

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 5, 2025

MCPB No. 25-008
Site Plan Amendment No. 82014017B
The Blairs
Date of Hearing: January 9, 2025

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, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on November 20, 2014, the Planning Board, by Resolution MCPB No. 14-108, approved Site Plan No. 820140170 for a multi-family building including up to 605,000 square feet of residential uses consisting of a maximum of 507 units on 3.79 acres of CBD-R2-zoned land, located at located at Eastern Avenue in the northwest quadrant of the intersection with Blair Mill Road, encompassing the F1 & F2 Blocks (“Subject Property”), in the Silver Spring CBD Policy Area and *Silver Spring CBD Sector Plan* (“Sector Plan”) area; and

WHEREAS, on July 22, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment No. 82014017A (MCPB No. 16-054), for the construction of a private temporary green on future Block E, including associated landscape and hardscape modifications on the Subject Property; and

WHEREAS, on February 18, 2018, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment No. 82014017B (MCPB No. 17-100), for the construction of a 5,400-square-foot interim retail/restaurant building, including associated landscape and hardscape modifications on the Subject Property; and

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

WHEREAS, on September 4, 2024, Blair Shopping Center, LLC / The Blair Towers, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plan, as amended, to increase the gross floor area of the previously approved unbuilt interim pad site building by up to 1,950 square feet, add an alternative use option and layout for a veterinarian office/hospital, revise the building footprint with associated improvements, and update the material of an existing path in the temporary green on future Block E on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82014017C, The Blairs (“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 30, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 9, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan Amendment No. 82014017C for an increase to the gross floor area of the previously approved unbuilt interim pad site building by up to 1,950 square feet, an alternative use option and layout for a veterinarian office/hospital on the interim pad site, a revised building footprint associated with these improvements, and an update to the material of an existing path in the temporary green on future Block E on the Subject Property by modifying Condition No. 3 and adding the following new conditions:¹

Modified Conditions

3. Density

This development is limited to the approved 605,000 square feet of residential uses associated with Site Plan 82014017B and in addition to the existing 7,615 square feet of non-residential uses, up to an additional ~~5,400~~ 7,350 square feet of non-residential uses for a retail/restaurant building or veterinary office/hospital building.

New Conditions

6. Pedestrian & Bicycle Circulation

a) The Applicant must provide two (2) long-term and eight (8) short-term bicycle parking spaces.

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 long-term spaces must be in a secured, well-lit bicycle room on the ground floor in a staff only portion of the building, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan. Indication of the long-term bicycle parking must be shown on the Certified Site Plan even if the exact location has not been determined; the long-term bicycle parking should comply with all requirements in Section 59-6.2.6B.
- c) The Applicant must provide five (5)-foot-wide sidewalks around the interim pad site.

8. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated October 24, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. Fire and Rescue

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated December 29, 2024 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

10. Certified Site Plan

- a) Before certification of the Site Plan, the Applicant must submit a redlined Forest Conservation Plan sheet for FFCP No. 82018010B to show the updated building footprint associated with the amended interim pad site.

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 The Blairs, Site Plan Amendment No. 82014017C, 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 of its Staff as presented at the hearing and/or 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 site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Subject Property includes approximately 12.84 acres zoned CR 5.0, C-0.5, R-5.0, H-200T' (zoned CBD-R2 as reviewed under previous Zoning Ordinance per Section 7.7.1.A.2).

The Amendment meets the requirements of the zone, as each proposed alternative use has been analyzed for conformance with the relevant development standards. Table 1 below shows how the Amendment will meet the development standards associated with a combination of an enlarged retail use and veterinary hospital use, while Table 2 depicts the development standards associated with the expanded retail use as compared to previously approved Site Plan Amendment No. 82014017B.

*Table 1: The Blairs - Site Plan Data Table for CBD-R2 Zone, Optional Method –
 Retail and Animal Hospital Option*

Development Standard	Zoning Ordinance Permitted/ Required	Approved by Project Plan and Preliminary Plan (entire Blairs site)	F1 & F2 Development 820140170	Approved Development for 82014017B	Approved Development for 82014017C
Site Area (square feet)¹					
Existing Net Lot Area		1,188,115	161,559	563,457	563,457
Existing Gross Tract Area		1,322,792	164,897	587,856	587,856
Net Lot Area Total	18,000	1,157,500	161,310		
New Net Lot Area Total				559,731	
Density					
Maximum Total FAR	5.0	2.89	3.66	1.051	1.055
Maximum Floor Area (GFA)	2,939,280	3,825,400	605,000	618,015	619,965
GFA, Max. Non-Residential (per Sector Plan)	NA	450,000 sf	NA	NA	NA
GFA, Min. Retail/Service (%/sf)	NA	3.27/125,091	NA	2.11/13,015 ²	1.62/10,065 sf
GFA, Residential (sf)	NA	3,375,400	605,000	NA	NA
GFA, Min. Animal Hospital (%/sf)	NA	0	0	0	0.79/4,900
Maximum Total Dwelling Units	NA	1,690 ³	507	NA	NA
Maximum Building Height					
	143 ft/200 ft	140 ft-200 ft	180 ft	30 ft	30 ft
Min. Public Use Space percent of net lot area					
On-Site Public Use Space (%/sf)	20/32,334 NA	20/232,000 4/46,000	29.7/48,000 9/14,500	41.3/231,000 2.6/14,500	41.3/231,000 2.6/14,500
Off-Site Amenity Space (%/sf)					
Vehicle Parking⁴					
Number of spaces	3,268	NA	342	398	398
Bicycle Parking⁵					
Number of spaces		NA	17	8	8

¹The Site Plan Amendment is part of the entire Blairs Master Plan.

²13,015 square feet includes 7,615 square feet of existing commercial (restaurant use on Parcel A-10) and the 5,400 square foot interim retail building.

³The total number of units is 2,800, with 1,690 new units and 1,110 to remain.

⁴The Project is located within the Silver Spring Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking.

⁵The number of bicycle parking spaces is determined for each phase of the Blairs Master Plan at the time of each Site Plan.

Table 2: The Blairs - Site Plan Data Table for CBD-R2 Zone, Optional Method –
 Retail Only Option

Development Standard	Zoning Ordinance Permitted/ Required	Approved by Project Plan and Preliminary Plan (entire Blairs site)	F1 & F2 Development 820140170	Approved Development for 82014017B	Approved Development for 82014017C
Site Area (square feet) ¹					
Existing Net Lot Area		1,188,115	161,559	563,457	563,457
Existing Gross Tract Area		1,322,792	164,897	587,856	587,856
Net Lot Area Total	18,000	1,157,500	161,310		
New Net Lot Area Total				559,731	
Density					
Maximum Total FAR	5.0	2.89	3.66	1.051	1.055
Maximum Floor Area (GFA)	2,939,280	3,825,400	605,000	618,015	619,965
GFA, Max. Non-Residential (per Sector Plan)	NA	450,000 sf	NA	NA	NA
GFA, Min. Retail/Service (%/sf)	NA	3.27/125,091	NA	2.11/13,015 ²	2.41/14,965 sf
GFA, Residential (sf)	NA	3,375,400	605,000	NA	NA
GFA, Min. Animal Hospital (%/sf)	NA	0	0	0	0
Maximum Total Dwelling Units	NA	1,690 ³	507	NA	NA
Maximum Building Height					
	143 ft/200 ft	140 ft-200 ft	180 ft	30 ft	30 ft
Min. Public Use Space percent of net lot area					
On-Site Public Use Space (%/sf)	20/32,334 NA	20/232,000 4/46,000	29.7/48,000 9/14,500	41.3/231,000 2.6/14,500	41.3/231,000 2.6/14,500
Off-Site Amenity Space (%/sf)					
Vehicle Parking ⁴					
Number of spaces	3,268	NA	342	398	398
Bicycle Parking ⁵					
Number of spaces		NA	17	8	8

¹The Site Plan Amendment is part of the entire Blairs Master Plan.

²13,015 square feet includes 7,615 square feet of existing commercial (restaurant use on Parcel A-10) and the 5,400 square foot interim retail building.

³The total number of units is 2,800, with 1,690 new units and 1,110 to remain.

⁴The Project is located within the Silver Spring Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking.

⁵The number of bicycle parking spaces is determined for each phase of the Blairs Master Plan at the time of each Site Plan.

⁵14,965 square feet includes 7,615 square feet of exiting commercial/restaurant use and 7,350 square foot interim retail use

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The Planning Board previously determined that the locations of the buildings and structures, open spaces, landscaping, recreation facilities, and vehicular circulation systems that will be developed with the Site Plan are adequate, safe, and efficient. With this Amendment, the locations of buildings and structures, open spaces, landscaping, and recreation facilities remain in line with all of the previously reviewed and approved elements of the Site Plan. Changes to vehicular circulation and access are relatively minor, and remain adequate, safe, and efficient, as described in the local area transportation review below.

a) *Pedestrian and Vehicular Circulation Systems*

This interim pad site has a valid transportation Adequate Public Facilities (APF) approval from Preliminary Plan No. 120130220, which remains valid for 145 months from the date of mailing of the Preliminary Plan Resolution in 2013. This Amendment does not require further transportation analysis because this proposed interim use does not exceed the approved peak hour trips from the Preliminary Plan. The Preliminary Plan approved 125,000 square feet of retail space of which 83,153 square feet has already been developed. The table below shows the trips generated from the approved 125,000 square feet of retail and the net new trips from both the animal hospital option and all retail option. In both scenarios, the net new trips from this pad site will not exceed the approved retail trips under the preliminary plan.

Table 3: Trip Generation Comparison

Land Use	LUC	Amount	Unit	Trip Generation					
				AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Approved Uses									
Approved Shopping Center	821	125,000	S.F.	32	31	63	125	125	250
Proposed Changes									
<i>Animal Hospital Option</i>									
Proposed Retail Expansion (+2,450 SF)	821	85,604	S.F.	22	21	43	86	85	171
Animal Hospital/Veterinary Clinic ²	640	4,900	S.F.	7	3	10	4	6	10
Subtotal				29	24	53	90	91	181
Net New Trips for Animal Hospital Option				(3)	(7)	(10)	(35)	(34)	(69)
<i>All Retail Option</i>									
Proposed Retail Expansion (+7,350 SF)	821	90,504	S.F.	23	22	45	91	90	181
Net New Trips for All Retail Option				(9)	(9)	(18)	(34)	(35)	(69)

(1) Retail Trip Generation based on M-NCPPC LATR Guidelines at the time of approval for the Blairs.

(2) Animal Hospital Trip Generation based on the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition.

This pad site development is temporary and, when the ultimate land use for this Site is to be constructed, this interim retail/restaurant/veterinary pad site will be demolished.

The Application's vehicular circulation system has been designed to promote safe and efficient accessibility within the Subject Property for residents and visitors. The Blairs Master Plan will provide a network of private streets. Portions of Portal Drive and Street C will be constructed in connection with the Application, to provide access to the parking and loading areas for the F1-F2 Building. The loading and service areas for the building have been designed in an efficient way to provide adequate areas for these functions that are away from prime pedestrian areas and building entrances, but close to private and public street access points. The Application also proposes to provide its portion of the pedestrian circulation system, intended to provide numerous accessible pathways for residents, visitors and surrounding community members to destinations within the Blairs Master Plan development and to areas in close proximity, such as Silver Spring Metro. The private street system provides access for emergency vehicles and other public services and allows the installation of public utilities.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

Although this Amendment introduces a new potential use option to the Site, the proposed veterinary hospital use is compatible with other uses and with existing and proposed adjacent developments. The surrounding area includes residential dwelling units with facilities for residents who own pets as well as animal-serving business such as pet daycare facilities and grooming salons in Downtown Silver Spring. There is not currently an animal hospital use within the area; therefore, the proposed veterinary use will provide an essential service to Downtown Silver Spring.

With respect to structure itself, the proposed square footage increase is relatively minor and remains visually and functionally similar to the previously approved interim pad site building.

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-D-3.8; 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

February 5, 2025

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Vice Chair Pedoeem, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, January 30, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board