

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

OCT 13 2006

MCPB Resolution No. 06-23
Site Plan Amendment No. 82004017A
Rock Spring Center, Tower II
Hearing Date: June 15, 2006

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

WHEREAS, on February 26, 2004 the Planning Board approved Site Plan 8-04017 for Rock Spring Tower II for a 19-story, 352 unit, high-rise residential building ("Prior Site Plan"); and

WHEREAS, pursuant to Montgomery County Code § 59-D-3.7, amendments may be made to previously approved site plans; and

WHEREAS, an application for a site plan amendment was submitted by Penrose Development Company, LLC ("Applicant") in order to, among other changes, reduce the number of units to 217, increase the number of stories to 20, and shift the location of the moderately priced dwelling units ("MPDU"s) required under the Prior Site Plan to other phases of the development ("Site Plan Amendment"); and

WHEREAS, following review and analysis of the Site Plan Amendment application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on June 15, 2006, Staff presented this application to the Planning Board at a public hearing for its review and action ("Hearing"); and

WHEREAS, prior to the Hearing, on June 2, 2006, Staff issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of the application subject to certain conditions ("Staff Report" or "Report"); and

WHEREAS, the 1.96-acre subject property of the Site Plan Amendment is part of a larger 53.4-acre tract known as Rock Spring Center, which is bounded by the I-270

east spur to the north, Rockledge Drive to the west, Rock Spring Drive to the south, and Old Georgetown Road to the east ("Subject Property"); and

WHEREAS, the Subject Property is bounded by the Apartment Tower I of the Rock Spring Center site to the East and undeveloped portions of the Center to the South and West; and

WHEREAS, Preliminary Plan No. 1-98092 for the Rock Spring Center project was approved by the Planning Board on September 29, 1998, for a maximum of 1,250 housing units and commercial space; and

WHEREAS, Applicant's application for this Site Plan Amendment was designated Case No. 82004017A(formerly 8-04017A), Rock Spring Center, Tower II; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on this Site Plan application and approved the application on the motion of Commissioner Wellington, seconded by Commissioner Berlage, with Commissioners Berlage, Perdue, Wellington and Robinson voting in favor of the motion and Commissioner Bryant absent, at its regular meeting held on June 15, 2006, in Silver Spring, Maryland.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan Amendment No. 82004017A to the Prior Site Plan No. 8-04017A, for 217 multi-family dwelling units on 1.96 acres. This Site Plan approval is subject to the following conditions:

1. Prior Approval

The terms and conditions of all applicable prior regulatory approvals and agreements remain in full force and effect, except as affected by this site plan amendment.

2. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide required MPDUs in accordance with the Amended Alternative Agreement with the Montgomery County Department of Housing and Community dated January 11, 2005.

3. Transportation

Prior to approval of the certified site plan, the Applicant shall enter into a traffic mitigation agreement (TMAg) with the Planning Board and Montgomery County Department of Public Works and Transportation (DPWT) to participate in the North Bethesda Transportation Management Organization (TMO) to assist with the North Bethesda Transportation Management District (TMD) in achieving and maintaining the 39% non-driver mode share goal for workers and 30% for residents.

4. Site Plan Enforcement Agreement

The Applicant shall submit a revised Site Plan Enforcement Agreement for review and approval prior to approval of the certified site plan. The Development Program shall be revised to include a phasing schedule as follows:

- a. Street tree planting shall progress as street improvement is completed, but no later than six months after completion of the proposed building.
- b. Community-wide pedestrian pathways and recreation facilities shall be completed prior to seventy percent occupancy of the development.
- c. Landscaping and outdoor lighting shall be completed as construction of the facility is completed.
- d. The required bus shelters and proposed sidewalk to Old Georgetown Road shall be installed prior to occupancy of the first unit of the subject apartment tower unless amended by the site plan approval for the remaining portion of Rock Spring Center.
- e. Clearing and grading to correspond to the construction phasing, to minimize soil erosion and forest loss.
- f. Coordination of each section of the development and roads.
- g. Phasing of stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features.

5. Certified Site Plan

Prior to approval of certified site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Revised development standards and program summary.
- b. Revised recreation facility calculation.
- c. Forest Conservation easement areas.
- d. Note stating that the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. The development program, inspection schedule and Site Plan Opinions.

- f. Show bus stop locations and provide bus shelters on Rock Ledge Drive and Rock Spring Drive as required by the Montgomery County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED THAT, the Planning Board's decision is based on the following findings proposed by Staff, in its Report, which is supported by the uncontested evidence of record:

- 1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

As amended by the conditions of approval, the proposed development is consistent with the approved Development Plan (DPA 99-1) in land use, density, location, building height and development guidelines.

- 2. *The Site Plan meets all of the requirements of the zone in which it is located.*

As amended by the conditions of approval, the Site Plan meets all of the requirements of the MXPB zone and is restricted as demonstrated in the table below:

Development Standard	Approved by the Planning Board and Binding on Applicant
Min. Tract Area (ac.):	1.96
Max. Residential Density (d.u./ac.)	111
Number of Dwelling Unit	
1-bedroom	15
2-bedroom	186
3-bedroom	<u>16</u>
Total	217
Gross Floor Area (sq. ft.)	462,612
MPDUs on-site (d.u.)	0*
Building Setbacks (ft.)	
from detached homes	550
from Rock Forest Drive	30
from Rock Ledge Drive	547
Green Area (%)	59
Building Height (story):	20 (232 feet)**
Parking Spaces	
15 1-bedroom @ 1.25 sp	
186 2-bedroom @ 1.5 sp	
16 3-bedroom @ 2.0 sp	
Total	490

* per the amended Alternative Agreement dated January 11, 2005.

** measured from the elevation of the approved street grade (Rock Forest Drive) opposite the middle of the front of the building.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. *Buildings*

The amended site plan proposes a 20-story, 232-foot residential building, a swimming pool, and a 3-level underground parking garage. The high-rise portion of the building will be set back at least 50 feet from the street and at least 550 feet from any detached homes. The underground garage will provide adequate and convenient parking for future residents and their visitors. The revised building design is adequate, safe, efficient, compatible with surrounding development and still meets the urban design vision established by the Master Plan for this area.

b. *Open Spaces*

The open space is adequate, safe and efficient. The Plan proposes 1.16 acres of green space throughout the site, including paved courtyard, landscaped green space, lawn areas, pool, and forest conservation areas.

The stormwater management concept for the proposed development consists of (1) on-site channel protection measures via the use of the dry pond located in the southwest quadrant of the interchange of I-270 and Rockledge Drive, and (2) on-site water quality control via underground storm filter near Rock Forest Drive. A recharge weir is proposed along the back edge of the permanent construction.

The Plan proposes to save 0.33 acres of forest and remove approximately 15 specimen trees. Reforestation will be required for the overall Rock Spring Center, which includes this site, with first preference given to on-site reforestation.

c. *Landscaping and Lighting*

The landscaping and lighting is adequate, safe and efficient. The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along the street frontage, internal driveways, and around the proposed drop-off court and green space areas. A portion of the existing vegetation, about 0.33 acres, will be saved along the south boundary of the site. Additional plant materials are needed along the

southern edge of the structure to provide adequate screening along the retaining walls.

The plan proposes various lights along the street and throughout the site, including streetlights on 13-foot-high poles, internal sidewalk lights on 11-foot-high poles, wall-mounted lights, and uplighting for landscaping. Additional lighting shall be provided along the proposed sidewalk on the east side of the high-rise building.

d. Recreation

The recreation facilities are adequate, safe, and efficient. Recreation demand is satisfied as shown in the recreation calculations. The proposed recreation facilities, including landscaped green space, lawn areas, pathways, outdoor sitting and picnic areas, swimming pools, exercise room, media room, library, party room and meeting room, will provide future residents with a variety of passive and active recreation opportunities.

e. Vehicular and Pedestrian Circulation

The vehicular and pedestrian circulation is safe, adequate and efficient. Access to the development will be via a divided monumental entrance driveway consisting of two ingress and two egress lanes off Rock Forest Drive. The ramp leading to the underground parking garage will be located approximately 60 feet from the street off of the entrance driveway. The driveway slopes up approximately 6 feet toward the clubhouse and turns westwards into a drop-off court. A separate driveway to the loading area is proposed at the northeastern corner of the site.

The Plan proposes a sidewalk along the Rock Forest Drive frontage and an internal pathway system connecting building entrances with outdoor facilities and the public sidewalk. The Plan also shows a 5-foot-wide sidewalk along the west boundary of the site between Rock Forest Drive and the building's lobby exit doors on the its west side. A minimum 5-foot clearance (ADA requirements) should be maintained throughout the project's internal pedestrian pathway system to ensure safe and convenient pedestrian circulation.

4. Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.

The proposed high-rise residential building and associated underground parking structure are part of Rock Spring Center, which is planned as a 53.4-acre, mixed-use

development containing residential, retail, office, entertainment, institutional, and community center uses. The subject development, the high-rise component of the Center, will be bounded by the existing garden apartment complex to the North, stream buffers to the West and South, and a commercial use to the East. It is an integral part of the overall mixed-use development and will be compatible with existing and proposed adjacent development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The final forest conservation plan proposes to remove nearly all the forest on the site, including approximately 11 significant trees (larger than 24" cal. trees), and saving approximately 0.2 acre of forest at the southern corner. As it now stands, clearing over the entire Rock Spring property of 53.4 acres totals 20.8 acres of the pre-development 26.6 acres of forest, resulting in a current reforestation requirement of 12.9 acres. First preference will be given to onsite reforestation as area allows.

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 the date of this resolution is OCT 12 2006 (which is the date that this resolution is mailed to all parties of record); and OCT 13 2006

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).

* * * * *

APPROVED AS TO LEGAL SUFFICIENCY

MML

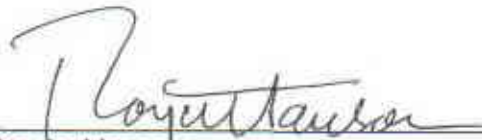
M-NCPPC LEGAL DEPARTMENT

DATE

9/14/06

At its regular meeting, held on **Thursday, September 14, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Wellington, seconded by Commissioner Perdue, and with Commissioners Perdue, Robinson, and Wellington voting in favor, and with Chairman Hanson and Commissioner Bryant abstaining. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan Amendment No. 82004017A, Rock Spring Center, Tower II.**

Adopted by the Montgomery County Planning Board this 14th day of September 2006.



Royce Hanson
Chairman, Montgomery County Planning Board



Trudye M. Johnson
Executive Director