



Staff Report: Site Plan Amendment 81990027B, Rock Spring Park Lincoln Building

CONSENT ITEM #: _____

MCPB HEARING

DATE: March 17, 2011

REPORT DATE: March 4, 2011

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Robert Kronenberg, Supervisor

FROM: Joshua Sloan, Coordinator
Area 2 Division
301.495.4597
Joshua.Sloan@mncppc.org

APPLICATION

DESCRIPTION: Consolidation of previously approved office building and parking structure into one building with associated changes to parking and loading layout, landscaping, and lighting; no change to approved density or height. Located on approximately 12.52 gross acres in the I-3 zone on the northeastern quadrant of the intersection of Democracy Boulevard and Fernwood Road; within the 1992 North Bethesda Garrett Park Sector Plan area.

APPLICANT: Elizabethean Court Associates I, LP

FILING DATE: December 10, 2010

RECOMMENDATION: Approval of the site plan amendment and adoption of the draft resolution.

EXECUTIVE

SUMMARY: Modification of the design of an approved office building with above and below grade structured parking over an existing surface parking area; loading to the north, garage entrances to the north and south. Parking green area overall will be increased; green area and off-street parking standards remain in conformance with zoning requirements and landscaping screening will be increased along the northern property line.

Approval signatures

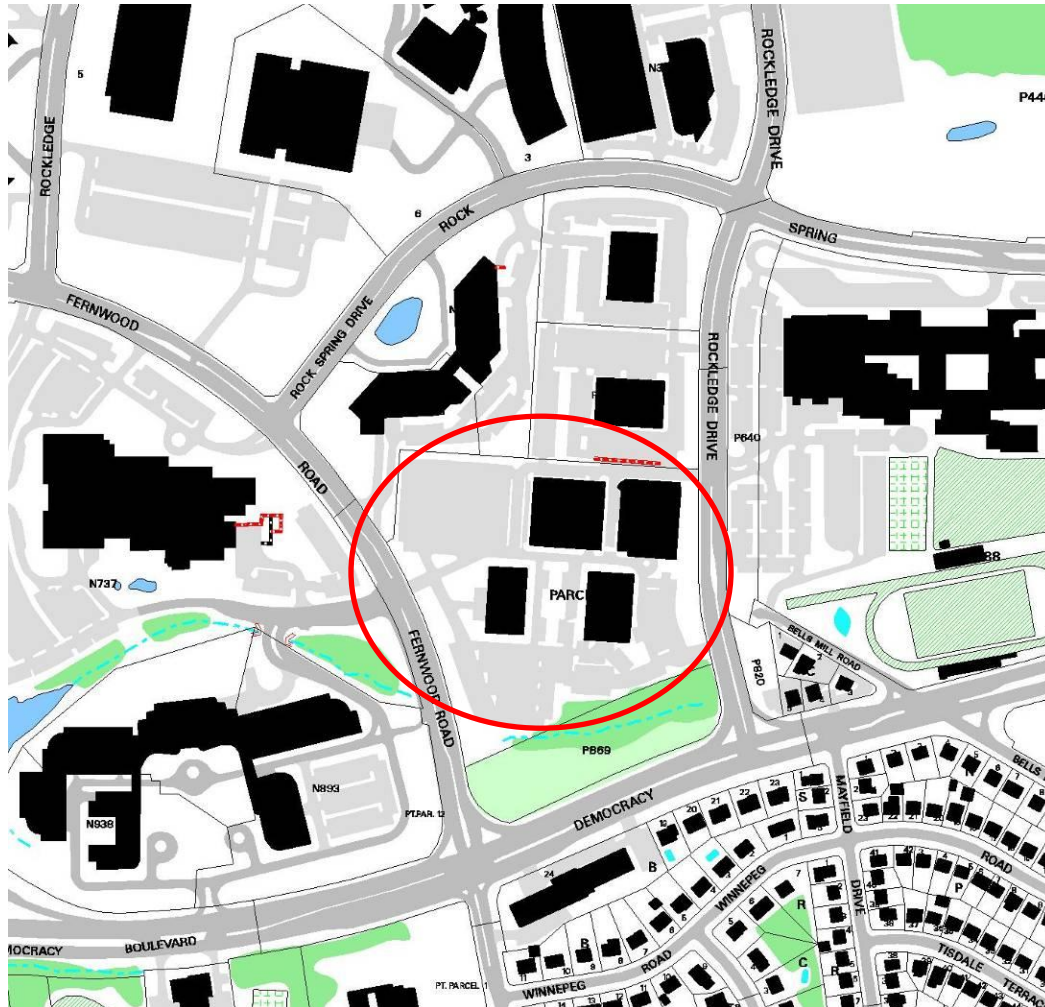
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SITE DESCRIPTION

Vicinity & Analysis

The subject site is located on the northeast quadrant of the intersection of Democracy Boulevard and Fernwood Road and is adjacent to various office, commercial, and institutional uses.

The subject site is currently improved per Site Plan 819900027A, except for the subject building in the northwest corner of the site. There are no known rare, threatened, or endangered species on site. There are no known historic properties or features on site.



Vicinity Map

AMENDMENT DESCRIPTION

Previous Approvals

Preliminary Plan

This plan is subject to the conditions of Preliminary Plan 119980910, which was approved for 215,725 gross square feet of new general and medical office uses in addition to the existing

247,926 gross square feet on August 5, 1999.

Site Plan

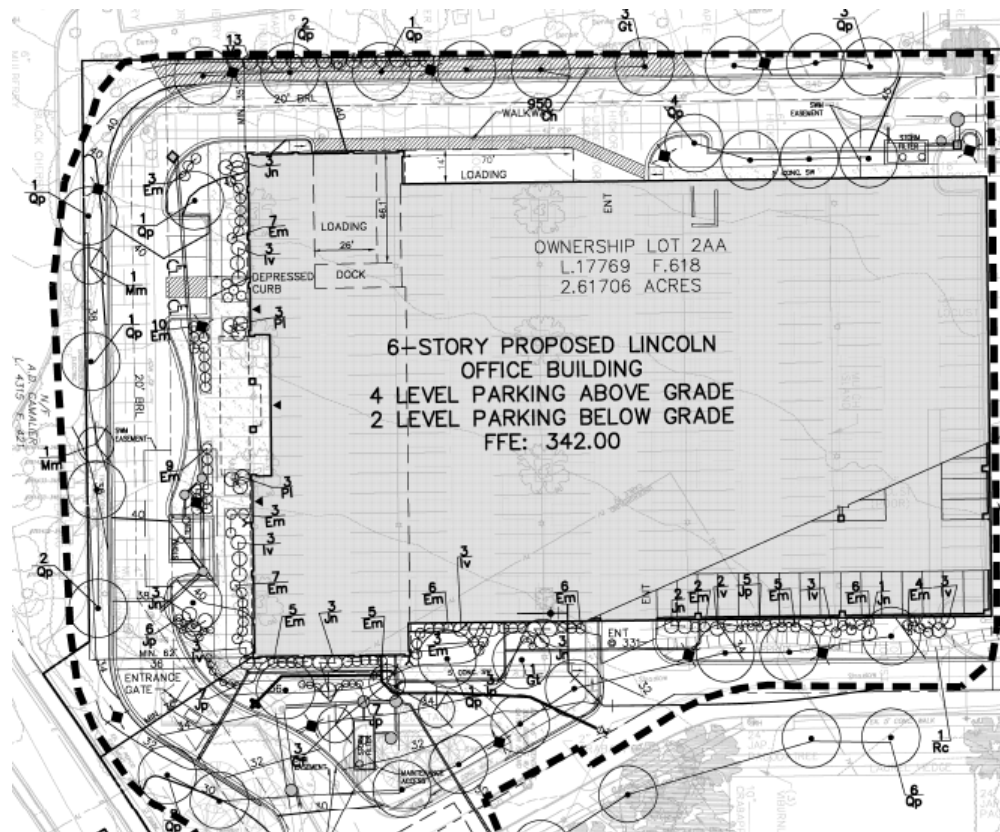
Site Plan 819900270 was approved for 215,725 gross square feet of office uses on a 12.5 acre part of the subject site on June 23, 1994.

Site Plan Amendment 81990027A was approved for 117, 225 gross square feet of general office uses and 98,500 gross square feet of medical office uses (215,725 gross square feet total), in addition to the existing 247,926 gross square feet on September 7, 1999. The opinion is attached.

Description of Amendments

The entire tract has been approved for 463,651sf of medical and general office uses (0.85 FAR); of this, 346,426sf have been built. The current amendment will modify the design of the approved 117,225sf Lincoln office building and previously detached parking structure; no change in total parking spaces is requested. This will complete the building program for this tract. Specifically, the Applicant requests the following modifications to the Site Plan:

1. Consolidation of office building and parking garage into one structure;
2. Parking and loading layout around the subject building;
3. Landscaping and lighting around the subject building; and
4. Expansion of the pedestrian area and landscaping in the parking area to the south of the Camalier and Champlain buildings.



PUBLIC NOTICE

A notice regarding the subject amendment was sent to all parties of record by the Applicant on December 10, 2010. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff received one letter regarding the proposed amendment asking for increased screening along the northern property line. The Applicant submitted revised plans increasing the landscaping along this edge, which adequately addresses the concern raised in the letter.

STAFF RECOMMENDATION

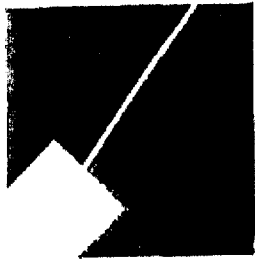
The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood and concerns raised by the adjacent property owner have been sufficiently addressed with increased landscape screening. Staff recommends approval of Site Plan Amendment 81990027B and adoption of the draft Planning Board resolution subject to the following conditions.

1. The proposed development must comply with the conditions of approval for Site Plan 81990027A as enumerated in the Planning Board Resolution dated September 7, 1999 except as modified herein.
2. The Applicant must update the Traffic Mitigation Agreement with the Planning Board and the Montgomery county of Transportation (MCDOT) before release of any building permits to reflect the current site plan amendment.
3. The Applicant must make minor modifications to layout for handicapped ramps prior to approval of the certified site plan.
4. The Applicant must provide the following bicycle parking spaces prior to approval of the certified site plan:
 - a. Four (4) inverted-U bike racks near the main building entrance in a weather-protected area, if possible.
 - b. Sixteen (16) bike lockers or a secured storage area large enough to store 16 bikes in the garage in a well-lit located on the first parking level near the elevator or garage access points.

APPENDICES

- A. 81990027A Opinion
- B. Adjacent Property Owner Correspondence
- C. Draft Planning Board Resolution

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
MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: September 7, 1999
SITE PLAN REVIEW: #8-90027A
PROJECT: Rock Spring Park, Parcels 2A and 5A

Action: Approval subject to conditions. Motion was made by Commissioner Perdue, seconded by Commissioner Wellington, with a vote of 3-0, Commissioners Hussmann, Perdue and Wellington voting for. Commissioners Bryant and Holmes were absent.

The date of this written opinion is September 7, 1999 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 7, 1999 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-98091 is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On August 5, 1999, Site Plan #8-90027A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;

3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-90027A which consists of 215,725 gross square feet of commercial office subject to the following conditions:

1. Limit the preliminary plan and site plan based on the adequate public facilities finding (APF) of the Transportation Planning Division memorandum dated July 29, 1999, (see attached), as follows:
 - a. On Parcel 2a, a second building of 117,225 gross square feet of general office use.
 - b. On Parcel 5a, a second building of 98,500 gross square feet of medical office use.
2. The applicant shall enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Public Works (MCDPWT) to join and participate in the North Bethesda Transportation Management Organization (TMO) to both:
 - a. Assist in achieving and maintaining the 39% non-driver traffic mitigation goal of the North Bethesda Transportation Management District (TMD). Traffic mitigation is recommended in the *Bethesda/Garrett Park Master Plan* for all new developments. Traffic Mitigation Agreement including a Trip Reduction Plan is to be negotiated with the applicants for subdivision to assist the North Bethesda TMO in meeting the mode share goal established in the master plan.
 - b. Achieve and maintain the 10% trip reduction goal which is required for development in the I-3 zone which can be done by joining and participating in the North Bethesda TMD.

Both goals may be concurrently achieved and maintained.

1. The following Standard Conditions of Approval were approved by the Planning Board on October 10, 1995, and apply to the subject site:
 - A. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - 1) Development Program to include a phasing schedule as follows:

- a. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - b. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - c. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - d. Coordination of each section of the development and roads;
 - e. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- 2) Site Plan Enforcement Agreement to delineate transportation management program, park maintenance agreement or other requirement of a condition of approval or staff correspondence dated July 29, 1999 (Axler to Shaneman and Komes).
- B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
- 1) Limits of disturbance;
 - 2) Methods and location of tree protection;
 - 3) Conditions of DPS Stormwater Management Concept waiver letter dated 6/19/98;
 - 4) Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - 5) The development program inspection schedule.
 - 6) Conservation easement boundary
 - 7) Street trees 45 feet on center along all public streets;
- C. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
- D. No clearing or grading prior to M-NCPPC approval of signature set of plans.
4. Prior to signature set approval the following information shall be provided or the revisions made:
- a. Wherever possible, street trees no further than 45 feet on-center shall be provided along the entire frontage of Fernwood Road and Rockledge Drive.
 - b. A lighting distribution plan shall be submitted which demonstrates (1) that all parking lot standards are located within landscape islands, and (2) a variety of appropriate attractive light fixtures will be utilized to reinforce a high-quality business park image.

- c. The landscape plan shall be revised to add trees to define the axial nature of the central green space and an evergreen shrub hedge to screen views of parked cars. Design details including special paving and banding, planting, seating, lighting and the provision of focal point place-making features such as fountains and/or public art shall be added to the plans.
- d. Continuous lead-in walks, a minimum of five-feet-wide shall be provided along both sides of the entry drive off of Fernwood Road.
- e. A strong streetscape/entry planting shall be provided along the internal access drive.
- f. Details illustrating how the loading areas associated with the proposed building will be screened from view will be added to the plans.
- g. Tree protection fencing and details shall be added to the plans to ensure that the existing mature trees to be preserved will be protected throughout construction.
- h. An arborists report shall be submitted outlining the special protection/preservation methods necessary to ensure survival of the specimen trees to be preserved. This shall include a construction/tree preservation sequencing plan, details for root pruning, fertilization, the use of mycorrhizae, etc.
- i. Additional green area shall be provided at the base of each building. In no case shall there be no green area provided or an area so small as to not permit the planting of small trees and shrub masses to soften building mass, except at the building or parking entrance.
- j. Additional area shall be provided between the proposed four-story building on Parcel 5 and the proposed parking structure to permit the planting of street trees.
- k. A note shall be added to the plans which state that all roof mounted mechanical equipment shall be screened from view.



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December 23, 2010

Robert Kronenberg
Development Review Division
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

**Re: Consent Agenda Plan Amendment 81990027B
Rock Spring Park – Lincoln Building**

Dear Mr. Kronenberg:

Our law firm represents One Rock Spring Plaza, L.P. (“ORS”), which is the owner of a leasehold interest in the real property located at 6550 Rock Spring Drive, Bethesda, Maryland, known as One Rock Spring Plaza. We received the Notice of Application dated December 10, 2010, from Steven Robins, counsel to Elizabethean Court Associates I, LP (the “Applicant”), and this letter is written in response to Mr. Robins’ request for comments on the Amendment (as defined therein).

Please be advised that ORS does not object in concept to the Amendment.

As you know, the Amendment contemplates that the loading dock for the Lincoln Building will be located on the north side of the property, which directly faces One Rock Spring Plaza. We would request, in light of this proposed design, that MNCPP obtain a written commitment from the Applicant to maintain, and preferably enhance, the existing landscaping along and contained within the Applicant’s parcel, which will visually screen both the contemplated loading dock and the above grade garage from the One Rock Spring Plaza property from.

We trust these comments will be considered in connection with MNCPP’s review of the proposed Amendment. We would be happy to discuss them with you in person or by telephone, or provide further written confirmation of the foregoing. Please feel free to telephone the undersigned or ORS’ representative, Brian Berry (202.420.2180) if you have any questions.



Robert Kronenberg
December 23, 2010
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Thank you for your consideration and for giving us the opportunity to submit our comments.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F L Klein' with a horizontal line extending from the end.

Frederick L. Klein

cc: Brian D. Berry
Steven A. Robins



DRAFT RESOLUTION NOT ADOPTED

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-20

Site Plan No. 81990027B

Project Name: Rock Spring Park Lincoln Building

Hearing Date: March 17, 2011

RESOLUTION

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

WHEREAS, on June 23, 1994, the Planning Board approved Site Plan No. 819900270 for 215,725 gross square feet of office uses on a 12.5 acre part of the subject site; and

WHEREAS, on September 7, 1999, the Planning Board approved Site Plan Amendment 81990027A, for 117,225 gross square feet of general office uses and 98,500 gross square feet of medical office uses, 215,725 gross square feet total, in addition to the existing 247,926 gross square feet; and

WHEREAS, on December 10, 2010, Elizabethan Court Associates I, LP ("Applicant"), filed a site plan amendment application designated Site Plan No. 81990027B ("Amendment") for approval of the following modifications:

1. Consolidation of office building and parking garage into one structure;
2. Parking and loading layout around the subject building;
3. Landscaping and lighting around the subject building; and
4. Expansion of the pedestrian area and landscaping in the parking area to the south of the Camalier and Champlain buildings; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated March 4, 2011 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on March 17, 2011, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts

Approved as to
Legal Sufficiency:

Christina Sorrento 3/2/11

8787 Georgia Avenue, N.C. 20101 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

DRAFT RESOLUTION NOT ADOPTED

the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 81990027B subject to the following conditions:

1. The proposed development must comply with the conditions of approval for Site Plan No. 81990027A as enumerated in the Planning Board Resolution dated September 7, 1999 except as modified herein.
2. The Applicant must update the Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation (MCDOT) before release of any building permits to reflect the current Amendment.
3. The Applicant must make minor modifications to layout for handicapped ramps prior to approval of the certified site plan.
4. The Applicant must provide the following bicycle parking spaces prior to approval of the certified site plan:
 - a. Four (4) inverted-U bike racks near the main building entrance in a weather-protected area, if possible.
 - b. Sixteen (16) bike lockers or a secured storage area large enough to store 16 bikes in the garage in a well-lit area located on the first parking level near the elevator or garage access points; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment 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 _____ (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

MCPB No. 11-20
Site Plan No. 81990027B
Rock Spring Park Lincoln Building
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DRAFT RESOLUTION NOT ADOPTED

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 _____, seconded by Commissioner _____, with Commissioners _____ (list) voting in favor of the motion, with Commissioner(s) _____ (list) dissenting, Commissioner(s) _____ (list) abstaining, Commissioner(s) _____ (list) being absent or being temporarily absent, at its regular meeting held on Thursday, _____, 200.., in Silver Spring, Maryland.

