



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DEC 18 2015

MCPB No. 15-142
Sketch Plan Amendment No. 32015001A
Project Name: Ripley East
Date of Hearing: December 3, 2015

RESOLUTION

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

WHEREAS, on April 9, 2015, by Resolution MCPB No. 15-31, the Planning Board approved Sketch Plan No. 320150010, to allow a maximum total density of 367,147 square feet including up to 349,847 square feet of residential development and up to 17,300 square feet of non-residential development on 1.40 acres of CR5.0 C4.0 R4.75 H200T zoned-land, located at the southwest corner of Georgia Avenue and Bonifant Street ("Subject Property") in the Ripley/South Silver Spring Overlay Zone, Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on July 30, 2015, Diamondback Investors, LLC ("Applicant"), filed an application for approval to amend the previously approved sketch plan under the procedures and standard of the current Zoning Ordinance to update the data table to reflect an increase to the maximum area of residential uses from 349,847 square feet to 352,406 square feet (including the 22% MPDU density bonus), increasing the overall maximum density from 367,147 square feet to 367,606 square feet; amend the public benefit schedule to provide a vegetated roof in place of the vegetated area in the Protection and Enhancement of the Natural Environment category under Section 59-4.7.3.F.9 of the current Zoning Ordinance; and amend the public benefit schedule to eliminate wayfinding and the recycling facility plan; and

WHEREAS, the Applicant's sketch plan amendment application was designated Sketch Plan Amendment No. 32015001A Ripley East ("Sketch Plan" 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 November 20, 2015, setting forth its analysis and recommendation

Approved as to
Legal Sufficiency:  11/23/15

for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on December 3, 2015, 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 binding elements and conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32015001A, Ripley East, for construction of a maximum total density of 367,606 square feet on the Subject Property, including up to 352,406 square feet of residential uses (including the 22% MPDU density bonus) and up to 17,300 square feet of commercial uses, subject to the following binding elements and conditions, which supersede the binding elements and conditions 1 and 3 approved with Sketch Plan No. 320150010:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum total density of 367,606 square feet. The maximum number and distribution of residential dwelling units and amount of non-residential uses will be determined at Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I at the time of Site Plan. The requirements of Division 59-4.7.1 and the 2012 CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

¹ For the purpose of these binding elements and conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.