



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-110
Site Plan No. 81995036E
Project Name: Montrose Crossing
Hearing Date: November 3, 2011

DEC 20 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

WHEREAS, this development proceeded according to several phases, and the numerous site plan approvals are governed by the limits established by Project Plan and Preliminary Plan approvals; and

WHEREAS, on August 15, 1995, the Planning Board approved Site Plan 819950360 ("Original Approval") for Phases IB and II of the development, allowing for construction of 2,400 square feet of office space, 20,377 square feet of restaurant space, and 426,048 square feet of retail uses and structured parking; and

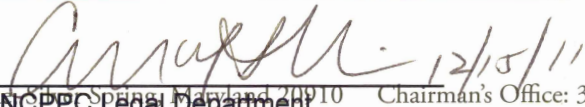
WHEREAS, Site Plan Amendment 81995036A was administratively approved for minor site modifications; and

WHEREAS, Site Plan Amendment 81995036B was approved by the Planning Board on May 27, 2003, granting an extension to file a site plan for Phase III (eventually filed as 820040130); and

WHEREAS, Site Plan Amendment 81995036C was administratively approved for minor site modifications; and

WHEREAS, Site Plan Amendment 81995036D (MCPB 10-128) was approved by the Planning Board on September 29, 2010, to allow the construction of Nebel Street, which required a reduction of 70,732 square feet of retail space; and

WHEREAS, on June 20, 2011, BVS Montrose, LLC ("Applicant"), filed a Site Plan Amendment designated 81995036E, Montrose Crossing (the "Amendment") for approval of the following modifications:

Approved as to
Legal Sufficiency:  12/15/11
8787 Georgia Avenue, Suite 810, Springfield, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

1. Addition of a free-standing bank;
2. Addition of a free-standing restaurant;
3. Minor site, landscaping, and lighting changes; and
4. Removal of the "festive place maker" public art; 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 October 21, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on November 3, 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 November 3, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Anderson, seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss, 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 Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Compliance with Previous Approvals
All previously approved conditions in the Opinions for Site Plan 819950360, dated August 15, 1995, and subsequent Site Plan Amendments 81995036A, 81995036B, 81995036C, and 81995036D, remain in effect, except as modified by their respective subsequent amendments, or by this Amendment.
2. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated May 18, 2011, unless amended and approved by the Montgomery County Department of Permitting Services.
3. Relocation or Decommissioning of Public Art
The Applicant must make a good-faith effort to find a location within Montgomery County for the removed public art. If Staff is satisfied that a suitable location cannot be found, the Applicant may return the artwork to the artist or, if not accepted by the artist, dispose of the work.
4. Development Program
The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of

the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permits.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.

5. 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 stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b. Provide minor corrections, details, and clarification as required by Staff.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report as presented at the Hearing and FINDS that the Amendment does not alter the overall design character of the development in relation to the Original Approval and the site remains compatible with existing and proposed development adjacent to the site. The Amendment is in conformance with the amended Project Plan and meets or exceeds the requirements of the RMX-3C. Replacement of floor area from the large furniture store with two buildings in an existing parking lot will not affect circulation patterns on the site and no changes are proposed regarding access to the site from the abutting roads. A traffic statement was submitted and the trips generated by the proposed uses are fewer than the previously approved density. Further, these modifications do not impact the efficiency, adequacy, or safety of the site with respect to open space, landscaping, or lighting. Finally, no residential aspects of the site are affected by this Amendment and all applicable environmental regulations will be satisfied; and

BE IT FURTHER RESOLVED that all site development elements as shown on Montrose Crossing drawings stamped by the M-NCPPC on June 3, 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

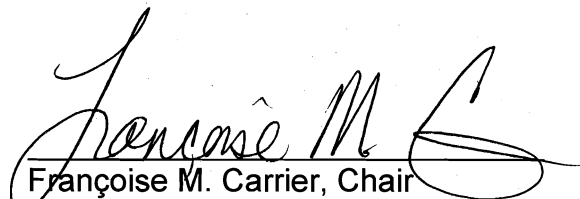
BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 20 2011 (which is the date that this Resolution is mailed to all parties of record); and

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


Françoise M. Carrier, Chair
Montgomery County Planning Board