



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SEP 16 2015

MCPB No. 15-112
Project Plan No. 91988008A
Draper Lane Residential Triangle
Date of Hearing: September 3, 2015

RESOLUTION

WHEREAS, under Section 59-7.7.1.B.3 of the Zoning Ordinance, the Planning Board reviewed this project plan application under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, under Section 59-D-2 of the Zoning Ordinance in effect on October 29, 2014, the Montgomery County Planning Board is authorized to review project plan applications; and

WHEREAS, by Opinion mailed May 1, 1989, the Planning Board approved Project Plan No. 919880080 for a mixed-use project with 454,845 square feet of retail, office, and residential uses, including 408 dwelling units, on 2.04 acres of CBD-2 zoned-land, located in the west quadrant of the intersection of East-West Highway and Colesville Road ("Subject Property"), in the Silver Spring CBD Sector Plan area; and

WHEREAS, on June 11, 2015, Earthman Design Group ("Applicant"), filed an application for approval of an amendment to the previously approved project plan to redesign the public plaza at the corner of East-West Highway and Colesville Road on the Subject Property; and

WHEREAS, Applicant's application to amend the project plan was designated Project Plan No. 91988008A, Draper Lane Residential Triangle ("Project 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 August 21, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 3, 2015, 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

Approved as to
Legal Sufficiency:  8/26/15

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

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board APPROVES Project Plan No. 91988008A to redesign the public plaza at the corner of East-West Highway and Colesville Road on the Subject Property, subject to the following condition, which supersedes Project Plan 919880080 Condition 5 in its entirety:¹

5. Public Space

The Applicant must construct the East-West/Colesville Corner Plaza as illustrated on the Certified Site Plan for Site Plan 81989040A.

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest electronic version as of the date of the Staff Report submitted via ePlans, shall be required, except as modified by the above condition of approval; and

BE IT FURTHER RESOLVED that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved Project Plan, and all findings not specifically addressed remain in effect.*
2. *The Application is consistent with the applicable sector plan.*

Section 59-D-2.42(b) requires the Application to "be consistent with the applicable sector plan." Since the Planning Board made this finding in 1989 for the original Project Plan, M-NCPPC approved and adopted a new Sector Plan for this area, the 2000 *Silver Spring CBD Sector Plan*. The new Sector Plan identifies the Subject Property as an "Existing Housing Site," but makes no specific recommendations for the Subject Property. The improved site design does, however, echo the themes of the Sector Plan; it is transit-oriented, commercial, residential, civic, green, and pedestrian-friendly. The plaza is located across the street from the Silver Spring Metro Station. Within one block of the Subject Property there is a great variety of commercial and residential

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.

uses, from coffee shops to supermarkets, small businesses to Federal agencies, and townhouses to low-, mid-, and high-rise apartment buildings. The enhanced design will provide a stage for musical performances, expanding opportunities for civic engagement. The Application will renew the landscaping, remove barriers to pedestrians, and improve visual access to the site, making the park more green and pedestrian-friendly. The Amendment is consistent with the recommendations of the *Silver Spring CBD Sector Plan*.

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 Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is **SEP 16 2015** (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 Commissioner Fani-González, with Chair Anderson and Commissioners Presley and Fani-González voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, September 3, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board