

Resolution No. 15-151

Introduced: April 29, 2003

Adopted: April 29, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY**

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By: County Council

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**SUBJECT:** APPLICATION NO. G-801 FOR AMENDMENT TO THE ZONING ORDINANCE  
MAP, Stephen P. Elmendorf and Nathan J. Greenbaum, Attorneys for White Flint  
LLC (LCOR) and Washington Metropolitan Area Transit Authority (WMATA),  
Applicants, OPINION AND RESOLUTION ON APPLICATION  
Tax Account No. 04-001-00052606

**OPINION**

Zoning Application No. G-801 requests reclassification from the R-90 Zone to the TS-M Zone of 30.99 acres known as the WMATA property, located within an area bounded by Rockville Pike, Old Georgetown Road, Nebel Street and Marinelli Road in North Bethesda in the 4<sup>th</sup> Election District.

The Hearing Examiner recommended approval of the application and the revised development plan based on findings that the proposed development is a proper use for the comprehensive and systematic development of the County; that the proposed use is capable of accomplishing the purposes of the TS-M Zone; that the proposed development is in compliance with the applicable master plan; and that the proposed development satisfies all the technical requirements of the TS-M Zone.

The Hearing Examiner also concluded that the development plan complies with the master plan and does not conflict with the general plan, the County's CIP or other County plans or policies; that the plan complies with the purposes, standards and regulations of the TS-M Zone, provides for the maximum safety, convenience and amenity of residents of the development, and will be compatible with adjacent development; that the plan provides for internal vehicular and pedestrian circulation systems that are safe, adequate and efficient; that the plan provides design features that will minimize soil erosion, enhance sediment control, and preserve natural features; and that the binding elements of the plan assure perpetual maintenance and care of recreational, common and quasi-public areas.

The Technical Staff and the Planning Board provided similar recommendations. The District Council agrees with the findings and conclusions of the Hearing Examiner, the Planning Board and the Technical Staff.

The subject property is located in the North Bethesda-Garrett Park Planning Area. The 30.99 acre tract is roughly rectangular in shape and is bounded on four sides by roads: Rockville Pike on the west, Old Georgetown Road on the north, Nebel Street on the east and

Marinelli Road on the south. The topography reflects a 76-foot average drop in grade from west to east. The property extends about 1,560 feet in depth and is about 845 feet wide. The site is currently developed with the White Flint Metro Rail Station, a surface parking lot for Metro patrons, a golf driving range and miniature golf course and storm water management facilities. The 4.7-acre forest and rock outcroppings of the "White Flint" are located in the center of the site.

The surrounding impact area includes areas south to Parkwood, east to Rock Creek and north to Randolph Road. This area includes residential areas that will likely receive impact from this large development not just in the form of traffic impact but also from its intensity of use. This area is in line with the likely impact of the project and consistent with impact areas used by the District Council in other high impact cases.

The land use and zoning pattern of the area reflects mixed uses including offices, retail, light industrial, high-rise and mid-rise residential buildings, and single-family residential uses. The eastern portion of the area includes low-rise, light industrial uses within the Montrose Industrial Park and the Washington Gas Light facility. To the north are residential uses including the 3 to 5 story Windsor Villa apartments, and White Flint Place, a complex with a 12-story office building with retail and two 16 story residential buildings currently under construction. The 17 story Forum residential condominium is located further north.

The Mid Pike Plaza is located west of Rockville Pike and is developed with one and two story retail uses with surface parking. Also located west of Rockville Pike is the Metro surface parking lot that is approved for development as the County's Conference Center which will include two 12 story hotels and about 100,000 square feet of conference space. Located south of Marinelli Road and west of Rockville Pike is a two-story retail center. Located further to the west are three high-rise residential buildings developed under the TS-R Zone and range up to 19 stories.

Located on the south side of Marinelli Road and on the east side of Rockville Pike are the two buildings of the Nuclear Regulatory Commission, one of which is 20 stories and the other 10 stories. Located to the east along the south side of Marinelli Road are mixed uses including a proposed 20-story, residential high-rise, an existing 4-story apartment building, a Metrobus storage and maintenance facility, low-rise industrial uses and an athletic club. Located further south is the White Flint Mall, and the residential communities of Garrett Park Estates and Parkwood.

The proposed development will contain over 2,700,000 square feet of mixed uses with approximately 1,350,000 square feet designated for office and retail uses and approximately 1,350,000 square feet designated for 1,350 residential rental units, including moderately priced dwelling units (MPDUs). The overall concept of the project is to break the 30-acre site into eight building blocks centered along a "Main Street" that will extend in an east-west direction. This Main Street will link Rockville Pike and the eastern end of the site. Main Street will function as an internal loop road. All the internal streets will have sidewalks, streetscape improvements and ample building setbacks. These improvements will include street trees, pedestrian scale streetlights, benches, and street signs. Streetscape will also be provided along the roads that border the site. All the proposed uses will be located within 1,600 feet of the Metro station.

The project will be contained in eight building blocks. The four blocks closest to Rockville Pike will contain the office uses, while the four eastern blocks will contain the residential development. Building setback will be 15 to 20 feet with sidewalks of appropriate

width depending on their location and function. Parking will be provided for employees, patrons, residents and Metro riders in structured parking facilities and on-street spaces. A WMATA parking garage will be located between a Metrobus stop and the transit station.

Retail uses will be located along the western edge of the site and will also extend along both sides of Main Street at street level. The proposal intends to provide a grocery store/market to be located east of Chapman Avenue within one of the residential blocks. A below grade movie theatre is also planned to be located east of Chapman Avenue.

A street grid is designed to accommodate future north-south extensions of Chapman Avenue and Citadel Street to form a connection between Nicholson Lane and Randolph Road that will permit traffic from Marinelli Road and Old Georgetown Road to enter the site and also provide relief to Rockville Pike. The street grid is also designed to slow traffic and offer a buffer for pedestrians with street parking. A north-south street, known as Station Street, will extend from Old Georgetown Road to Marinelli Road along the western end of the site, and will provide a showcase of activity for retail and offices uses facing Rockville Pike. The street will also provide pedestrian access to and from the Metro station and will provide for kiss and ride, handicap parking and bus access to the station. At the east end of the site, a local street will connect Main Street to Nebel Street. At the west end of the site, the development plan proposes a pedestrian/vehicular bridge across the Metro tracks. Final approval of the proposed bridge will be determined by the Planning Board at site plan review.

There are several identified amenities proposed. A tree stand, containing 51,000 square feet of forested area and over 25 specimen trees and the "White Flint" rock outcropping, will be preserved adjacent to Main Street. A community green of about 35,000 square feet is proposed along the eastern end of Main Street as a focal point for the residential buildings. A storm water management facility will be located off-site on an adjacent property at the eastern end of the site. Another storm water management facility will be located underground at the northern end of the site. Other substantial and additional amenities, including a childcare center and an indoor community activity space, will be provided within the building blocks as determined by the Planning Board.

The project will enhance pedestrian movement by locating density closer to Metro. Building heights will range to as high as 20 stories, the level currently reflected by the NRC building on the south side of Marinelli Road. An architectural edge around the building blocks will reflect heights of 1 to 4 stories. There will be 4 or 5 commercial buildings and the office towers that are expected to range from 10 to 20 stories in height. The residential towers would range from 4 to 20 stories with the tallest buildings clustered around the community green. The proposal includes a density limit of 2.0 FAR, which conforms to the master plan recommendation.

The property is classified under the R-90 Zone, which was applied to the site by the 1954 Regional District Zoning. Countywide comprehensive rezoning in 1958, and again in 1978 and in 1993 reconfirmed this zoning. The property is also the subject of special exceptions for two golf-driving ranges approved by the Board of Appeals.

In 1978, when the Nicholson Lane Sector Plan first analyzed this area, the R-90 Zone was recommended as a base zone and the TS-M Zone was recommended as an alternative floating zone which can only be applied by local map amendment. The zoning plan was followed by comprehensive zoning in 1978 which confirmed the R-90 Zone. The subject property is currently governed by the recommendations contained in the 1992 North Bethesda-

Garrett Park Master Plan, which recommends the site for the R-90 Zone and for the TS-M Zone as a floating zone.

The District Council finds that the application is consistent with the land use and density recommendations of the master plan. In terms of planning objectives for this location, the application will provide a main urban center for North Bethesda, encourage significant Metro use, promote mixed use development to insure vitality of the area, provide transit serviceable residential uses and promote a lively pedestrian environment. The application also meets the urban design and street circulation recommendations of the plan. Open space and MPDUs are elements of the project that also comply with the recommendations of the master plan.

The District Council concludes that the proposed development complies with the intent and purposes of the TS-M Zone. The site is located in a transit station development area where substantial commercial and office uses exist and are recommended by the master plan and will promote optimum use of transit facilities. The proposed development is recommended for the TS-M Zone by the applicable master plan and will be located adjacent to the White Flint Metro Station. The development plan provides an imaginative and compact site design with compatible land uses and specifically implements the design guidelines of the sector plan. The proposal includes several amenities including a child day care center, a indoor community activity space, structured parking, tree preservation, community open space areas and storm water quality and quantity control facilities. The design layout strictly conforms with the density recommendations of the master plan in that the overall development will be restricted to an FAR of 2.0. The development plan includes features that will minimize detrimental impact on adjacent properties or the surrounding area. The proposed development is compatible with the existing and planned land uses in the area. The proposal meets the technical development standards of the TS-M Zone concerning minimum lot area, overall density and public use space and active and passive recreational space.

The District Council also finds that the development plan meets the requirements of Section 59-D-1.61 of the Zoning Ordinance. The TS-M Zone at this location complies with the master plan and the proposed development is in accord with the County's other plans and policies. The development plan provides for a form of development that satisfies the requirements of the TS-M Zone, provides for the maximum safety, convenience and amenities for residents of the development, and is compatible with adjacent development. The development plan contains features that protect environmentally sensitive areas and provides for green areas. The design layout provides for significant open space, tree preservation, setbacks, buffer areas, separate vehicular and pedestrian circulation systems and a storm water management system. The internal vehicular and pedestrian circulation systems will be safe, adequate and efficient. The design features will prevent soil erosion, enhance sediment control and preserve natural features. The Applicants provided binding elements of the development plan to assure perpetual maintenance of all recreational, common and quasi-public areas.

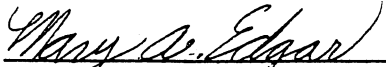
For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

**ACTION**

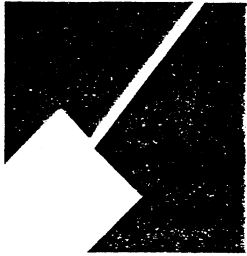
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

The revised development plan, submitted as Ex. 88(b), is approved. Zoning Application No. G-801 for the reclassification from the R-90 Zone to the TS-M Zone of 30.99 acres known as the WMATA property, located in an area bounded by Rockville Pike, Old Georgetown Road, Nebel Street and Marinelli Road in North Bethesda in the 4<sup>th</sup> Election District is granted in the amount requested subject to the specifications and requirements of the approved development plan; provided that, within 10 days of receipt of the District Council's approval resolution, the Applicants must submit the revised development plan, Ex. 88(b), as a single document for certification in accordance with §59-D-1.64.

This is a correct copy of Council action.

  
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Mary A. Edgar, CMC  
Clerk of the Council

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

Date Mailed: December 2, 2003

Action: Approved Staff Recommendation  
Motion of Comm. Bryant, seconded by  
Comm. Wellington with a vote of 3-0;  
Comms. Bryant, Berlage and Wellington  
voting in favor; Comm. Perdue and  
Robinson necessarily absent

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**MONTGOMERY COUNTY PLANNING BOARD**

**REVISED OPINION**

Pre-Preliminary Plan 7-04001

Name of Plan: NORTH BETHESDA TOWN CENTER

On 09/08/03, LCOR White Flint LLC (the "Applicant") submitted a complete Pre-application Submission Application, including a Concept Plan, for Planning Board approval, pursuant to the provisions of Section 50-33A of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) for a property in the TS-M/I-1 zones. The Concept Plan, which depicted one lot for 1,430,037 sq.ft. of commercial/retail space and 1,350 multi-family dwelling units (the "proposed LCOR Subdivision") on 32.4 acres of land (the "Applicant's Property"), requested a decision by the Planning Board on the following matters:

1. Pursuant to the provisions of Section 50-35(k) of the Subdivision Regulations, the adequacy of school facilities for the proposed LCOR Subdivision under the Ceiling Element for the FY 2004 Annual Growth Policy (July 2003); and
2. Pursuant to the provisions of Section 50-35(k) of the Subdivision Regulations, the adequacy of road and public transportation facilities of the proposed LCOR Subdivision under the Alternative Review Procedures for Metro Station Policy Areas in the FY 2002 Annual Growth Policy – Policy Element (November 2001).

The Applicant's Pre-Application Submission Application was designated as Pre-Preliminary Plan No. 7-04001.

On 10/16/03, Pre-Preliminary Plan No. 7-04001 was brought before the Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the Applicant's Pre-Application Submission Application.

Based upon the testimony and evidence presented by Staff and on the information on the Pre-Application Submission Application, including the Applicant's Concept Plan, the Planning Board approves the Applicant's Concept Plan, subject to the conditions listed below. The approval of the Concept Plan is based upon the following findings of fact and conclusions of law:

### **Adequacy of School Facilities**

On July 8, 2003, the Montgomery County Council approved the Ceiling Element for the FY 2004 Annual Growth Policy. With its adoption of the Ceiling Element, which went into effect on July 15, 2003, the County Council found that all high school clusters pass the AGP's current School Test. Pursuant to the Applicant's request under the provisions of Section 50-33A(a)(1) of the Subdivision Regulation, the Planning Board finds public school facilities to be adequate for the proposed LCOR Subdivision, pursuant to the provisions of Section 50-35(k) of the Subdivision Regulations.

### **Adequacy of Roads and Public Transportation Facilities**

On April 29, 2003, the Montgomery County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, approved the Applicant's rezoning request, Zoning Application No. G-801, to rezone a portion of the Applicant's property to the TS-M zone, pursuant to the Applicant's revised Development Plan. The certified development plan includes fifteen (15) Binding Elements. Binding Element No. 2 provides as follows:

2. The application for preliminary plan approval will utilize the Alternative Review Procedures for Metro Station Areas, as described in FY 2002 Annual Growth Policy (November 2001).

Pursuant to the provisions of Section 50-33A of the Subdivision Regulations, the Planning Board finds that, for purpose of roads and public transportation facilities under Section 50-35(k) of the Subdivision Regulations, roads and public transportation facilities are adequate to serve the proposed LCOR Subdivision provided that the Applicant satisfy the conditions listed below.

### **Planning Board Action**

The Planning Board's approval of Pre-Preliminary Plan No. 7-04001 pursuant to the provisions of Section 50-33A of the Subdivision Regulations is subject to the provisions of Section 50-33A(b) of the Subdivision Regulations and the following additional conditions:

1. The Applicant enter into an agreement with the Planning Board and the County Department of Public Works and Transportation to:
  - a. meet trip reduction goals established by the Planning Board as a condition of approving the LCOR Subdivision, which require the Applicant to reduce 50% of the number of weekday peak hour trips attributable to the LCOR Subdivision, either by reducing trips from the subdivision itself or from other occupants of the White Flint Metro Policy Area;

- b. participate in programs operated by, and take actions specified by the North Bethesda Transportation Management District ("TMD") established by County law for the White Flint Metro Policy Area (or a group of policy areas including that policy area) in order to meet the TMD's mode share goals;
  - c. pay an ongoing annual contribution or tax to fund the TMD's operating expenses, including minor capital items such as buses, as established by County law; and
  - d. pay the applicable transportation development impact tax without claiming any credits for transportation improvements.
  - e. Conduct a Local Area Transportation Review ("LATR") traffic study and specify for inclusion in the County's Capital Improvements Program ("CIP") any transportation improvements needed to support the subdivision.
2. Preliminary plan application shall conform to all other requirements set forth in Chapter 59, Zoning Ordinance, Chapter 50, Subdivision Regulations and other applicable codes
3. Planning Board approval of the Pre-Preliminary Plan including the alternative review procedures under Section TA1 of the FY04 Annual Growth Policy does not preclude further consideration by the Board of other trip reduction measures associated with preliminary plan or site plan review, as appropriate, e.g. location of transit stops, provision/location of Kiss-and-Ride and bus circulation areas; on-site and off-site pedestrian and vehicular circulation; on-site parking requirements; phase-in of day care facilities, and other trip reduction measures as appropriate.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

July 23, 2004

Mr. Harold Bartlett  
Secretary and Chief of Staff  
Washington Metropolitan Area Transit Authority  
600 Fifth Street, NW  
Washington, DC 20001

SUBJECT: Mandatory Referral No. 04202-WMATA-1  
White Flint Metro Parking Garage

Dear Mr. Bartlett:

At the regular meeting on July 22, the Planning Board reviewed the Washington Metropolitan Area Transit Authority (WMATA) mandatory referral for the Metro parking garage at White Flint, located in North Bethesda, in the TS-M Zone.

The Planning Board voted 3-0, with Commissioner Wellington abstaining, to approve the mandatory referral and transmit the following comments to the WMATA regarding the Metro parking garage at White Flint:

1. Coordinate the structure's design elements, streetscape, and utilities with the site plan for the North Bethesda Town Center (LCOR).
2. Plant Willow Oak trees 30' on center along Marinelli Road, adjacent to the curb. Alternate the planting of tall evergreens (Fosters Hollies), Quercus Phellos, and Leyland Cypress along the garage on Marinelli Road to screen the garage from adjacent residents and community areas. Plant Quercus Alba along the eastern and western sides of the garage. Landscape the understory using liriopie (Big Blue or Monroe White).
3. Locate a new pedestrian entry and sidewalk connection along the southwest corner of the parking garage at Chapman Avenue to improve the access to Metro.
4. Provide an interior crosswalk system within the garage to allow for better pedestrian circulation patterns. Each stair tower should connect directly to the interior crosswalk system.
5. Place a second pedestrian sidewalk along the northeast side of the vehicular entrance into the parking garage to improve circulation from the North Bethesda Town Center site.

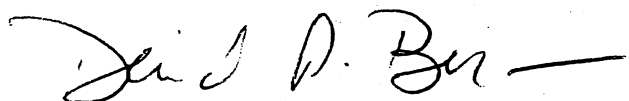
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6. Achieve a minimum of 0.1 of light spillover, measured at the sides of the building. Relocate rooftop poles closer together. The rooftop light poles should be shorter, no more than 20' maximum in height, (including the mount/building column). Poles should emit no more than 150 watts each.
7. Provide five percent of green space on the rooftop.
8. Include a screen or baffle or parapet on the garage to provide better screening to adjacent housing as referenced in the wall sections plan.
9. Provide 52 bike racks and 40 bike lockers for bicycle parking inside or adjacent to the proposed parking garage given the proximity of the North Bethesda Trail along Rockville Pike (MD 355).
10. Reduce the limits of disturbance of the garage to the maximum extent possible to minimize root loss to the tree stand to the north of the building, especially to trees #38 and #43.
11. Comply with the conditions of the approval of the Final Forest Conservation Plan prior to the release of the Sediment Control Permit by the Maryland Department of the Environment (MDE).
12. Provide incentives to reduce weekend traffic to the North Bethesda Town Center site by such measures as charging WMATA fees during the hours of operation (24 hours, 7 days a week) for parking in the garage.
13. Consider using locally sourced sustainable or renewable materials, recommended by the U.S. Green Building Council standards for Leadership in Energy and Environmental Design (LEED), in the construction the garage.

The Planning Board expressed concerns about lighting and noise in response to a letter submitted by The Montgomery County Housing Opportunities Commission on behalf of the residents at Strathmore Court. The Planning Board also commented about the compatibility of the garage with the North Bethesda Town Center project. Coordination with LCOR regarding the structure's design elements, streetscape, and utilities is essential.

The staff report is attached. We hope you consider the recommendations and thank you for providing the Planning Board the necessary information to make this mandatory referral review possible.

Sincerely,



Derick P. Berlage  
Chairman

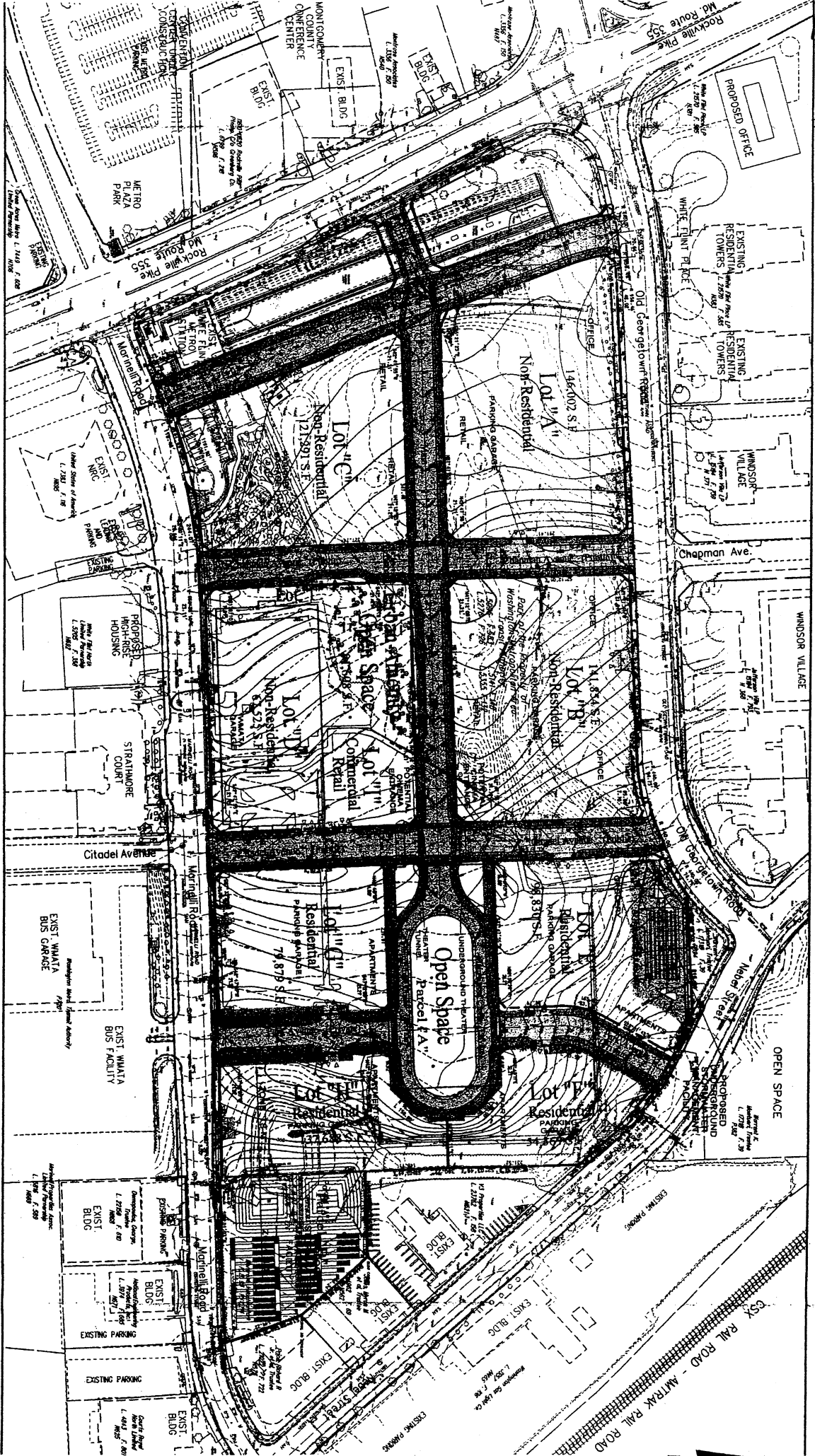
DPB:KO:ha  
Attachment

cc: John Carter, M-NCPPC  
✓ Kristin O'Connor, M-NCPPC  
K.P. Heinemeyer, WMATA

PRELIMINARY PLAN

NORTH BETHESDA TOWN CENTER

ROCKVILLE ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND



LOCATION MAP

SCALE: 1"=400'