

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APR 01 2022**

MCPB No. 22-031

Preliminary Plan No. 12019018B

**Strathmore Square**

Date of Hearing: March 17, 2022

## **RESOLUTION**

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

WHEREAS, on July 30, 2019, the Planning Board, by Corrected Resolution MCPB No. 19-065, approved Preliminary Plan No. 120190180, creating seven lots on 14.72 acres of land in the CR-3.0, C-0.5, R-2.75, H-300 and R-60 zones, located at the Grosvenor-Strathmore Metro Station ("Subject Property") in the *Grosvenor-Strathmore Metro Area Minor Master Plan* ("Master Plan") area; and

WHEREAS, on November 4, 2020, the Planning Board approved an amendment to the Preliminary Plan, No. 12019018A (MCPB No. 20-112) to remove the age-restriction from 400 dwelling units and approve an additional 909 dwelling units; update the parking calculations; clarify the APF Validity period; and modify a trigger deadline related to APF validity on the Subject Property; and

WHEREAS, on November 17, 2021, Fivesquares Development, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to modify lots lines, street sections, loading entry points for Lot 3 (Buildings 3A and 3B), the utility plan; and to clarify phasing of development on the Subject Property; and

WHEREAS Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12019018B, Strathmore Square ("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 March 7, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, on March 17, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, on motion of Commissioner Rubin, seconded by Commissioner Cichy, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Rubin, and Verma voting in favor with Commissioner Patterson being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12019018B to modify lots lines, street sections, loading entry points for Lot 3 (Buildings 3A and 3B), the utility plan; and to clarify phasing of development by modifying conditions 1, 17 and 25 of Preliminary Plan No. 120190180, as amended, and adding conditions 40.h through 40.k as follows:<sup>1</sup>

**Modified Conditions**

1. This Preliminary Plan Amendment is limited to seven (7) lots and two (2) parcels for a mixed-use development with up to a maximum of 2,289,438 total square feet of development, consisting of up to 317,537 square feet of non-residential uses and up to 2,130,670 square feet of residential uses for up to 2,218 dwelling units including a minimum of 15% MPDUs.
17. To satisfy the Sketch Plan condition to provide a major public facility as a public benefit, the Applicant must provide:
  - a) A minimum of 5,000 square feet of cultural/art space (in one or more buildings) that is available for use by The Music Center at Strathmore or other cultural/arts focused public or non-profit organization. The space must be available for part time, occasional use free of charge to public agencies, with details to be determined prior to approval of a Site Plan that contains a building with the cultural/art space; and
  - b) A covered bicycle parking station adjacent to the WMATA facility with a minimum of 100 bicycle parking spaces.
25. The Applicant must construct/install the following transportation improvements consistent with the Phasing Exhibit, with final details and timing to be determined at Site Plan:
  - a) Sidewalks, bikeways, crosswalks, intersection improvements, and related transportation infrastructure along Tuckerman Lane (from MD 355 to Strathmore Park Court) as shown on the Preliminary Plan. The Tuckerman Lane improvements between the WMATA Bus /Kiss and Ride entrance and Strathmore Park Court must be completed prior to the final use and occupancy permit for Building 1 (Lot 1)<sup>2</sup> or

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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.

<sup>2</sup> Building numbers are not correlated with the order of construction; buildings may be constructed in any order.

Building 2 (Lot 2), whichever is constructed last. The improvements between MD 355 and the WMATA Bus/Kiss and Ride entrance must be completed prior to the final use and occupancy permit for Building 6 (Lot 6);

- b) Sidewalks, bikeways, crosswalks, intersection improvements, and related transportation infrastructure along the WMATA busway as shown on the Preliminary Plan;
- c) Leading pedestrian intervals at the signalized intersection with Strathmore Music Center prior to the final Use and Occupancy permit for Building 1 (Lot 1);

\* \* \*

#### **Additional Conditions**

40. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

\* \* \*

- h) Add labels that were included on the previous Preliminary Plan (e.g. limits of dog park, parking entrance Building 6, existing bus lane and drop off, Kiss and Ride etc.);
- i) Add references to MCDOT road design standards that were included on the previous Preliminary Plan;
- j) Include Phasing Plan; and
- k) Ensure note about phased Tuckerman Lane improvements is consistent with the Preliminary Plan conditions.

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:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in 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

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\_\_\_\_\_ (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 Rubin, seconded by Vice Chair Verma, with Chair Anderson and Vice Chair Verma, and Commissioners Cichy and Rubin voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, March 31, 2022, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board



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