



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

MCPB No. 13-32
Site Plan No. 82006025C
Project Name: Ripley Street North
Hearing Date: February 28, 2013

MAR 13 2013

RESOLUTION

WHEREAS, under 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 September 18, 2008, the Planning Board approved Site Plan 820060250 (MCPB Resolution No. 08-118, dated November 24, 2008) to allow construction of 391,125 gross square feet of mixed-use development, including 5,380 square feet of retail and 385,745 square feet of multi-family residential development with a maximum of 314 dwelling units including 40 MPDUs, on approximately 1.8 acres of CBD-2 zoned property located [briefly describe location] ("Property"), in the Silver Spring CBD Master Plan ("Master Plan") area; and

WHEREAS, on April 8, 2010, the Planning Board approved an amendment to the site plan, Site Plan 82006025A (MCPB Resolution No. 10-65, dated June 16, 2010) for 391,125 gross square feet of mixed-use development, including 5,541 square feet of retail and 385,584 square feet of multi-family residential development with a maximum of 385 dwelling units including 49 MPDUs; and

WHEREAS, on September 7, 2012, the Planning Director approved an administrative amendment to the site plan, Site Plan 82006025B, to allow all of the residential amenities to be completed at the final, instead of the initial, use and occupancy permit and to delete a note on the data table regarding a potential Alternative Location Agreement for MPDUs; and

WHEREAS, on December 6, 2012, Home Properties Ripley Street, LLC, ("Applicant") filed a site plan amendment application, which was designated Site Plan No. 82006025C ("Amendment"), for approval of the following modifications:

1. provide flexibility to convert some non-residential space in the 1015 Ripley Street loft building to live-work or residential units;
2. revise lighting for public art in the primary public use space; and
3. revise the bench detail for the primary public use space;

Approved as to

Legal Sufficiency:


6787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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 February 15, 2013, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on February 28, 2013, Staff presented the Amendment to the Planning Board as a consent item for its review and action; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves certain elements of Site Plan No. 82006025C, subject to the following conditions:

1. Site Plan Conformance

The proposed development must comply with the conditions of approval for site plan 820060250, as listed in the Planning Board Resolution 08-118 dated November 24, 2008, as amended by site plan amendment 82006025A, as listed in the Planning Board Resolution 10-65 dated June 16, 2010, and by administrative site plan amendment 82006025B, approved by the Planning Director on September 7, 2012.

2. Non-residential Uses

For the 1015 Ripley Street building, the Applicant must retain for only non-residential uses at a minimum the portion of the ground floor at the intersection of Ripley Street and Dixon Avenue defined by a linear street frontage of 40 linear feet along Ripley Street and 20 linear feet along Dixon Avenue, to be measured as illustrated in the Certified Site Plan. Non-residential uses must not exceed the approved maximum limit of 5,541 sf. Non-residential use area 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.

BE IT FURTHER RESOLVED, unless amended, all other conditions of approval for Site Plan Nos. 820060250, 82006025A, and 82006025B remain valid and in full force and effect; and

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and that all findings remain in effect; 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

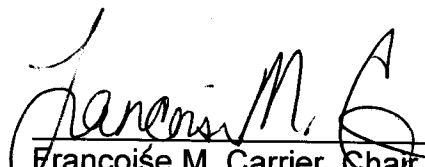
BE IT FURTHER RESOLVED, that the date of this written resolution is MAR 13 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor of the motion, and Commissioner Dreyfuss temporarily absent, at its regular meeting held on Thursday, February 28, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board