.

Site Plan

9. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff. The design must also include at a minimum the following elements:

- a) The ground floor façade facing Century Boulevard shall include architectural elements distinct from the remainder of the building that provide a commercial appearance, as shown on the Certified Site Plan.
- b) The Applicant shall use murals, tiles, decorative screens or other decorative treatments approved by Staff to cover the ground floor blank walls, ventilation covers, and garage doors located across the southern facade of the building.

10. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures or Backlight Uplight and Glare equivalent.
- c) Deflectors will be installed on the proposed fixtures along the western façade of the building to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line except for those located within the shared parking area or along the western Property boundary.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

Environment

11. Noise Attenuation

- a) Before issuance of any building permit, the Applicant must provide certification to Staff from an engineer who specializes in acoustical treatment that the building shell for residential dwelling units affected by exterior noise levels projected above 60 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If the Site Plan changes in any manner that affects the validity of the noise analysis dated December 19, 2017 for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- c) Before issuance of any Use and Occupancy Certificate, the Applicant must certify to Staff that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

12. 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 December 6, 2018 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.

Transportation & Circulation/ Adequate Public Facilities (APF)

13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 95 long-term and 6 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room adjacent to the covered parking area, and the short-term spaces must be inverted-U racks (or staff approved equivalent) installed within the Public Open Space along Century Boulevard. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide a minimum five-foot wide sidewalk connection along the internal drive aisle creating a continuous pedestrian connection between Century Boulevard and MD 118, as shown on the Certified Site Plan.

- d) The Applicant must provide a one-foot wide public improvement easement along Century Boulevard to accommodate its share of the recommended 136-foot wide cross-section for Century Boulevard, which will accommodate the CCT and two way separated bike lanes on both sides of the road.

14. Validity

The Adequate Public Facility Review (APF) will remain valid until April 27, 2020, consistent with the current APF validity period initiated at building permit for the density associated with the Germantown Town Center East Site Plan No. 819990010, which this Site Plan is utilizing.

15. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated October 22, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

16. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

17. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

18. 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:

- a) Include the stormwater management concept approval letter, Fire Department Access and Water Supply approval letter, DHCA approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Ensure a total of 10 motorcycle spaces spread across the site and three electric vehicle charging stations in the parking garage or in the surface parking lot immediately south of the multi-family building.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820180220, Fairchild Apartments, 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 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. *The development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all conditions of Sketch Plan No. 320180130 which was approved by Resolution No. 18-078 dated July 31, 2018, in terms of density, massing, public open spaces and Public Benefit Point categories, and requested design and amenity details.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

There are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

The Property's zoning classification on October 29, 2014 did not have a green area requirement.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 5.49 acres of net tract zoned CR 2.0, C-1.5 R-1.5 H-145T and Germantown Transit Mixed Use Overlay. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

| 4.5 Zoning Data Table: CR 2.0, C-1.5 R-1.5 H-145T | | |
|--|-------------------------|------------------------------|
| <u>Development Standard</u> | <u>Required/Allowed</u> | <u>Approved</u> |
| Site | | |
| Public Open Space, Site >10,000 sq. ft. | 10% (23,914 sq. ft.) | 10% (23,955 sq. ft.) |
| Lot and Density | | |
| Gross Tract Area | N/A | 6.14 acres (267,248 sq ft) |
| Net Tract (Parcel V) Area | N/A | 5.49 acres (239,198 sq. ft.) |
| CRT Density Max | CR 2.0 (534,496) | 0.83 FAR (222,653 sq. ft.) |
| Commercial | C-1.5 (400,872 sq ft.) | C – 0.078 (20,933 sq. ft.) |
| Residential | R-1.5 (400,872 sq ft.) | R - 0.75 (201,720 sq. ft.) |
| MPDUs | 12.5% min (27 units) | 27 units |
| Placement | | |
| Front Setback Century Blvd | Determined By Site Plan | 11 ft min., 13 ft avg. |
| Setback from MD 118 | Determined By Site Plan | 390 ft. min. |

| 4.5 Zoning Data Table: CR 2.0, C-1.5 R-1.5 H-145T | | |
|--|--------------------------|--|
| <u>Development Standard</u> | <u>Required/Allowed</u> | <u>Approved</u> |
| Side Setback, western boundary | Determined By Site Plan | 10 ft min. |
| Side setback, eastern boundary | Determined By Site Plan. | 50 ft. min. |
| Height | | |
| Principal Building | 145 ft. | 80 ft. |
| Form | | |
| Entrance facing street or open space | required | provided |
| Transparency, Ground story, front | Determined By Site Plan | 37% Min. along access drive, 42% Min. along Century Blvd. |
| Transparency, Ground story, side/rear | Determined By Site Plan | 16% min. south facade, 8% min. west facade |
| Transparency, Upper story | Determined By Site Plan | 31% min. |
| Blank Wall, front | Determined By Site Plan | 8 ft. max |
| Blank Wall, side/rear | Determined By Site Plan | 27 ft. max south façade, 170 ft max west facade ² |
| Section 6.2 Parking | | |
| Vehicle Spaces Total | 296 - 635 | 465 |
| Commercial (4 – 12/1,000 sq.ft.) | 84 - 359 | 204 |
| Residential ³ (min – max) | 212 – 276 | 261 |
| Bicycle Spaces (95% long term) | 100 (95 L.T., 5 S.T.) | 101 (95 L.T. 6 S.T.) |
| Motorcycle spaces | 10 | 10 |
| Electric Vehicle spaces | 13 | 13 |

The Subject Property is approved under the optional method of development. The Zoning Ordinance requires optional method development projects in the CR zone achieve Public Benefit points. Based on the Subject Property's zone and size, it is required to achieve a minimum of 100 incentive density points in a minimum of four categories. The following data table demonstrates the five categories and 130.71 points the Planning Board approved the Site Plan for.

² The western façade of the building is designed with a long blank wall because the interior is parking and it is adjacent to an existing industrial building.

³ Residential minimum parking is 1 space/unit regardless of number of bedrooms. The maximum residential parking is 1 space/unit for a studio, 1.25/ unit for a 1br, 1.5 space/unit for a 2 bedroom and the number of parking spaces shown for the max are based on the proposed unit mix.

| Public Benefits Calculations | | | |
|---|--------------------------|---------------|---------------|
| Public Benefit | Incentive Density Points | | |
| | Max Allowed | Requested | Approved |
| 59.4.7.3A: Major Public Facilities | | | |
| Major Public Facility | 70 | 51.28 | 51.28 |
| 59.4.7.3C: Transit Proximity | | | |
| Transit Proximity | 25 | 25 | 25 |
| 59.4.7.3C: Connectivity and Mobility | | | |
| Wayfiding | 10 | 0 | 0 |
| 59.4.7.3D: Diversity of Uses and Activities | | | |
| Adaptive Buildings | 15 | 10 | 10 |
| Enhanced Accessibility for the Disabled | 20 | 20 | 20 |
| 59.4.7.3E: Quality of Building and Site Design | | | |
| Structured Parking | 20 | 6.71 | 6.71 |
| 59.4.7.3F: Protection and Enhancement of the Natural Environment | | | |
| Cool Roof | 10 | 5 | 5 |
| BLTs | 30 | 12.72 | 12.72 |
| TOTAL | | 130.71 | 130.71 |

Major Public Facility

Major Public Facility: The Applicant requests 51.28 points for providing a major public facility. The Board approves 51.28 points for the Applicant's previous reconstruction of Century Boulevard across the Property frontage, including the 50-foot wide median for the Corridor Cities Transitway, that was completed as part of the GTTCE Site Plan No. 819990010 which was concurrently amended with this Application. The Board awarded points for this category because the Site Plan is being reviewed as part of an existing valid adequate public facility test which required the reconstruction of Century Boulevard. The area of dedication and construction used in the formula for calculating points is proportional to the percent of vehicle trips this Site Plan uses from the total adequate public facility allocation (73%). Following the formula found in the Zoning Ordinance results in 51.28 points.

Transit Proximity

Transit Proximity: The Board awarded 25 points for the category of transit proximity, based on the Subject Property being within ¼ mile of a planned level 2 transit facility (future Corridor City Transitway).

Connectivity and Mobility

Wayfinding: The previous sketch plan had allowed points to be awarded for wayfinding, but the Board opted to not award wayfinding points.

Diversity of Uses and Activities

Adaptive Buildings: The Board awarded 10 points for providing an adaptive building with a 15-foot floor-to-floor height at the ground floor along Century Boulevard where future conversion from residential to retail is desired, and for providing 12-foot floor heights within the above ground portions of the parking garage. The first 7.5 points were for meeting the code requirements of the 15-foot ground floor, and the additional 2.5 points were for the parking garage design with 12-foot ceilings being able to accommodate additional density in the future.

Enhanced Accessibility for the Disabled: The Board awarded 20 points because the Applicant is providing 7.5% of the Project's units in accordance with ANSI A117.1 Residential Type A standards for the disabled.

Quality of Building and Site Design

Structured Parking: The Board approved 6.71 points for providing structured parking. The Zoning Ordinance sets a formula for calculating available points based on total parking, parking above grade in a garage and below grade in a garage. The formula for the Site Plan results in 6.71 points.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Board awarded 12.72 points for the purchase of 1.4132 BLT easements or equivalent payment. BLTs are required for every 31,500 square feet of gross floor area comprising 50% incentive density floor area in the Germantown Transit Mixed Use Overlay. The formula in the Zoning Ordinance produces 1.4132 required BLTs which corresponds to 12.72 incentive points.

Cool Roof: The Board awarded five points for providing a cool roof that is not vegetated and has a minimum solar reflectance index of 75 on roof slopes below a ratio of 2:12.

b. General Requirements

i. *Site Access*

Access to all of the uses on the Subject Property is adequate. The existing drive aisle and intersection with Century Boulevard will remain unchanged, providing vehicles access onto the Fairchild Property. Additional vehicle access to Century Boulevard is also available with existing access easements on the adjacent properties. Sidewalks will be upgraded along the main drive aisle improving pedestrian access by providing connections to sidewalks along Century Boulevard and MD 118.

ii. *Parking, Queuing, and Loading*

The Site Plan provides adequate vehicle and bicycle parking to serve the approved development. The new multi-family building will include a parking structure that holds up to 261 vehicles, which is within the range of parking allowed by the CR zone for the number of units. Additionally, there will be 204 spaces remaining in the surface parking lots for the existing retail uses, which is also within the range of parking required for restaurants. In addition to vehicle parking, the Site Plan provides 10 motorcycle, and 13 electric vehicle parking spaces consistent with requirements. The Site Plan also provides 101 new bicycle parking spaces, six of which are in outdoor bike racks, and the remaining 95 in a long-term bike parking room integrated within the parking garage of the multi-family building.

iii. *Open Space and Recreation*

The Site Plan provides adequate Public Open Space on the Subject Property. The requirement for Public Open Space for tracts larger than 10,000 sq. ft. with general building type is 10% of the net tract, which is a minimum of 23,914 sq. ft. The Site Plan provides 23,995 sq. ft. of Public Open Space divided into two areas. One space is approximately 3,000 square feet and is located adjacent to the new multi-family building along Century Boulevard. This area of Public Open Space includes landscaping, sitting, interpretive signage on the history of Fairchild Aviation and Germantown, areas for art/sculptures and a bike rack. The design will help activate the sidewalk and will provide an amenity to pedestrians along Century Boulevard. The other area of Public Open Space makes up the balance of the open space requirement and is along the southern Subject Property boundary adjacent to the existing restaurant uses and MD 118. This space is designed for the visitors of the restaurants and includes outdoor waiting areas, landscaping, and

amenities for people to enjoy before or after eating. This southern Public Open Space also includes a new pedestrian connection up to MD 118 and a sidewalk connection to an adjacent off-site restaurant improving public access to the open space and the Subject Property.

The Fairchild Site Plan also meets the requirements of the 2017 Recreation Guidelines. The Applicant is meeting the required supply of recreation through off-site facilities, and by providing 11 different on-site facilities including an outdoor courtyard with a pool and grilling area, and indoor spaces such as the gym, yoga room and community room. The Board found these amenities adequate to satisfy the necessary recreation amenities.

iv. *General Landscaping and Outdoor Lighting*

The Fairchild Site Plan provides adequate landscaping on the Subject Property. The two Public Open Space areas utilize shrubs and flowering perennials to create defined spaces for seating and to attract native birds and insects and use trees to provide shade. Trees and shrubs are also used to buffer the new multi-family building and the existing industrial uses to the west. The existing surface parking lot has trees already located within landscape islands which will be augmented in places to provide adequate canopy cover. Some of these trees are being removed to accommodate new sidewalks and stormwater management but new plantings will replace them, maintaining canopy coverage of the parking lot.

Alternative Compliance Division 6.8 – On-site lighting

The provided lighting is adequate to illuminate the outdoor parking areas, pedestrian walkways and all entrances to the proposed multi-family building. The Site Plan however provides lighting considered to be excessive illumination, as defined by Section 59.6.4.4.D of the zoning code, because it creates illumination exceeding 0.5 footcandles at a lot line. Alternative Compliance allows the Planning Board to approve an alternative method of compliance for lighting in Division 6.4 if it determines that there is a unique site, a use characteristic, or a development constraint that precludes safe or efficient development under the requirements. In this instance, the Subject Property is an irregularly shaped parcel, where the parcel boundaries cut through the middle of a parking facility shared with two other parcels on the same block. Additionally, there is adjacent industrial development immediately to the west which

presents a blank façade toward the Fairchild Property, between which the Applicant is showing a pedestrian walkway for emergency building egress. In ultimately approving an alternative compliance method, the Board must find that the design will:

a. Satisfy the intent of the applicable Division;

The intent of Division 6.4 is to preserve property values, preserve and strengthen the character of communities, and improve water and air quality. Modifying the compliance of Section 59.6.4.4.D to allow illumination over 0.5 footcandles at the lot line within the shared parking lot, and along the western façade of the building, maintains and strengthens the intent because the illumination in both instances is for pedestrian and vehicular safety. The areas on adjacent properties are either other parking facilities that are not residential in use and are also illuminated, and the adjacent industrial building provides a blank wall toward the light. Therefore, there is no detriment to the community in allowing this modification.

b. Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;

The amount of modification of the excessive illumination provision necessary to accommodate the constraints is to allow for illumination in excess of 0.5 footcandles at the lot line within the shared parking lot, shared access drive isle, and along the western façade of the multi-family building where a pedestrian exit and walkway are located.

c. Provide necessary mitigation alleviating any adverse impacts;

The Planning Board does not find that any mitigation is necessary because there are no identified adverse impacts to allowing this alternative compliance measure.

d. And be in the public interest

Allowing the modification to the excessive illumination provision is within the public interest because the illumination is being provided for the public's safety within the parking lot, and in the event of an emergency evacuation of the new multi-family building.

The Board finds, with the granting of an alternative method of compliance for Division 59.6.4.4.D Excessive Illumination, that the outdoor lighting is adequate and satisfies the intent of the zoning ordinance.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan and Site Development Stormwater Management Plan was conditionally approved by the Montgomery County Department of Permitting Services on December 6, 2018. The plan will meet as much ESD stormwater goals as practical utilizing micro-bioretenention and green roofs. The remainder of the stormwater volume will be approved with a waiver of on-site treatment and a fee to DPS. The waiver fee is refundable once an adjacent off-site stormwater facility is complete which the Applicant has a private covenant to utilize.

b. Chapter 22A, Forest Conservation

The Board finds that the Subject Property complies with the requirements of the Forest Conservation Law. The Subject Property received a Forest Conservation Plan Exemption No. 42018017E, finding an exemption under Chapter 22A-5(t). There are no forests, streams, wetlands, 100-year floodplains, environmental buffers, trees greater than 24 inches diameter at breast height or other environmental features that would merit protection on the Subject Property.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

i. Parking and circulation

The Site Plan provides for safe and well-integrated parking and circulation patterns on the Subject Property. The existing vehicle access points and on-site circulation already exist on the Subject Property. The new multi-family buildings remove two aisles of parking but otherwise fully integrate into the existing conditions. The pedestrian access from Century Boulevard will be upgraded along the frontage of the new multi-family building and enhanced on the Subject Property by creating a new pedestrian connection between Century Boulevard and MD 118.

ii. Building massing

The Site Plan has safe and well-integrated building massing. The new multi-family building will be located on an empty development pad which will create a new building wall along Century Boulevard. The new building is also similar in height to the existing hotel located off-site to the east. The Sector Plan envisions and encourages the development of taller urban form buildings which this building achieves. The existing restaurant buildings are one story

tall, similar to the existing predominantly one to two story tall development in much of Germantown.

iii. Open space, and site amenities

The Site Plan provides for safe and well-integrated open spaces and site amenities. The Site Plan provides Public Open Spaces which satisfies a requirement of the CR zone and are located in places accessible to the public that enhance the public realm. The Site Plan also has private open spaces available to residents in the new multi-family building which are located interior to the new building or within the building's courtyard.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

Germantown Employment Area Sector Plan

The Site Plan substantially conforms to the recommendations of the 2009 Germantown Employment Area Sector Plan ("Sector Plan"). The Sector Plan has a vision statement, multiple goals and recommendations that all seek to transform the Sector Plan area into a vibrant mixed-use town center serving as an economic center in this portion of Montgomery County. The Sector Plan recommends a mix of commercial, institutional and residential uses creating nodes of activity especially around future transit. Design recommendations also emphasize urban form by creating building edges near the streets and creating Century Boulevard as a new promenade.

The Site Plan conforms to the Sector Plan goals and recommendations. The Subject Property is in a part of the Town Center predominantly commercial and adding residential development is essential for creating a mixed-use district, a complete economic core, and for providing housing close to a future Corridor City Transitway station and existing jobs. The ground floor of the multi-family building is designed with 15-foot floor-to-floor heights, and an interior configuration that would allow the dwelling units proposed along Century Boulevard to convert to retail space once the surrounding properties also redevelop. The design of the ground floor has also been treated with design and materials providing a commercial character, furthering the activation of Century Boulevard and the Town Center. The reconstruction of Century Boulevard to accommodate the future transitway was already completed by the Applicant during previous development of the Subject Property and needs no further upgrade at this time. The building placement establishes a building edge similar to that of adjacent buildings. An existing public utility easement runs adjacent to Century Boulevard, but this Site Plan is programming the space with plants, art,

benches and signage which also help activate and utilize the public utility easement which would otherwise be left as open lawn.

Noise Analysis

The Environmental section of the 1993 General Plan Refinement for Montgomery County directs development applications to protect future county residents from the negative impacts of noise. The Subject Property follows the 1983 Staff Guidelines for the Consideration of Transportation Noise ("Noise Guidelines") because it is within 1,000 feet of a freeway (I-270), 600 feet of a major highway with an average daily trip (ADT) over 20,000 (MD 118) and within 300 feet of a road with an ADT of over 5,000 (Century Blvd). A Phase I Noise Analysis was provided by the Applicant that indicates that noise levels will meet or exceed 60 dBA on most exterior portions of the proposed multi-family building except for the facades facing interior to the courtyard. Standard building materials may exceed Montgomery County's recommendations of 45 dBA Ldn for interior noise levels for many of the proposed units that face outward. The Applicant is responsible for using exterior building components with a higher sound transmission class rating to ensure the interior noise levels remain at or below recommendations. The remaining outdoor amenity space on the Subject Property is Public Use Space, and the desired accessibility of these spaces to the public make mitigation of noise not desirable because the intent of Public Use Space is to be open and accessible to the public and installing measures such as berms or sound walls would diminish visibility and access to the spaces.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

There are adequate public facilities (APF) to support the Site Plan. The Site Plan is modifying an existing APF approval that was done at building permit to support the previous development on the Subject Property and adjacent properties. This APF expires in April 2020 and that date is not extended as part of this amended analysis.

Schools

Site plan application #820180220 for Fairchild Apartments came before the Planning Board for review in FY19, therefore it was reviewed under the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018. The application creates 212 multifamily high-rise dwelling units on land with no dwelling units currently. The Subject Property is within the Seneca Valley High School Cluster and within the Waters Landing Elementary and MLK Jr. Middle School attendance areas. Based on

the school analysis performed in the Staff Report, there is adequate school capacity at all levels for the amount and type of development approved by this Site Plan.

Police and Fire

According to the Subdivision Staging Policy, Police and Fire services are adequate in the area to service the Subject Property. The MCDPS Fire Department Access and Water Supply division has issued a memorandum dated October 22, 2018 finding that the design of the proposed new building is satisfactory for access by fire personnel and equipment under a performance-based design standard.

Water and Sewer

The Fairchild Property is located in the W1 and S1 public water and sewer categories. There are existing public utilities on the Subject Property and there is adequate capacity in the adjacent main lines to accommodate the multi-family dwellings.

Roads

Transportation infrastructure and capacity is adequate for the new residential density approved by the Site Plan. The Site Plan is amending an existing APF approval for transportation capacity that was approved for the Germantown Town Center Site Plan at the time of building permit, on April 27, 2000, which remains valid through April of 2020. To satisfy the LATR guidelines, the Applicant submitted a traffic statement outlining the relationship between the existing APF approval, the amount of approved but undeveloped commercial density under that approval, and the impacts of the proposed multi-family development. Based on this statement, there is adequate peak-hour trip capacity to support the 212 new multi-family dwellings, and an additional 42,500 sq. ft. of retail uses. The Germantown Town Center East Site Plan is concurrently modified to reduce the allowed amount of commercial development to account for the trips utilized by the 212 multi-family units.

9. *The development is compatible with existing and approved or pending adjacent development.*

The approved development on the Subject Property is compatible with existing, approved, and pending adjacent development. The Subject Property is surrounded by existing commercial development including a mix of retail, hospitality and office uses and the proposed multi-family building will enhance these uses by establishing the start of a mixed-use area. While the new building will be taller than existing buildings, it is similar in height to the adjacent hotel use, and the Sector Plan fully supports the incremental increases in density. It is anticipated

that adjacent properties will also re-develop in the future to a scale similar to that in the Site 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 08 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 Patterson, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 20, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board