



APR 8 2011

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-10

Site Plan No. 82000032C

Project Name: Discovery Communications, Inc. Headquarters

Hearing Date: February 10, 2011

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 February 10, 2011, the Planning Board approved Site Plan No. 82000032C (MCPB Resolution 11-10) to: 1) decrease the amount of public use space by installing an 8-foot-wide fence in the Garden; 2) relocate or remove plant material needed to accommodate the fence; 3) add a door to the building and existing play area; 4) make interior retrofits to the interior space in the atrium to apply security measures for the employees and general public; and 5) install an artistic design for the fence panels in the Discovery Garden in a minimum of three locations.

WHEREAS, on December 7, 2011, Discovery Communications, Inc. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82000032C, Discovery Communications, Inc. Headquarters (the "Amendment") for approval of the following modifications:

- 1) Decrease the amount of public use space by installing an 8-foot-wide fence in the Garden;
- 2) Relocate or remove plant material needed to accommodate the fence;
- 3) Add a door to the building and existing play area; and
- 4) Make interior retrofits to the interior space in the atrium to apply security measures for the employees and general public.

WHEREAS, during the review of the Amendment, Staff recommended an artistic design in three locations for the proposed fence panels in the Discovery Garden.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated February 1, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

Approved as to
Legal Sufficiency:

Christina Sonento 3/23/11

8787 Georgia Avenue, N.W., Suite 1000, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, on February 10, 2011, 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 February 10, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 5-0, Commissioners Alfandre, Carrier, Dreyfuss, Presley and Wells-Harley voting in favor.

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 Site Plan No. 82000032C; 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:

A. Public Use Space

The Applicant is required to compensate the community for the loss of approximately 1,400 square feet of public use space in the Discovery Garden, by providing an interactive design of the proposed fence. Based upon the proposed concept and plan, the Applicant will:

1. Provide an artistic design for the fence panels in the Discovery Garden in a minimum of three locations.
2. Ensure that the nature of the forms/shapes will be harmonious with the themes of the existing Sensory Garden and Steve Irwin Memorial Playground. The panels will be made of a durable material and finish suitable for exterior exposure with limited or no maintenance required.

B. Development Program

The Development Program shall include a phasing schedule as follows:

1. Discovery shall construct the artistic design for the fence within 6 months of the issuance of the permit for the fence.

C. Certified Site Plan

Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to Staff review and approval:

1. Include development program, inspection schedule, site plan index, and site plan Resolution in certified site plan.
2. Update site plan tabulations to reflect amended Public Use Space totals.
3. Provide the design of the fence, including the forms and shapes.
4. Label material for the fence and artistic design.
5. Add note allowing field adjustments for the fence and planting by the Applicant and Staff.

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 Discovery Communications, Inc. Headquarters drawings stamped by the M-NCPPC on December 7, 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

BE IT FURTHER RESOLVED, that the date of this Resolution is APR 8 2011 (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).

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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 Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion at its regular meeting held on Thursday, March 31, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board