



January 7, 2004

**MEMORANDUM**

TO: Malcolm Shaneman, Supervisor  
Wynn Witthans, Planner  
Development Review Division

VIA: Ronald C. Welke, Supervisor  
Transportation Planning 

FROM: Ed Axler, Planner/Coordinator   
Transportation Planning

SUBJECT: Project Plan No. 9-94003-A, Preliminary Plan No. 1-60252-A, and  
Site Plan No. 8-04013  
Alexan Montrose Crossing, Phase III  
North Bethesda Policy Area

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject project plan, preliminary plan, and site plan.

**RECOMMENDATIONS**

Transportation Planning staff recommends the conditions below as part of the APF test for transportation requirements related to this project plan amendment, preliminary plan revision, and site plan. This preliminary plan is subject to APF-transportation-related review as a residential land use on Parcel "A" that was recorded before January 1, 1982, (i.e., before the current criteria for the APF test were enacted).

1. Limit the project plan, preliminary plan, and site plan to 80 additional high-rise apartments for a total of 230 high-rise plus the previously approved 426,048 square feet of general retail (with a supermarket) space, 20,377 square feet of restaurant, and 2,400 square feet of general office space.

2. Provide 23 bike racks with approximately one-third located in the garage and two-thirds located outside the apartment building.
3. Enter into an agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) to participate in the North Bethesda Transportation Management District (TMD) to assist in achieving and maintaining their Trip Reduction Goals.
4. Retain the other previously approved conditions of approval for Project Plan No. 9-94003 and Preliminary Plan No. 1-60252 (Attachment 1).

## **DISCUSSION**

### Site Location, Vehicular Access, and Pedestrian Facilities

The site is located in the northeast quadrant of the intersection of Rockville Pike (MD 355) and Randolph Road. The site vehicular accesses are from Bou Avenue, at Chapman Avenue, Rockville Pike, and Randolph Road, at Maple Avenue, and at the future Nebel Street Extended. Pedestrian access is available from the public sidewalks along the adjacent roadways.

### Prior Regulatory Actions

The regulatory actions for the apartment site and remaining portion of Parcel "A" were as follows:

1. The overall site, Parcel "A", was owned by B.F. Saul Real Estate Investment Trust and then sold to GFS Reality. The specific subject site, as a portion of Parcel "A", was leased back to B.F. Saul Real Estate Investment Trust.
2. The original Flagship Center consisted of 388,255 gross square feet of general retail uses.
3. Building Permit No. 93-11-22-0061 was released on January 4, 1994, to add a front enclosure to the existing Giant Supermarket of 3,391 gross square feet. With the addition, the gross square feet of the Flagship Center was increased to 391,646.
4. The Planning Board held a public hearing on October 13, 1994, for Annexation Petition No. ANX 94-0119 to annex the B.F. Saul portion of site into the City of Rockville. At that time, the applicant proposed 117,000 square feet of general retail use. The subject site was never annexed into the City of Rockville.
5. The original application of the overall subject site, Parcel "A", was for over 5,000 square feet of non-residential development. Parcel "A" located at 12051 Rockville Pike, Rockville, was registered as a loophole property with Registration No. 12290860 and Tax No. 135245, in order to be subject to a less-stringent APF test compared with

a typical subdivision review. Loophole properties refer those registered under the Emergency Bill 25-89 and Subdivision Regulation 89-1 ("Loophole Legislation") in Section 8-31(a)(1), enacted on July 24, 1989.

As a registered loophole property, a traffic study was required to satisfy Local Area Transportation Review (LATR) when the additional number of site-generated peak-hour trips by non-residential land uses is 50 or more than generated by previously approved land uses after January 1, 1982. Such was the case for the original site plan. Therefore, a traffic study was submitted for the original site plan, Montrose Crossing, to analyze the non-residential impact of site-generated traffic at nearby intersections.

To satisfy Policy Area Transportation Review (PATR) in a policy area then in moratorium, the applicant constructed Chapman Avenue between Bou Avenue and Randolph Road.

6. Project Plan No. 9-94003, Montrose Crossing (renamed from the Flagship Center), was approved by the Planning Board on February 2, 1995, for a net increase of 7,566 gross square feet of general retail uses. The net increase was equivalent to an addition of 14,355 gross square feet and removal of 6,789 gross square feet (or a total of 399,212 gross square feet).
7. Site Plan No. 8-95018, Montrose Crossing - Phase Ia, was approved by the Planning Board on March 2, 1995, for a net increase of 7,566 gross square feet of general retail uses. The net increase was equivalent to an addition of 14,355 gross square feet and removal of 6,789 gross square feet (or a total of 399,212 gross square feet).
8. Site Plan No. 8-95036, Montrose Crossing - Phases Ib and II, was approved by the Planning Board on June 29, 1995, for a net increase of 74,344 gross square feet of general retail uses. The net increase was equivalent to an addition of 115,684 gross square feet and removal of 41,340 gross square feet (or total of 462,599 gross square feet).

As a part of the APF review for Site Plan No. 8-95036, Phase III of Montrose Crossing was for 150 high-rise apartments that are not covered by the loophole closure law.

9. The B. F. Saul portion of Parcel "A" was approved as Project Plan No. 9-01003, for a Home Depot store at the Planning Board's public hearing on January 4, 2001. Project Plan No. 9-01003-A and Site Plan No. 8-01002-A were approved to change the Home Depot to Target (i.e., 154,295 gross square feet of retail space) store at the Planning Board's public hearings on January 9, and January 16, 2003.
10. Site Plan No. 8-95036-B, Montrose Crossing - Phase III, was approved by the Planning Board on April 24, 2003, for 150 high-rise apartments because the applicant did not satisfy Condition No. 1.a of the site plan approval to file an amendment for Phase III before July 1, 2002.

Proposed residential development is located on Parcel "A" that was recorded before January 1, 1982. Even though the applicant is now proposing residential development, the original property owner of this non-residentially-zoned land (i.e., currently in the RMX zone) could have and did register as a loophole property. Therefore, only the previously approved non-residential development has a less strict APF test compared with a typical subdivision review under Section 50-35(R) of the County Code.

However, for the Phase III residential development associated with Site Plan No. 8-950036-B for the previously approved 150 apartments, the APF test as a registered loophole property was and still is not applicable. Similarly, the applicant for this residential development is not subject to LATR and PATR even though the development may be located in a moratorium policy area because of Section 50-20(c)(4)(i) in the County Code (Attachment 2). The site is in the North Bethesda Policy Area that was in moratorium for residential development.

The Phase III residential development may not be subject to the APF test, but is subject to Chapter 59-D-3.4(b) of the Zoning Code (Attachment 3). The Planning Board's approval of the Site Plan No. 8-95036-B includes the required finding of compatibility and safety (i.e., a traffic operations and safety review).

#### Master Plan Roadways and Bikeways

In accordance with the *North Bethesda/Garrett Park Master Plan*, the master plan roadways and bikeways are as follows:

1. Bou Avenue is not classified in the master plan. According to an approved condition of Site Plan No. 8-95036 in 1995 (Attachment 4), Bou Avenue, between Chapman Avenue and the lease line between the GFS/Montrose Crossing and B.F. Saul/Target, should have 35-feet of right-of-way from its centerline. DPWT is requiring a 10-foot public utility easement on the south side.
2. Chapman Avenue is classified as a four-lane business district road, B-4, with a 70-foot right-of-way. However, the segment of Chapman Avenue, between Randolph Road and Bou Avenue, was designed and built by the Montrose Crossing applicant as a 36-foot two-lane undivided road in accordance with their approved Project Plan No. 9-94003, and Site Plan No. 8-95036 and 8-95018 for Montrose Crossing.
3. Nebel Street is classified as a four-lane industrial/business street, B-5, with an 80-foot right-of-way and eight-foot multi-use Class I bikeway.
4. Rockville Pike (MD 355) is designated as a six-lane major roadway, M-61, with a 134-foot right-of-way and a Class I bikeway on the east side.
5. Randolph Road is designated as a four-lane arterial, A-90, with a 100-foot right-of-way and an on-road Class II bikeway.

## On-Going Roadway Improvements

The following roadway improvements are in planning, design, or construction:

1. The Montgomery County Capital Improvements Program (CIP) Project No. 509995, Conference Center Intersection Improvements:

To satisfy the conditions of Zoning Case No. G-745, County Council's Resolution No. 13-1411 on August 4, 1998, the intersection improvements are as follows:

- Montrose Road - Randolph Road and Rockville Pike (MD 355): Construct a right-turn lane and second left-turn lane on eastbound Montrose Road.
- Randolph Road and Parklawn Drive: Add a second southbound left-turn lane on Parklawn Drive at Randolph Road, and convert the two northbound approach lanes on Parklawn Drive from a left-turn/through lane and a through/right-turn lane to an exclusive left-turn lane and a through/right lane. DPWT's CIP Project for the Conference Center improvements at this intersection was put on hold until the Maryland State Highway Administration (SHA) and DPWT design plans for other projects along Randolph Road without construction funding are finalized.
- Randolph Road and Nebel Street: Construct an eastbound right-turn lane on Randolph Road.

The applicant for Site Plan No. 8-01002, Home Depot and now Target, is required to provide a second northbound left-turn lane from Nebel Street onto westbound Randolph Road in order to mitigate their site-generated traffic.

The Conference Center, and additional intersection improvement, will be subject to changes because alternative designs are being studied for SHA and DPWT design plans for other projects along Randolph Road without construction funding.

2. Montrose Parkway West:

Montrose Parkway West is an east-west arterial approximately parallel to Montrose Road. The Montgomery County CIP Project No. 500311, Montrose Parkway West, is now funded for construction for the four-lane divided section between Montrose Road near Tower Oaks Boulevard and Executive Boulevard.

3. Interchange at Rockville Pike and Montrose Road - Randolph Road and the CSX Railroad:

SHA is now designing the interchange and CSX grade-separation, which have been broken into two separate projects. The limits of the detailed design study are from "Old" Old Georgetown Road to Maple Avenue.

The applicant for Site Plan No. 8-01002, Home Depot and now Target, had coordinated with the SHA interchange project at Rockville Pike and Montrose Road - Randolph Road and the CSX Railroad.

4. DPWT's Congested Intersection Initiative Projects:

- Site No. 3a: Randolph Road and Nebel Street
- Site No. 3bw: Randolph Road and Parklawn Drive (West)

Alternative designs are under study to integrate both intersections with SHA's interchange study at MD 355, Montrose Road - Randolph Road, and the CSX Railroad and DPWT's Montrose Parkway East and Randolph Road Facility Planning Projects. For the intersection of Randolph Road and Nebel Street, DPWT's Nebel Street Extended Facility Planning Project is also being evaluated for integration into the roadway network design. DPWT's CIP Project for the Conference Center intersection improvements at the intersection of Randolph Road and Parklawn Drive was put on hold until the other design plans for SHA's and DPWT's projects are finalized.

5. Montrose Parkway East:

Montrose Parkway East is an east-west arterial parallel to Randolph Road. The Montgomery County CIP Facility Planning Project, Montrose Parkway East, is now under facility planning.

6. Nebel Street Extended:

Nebel Street Extended is a north-south business district street connecting Randolph Road with Bou Avenue. The Montgomery County CIP Facility Planning Project, Nebel Street Extended, was completed and design funding was added to the CIP on November 26, 2002, as part of the "Go Montgomery" package.

Only the first two projects are fully funded or have expenditures for construction within the next five years and can be considered in place for LATR (e.g., in a traffic study).

Site-Generated Traffic

The previously approved 150 and proposed 80 high-rise apartments generate 78 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 90 peak-hour trips during the evening peak period (4:00 to 7:00 p.m.). The total 230 apartments generate 50 or more peak-hour trips during the weekday morning and evening peak periods, and therefore, a traffic study is required to satisfy Local Area Transportation Review and to analyze the traffic impact at nearby intersections.

Congestion Levels at Nearby Intersections

Based on the results of the submitted traffic study prepared for the subject plans, the calculated critical lane volume (CLV) values at nearby intersections are as shown below. The background traffic condition includes the traffic generated by the previously approved 150 high-rise apartments besides other nearby approved, but unbuilt, developments.

Intersection	Peak Hour	Traffic Condition		
		Existing	Background	Total
Chapman Avenue and Twinbrook Parkway	Morning	762	875	875
	Evening	1,021	1,048	1,049
Bou Avenue and Chapman Avenue	Morning	623	664	676
	Evening	803	902	910
Rockville Pike and Bou Avenue	Morning	1,102	1,200	1,204
	Evening	1,153	1,243	1,249
Randolph Road and Montrose Crossing Access/Maple Avenue	Morning	1,260	1,354	1,363
	Evening	1,361	1,500	1,515
Bou Avenue and Apartment Site Access	Morning	N/A	93	107
	Evening	N/A	159	166

All calculated CLV values are less than the congestion standard of 1,600 CLV for the North Bethesda Policy Area.

Policy Area Transportation Review/Staging Ceiling Condition

In the North Bethesda Policy Area, the remaining capacity is a positive 115 housing units under the *FY 2004 Annual Growth Policy* transportation-staging ceiling, as of November 30, 2003.

## Transportation Demand Management

This site is within the boundary of the North Bethesda TMD. If the County Council adopts the reestablishment of the annual Transportation Management Fee, the applicant of this new multi-family residential development would have to pay the fee to the North Bethesda TMD. The pending legislation would re-implement the recommendation in the North Bethesda-Garrett Park Master Plan and the requirements under County Code 42A-25, Ridesharing. The applicant of such multi-family residential development would be required to submit a traffic mitigation plan for the North Bethesda TMD.

The North Bethesda TMD is operated by a private nonprofit organization, the North Bethesda Transportation Action Partnership. The TMD is not an entity to join; per se, but instead an organization in which to participate by cooperating in:

1. Conducting the annual employee survey.
2. Appointing a transportation coordinator.
3. Promoting alternative transportation modes to residents on the site.
4. Paying the annual Transportation Management Fee to the North Bethesda TMD, given the County Council's renewal of TMD's enabling legislation.

The Stage II goal is to achieve and maintain the 30% non-driver traffic mitigation goal for residents in the planning area.

EA:RCW:gw

### Attachments

cc: Larry Cole  
Shahriar Etemadi  
Mary Goodman  
Greg Leck  
Karl Moritz  
Peggy Schwartz  
Holger Serrano

mno to shaneman re 994003A



# **MONTROSE CROSSING**

**STAFF REPORT**

**PROJECT PLAN NO. 9-94003**

**FEBRUARY 9, 1995**

**The Maryland-National Capital Park and Planning Commission**

**STAFF REPORT**

**PROJECT PLAN #9-94003**

**MONTROSE CROSSING**

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## **I. STAFF RECOMMENDATIONS**

Staff recommends APPROVAL of Project Plan #9-94003 subject to the following conditions:

### **1. Development Ceiling**

This development is limited to 75,660 square feet of additional retail use (for a total commercial development for 467,306 sf) and 150 dwelling units, to be built in accordance with the following phasing plan:

- a. Phase I (Ia and Ib) - Construct 34,500 square feet of new retail use to replace 41,340 square feet of existing retail for a net decrease in retail area of 7,022 square feet.
- b. Phase II- Construct 79,682 square feet of retail use and a parking structure.
- c. Phase III- Construct approximately 150 dwelling units.

Prior to site plan approval of phase I, the applicant must enter into an agreement with the Planning Board which precludes any additional applications for the development of this site prior to the construction of phase III.

### **2. Transportation Improvements**

The applicant must provide the following transportation improvements:

- a. Prior to building permits for phase II, the applicant must have a third northbound approach lane on Parklawn Drive West at Randolph Road under construction. This lane would be used as an exclusive left-turn lane;
- b. Prior to occupancy permits for phase II, the applicant must complete the construction of Chapman Avenue Extended, from Randolph Road to Bou Avenue, to include two travel lanes and two parallel parking / parcel pick up lanes and ensure that the street is fully operational; and
- c. Prior to building permits for phase II, the applicant must enter into a Public Improvement Agreement (PIA) with the Montgomery County Department of Transportation (MCDOT) to provide the following :
  - (i) Complete a before/after study of Rockville Pike and Chapman Avenue, not later than six months after Chapman Avenue is operational, to confirm that there is sufficient diversion at the intersection of Randolph Road and Rockville Pike to reduce the critical lane volume by 23; and

- (ii) If such diversion cannot be demonstrated, the applicant must have an eastbound right-turn lane from Montrose Road to southbound Rockville Pike under construction within six months after completion of the study.

3. Traffic Impact Study

Prior to site plan approval for phase II, the applicant must update the traffic impact study for further Adequate Public Facilities (APF) review.

4. Dedication of Nebel Street

Nebel Street must be dedicated to a right-of-way of 70 feet at the time it is 100% funded in the CIP. If dedication occurs prior to the expiration of lease to Levitz, such dedication would be subject to Levitz's approval and may result in a temporary reduced right-of-way along a portion of the store. Prior to the dedication and construction of Nebel Street, the applicant must provide an agreement with B.F.Saul, that is mutually acceptable to both parties, regarding the location and cost sharing for construction of parking spaces as necessary to accommodate Nebel Street, subject to approvals by the Planning Board and the City of Rockville.

5. Dedication of Bou Avenue

Bou Avenue, between Chapman Avenue and Nebel Street must be dedicated to a 70 foot right-of-way at the time that Nebel Street is 100% funded in the CIP.

6. Lease Agreement with SHA

Prior to Site Plan approval, the applicant must provide a signed lease agreement with the State Highway Administration for any improvements and maintenance of parking and amenities within the SHA right-of-way, which borders the property to the south.

7. Phasing of Amenities

The public facilities and amenities for this project plan must be provided at occupancy permit for the respective phases as follows:

*Phase II:* Open Space A, Open Space C, Montrose Gateway, Chapman Avenue including streetscape, East West Street streetscape, Bou Avenue streetscape, and Rockville Pike streetscape; and

*Phase III:* Residential amenities and Open Space B.

8. Improvements to Chapman Avenue Extended

Prior to site plan approval for phase II, the applicant must include the following in the design of Chapman Avenue, which would be a private street, from Randolph Road to Bou Avenue, subject to MCDOT's approval:

- a. The roadway must include two travel lanes and two parking or parcel pick up lanes and consist of 36 feet. On street parking may be deleted if it interferes with pedestrian access to the stores ;
- b. Continuous sidewalks, with a minimum undisturbed width of 6 feet, on both sides of the street;
- c. Specially paved crosswalks;
- d. Neck-downs at appropriate intersections;
- e. Street trees at the curb, three to three and one half - inch caliper, approximately 30 feet on center along parking areas and 60 feet on center along shops;
- f. Adequate depth of soil (i.e. 4'-0") to support the proposed street trees;
- g. Street lights approximately 60 feet on center; and
- h. Benches, trash receptacles, and other streetscape elements.

9. Improvements to the East-West Street

Prior to site plan approval for phase II, the applicant must provide a final streetscape design for the East-West street including the following:

- a. Elimination of curb-cuts along the northern side to maintain a continuous sidewalk;
- b. Continuous sidewalks, with a minimum undisturbed width of 6 feet, on both sides of the street;
- c. Specially paved crosswalks;
- d. Street trees , three to three and one half - inch caliper, approximately 30 feet on center ;
- e. Adequate depth of soil (i.e. 4'-0") to support the proposed street trees;
- f. Street lights approximately 60 feet on center; and

- g. A special continuous streetscape feature along the curb to separate pedestrians from cars.

10. Improvements to Rockville Pike Streetscape

Prior to site plan approval for phase II, the applicant must include the following streetscape elements in the design of the east side of the Pike, from Randolph Road to Bou Avenue, in the area within the right-of-way and the setback, which would generally consist of 30 feet minimum, subject to SHA's approval:

- a. An asphalt bikeway, 8 ft minimum, clearly demarcated by color, signs, and logo;
- b. A continuous sidewalk, with a minimum undisturbed width of six feet;
- c. Double row of street trees, 3 to 3.5 inch caliper, approximately 40 feet on center;
- d. Adequate depth of soil (i.e. 4'-0") to support the proposed street trees;
- e. Pedestrian street lights approximately 80 feet on center; and
- f. Benches, trash receptacles, bus shelters, and other streetscape elements.

The narrower section along the existing Chevy Chase Bank must accommodate the sidewalk and the bikeway only.

11. Improvements to Bou Avenue

Prior to site plan approval for phase II, the applicant must provide for the following setbacks, which reflect the recommended right of way and required minimum setbacks: (i) 52.5 feet from the road center line for Building C and 50 feet for its driveway; (ii) 47.5 feet from the road center line for the parking structure, with a setback waiver; and (iii) 50 feet from the road center line for the first four floors of the residential structure, with a setback waiver. The following streetscape elements must be included along the south side of Bou Street in the area within the right of way and the setback, subject to MCDOT's approval:

- a. A continuous sidewalk, with a minimum undisturbed width of six feet;
- b. Street trees at the curb, 3 to 3.5 inch caliper, 30 feet on center;
- c. Adequate depth of soil (i.e. 4'-0" ) to support the proposed street trees;
- d. Attractive landscaping and screening of the loading areas;

- e. Street lights 60 feet on center; and
- f. Benches, trash receptacles, and other streetscape elements.

12. Improvements to Open Space A

Prior to site plan approval for phase II, the applicant must provide the following in the design for open space A, which would be adjacent to building A and consist of approximately 4,400 sf:

- a. Special paving within the surrounding roadway to significantly increase the perceived and usable area of this open space and improve connectivity to the adjacent sidewalks and activating uses;
- b. A garden area with year-round interest and permanent planting including trees;
- c. Specially paved pedestrian link to Building B;
- d. Park chairs and benches; and
- f. A sculptural feature to create a focal point.

13. Improvements to Open Space B

Prior to site plan approval for phase III, the applicant must provide the following in the design for open space B, which would be adjacent to the Montrose School and consist of approximately 34,000 sf with approximately 25,000 sf of amenity space. The design must be coordinated with the school's occupants and subject to SHA's approval:

- a. An east-west axis from the Montrose Gateway to the Montrose School consisting of a tree lined pedestrian link;
- b. A direct north-south axis from Randolph Road to Open Space A consisting of a tree lined pedestrian link;
- c. A tree save area;
- d. lighting;
- e. - Seating; and
- f. A significant usable grassy area.

14. Improvements to Open Space C

Prior to site plan approval for phase II, the applicant must provide the following in the design of Open Space C, which would be adjacent to building C and consist of approximately 4,000 sf, excluding the Chapman Avenue sidewalk:

- a. A continuous typical Chapman Avenue sidewalk area 12 ft wide with 6 foot sidewalk, street trees at the curb, and lighting;
- b. A garden area with year-round interest and permanent planting including trees; and
- c. Park chairs and benches.

15. Improvements to the Montrose Gateway

Prior to site plan approval for phase I, the applicant must provide the following in the design of Montrose Gateway, which would be located at the corner of Rockville Pike and Randolph Road and consist of approximately 4,400 sf:

- a. A tree lined pedestrian link to open space B;
- b. A festive place maker;
- c. Aesthetic improvements to the air quality station such as painting or screening;
- d. seating; and
- e. lighting

16. Improvements to Building C

Prior to site plan approval for phase II, the applicant must provide the following in the design of the area surrounding building C:

- a. A direct, clear, and unobstructed pedestrian walk along the south side of the building;
- b. Street trees along the southern sidewalk; and
- c. Attractive screening of the loading areas along Bou Avenue.



17. Provision of Parking

Prior to site plan approval for phase I, the applicant must revise the parking plan to provide the following:

- a. All required parking must be met within the site, excluding the future Nebel Street right-of-way area;
- b. Surplus parking, not to exceed approximately 100 spaces, may be provided temporarily within the SHA leased right-of-way so long as a significant tree save area is maintained within that area;
- c. Surplus parking may be provided temporarily within the future Nebel right-of-way until its dedication; and
- d. All parking areas must meet the landscaping purposes and requirements in the Zoning Ordinance, Section 59-E-2.73;

18. Building Scale and Compatibility Features

Prior to site plan approval for phase III, the applicant must address the following in the design of the residential building:

- a. Direct pedestrian linkages from the building entrance to the retail area;
- b. The setback from Bou Avenue for the first four floors must be 15 feet minimum; and
- c. Appropriate setbacks for the high rise portion to achieve human scale on Bou Avenue.

The approval of this project plan includes a 50% waiver of the building setback requirements from Bou Avenue for the commercial buildings and the first four stories of the residential building in finding that the proposed streetscape permits a lesser setback without adversely affecting development on adjacent properties.