

OCT 10 2011



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

MCPB No. 11-62  
Site Plan No. 82004005A  
Project Name: Gables Rothbury Square  
Hearing Date: July 14, 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 November 20, 2003, the Planning Board approved Site Plan No. 820040050, for a multi-family rental apartment complex consisting of 203 units; and

WHEREAS, on May 12, 2011, Avalon II Maryland Value I LP ("Applicant"), filed a site plan amendment application designated Site Plan No. 82004005A, Gables Rothbury Square (the "Amendment") for approval of the following modifications:

1. Conversion of a model unit and business office to two multi-family units;
2. Addition of 4 grills and a trash receptacle; 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 June 29, 2011 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on July 14, 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 July 14, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 5-0, Commissioners Carrier, Anderson, 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

Approved as to  
Legal Sufficiency:

*Christina Sonant* 9/8/11

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82004005A; 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. Development Plan Conformance  
The site plan must conform to the binding elements of DPA 11-02, dated March 29, 2011.
2. Transportation  
Original site plan approval condition 1.a. is modified to read, "Twenty percent of the proposed 205 units, or 41 units, are to be rented to households at or below 50 percent of the area median income in accordance with Section TP3, 'Special Ceiling Allocation for Affordable Housing Facilities' of the FY 04 AGP and requirements of the Housing Opportunities Commission".
3. All other conditions of the previous site plan approval, as contained in the Planning Board Opinion dated December 1, 2003, remain in full force and effect.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report with the minor modification that no permanent grill may be placed in the western open space easement area, 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 Gables Rothbury Square drawings stamped by the M-NCPPC on August 29, 2011, 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

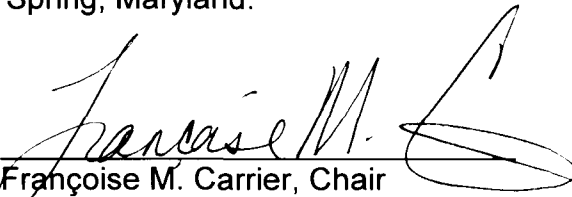
BE IT FURTHER RESOLVED, that the date of this Resolution is OCT 10 2011 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, September 15, 2011, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board