

JUN 17 2010



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

MCPB No. 10-66
Project Plan Amendment No. 92004006B
Project Name: Ripley Street North (aka Midtown Silver Spring)
Hearing Date: April 8, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved project plans; and

WHEREAS, on January 4, 2010, Home Properties Ripley Street, LLC, c/o Home Properties, ("Applicant") filed a project plan amendment application designated 92004006B, Ripley Street North, (the "Amendment") for approval of the following modifications to previously approved Project Plan No. 920040060:

1. increase the maximum number of dwelling units from 314 to 385;
2. increase the maximum proportion of retail space within the overall allowable buildable area from 5,380 sf. to 5,541 sf.;
3. divide the residential development between two buildings:
 - a. 1155 Ripley Street, a 200' building with townhouses and residential flats wrapping a parking garage at the lower level and a multi-family dwelling unit tower above; and
 - b. 1015 Ripley Street, an 80' building with loft-style dwelling units and the entirety of the proposed 5,541 sf. of retail uses at ground level;
4. reduce the footprint of the parking garage so that it no longer extends under the Dixon Avenue right-of-way but is entirely contained on private property on the west side of Dixon Avenue;
5. increase the maximum number of parking spaces from 389 to 396, solely for the residential units; retail parking will be provided through the adjacent Parking Lot District (PLD) facility;
6. redesign the public use and amenity space to:

Approved as to
Legal Sufficiency:

Amaya M. 5/21/10

8787 Georgia Avenue, N.C. Planning Board, Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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- a. delete the approved public use space in the northeast corner of the intersection of Ripley Street and Dixon Avenue;
- b. consolidate the public use space, including the public art installation previously approved, along the western edge of the site adjacent to the Ripley Street extension;
- c. decrease the amount of on-site public use space from 19,338 sf. (39.4% of the net lot area) to 10,541 sf. (22.2% of the net lot area);
- d. increase the amount off-site public amenity space from 15,812 sf. (32.2% of the net lot area) to 15,950 sf. (33.6% of net lot area);
- e. as previously approved by the Board, the Applicant remains committed to the construction of Dixon Avenue through the PLD garage north to Bonifant as well as participation in the construction of the Ripley Street extension to Bonifant; and

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 March 26, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on April 8, 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 April 8, 2010, the Planning Board approved the Amendment on the motion of Commissioner Dreyfuss, seconded by Commissioner Alfandre, with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Hanson, and Wells-Harley voting in favor, and Commissioner Presley 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 Project Plan Amendment No. 92004006B; 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;

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-2.6 of the Zoning Ordinance and consistent with the purposes, intents, and requirements of the CBD-2 zone, as well as with the Silver Spring CBD Master Plan, and the Amendment remains compatible with the existing and proposed development adjacent to the site. The proposed

modifications satisfy the Adequate Public Facilities requirements, as well as those of MPDU, Forest Conservation, and water quality. The proposal continues to provide development of a quality greater than that of the standard method, and will yield more attractive buildings and open spaces than the previously approved project plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Ripley Street North drawings stamped by the M-NCPPC on March 5, 2010, and March 17, 2010, shall be required; 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-2.7; and

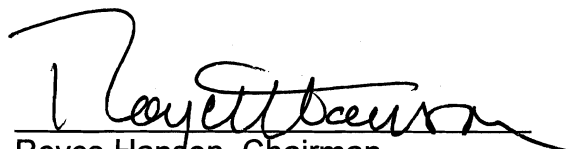
BE IT FURTHER RESOLVED, that the date of this written resolution is JUN 17 2010 (which is the date that this resolution is mailed to all parties of record); and

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 written opinion, 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 Dreyfuss, seconded by Wells-Harley, with Commissioners Hanson, Wells-Harley, and Dreyfuss voting in favor of the motion, and with Commissioners Alfandre and Presley absent, at its regular meeting held on Thursday, May 27, 2010, in Silver Spring, Maryland.


Royce Hanson, Chairman
Montgomery County Planning Board