

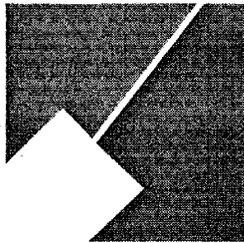
## APPENDIX A

## APPENDIX B

## APPENDIX C

# APPENDIX A

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**Public Hearing Date:** June 23, 2005

**Date Mailed:** JAN 10 2006

**Action:** Approved

Staff Recommendation

**Motion** of Commissioner Bryant,  
seconded by Commissioner Robinson,  
with a vote of 4-0.

Chairman Berlage and Commissioners  
Perdue, Bryant, and Robinson voting in  
favor. Commissioner Wellington  
necessarily absent.

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan 1-05077

NAME OF PLAN: Easley Subdivision (The Adele)

The date of this written opinion is JAN 10 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

**INTRODUCTION**

On March 9, 2005, Fenton Street Development, LLC (“Applicant”) submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-1 Zone. The application proposed to create one lot on 0.67 acres (net lot area) of land located at the southwest quadrant of the intersection of Thayer Avenue and Fenton Street in the Silver Spring Central Business District (“Subject Property” or “Property”). The application was designated Preliminary Plan 1-05077. Concurrently, the Applicant filed Project Plan application #9-05003 (“Project Plan”) with the Montgomery County Planning Board. On June 23, 2005, Preliminary Plan 1-05077 and the Project Plan were brought before the Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the applications.

Board ensure that all requirements of the Forest Conservation Law<sup>4</sup> are satisfied before approving a preliminary plan.

### **SITE DESCRIPTION**

The Subject Property is located in the southwest quadrant of the intersection of Thayer Avenue and Fenton Street in the Silver Spring Central Business District ("CBD"). The site is identified as parts-of-lots 5, 6, and 7 of the original Silver Spring Park subdivision (Plat Book B, page 47), as depicted on the plat entitled "Map of Building Sites for Sale at Silver Spring", which was recorded in 1904, and Lot 10 of Easley's Silver Spring subdivision (Plat Book 191, page 93) recorded in May 1912. The Subject Property contains a net area of 0.67 acres (the gross tract area is 0.96 acres) and is zoned CBD-1. The site is currently improved with a one-story building and ancillary parking that is being used as an automobile service facility, which will be removed. The topography slopes approximately 5 feet from west to east.

### **PROJECT DESCRIPTION**

The application, which was reviewed concurrently with the associated Project Plan #9-05005, proposed the creation of one lot for a development that will contain 96-multi-family dwelling units (including 15 MPDUs), 15,020 square feet of retail and 18,200 square feet of office. The plan also proposes a public plaza at the northeast corner of the site with streetscape improvements along Fenton Street and Thayer Avenue.

The preliminary plan proposes a 2-level below-grade parking structure, which will contain 171 parking spaces, of which 122 spaces will serve the future residents. The parking structure will be accessed from Fenton Street via the existing public alley at the southern end of the site. The loading dock will also be accessed via the existing public alley. A new sidewalk will be installed along the north side of the alley using the same brick pavers and granite sets that will be used along the Fenton Street frontage to provide connectivity and facilitate pedestrian travel to the parking garage and County Parking Lot No. 3

The proposed development will generate more than 30 peak hour weekday vehicle trips; and, therefore, the Application was subject to a Local Area Transportation Review ("LATR").

### **EVIDENCE OF RECORD AND TESTIMONY**

The record on the subject application includes uncontested information about the lot size, width, shape and orientation of the proposed one-lot subdivision, the relationship of the proposed lot to public roads, and the off-street service and parking provided.

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<sup>4</sup> MONTGOMERY COUNTY CODE, ch. 22A.

## **FINDINGS**

Having given full consideration to the findings and recommendations of its Staff, which the Board hereby adopts; the recommendations of the applicable public agencies<sup>5</sup>; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on uncontested evidence of record, that:

- a) Preliminary Plan No. 1-05077 substantially conforms to the Silver Spring Central Business District and Vicinity Sector Plan, with respect to those elements of the Sector Plan that are germane to preliminary plan review.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the Montgomery County Department of Permitting Services ("MCDPS") letter, dated March 10, 2005, granting the Stormwater Management Concept Plan conditional approval.
- f) The Record of this application does not contain any contested issues that are relevant to preliminary plan review; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

## **CONDITIONS OF APPROVAL**

Finding Preliminary Plan No. 1-05077 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05077, subject to the following conditions:

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<sup>5</sup> The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

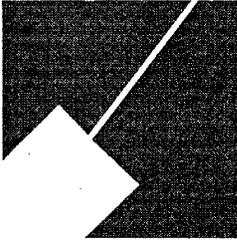
**CERTIFICATION OF BOARD VOTE ADOPTING OPINON**

At its regular meeting, held on **Thursday, January 5, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission by unanimous consent, with Commissioner Wellington absent, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-05077, Easley Subdivision (The Adele)**.

  
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Certification As To Vote of Adoption  
M. Clara Moise, Technical Writer

## **APPENDIX B**

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
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301-495-4500, [www.mncppc.org](http://www.mncppc.org)

Date of Mailing: JAN 10 2006

**MONTGOMERY COUNTY PLANNING BOARD  
OPINION**

Project Plan No.: 9-05003  
Project: Easley Subdivision (The Adele)  
Date of Hearing: June 23, 2005

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**Action:** **APPROVAL SUBJECT TO CONDITIONS.** (Motion to approve was made by Commissioner Bryant; duly seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Berlage, Bryant, Perdue and Robinson voting in favor. Commissioner Wellington was necessarily absent.)

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The date of this written opinion is JAN 10 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

**INTRODUCTION**

On March 9, 2005, Fenton Street Development, LLC (“Applicant”) submitted an application for the approval of a project plan for a proposed 145,471 square feet of mixed-use development on 1 lot consisting of 0.96 acres of CBD-1-zoned land in the Silver Spring Central Business District (“Project Plan”). The application was designated Project Plan #9-05003. Concurrently, the Applicant filed Preliminary Plan application #1-05077 (“Preliminary Plan”) with the Montgomery County Planning Board. On June 23, 2005, Project Plan Review #9-05003 and the Preliminary Plan were brought before the Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.