

APR 12 2011



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

MCPB No. 11-11
Site Plan No. 82008015C
Project Name: 1150 Ripley Street
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 July 3, 2008, the Planning Board approved Site Plan No. 820080150 (MCPB Resolution 08-99) for a mixed-use development with up to 318 multi-family dwelling units, including 48 MPDUs (15% of the total), and up to 7,460 square feet of non-residential uses; and

WHEREAS, on June 11, 2009, the Planning Director administratively approved Site Plan Amendment No. 82008015A, for modifications to the landscaping and retail streetscape design along Ripley Street; and

WHEREAS, on November 18, 2010, the Planning Board approved Site Plan No. 82008015B (MCPB Resolution 10-154) for minor modifications to exterior landscaping, hardscaping, and lighting; reconfiguration of a loading area that resulted in the net loss of 189 square feet of on-site public use space and 292 square feet of off-site public amenity space; and a revision of the distribution of unit types within the buildings; and

WHEREAS, on December 9, 2010, Washington Property Company ("Applicant") filed a site plan amendment application designated Site Plan No. 82008015C, 1150 Ripley Street, (the "Amendment") for approval of the flexibility to convert some non-residential space to live-work or residential units, and to make associated modifications to the public use space, building facades, streetscape, and landscaping, within the approved maximum limit of 318 dwelling units, 7,460 sf. of non-residential uses, and 309 parking spaces; and

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 January 31, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

Approved as to
Legal Sufficiency:

Christina Souza 3/21/11

8787 Georgia Avenue, N.C. Planning Department 910 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 Presley, seconded by Commissioner Alfandre, 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 the Site Plan No. 82008015C; 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 No. 820080150, as listed in the Planning Board Resolution 08-99 dated October 27, 2008, as amended by administrative Site Plan amendment No. 82008015A, approved by the Planning Director on June 11, 2009, and consent Site Plan amendment No. 82008015B, as listed in the Planning Board Resolution 10-154 dated December 15, 2010.

2. Non-residential Uses

- a. At a minimum, the Applicant must retain for only non-residential uses the portion of the ground floor at the intersection of Ripley Street and Dixon Avenue defined by a linear street frontage of 46 linear feet along Ripley Street and 36 linear feet along Dixon Avenue, to be measured as illustrated in the Certified Site Plan.
- b. Non-residential uses must not exceed the approved maximum limit of 7,460 sf.
- c. The area devoted to non-residential use will be determined by the non-residential user at time of building permit for that use. The building permit for each unit containing non-residential space must be approved by M-NCPPC

staff. A copy of the building permit application for each non-residential use must be provided to M-NCPPC for the record file.

3. Public Use Space

The Applicant must deduct from the calculation of on-site public use space the area along Ripley Street between the building and the right-of-way, as illustrated in the attachment to the Applicant's letter dated January 24, 2011, and documented on the Certified Site Plan.

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 1150 Ripley Street drawings stamped by the M-NCPPC on December 9, 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 written Resolution is APR 12 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).

* * * * *

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