



MAR 30 2010

MCPB No. 10-27
Site Plan No. 81988046D
Project Name: City Place
Hearing Date: March 4, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on January 4, 2010, City Place Air Rights, LLC and City Place Limited Partnership ("Applicant"), filed a site plan amendment application designated 81988046D, City Place (the "Amendment") for approval of the following modifications:

1. Retention of Fenton Street streetscape;
2. Approval of new sidewalk/entrance design at the corner of Fenton Street and Colesville Road;
3. Replacement of the variety of street trees along Colesville Road;
4. Removal of one street tree on Colesville Road; and
5. Architectural modifications.

WHEREAS, on October 11, 1988, site plan 819880460 was approved for 234,050 square feet of office space and 298,455 square feet of retail space; and

WHEREAS, on October 16, 2007, site plan amendment 81988046B was approved for 647,497 square feet of gross floor area and 91,772 square feet of cellar area for retail and office space with minor architectural and site modifications; and

WHEREAS, on May 14, 2008, site plan amendment 81988046C was approved for the removal of one tree and the relocation of a bus shelter; and

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated February 22, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on March 4, 2010, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on March 4, 2010, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Wells-Harley, seconded by Commissioner Dreyfuss, with a vote of 4-0; Commissioners Alfandre, Dreyfuss, Hanson, and Wells-Harley voting in favor, Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby APPROVES the Site Plan No. 81988046D; and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Site Plan Conformance

The proposed development must comply with the conditions of approval for Site Plan 81988046C as listed in the Planning Board resolution dated May 14, 2008 except as modified herein.

2. Pedestrian Circulation

The Applicant must finalize the construction of the handicapped ramp to Colesville Road in accordance with the existing detail.

3. Display of Public Information and Events

The Applicant must enter into an agreement with the Urban District, or other appropriate agency or organization, to televise event calendars and public information on the "JumboTron" for a minimum of 5 minutes per hour that the screen is on. This agreement must be executed prior to the issuance of any building permit.

4. Fenton Street Streetscape

The Applicant may retain the existing sidewalk paving on Fenton Street but must cover any utility grates that do not require ventilation with removable brick panels, subject to approval by the relevant utility companies.

5. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Replacement of the street lamp and sidewalk modifications must be installed within six months after structural construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any new office building occupancy permit.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. The development program must provide phasing of the required features.

6. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation exemption letter, stormwater management exemption letter, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Ensure consistency of all details and layout between site plan and landscape plan.
- c. Minor modifications to layout and notations upon Staff's request.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on City Place drawings stamped by the M-NCPPC on January 4, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

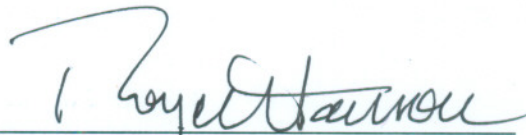
~~MAR 30 2010~~ BE IT FURTHER RESOLVED, that the date of this written resolution is (which is the date that this resolution is mailed to all parties of record); and ~~MAR 30 2010~~

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 written opinion, 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 Presley, seconded by Commissioner Wells-Harley, with Commissioners Hanson, Wells-Harley, Alfandre, and Presley voting in favor of the motion, and with Commissioner Dreyfuss absent, at its regular meeting held on Thursday, March 18, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

8-88046D – CITY PLACE
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