



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

**JAN 28 2016**

MCPB No. 16-006  
Site Plan No. 81999002L  
Downtown Silver Spring  
Date of Hearing: January 21, 2016

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

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

WHEREAS, on March 2, 1999, the Planning Board approved Site Plan No. 819990020 for 1,175,935 gross square feet of retail, office, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities on 22.5 acres of CBD zoned-land, located at the corner of Colesville Road and Georgia Avenue ("Subject Property"), in the Silver Spring Central Business District Sector Plan ("Sector Plan") area; and

WHEREAS, on September 1, 1999, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81999002A, for 1,240,198 gross square feet of mixed retail, entertainment, office, civic uses, a 242 room hotel, and 160 multi-family dwelling units, as well as 379,731 gross square feet of public use space, off-site amenities and facilities on the Subject Property; and

WHEREAS, on June 20, 2001, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81999002B, to modify the design for the Silver Plaza public amenity space on the Subject Property; and

WHEREAS, on October 8, 2007, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81999002F (MCPB No. 06-75), for 222 multi-family dwelling units, including 31 MPDUs, on Block E of the Downtown Silver Spring development on the CBD-0.5 zoned land on the Subject Property; and

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Approved as to

Legal Sufficiency:

*Nicholas...* 1/14/16  
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M-NCPPC Legal Department  
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WHEREAS, on November 15, 2007, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81999002G (MCPB No. 07-134), for a 41,986 square foot civic building and 136,930 gross square feet of on-site public use space, including an outdoor seating area, pavilion and ice skating rink on the Subject Property;<sup>1</sup> and

WHEREAS, on September 30, 2015, Peterson Retail Management LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plans to modify the existing stairs including an updated public art component by David Carlson; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 81999002L, Downtown Silver Spring (“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 Planning Board, dated January 11, 2016, setting forth its analysis and recommendation for approval of the Application, with all conditions of the original site plan as amended by subsequent approved site plan amendments remaining valid and binding (“Staff Report”); and

WHEREAS, on January 21, 2016, the Planning Board held a public hearing on the Application at which it 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 Site Plan No. 81999002L to modify the existing exterior stairs including the public art component; and

BE IT FURTHER RESOLVED that all conditions of approval of the original site plan and subsequent site plan amendments remain valid, unchanged, and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Downtown Silver Spring, Site Plan No. 81999002L,

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<sup>1</sup> In addition to the site plan amendments described above, the Planning Director administratively approved Site Plan Amendments 81999002C, D, E, H, I, and J for minor changes to the site plan. Site Plan Amendment 81999002K is currently pending.

submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, 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, and 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 JAN 28 2016 (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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, January 21, 2016, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board