



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

MCPB No. 20-133  
Site Plan No. 82018022B  
**Fairchild Apartments**  
Date of Hearing: December 17, 2020

**JAN 07 2021**

**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 January 8, 2019, the Planning Board, by Resolution MCPB No. 18-136, approved Site Plan No. 820180220, for one 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 the Subject Property 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, on August 17, 2020, the Planning Board approved an amendment to the Site Plan No. 820180220 (MCPB No. 20-079) to extend the validity period for the finding for Adequate Public Facilities for two years resulting in validity until April 27, 2022 on the Subject Property; and

WHEREAS, on September 30, 2020, GTTCE Apartments, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to modify approved setbacks as well as minor changes to the location of outdoor grills to address fire separation requirements on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82018022B, Fairchild Apartments ("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 December 4, 2020, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 17, 2020, the Planning Board held a public hearing on the Application at which it 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 Site Plan No. 82018022B for the modification of approved setbacks as well as minor changes to the location of outdoor grills to address fire separation requirements without adding or modifying any conditions:<sup>1</sup> All conditions of approval as part of Site Plan No. 820180220 and Site Plan No. 82018022A remain in full force and effect.

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 Site Plan No. 82018022B, 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 set forth in the Staff Report, which the Planning 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. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan or as revised by previous amendments, and all findings not specifically addressed remain in effect.*
- 2. To approve a site plan, the Planning Board must find that the proposed development:*

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<sup>1</sup> 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.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

Division 4.5. Commercial/Residential Zones

*Use and Development Standards*

The Fairchild Property is a 6.14 gross tract area and will be 5.49 net acres in size after right-of-way dedication. The tract is zoned CR 2.0, C-1.5 R-1.5 H-145T and is located within the Germantown Transit Mixed Use Overlay Zone. There are no specific use standards for the proposed uses in the CR zone.

This Amendment modifies the approved setbacks to account for Minor Subdivision No. 220210090. This minor subdivision creates new property boundaries around this building. As a result, the setbacks approved in Site Plan 820180220 must be adjusted to account for these revised property boundaries. Setbacks in the CR zone are determined at the time of site plan and are acceptable in the context of the Application. Table 1 contains the Development Standards from Section 59.4.5 under Optional Method of Development which is focused on the changes to the setbacks in this Amendment. All other development standards which are unchanged by this Amendment remain in full force and effect.

<b>TABLE 1 - Section 4.5 Zoning Data Table: CR 2.0, C-1.5 R-1.5 H-145T</b>			
<b>Development Standard</b>	<b>Required/Allowed</b>	<b>Approved with Site Plan No. 820180220</b>	<b>Proposed</b>
<b>Placement</b>			
<i>Residential Multi-family Building</i>			
Front Setback Century Blvd	Determined By Site Plan	11 ft. min., 13 ft avg.	11 ft. min.
Side Setback, western boundary	Determined By Site Plan	10 ft. min.	10 ft. min.
Side setback, eastern boundary	Determined By Site Plan	50 ft. min.	10 ft. min.
Rear setback	Determined By Site Plan	390 ft. min	40 ft. min.

Division 6 – General Development Standards

*iii. Division 6.3. Open Space and Recreation*

This Site Plan Amendment does not alter the amount or quality of the open space and recreation amenities approved. It only modifies the outdoor grill locations within the courtyard area to address fire separation requirements identified by the Montgomery County Department of Permitting Services. The Amendment still meets the requirements of the 2017 Recreation Guidelines.

*e. satisfies the applicable requirements of:*

*ii. Chapter 22A, Forest Conservation*

The approved Forest Conservation Plan Exemption No. 4018017E (Attachment 2) remains valid and in effect. This Amendment proposes no changes which are subject to Chapter 22A. The Application is still in compliance with the Environmental Guidelines and all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

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

*iii. Open space, and site amenities*

The Site Plan continues to provide for safe and well-integrated open spaces and site amenities. The Site Plan Amendment changes the location of the outdoor grills within the courtyard area to address applicable building and fire safety code requirements. This finding remains valid.

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 07 2021~~ (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 Verma, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, December 17, 2020, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board