



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

**NOV 14 2013**

MCPB No. 13-153  
Site Plan No. 82011010B  
10914 Georgia Avenue  
Date of Hearing: October 31, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on January 23, 2012, the Planning Board, by Resolution MCPB No. 11-102, approved Site Plan No. 820110100, for up to 245 multi-family units on 2.36 acres of TS-R zoned-land, located on Georgia Avenue, approximately 20 feet south of the intersection with Veirs Mill Road ("Subject Property"), in the Wheaton CBD Policy Area, 2012 Wheaton CBD & Vicinity Sector Plan ("Master Plan") area; and

WHEREAS, on April 17, 2012, the Montgomery County Council sitting as the District Council approved Sectional Map Amendment No. G-911 (County Council Resolution No. 17-394) implementing the zoning recommendations of the Master Plan, changing the Subject Property's zoning from the TS-R Zone to the CR4.0, C-3.5, R-3.5, H-100 on the Subject Property, which rezoning did not alter the Planning Board's approval of Site Plan No. 820110100 and the findings under that approval; and

WHEREAS, on December 17, 2012, the Planning Director approved an administrative amendment to the site plan designated as Site Plan No. 82011010A to revise the limit of disturbance along the northern and northwestern property line to include a crane dismantle area and construction trailers; and

WHEREAS, on September 20, 2013, Washington Property Company ("Applicant"), filed an application for approval of an amendment to the previously approved site plans to phase delivery of recreation amenities prior to the use-and-occupancy permit for the residential dwellings on Floors 2 through 6 in order to allow the opening of the leasing and management offices, and 17 residential units on the first floor on the Subject Property; and

WHEREAS, Applicant's application was designated Site Plan No. 82011010B, 10914 Georgia Avenue ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

Approved as to  
Legal Sufficiency

*[Handwritten Signature]* 10/17/13

Planning Board, dated October 18, 2013, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 31, 2013, Staff presented the Amendment to the Planning Board as a consent item for its review and action at which time the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82011010B by modifying the following conditions of the previously approved site plans:<sup>1</sup>

1. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820110100 as listed in the MCPB No. 11-102 and Site Plan No. 82011010A, except as amended by this Application.

2. Development Program

The Applicant must construct the development in accordance with the approved development program in Site Plan No. 820110100, except for condition 11(b), which is modified as follows:

On-site recreation amenities must be installed prior to release of any use-and-occupancy permit for floors two through six. Public use space amenities must be installed prior to the release of any first floor use-and-occupancy permit.

3. 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 updated development program, and this Site Plan resolution on the cover sheet.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect;

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that all site development elements as shown on 10914 Georgia Avenue drawings stamped by the M-NCPPC on September 20, 2013, shall be required, except as modified by the above conditions of approval; 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 Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval that unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved or subsequent amendments to the site plan, and all findings not specifically addressed remain in effect.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

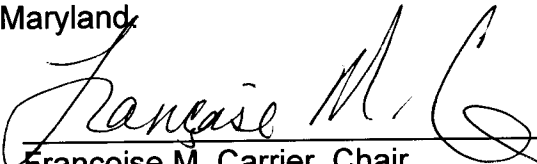
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 14 2013 (which is the date that this resolution is mailed to all parties of record); and

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 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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, October 31, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board