



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

MCPB
ITEM #9C
11/18/10

October 29, 2010

To: Montgomery County Planning Board
Via: John A. Carter, Chief *JAC*
Urban Design and Historic Preservation Division
From: Scott Whipple, Supervisor *SW*
Historic Preservation Section, UDHPD
Subject: Action on Locational Atlas Resource #36/12-B: Falkland Apartments North Parcel

RECOMMENDATION:

Staff recommends that the Planning Board act, pursuant to Planning Board Resolution MCPB No. 08-151, dated December 29, 2008, to remove the North Parcel of the Falkland Chase apartments (LA #36/12-b) from the *Locational Atlas and Index of Historic Sites in Montgomery County, Maryland* upon approval of Project Plan Review No. 920070080, Falkland Chase and Preliminary Plan 120070560, Falkland North (a.k.a. Falkland Chase).

BACKGROUND:

On September 4, 2008, the Planning Board approved the *Planning Board Draft Amendment to the Master Plan for Historic Preservation: Falkland Apartments, #36/12*. The amendment recommended that the Falkland Apartments' south and west parcels be added to the Master Plan. Faced with the challenge of weighing the benefits of historic preservation with those related to other planning objectives, the Board found that greater public benefit would be achieved through the redevelopment of the north parcel than by the parcel's designation in the Master Plan. The Board retained the north parcel on the *Locational Atlas* until such time as the Board approves a site plan or plans for the entirety of the north parcel. The County Council approved the Falkland Apartments amendment on March 31, 2009, thereby adding the south and west parcels of the Falkland Apartments to the Master Plan for Historic Preservation.

DISCUSSION:

The Planning Board created the *Locational Atlas* in 1976, and from time to time updates the *Atlas* by adding or removing resources. Planning Board Resolution No. 08-151, dated Dec 29, 2008, issued upon their action on the Falkland Apartments states in part:

...the Planning Board vote to remove the North Parcel from the Locational Atlas **automatically** [emphasis added] upon the approval of a site plan application or applications for the redevelopment of the entirety of the north parcel...

NOW, THEREFORE, BE IT RESOLVED that the North Parcel of the Falkland Chase apartments will be removed from the Locational Atlas **automatically** [emphasis added] upon approval of a site plan application...

Consistent with this Board Resolution, staff finds that the Planning Board should take action to remove the Falkland Apartments North Parcel (#36/12-B) from the *Locational Atlas*.

ATTACHMENT: Planning Board Resolution No. 08-151, December 29, 2009

DEC 29 2008



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

MCPB No. 08-151

Falkland Chase

Date of Hearing and Worksession: July 10, 2008 and September 4, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS the Montgomery County Planning Board ("Planning Board") is vested with the authority to place properties on and remove properties from the Locational Atlas and Index of Historic Sites ("Locational Atlas"); and

WHEREAS, on December 6, 2007, following a public hearing, the Planning Board voted to find that the Falkland Apartments, located on three parcels at the southwest, southeast, and northeast quadrants of the intersection of East-West Highway and 16th Street in Silver Spring, Maryland (the "West Parcel," "South Parcel," and "North Parcel," respectively) were eligible to be considered for designation on the Master Plan for Historic Preservation, and voted to determine at a later date, after holding a further public hearing, whether to recommend that the County Council place the Falkland Apartments, or any parcel thereof, on the Master Plan for Historic Preservation ("Master Plan"); and

WHEREAS, on July 2, 2008, Planning Board staff ("Staff") issued a memorandum to the Planning Board, setting forth its analysis of the public benefits associated with designating all of the parcels on the Master Plan, as advocated by representatives of the Commission's historic preservation staff, the Historic Preservation Commission, and certain other parties, versus the public benefits associated with designating the South and West parcels only and allowing the North Parcel to redevelop, as advocated by the property owner and certain other parties, and urging that the Planning Board recommend that the South and West Parcels be included in the Master Plan, but not to include the North Parcel on the Master Plan ("Staff Report"), which is incorporated herein by reference; and

WHEREAS, the Staff Report further recommended that, in order to ensure that the potential public benefits associated with redevelopment of the North Parcel, including the location of a mix of unit types, low-income and workforce housing, and well designed mixed-use development in close proximity to an existing metro station, are realized, the Planning Board vote to remove the North Parcel from the Locational Atlas

Approved as to
Legal Sufficiency:

Dil 11/21/08

8787 Georgia Avenue, Silver Spring, MD 20910 Chairman's Office: 301.495.1605 Fax: 301.495.1320

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automatically upon approval of a site plan application or applications for the redevelopment of the entirety of the north parcel, and that, in the event that more than one site plan is filed for the North Parcel, it should only be removed from the Locational Atlas with the approval of the certified site plan covering the last portion of the North Parcel for which no certified site plan has been approved; and

WHEREAS, on July 10, 2008, the Planning Board heard testimony and received evidence submitted for the record on the proposal to recommend the Falkland Apartments on the Master Plan; and

WHEREAS, the Planning Board continued the July 10 hearing to a September 4, 2008 worksession in order to determine what action to take; and

WHEREAS, on August 27, 2008, the Staff prepared a memorandum for the Planning Board summarizing the testimony received at the July 10 hearing, and once again urging the Planning Board to recommend that the Council designate only the South and West parcels on the Master Plan, and further recommending that the Planning Board vote to remove the North Parcel from the Locational Atlas immediately upon approval of the certified site plan or site plans covering the entirety of the North Parcel, which is incorporated herein by reference; and

WHEREAS, on September 4, 2008, the Planning Board voted to adopt the staff recommendation, on the motion of Commissioner Robinson, seconded by Commissioner Cryor, with a vote of 4-0, Commissioners Hanson, Robinson, Cryor, and Alfandre voting in favor and Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED that the North Parcel of the Falkland Chase apartments will be removed from the Locational Atlas automatically upon approval of a site plan application or applications for the redevelopment of the entirety of the North Parcel, and that, in event more than one site plan is filed for the North Parcel, it will be removed from the Locational Atlas only with the approval of the certified site plan covering the last portion of the North Parcel for which no certified site plan has been approved.

BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 29 2008 (which is the date that this Resolution is mailed to all parties of record); and

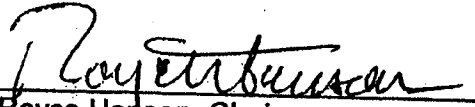
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Alfandre, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Alfandre, and Cryor voting in favor of the motion, and Commissioner Presley abstaining, at its regular meeting held on Thursday, December 4, 2008, in Silver Spring, Maryland.


Royce Hanson, Chairman
Montgomery County Planning Board