

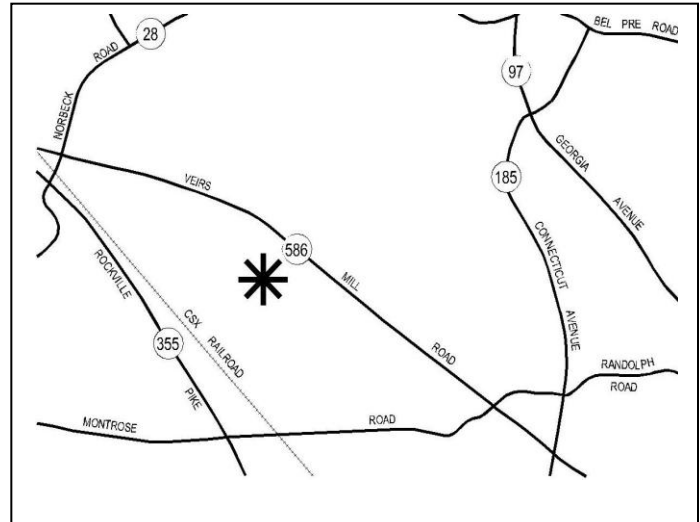


Pre-Preliminary Plan No. 720110090, Halpine View

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- Glenn Kreger, Acting Chief, Area 2 Division glenn.kreger@montgomeryplanning.org, 301-495-4653
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description

- The Applicant is requesting Planning Board advice and feedback for a potential rezoning from R-30 to PD-60 (Urban High – Density Category) on the Subject Property;
- This request is for advice/discussion only and there are no formal or binding decisions that have to be made;
- Northeast quadrant of the intersection of Twinbrook Parkway and Halpine Road;
- R-30 Zone, 1992 Approved and Adopted North Bethesda/Garrett Park (NBGP) Master Plan, on approximately 41 acres (Gross Lot Area), 37 acres (Net Lot Area);
- Current use is 564 garden apartments;
- Applicant – Halpine Park LLC – Judy Glassie;
- Filing date: 6/2/2011.



summary

The Applicant requests advice and feedback from the Planning Board on the potential rezoning application from R-30 to PD-60 Urban High Density Category (Attachment A), and the envisioned development, which would include approximately 2,206 dwelling units, including 12.5% moderately priced dwelling units (MPDUs) and approximately 200 senior housing units, plus 9,350 square feet of ancillary commercial uses, in buildings with varying heights and screened parking structures. The three parcels would be consolidated into one lot within the NBGP Master Plan area.

In addition to the standard review by agencies, the Applicant has requested feedback on the following five topics, which are discussed in more detail in the staff report:

1. The abandonment of the unbuilt Aspen Hill Road right-of-way;
2. An assessment of the traffic impacts and proposed mitigation solutions to address potential intersection congestion;
3. Environmental impacts of the proposed development;
4. The proposed density and height of buildings; and
5. Possible inclusion of the Subject Property in the master planning efforts for White Flint II, or a possible Twinbrook II Master Plan.

SECTION 1: CONTEXT AND PROPOSAL

The Applicant has requested Planning Board feedback and advice only on the 5 topics listed above. Therefore, this staff report has been written as a discussion piece, and no formal recommendations or decisions need to be made by the Planning Board.

SITE DESCRIPTION

Site Vicinity

The Subject Property (outlined in red) is currently zoned R-30, multi-family low density residential and is located in the northeast quadrant of the intersection of Twinbrook Parkway and Halpine Road in the NGBP Master Plan area. The City of Rockville confronts the Subject Property to the west of Twinbrook Parkway, and the confronting properties are primarily low-density single family detached dwelling units. The uses to the south are primarily commercial. The Property is located just outside of the Twinbrook Sector Plan boundary and abuts the Parklawn North Property to the south. Rock Creek Park abuts the Property on the east. The Twinbrook Metrorail-station is approximately ½ mile from the southwest corner of the Subject Property.



Vicinity Map

Site Analysis

The Subject Property is approximately 41 acres in size (gross lot area), and is bound by Twinbrook Parkway on the west and Rock Creek Park on the east. The topography slopes gently from west to east. Most of the site is already developed with 564 garden apartments known as Halpine View Apartments. The NRI/FSD for this site, which was approved in February 2011, lists 6.77 acres of forest existing on-site, including 4.83 acres of forested stream buffer. Although there are no wetlands, floodplains, or rare, threatened, and endangered species known to exist on the site, steep slopes occur on the northern, eastern and southern boundaries of the property, grading down into the adjacent stream valleys. The eastern part of the site includes a drainage channel and an intermittent stream. The stream buffer areas associated with the intermittent stream lie on the site. These buffers are consistent with definitions found in the Planning Board's Environmental Guidelines. Some of the existing apartment buildings are located within the stream buffer.



Site Aerial View

PROJECT DESCRIPTION

Proposal

The Applicant requests advice and feedback from the Planning Board on a potential rezoning application from R-30 to PD-60 Urban High Density Category. The envisioned development would be comprised of approximately 2,206 dwelling units, including 12.5% moderately priced dwelling units (MPDUs) and approximately 200 senior housing units, plus approximately 9,350 square feet of ancillary commercial uses, in buildings with varying heights and screened parking structures. The three existing parcels would be consolidated into one lot within the NBGP Master Plan area, and the development would be served by internal private roads with four access points proposed from Twinbrook Parkway. The proposed residential buildings range in size from five stories to eight stories.



Conceptual Plan

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any community groups as of the date of this report.

PRE-PRELIMINARY PLAN REVIEW

TRANSPORTATION

Abandonment of the Aspen Hill Road Right-Of-Way

The 1992 Master Plan recommended the deletion of several roadways, including the unbuilt portion of Aspen Hill Road. The Master Plan notes that roadways such as Aspen Hill Road, “are locations that do not have any future significant value as portions of the network, or where the future cost and/or environmental effects of the connection are too high to justify its construction for the potential benefit” (p.161).

Staff does not oppose the abandonment of the Aspen Hill Road right-of-way (ROW). Aspen Hill Road currently ends as a paper street at the western edge of Rock Creek Park and is not likely to ever cross the stream valley or the park and the cemetery property just east of the parkland. If it is determined that there are permanent structures or improvements (building, path, driveway, pavement, etc.) in the existing ROW at the time of the abandonment request, the abandonment will need to go through the County Council’s ROW abandonment process. If there are no permanent structures or improvements in the ROW, the Planning Board may choose to abandon the ROW as part of a future application.

Assessment of Traffic Impacts and Proposed Mitigation Solutions

Site Location and Vehicular Site Access Points

The site is located on the east side of Twinbrook Parkway between Veirs Mill Road and Halpine Road with four proposed vehicular access points from Twinbrook Parkway.

Master-Planned Transportation Demand Management

The site is located within the boundary of the North Bethesda TMD. The applicant must participate in the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

Available Transit Service

Transit service is available via nine transit routes operating along the following three roadways:

1. Ride-On routes 26 and 45 along Twinbrook Parkway;
2. Ride-On route 26 and Metrobus routes Q1, Q2, Q4, Q5, and Q6 along Veirs Mill Road;
3. Ride-On route 44 along Ardennes Avenue.

Bus Rapid Transit (BRT) on Veirs Mill Road

The Planning Board is considering the feasibility of a network of potential BRT corridors that includes Veirs Mill Road between Wheaton and Rockville. The County has programmed \$6 million for the Maryland Transit Administration (MTA) to conduct preliminary engineering for BRT on Veirs Mill Road. This study began in June 2011 and is expected to take three to four years.

Sector-Planned Roadways and Bikeways

In accordance with following approved and adopted master and sector plans:

1. 1992 *North Bethesda/Garrett Park Master Plan*
2. 2009 *Twinbrook Sector Plan*
3. 2005 *Countywide Bikeways Functional Master Plan*
4. 2002 *Comprehensive Rockville Master Plan*
5. 2004 *Rockville Bikeway Master Plan Update*
6. 1994 *Aspen Hill Master Plan*

The classified roadways and bikeways are as follows:

1. Twinbrook Parkway north of Ardennes Avenue is designated as a four-lane arterial, A-37, with a recommended 80-foot right-of-way and bike lanes, BL-28.
2. Wilkins Avenue Extended is designated as a two-lane business road, B-16, with a recommended 60-foot right-of-way and bike lanes or a signed shared roadway, B-1.
3. Aspen Hill Road is designated as a two-to-four-lane arterial, A-38, with a recommended 80-foot right-of-way and no bikeway south of Veirs Mill Road.
4. Veirs Mill Road is designated as a six-lane divided major highway, M-13, with a recommended 150-foot right-of-way and bike lanes, BL-16 between Twinbrook Parkway and the Mathew Hensen Trail.
5. In the City of Rockville, Ardennes Avenue is designated as a primary residential class 2 street and a signed shared roadway.
6. In the City of Rockville, Halpine Road is designated as a primary residential class 2 street.

Pedestrian and Bicycle Facilities

The pedestrian and bicycle improvements will be determined with the detail plans submitted at future preliminary plan review.

Local Area Transportation Review (LATR)

The table below shows the number of peak-hour trips generated by the proposed land uses during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

<i>R&D Office Space</i>	<i>Units or Square Footage</i>	<i>Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
Proposed High-Rise Apartments	2,006	805	944
Proposed Senior Apartments	200	16	22
Proposed General Retail Space	9,350	17	66
Total Proposed		838	1,032
Existing Garden Apartments	564	229	266
Net Increase		609	766

Although a full traffic study is not required at pre-preliminary plan review, the applicant submitted a draft traffic study to satisfy the LATR test because the proposed land uses generate 30 or more peak-hour trips within the weekday morning and evening peak periods. The calculated Critical Lane Volume (CLV) values from the draft traffic study at the analyzed intersections are for the following traffic conditions:

Existing: Existing traffic conditions as they exist now.

Background: The existing condition plus the trips generated from approved but un-built nearby developments.

Total Not Improved: The background condition plus the site-generated trips. The CLV values were analyzed with the intersection improvements required of two background developments.

Total Improved: The Total Not Improved condition analyzed with transportation improvements discussed in comment No. 2 below.

The CLV values exceed the congestion standard of 1,550 in the Background and Total Not Improved traffic conditions at the intersection of Twinbrook Parkway and Veirs Mill Road. Feasible intersection or other mitigating transportation improvements are required to satisfy the LATR test at the future preliminary plan review. The other 15 intersections analyzed in the draft traffic study have CLV values that were less than their congestion standards.

Policy Area Mobility Review

As an application filed after July 1, 2011, the trip mitigation requirements under the FY 12 *Growth Policy* must be satisfied. The FY 12 PAMR test requires the applicant to mitigate 192 or (25% of the 766) new peak-hour trips generated by the proposed development within the weekday peak periods. To satisfy the PAMR test, the applicant proposed to contribute \$11,700 per trip times 192 trips or \$2,246,400 towards the off-site transportation improvements such as:

1. Construct the missing sidewalk on the west side of Veirs Mill Road between Twinbrook Parkway and the Rock Creek Trail.
2. Upgrade the pedestrian connection along Twinbrook Parkway and other alternative routes between the Twinbrook Metrorail Station and Veirs Mill Road.
3. Construct a connection from the site to the proposed hiker-biker trail into Rock Creek Park.
4. Fund pedestrian improvements to/from the Parks Department's North Bethesda projects including the Josiah Henson Special Park future construction phase project.

5. Fund the completion of the Strathmore Avenue Bicycle-Pedestrian Improvements project between the Garrett Park town line and Rockville Pike (MD 355).
6. Fund the pedestrian/bike recommendations described on pages 185 to 187 in the *North Bethesda/Garrett Park Master Plan*.
7. Identify and fund substandard segments of existing sidewalk (i.e. against the curb) that should be widen or reconstruct. These improvements to substandard pedestrian/bike connections could include the area surrounding White Flint that the community has complained about, besides considering improving inadequate lighting.
8. Fund identified pedestrian improvements to/from the Twinbrook Metrorail Station in the Pedestrian Road Safety Audit.

Transportation Staff Comments for Future Plans

1. The applicant must satisfy the Local Area Transportation Review (LATR) test by providing feasible intersection and/or other transportation improvements to mitigate site-generated trips through the intersection of Twinbrook Parkway and Veirs Mill Road (MD 586).
2. The applicant must provide improvements at the proposed accesses from Twinbrook Parkway at Alderbrook Court-proposed Street A and Twinbrook Recreation Center-proposed Street D. The applicant must conduct a traffic signal warrant studies for proposed traffic signals at both site access points. If the Montgomery County Department of Transportation (MCDOT) agrees that the traffic signals are warranted, install one or both traffic signals.
3. The applicant must satisfy the Policy Area Mobility Review (PAMR) test by contributing to the County \$11,700 per new peak-hour trip times 192 for a total of \$2,246,400 towards the off-site transportation improvements. If the applicant's cost of these improvements is less than \$2,246,400, the remaining PAMR funds should be paid to MCDOT for sector-planned Twinbrook roadway and/or intersection improvements. Any PAMR payment to MCDOT must be made prior to issuance of any future building permit.
4. The applicant must enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the North Bethesda Transportation Management District (TMD). The Traffic Mitigation Agreement must be executed prior to certification of the future site plan.
5. In order to provide sufficient intersection spacing from the southernmost proposed vehicular and pedestrian access point on Twinbrook Parkway for the Subject Property, the applicant must coordinate with MCDOT and Planning Department staff regarding the alignment of Wilkins Avenue Extended, B-16, to intersect with Twinbrook Parkway, off-site.
6. The applicant must work with Parks staff to consider realigning sector-planned desire line for the shared use path, B-2, through the adjacent Rock Creek Park.
7. The applicant's plan must show the proposed alignment of the hiker-biker trail through Rock Creek Park.
8. The applicant must provide a pedestrian circulation plan including designated pedestrian paths from Wilkins Avenue Extended.
9. The applicant must provide inverted-U bike racks and secured bike storage units (such as lockers) in the parking garage in a well-lit area near the garage's exit or entrance. The number and location will be determined at the future site plan review.

ENVIRONMENT

Environmental Impacts of the Proposed Development

Lying just south of Veirs Mill Road, the Halpine View site is bounded by Twinbrook Parkway on the west and the Rock Creek Stream Valley Park and the Parklawn Cemetery on the east. Development precedes the use of stormwater management controls. The site drains generally from west to east, with runoff from the site reaching Rock Creek via one of two tributaries or by direct flow to Rock Creek. The intermittent tributary on the southeast portion of the property has been badly eroded, exposing sanitary sewer manholes and sewer pipes. The western tributary (offsite) is also in poor condition due to unmanaged stormwater flows. Several of the existing buildings on the site encroach significantly into the stream buffer. This portion of Rock Creek has been classified as in Poor condition in the Montgomery County Stream Protection Strategy survey. Rock Creek is designated a Use Class I stream.

The NRI/FSD for this site, which was approved in February 2011, lists 6.77 acres of forest existing on-site, including 4.83 acres of forested stream buffer. Total stream buffer area on the property equals 6.58 acres. There are no wetlands, floodplains, or rare, threatened, and endangered species known to exist on the site. Steep slopes occur on the northern, eastern and southern boundaries of the property, grading down into the adjacent stream valleys. The forest areas include many mature trees, but the quality of the forest is diminished by trash and invasive species. The Specimen Tree Table lists 169 trees of 24 inches dbh or greater, including trees both within the existing forest areas and occurring in green spaces throughout the site.

Primary environmental concerns include managing stormwater runoff from the site and restoring the damaged tributary channel. Development must be pulled out of the stream buffer, and unforested areas of the stream buffer should be planted. Invasive plants will present a challenge, and will need to be managed during the forest planting maintenance period. Restoration of this stream and stream buffer will become more important as the County faces TMDL (Total Maximum Daily Load) limitations for sediment and nutrients in the near future.

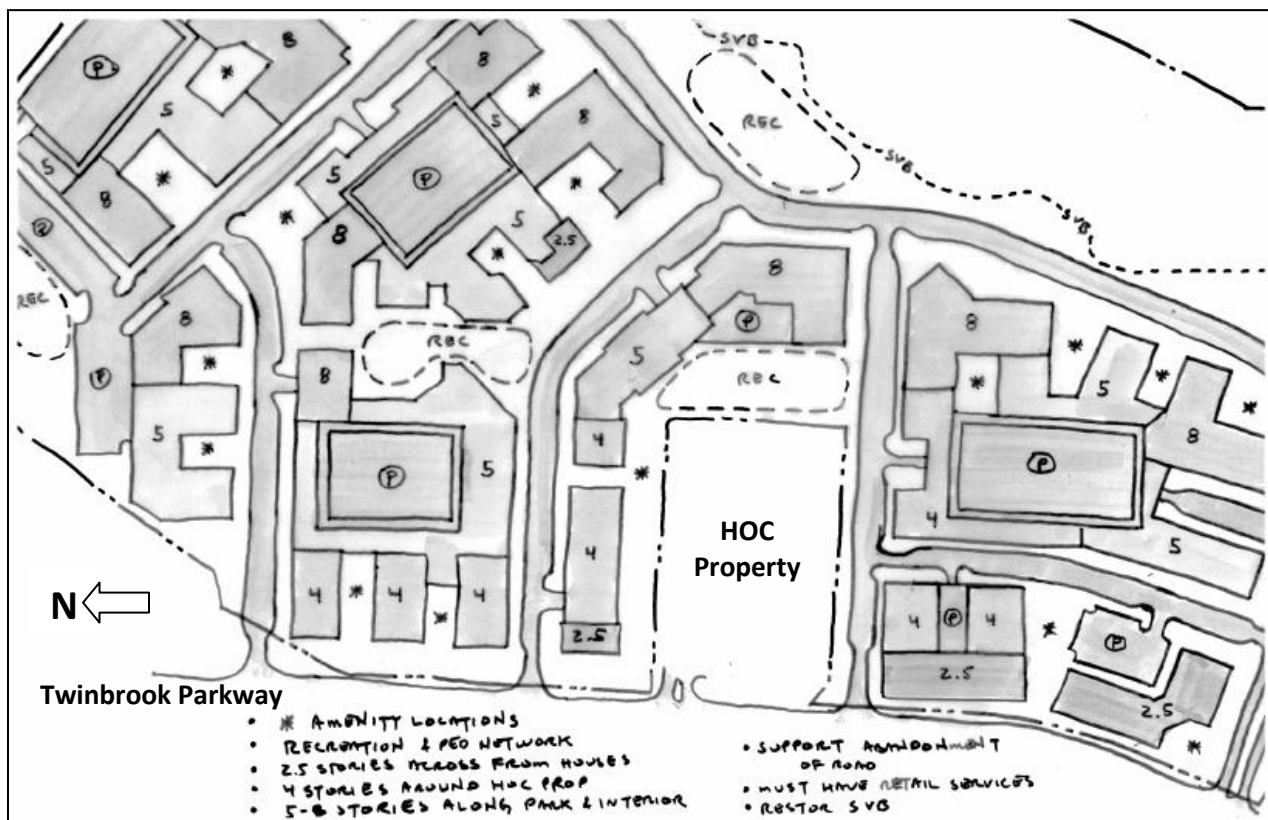
Environmental Staff Comments for Future Plans

1. Applicant will be required to remove existing structures from the stream buffer and restore the buffer through reforestation.
2. Applicant should coordinate with the adjacent Parklawn North development on stream restoration for the tributary of Rock Creek crossing the western portion of the Halpine View property. Existing stream erosion has exposed sewer infrastructure, and is generating sediment loads that carry into Rock Creek. Parklawn North has a requirement for stream restoration in this tributary when Lot 5 redevelops.
3. Proposed construction of the hiker-biker path connection to the Rock Creek Trail required of the Parklawn North development is likely to cross the Halpine View property. This may present an opportunity to access areas of the tributary stream needing restoration.
4. There are special provisions in Chapter 22A, Forest Conservation, for the PD Zone, including a requirement for minimum on-site forest equal to the Conservation Threshold for the site. This threshold is 15-20% depending on the amount of commercial and residential uses of the development, with a 15% threshold applying to the commercial portion of the tract and 20% applying to the residential portion. This may not be an issue given the significant stream buffer protection/preservation required on the site.

5. We endorse the applicant's proposal to retain the champion pignut hickory tree on the site. New variance requirements would also require the applicant to attempt to save the tree or demonstrate why the project could not be modified to save the tree. Retaining the tree will require careful planning and execution of construction to protect the tree in both the design and construction phases of the project.
6. We endorse the applicant's stated "design principle to incorporate the forest and Rock Creek assets into the design and restore and recognize these areas and viewsheds."
7. Staff urges the applicant to consider building orientation and design features that will maximize the potential to utilize passive solar lighting and heating.
8. Staff notes that the PD-60 Zone requires 30% green area. Again, given the stream buffer preservation, this may not be an issue.

DESIGN, MASTER PLAN, AND ZONING ORDINANCE ISSUES

General Layout and Height of Buildings



Staff suggests the following modifications to the conceptual layout of the pre-preliminary plan:

1. Buildings should only be 2.5 stories across from the single-family detached homes for approximately 80 feet into site from Twinbrook Parkway;
2. As proposed, the buildings on Twinbrook Parkway in the southwest corner of the Subject Property present a 250-foot streetwall. The buildings should be reconfigured in a way that is less imposing to the single-family detached dwellings across the street (see sketch above);
3. Buildings to the immediate north and south of HOC property should be a maximum of 4 stories;

4. 5- to 8-story heights are appropriate closer to Rock Creek Park and the interior of site;
5. 8-story towers should have floor plates under 20,000sf and no widths greater than 70 feet;
6. The open space concept is not clear. The open space provided appears to be space left over from building layouts;
7. Recreation for multiple ages must be provided in each block (minimum three large playgrounds and two tot lots, swimming pool, community rooms in each building, gathering areas with bathroom & kitchen facilities, seating areas distributed along a mapped fitness/walking route, bike paths, etc);
8. Ancillary commercial to provide neighborhood services is essential;
9. Pedestrian network and connections must provide links through blocks, to all internal recreation areas, and to area transit and trails/parks;
10. Secure space for at least 20 bikes in each parking garage and visitor bike racks at all main entrances and commercial buildings.

North Bethesda Master Plan

The Approved and Adopted (1992) North Bethesda/Garrett Park Master Plan made no specific recommendations for the subject property. The Master Plan identified the subject property as multi-family, low density residential on the existing land use map (p.39), and confirmed the existing R-30 zone (p.40). And, the Urban Design framework of the Master Plan does not address the subject property area. Further, this property was not identified as one of the 23 properties as key or developable parcels.

Land use objectives of the Master Plan are to:

- Direct future development to land nearest to Metro stops and new transit stations, and to areas best served by transportation infrastructure.
- Preserve and increase the variety of housing stock, including affordable housing.
- Encourage a land use pattern that provides opportunities for housing and employment.
- Preserve and increase the variety of housing stock, including affordable housing.
- Preserve and expand green areas and greenways, including institutional open space, for environmental protection, wildlife sanctuary, recreation and visual relief. (p.33)

The proposed development would contribute to achieving some of the Plan's objectives, including providing additional housing and improving a segment of Rock Creek's stream buffer.

Floating Zones in North Bethesda

The Planned Development zone, as a floating zone, is recommended for several properties in North Bethesda, including the Grosvenor Metro Station (PD 28 and PD-25) above single-family residential (R-60) and single-family residential (R-90) zones. Other PD recommended properties are: Wilgus property on Montrose Road and East Jefferson, and the Tri-Rock property, which is north of Montrose Road and west of Rockville Pike. The Master Plan recommends PD-44 for 10 acres of the Wilgus property, which is above the underlying multiple-family, medium density residential (R-20) zone and the PD-35 zone for the Tri-Rock property, also above the same multi-family zone (R-20 permits 21.7 dwelling units per acre per the standard method of development).

Transit Station, Residential (TSR) and Transit Station, Mixed (TSM), two other floating zones, were recommended for the White Flint and Twinbrook Metro Station areas. The 1992 Master Plan limited the TSR residential development at 60 dwelling units at Twinbrook Station, and 70 dwelling units per acre at White Flint. Both of these areas are within a ¼ mile of either Metro Station.

The Mixed Use Planned Development (MXPDP), another floating zone, was recommended for the 54 acre Davis Parcel, located south of I-270 and east of Old Georgetown Road. The Master Plan limited residential development on the site to 1,250 dwelling units, equating to 23 units per acre. It also allows 1.1 million square feet of office and retail development. The base zone on the property was R-H (multiple family, high rise residential) zone.

The Twinbrook Sector Plan (2009) moved away from floating zones to the Euclidian Transit Mixed Use (TMX) zone, and the White Flint Sector Plan (2010) also instituted another Euclidian zone, the Commercial Residential (CR) zone.

The proposed development is between ½ mile and ¾ mile from the Twinbrook Metro Station, and it is opposite single-family residential development in the City of Rockville. The proposed density is comparable to recommended densities at properties that are significantly closer to an existing transit station. Further, the proposed development height along Twinbrook Parkway creates an incompatible relationship with the existing single-family dwellings, west of Twinbrook Parkway. Therefore, staff believes the proposed density and building heights should be reduced to establish greater compatibility and master plan consistency.

Proposed Density

Section 59-C-7.11 of the Montgomery County Zoning Ordinance states that the purpose of the planned development zone is to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. Section 59-C-7.12 of the Zoning Ordinance contains the two requirements that a property must meet in order to be eligible to apply for the PD Zone. First, a property must be recommended for at least 2 dwelling units per acre by a duly adopted master plan. The Subject Property meets this requirement. Second, no land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of five criteria. The Subject Property meets the first of five criteria which requires that a property must, “contain sufficient gross area to construct 50 or more dwelling units under the density category to be granted;”

Although the PD Zone is not recommended by the Master Plan, the Applicant envisions a PD-60 – Urban High Density for the Subject Property. This would equate to a Gross Density of 53 units per acre or a 1.2 Gross FAR. The existing R-30 Zone, multi-family low residential, yields approximately 536 dwelling units (14.5 units per acre of Net Lot Area) per the standard method of development and 651 dwelling units (17.69 units per acre of Net Lot Area) per the optional method of development.

If this Property were to move forward with a rezoning request, ideally it would incorporate the small Housing Opportunities Commission (HOC) property into the overall design. Staff has requested the Applicant to attempt to acquire the property from the HOC to incorporate and redistribute those low-income units throughout the site. Although TMX-2 has been adopted on properties nearby to the south in the Twinbrook Sector Plan area, the proposed height and density do not appear to be compatible with the surrounding residential neighborhood to the west and north. The NBGP Master Plan recommends a

density of 14.5 to 17.69 units per acre, and the Applicant's 53 units per acre envisioned for this site does not seem consistent with the density proposed by the Master Plan.

In general, staff feels the Urban High PD-60 density proposed for this site seems too intense given the proximity to an established residential single-family detached dwelling neighborhood.

Inclusion in the White Flint II Master Plan

The Applicant's request to be included in the upcoming White Flint II Master Plan is attached to this report (Attachment B). The Subject Property is located in the northernmost boundary of the 1992 North Bethesda/Garrett Park Master Plan. The Property was not included within the boundary of the 2009 Twinbrook Master Plan. In 2008, the Applicant requested to be included in the updated Twinbrook Sector Plan boundary; however, the Planning Board and County Council felt it was too late in the process to expand the boundary and that the Property should be reviewed through a limited master plan amendment or a zoning application to provide greater detail on community, traffic, and school impacts. The Pre-Preliminary Plan is in response to that request to provide greater detail. Therefore, in addition to the aspects of the specific Pre-Application Plan for a potential zoning application, the Applicant requests that the Planning Board also consider and support the use of the background information as part of more comprehensive visions for the Property in a master plan amendment, such as the programmed White Flint II or an upcoming Neighborhood Plan. The Applicant ultimately desires to rezone the property to a more modern zone than the PD-Zone.

Staff feels that including the Subject Property and surrounding properties into the White Flint II Master Plan area boundary does not make sense geographically (see map Attachment C). The Subject Property and surrounding properties are physically separated from White Flint and are in close proximity to the Twinbrook Metrorail-station and are adjacent to the properties located in the Twinbrook Master Plan area. Staff feels that a Twinbrook II Master Plan area would be more appropriate, but a timeline for that plan and inclusion into the work program is uncertain.

Attachments:

- A. Applicant Submittal Letter
- B. Applicant Request to be Included in White Flint II or Other Neighborhood Plan
- C. Map of Master Plan Boundaries

LINOWES
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May 11, 2011

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VIA HAND DELIVERY

Ms. Angela Brown
M-NCPPC, Development Review Division
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Halpine View, Rockville – Pre-Application Concept Plan Submission

Dear Ms. Brown:

On behalf of Halpine Park, LLC (the “Applicant”), and pursuant to Section 50-33 of the Montgomery County Code, we hereby submit this Pre-Application Concept Plan (the “Application”) for the approximately 37-acre property known as the Halpine View Apartments, which is located on the east side of Twinbrook Parkway and identified as Parcels N870, N 640 and N600 (the “Property”). The Property is classified in the R-30 zone (multiple-family, low density residential) and was developed in the mid-1960s with 564 garden apartments. Although the Property itself is within the boundaries of the 1992 North Bethesda Garrett Park Master Plan (the “Master Plan”), the Property is located near and adjacent to the northern edge of the boundary of the January 2009 Twinbrook Sector Plan (the “Twinbrook Sector Plan”) area, and most of the Property is within ½ to ¾ mile of the Twinbrook Metro station. In 2008, the Applicant (along with neighboring apartment owners) requested an extension of the Twinbrook Sector Plan boundary to include the Property and other garden apartment properties extending to Viers Mill Road; however, the Planning Board and County Council felt that it was too late in the process and that the request should be reviewed through a Limited Sector Plan Amendment or a zoning application to provide greater detail on community, traffic and school impacts. Pursuant to that recommendation of the Planning Board and the County Council, the Applicant is now proceeding with this Pre-Application to receive feedback on several issues that will be relevant to the future development of the Property.

The enclosed Pre-Application Concept Plan (the “Concept Plan”) envisions a proposed long term redevelopment of the Property with a rezoning of the Property and subdivision and site plan review. The Concept Plan reflects a redevelopment density of approximately 53 units/acre, or 2,206 units, (a 1,642 unit increase), including 12.5%, or 276, Moderately Priced Dwelling Units (“MPDUs”) and approximately 200 senior housing units, and 9,350 square feet of ancillary commercial uses, all in buildings of varying heights with screened parking structures (the

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“Project”). The density proposed reflects some of the changes to the area over the past 46 years since the original apartments were constructed, including the nearby Twinbrook Metro station and TMX-2 zoning classification on nearby properties. The Concept Plan also recognizes the community benefit of the forested portion of the Property that connects to Rock Creek Park (both in viewshed and access) and respects the transition to single-family homes opposite Twinbrook Parkway. Further, the Concept Plan proposes to relocate 2 of the 4 existing vehicular access points on Twinbrook Parkway to provide improved alignments with the rights-of-way on the opposite side of Twinbrook Parkway in the City of Rockville and to provide improved pedestrian and vehicular circulation and access.

As noted previously, the Planning Board requested additional information on impacts prior to a Limited Sector Plan Amendment or Zoning Application (for a Planned Development, or P-D, zone), so the Applicant is filing this Pre-Application to receive feedback on several issues that will be relevant to the future development of the Property. Specifically, in addition to the typical review and comment received with a Pre-Application Concept Plan, the Applicant seeks input on the following issues from Planning Staff, the Development Review Committee (DRC), and the Montgomery County Planning Board (the “Planning Board”) based upon the proposed Project:

- Pursuant to the recommendation on Pages 160-161 of the Master Plan, the Concept Plan proposes the abandonment of the Aspen Hill Road right-of-way. This 1.994 acre “paper street” has remained unimproved and unused (the current private street of “Besley Court” is actually located to the south of the right-of-way) since its dedication in April of 1964, and as noted in the Master Plan, the future cost and/or environmental effects of the County constructing and extending a road connection across Rock Creek Park “are too high to justify its construction for potential benefit.” The Applicant does propose relocating an access point and private street to this location, which will align with the Pier Drive intersection on the opposite side of Twinbrook Parkway. This realigned access point will also provide an optional future access point for the Housing Opportunities Commission (“HOC”) should it decide to redevelop its 2-acre parcel adjacent to the Property on Twinbrook Parkway (the “HOC Parcel”) in the future. We note that the HOC Parcel was dedicated by the Applicant in November of 1964 for no consideration (for public use – a library at that time), and thus that area is also included in the gross project area on the Concept Plan.
- The Applicant has submitted a Traffic Study for the Project to get an assessment of the traffic impacts and Staff feedback on proposed mitigation solutions to address potential intersection congestion. Specifically, in addition to some lane changes and additions, the Applicant is proposing potential trail connections to Rock Creek Park and improved pedestrian crossing of Twinbrook Parkway to access the Metro (and its emerging mixed-use area) and the Twinbrook recreation center, as well as provide community access

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connections to Rock Creek Park. Regarding other public facility impacts, the Project is projected to generate a net of 118 new students (includes reduction for the existing 564 garden apartments), which given the constraints of the Richard Montgomery School Cluster, may require phasing of the initial application due to potential moratorium and/or cost prohibitive school facilities payments. Both the school constraints and the traffic mitigation package illustrate why an amendment to the Master Plan could provide for a more comprehensive and long-term plan for the Property, rather than by a piecemeal zoning application.

- The Applicant designed the layout for the Project on the Concept Plan after reviewing the Natural Resources Inventory/Forest Stand Delineation for the Property to first assess the resources of the site. As demonstrated on the Concept Plan, the Property is not only with a 10-15 minute walk to the Metro, but is immediately adjacent to the resource of Rock Creek Park. The Applicant proposes to remove 3 buildings that are currently in a stream valley buffer and redesign the overall layout to open to the views of the forest and park with a loop road (Street A) providing visibility and access, instead of blocking the views with buildings. Further, the relocated access points are intended to form a more symmetrical grid to extend the views and access and improve circulation. In addition to the provision of all the forest conservation on-site, the Concept Plan also proposes the preservation of a County Champion Hickory Tree to remain on the Property in a protected courtyard setting. The buildings in the Project have been proposed to consist of varying heights of 5 to 8 stories with only street parking and concealed parking structures within the buildings so there are no visible parking structures. Although the Concept Plan is conceptual in nature and the Applicant anticipates some changes to the building heights and layouts due to functionality, market, community comments and other considerations, we do seek feedback on the overall design principle to incorporate the forest and Rock Creek assets into the design and restore and recognize these areas and viewsheds.
- The Project density is proposed at 53 dwelling units an acre and some ancillary neighborhood commercial uses, which is approximately a density of 1.2 FAR (Floor Area Ratio) based on the gross area. This density is lower than the density recommended for the adjacent properties in the Twinbrook Sector Plan that are at 1.5 FAR, and consistent with densities of areas located within ½ mile to ¾ mile of Metro in areas such as White Flint. The existing 564 garden apartments do not have any affordability requirements, but the new development will provide for 12.5%, or 276, MPDUs. More significantly, the redevelopment will allow for construction of units to address current market demands, including more than one bathroom for larger units to accommodate families. The Applicant would like feedback on the proposed mix of uses, specifically the ancillary

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neighborhood retail and senior housing proposed in the mix with the PD-60 (although at 53 units/acre as shown on Concept Plan) zoning shown on the Concept Plan.

In order to facilitate review and comments on the above issues, enclosed please find two (2) copies of the following plans and materials as the Applicant's initial submittal for the Application:

- Complete Application Form
- Complete Fee Schedule and Application Fee (¼ of fee, with remaining ¾ to be submitted at time of final application)
- Statement identifying the nature of the Application and issues to be addressed by Staff and the Planning Board (contained in this cover letter)
- Certificate of Compliance
- Minutes of January 24, 2011 meeting with Planning Staff on the Application
- Draft Application notice to adjoining and confronting property owners and registered associations
- List of adjoining and confronting property owners and registered associations, plus two copies of mailing labels
- Pre-Application Concept Plan
- Natural Resources Inventory/Forest Stand Delineation approved on February 7, 2011
- Traffic Study
- PDF images of concept drawings

Thank you for your consideration of this Application. In addition to Planning Staff, we have already met with neighboring property owners and community representatives, including the Housing Opportunities Commission, Parklawn North Lot LLC, and the Twinbrook Citizens Association (and have scheduled a meeting with Montgomery Housing Partnership) and have received helpful and constructive feedback and questions. We look forward to receiving additional Planning Staff feedback at the DRC meeting and request that the Application be scheduled before the Planning Board as soon as possible thereafter. In the interim and upon review of this initial submittal for the Application, please let us know if you have any questions

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or require any additional information, or if we should submit the required number of plans and materials for the final submittal on the Application.

Very truly yours,

LINOWES AND BLOCHER LLP



Anne M. Mead

Enclosures

cc: *(via e-mail – with no enclosures for intake submission)*

Mr. Glenn Kreger

Mr. Shahriar Etemadi

Ms. Judith Glassie

Mr. Doug Wrenn

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

August 10, 2011

Anne M. Mead
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301.961.5127

Mr. Patrick Butler
Planner, Area 1
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Halpine View Pre-Application Plan No. 720110090

Dear Mr. Butler:

On behalf of Halpine Park, LLC (the "Applicant"), we wanted to thank you for meeting with us recently to review the Development Review Committee comments on the above-referenced Pre-Application Plan in greater detail. We look forward to the Planning Board's feedback this fall on the Pre-Application Plan (as outlined in our May 11th correspondence). Also, as we discussed, although the Pre-Application Plan has significant merit and community benefits to move forward with the proposed zoning and subdivision (and site plan), we would also appreciate the Planning Board's consideration of supporting the addition of the Property in the boundary of the upcoming comprehensive master planning effort known as "White Flint II".

As explained in the Pre-Application materials, the 37-acre Halpine View property (the "Property") was developed in the mid-1960s with 564 garden apartments and is in the R-30 zone (multiple-family, low-density residential). The Property is in the northernmost boundary of the 1992 North Bethesda/Garrett Park Master Plan (the "Master Plan"). Although the Property is within ½ and ¾ mile of the Twinbrook Metro Station, the Property is not within the boundary of the 2009 Twinbrook Sector Plan (the "Twinbrook Sector Plan"). In 2008, the Applicant (along with neighboring apartment owners) requested to be included in the updated Twinbrook Sector Plan boundary; however, the Planning Board and County Council felt it was too late in the process to expand the boundary and that the Property should be reviewed through a limited master plan amendment or a zoning application to provide greater detail on community, traffic and school impacts. The Pre-Application Plan is in response to that request to provide greater detail. Therefore, in addition to the aspects of the specific Pre-Application Plan for a potential zoning application, the Applicant requests that the Planning Board also consider and support the use of the background information as part of more comprehensive vision for the Property in a

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limited master plan amendment, such as with the current Planning Department proposal of “White Flint II” or an upcoming Neighborhood Plan, for the reasons set forth below.

From a planning standpoint, the use of a limited master plan amendment, such as “White Flint II”, and sectional map amendment for the Property is consistent with the Applicant’s intent for a broad vision and long term redevelopment of the Property. The comprehensive planning process used in a limited master plan amendment would also provide for the opportunity to use one of the new CR zones for the Property, which have to be recommended in a Master Plan. Further, the use of a limited master plan amendment such as with an expansion of the boundary of “White Flint II”, would provide for a comprehensive overall public amenity plan for the redevelopment of the Property and this emerging transit-oriented area of Twinbrook.

From a practical standpoint, the use of a limited master plan amendment for the Property by expanding the boundary of “White Flint II” may be more beneficial for the County by consolidating the comprehensive planning and vision for the redevelopment of the Property and its neighbors. Through the Pre-Application Plan, which includes a full Traffic Study with 16 intersections, the Applicant has already provided the details the Planning Board and Council requested in 2008 regarding impacts of a comprehensive rezoning of the Property and neighboring properties. Further, it is early enough in the “White Flint II” process to expand the boundary to include this similar adjacent transit area in the 20-year old North Bethesda/Garrett Park Master Plan and still provide for a cost-effective and efficient limited master plan amendment. As demonstrated on the attached Exhibit, the Property is within the same range (or closer) to Metro as some of the current “White Flint II” properties, some of which are similarly closer to the Twinbrook Metro than White Flint Metro Station. Further, the majority of the properties that would be added to White Flint II per our Exhibit (with the exception of the Property, which already has provided the information on its redevelopment impacts) are cemetery and condominium developments that would be unlikely to redevelop or create significant impacts to the overall planning area.

In conclusion, in addition to the significant community benefits of the potential redevelopment of the Property as part of a PD (Planned Development) zoning application demonstrated in the Pre-Application Plan, which include transit-oriented development that opens up access to Rock Creek Park, provision of environmental and stormwater management improvements, creation of affordable housing units, and implementation of meaningful transportation improvements, there are also planning and practical benefits for the County with the inclusion of the Property in a comprehensive master planning effort. We suggest that since “White Flint II” is just in its beginning stages, an expansion of its boundaries as proposed (to perhaps be updated as “White Flint/Twinbrook II” to recognize the need for a limited amendment to the Master Plan for both of

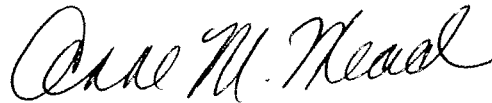
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these emerging transit areas) or other Neighborhood Plan to update the 20-year old Master Plan recommendation for the Property with a current CR zoning classification may be a more effective way to achieve the desired redevelopment goals of the County and the Applicant.

Thank you for your consideration of our additional comments. Please let us know when the Pre-Application Plan can go before the Planning Board for review and comment.

Very truly yours,

LINOWES AND BLOCHER LLP



Anne M. Mead

AMM:pi

Enclosure

cc: Mr. Nikosi Yearwood
Mr. Josh Sloan
Mr. Shahriar Etemadi
Ms. Judy Glassie
Mr. Doug Wrenn
Mr. Matt Leakan

