



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # *6*
05/12/05

MEMORANDUM:

DATE: March 6, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Carlton Gilbert, Zoning Supervisor, Development Review Division *CG*

FROM: Dan Janousek, *AICP*, Senior Planner, Development Review Division
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SUBJECT: **Local Map Amendment No. G-830:** White Flint Crossing, LLC
Reclassification of 5.907 acres of land from the C-2 Zone to the TS-M Zone for 649,114 square feet of total development including 60,000 square feet of cellar space, 413,114 square feet of residential space, 176,000 square feet of above grade commercial development and approximately 435 dwelling units including up to 15% of the total number of residential units as MPDUs provided on site and based on the amount of the density bonus achieved by the Applicant pursuant to Chapter 25A. Moderately priced dwelling units will be located on site.

FILING DATE: November 23, 2004
PUBLIC HEARING: May 17, 2005

RECOMMENDATION

APPROVAL, of Local Map Amendment No. G-830 and the associated White Flint Crossing Development Plan for the following reasons:

1. The request for reclassification to the TS-M Zone is in compliance with the land use, zoning and transportation recommendations of the North Bethesda/Garrett Park Master Plan.
2. The reclassification will comply with the purpose clause of the TS-M Zone (59-C-8.23) and all other requirements of the zone.
3. The reclassification will be compatible with the surrounding uses.

SUMMARY

The applicant, White Flint Crossing, LLC, proposes a local map amendment to rezone approximately 5.907 acres of land from the C-2 to the TS-M Zone (Transit Station Development Area Zone - Mixed). The subject property is located between Rockville Pike and Woodglen Drive in the White Flint area of North Bethesda.

The proposed development plan includes three mixed-use residential/commercial buildings with associated underground parking and a parking garage. The development Plan includes new roads, including the unbuilt portion of Executive Boulevard from Woodglen Drive to Rockville Pike, a private street running north and south through the development and a private service drive running east and west. One of the buildings (Building A) will be a prominent twenty four-story 'point tower' residential building surrounded by a podium of two-story commercial uses. The remaining buildings will be six-seven stories in height.

The applicant requests up to a 22% residential bonus density for the provision of moderately priced dwelling units (MPDUs) pursuant to Chapter 25A. The development will provide up to 15% of all residential units as MPDUs located on-site. In total, there will be approximately 435 residential units, 176,000 square feet of commercial use, 19,079 square feet of public use space, 60,000 square feet of commercial cellar space and 47,698 square feet of recreational space.

DESCRIPTION

Description of property

The subject property is bounded by Rockville Pike to the east and Woodglen Drive to the west. White Flint Mall is directly across Rockville Pike. The property is within the White Flint Sector Plan area of North Bethesda and within 1500 feet of the White Flint Metro station.

The property is a 5.907-acre gross tract area consisting of two parcels, N56 and N62, which were both parts of what was once Lot 4, Higgins Estate, originally recorded in 1902. The total net area of the lot is 190,792 square feet or 4.38 acres of land.

Existing improvements on the site include a hotel and its associated surface parking. A second surface parking lot, encompassing the west side of the property, is located along Woodglen Drive. There no natural features on the site, other than a small amount of turf and landscaping along Rockville Pike. The topography is such that it slopes downward from north to south and the property has a small stormwater pond located behind the hotel.

The property is Zoned C-2 (Commercial). A portion of the property was the subject of Preliminary Development Plan No. 1-04025 that was approved by the Planning Board on February 19, 2004 for general office and retail uses.

There are no historic structures or sites located on the property (source: M-NCPPC Historic Preservation Division Technical Staff).

Surrounding Area

Definition of Surrounding Area – The TS-M Zone is a floating zone and evaluation of the zoning requires delineation of a surrounding area. In general, the defined surrounding area takes into account those areas that are most directly affected by the proposed development and any special study areas that may have been defined by a master or sector plan.

For this rezoning, many of the properties located in the White Flint Sector Plan area as specifically referenced in the 1992 North Bethesda Garret Park Master Plan are included in the surrounding area.

Staff defined the surrounding area as bounded by Woodglen Drive to the west, Nicholson Lane to the North, Rockville Pike to the east, and Edson Lane to the south. The surrounding area includes portions of the White Flint Sector Plan sub-areas 4, 5 and 6, and properties adjacent to the sector plan area to the west and south. The surrounding area used for this analysis is extended to include townhouses to the west along Woodglen Drive.

Adjacent Development – Land use in the surrounding area is mixed and there are several zoning classifications. Confronting the subject property to the north is a 4-story building on C-2 zoned property. To the south is a seven-story office building and an eight-story office building, both are on C-O zoned property. These buildings have frontage along Security Lane. Confronting the site to the east across Rockville Pike is the White Flint Mall. To the west, approximately 155 feet from the proposed development are three-story townhouses on PD-11 zoned property along Woodglen Drive.

Other nearby land uses are high-rise residential towers, town homes and condominiums, office uses, and auto-oriented commercial uses.

INTENDED USE AND APPROVAL PROCEDURES

The applicant requests approval for the TS-M Zone to allow a mixed-use, transit-oriented development for the site. The applicant states that the development plan is consistent with the tenets of New Urbanism because it is an example of transit-oriented development and smart growth.

Development Program

As shown on the attached Development Plan, the applicants intend to develop four buildings and a parking structure. The project is limited to 649,114 square feet of total development that includes 60,000 square feet of cellar space. The project will be developed in one phase. It includes 413,114 square feet of residential space and 176,000 square feet of above grade commercial development with the ground floor of each building containing commercial space. The residential buildings will include approximately 435 dwelling units including up to 15% of the total number of residential units as MPDUs based on the amount of the density bonus actually achieved by the Applicant pursuant to Chapter 25A. Moderately priced dwelling units will be located on site. The total floor area ratio will be 2.29 for the property in accordance with the White Flint Sector Plan that recommends a maximum 2.4 FAR for the area's TS-M Zone properties.

Building Location

The development plan shows four residential/retail buildings located between Woodglen Drive and Rockville Pike. The entire development is focused around a 19,079 square foot outdoor public use space/open air plaza that will be seamlessly integrated into a private street running north and south through the development. The main residential/retail building, Building A, is a twenty four-story residential 'point tower'. It will be oriented towards the corner of Executive Boulevard and Rockville Pike. A podium of two-story retail uses will surround the tower.

Building B is located along Rockville Pike to the south of the main residential building. It is a seven-story mid-rise residential/retail building with a podium of two-story retail.

Building C is a seven-story residential building with a podium of two-story retail. Building C wraps around the interior parking structure and will have frontage along Executive Boulevard and the private Festival Street. Building D is a six-story residential/retail building facing Woodglen Drive and it wraps the parking structure. The height of the parking structure will be no higher than the height of the residential building proposed along Woodglen Drive.

Access

Vehicular access to underground parking will be from Executive Boulevard and a private service drive to the south. A smaller portion of the project's parking will be located in an above-grade parking structure accessed from Woodglen Drive. The garage will be substantially screened from view by wrapping the garage with the mid-rise residential building along Woodglen Drive. Service access will be primarily from the service drive.

The main entrance lobbies for the residential buildings will be located on both Woodglen Drive and Executive Boulevard. Pedestrian access to the residences will also be

available from a private street and the interior public plaza area. The close proximity to Metro (within 1500 feet) will offer pedestrians easy access to the property.

Public Use and Active and Passive Recreation Space

The project includes the required 10% of net lot area for public use space. This will be provided within the development in the form of a 19,079 square foot outdoor public plaza that will serve the building, neighboring properties, and the surrounding neighborhood. The intent is to provide significant improvements to the pedestrian environment in this area and a place for activities. Furthermore, to improve pedestrian connections, a new private "Festival" street that will run north and south through the property is proposed. The vision is to have a seamless transition between the Public Plaza and the Festival Street.

The project includes the required 25% of net lot area for recreation space. A portion of this space will be provided indoors. The remaining required recreation space is provided in outside areas such as the surrounding sidewalks and an outdoor courtyard that is located in Building C.

Streetscape amenities are proposed by the applicant to enhance the pedestrian experience for the new Festival Street, Woodglen Drive, Executive Boulevard, and Rockville Pike. These amenities include landscaping, sidewalks, public art, additional street trees and setback space for wide sidewalks along Rockville Pike.

Binding Elements

The applicant has proposed three binding elements. Staff finds that the binding elements described below will not minimize the development plan's general compliance with the North Bethesda/Garrett Park Master Plan and the development plan's compliance with the purposes, standards and regulations of the TS-M Zone; and will be compatible with the surrounding uses.

Binding element one limits the overall size of the development to 649,114 square feet. The binding element also allows a conversion from commercial uses to residential use. The total amount of residential development on the property (including the number and percentage of MPDUs) is permitted to increase as a result of the conversion of commercial to residential use so long as the ground floor of each building remains commercial (except for residential lobbies and other ancillary residential uses associated with those buildings at the ground level).

Binding element number two states that the Applicant shall provide up to 15% of the total number of residential units as MPDUs based on the amount of the density bonus actually achieved by the Applicant pursuant to Chapter 25A of the Montgomery County Code, as amended 2004. The total number, mix and location of the residential units,

including the MPDUs, shall be determined at Site Plan. All MPDUs shall be provided on-site.

Binding element three prescribes the following height limitations that shall apply to the development: (i) up to 24 stories for the Building A located at the northeast corner of the property along Rockville Pike, (ii) up to six stories for the building(s) facing Woodglen Drive and (iii) the height of any parking structure located west of Festival Street shall be no greater than the height of the adjacent residential building(s) along Woodglen Drive.

Building	Height Limit
Building A located at the northeast corner of the property along Rockville Pike	24 Stories
Buildings along Woodglen Drive	6 Stories
Parking Structure	No greater in height than the residential mid-rise buildings proposed along Woodglen Drive (6 Stories)

Zoning History

1. Comprehensive Zoning

- a. SMA G-709: C-2 Zone Confirmed; Adopted 11/09/2003
- b. SMA G-123: R-90 to C-2 Zone; Adopted 10/10/1978
- c. 1958 County-wide Comprehensive Zoning: R-90 Confirmed
- d. 1954 Regional District Zoning: R-90 enacted and mapped

2. Special Exceptions and Zoning Cases

- a. S-159-A: Special Exception Modification for a Bank approved; March 16, 1977
- b. S-159: Special Exception Modification for expansion of motel operation approved November 9, 1972
- c. C-830: R-90 to C-1 Zone Denied: Resolution No. 4-1799, July 19, 1960
- d. BA 757: Special Exception Modification for Motel approved; June 15, 1959
- e. BA 709: Special Exception Modification for Motel approved January 22, 1959
- f. BZA 1128: Special Exception Modification for Motel approved June 12, 1952

Public Facilities

1. Water and Sewer Service

- a. **Water and Sewer Service Categories:** The subject property is served by public water and sewer systems, and it is currently in Water Service Category W-1 and Sewer Service Category S-1.

2. Roads

- a. **Woodglen Drive:** This business street consists of two through lanes and a center turn lane providing access from Edson Lane to the south to Nicholson Lane to the north. Woodglen Drive has on-street metered parking. The North Bethesda/Garrett Park Master Plan recommends a right-of-way of 80 feet. The road carries the Bethesda Trolley Trail along the east sidewalk. The Master Plan recommends extending Woodglen Drive from Nicholson Lane northward to Marinelli Road.
- b. **Executive Boulevard:** This business street consists of four through lanes providing access for traffic traveling between Rockville Pike and areas west of Old Georgetown Road. Sections of this road are divided to the west of Old Georgetown Road. To the east of Old Georgetown Road, and adjacent to the subject property, road sections are undivided. The Master Plan recommends extending Executive Boulevard east to Huff Court with an 80 feet right of way.
- c. **Rockville Pike:** This major highway consists of six through lanes providing access for traffic traveling north and south. The Master Plan recommends a 150 right of way from Grosvenor Lane that is south of the subject property to Nicholson Lane that is north of the subject property. The Master Plan recommends a 134 feet right of way from Nicholson Lane northward to the Rockville City limits.

3. Schools

The schools serving the property are located within the Garret Park Elementary School, Tilden Middle School, and Walter Johnson High School service areas. These schools are in the Walter Johnson cluster. The current Annual Growth Policy (AGP) schools test finds capacity adequate in the Walter Johnson cluster (source: MCPS Department of Planning and Capital Programming).

ANALYSIS

Conformance with the Sector Plan for White Flint

The subject property is included in the White Flint Sector Plan area, which is described in the 1992 North Bethesda Garret Park Master Plan. The proposed development plan conforms to the Master Plan's land use, zoning and urban design objectives and recommendations, and it will introduce a residential component consistent with the general land use recommendations of the Master Plan. The development plan is consistent with the specific recommendation of the White Flint Area Sector Plan area for the floating TS-M zoning category on the subject property.

1. Plan Objectives

- a. Land Use and Development Plan – (Page 51)
The proposed development plan conforms to the objective in the Sector Plan to create a transit-serviceable residential component within the Sector Plan area and a mixed-use development near the Metro station in White Flint. The plan creates a pedestrian-friendly environment with street oriented retail uses and public spaces which contribute to the 24-hour vitality of the area.
- b. Transportation – (Page 51)
The development plan conforms to the Sector Plan's objective to ensure a pedestrian-friendly environment. The development plan shows an extensive pedestrian circulation network over an interconnected street system with small, pedestrian-scale blocks. The development plan shows Executive Boulevard extended to Rockville pike, and it provides 75 feet of property dedication for the development of Executive Boulevard. The development plan creates a new private "Festival" Street and a walkable private service drive. All roads provide sufficient right of way for sidewalks, street trees and other streetscape amenities.

2. Plan Recommendations

- a. Zoning – (Pages 51, 56 and 58)
The applicant recommends a floating TS-M Zone, and this recommendation is consistent with the Sector Plan.
- b. Transportation - (page 51)
The Sector Plan recommends that Executive Boulevard should be extended to meet Huff Court. The development plan shows the extension of Executive Boulevard to Rockville Pike and provides the provides 75 feet of property dedication for the development of Executive Boulevard that is consistent with the Sector Plan recommendation.

3. Specific Land Use and Zoning Recommendations

- a. Land Use, Density and Zoning - (Pages 55, 56 and 58)
The development plan conforms to the land use and zoning recommendations of the Sector Plan. The development plan does not exceed 2.4 FAR and provides more than the minimum 1.0 FAR of residential use as well as a substantial affordable housing component. The applicant recommends a floating TS-M Zone, and this recommendation is consistent with the Sector Plan's land use and zoning recommendation.

4. Urban Design Objectives

The proposed development conforms to the Sector Plan's urban design objective to "combine activity nodes and transit nodes by approving new development and a variety of activities at or near transit stops" (Page 109). The development plan shows that the project will contribute to activity in the area with its residential and retail uses located near the station and the interconnected multi-block land use proposal.

The Sector Plan recommends that new and existing streets become more pedestrian friendly and that existing barriers be overcome. The development plan fulfills these recommendations by developing local streets to create a more interconnected local street network that segments the existing block into smaller pedestrian-scale sized blocks.

The development plan does not strictly conform to the Master Plan guidelines that recommend a building setback of 10 feet from the right of way line along Rockville Pike and a double row of street trees along the Pike. The development plan does show that buildings will be setback 25 feet from Rockville Pike, and Staff concludes that this 25 foot setback will be sufficient to allow variations of the streetscape prototype recommended in the Master Plan that can be addressed at site plan. The applicant has provided illustrations that show an improved streetscape along Rockville Pike that will accommodate pedestrians and provide an enhanced pedestrian system for the area.

Compatibility

The proposal is compatible with the existing and proposed uses and building in the immediate vicinity. Land use in the surrounding area is mixed and there are several zoning classifications. Confronting the subject property to the north is a mid-rise office building and also property recommended for the TS-M Zone. To south is a seven-story office building and an eight-story office building, both are on C-O zoned property. These buildings have frontage along Security Lane. Confronting the site to the east across Rockville Pike is the White Flint Mall. To the west, approximately 155 feet from the proposed development are three-story townhouses on PD-11 zoned property along Woodglen Drive.

The main compatibility consideration is with the three-story townhouses to the west across Woodglen Drive. The townhouses present their back towards Woodglen Drive and the subject property. The yards are separated from Woodglen Drive by a mixed deciduous and evergreen wooded buffer. The distance from backyard lot lines to the curb is approximately 50-75 feet. The development plan shows a maximum height of 6 stories for along Woodglen Drive. This is generally compatible with the townhouses.

Requirements of the TS-M Zone

The zoning requirements of the transit station zones are found in Division 59-C-8 of the Zoning Ordinance. The relevant provisions are evaluated in the following paragraphs.

Section 59-C-8.2. Intent, Purposes and General Requirements

59-C-8.21. Intent. *The TS-R and TS-M zones are intended to be used as follows:*

- a. *Both the TS-R and TS-M zones are intended to be used in transit station development areas as defined in section 59-A-2.1, and the TS-R zone may also be used in areas adjacent to central business districts, within 1,500 feet of a metro transit station.*
- b. *The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.*
- c. *The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.*
- d. *In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.*

The proposed zone and the development plan proposal meet the intent of the TS-M zone. The subject property is in the White Flint Sector Plan Area, and it is specifically recommended for the TS-M Zone in the Sector Plan (Page 55). The property is within 1,500 feet of the White Flint Metro Station and it is well suited for the transit-oriented development promoted through the TS-M Zone. The property is in a location that is nearby a substantial amount of existing multi-family residential development. Other existing multi-family development includes a mix of townhouses and apartments in the area. Substantial office and commercial development exists nearby and adjacent to the boundary of the property.

The development standards for the zone allow flexibility in accommodating a building program, including minimum area required, density of development, and the provision of open space in the form of areas devoted to public use space. The public use space

along Festival Street, and the new Executive Boulevard will compliment and enhance the connections between Rockville Pike and Woodglen Drive. The development plan is creative in design and it proposes a gradual step up in building height from the adjacent development, with the tallest building along Rockville Pike to allow more sunlight to reach the public use space and the public realm around the point tower.

Section 59-C-8.23. Intent, Purposes and General Requirements

- a. *To promote the optimum use of the transit facilities by assuring the orderly development of land in transit station development areas and access, both vehicular and pedestrian, to metro stations;*
- b. *To provide for the needs of the workers and residents of transit station development areas;*
- c. *To provide for the incidental shopping needs of the transit facility riders at metro stations having parking facilities for large numbers of riders;*
- d. *To minimize the necessity for automobile transportation by providing, in largely residential transit station areas, the retail commercial uses and professional services that contribute to the self-sufficiency of the community;*
- e. *To obtain amenities for the residents and workers in transit station areas not ordinarily obtainable in conventional zoning classifications; and*
- f. *To prevent detrimental effects to the use or development of adjacent properties of the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the county as a whole.*

The overall residential and retail density of the development, parking garage, relevant site improvements, public plaza, new streets and connections, provide a compatible and self sufficient form of development. The application proposes a high-density mixed-use residential/retail project within 1500 feet of the White Flint Metro station. The subject development plan will be harmoniously integrated in an orderly fashion into the overall comprehensive planning and development envisioned for this area. The high-rise character of the development reduces the lot coverage to allow for a large public use space with associated amenities such as public art and outdoor public gathering places. The development plan shows private "Festival" street and areas for improved pedestrian facilities with amenities along the roadways surrounding the project. The proposed retail uses will be in close proximity to the Metro station to accommodate the incidental shopping needs for transit facility riders and the residents of the nearby residential developments to contribute to the self-sufficiency of the community and encourage less reliance on the automobile in the area. Moderately priced dwelling units will be located within the development.

Section 59-C-8.24. Location - *These zones are permitted only in the transit station development areas described in section 59-A-2.1 and in accordance with an approved and adopted master plan or sector plan, except in areas adjacent to central business districts as set forth in section 59-C-8.21(a).*

The proposed development is located in the White Flint Sector Plan area and is 1500 feet from the nearest Metro station. The Sector Plan specifically recommends the TS-M Zone for this property.

Section 59-C-8.25. Public Facilities and Amenities - A development must conform substantially to the facilities and amenities recommended by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or are deemed necessary by the Planning Board to provide for safe and efficient circulation, adequate public open space and recreation, and insure compatibility of the development with the surrounding area, and assure the ability of the area to accommodate the uses proposed by the application

The proposed development plan conforms to the recommendations in the Sector Plan for the White Flint Metro station area for dedications for public streets, bikeways and public open spaces. A large public use space with associated amenities such as public art is proposed. The dedication along Rockville Pike will be provided to establish a public right of way of 150 feet. The 75 feet of property dedication for the extension of Executive Boulevard Pike between Woodglan Drive and Rockville Pike will be provided to establish a public right of way of 80 feet. The dedications will allow bikeways recommended in the Sector Plan to be developed (Page 273), and public facilities such as wide streetscape sidewalks that will ensure that the area will have the ability to accommodate the proposed land uses in the application such as first floor retail and will enhance the pedestrian environment and provide safe and efficient circulation for the surrounding area.

Section 59-C-8.3. Land Uses - No use is allowed except as indicated in the use table:

The proposed residential dwellings and retail uses are permitted in the TS-M Zone.

Section 59-C-8.4. Development Standards - The proposal will satisfy the development standards and regulations of the TS-M Zone as outlined in the table below and on the subject development plan. Public use space and active and passive recreational space requirements may be met by providing the required space as a percentage of the net area included within the development plan.

Table 1. TS-M Zone Development Standards

	Required / Permitted	Provided
59-C-8.41. Minimum Area		
a) Minimum Property Area.	40,000 sq. ft.	257,309 sq. ft.
59-C-8.42. Density of Development		
a) Floor Area Ratio	3.0*	2.29
Residential		1.61
Commercial		.68
59-C-8.43. Open Space		
(a) Minimum percentage of net area devoted to public use space:	10% (19,079 sq. ft.)	10% (19,079 sq. ft.)
(b) Minimum percentage of net area devoted to active and passive recreational purposes:	25% (47,698 sq. ft.)	25% (47,698 sq. ft.)
Total minimum open space requirement (percent):	10% (19,079 sq. ft.)	10% (19,079 sq. ft.)

* The White Flint Sector Plan recommends a maximum FAR of 2.4. The Zone normally allows a maximum density of 3.0.

59-C-5.82. Off-Street Parking - Parking shall be located as to have a minimal impact

All parking is located under the buildings and within the parking garage on the site. Access for parking is located along Executive Boulevard, Woodglen Drive and the Service drive entrance.

59-C-5.83. Streets - Interior streets may be private or public but private streets must have a minimum width of 20 feet for two-way traffic and 10 feet for one-way traffic and must be paved and maintained in good repair.

The proposed development plan proposal splits the single block of multiple properties from Security Lane north to Nicholson Lane into three blocks. The proposal includes dedication of right of way for Rockville Pike and dedication for the extension of the unbuilt segment of Executive Boulevard between Woodglen Drive and Rockville Pike. Construction of a new private Festival Street that will run north and south through the subject property is proposed.

59-C-8.54. Ancillary Commercial Uses - *Ancillary commercial uses, as a permitted use or by special exception as set forth in section 59-C-8.3, may be permitted as follows:*

- a. *The amount of floor area devoted to commercial uses cannot exceed the amount or substantially alter the configuration specified for the site in the applicable master or sector plan.*
- b. *If the master or sector plan does not make a specific recommendation as to the amount of floor area allowed, then commercial uses are limited to the street level only.*

In addition, a restaurant may be permitted on the top or penthouse floor. All commercial uses must be so located and constructed to protect tenants of the building from noise, traffic, odors and interference with privacy.

The development plan conforms to the land use and zoning recommendations of the Sector Plan. The overall development plan does not exceed 2.4 FAR and provides less than the minimum allowable 1.0 FAR of commercial use.

Adequacy of the Development Plan

Section 59-D-1.61. Approval by the District Council - *Before approving an application for classification in any of these zones, the district council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In so doing, the district council must make the following specific findings, in addition to any other findings that may be necessary and appropriate to the evaluation of the proposed reclassification:*

- a. *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.*

The application conforms to the use and density recommendation in the Sector Plan. The proposed density of approximately 2.29 FAR meets the specific floor area ratio recommendations in the Sector Plan. The application includes the provision of moderately priced dwelling units on site and conforms to the County Council's policy of providing a range of housing opportunities in Metro station areas as described in the document Housing Montgomery.

- b. *That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

As described in the previous paragraphs, the proposed development plan and application complies with the purposes and standards of the TS-M Zone as set forth in Section 59-C of the Zoning Ordinance. The right of way and proposed setbacks for Executive Boulevard, Rockville Pike and Woodglen Drive improve vehicular circulation and pedestrian connections in the area of the development. The location of the buildings, public use space and streets will provide new pedestrian connections and circulation for maximum convenience and compatibility.

- c. *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.*

All parking is to be located within the building. The primary vehicular access to the site is from Woodglen Drive and Executive Boulevard. The entrances are located along the business streets, and in such a way that they will provide for the safe and adequate movement pedestrians and vehicular traffic. Service access is provided from a Service drive accessed from both Woodglen Drive and Rockville Pike. The service area will be improved to provide street trees and sidewalks for pedestrian safety.

- d. *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.*

Buildings and surface parking currently cover the existing site. The site is mostly impervious except for a small on-site stormwater management pond and a small amount of grass turf and landscaping along Rockville Pike. The topography is such that it slopes downward from north to south. Proposed stormwater management is to be located in an underground structural filtering device and will be reviewed during preliminary plan approval.

- e. *That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.*

Draft association documents have been included in the application to provide for the future maintenance of all areas of the project. These documents will assure that the perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes is adequate and sufficient.

Transportation

1. Land Use

Based on the applicant's traffic study, at the time of review of the adequate public facilities for the future subdivision the development is recommended to be limited to the following:

- a. 435 high-rise apartments
- b. 208,000 square feet of gross leasable floor area of general retail uses that includes 60,000 square feet of gross floor area for a supermarket
- d. 20,000 square feet of indoor restaurant use plus 5,000 square feet of outdoor seating area

2. Master Plan of Roadways and Dedication of Public Right of Way

The proposal includes a 75 feet dedication from centerline of right of way for Rockville Pike. Rockville Pike (MD 355) between Grosvenor Lane and Nicholson Lane is designated as a six-lane divided major highway, M-6, with a 150-foot right-of-way.

The development plan provides 75 feet of property dedication for the development of Executive Boulevard. Executive Boulevard is a two-lane business street, B-7, with a 80-foot right of way between Woodglen Drive and Rockville Pike. Executive Boulevard will include 5-foot-wide bike lanes, sidewalks and building setbacks appropriate for business district streets. The remainder of the dedication will be from the property line to the north (upon redevelopment) to be used for sidewalks on the north side of Executive Boulevard.

3. Intersections

Technical staff recommends extending the existing north and southbound left-turn lanes in the existing median of Rockville Pike at the intersection with Executive Boulevard Extended/ Fitzgerald Auto Mall's curb-cut. The length of this southbound left-turn lane should be long enough to accommodate the projected volume of left-turn and U-turn traffic at this future intersection.

4. Bikeways

The proposal will upgrade the North Bethesda Trail along Woodglen Road and provide new ADA-compatible pedestrian crossings at all viable intersection locations within the development. Technical staff recommends that the applicant provide one bicycle rack or locker for every 20 automobile parking spaces, not to exceed 20 bicycle racks. The applicant will coordinate with Transportation Planning staff to determine the location and type of bicycle parking facilities at site plan review

5. Traffic Mitigation - North Bethesda Transportation Management District (TMD)

The applicant will enter into a Traffic Mitigation Agreement (TMA) with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) prior to release of building permits to participate in the North Bethesda Transportation Management District (TMD) as a mixed-use development within its boundary. Participation will assist in achieving and maintaining its traffic mitigation goal for Stage II goals (39% non-auto-driver mode share for employees and 30% non-driver mode-share goal for multi-family residents).

6. Local Area Transportation Review

A Traffic Study was submitted with the application to satisfy Local Area Transportation Review because the proposed uses generate 30 or more total peak-hour trips during the weekday morning or evening peak periods. Based on the results of the submitted traffic study, all calculated CLV values for each analyzed intersection are less than the congestion standard.

7. Staging Analysis

Under the current *FY 2005 Annual Growth Policy*, the remaining transportation staging ceilings for residential and non-residential development are no longer considered for the Policy Area Transportation Review component of the APF test.

8. Circulation

The pedestrian facilities that are proposed will enhance the existing sidewalk network. The applicant is upgrading the public sidewalks along existing Woodglen Drive and Rockville Pike and constructing new sidewalks along the new segment of the master-planned Executive Boulevard. An east-west private service road is proposed along the southern property line between Woodglen Drive and Rockville Pike. A north-south private road, Festival Street, is proposed between Executive Boulevard and the private service road. Festival Street will provide enhanced circulation throughout the development via the public use space and sidewalks along the street. New sidewalks are also proposed along the southern service road.

Environment

1. Forest Conservation

The site has an approved Natural Resource inventory/Forest Stand Delineation (VRI/FSD). A draft Forest Conservation Plan was submitted with the application. The applicant will be required to submit a Final Forest Conservation Plan at the time of site plan submission.

2. Stormwater

A Stormwater Management Concept Plan has not been approved by DPS. The applicant will be required to submit a Stormwater Management Concept Plan at the time of Preliminary Plan submission. The applicant has indicated that they will attempt to achieve air and water quality improvements through the use of Leadership in Energy and Environmental Design, or LEED standards. Technical Staff believes that the project could earn 21-23 points toward LEED certification (See attached technical staff memorandum).

Subdivision

A subdivision will be required to amend the previously approved subdivision. Approval of the Preliminary Plan will be required prior to the release of building permits.

CONCLUSION

Staff finds that the proposed development plan and local map amendment are generally in compliance with the North Bethesda/Garrett Park Master Plan; are in compliance with the purposes, standards and regulations of the TS-M Zone; and will be compatible with the surrounding uses.

Attachments:

- A. Transportation Division Technical Staff Memo dated May 5, 2005
Environmental Division Technical Staff Memo dated April 26, 2005
- B. Information
 - 1. Location Map
 - 2. Surrounding Neighborhood Area
 - 3. Surrounding Development
 - 4. Zoning Map
 - 5. Existing Conditions of the Subject Property
 - 6. Development Plan
 - 7. Section Diagram
 - 8. Building Height Diagram along Executive Boulevard
 - 9. Building Height Comparison
 - 10. Illustrative Drawings
 - 11. Floor Plans
 - 12. Pedestrian Circulation
 - 13. Vehicular Circulation
 - 14. Letters
 - 15. Sector Plan Recommend Zoning