



MEMORANDUM

DATE: July 22, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Dolores Kinney, Senior Planner (301) 495-1321 *DK*
Development Review

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision Amendment

PROJECT NAME: The Galaxy

CASE #: 1-05089

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: CBD-1

LOCATION: Located at the southeast quadrant of the intersection of Eastern Avenue and 13th Street

MASTER PLAN: Silver Spring CBD Sector Plan

APPLICANT: RST Development

HEARING DATE: July 28, 2005

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 328 multiple-family dwelling units including 41 MPDUs.
- 2) Compliance with conditions of approval for Project Plan #9-05005.
- 3) Dedicate, and show on the final record plat, additional right-of-way of 41 feet from the 13th Street centerline across the property frontage, as shown on the plan. An additional 9 feet of right-of-way is to be designated as a public improvement easement (P.I.E.) for a total of 80 feet.
- 4) Applicant to reach an agreement with Montgomery County Department of Public Works and Transportation (DPWT) on use and location of three super bus shelters and two real-time transit information signs and present agreement to Development Review and Transportation Planning Staff before record plat.
- 5) Construct three super bus shelters and two real-time transit information signs and upon completion of the construction, transfer ownership to DPWT prior to issuance of a building permit for Building B with written notification to Development Review and Transportation Planning Staff.
- 6) Approval of this preliminary plan is conditioned upon Montgomery County Council abandonment of the alleyway located within Block D of Silver Spring, with connection to 13th Street, in accordance with DPWT Docket No. AB 667.
- 7) Record plat should reflect the abandonment of the existing alley.
- 8) Provide and maintain, in perpetuity, a north-south pedestrian connection along the eastern edge of the property between 13th Street and King Street in accordance with Silver Spring Central Business District (CBD) Sector Plan.
- 9) Construct structured 200-space public parking garage per negotiated agreement with DPWT. Agreement to use land beneath the public right-of-way must be obtained from DPWT in writing before record plat, or some other parking garage design submitted for review.
- 10) The applicant is to resolve any other outstanding issues and conditions raised by DPWT, with written notification provided to Development Review and Transportation Planning Staff, before approval of the site plan.
- 11) Provide a Class III Bikeway (on-road, signed shared roadway) along 13th Street.
- 12) Revise label on the preliminary plan from King "Avenue" to King "Street".
- 13) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 14) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 15) Final number of MPDU's as per condition #1 above to be determined at the time of site plan.
- 16) Compliance with conditions of MCDPWT letter dated, July 14, 2005 unless otherwise amended.
- 17) Access and improvements as required by MDSHA approval letter dated July 18, 2005.
- 18) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 19, 2005.
- 19) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board opinion.
- 20) Other necessary easements.

SITE DESCRIPTION:

The property, identified as Parcels N156, N157, N159, P169, Lot 1, Lot 5A, Lot 3 and Lot 4 (Subject Property), is located at the southeast quadrant of the intersection of Eastern Avenue and 13th Street (Attachment A). The Subject Property contains a total tract area of 2.62 acres and is zoned CBD-1. Several structures currently exist on the property and will be removed.

PROJECT DESCRIPTION:

This is a preliminary plan application to create one (1) lot for the construction of 328 multi-family dwelling units including 41 MPDUs with private and public parking facilities. The application also proposes the abandonment of an alley currently located on the Subject Property (Attachment B). This preliminary plan is reviewed concurrently with Project Plan #9-05005. The applicant proposes to complete development of the site in three (3) phases as discussed below. Access to the site will be directly from 13th Street and King Street. The site will generate more than 30 peak hour weekday vehicle trips, therefore is subject to a Local Area Transportation Review (LATR).

DISCUSSION:

Master Plan Compliance

The Silver Spring Central Business District (CBD) Sector Plan identifies a portion of the Subject Property as a potential site for housing which is an important component of the revitalization efforts. The 328 multi-family development also proposes opportunities for landscaped public open spaces, public art and streetscapes. High-density residential land use is recommended in the sector plan for the CBD. The proposed preliminary plan complies with the recommendations adopted in the sector plan in that it is a request for multi-family residential development.

Adequate Public Facilities Validity Period

Pursuant to Section 50-20 (c) (3) of the Subdivision Regulations, a determination of adequate public facilities made under this section of the regulations is timely and remains valid for no less than 5 and no more than 12 years, as determined by the Planning Board at the time of subdivision, for projects approved on or after October 19, 1999. The applicant has requested an 8-year adequate public facilities (APF) validity period.

The project proposes 328 multi-family dwelling units, with a private parking facility and a 200-car public parking facility. The parking facilities will accommodate the proposed Galaxy and the adjacent, existing Aurora Condominiums. In accordance with a general development agreement between RST and Montgomery County (the "General Development Agreement"), the County agreed to convey a portion of the Subject Property currently owned by the County and used for surface parking (Lot No. 16) to RST, and in exchange, RST agreed to construct a 200 car below grade parking facility for the County. The applicant is requesting an extension of the APF review period

beyond five years (Attachment C) and contends that the provision of the public parking facility requires a complex staging plan, as well as coordination with the County and County oversight.

Based on the provisions of the AGP as it pertains to the number of residential units and the required coordination between the County and RST pertaining to the public parking facility, Staff supports the request for an 8 year APF validity period.

Transportation

Alley Abandonment

An alley located within the proposed site is to be abandoned (DPWT Docket No. 667). The proposed abandonment will allow for the design of an integrated site plan, including provision of pedestrian access through and across the property by means of passageways, sidewalks and a dedicated Arts Walk connecting 13th and King Streets.

Parking

All parking for the development will be provided through the use of structured public and private parking garages. The public garage will replace a county owned surface parking lot on King Street.

Local Area Transportation Review (LATR)

The proposed development is estimated to generate approximately 98 peak hour vehicle trips. The threshold for the LATR analysis is 30 vehicle trips during the weekday peak period. In accordance with (LATR) guidelines, a traffic impact study is required because the number of vehicle trips exceeds the threshold.

The three intersections which were analyzed were Georgia Avenue (US 29) at Eastern Avenue/Blair Road, Georgia Avenue (US 29) at East-West Highway (MD 410)/Burlington Avenue/13th Street, and 13th Street at Eastern Avenue.

The following table shows the Critical Lane Volumes (CLV) analysis results for the studied intersections:

<u>Roadway Intersection</u>	<u>Current CLV Levels (AM / PM)</u>	<u>Background CLV Levels (AM / PM)</u>	<u>Projected Future CLV (AM / PM)</u>
Georgia Avenue (US 29)/ Blair Road	822 / 1,109	868 / 1,151	877 / 1,160
Georgia Avenue (US 29)/ East-West Highway (MD 410)	1,635 / 1,329	1,800 / 1,448	1,868 / 1,458
13 th Street / Eastern Avenue	447 / 505	487 / 531	505 / 541

As shown in the table above, all intersections are estimated to operate at or below the threshold of 1,800 CLV, during the morning peak period, except the intersection of Georgia Avenue (US 29) and East-West Highway (MD 410). According to the LATR study, this intersection will approach 1,800 CLV after construction of the developments included in the background traffic calculations and will need mitigation at this location.

As a mitigation method, the applicant proposes to construct three “super bus shelters,” two of which will be equipped with real-time transit information signs. A “super bus shelter” is larger in capacity than standard shelters, with four walls, heating and lighting elements, and an overall higher level of design. “Real-time transit information signs” provide updated information regarding bus arrival times, delays, changes to route and schedules and other necessary information for transit riders. The locations for the super bus shelters must be reviewed and agreed upon by the staff from Transportation Planning and DPWT. The trip credit total for these measures, per the LATR guidelines, is 20 trip credits per super bus shelter, and 20 trip credits per real-time information sign. The total of 100 trip credits would offset the estimated 98 trips generated by the development. Transportation Planning staff has accepted this proposal for the mitigation of the anticipated peak hour trips and finds the applicant in compliance with LATR guidelines.

Right-of-Way Dedication

King Street is classified as a Business Street with a 60-foot right-of-way. No additional dedication is required. The Sector Plan also classifies 13th Street as a Business Street with a recommended right-of-way of 80 feet. The applicant will dedicate 41 feet from the centerline of 13th Street and an additional 9 feet of right-of-way for a public improvement easement (P.I.E.), in order to comply with the Sector Plan requirement of 80 feet.

ANALYSIS

Staff’s review of Preliminary Plan Amendment #1-05089, The Galaxy, indicates that the plan conforms to the Silver Spring CBD Sector Plan. The proposed preliminary plan is consistent with the master plan goal to encourage revitalization and high density development in the central business district. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further finds that the size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.

CONCLUSION:

Staff concludes that Preliminary Plan #1-05089, The Galaxy, conforms to the land use objectives of the Silver Spring CBD Sector Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	APF Extension Request