

MAR 30 2011



MONTGOMERY COUNTY PLANNING BOARD
MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-08
Site Plan No. 82000034A
Project Name: Avalon Bay at Rock Spring Centre
Hearing Date: February 17, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on April 29, 1997, the District Council approved Zoning Case No. G-713 (Resolution No. 13-865) to rezone the Davis Parcel of 53.4 acres from the Residential High-Rise (R-H) Zone to the MXPB Zone; and

WHEREAS, on September 29, 1998, the District Council approved Development Plan Amendment (DPA) 99-01 (Resolution No. 13-1442) to include a phasing plan with required infrastructure and development for each phase; and

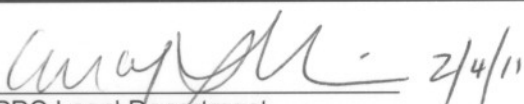
WHEREAS, on May 27, 1999, the Planning Board approved with conditions Preliminary Plan No. 119980920 (Resolution dated October 25, 1999) for 637,200 SF of office, 220,000 SF of retail, 90,000 square feet of entertainment use, a 30,000 SF community center, and 1,250 multi-family dwelling units. (Note that the resolution counted the entertainment use and the community center as part of the retail, resulting in a total of 340,000 square feet of retail); and

WHEREAS, on August 3, 2000, the Planning Board approved with conditions Site Plan No. 820000340, Avalon Bay (Resolution dated August 8, 2000) for a maximum of 390 multi-family dwelling units, including 71 MPDUs; and

WHEREAS, on September 23, 2004, the Planning Board approved with conditions Preliminary Plan Amendment No. 11998092A (Resolution dated November 9, 2004) to add a 200-room hotel, and reduce the general office space to 539,900 SF (incorrectly stated as 537,900 square feet in the resolution); and

WHEREAS, on January 10, 2011, Avalon Bay Communities, Inc ("Applicant"), filed a site plan amendment application designated Site Plan No. 82000034A ("Amendment") for approval of the following modifications:

Approved as to
Legal Sufficiency:

 2/4/11
M-NCPPC Legal Department

a) Number of Units

Avalon Bay at Rock Spring Centre is part of a larger development encompassing the 53.4-acre tract west of Old Georgetown Road, north of Rock Spring Drive, east of Rockledge Drive, and south of the I-270 interchange. Zoning Case No. G-713 and subsequent Development Plan Amendment 99-01 established certain density limits for the various uses within the 53.4-acre tract. Amongst those, the number of residential units was capped at 1,250 dwelling units.

Avalon Bay, as Phase I of the Rock Spring Centre development, was approved for a maximum of 390 multi-family dwelling units, including 71 MPDUs, according to the Resolution dated August 8, 2000. However, as documented by the Applicant and confirmed by Montgomery County Department of Permitting Services and Department of Housing and Community Affairs, only 386 dwelling units, including 70 MPDUs, were actually built. The Amendment seeks to clarify that a maximum of 386 units (including 70 MPDUs) was built as part of Phase I, Avalon Bay at Rock Spring Centre site plan. The remaining four units (including one MPDU), which were approved but not built, are included in the pending Rock Spring Centre – Phase III site plan (820090030).

Residential (D.U.s)	Approved with 820000340	Approved by the Planning Board with 82000034A and Binding on the Applicant
Multi-family	390	386
MPDUs	71	70

With this amendment, the overall number of residential units built/approved at Rock Spring Centre is 1,089, which includes 386 in Phase I (Avalon Bay) and 703 in Phase II (Tower I and II). If the Planning Board approves Phase III (site plan no. 820090030) with 161 residential units, the overall residential density of 1,250 units has been reached for the Rock Spring Centre tract.

b) Cul-de-sac on Rock Forest Drive

The Amendment proposes to modify the existing cul-de-sac on Rock Forest Drive in order to provide connectivity to the proposed street network on site plan No. 820090030 (Rock Spring Centre – Phase III). Existing Rock Forest Drive, which provides access to the residential buildings at Avalon Bay and future Towers I and II, will be connected to the proposed East Street and jointly form an internal loop road. The excess pavement from the existing cul-de-sac will be removed.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a

memorandum to the Planning Board dated February 3, 2011 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on February 17, 2011, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82000034A; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

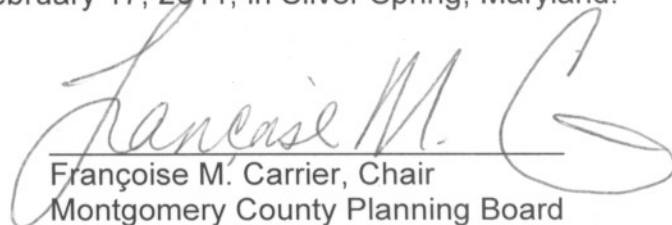
BE IT FURTHER RESOLVED, that the date of this written resolution is MAR 30 2011 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and with Commissioner Alfandre absent, at its regular meeting held on Thursday, February 17, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

82000034A
Avalon Bay at Rock Spring Centre

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