



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

MCPB No. 13-187
Preliminary Plan No. 12011030B
Parklawn North
Date of Hearing: January 23, 2014

JAN 28 2014

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on August 9, 2011, the Planning Board, by Resolution MCPB No. 11-69, approved Preliminary Plan No. 120110300 for up to 60,132 square feet of commercial office uses and 520,000 square feet of general office uses on 3 lots and 1 outlot in the TMX-2 Zone on approximately 12.96 acres of land located on the north side of Fishers Lane approximately 1,000 feet east of the intersection with Twinbrook Parkway ("Subject Property"), in the Twinbrook Sector Plan ("Sector Plan") area;

WHEREAS, on July 26, 2013, by Resolution MCPB No. 13-124 the Planning Board approved Preliminary Plan No. 12011030A to: i) amend Condition No. 4.b. of the approved plan; and ii) correct a typographical error on page 5 of MCPB No. 11-69 regarding the allowed building height; and

WHEREAS, on December 9, 2013, Parklawn North Lot, LLC, ("Applicant"), filed an application to amend condition of approval 4.b. of Preliminary Plan No. 12011030A; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 12011030B, Parklawn North ("Preliminary 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 Planning Board dated January 10, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 23, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12011030B to modify the timing of the off-site construction of a master planned bikeway connector linking the Rock Creek Trail with the Twinbrook Metro Station (the "Trail") by deleting condition of approval 4.d and amending condition of approval 4.b. as follows:¹

- 4.b. Prior to issuance of permanent Use and Occupancy Certificates for the office building, the Applicant must place \$900,000 in escrow. This payment is inclusive of the \$621,500 required to satisfy the remaining PAMR and Adequate Public Facilities Ordinance requirements for the Project (the equivalent of 55 PAMR trips at \$11,300/trip). The escrow funds shall be used as follows:
- i. If the cost of constructing the entire Trail is equal to or less than \$900,000, the escrow funds shall be released to the Applicant to construct the full Trail. Any excess funds after construction of the Trail shall be property of the Applicant.
 - ii. If the cost of constructing the entire Trail is more than \$900,000, the Department of Parks shall determine responsibility and potential phasing for the Trail construction, and in its sole discretion choose to either:
 1. Release the escrow funds to the Applicant needed to construct the designated portions of the Trail equal to or less than \$900,000 in construction costs, and the Department of Parks shall construct the remaining portions or phases of the Trail in a timely manner subject to funding availability; or
 2. Transfer the escrow funds to Department of Parks CIP No. 768673 for the Department of Parks to construct the entire Trail in a timely manner, subject to funding availability.

BE IT FURTHER RESOLVED, that all other conditions of approval for Preliminary Plan Nos. 120110300 and 12011030A remain valid, unchanged, and in full force and effect

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

¹ 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.

Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, that unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as amended, and all findings not specifically addressed remain in effect, and with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

This Amendment does not materially change the existing approvals for uses and square footage. The Subject Property is currently limited to a total of 60,132 square feet of commercial office uses and 520,000 square feet of general office uses on 3 lots and 1 outlot in the TMX-2 Zone. This Amendment makes no changes to these limitations.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The development of this site continues to be bound to the density and uses approved with the original preliminary plan. The finding of Adequate Public Facilities, including fire and rescue access, roads, water and sewer, remain valid for the square footages approved.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lots are of the appropriate dimensions with respect to size, shape, width and orientation to accommodate the multiple uses expected to occur on the Subject Property. The Amendment remains in conformance with all applicable sections of the Subdivision Regulations.

4. *The Amendment satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The original approval by the Planning Board included provisions to satisfy the requirement of Chapter 22A as shown on the approved preliminary forest conservation plan. The Subject Property continues to be bound by the conditions of the approved forest conservation plan.

5. *The Amendment meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

This finding is based on the fact that the Montgomery County Department of Permitting Services approved a stormwater management concept for the entire site at the time of the original preliminary plan approval. This Amendment does not change the elements of that concept.

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

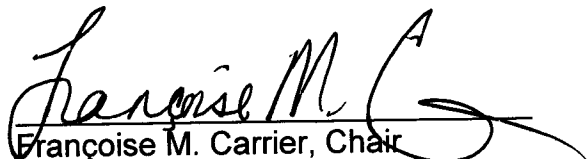
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 28 2014 (which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, 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, January 23, 2014, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board