



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**M E M O R A N D U M**

**DATE:** July 03, 2002  
**TO:** Montgomery County Planning Board  
**FROM:** A. Malcolm Shaneman  
Development Review Division  
(301) 495-4587  
**SUBJECT:** Informational Maps for Subdivision Items on the  
Planning Board's Agenda for July 11, 2002.

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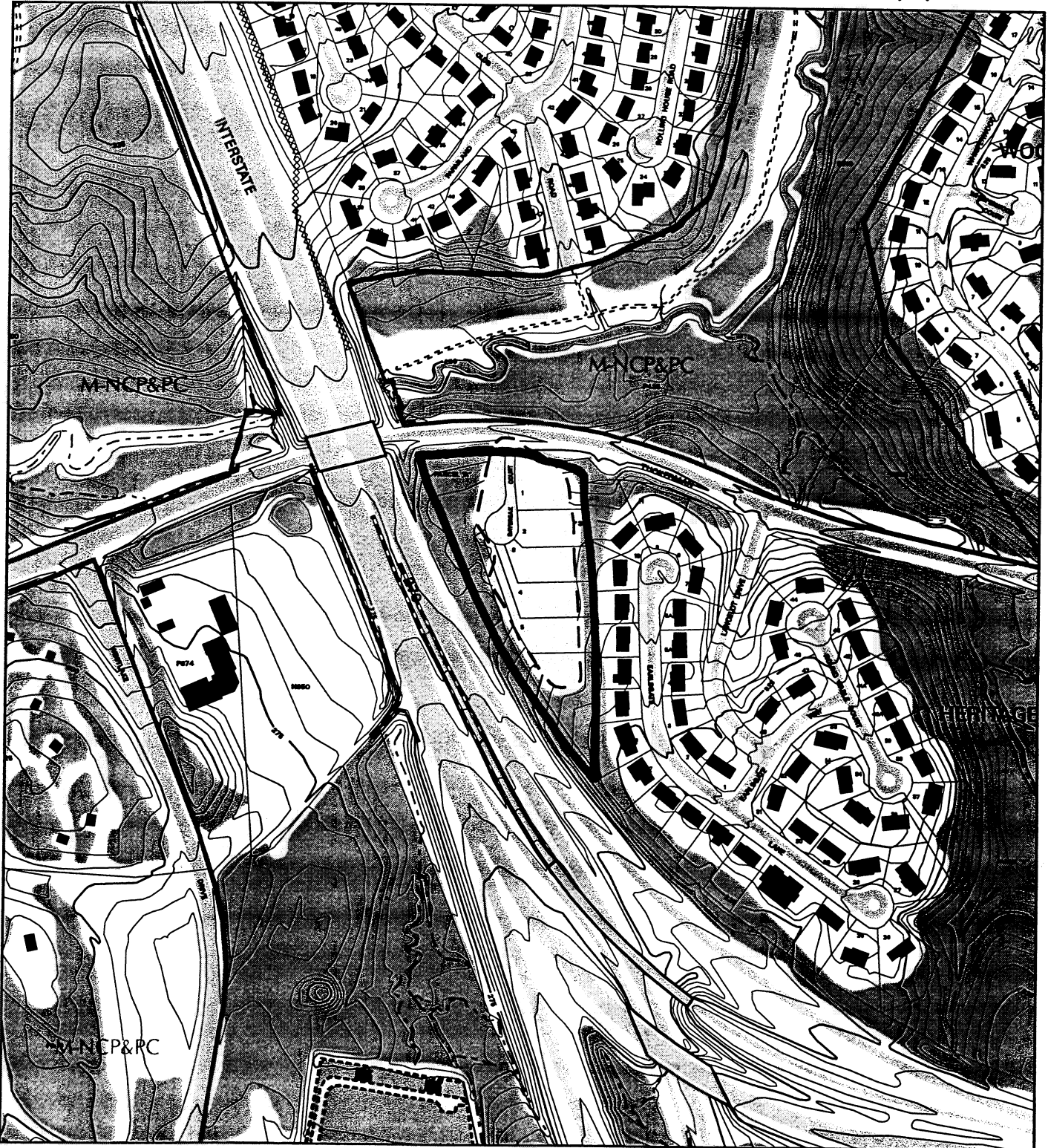
Attached are copies of plan drawings for Items #07, #08, #09, #10, #11. These subdivision items are scheduled for Planning Board consideration on July 11, 2002. The items are further identified as follows:

- Agenda Item #07 - Preliminary Plan 1-98092E  
Rock Spring Center (Camalier/Davis)
- Agenda Item #08 - Preliminary Plan 1-02073  
Yetley Property
- Agenda Item #09 - Preliminary Plan 1-02015  
Linthicum Property
- Agenda Item #10 - Preliminary Plan 1-02100  
Muncaster Manor
- Agenda Item #11 - Subdivision Regulation Waiver SRW-02011  
Rock Creek Forest

Attachment

VICINITY MAP FOR

# ROCK SPRING CENTER (CAMALIER/DAVIS) (1-98092E) (1-98092E)



Map compiled on July 02, 2002 at 9:14 PM | Site located on base sheet no - 214NW07

### NOTICE

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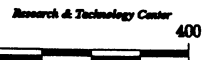
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



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June 13, 2002

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BY HAND DELIVERY

Mr. A. Malcolm Shaneman  
Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Request for Extension of Preliminary Plan No. 1-98092  
Rock Spring Center

Dear Mr. Shaneman:

Enclosed please find a completed Extension Request Application form and the necessary attachments for filing an extension in the above referenced Preliminary Plan. As you may recall, this Preliminary Plan covered the entire 54 ± acres owned by the Davis/Camaliere families (the "Applicants"). The following parcels, which were part of the Preliminary Plan, have been recorded:

Parcel	Acreage	Plat No.	Use
18	10.44	21965	AvalonBay 386 multi-family units
17	0.71	21901	Entry Road
16	0.84	21901	Forest Conservation/Stormwater
15	3.35	21901	Stormwater Management
Dedication	1.55	21901	Rockledge Connector

The remaining 37 ± acres will contain the rest of the project which was approved for 637,200 square feet of office, 340,000 square feet of retail (including a 30,000 square foot Community Center) and 864 more residential dwelling units (the "Approved Project") and will ultimately include an additional 185,000 square feet of institutional use and 192,800 square feet of

Mr. A. Malcolm Shaneman

June 13, 2002

Page 2

commercial development (the "Project") which were included in the Preliminary Plan but remain pending in the queue until further ceiling capacity becomes available .

The Project was always anticipated to occur in various stages because of its size and mixed-use character. As was stated in the District Council's Resolution approving the MXPDP zoning for the Property (Resolution No. 13-865), the proposed development will "revitalize one of the premier office parks in Maryland and will attract business and retail trade to this area of the County with substantial residual benefits including recreational and cultural amenities for residents and workers, enhanced employment opportunities, and increased tax revenues." Further, as part of this zoning approval, a phasing element was included which acknowledges the Project as a multi-phased development that will require a long-term build out and will require careful coordination of the construction sequencing of buildings, parking structures, vehicular and pedestrian circulation systems, and community facilities. In fact, although only a small percentage of the Project has been constructed, the Applicants have already undertaken a substantial portion of the road improvements or road related projects. Most significantly, they have begun or completed the dedication and actual construction of the I-270 ramp and the Rockledge Connector, realignment of Rockledge Drive, designing and bonding of the Old Georgetown Road improvements, numerous utility improvements, and the negotiation of various agreements and contracts with the Maryland State Highway Administration, Montgomery County Department of Public Works and Transportation and the Democracy Commons Homeowners Association.

Although the Applicants have been working diligently to develop a Site Plan for the Project, they will not be able to complete such a plan and/or record plats for the Approved Project before the expiration of the existing Preliminary Plan on November 25, 2002. Therefore, we are submitting this request pursuant to § 50-35(h)(3) of the Montgomery County Code for an extension of the validity period for the Preliminary Plan to coincide with the Adequate Public Facilities approval which is valid for 12 years or until May of 2011. The extensive time and effort required to coordinate all of the above-referenced improvements, which was not caused by the Applicants' actions or inactions, as well as the undue hardship they could experience based upon their good faith and diligent efforts to move forward with the extraordinary level of road improvements, warrant granting of this extension request.

Therefore, we are respectfully requesting that the Preliminary Plan be extended and phased for recordation as follows:

**Phase I (expires May 2005):** 150,000 square feet of commercial development OR 586 dwelling units (includes 386 dwelling units of Avalon Bay).

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Mr. A. Malcolm Shaneman

June 13, 2002

Page 3

**Phase II (expires May 2008):** 150,000 square feet of commercial development OR 200 dwelling units.

**Phase III (expires May 2010):** 150,000 square feet of commercial development OR 200 dwelling units.

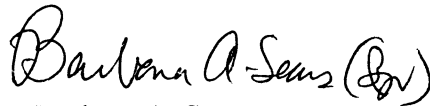
**Phase IV (expires January 2011):** Remaining development.

We have included herewith a check in the amount of \$660.00 to cover the filing fee for this extension request as well as a list of adjoining and confronting property owners, two sets of mailing labels, and ten (10) copies of the Approved Preliminary Plan. Thank you for your consideration of this request. We are hopeful this can be scheduled for review by the Planning Board prior to the August recess.

Thank you.

Sincerely,

LINOWES AND BLOCHER LLP



Barbara A. Sears

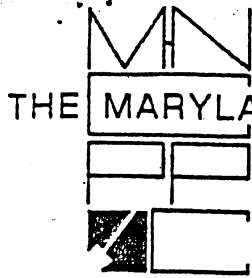


Emily J. Vaias

EJV:sbw

Enclosures

cc: Mr. John G. Davis  
Charles A. Camalier, III, Esquire  
Mr. Eugene M. Smith



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD  
OPINION

Preliminary Plan No.: 1-98092

Project: Rock Spring Center

Date of Hearing: May 27, 1999

Action: **APPROVAL SUBJECT TO CONDITIONS.** (*Motion to approve was made by Commissioner Holmes; duly seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Holmes, Bryant, Hussmann, Richardson and Perdue voting in favor.*)

The date of this written opinion is October 25, 1999. Any party authorized by law to take an administrative appeal must initiate such an appeal as provided in the Maryland Rules of Procedure. If no administrative appeal is timely filed, then this Preliminary Plan shall remain valid as set forth in Section 50-35(h).

**INTRODUCTION**

On May 8, 1998, Camalier Limited Partnership and Davis Brothers Montgomery Farm Limited Partnership ("Applicant") filed a preliminary plan application seeking approval of the first portion of the Rock Spring Center project. The application was designated Preliminary Plan No. 1-98092.

After due notice, the Montgomery County Planning Board ("Planning Board") held a public hearing on the application on May 27, 1999, in accordance with the requirements of Maryland Code Ann., Art. 28 ("Regional District Act"), the Montgomery County Code, Chapter 50 ("Code"), and the Planning Board's Rules of Procedure. At the public hearing, the Planning Board heard testimony from its expert technical staff ("Staff"), the Applicant, neighboring property owners and community and civic organizations, and received evidence into the record on the application.

In presenting the application to the Planning Board, Staff prepared packets of information which included, *inter alia*, a Staff report and analysis of the proposal dated May 21, 1999; plan drawings; vicinity maps; Transportation Staff memo dated May 21, 1999; other information supplied by the Applicant including a traffic study dated April 16, 1999; correspondence from the community; and the Planning Board's letter to the Highway Design Division of the Maryland Department of Transportation State Highway Administration ("MDSHA"), dated March 24, 1999, regarding Mandatory Referral No. 98809-SHA-1. Staff distributed the information packets to the Planning Board and they are part of the record on the application.

**THE SUBJECT PROPERTY**

The subject property is located in North Bethesda in the northwest quadrant of the intersection of Old Georgetown Road (MD 187) and Rock Spring Drive, south of and adjoining the east spur of Interstate I-270. The site contains approximately 53.4 acres and is zoned MXPD (Mixed Use Planned Development). The property is bordered on the north by I-270, on the east by Old Georgetown Road, on the south by Rock Spring Drive, and on the west by Rockledge Drive



The Rock Spring Office Park, which was developed under C-P and I-3 zoning, is located immediately west of the site and contains corporate offices for several national and regional employers. The properties located directly south and southeast are zoned C-1 and contain office and other commercial uses. The Walter Johnson High School is also located immediately south of the site. Several residential communities are also located in close proximity to the site to the north across I-270, to the east across Old Georgetown Road, and to the south. The nearby residential communities are zoned R-200, R-90, R-60, R-30 and PD-9, and include single-family detached houses, townhouses, apartments and condominiums. In addition, MDSA plans major road projects in the site area, including a new interchange connecting Rock Spring Park and I-270 via realigned Rockledge Drive ("the Rockledge Connector"), and I-270 interchange improvements at Old Georgetown Road and at Democracy Boulevard.

The property is irregularly-shaped and improved only by the Davis Estate House, a barn and a shed, which are located in the southeastern corner of the site. An intermittent stream and stream valley corridor runs diagonally southeast to northwest through the central portion of the site, ultimately draining under I-270. The stream valley contains a substantial stand of mature trees and undergrowth. The property is served by public water and sewer.

The Applicant proposes the ultimate buildout of the subject site with 1,355,000 square feet of office, entertainment/retail, institutional and community center uses and 1,250 multi-family dwelling units. However, because of traffic capacity limitations under the current staging ceiling for the North Bethesda Policy Area, the subject application requests approval of the residential component of the project and only approximately 70% of the non-residential component (637,200 square feet of office space, 310,000 square feet of entertainment/retail and a 30,000 square foot community center). The remaining non-residential development will be reviewed when additional capacity for the policy area becomes available.

The center of the site will be restored as a park/open space and will serve as the unifying element of the project. The residential component will occupy the northern portion of the site, with 4-story midrise buildings located along I-270 and two high-rise buildings positioned closer to the center of the property. The commercial development will be located in the southern portion of the site and will include a variety of uses integrated into a pedestrian-scaled "main street". The western end of the "main street" will include an anchor retail use and cinema. A town square, market hall, restaurants, retail uses and outdoor activities will be located in the center. The eastern end of the "main street" will include a fountain plaza, the restored Davis Estate House, retail and office uses. A portion of the site will also be provided for the North Bethesda Community Center. The buildings will be oriented to provide views into the park and views from the park back into the public areas. The open space system will include the forested stream valley, passive recreation areas in the park, developed urban open spaces and informal mowed ornamental gardens surrounding the Davis Estate House. Access will be provided from Rock Spring Drive, Rockledge Drive and Old Georgetown Road. The entrance to a parking structure, mostly below grade, will be located at a controlled intersection off Rock Spring Drive. A pedestrian gateway will lead from the parking area into the central town square. Some additional parking will be located along the main street. Stormwater management will consist of on-site water quantity and quality control via infiltration (or sand filters) for the first flush and a flow splitter which will bypass the larger storm flow via an enclosed pipe system to a downstream in-stream hybrid wet/dry stormwater management facility.

The proposed in-stream quantity control facility will serve the subject property and the new I-270/Rockledge Connector interchange.

In addition to the construction of internal roads, pedestrian and bicycle pathways and parking facilities, the Applicant will dedicate right-of-way and participate in funding MDSHA's I-270 and Old Georgetown Road interchange improvements, construct a segment of the Rockledge Connector, make improvements along Old Georgetown Road, provide an easement for the future dedication of right-of-way for the North Bethesda Transitway and provide landscaping and street trees along the frontage of the subject property. The Applicant will also join and participate in the North Bethesda Transportation Management Organization to assist the North Bethesda Transportation Management District in achieving and maintaining its 39% non-driver traffic mitigation goal.

### **PROJECT BACKGROUND**

The subject property is located within the area covered by the 1992 Approved and Adopted North Bethesda-Garrett Park Master Plan ("Master Plan"). The Master Plan recommends that the subject property be developed as a new town center for North Bethesda under MXPDP zoning, with a mixture of land uses including affordable housing, offices, retail uses and parking. The Master Plan also recommends a direct connection between Rock Spring Park and the I-270 East Spur and provides designations for the adjacent and nearby roadways. In addition, the Master Plan provides guidelines for the North Bethesda Transitway, including an easement along Rock Spring Drive for the future dedication of all necessary right-of-way for the transitway, station, bikeway and bus pull-off as well as for streetscaping between the transitway and the realigned roadway. The Master Plan also requires that the North Bethesda Policy Area be moved to Stage II before additional staging ceiling may be allocated to North Bethesda.

In accordance with the Master Plan recommendations, the District Council rezoned the site to the MXPDP Zone in April 1997 (Zoning Case No. G-713). The rezoning approval was conditioned upon several roadway improvements in the site area, including the programmed construction of the I-270 interchange at the Rockledge Connector, the construction of ramps between the I-270 split and the new interchange, and improvements to the I-270/Old Georgetown Road interchange and I-270 West Spur at Democracy Blvd. interchange. The conditions also provided maximum calculated critical lane volumes for several nearby intersections. The Planning Board subsequently held a public hearing, on July 30, 1998, to clarify the phasing element of the development plan (Development Plan Amendment No. 99-1). In addition, in March 1999, the Planning Board moved the North Bethesda Policy Area to Stage II, basing its decision on the progress that had been made in implementing the transportation infrastructure and transportation demand management programs in North Bethesda.

The Planning Board also recently considered several of the proposed roadway improvements for the site and surrounding area under Mandatory Referral No. 98809-SHA-1. On March 18, 1999, MDSHA staff presented the I-270/Rockledge Drive/Old Georgetown Road interchange and the Old Georgetown Road/Tuckerman Lane intersection improvements to the Planning Board. In considering these projects, the Planning Board noted the importance of the improvements for better circulation and improved entry to the Rock Spring Park area. The

Planning Board forwarded its comments regarding the importance of the project and the need for improved landscaping and additional right-of-way to MDSHA's Highway Design Division on March 24, 1999.

### THE SUBDIVISION CRITERIA

An application for subdivision requires the Planning Board to undertake its legislatively delegated authority under the Regional District Act and the Montgomery County Code ("Code"). The Planning Board administers Chapters 50 ("Subdivision Regulations") and 59 of the Code ("Zoning Ordinance"). In order to gain approval, the application must meet all of the requirements of the Subdivision Regulations as well as those in the Zoning Ordinance applicable to the subject preliminary plan.

Section 50-35 of the Subdivision Regulations provides the approval procedure for preliminary plans of subdivision. After a hearing on the Preliminary Plan, the Planning Board must act to approve or disapprove the plan, or to approve the plan subject to conditions and/or modifications necessary to bring the plan into accordance with the Code and all other applicable regulations.

Among other requirements, Section 50-35 provides that the plan must include provisions for erosion and sediment control and that it must substantially conform to the applicable master plan. In addition, Section 50-35(k) of the Code (the "Adequate Public Facilities Ordinance" or "APFO") directs the Planning Board to approve preliminary plans of subdivision only after finding "that public facilities will be adequate to support and service the area of the proposed subdivision . . . [including] roads and public transportation facilities . . . in accordance with the guidelines and limitations established by the County Council in its Annual Growth Policy."

### DISCUSSION OF ISSUES

In its report and through testimony at the public hearing, Staff described the subject property, the proposal, the surrounding neighborhood, existing traffic conditions and planned road improvements. Staff noted that the Applicant has requested a slight modification of the square footage allocation to slightly decrease the office space (from 650,000 square feet to 637,200 square feet) and increase the retail space (from 310,000 square feet to 340,000 square feet) in order to include the proposed community center in the subject application. Staff testified that the subject application is in conformance with the development standards for the MXPB Zone; the District Council's adopted resolution approving Zoning Application No. G-713; and the amended phasing element of the Development Plan. In addition, the Staff found that the subject application is consistent with the recommendations of the Master Plan and that it complies with the provisions of the Subdivision Regulations. Staff recommended approval of the plan, subject to conditions.

#### Transportation

The main issue raised at the public hearing concerned the adequacy of roads and public transportation facilities in the site area. Staff testified that the subject application satisfies the policy area and local area components of Subdivision Regulations APFO review.

Regarding the Policy Area Review, or threshold capacity, Staff testified that development of the site is limited to 1,250 housing units and approval of 637,200/office and 340,000/retail comprising of a total of 977,200 square feet of non-residential uses. Available staging ceiling consists of a total of 3,667 jobs (417 jobs remaining in the current staging ceiling, 3,000 jobs for the Rockledge Connector access to I-270 East Spur, and 250 jobs for the improvements to Old Georgetown Road.) Staff explained that, until recently, there was no staging ceiling available in the North Bethesda Policy Area. However, in their work sessions on the FY99 Annual Growth Policy ("AGP"), the County Council recognized the possibility that the I-270 East Spur Interchange and improvements to Old Georgetown Road might become available to be counted for AGP capacity during FY99.

Accordingly, the County Council directed the Planning Board to add 3,250 jobs and 1,200 housing units when the following three conditions were met: (1) the transportation improvements are fully funded within the next four years; (2) an agreement is signed between the Applicant and MDSHA delineating the responsibilities for each in the interchange project and related improvements; and (3) Staff has confirmed that the capacity associated with the interchange and improvements to Old Georgetown Road has not changed. Staff advised the Planning Board that a completed agreement between the Applicant and MDSHA is anticipated and the other two conditions have been met. Staff also noted that the policy area was moved to Stage II in March, 1999, which satisfied the Master Plan requirement that the policy area be moved to Stage II before new capacity can be allocated to North Bethesda.

To satisfy Local Area Transportation Review ("LATR"), Staff recommended several conditions, including: (1) the realignment of Rockledge Drive associated with the construction of the Rockledge Connector; (2) a signed agreement with MDSHA obligating the Applicant to participate in funding the I-270 interchange improvements and to construct a segment of the Rockledge Connector; and (3) full bonding of the design and construction of improvements contiguous to the site along Old Georgetown Road and at the interchange of the I-270 West Spur and Democracy Boulevard. Staff also noted that the Applicant's traffic study and the subject application include several proposed improvements to add capacity to nearby intersections.

Staff further stated that the subject application satisfies the conditions imposed in Zoning Case No. G-713 regarding APF review. Staff explained that construction of 1) the future I-270/Rockledge Connector interchange, 2) the improvements to the I-270/Old Georgetown Road interchange, and 3) improvements to the intersection of Old Georgetown Road and Tuckerman Lane, are all programmed for construction within two years.

In response to a question from Chairman Hussmann about the Planning Board's recommendations on the mandatory referral, Staff stated that MDSHA has not yet finalized the interchange design. However, MDSHA has indicated that it is trying to accommodate the Planning Board's recommended improvements. Staff further noted that obtaining the land for the recommended pedestrian access and landscaping improvements should not be a problem because the proposed conditions for the subject application require the Applicant to provide the land.

The Applicant testified that the State, the County and the Applicant have worked together to ensure the provision of the direct access connection into Rock Spring Park from the interstate system, known as the "Rockledge Connector". The Rockledge Connector is a critical part of the

application, which will vastly change the dynamics of the existing traffic conditions along Old Georgetown Road and Rock Spring Drive and improve the transportation system in the site area.

Neighboring property owners and citizen associations submitted correspondence and a petition into the record detailing their concerns. Several neighbors and representatives of community organizations also testified at the public hearing. They contended that the subject application does not comply with the conditions of the District Council's rezoning decision and its approval would undermine the intent and purpose of the APFO. They stated that allowing the MDSHA I-270 improvements to be counted for LATR review at this time would be premature and would result in excessive traffic congestion. The neighbors noted that the Applicant and MDSHA have not yet signed an agreement regarding funding of the roadway improvements, as required by the conditions in Zoning Case No. G-713. They also testified that the Applicant and Staff are relying upon future MDSHA improvements, for which full funding has not been appropriated, to meet current LATR requirements. They explained that the funds necessary for the completion of the MDSHA projects are appropriated for only the current year and procedurally not appropriated for the out-years, but are described as "for Planning Purposes Only".

In addition, the neighbors' argued that 1) the current project budget, including the programmed funds, does not include necessary sound barriers, safety barriers or visual screening; 2) that the final interchange design is not complete; 3) that there are unresolved issues regarding whether and when MDSHA will require adjoining residential property to achieve the road improvements and the costs of obtaining that property; and 4) that significant delays may result from legal challenges and/or the need for approval of additional funding.

The neighbors also contended that the LATR Guidelines contain conflicting requirements. They stated that the language of Section VII.A of the LATR Guidelines, which allows the Applicant to include programmed transportation improvements into its LATR analysis and relies on the use of the Montgomery County Approved Road Program (ARP) to identify roads that are "programmed," requires that 100 percent of the construction funds be already appropriated for a project to be included. However, the ARP criteria for inclusion of a road in LATR requires that 100% of construction funds be programmed in the MDSHA Consolidated Transportation Program within the five-year program period, rather than appropriated. In addition, the neighbors expressed concern about Staff's reliance on the County Executive to determine construction funding requirements and the likely timing of construction. They contended that the Planning Board illegally delegates a portion of its authority to administer the APFO by relying on the ARP criteria, which are determined by the County Executive.

In response to the neighbors' concerns, the Applicant testified that it has signed the agreement with MDSHA regarding the implementation of the Rockledge Connector improvements. In addition, the Applicant and Staff explained that the provisions of the LATR Guidelines are not conflicting, but that the terms used to define "programmed" road improvements are different for County and State projects. Thus, County road projects require that 100% of construction funds must be "appropriated" or otherwise committed, but State projects require that 100% of construction funds must be "programmed" in the MDSHA Consolidated Transportation Program (CTP) within the five-year program period. The I-270/Rockledge Connector improvements are State projects. Therefore, including the programmed I-270 improvements in LATR for the subject application is timely and appropriate. Staff also explained that, because of past difficulties in

determining which road improvement projects should be counted for development review, the Planning Board, the County Executive and the County Council agreed several years ago that the ARP would be the defining document for determining which road projects can be counted for AP and LATR purposes. They agreed that the County Executive is in the best position to determine what funding will be committed in the County budget, which projects will move ahead when, and to coordinate projects with the State. Finally, in response to a question from Chairman Hussman, Staff stated that funding in the out-years, beyond the current and budget years, is described as "For Planning Purposes Only" for all projects in the CTP.

### Noise

In its report, Environmental Staff stated that the subject property will be heavily impacted by noise from the surrounding roads. Staff also found that setbacks and physical barriers would be of limited value in noise attenuation. Therefore, Staff supported the Applicant's use of intervening noise-compatible uses (e.g., parking structures), building orientation, acoustical design and building layout to mitigate noise on the site.

Through testimony at the public hearing, the owners of property adjoining the interchange to the north expressed concerns about the noise that will be generated by the new interchange improvements. They testified that their concerns are relevant to the subject application because funding for necessary sound barriers, which could cost up to three million dollars, is not included in the MDSHA project budget. They also contended that the environmental impact study and MDSHA's noise analysis for the road improvements are flawed and that MDSHA's plan revisions will result in even more noise than originally projected. In addition, the neighbors advised the Planning Board that WSSC plans to clearcut its 50-foot easement for a water main project along I-270, which will eliminate the existing noise barrier between the houses and I-270 and increase the need for new barriers. Finally, the neighbors expressed concern that the environmental impacts of MDSHA's revised design for the I-270/Rockledge Connector interchange and ramps, in particular the replacement of a retaining wall with a dirt slope, and WSSC's clearcutting have not been studied.

### FINDINGS

After review and consideration of the evidence of record, including testimony given at the public hearing, the Planning Board finds that Preliminary Plan No. 1-98092 is in accordance with the Subdivision Regulations, the Zoning Ordinance and the Regional District Act. The Planning Board further finds that the Preliminary Plan is consistent with the recommendations of the 1992 Approved and Adopted North Bethesda-Garrett Park Master Plan, the conditions imposed in Zoning Case No. G-713 and the amended phasing element of the Development Plan. The Planning Board also finds that the proposed conditions will ensure the appropriate use of the subject property, and adequate access and road improvements, forest conservation measures and stormwater management. The Planning Board accepts the Montgomery County Department of Permitting Services' ("MCDPS") determination that the Stormwater Management Concept meets MCDPS' standards and finds that the subject application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. In addition, the Planning Board finds that the Applicant's compliance with the conditions of approval of the

preliminary forest conservation plan will meet the requirements of Montgomery County Code Chapter 22A. Therefore, the Planning Board adopts Staff's recommended conditions.

Regarding the adequacy of public facilities, the Planning Board adopts Staff's findings and recommendations and finds that the site is adequately served by public facilities, including roads and public transportation, pursuant to the Fiscal Year 1999 Annual Growth Policy. The Planning Board further finds that Staff's use of the ARP to determine which road improvements are available for LATR purposes is appropriate. The Planning Board also finds that the CTP contains the same "For Planning Purposes Only" notation on funding for road improvements in the out-years for all projects. Such a delineation of funds is reasonable and the funds may be treated as "programmed".

Finally, the Planning Board acknowledges the neighbors' concern about the need for sound barriers along the interchange improvements, but notes that the interchange design issues were discussed at length at the public hearing on the mandatory referral and are not the subject of the current public hearing. Nevertheless, the Planning Board has significant interests in the design of the interchange and will reiterate its concerns to the MDSHA in a stronger, more pointed letter regarding the design issues and the protection of the adjacent community.

### CONCLUSION

Based on the testimony, evidence and exhibits presented, as well as the contents of the Preliminary Plan file, the Planning Board finds Preliminary Plan No. 1-98092, as modified by the Applicant, to be in accordance with the Subdivision Regulations of the Montgomery County Code and the provisions of the Maryland Code Ann., Art. 28. Therefore, the Planning Board approves Preliminary Plan No. 1-98092, as modified by the Applicant, subject to the following conditions:

- 1) Prior to recording of plat(s), Applicant to submit an Adequate Public Facilities (APF) Agreement with the Planning Board limiting development to 637,200 square feet of Office, 340,000 square feet of Retail, including a 30,000 square foot Community Center, and 1,250 Multi-Family Dwelling units; and providing for the roadway improvements and conditions outlined in the revised Transportation Planning Division memorandum dated May 27, 1999 and the Maryland Department of Transportation (MDSHA) memorandum dated May 11, 1999.
- 2) Prior to submission of site plan application, Applicant and MDSHA must ratify the Memorandum of Understanding for the necessary participation in roadway improvements and securing the necessary rights-of-way.
- 3) Compliance with the provisions and phasing elements contained in County Council Resolution No. 13-865 for Zoning Application G-713.
- 4) Compliance with the conditions of approval of the preliminary forest conservation plan. The Applicant must meet all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permit, as appropriate.

- 5) Final dedication line of Rockledge Drive and Rockledge Connector to be established by record plat.
- 6) Terms and conditions of access to be finalized and approved by MCDPW&T prior to recording of plats per memorandum dated 5-24-99.
- 7) Record plat to reflect area of transit alignment and proposed station location.
- 8) Conditions of MCDPS stormwater management approval, dated 5-20-99.
- 9) No clearing, grading or recording of plats prior to site plan approval.
- 10) Final building location, public use space and other amenities to be reviewed and approved at site plan.
- 11) Other necessary easements.
- 12) Upon determination of the County to use a portion of this site for a community center, Applicant shall dedicate to the County, without cost to the County, that portion of the site designated for use as a community center.

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