



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Date: December 5, 2013
Agenda Item No. 1C

November 15, 2013

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Chief, Area 2 Planning Division *GJK*
Nkosi Yearwood, Senior Planner, Area 2 Planning Division *NS*

FROM: Gwen Wright, Planning Director *GW*

SUBJECT: Correction of Resolution for Sketch Plan No. 320130010, MCPB
No. 13-150, Gables White Flint

Attached please find a redlined version of the Resolution for Sketch Plan No. 320130010, MCPB No. 13-150, Gables White Flint. The Resolution was adopted by the Planning Board at the October 24, 2013 Planning Board hearing and was mailed out to all parties of record on October 30, 2013.

This correction is to address modification to Condition No. 3 (b). This modification was inadvertently omitted from the final draft of the resolution prior to mailing. The correction of this mistake will ensure consistency with the intended conditions of approval.

Condition 3(b) should read as follows:

Major Public Facilities, achieved through the provision of land area for a shared parking garage and construction of a bikeshare station.

Staff is requesting that the Planning Board approve the correction to the resolution so that the corrected resolution can be mailed out to all parties of record.

cc: Christina Sorrento, Associate General Counsel



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

DEC 11 2013

MCPB No. 13-150
Sketch Plan No. 320130010
Project Name: Gables White Flint
Date of Hearing: October 24, 2013

CORRECTED RESOLUTION

WHEREAS, under Section 59-C-15.42 of the Montgomery County Code, the Montgomery County Planning Board ("Planning Board" or Board") is authorized to review sketch plan applications; and

WHEREAS, on July 30, 2013, LG Georgetown LLC ("Applicant"), filed an application for approval of a sketch plan for a maximum of 521,000 square feet of development, comprising up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses, on 5.21 gross acres of land zoned CR-4 C2.0 R3.5 H250 and CR-3 C1.5 R2.5 H70, located at the northeastern intersection of Old Georgetown Road (MD 187) and Executive Boulevard ("Subject Property") in the White Flint Sector Plan Area ("Sector Plan"); and

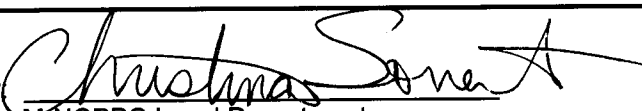
WHEREAS, the sketch plan application was designated Sketch Plan No. 320130010, Gables White Flint ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 11, 2013, setting forth its analysis of and recommendation for approval of the Application subject to conditions ("Staff Report"); and

WHEREAS, on October 24, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 24, 2013, the Planning Board voted to approve the Application subject to certain binding elements and conditions, as certified below.

Approved as to
Legal Sufficiency

 11/15/13
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approves Sketch Plan No. 320130010, Gables White Flint for construction of a maximum of 521,000 square feet of development, comprising up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. Except as modified by the conditions below, the following site development elements shown on the sketch plan stamped "Received" by the M-NCPPC on September 17, 2013 ("the Sketch Plan") are binding under Section 59-C-15.43(d):

1. Maximum density and height;
2. Approximate location of lot(s) and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefits schedule.

All other elements of the Sketch Plan are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The development is limited to a maximum total of 521,000 square feet of development, including a maximum of up to 490,000 square feet of residential uses and a maximum of up to 67,000 square feet of non-residential uses. The final amount of residential dwelling units and non-residential development will be determined at site plan.

2. Height

The development is limited to the maximum heights as illustrated in the September 17, 2013 submission; in no case may they exceed the limits established by the respective zones.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 100 points and be chosen from at least four categories as required by Section 59-C-15.82. The requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed. At site plan review, the Applicant must demonstrate how each

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

public benefit meets the Zoning Ordinance and Guideline requirements and provide final point calculations.

- a. Transit Proximity;
 - b. Major Public Facilities, achieved through the ~~dedication~~ provision of land area for a shared parking garage and construction of a bikeshare station;
 - c. Connectivity and Mobility, achieved through public parking, minimum parking, and wayfinding;
 - d. Quality Building and Site Design, achieved through structured parking, public art, and exceptional design; and
 - e. Protection and Enhancement of the Natural Environment, achieved through the purchase of Building Lot Terminations, vegetated areas, and a cool roof.
4. Public Facilities
At preliminary plan review, Montgomery County, Parks Department, Recreation Department, and the Applicant will work to establish a strategy for the implementation of the parking garage construction.
5. Public Use Space
The Applicant must provide the proposed public use spaces along Private Street "A," Private Street "B," realigned Executive Boulevard, and segments of Market Street and Old Georgetown Road as illustrated in the Sketch Plan and finalized by a subsequent site plan.
6. Building Lot Terminations ("BLTs")
The Applicant must provide proof of purchase and/or payment for the required 1.02 BLTs, prior to release of the first building permit for core and shell construction.
7. Moderately Priced Dwelling Units ("MPDUs")
The development must provide MPDUs in accordance with Chapter 25A.
8. Environment
At site plan review, the Applicant must complete the following:
- a. Implement stormwater management strategies with Environmental Site Design methods to the maximum extent practicable;
 - b. Comply with the Forest Conservation Law and the Planning Board's Environmental Guidelines; and
 - c. Demonstrate how the landscape plan will contribute to achieving the Sector Plan tree canopy goal of 20 percent.

9. Transportation

At preliminary plan review, the Applicant must:

- a. Coordinate the abandonment of Executive Boulevard with the Montgomery County Department of Transportation ("MCDOT") and the County Executive's Office.
- b. Dedicate the Master Plan rights-of-way for Old Georgetown Road (MD 187), Executive Boulevard, and Market Street.
- c. Address issues detailed in the MCDOT letter dated September 9, 2013.
- d. Address issues detailed in the Maryland State Highway Administration (SHA) letter dated September 23, 2013.
- e. Enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management District ("TMD") and assist in achieving and maintaining the non-auto driver mode share ("NADMS") goals recommended in the White Flint Sector Plan. The Traffic Mitigation Agreement must be executed prior to release of any building permits. Elements of the Mitigation Agreement may include the following:
 - i. Cooperate with MCDOT and/or the Transportation Management Organization ("TMO") to obtain residential and non-residential tenant participation in the TMD Annual Commuter Survey.
 - ii. Provide permanent information displays in a highly used location in the lobbies of the buildings.
 - iii. Provide space for real time transit information signs at highly-used locations.
 - iv. Make a good faith effort to promote the Guaranteed Ride Home Program and any other emergency ride programs that are available in the region for commuters who carpool, vanpool, use transit, or other commuter options.
 - v. Provide carpool and vanpool parking spaces for retail employees.
 - vi. Provide car sharing parking spaces in highly visible locations.
 - vii. Provide electric vehicle charging stations in highly visible locations.
 - viii. Cooperate with MCDOT and/or TMD in their implementation of marketing efforts designed to attract employees working on-site

- or nearby to purchase or rent housing within the subject development.
- ix. Provide an annual summary report to MCDOT and/or TMO outlining the on-site traffic mitigation efforts.
 - f. The final extent, delineation, and alignment of any private rights-of-way will be determined at the time of preliminary plan. Easements for private streets must be approved by the Planning Board and MCDOT, and must include, at a minimum, provision for the following:
 - i. Maintenance and Liability Agreements for each easement area, including public use easements, must be entered into by the Applicant. These Agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.
 - g. Provide bicycle parking spaces, as required by the Zoning Ordinance, based on the final approved densities and uses.

10. Phasing Program

- a. Unless a modification is approved by the Planning Board during preliminary plan or site plan review, the Applicant must construct the development in accordance with the phasing program included in the Application.

11. Future Coordination for Preliminary and Site Plan

In addition to any other requirements of Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance, at the time of preliminary plan review, the Applicant must address the following issues:

- a. Montgomery County Fire and Rescue access recommendations.
- b. Undergrounding of wet and dry utilities.
- c. Compliance with the White Flint Urban District requirements, if established by the Montgomery County Council.
- d. Public art program review by the Public Arts Trust Steering Committee.
- e. Creation of a wayfinding system.
- f. Compliance with the Planning Board's Recreation Guidelines.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified

herein), and upon consideration of the entire record and all applicable elements of Section 59-C-15.43(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS that the Sketch Plan:

1. *Meets the objectives, general requirements, and standards of Division 59-C-15;*

a. The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:

- i. "Implement the policy recommendations of the applicable master and sector plans" by providing residential and non-residential development, a new street network, and new infrastructure recommended in the Sector Plan.
- ii. "Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses" by redeveloping surface parking lots and a segment of an existing roadway with a mixed-use residential and non-residential development and structured parking.
- iii. "Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities" by providing less than the maximum permitted parking for the development; constructing mid-rise, rather than low-rise, residential structures; integrating new public and private streets and bikeways in the development; and dedicating land area for a new garage to serve public facilities at Wall Park.
- iv. "Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods" by developing residential and non-residential uses and densities that are allowed in the CR zone and through building heights that are consistent with the Sector Plan and appropriately transition to the existing Luxmanor residential community.
- v. "Allow an appropriate balance of employment and housing opportunities" by constructing a majority of the development as residential use while developing some retail space, as encouraged by the Sector Plan.
- vi. "Provision of public benefits that will support and accommodate density above the standard method limit" through the public benefits, discussed in detail in Finding 5, that meet the requirements of the Zoning Ordinance and the standards of the Implementation Guidelines.

b. The Sketch Plan meets the general requirements of Section 59-C-15.6 and 59-C-15.7 as follows:

i. *Section 15-C-15.61 – Master Plan and Design Guidelines Conformance*
The Sketch Plan substantially conforms to the White Flint Sector Plan by:

- Redeveloping surface parking lots and a portion of an existing roadway into new mixed use development and providing land area for a parking garage that will accommodate the redevelopment of Wall Park (pp. 29 & 60);
- Creating building heights that are consistent with the Sector Plan and that transition to the existing single-family residential community west of Old Georgetown Road (p. 28); and
- Developing walkable blocks and street networks throughout the development (pp. 28 & 29).

ii. *Section 15-C-15.62 – Bicycle Parking Spaces and Commuter Shower/Change Facility*

The Sketch Plan provides at least the minimum required number of bicycle parking spaces for residents and visitors. However, the specific totals will be determined by the final residential unit count and non-residential square feet at site plan.

iii. *Section 15-C-15.63 – Parking.*

The Sketch Plan provides parking spaces between the minimum required and maximum allowed, as determined by the final unit count and non-residential square feet approved with the site plan.

iv. *Section 15-C-15.7 – Development Standards*

The Sketch Plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

Development Standard	Permitted/Required	Approved by the Planning Board and Binding on the Applicant
Gross Tract Area		
<i>CR-3: C1.5 R 2.5 H 70</i>	NA	202,290 sq.ft.
<i>CR-4: C2.0 R 3.5 H 250</i>	NA	24,728 sq.ft.
Density		
<i>Non-Residential</i>	C1.5 FAR	Up to 0.3 FAR or 67,000 sq.ft.
<i>Residential</i>	R2.5 FAR	Up to 2.16 FAR or 490,000 sq.ft.
Building Height	70 feet	70 feet
Setbacks	NA	NA
Parking Spaces		
<i>Minimum Required</i>	512 spaces	
<i>Maximum Allowed</i>	864 spaces	594 spaces ²
		400 spaces for Wall Park redevelopment
Public Use Space	10 percent	10 percent
Residential Amenity Space		
<i>Required Indoor</i>	9,100 sq.ft.	9,100 sq.ft.
<i>Required Outdoor</i>	9,100 sq.ft.	9,100 sq.ft.

2. *Furtheres the recommendations and objectives of the White Flint Sector Plan;*

The Sketch Plan is consistent with and furthers the recommendations of the Approved and Adopted (2010) *White Flint Sector Plan*. The Sector Plan identifies the Gables property in Metro West District-Block 2: Wall Local Park and makes several specific recommendations for the Subject Property. The Sector Plan states that "the land area remaining after the intersection realignment of Old Georgetown Road and Executive Boulevard will be reconfigured into rectangular blocks in sizes more conducive to

² These parking spaces are provided for the proposed mix use development only.

redevelopment. . . . This area should be primarily residential in character and use” (p. 29). The Sector Plan further states that when “Executive Boulevard and Old Georgetown Road are reconfigured and Market Street is constructed, Blocks 1 and 2 will be divided into smaller blocks. Development in the smaller blocks should be organized with lower building heights at the northwest corner of Old Georgetown Road and the realigned Executive Boulevard intersection” (p. 28). Finally, the Sector Plan “envisions a public/private partnership with adjacent properties to relocate the surface parking [at Wall Park] within a parking structure built in conjunction with new residential development. This would help redirect public sector funds from building structural parking on-site to improving Wall Local Park” (p. 60).

The Sketch Plan achieves these goals by providing the uses, densities, and amenities recommended in the Sector Plan. The Sketch Plan provides land area for a parking garage with the potential to serve both public and private uses. By proposing primarily residential uses, the Sketch Plan also offers the recommended land use mix.

a. Density and Building Height

The development is consistent with the density and height recommendations of the Sector Plan. The development’s overall density of 2.29 Floor Area Ratio (FAR) is consistent with the 3.0 maximum FAR assigned to the Subject Property by the Sector Plan. The tallest portion of the development, 68 feet, is located at the realigned Executive Boulevard and Market Street; the lowest segment, 36 feet, is at Market Street and Old Georgetown Road. Both of these heights comply with the limits assigned to the Subject Property by the Sector Plan (p. 22).

b. Transportation

The Sketch Plan’s public and private street network is consistent with the street network recommended for the Metro West District in the Sector Plan (p. 29). Market Street (B-10), a new 70 foot commercial business street, is to the immediate north of the development, and the realigned Executive Boulevard (B-15), a business street with a minimum 80 foot right-of-way, provides the development’s eastern frontage. The development is bounded on the west by Old Georgetown Road (MD 187), a major highway (M-4) with a minimum right-of-way of 150 feet. The Sketch Plan also illustrates two internal private streets: Private Street “A” and “B”. At preliminary plan, the Applicant will dedicate the rights-of-way for all adjacent roadways.

c. Bikeway Network

The Sector Plan recommends shared use paths on two roadways adjacent to the development: Old Georgetown Road (LB-1) and Market Street (LB-3) (p. 57). The Sketch Plan illustrates the roadway cross-section that includes both bikeways as recommended in the Sector Plan. Through the initial public outreach for the Capital

Improvements Program, White Flint District West: Transportation-No. 501116, MCDOT has proposed an additional shared use path along the realigned Executive Boulevard that connects Wall Park and the future recreation center. The Applicant will define all bikeways at the preliminary plan stage.

d. Public Use Space

Private Streets "A" and "B" will provide a majority of the development's public use space. Conceptually, these areas will have a distinctive streetscape and design. The Applicant proposes additional public use space along Market Street and between the central building and the western building. The proposed public use spaces achieve the CR Zone's public use space requirements and are consistent with the Sector Plan's recommendations.

e. Public Facilities

The Applicant will dedicate 15,550 square feet of land for a parking garage open to public use and will construct a bikeshare station, in order to utilize the major public facility incentive of the CR zone. The parking garage will provide public parking for a future community recreation center, urban park, and expanded Kennedy Shriver Aquatic functions at Wall Park. The Application achieves the Sector Plan's goal of utilizing a public/private partnership to relocate the surface parking at Wall Park to "a parking structure built in conjunction with new residential development" (p. 60). The Planning Board encourages construction of the parking garage for public and private use in a single phase to ensure the continued delivery of public facilities within White Flint.

f. Environment

The Sector Plan's two main environmental goals are the minimization of carbon emissions and the creation of a livable urban environment by improving air and water quality (p. 49). The Sketch Plan meets these recommendations through several measures, including providing a network of bikeways and sidewalks; planting trees and other vegetation; and using environmental site design techniques to manage stormwater. The Sketch Plan also shows green roofs on the central and eastern buildings and a portion of the parking garage; vegetated walls; and energy standards for the buildings that will exceed the Department of Energy standard by 10 percent. These measures, along with the minimization of parking, are consistent with the recommendations of the Sector Plan.

g. White Flint Design Guidelines

The Approved White Flint Urban Design Guidelines (June 2010) provide street, open space, and building recommendations for each district in the Sector Plan. The Sketch Plan achieves Design Guidelines recommendations with street-oriented development;

public use spaces integrated in the development; and the transition of building heights that take into account the existing residential community. Matters requiring further review will be considered, as appropriate, during preliminary and site plan review and are addressed specifically in the conditions of approval.

3. *Achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

The buildings and open spaces shown on the Sketch Plan are compatible with existing nearby buildings, open spaces, and uses. Internal compatibility is achieved with three interconnected buildings that are between 36 and 68 feet in height; internal public and private open spaces; and a local street network. External compatibility is achieved with building heights that are taller towards Executive Boulevard and Market Street and lower towards the existing residential community. No new development is proposed within the immediate vicinity of the Subject Property.

4. *Provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are well designed or enhanced by the development. Specifically, this Sketch Plan provides:

- An overall transportation and pedestrian network that links all portions of the development and provides access to Wall Park;
- A comprehensive pedestrian system with bikeways;
- Loading along Private Road "A"; and
- The provision of most parking for the development in a structured parking garage.

5. *Includes public benefits that support the approved incentive density;*

To achieve the incentive density for this development, the Applicant must provide public benefits from four of seven categories that must total at least 100 points. The public benefit categories the Applicant proposed and the Board approves are as follows.³

³ Under Section 59-C-15.43(c)(5), the Applicant proposed, and the Board approves, an outline of public benefits that supports the requested incentive density. These public benefits will be revised at site plan review.

Category	Public Benefit	Points Allowed	Points Requested	Points Approved at Sketch Plan
Major Public Facility	Parking for Wall Park Redevelopment	70	17.24	17.24
	Bike Sharing Location	70	5.00	5.00
Transit Proximity	Level 1	35	30.44	30.44
Connectivity and Mobility	Minimum Parking	10	8.62	8.62
	Way Finding	10	5.00	5.00
Quality Building and Site Design	Structured Parking	20	10.82	10.82
	Public Art	15	5.00	5.00
	Exceptional Design	10	5.00	2.50
Natural Environmental Protection and Enhancement	Building Lot Termination	30	5.00	5.00
	Energy Conservation and Generation	15	10.00	10.00
	Vegetated Wall	10	5.00	5.00
	Cool Roof	10	5.00	5.00
	Recycling Facility Plan	10	5.00	0.00
Total Incentive Density Points		315	117.12	109.62

The discussion of each of the approved public benefits below demonstrates how the Sketch Plan addresses the general incentive and density considerations the Planning Board must take into account under Section 59-C-15.83, including:

- a. "The recommendations, objectives, and priorities of the applicable master or sector plan;
- b. "The CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area;
- c. "The size and configuration of the tract;
- d. "The relationship of the site to adjacent properties;
- e. "The presence or lack of similar public benefits nearby; and
- f. "Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit" which will be developed and assessed during preliminary and site plan reviews."

Public Facilities

Under Section 59-C-15.851(c), the Planning Board may approve incentive density of up to 70 points in the CR zone for the conveyance of a site for the construction of a major public facility. In this case, the Applicant proposed 22.24 points for providing two public facilities: land area for a parking garage that will accommodate Wall Park's redevelopment and a bike sharing station. The Planning Board grants all requested points for this public benefit, because the parking garage is critical to the future redevelopment of Wall Local Park as envisioned in the Sector Plan and because the bikeshare station will support the County's Capital Bikeshare program in White Flint.

Transit Proximity

Under Section 59-C-15.852, the Planning Board may approve incentive density of up to 30 points for a development that is between $\frac{1}{4}$ and $\frac{1}{2}$ mile of a service level one transit stop and up to 40 points for a development that is within $\frac{1}{4}$ mile of a service level one transit stop. The Sector Plan recommends a new northern entrance to the White Flint Metro Station at the intersection of Old Georgetown Road and Rockville Pike. The Applicant uses the proposed Metro entrance to calculate the incentive density points for transit proximity. Part of the Subject Property is located within $\frac{1}{4}$ mile from transit, and the remainder of the Subject Property is located between $\frac{1}{4}$ mile and $\frac{1}{2}$ mile from the proposed entrance. Section 59-C-15.852 allows for split proximity range averaging in this circumstance. "If less than 75 percent of the gross tract area in a single sketch plan is within the closer of two proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range." This location allows the development to be eligible for level one transit service incentive points under the two proximity ranges, resulting in a weighted average of 35 points. The Planning Board approves Applicant's requested 30.44 points for this public benefit.

Minimum Parking

Under Section 59-C-15.853(b), the Planning Board may approve up to 10 points of incentive density if a development provides less than the maximum number of parking spaces allowed. The Applicant proposed 8.62 points of incentive density under this Section. The development provides 594 parking spaces, while the maximum number of parking spaces allowed under Section 59-C-631 is 864. The Planning Board approves all 8.62 requested points, since the proposed number of parking spaces is only 68.8% of the maximum allowed for the development and because the minimization of parking will contribute towards achieving environmental and alternative transportation goals.

Wayfinding

Under Section 59-C-15.853(i), the Planning Board may grant up to 10 points of incentive density for the implementation of a wayfinding system. The Applicant proposed 5 points for a wayfinding system for the development. The Planning Board grants the requested 5 points, since the system will provide directional signage to the Metro Station, Josiah Henson Special Park, and other important public destinations. The final design for the way-finding system will be determined at site plan.

Structured Parking

Under Section 59-C-15.855(b), the Planning Board may grant up to 20 points of incentive density if a development places parking within above- or below-grade structures. The Applicant proposed 10.82 points under this category for including structured parking as part of the development. The parking garage is important to this development as well as to the anticipated redevelopment of the adjacent Wall Local Park. The Planning Board approves the 10.82 requested points, since the proposed structured parking contributes to a better overall urban design for the development and provides public parking spaces.

Public Art

Under Section 59-C-15.855(d), the Planning Board may approve up to 15 points of incentive density for the installation of public art reviewed by the Arts and Humanities Council. Pursuant to the Planning Board-approved *C/R Zones Incentive Density Implementation Guidelines (2012)*, the criteria for public art include achieving aesthetic excellence and ensuring an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context. The Applicant proposes public art in five locations, including three installations along Private Road "A," and requests 5 points of incentive density. The Planning Board approves the requested 5 points, since public art defines public spaces and implements the Sector Plan recommendation that "new development should consider integrating art into public use space" (p.63). At site plan, the Applicant will further define the art and installation locations.

Exceptional Design

Under Section 59-C-15.855(f), the Planning Board may approve up to 10 points of incentive density for building or site design "whose visual and functional impacts

enhance the character of a setting and the purposes delineated in this Section.” The Applicant requested 5 points under this category. Creating a sense of place and enhancing the public realm in a distinct and original manner are two of the six exceptional design criteria established in the *C/R Zones Incentive Density Implementation Guidelines*. The Applicant has submitted precedent images of mid-rise residential developments as examples of this development’s exceptional design. Streets A and B also include streetscape features, such as large sidewalks and street trees that enhance the public realm. While these images do convey the Applicant’s intent, the Planning Board only approves 2.5 points of incentive density for this category. At site plan, the Applicant should provide additional building design features that could contribute to additional points for this public benefit.

Building Lot Terminations

Under Section 59-C-15.856(a), the Planning Board may approve up to 30 points of incentive density for the purchase of BLT easements, of which 5 points are mandatory. In the CR zone, an applicant may earn its mandatory BLT incentive density points by purchasing BLT easements in an amount equal to five percent of the incentive density floor area of the development at a rate of 1 BLT per 20,000 square feet. The incentive density floor area for this development is 20,438.27 square feet, which equates to 1.021 BLTs. The Planning Board grants the Applicant 5 points of incentive density for the purchase of the required 1.021 BLTs.

Energy Conservation and Generation

Under Section 59-C-15.856(b), the Planning Board may approve up to 15 points of incentive density for the construction of new buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings. The Applicant will exceed energy-efficiency standards by 17.5% for the new buildings and has requested 10 points for this public benefit category. The Planning Board approves the 10 requested points, since this is the first sketch plan in White Flint that proposes this public benefit and because energy-efficient buildings will further enhance the development’s ability to meet Sector Plan’s recommendation for energy-efficient buildings.

Vegetated Wall

Under Section 59-C-15.856(c), the Planning Board may approve up to 10 points of incentive density for the installation and maintenance of a vegetated wall that covers at least 30 percent of any blank wall or parking garage that is at least 300 square feet in area and is visible from a public street or open space. The Applicant requested 5 points under this category and proposes installing vegetated walls on portions of the parking garage and the central building. The Planning Board grants all 5 requested points. At site plan, the location of these walls will be further refined.

Cool Roof

Under Section 59-C-15.856(g), the Planning Board may approve up to 10 points of incentive density for constructing a cool roof area with minimum solar reflectance that is

not covered by vegetation or mechanical equipment. The Applicant proposed 5 points under this category. The Planning Board approves the requested 5 points, since cool roofs contribute to reduced energy costs, reduced heat island effect, and other environmental goals.

Recycling Facility Plan

Under Section 59-C-15.856(h), the Planning Board may approve up to 10 points of incentive density for the provision of a recycling facility plan that complies with Montgomery County Executive Regulation 15-04 AM or Montgomery County Executive Regulation 18-04. This public benefit is governed by Executive Regulations for the Department of Environmental Protection and is referenced in Section 48-47 of the County Code. This is the first sketch plan in White Flint to propose this public benefit, and the Applicant proposed 5 points for this benefit.

Since 1993, through Executive Regulation 109-92AM, which became Executive Regulation 15-04AM in 2005, Montgomery County has been committed to recycling through mandatory recycling requirements for businesses, residents, and multi-family properties. The Planning Board will not grant any incentive points for this category because under 15-04AM, all multi-family residential developments with more than 101 units must submit a waste reduction and recycling plan to the County that demonstrates how the development would reduce solid waste by 50% annually, either by volume or weight. At site plan, the Applicant may replace this benefit with another benefit in the zone.

6. *Establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development may be built in two phases: Phase One will include the eastern and central multi-family residential buildings, associated street network, and structured parking garage for private and public use, if public resources are provided for the public component. Phase Two will include the western multi-family building and the public portion of the garage, if the public component is not built in Phase One and public funding for that component becomes available; otherwise, the public component of the parking garage will be constructed after Phase Two, when public funding becomes available.

A full development program detailing phasing of the elements and the final incentive density points will be developed and analyzed during subsequent preliminary and site plan reviews.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change

proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the Sector Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Sector Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element, it must find consistency with applicable standards; for the Board to approve a Staff-proposed modification of a binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Sector Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Sector Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the sketch plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, sector plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter, it would be unwise for the Board to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and sector plan requirements, the Board might have decided to approve fewer elements of the Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty above the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320130010, Gables White Flint, stamped received by M-NCPPC on September 17, 2013 are required except as modified herein; and

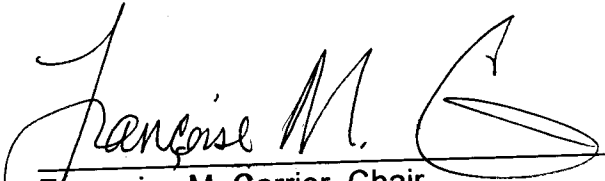
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 11 2013 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of October 30, 2013, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution, consistent with procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Anderson and Dreyfuss voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, December 5, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board