



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

MCPB No. 14-26
Site Plan No. 82012002B
Pike and Rose, Phase I
Date of Hearing: May 1, 2014

MAY '8 2014

RESOLUTION

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

WHEREAS, on October 10, 2011, by MCPB Corrected Resolution No. 11-05, which was further corrected by the Planning Board at its July 19, 2012 meeting, the Planning Board approved Sketch Plan No. 320110010 ("Sketch Plan"), establishing several binding elements, including a maximum density of up to 3,442,888 square feet of total density including a maximum of 1,716,246 square feet of non-residential development, on 24.38 gross acres of land bounded by Montrose Parkway to the north, Towne Road (formerly Hoya Street) to the west, Rockville Pike (MD 355) to the east, and Old Georgetown Road to the south ("Property" or "Subject Property") split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 in the White Flint Sector Plan ("Master Plan" or "Sector Plan"); and

WHEREAS, on March 14, 2012, the Planning Board approved Mid-Pike Plaza (Pike & Rose) Site Plan No. 820120020 by MCPB Resolution No. 12-27, which was corrected by the Planning Board at its July 19, 2012 meeting, for up to 951,000 square feet of mixed-use development, including up to 314,800 square feet of non-residential development and up to 493 residential units; and

WHEREAS, on November 14, 2013, by MCPB Resolution No. 13-134, the Planning Board approved Site Plan No. 820130120 for up to 1,648,936 square feet of development, including up to 645,976 square feet of residential development and up to 1,122,960 square feet of non-residential development; and

WHEREAS, on December 19, 2013, by MCPB Resolution No. 13-175, the Planning Board, approved Site Plan No. 82012002A, for 1,000 square feet of additional retail space; and

Approved as to
Legal Sufficiency:  4/24/14

WHEREAS, on March 5, 2014, Federal Realty Investment Trust ("Applicant"), filed a site plan application to amend the approved site plan to: make minor adjustments to the hardscape and landscape layout; revise the approved plant list; revise unit mix; adjust some public and private street curb lines; revise interior building layout; make adjustment to utility layout; modify building footprints; modify lot lines to reflect changes in the approved Preliminary Plan Amendment No. 12012002A and pending record plats; and shift four MPDUs from Building 10 to Building 12; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 82012002B, Pike & Rose-Phase I (the "Application"); and

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board dated April 18, 2014, setting forth its analysis and recommendation of approval of, the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on May 1, 2014, the Planning Board held a public hearing on the Application; and

WHEREAS, on May 1, 2014, Staff presented the Application 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 hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and APPROVES Site Plan Amendment No. 82012002B by modifying the following conditions of the previously approved Site Plans:¹

1. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820120020 and Site Plan No. 82012002A, as listed in the Montgomery County Planning Board Resolutions No. 12-27 and No. 13-175, respectively, except as amended by this Application.

2. Certified Site Plan

Prior to the approval of the Certified Site Plan and subject to staff review and approval, the Applicant must:

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.

- a. Ensure that the data table is consistent with the DHCA's agreement-to-build regarding the provision of MPDU units and unit mix.

BE IT FURTHER RESOLVED, that unless amended, all other site plan conditions of approval for Site Plan Nos. 820120020 and 82012002A remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED, that all site development elements as shown on Pike and Rose, Phase I drawings submitted to M-NCPPC on March 5, 2014, 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 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 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 MAY 18 2014 (which is the date that this resolution is mailed to all parties of record); and

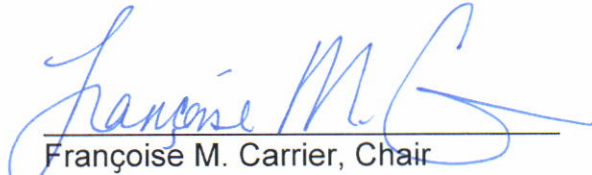
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, May 1, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board