

WHITE OAK TOWN CENTER
REVISION TO PRELIMINARY PLAN APPLICATION NO. 120150100
REVISION TO SITE PLAN APPLICATION NO. 820180240
REVISED JOINT STATEMENT OF JUSTIFICATION

I. INTRODUCTION

BDC Spectrum II, LLC (“Applicant”) requests approval of a Revision to the Preliminary Plan of Subdivision, Application No. 120150100 (“Preliminary Plan”) and a Revision to the Site Plan Application, Application No. 820180240 (“Site Plan”) for property located on the east side of Columbia Pike, north of Industrial Parkway and south of Tech Road, with a street address of 12345 Columbia Pike (US 29) in Silver Spring, Maryland (the “Property”). The Applications were originally filed in accordance with and under the provisions of the prior Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code (2004, as amended). The purpose of this request to revise the Preliminary Plan and the Site Plan in order to develop the Property under the provisions of the current Zoning Ordinance, Chapter 59 of the Montgomery County Code (2014, as amended) (the “Zoning Ordinance”).

II. THE PROPERTY

The Property will be the site for the proposed mixed-use project (defined below) that will be constructed in one phase. The Property currently consists of one lot and one outlot (Lot 2 and Outlot “B”, Montgomery Industrial Park, Plat No. 5846). Lot 2 contains 6.30 acres and Outlot “B” contains 0.68 acres, for a total of 6.98 acres.

The Property is currently zoned Commercial Residential in the form: CR-1.0, C-0.75, R-0.75, H-75. It is the site of the former American Postal Workers Union (“APWU”) office building.

As set forth below, the proposed Project will conform to : the standards of the CR-1.0, C-0.75, R-0.75, H-75 Zone (Standard Method of Development); the recommendations for the Property contained in the White Oak Science Gateway Master Plan (2014) (the “WOSG Plan”); and the White Oak Science Gateway Master Plan Design Guidelines (2014) (“Design Guidelines”). The uses proposed for the Property will comply with the CR Zone. The Project Data Table is included in the Appendix to this Statement.

A revision to the Site Plan Application is also required under Section 59.4.5.3.B.2 because the Applicant is requesting modification to the Build to Area, Building Orientation, and Transparency requirements under Section 59.4.5.3.C.

III. PROPOSED DEVELOPMENT

The Property is the site of the existing APWU building, containing approximately 87,900 square feet. The building has been vacant for well over a decade. The proposed development will include the demolition of the existing building on the Property and the redevelopment of the Property with a mixed-use (ground level retail and retail/office) project containing up to 105,000 square feet of retail/office. The Applicant contemplates a grocery store as the major component of the retail use. A surface parking lot, containing a total of 384 parking spaces, will service the retail/office areas (proposed grocery store and any other potential retail/office areas). A copy of the parking tabulation is included in the Appendix to this Statement. The Project will be developed in one phase.

The Project will transform the western portion of the block bordered by U.S. Route 29, Industrial Parkway, and Tech Road from a “ghost” block - - with only an old, large, vacant building - - into a vibrant commercial center.

IV. FINDINGS REQUIRED FOR THE PRELIMINARY PLAN (REVISED)

The purpose of this portion of the Statement is to provide justification that the Preliminary Plan satisfies the applicable provisions of Section 50, et seq., of the Montgomery County Code (the “Subdivision Regulations”).

A. The Preliminary Plan conforms to the recommendations for the Property contained in the WOSC Plan and the Design Guidelines

The Property is currently zoned CR-1.0, C-0.75, R-0.75, H-75, and conforms to the uses of that zone.

The WOSG Plan recognizes the unique attributes of the Property as being “a highly visible location along US 29” and a “gateway to this node” (i.e., the Life Sciences/FDA Village Center area identified in the WOSG Plan). The WOSG Plan provides:

Several large parcels in Montgomery Industrial Park have been acquired by a local development company, including nearly 20 acres in the block bounded by Old Columbia Pike, Industrial Parkway, and Tech Road and a 25-acre parcel at the end of Tech Road. The 20-acre site is a highly visible location along US 29, as well as a gateway to this node between two primary roads. Redevelopment of this entire block, including the former APWU building, would be a significant improvement and would complement the Westech Village Corner project, across Tech Road from this site (WOSG Plan, p.44).

The Property is the most visible portion of this “gateway”, as it is located along the US 29 frontage road (Old Columbia Pike) at the entrance to Montgomery Industrial Park. It is proposed in these Applications to be one of the first properties positioned to be redeveloped in the near future. Due

to the prominent location of the Property, it may very well serve as a catalyst for the redevelopment of other properties in this area of the WOSG Plan.

The WOSG Plan recommends the Property for the Commercial/Residential Zone in the form: CR-1.0, C-0.75, R-0.75, H-75 and recommends redevelopment of the Property as all residential use, all commercial use, or mixed-use. (WOSG Plan, pp. 29 and 44). Retail and office are the uses proposed to be developed on the Property, as set forth in the Application.

In addition to complying with the recommendations of the WOSG Plan, the proposed Project also complies with the WOSG Design Guidelines (“Guidelines”) that apply to the Property.

The Guidelines, at p. 21, address “Blocks 1, 2 Tech Road and Industrial Parkway at US 29”. Block 1 includes the Property. The Guidelines address Blocks 1 and 2 as follows:

- Redevelopment of key properties should create a gateway to the area at US 29 that integrates a possible BRT station.
- Development should improve pedestrian access along Tech Road and Industrial Parkway.
- Development at Block 1 should create a visual terminus for westbound Broadbirch Drive.
- Create an accessible open space with Block 1.

The Property and the Project include only a portion of the western part of “Block 1” as depicted in the Guidelines. The Property does not include the northwestern portion of “Block 1” that currently contains an office building or the portion of “Block 1” that is east of the north/south road. Later portions of Block 1 will be completed as the area is built out. The later portions of Lot 1 present opportunities for future residential development.

The Property is well-situated along the Route 29 intersections at Industrial Parkway and at Tech Road. The area is beginning to undergo a transformation and the Project planned for the Property may act as a catalyst to jump start revitalization in the area. The Project is planned to have a gateway feature, including a customer plaza, landscaping, and seating along the southwest corner of the Property to “announce” White Oak Town Center. In addition, a pedestrian path along the frontage of the property will be provided.

The remaining Guidelines, set forth above, relating to open space and a visual terminus at Broadbirch Drive, will be addressed on the remaining portion of “Block 1” when that property is ripe for redevelopment sometime in the future.

B. Public Facilities

As set forth below public facilities will be adequate to serve the Property.

Roads

The Applicant has coordinated with MCDOT and M-NCPPC to determine a conceptual future layout of the Industrial Parkway / Prosperity Drive / Columbia Pike intersection. This conceptual layout included a queuing analysis for the lane and taper configurations dictated by LATIP Studies and incorporation of the bicycle and pedestrian facilities requested by M-NCPPC. In order to accommodate these requirements, additional right- of-way width will be provided by the applicant, increasing the ROW dedication from a Master Plan recommended 50’ (overall width of 100’) to dedication to provide up to 60’ of ROW width from the centerline of Industrial Parkway. The applicant will be paying the LATIP fee to allow for MCDOT to dedicate the funds to the area wide projects most in need in lieu of installing the intersection.

Traffic

As discussed in the Traffic Statement, dated March 21, 2021, submitted with the Application, the WOSG Plan, and the Subdivision Staging Policy (now Growth and Infrastructure Policy) established a replacement to the LATR process in the White Oak Policy Area.

As a result, payment of the White Oak Local Area Transportation Improvement Program (“LATIP”) fee satisfies the LATR requirements of the Preliminary Plan (“LATIP fee”). Construction of improvements to the road system will be performed by others.

Schools

There will be no students generated by the Property because no residential uses are requested as part of the Project.

Site Access

Access into the Project is proposed to be: (i) full movement driveway along Industrial Parkway and along Tech Road; and (ii) two full movement driveways (one primarily service) along Prosperity Drive (formerly Old Columbia Pike). There will be separate loading docks. Sidewalks are proposed along the frontage road and elsewhere in the Project as shown in the plans submitted with the Application.

Other Public Facilities

Water and sewer and other utilities will all be adequate to serve the proposed Project. A 10-inch water main and an 8-inch sewer main are located in Industrial Parkway. A police station and fire station are nearby and currently serve the Property.

C. The Application Complies with the Subdivision Regulations

The size, width, shape, and orientation of the lot are appropriate given the location of the lot and the proposed uses for the lot. The proposed lot complies with the requirements of the Subdivision Regulations, as shown on the Data Table in the Appendix to this Statement.

Environmental

A. Forest Conservation

The NRI/FSD was approved on October 10, 2014. A preliminary Forest Conservation Plan is submitted with this Application.

B. Stormwater Management.

The Stormwater Management Concept Plan was originally submitted on October 14, 2014 and a revised plan that has been revised for the current development program will be submitted for review. The Applicant will provide on-site stormwater management via at-grade micro-bioretenion facilities that will provide stormwater management treatment to the surface parking lot and the proposed buildings. The project does not propose SWM facilities to be installed on the proposed structures due to the building construction type proposed and the nature of the site.

C. Sediment Control

The Preliminary Plan will provide for erosion and sediment control in accordance with all applicable rules and regulations governing sediment control.

V. TRAFFIC MITIGATION

The Applicant will enter into a Traffic Mitigation Agreement, if one is required.

VI. STAGING – RELATION TO CAPITAL IMPROVEMENT PROGRAM

The Project will be developed in one phase. The Project is not dependent on any elements of the Capital Improvement Program.

VII. COMPLIANCE WITH SECTION 59.7.3.4 OF THE MONTGOMERY COUNTY CODE

Site plans are required for standard method projects in the CR Zone under Section 59.4.5.3 if an applicant requests modification to any development standards. The Applicant requests modifications to the Build-To Area, Building Orientation, and Transparency Requirements.

Build-to area requirements may be modified by the Planning Board in a site plan under Section 7.3.4 of the Zoning Ordinance. In approving a site plan under this section, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks. The proposed building layout enhances the view from the intersection of Columbia Pike and Industrial Parkway using a plaza as a gateway feature and establishing a building line along Industrial Parkway.

Similarly, building orientation and transparency requirements may also be modified by the Planning Board in a site plan under Section 7.3.4 of the Zoning Ordinance. In approving a site plan under this section, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks. Both buildings have been oriented to face Industrial Parkway. The west elevation of Building A facing Prosperity Drive uses a combination of

graphics, mural opportunities, and storefront to enliven the surrounding publicly accessible spaces.

Section 59.7.3.4.E.2 of the Montgomery County Code establishes the findings required for approval of a site plan application. As set forth below, the Site Plan satisfies each requirement of Section 59.7.3.4.E.2:

2. *To approve a site plan, the Planning Board must find that the proposed development:*

a. *satisfies any previous approval that applies to the site;*

There are no prior approvals that apply to the Property.

b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

There are no binding elements of any development plan or schematic development plan that apply to the Property.

c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

The zoning on the Property was not the result of a Local Map Amendment.

d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

i. *Development Standards*

The Property includes a gross tract area of approximately 303,993 square

feet of property zoned CR-1.0. C-0.75, R-.75, H- 75. The Application satisfies the applicable development standards as shown in the Data Table in the Appendix to this Statement.

ii. Goals and Intent of the CR Zone

The CR Zone is intended for larger downtown mixed use and pedestrian oriented areas in close proximity to transit options such as Metro, light rail and bus. Retail tenant gross floor area is not restricted.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management;

As discussed in the Preliminary Plan section of this Revised Joint Statement of Justification (“Statement”), the proposed Project satisfies these requirements.

ii. Chapter 22A, Forest Conservation. As discussed in the Preliminary Plan section of this Statement and accompanying materials, the Project satisfies these requirements.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The parking area, circulation patterns, building massing, open space and site amenities are designed to be safe for vehicles and pedestrians. Loading and service areas have been located to the rear of Building A. A landscaped area bisects the proposed parking lot to allow for pedestrians to cross safely between buildings.

g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The proposed Project substantially conforms to the recommendations for the Property contained in the WSSC Plan and the Design Guidelines. See discussion in the Preliminary Plan section of this Statement.

h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

The Property will be served by adequate public services and facilities as set forth in this Statement.

The development will not generate any students and, therefore, no school test will apply.

The County Council has adopted the new 2020-2024 revision to the Subdivision Staging Policy (now “Growth and Infrastructure Policy”). The Applications are consistent with that Policy.

The Property will be served by public water and sewer systems. The

Applicant will submit to WSSC a site Hydraulic Planning Analysis for review and approval of adequate water and sewer service and will subsequently submit permit plans for site water and sewer connections to the WSSC DSD review staff for permitting of construction.

A police station and fire station are nearby and currently serve the Property.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not zoned Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Property and the surrounding area were all rezoned pursuant to Sectional Map Amendment in 2014. The proposed development is consistent with that recent rezoning.

VIII. CONCLUSION

As demonstrated by the contents of the Application, the Preliminary Plan complies with the applicable provisions of the WOSG Plan and the Subdivision Regulations. The Project will make a significant contribution to the redevelopment of the area. For all of these reasons, the Revised Preliminary Plan Application and the Revised Site Plan Application should be approved.

APPENDIX

**PROJECT DATA TABLE: CR-1.0; C-0.75, R-0.75, H-75
FORMERLY 11, RE-2 (CHERRY HILL EMPLOYMENT OVERLAY ZONE)**

	PERMITTED/REQUIRED PER THE ZONING ORDINANCE	PROPOSED FOR PRELIMINARY PLAN AND SITE PLAN
A. LOT AREA	N/A	TOTAL = 303,993 SF LOT 2 = 274,271 SF OUTLOT B = 29,722 SF
B. ABANDONMENT	N/A	0 SF
C. DEDICATIONS	N/A	9,232 SF
D. NET LOT AREA	N/A	294,761 SF
F. MAXIMUM BUILDING HEIGHT	75' (MAX)	UP TO 35'
G. FLOOR AREA RATIO (FAR) (BUILDING COVERAGE TO GROSS TRACT AREA)	FAR 1.0	UP TO FAR 0.345 (105,000 SF GFA) COMMERCIAL FAR 0.345 (105,000 SF GFA)
H. OPEN SPACE	MIN 10%	10% (29,875 SF)
I. MIN. BUILDING SETBACKS		
	NORTH SIDE	0'
	EAST SIDE	25'
	SOUTH SIDE	5'
	WEST SIDE	0'
J. BUILD-TO-AREA		
	FRONT SETBACK	20' (INDUSTRIAL PARKWAY)
	BUILDING IN FRONT STREET BTA	70%
	SIDE STREET SETBACK	20' (PROSPERITY DRIVE)
	BUILDING IN SIDESTREET BTA	35%

REQUIRED PARKING TABULATION

USE CATEGORY	PERMITTED/REQUIRED PER THE ZONING ORDINANCE (COMMERCIAL/RESIDENTIAL ZONES WITHIN A REDUCED PARKING AREA)	REQUIRED FOR SITE / PRELIMINARY PLAN		PROVIDED SPACES
		MIN	MAX	
VEHICLE PARKING	RETAIL/SERVICE ESTABLISHMENT	MINIMUM: 3.5 SPACES /1000 SF GLA : 105,000SF/1000SF X 3.5 SP = 368 SPACES MAXIMUM: 6.0 SPACES /1000 SF GLA : 105,000SF/1000SF X 6.0 SP = 630 SPACES		384
	ADA PARKING	8 SPACES FOR 301 TO 400 TOTAL SPACES PROVIDED		9
	VAN ACCESSIBLE PARKING	1 SPACE / 8 ADA SPACES		2
	CAR-SHARE	MINIMUM: 1 SPACE WHERE TOTAL PARKING PROVIDED IS 50-149 SPACES 1 ADDITIONAL SPACE FOR EACH 100 SPACES MORE THAN 149 SPACES MAXIMUM: 5 SPACES		4
ELECTRIC PARKING SPACES	MOTORCYCLE	1 SPACE / 100 SPACES		4
		MINIMUM: 2% OF TOTAL SPACES MAXIMUM: 10		8
<i>PERPENDICULAR AND PARALLEL SPACES ALONG SPINE ROAD</i>				
TOTAL PROPOSED PARKING				
LOADING SPACES	RETAIL SALES AND SERVICES	2 SPACE FOR 50,001 SF TO 200,000 SF		3
BICYCLE PARKING	RETAIL/SERVICE ESTABLISHMENT	MINIMUM: 1SP / 10,000 SF GFA, 15% LONG-TERM MAXIMUM: 50 SP		12
		11	50	
				384