



Montrose Crossing, Limited Site Plan Amendment No. 81995036H

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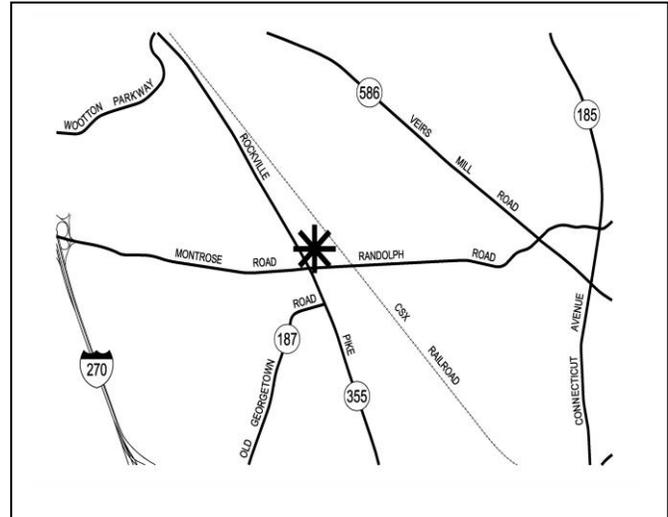
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Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Staff Report Date: 9/9/16

Description

- Request to replace an approximately 10,701-square-foot existing restaurant building with a 19,000-square-foot multi-tenant retail/restaurant building and to reduce parking per the current Zoning Ordinance standard;
- Located in the southeast quadrant of Rockville Pike and Bou Avenue, within the 1992 *North Bethesda/Garrett Park Master Plan*;
- 31.41 acres in the CR-2.0, C-0.5, R-1.5, H-220T;
- Applicant: FR Montrose Crossing LLC;
- Application Acceptance date: 5/10/16.



Summary

- Staff recommends Approval with conditions.
- Pursuant to the grandfathering provisions of Section 7.7.1.B.3 of the current Zoning Ordinance, Staff reviewed this Application under the RMX-3C provisions of the Zoning Ordinance in effect on October 29, 2014, except for the parking requirements.

Staff Recommendation and Conditions

Staff recommends approval of Limited Site Plan Amendment 81995036H to replace an approximately 10,701 -square-foot existing freestanding restaurant with a 19,000-square-foot multi-tenant retail/restaurant building. All Site Plan development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required, except as modified by the following conditions:

1. Compliance with Previous Site Plan Approvals
All previously approved conditions in the Opinions and Resolutions for Site Plan 819950360, and subsequent Site Plan Amendments remain in full effect except as modified by this Amendment.
2. Compliance with Previous Preliminary Plan Approvals
All previously approved conditions in the Opinions and Resolutions for Preliminary Plan 119602520, and subsequent Preliminary Plan Amendments remain in full effect.
3. Compliance with Previous Project Plan Approvals
All previously approved conditions in the Opinions and Resolutions for Project Plan 919940030, and subsequent Project Plan Amendments remain in full effect except as amended by this Amendment.
4. Department of Permitting Services- Water Resources Section
The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated August 30, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
5. Prior to release of any building permit, the Applicant must update the 2005 Traffic Mitigation Agreement, for the new use and increased square footage, with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the North Bethesda Transportation Management Organization to assist in achieving the *North Bethesda/Garrett Park Master Plan* recommended non-auto driver mode share goal.
6. Adequate Public Facilities
 - a. The Applicant must make a Transportation Policy Area Review (TPAR) Mitigation Payment for transit, equal to 25 percent of the applicable transportation impact tax for the 8,299 additional square feet of general retail space to the Montgomery County Department of Permitting Services (DPS). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
 - b. The Adequate Public Facility (APF) review for the Site Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution
7. The Applicant must provide one inverted-U bike rack, or equivalent as approved by the Planning Board staff, located in a well-lit area near the main entrance as shown on Certified Site Plan.

8. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated August 4, 2016 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

10. Landscaping

- a. Prior to release of any building occupancy permit, all adjacent on-site amenities including sidewalks, landscaping, benches, and trash receptacles must be installed.
- b. Street tree planting may wait until the next planting season.

11. Site Property Plan Surety and Maintenance Agreement

Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon M-NCPPC Staff approval, will establish the surety amount.
- b. The cost estimate must include all applicable Site Plan elements, including, but not limited to, landscape elements, plant material, on-site Property lighting, site furniture, private streets, alleys, sidewalks, and trash enclosures.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.

12. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

13. Certified Site Plan

The Certified Site Plan must include the following revisions and/or information subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and all current and previous Planning Board approval resolutions.
- b) Modify data table to reflect development standards approved by the Planning Board.
- c) Ensure consistency of all details and layout between Site and Landscape plans.

Project Description

Vicinity

The Subject Property is located in the southeast quadrant of Rockville Pike and Bou Avenue, along Rockville Pike (MD-355) halfway between the Twinbrook and White Flint Metro Stations and a little over a half-mile away from either station. It is part of the Montrose Crossing Shopping Center and is surrounded by retail uses along Bou Avenue to the north; retail, restaurant, and multifamily uses along Rockville Pike to the west; retail and educational uses along Montrose Parkway to the south; and light industrial uses along Bou Avenue to the east.

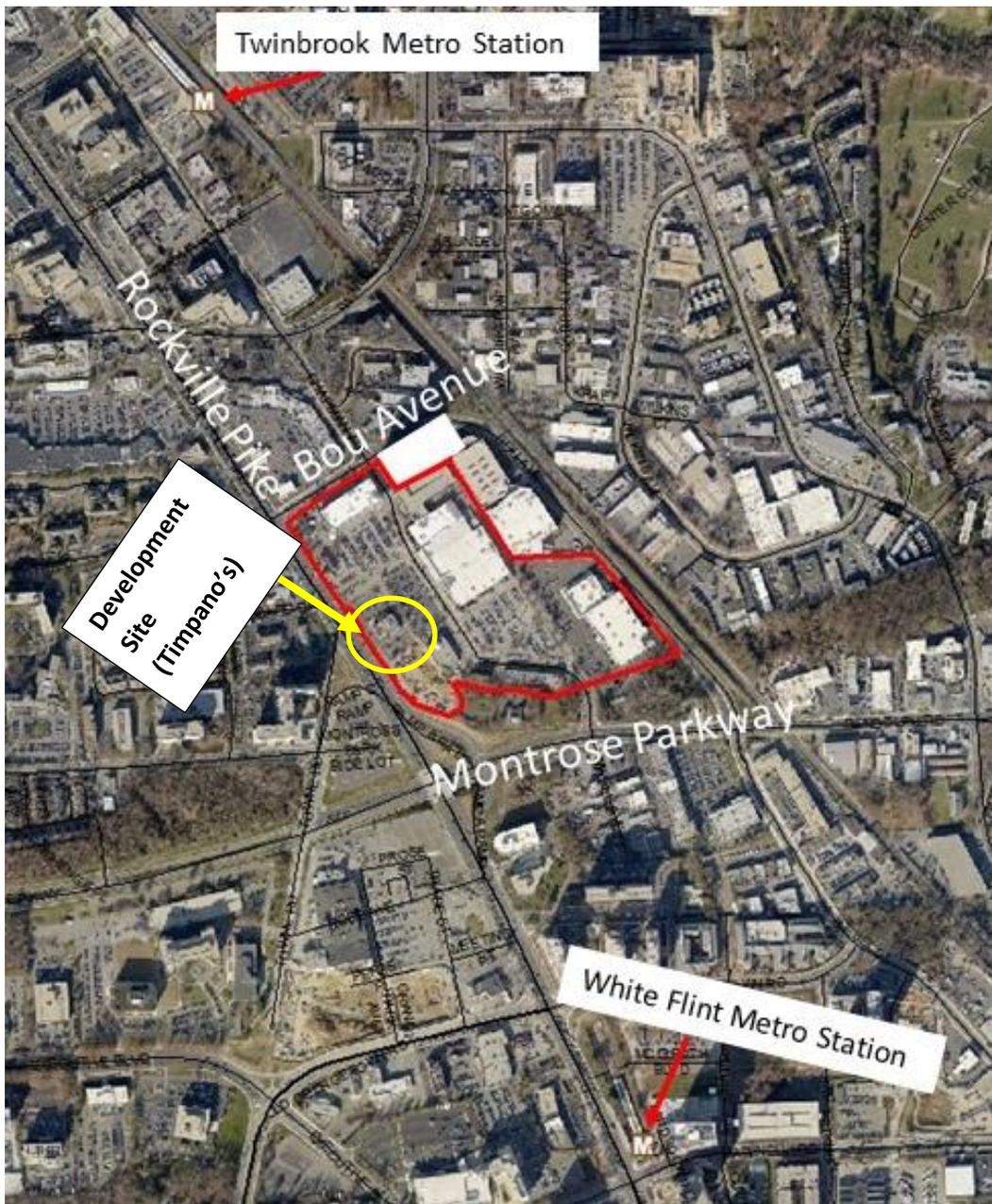


Figure 1: Vicinity Map

The Subject Property is part of Parcel F of Washington-Rockville Industrial Park. It is zoned CR-2.0, C-0.5, R-1.5, H-220T but it is being reviewed under its former RMX-3C zoning except for the proposed parking, which is being reviewed under the current zoning pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance.

The proposed Amendment covers the Subject Property, which is the entire 31.41-acre Shopping Center, although only one of the buildings is being replaced by this amendment. Therefore, in this report, Subject Property means the entire shopping center but Development Site means only the limited area of disturbance where the existing building (currently Timpano's Restaurant) will be replaced by a new building and related parking and landscaping improvements (Figure 5).



Figure 2: Existing Site Map (Subject Site)



Figure 3: Existing Site Map (Development Site)

Previous Approvals on the Subject Property

Project Plan

On February 15, 1995, the Planning Board approved Project Plan 919940030 for up to 467,806 square feet of commercial uses and 150 multifamily units.

On February 11, 2004, the Planning Board approved Project Plan 91994003A for up to 462,599 square feet of commercial uses and 230 multi-family units.

On December 20, 2011, the Planning Board approved Project Plan 91994003B for the addition of a park, the addition of a restaurant, removal of public art, and minor landscaping and lighting changes.

Preliminary Plan

On February 25, 2004, the Planning Board approved Preliminary Plan 11960252A for 230 multifamily units, 426,048 square feet of retail space, 20,377 square feet of restaurant, and 2,400 square feet of office uses. The application’s correct designation is 11960232A, but it was incorrectly listed and recorded as 11960252A.

Site Plan

There are numerous site plan approvals on the Subject property:

- On April 11, 1995, the Planning Board approved Site Plan 819950180 for Phase IA for 14,255 square feet of retail in one location and removal of 6,789 square feet of retail in another location.
- On August 15, 1995, the Planning Board approved Site Plan 819950360 for Phases IB & II. The site plan was approved for 2,400 square feet of office use, 20,377 square feet of restaurant use, and 426,048 square feet of retail uses and structured parking.
- Site Plan 81995036A was approved for 42,048 square feet of retail.
- Site Plan 81995036B granted an extension to file a site plan for Phase III (820040130).
- Site Plan 81995036C was approved but no records remain about the case.
- On September 29, 2010, the Planning Board approved Site Plan 81995036D for the reduction of 70,732 square feet of retail space.
- On December 20, 2011, the Planning Board approved Site Plan 81995036E for a restaurant use, a bank, and minor site, landscaping, and lighting changes, and removal of the “festive place maker” public art piece.
- On August 10, 2012, the Planning Board approved Site Plan 81995036F.
- On February 10, 2013, the Planning Board approved Site Plan 820040130 for Phase III for 230 multi-family units.
- On May 20, 2014, Staff approved Site Plan 81995036G for hardscape improvements adjacent to building C and landscape, lighting, bicycle racks and site furnishing improvements adjacent to building C.

Site Plan 819950360 and its subsequent amendments all refer to the existing 10,701-square-foot restaurant as an “existing restaurant to remain”. The site plans did not make changes to the Development Site except to require improvements along its Rockville Pike frontage, including providing a hiker/biker trail. In 2007, the State Highway Administration acquired portions of the frontage, including the hiker/biker trail as part of the right-of-way.

Proposal

The proposed Amendment will replace an existing 10,701-square-foot free standing restaurant building, currently occupied by Timpano’s, with a 19,000-square-foot multi-tenant retail/restaurant building. This will increase the Property’s overall commercial square footage from a total of existing 384,624 to a total of 392,923 square feet of commercial floor area, which is still under the Preliminary Plan’s approved 448,825 square feet and Project Plan’s approved 462,599 square feet of maximum commercial development. The new building will maintain the same setback from the street as the existing building. The proposed Amendment will also eliminate an existing vehicular access point from the shopping center’s internal driveway to improve pedestrian circulation on the Development Site, and extend an existing sidewalk and tree panel to provide better separation between the Development Site and the shopping center’s driveway. It will also add a 10-foot landscape buffer between the Development Site’s parking lot and the Rockville Pike right-of-way.

In addition to the proposed changes to the Development Site, the proposed Amendment will also reduce the Subject Property’s required parking from the previously approved 1,977 parking spaces to 1,910 spaces in accordance with Section 7.7.1.B.3.b of the current Zoning Ordinance.

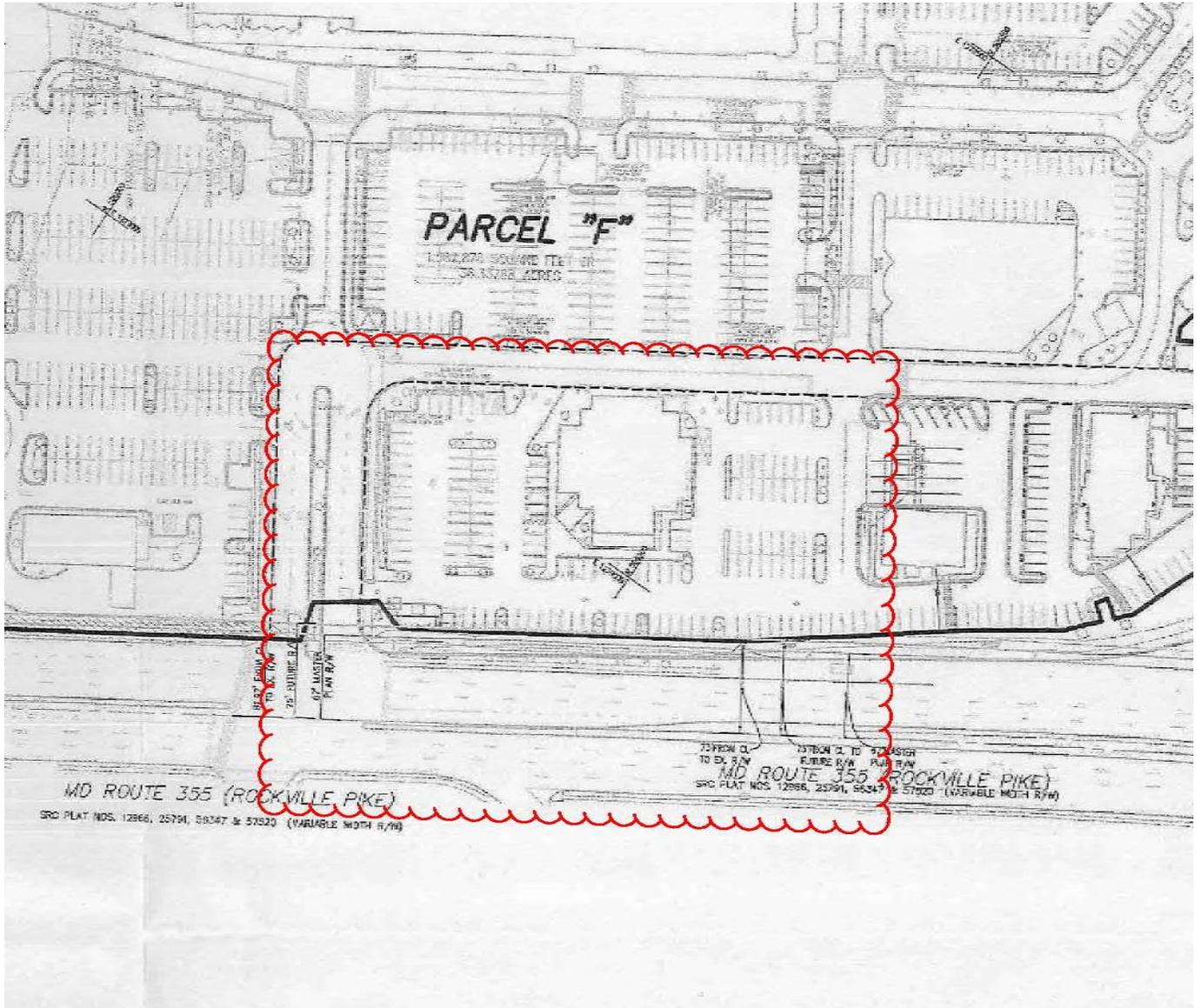


Figure 4: Existing Site Plan with the proposed area of change

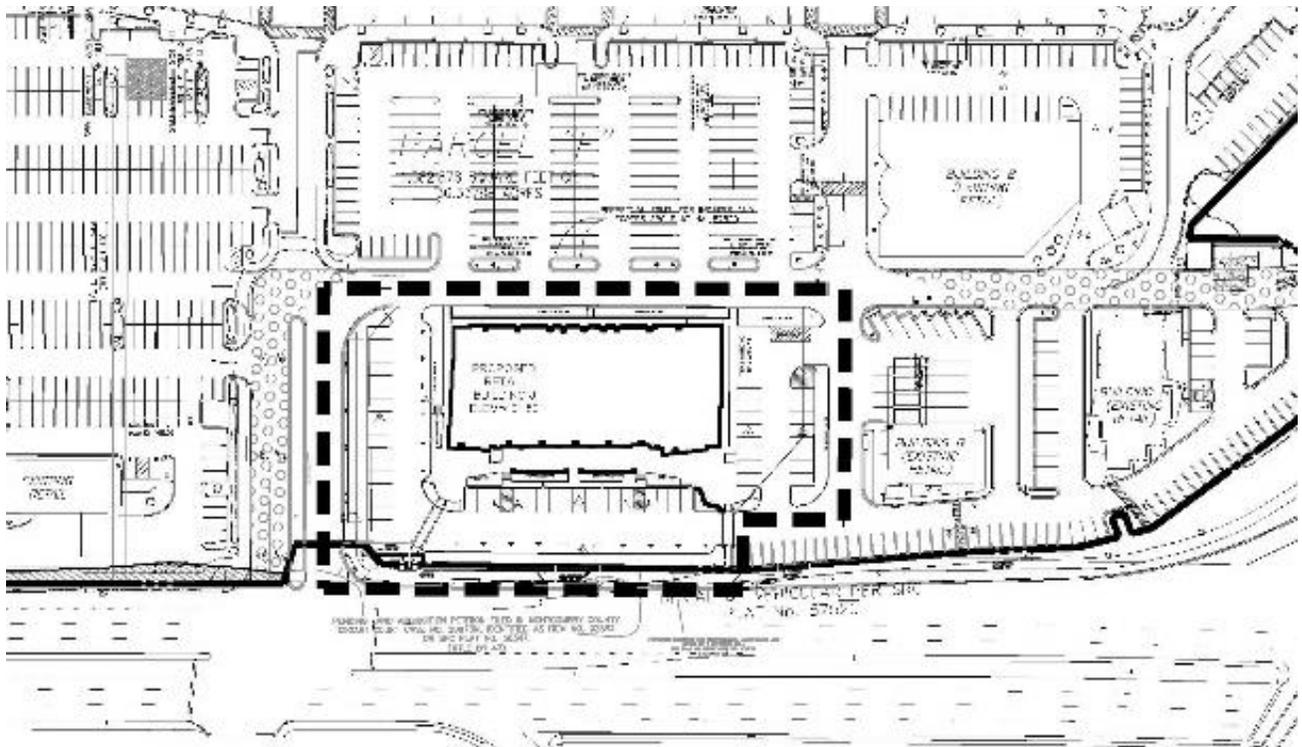


Figure 5: Proposed Development Site



Figure 6: Rendering of Proposed Building

Analysis

Master Plan

The Subject Property is located within the 1992 *North Bethesda/Garrett Park Master Plan*. The Master Plan refers to the Property as “...one of the most critical parcels in North Bethesda.” The Plan envisions a mix of uses on the Property and a maximum of 0.5 FAR commercial density on the Property. The

proposed Amendment will change the mix of uses on the Property by replacing an existing restaurant with a building for multiple retail and restaurant establishments. Although the proposed development on the Property will be slightly larger than the current building, it will still be under the overall 0.5 FAR limit for the entire site per the RMX-3C Zone.

The Subject Property also falls within the upcoming White Flint II Sector Plan area. A working draft for the Sector Plan will be reviewed by the Planning Board in Fall 2016. The proposed project does not seem to raise any concerns about the consistency of the project with the goals of the Sector Plan.

Environment

The Subject Property contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, steep slopes, or known habitats of rare, threatened or endangered species. It has an approved Forest Conservation Exemption dated March 10, 2016 (FCE No. 42016138E) for a modification to an existing non-residential developed property. The proposed project complies with the Environmental Guidelines and Chapter 22A, Forest Conservation Law.

Transportation

Vehicular Site Access Points

The proposed restaurant/retail building will be accessed from an existing driveway into the Shopping Center from Rockville Pike. The Subject Property also has a truck access from Bou Avenue, two driveways from Nebel Street, and an access from Montrose Parkway/Randolph Road at the intersection of Chapman Avenue.

Public Transit Service

The following two Ride On routes serve the Montrose Crossing Shopping Center:

- Ride On route 46 runs along Rockville Pike every 30 minutes between the Shady Grove Metrorail Station and NIH/Medical Center Metrorail Station on weekdays and weekends. The nearest bus stop is located just north of the intersection of Rockville Pike and Hubbard Drive.
- Ride On route 26 has a bus stop at the nearby intersection of Twinbrook Parkway and Chapman Avenue and runs every 30 minutes between the Montgomery Mall Transit Center and Glenmont Metrorail Station on weekdays and weekends.

The Subject Property is located approximately two-thirds of a mile from the Twinbrook Metrorail Station. When the master-planned BRT is built, these alternative non-single-occupancy-vehicle transportation modes will provide good north-south travel options.

The 2013 *Countywide Transit Corridors Functional Master Plan* recommends the MD 355 South BRT Corridor No. 5 between the DC line and the Rockville Metrorail Station. The MD 355 South Corridor segment along the frontage of the Subject Property is recommended to operate the buses in mixed traffic within the master-planned 162-foot (150 feet of dedication and 12 feet of reservation) wide right-of-way with two additional transit lanes. A BRT station is recommended near the intersection of MD 355 and Hubbard Drive. The MCDOT has funded the planning for MD 355 South Corridor.

Transportation Demand Management

The Subject Property is within the North Bethesda Transportation Management District (TMD). The *North Bethesda/Garrett Park Master Plan* requires the Applicant to participate in the North Bethesda TMD and assist in achieving and maintaining the Master Plan's goal of 39 percent non-auto driver mode share for employees in the Master Plan area. The Applicant has already entered into a Traffic Mitigation

Agreement with the Planning Board and MCDOT executed on January 17, 2005, which must be updated to reflect the proposed amendment.

Pedestrian and Bicycle Facilities

The Amendment will provide adequate ADA-compliant pedestrian connections from the sidewalk along Rockville Pike across the parking area to the proposed building. There is an eight-foot wide shared use path with a two-foot wide green panel along Rockville Pike, and a six-foot wide sidewalk with a three-foot wide green panel along the driveway into the Montrose Crossing Shopping Center. The Amendment will provide one bike rack. It will need to be located in a well-lit area near the main entrance to the new building (as opposed to the entrance to the shopping center).

Local Area Transportation Review (LATR)

A new Adequate Public Facilities (APF) test was required because the APF validity period for the Preliminary Plan No. 11960252A, approved in 2004, has expired.

The entire shopping center with a total of 392,923 square feet (existing and proposed increase) of general retail space generates the following number of peak-hour trips:

- 749 (new or total) peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.)
- 1,978 new (or 2,997 total) peak-hour trips within the evening peak period (4:00 and 7:00 p.m.)

The proposed net increase of 8,299 square feet of general retail space is expected to generate the following number of peak-hour trips:

- 11 (new or total) peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.)
- 28 new (or 42 total) peak-hour trips within the evening peak period (4:00 and 7:00 p.m.)

The Applicant submitted a traffic study to satisfy the LATR test because the total number of site-generated peak-hour trips was 30 or more. Based on the traffic study results, the Critical Lane Volume (CLV) values at the studied intersections are shown in the table below for the following traffic conditions:

1. Existing: The current traffic condition.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the additional site-generated trips based on the proposed 8,299 additional square feet.

Studied Intersection	Traffic Condition					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Rockville Pike & Bou Avenue	970	1,171	1,035	1,286	1,036	1,287
Rockville Pike & Hubbard Drive	994	1,104	1,059	1,197	1,062	1,212
Chapman Avenue & Randolph Road	726	791	761	847	763	851
Nebel Street & Randolph Road	854	1,145	984	1,296	985	1,297

As indicated in the table above, the calculated CLV values do not exceed the CLV standard of 1,550 for the North Bethesda Policy Area. Therefore, the LATR test is satisfied.

Transportation Policy Area Review (TPAR)

For the current TPAR test, the roadway test for the North Bethesda Policy Area is adequate, and the transit test is inadequate. Therefore, pursuant to the 2012-2016 Subdivision Staging Policy the Applicant must make a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax for the 8,299 additional square feet of general retail space. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Community Concerns

Staff has not been contacted by anyone in the community prior to the date of this Staff Report.

Site Plan Findings

Section 7.7.1.B.3 of the current Zoning Ordinance allows for approved plans to be amended in accordance with the zoning regulations in effect on October 29, 2014. However, pursuant to Section 7.7.1.B.3.b of the New Zoning Ordinance, the Site Plan’s parking requirement is being reviewed under the new Zoning Ordinance.

Section 59-D-3.4. (c) of the Zoning Ordinance in effect on October 29, 2014 states that the Planning Board, in reaching its decision, must require that:

- (1) *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

There are no development plans, diagrammatic plans, or schematic development plans on this site.

- (2) *The site plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56;*

The Site Plan meets all of the requirements of the zone. The proposed new restaurant/retail use along with the existing uses on the site are allowed in the RMX-3C Zone. The proposed Amendment meets all the development standards of the RMX-3C Zone as shown in the data table below. The Subject Property is not located in an Urban Renewal area.

Table 1: RMX-3C Development Standards

Development Standard	Permitted/Required	Project Plan Approval	Proposed Amendment (Subject Property)	Proposed Amendment (Development Site)
59-C-10.3.4.b Maximum Gross Non-residential Leasable Floor Area	1,300,000 sq. ft.	462,599 sq. ft. ⁶	392,923 sq. ft.	19,000 sq. ft. (part of the overall 392,923 sq. ft.)
59-C-10.3.4(b) Commercial Density	0.5 ¹	0.34	0.29	
59-C-10.3.6 Minimum Number of Dwelling Units (sites over 30 acres)	150 DUs	230 DUs	230 ⁵	
59-C-10.3.9 Minimum Commercial building setback from any street	25 ³ feet (12.5 feet with waiver)	12.5 feet	12.5 feet (existing building, no change)	80 feet
Minimum Parking setback from any street	10 feet	10 feet	10 feet and 0 feet ⁴	10 feet
Green Area within commercial portion	10%	15%	16%	

¹ FAR lowered to 0.35 FAR in 91994003A.

² The multifamily building associated with the shopping center was approved for 230 DUs.

³ Previously, the Planning Board approved a waiver to reduce the setback to 12.5 feet.

⁴ Existing parking along Rockville Pike, designated for TD Bank, does not have a parking setback. The proposed amendment will provide a minimum 10-foot parking setback along Rockville Pike for the replaced building.

⁵ The residential component of the larger Montrose Crossing Project is not part of this Amendment.

⁶ The Preliminary Plan approved 448,825 square feet (1196025A)

Table 2: Parking Requirement

	Required	Provided
Retail (including new building)	Minimum: 375,823 sq. ft. (3.5/1,000 sq. ft.)= 1316 Maximum: 375,823 sq. ft. (6/1,000 sq. ft.)= 2255	
Patron Area	Minimum: 7,550 sq. ft. (4/1,000 sq. ft.)= 31 Maximum: 7,550 sq. ft. (12/1,000 sq. ft.)= 91	
Office	Minimum: 2,400 sq. ft. (4/1,000 sq. ft.)= 5 Maximum: 2,400 sq. ft. (12/1,000 sq. ft.)= 8	
Total	Minimum Required: 1352 Maximum Permitted: 2354	1910
59.6.2.1.B Accessible	20 accessible spaces+ 1 accessible spaces per 100 total spaces over 1000 total spaces) = 30	70
59.6.2.1.B Van Accessible	¼ of provided accessible parking	25
59.6.2.1.C Motorcycle	2 percent of total parking or 10 spaces maximum = 10	10
59.6.2.1.D Car Share	1 per 100 total parking spaces or 5 spaces maximum = 5	5
59.6.2.E Electric Charging	1 per 100 total parking spaces = 20	20
59.6.2.4.C Bicycle		
Total Short Term	Restaurant = 1, Retail = 32, Office = 0, Total: 33	33
Total Long Term	Restaurant = 1, Retail = 6, Office = 1, Total: 8	8

(3) *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

Building and Structures

The proposed new restaurant/retail building will have a slightly larger footprint than the existing building but will be in the same location as the existing building. The location of buildings and structures will continue to be adequate, safe, and efficient.

Open Space

RMX-3C Zone does not have an open space requirement, but it requires 10% green area or an outside amenity area. The proposed landscape improvements on the Development Site will slightly increase the Subject Property’s green area from the previously approved 15.2 percent to 16 percent. The location of open spaces will be adequate.

Landscaping & Lighting

The proposed Amendment will provide shade trees and ornamental trees around the new building. Lighting will be provided by bollards and decorative light poles. The Amendment will add a landscape buffer along the Development Site’s frontage. The lighting and landscaping on the site will be adequate, safe, and efficient.

Vehicular and Pedestrian Circulation

The proposed Amendment will eliminate an existing vehicular access point off of the Shopping Center’s internal driveway to improve pedestrian circulation on the Subject Property. It will also extend an existing sidewalk with a tree panel to establish a better separation between the proposed building and the shopping center’s internal driveway. The proposed pedestrian and vehicular circulation will be adequate, safe, and efficient.

(4) Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and

The Amendment will replace an existing 10,701-square-foot restaurant building with a 19,000-square-foot multi-tenant restaurant and retail building. The proposed building will be in approximately the same location as the existing building and maintain the same setback from Rockville Pike. It will be approximately 25 feet high, the same height as the existing building. All other existing buildings and improvements on the rest of the Subject Property will remain unaffected by this amendment. Though larger than the existing restaurant, the proposed building will be compatible with the other existing retail and residential uses, site plans, and proposed developments in the vicinity.

(5) The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.

The proposed Site Plan meets the requirements of the Montgomery County Forest Conservation Law and the County's Environmental Guidelines. The Montgomery County Department of Permitting Services-Water Resources Section approved the stormwater concept on April 30, 2016.

Conclusion

The location of the new building, vehicular and pedestrian circulation, open space, landscaping and lighting are adequate, safe, and efficient. The proposed development is compatible with the neighboring commercial and multifamily residential development in the area. As discussed earlier, this Amendment is in compliance with Chapter 19, water resources requirements and complies with Chapter 22A, forest conservation requirements. Staff recommends approval of Site Plan 81995036H with conditions.

Attachments:

1. Site Plan 81995036F Resolution
2. Site Plan 81995036G Administrative Approval Memo
3. Final Forest Conservation Plan Exemption Letter
4. Agency Approval Letters



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

AUG 10 2012

MCPB No. 12-99
Site Plan No. 81995036F
Montrose Crossing
Date of Hearing: July 26, 2012

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on August 15, 1995, the Planning Board approved Site Plan No. 819950360 (no resolution number was recorded) for construction of 2,400 square feet of office, 20,377 square feet of restaurant, and 426,048 square feet of retail uses and structured parking on 31.52 net acres of RMX-3C-zoned land, located on the northeast quadrant of the intersection of Rockville Pike and Randolph Road, Parcel A ("Subject Property"), in the North Bethesda/Garret Park Master Plan ("Master Plan") area; and

WHEREAS Planning Staff administratively approved Site Plan Amendment No. 81995036A for minor site modifications (no approval date was recorded); and

WHEREAS on May 27, 2003, the Planning Board approved Site Plan Amendment No. 81995036B (no resolution number was recorded) for an extension to file a site plan for Phase III (eventually filed as 820040130); and

WHEREAS Planning Staff administratively approved Site Plan Amendment No. 81995036C for minor site modifications (no approval date was recorded); and

WHEREAS on September 29, 2010, by Resolution 10-128, the Planning Board approved Site Plan Amendment No. 81995036D to allow the construction of Nebel Street, which required a reduction of 70,732 square feet of retail space; and

WHEREAS on December 20, 2011, by Resolution 11-110, the Planning Board approved Site Plan Amendment No. 81995036E for the addition of a free-standing restaurant; addition of a free-standing bank; minor site, landscaping, and lighting changes; and removal of the "festive place maker" public art piece; and

Approved as to
Legal Sufficiency:

Christina Sorent 7/11/12

8787 Georgia Avenue, NMCPPC Legal Department 10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on June 12, 2012, BVS Montrose, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plans to capture incorrectly calculated gross floor area in Building "H" adding 200 feet to the total commercial square-footage approved; change patron areas to reflect final designs; and make minor lighting and grading changes based on final engineering drawings on the Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81995036F, Montrose Crossing ("Amendment" 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 July 11, 2012, setting forth its analysis of, and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, on July 26, 2012, the Planning Board considered the Application on its consent agenda and voted to approve the Application, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 81995036F for the addition of 200 square feet of gross floor area for Building "H" for up to 384,624 total commercial square feet and modification of the internal and external patron area calculations; addition of parking area lighting features; and modification of the grading.

BE IT FURTHER RESOLVED, that all other Site Plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that all site development elements as shown on Montrose Crossing drawings stamped by the M-NCPPC on June 8, 2012, shall be required; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and 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, the Planning Board FINDS that:

1. *This Amendment does not alter the intent, objectives, or requirements in the originally approved Site Plan and approved amendments, and all findings remain in effect.*

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

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

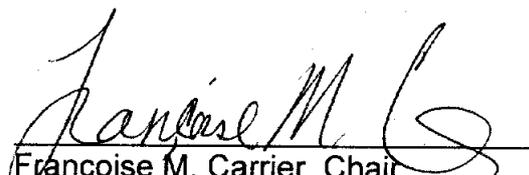
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 10 2012 (which is the date that this resolution is mailed to all parties of record); and

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 Resolution, consistent with the 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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, July 26, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board



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

Memorandum

TO: Gwen Wright, Planning Director

VIA: Glenn Kreger, Chief *MK*
Khalid Afzal, Supervisor *KA*
Area 2 Division

FROM: Stephanie Dickel, Planner Coordinator *SD*
Area 1 Division

RE: Montrose Crossing Shopping Center
SITE PLAN AMENDMENT No. 81995036G

DATE: May 20, 2014

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or “Director Level” Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the Development Activity Information Center (DARC), Intake Section, is also not required; however, submittal of the application to DARC is applicable.

Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On March 19, 2014, FR Montrose Crossing, LLC (Applicant) filed a site plan amendment application, designated Site Plan No. 81995036G (Amendment) for approval of the following modifications in order to make some enhancements to the existing shopping center.

1. Hardscape improvements adjacent to Building “C” including: bump out curb line (maintain a 27-foot drive aisle); addition of trees and landscaped area; upgrade of paver crosswalk; addition of paver banding and accent pavers in existing concrete; and modification of an accessible ADA ramp.
2. Landscape, lighting and site furnishings improvements adjacent to Building “C” including: addition of site furniture including benches, trash receptacles and bike racks; and installation of four additional pedestrian pole lights.

Approval signatures

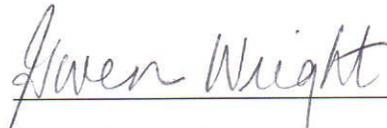
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The Applicant sent notice regarding the subject site plan amendment to all parties of record on April 7, 2014. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

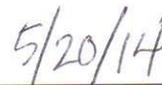
The proposed amendment is consistent with the provisions of Section 59-D-3.7 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a Certified Site Plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



Gwen Wright, Planning Director



Date Approved



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

March 10, 2016

Mr. Jay Corbalis, Development Associate
Federal Realty Investment Trust
1626 E. Jefferson Street
Rockville, MD. 20852

Re: Montrose Crossing; Forest Conservation Exemption 42016138E

Dear Mr. Wallace:

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on February 26, 2016 is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(t) because the site is a modification to an existing non-residential developed property: (1) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued, (2) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan, (3) the modification does not require approval of a preliminary plan of subdivision, and (4) the modification does not increase the developed area by more than 50% and the existing development is maintained.

A pre-construction meeting is required to verify the limits of disturbance prior to clearing and grading. The property owner, construction superintendent, forest conservation inspector, and the Montgomery County Department of Permitting Services sediment control inspector should attend. You may contact me at david.wigglesworth@montgomeryplanning.org or at 301-495-4581 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "David Wigglesworth".

David Wigglesworth
Sr. Planner
Development Applications & Regulatory Coordination

CC: 42016138E
George Warholic (Dewberry)

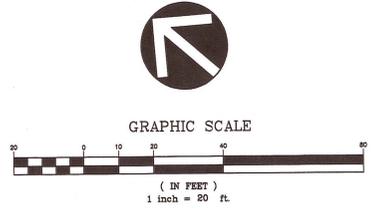
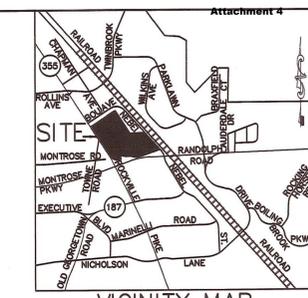
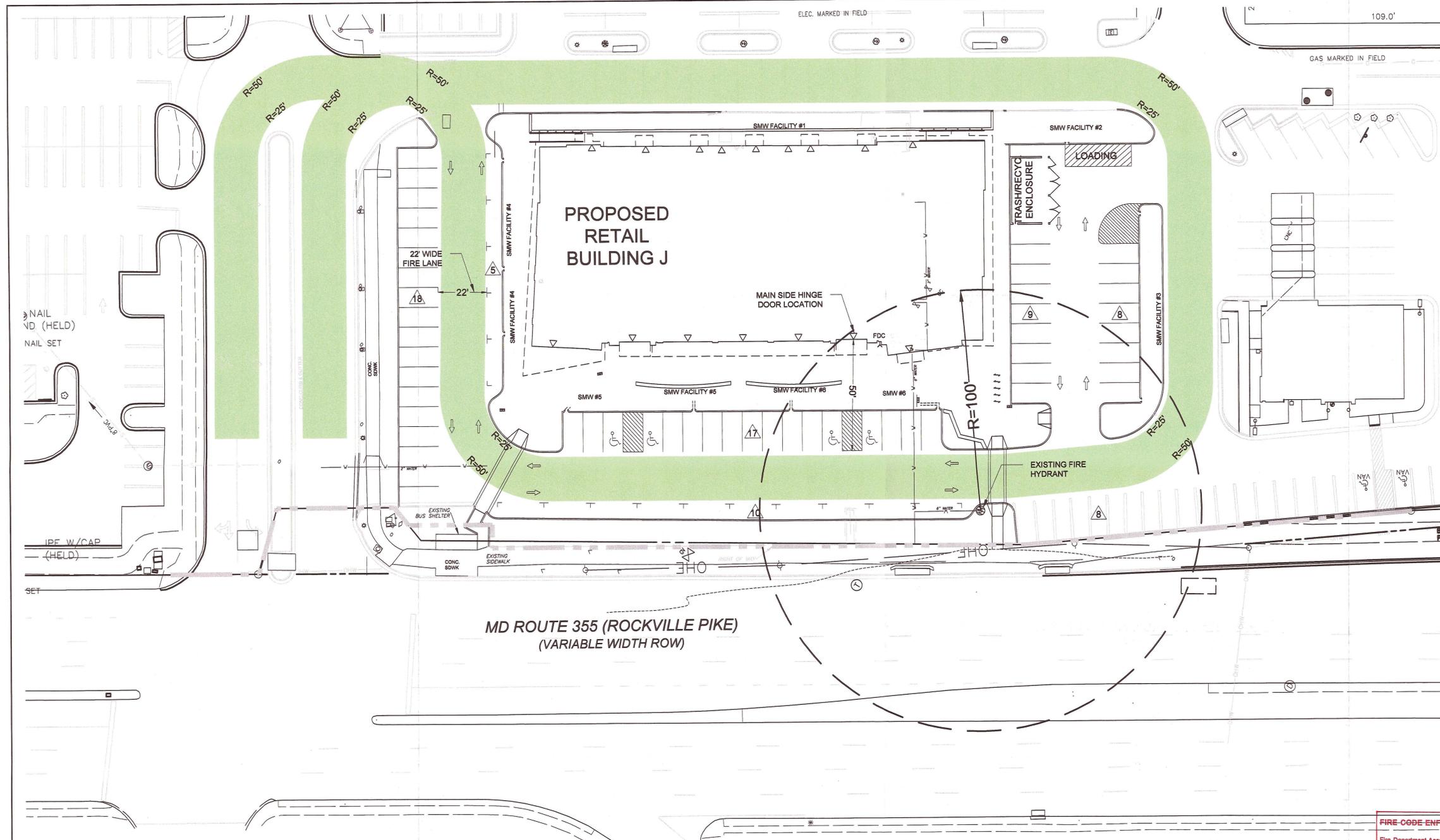


**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 04-Aug-16
TO: Joanne Cheok
Dewberry
FROM: Marie LaBaw
RE: Montrose Crossing
81995036H

PLAN APPROVED

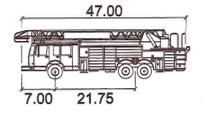
1. Review based only upon information contained on the plan submitted **04-Aug-16** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



LEGEND

—	PROPERTY LINE
R=	TURNING RADIUS
△	BUILDING ENTRANCES
⊙	EX. FIRE HYDRANT

MONTGOMERY COUNTY FIRE TRUCK



WIDTH	FEET
TRACK	: 8.25
LOCK TO LOCK TIME	: 8.25
STEERING ANGLE	: 6.0
	: 33.2

FIRE-CODE ENFORCEMENT
 Fire Department Access Review
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
 BY: *SAC* FM: *43* DATE: *8/4/16*

SITE PLAN AMENDMENT #1995036H
 THIS SITE PLAN IS REVISED PER THIS AMENDMENT TO REFLECT THE FOLLOWING:
 1. REPLACE AN EXISTING FREESTANDING RESTAURANT OF APPROXIMATELY 10,701 SF WITH A MULTI-TENANT RESTAURANT/RETAIL STRUCTURE OF APPROXIMATELY 19,000 SF, (REFERRED TO AS BUILDING "J");
 2. MODIFY SITE AND LANDSCAPE DETAILS ASSOCIATED WITH THE PROPOSED BUILDING; AND
 3. REVISE PARKING REQUIREMENTS PER THE NEW ZONING ORDINANCE.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 JONAS CHECK LITZKE, P.E., LICENSE # 10058
 EXPIRATION DATE: DECEMBER 31, 2016

"FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.call811.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"
 The contractor must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. It is the contractor's responsibility to comply with all requirements of Chapter 28A of the Montgomery County Code.

DEVELOPER'S CERTIFICATE
 The undersigned agrees to execute all the features of the Site Plan Approval No. #1995036H including Approval Conditions, Development Program, and Certified Site Plan.
 Developer's Name: FR Montrose Crossing, LLC, a Delaware Limited Liability Company, by its Manager FR Montrose Crossing, Inc., a Delaware Corporation
 Contact Person: Dawn M. Becker, Vice President
 Address: Managing Director Mixed Use Operations
 Federal Realty Investment Trust
 3525 E. Jefferson Street, Rockville, MD, 20852
 Phone: 301.598.8225
 Signature: _____ Date: _____

NO.	AMENDMENTS / APPROVALS	APPD	DATE	NO.	REVISIONS	APPD	DATE
1.	AMENDMENT #8-1995036D		8/13/15	1.	AMENDMENT #8-1995036H		4/14/16
2.	AMENDMENT #8-1995036A and C		NO DATE	2.	AMENDMENT #8-1995036H RESUBMISSION		7/19/16
3.	AMENDMENT #8-1995036B		5/27/03				
4.	AMENDMENT #8-1995036D		9/28/10				
5.	AMENDMENT #8-1995036E		12/20/11				
6.	AMENDMENT #8-1995036F		8/10/12				
7.	AMENDMENT #8-1995036G		9/20/14				

Federal Realty Investment Trust
 1626 East Jefferson Street
 Rockville, MD 20852
 Phone: 301-998-8131
 E-mail: jcorbalis@federalrealty.com
 Contact: Jay Corbalis

SITE PLAN FIRE ACCESS PLAN
 SITE PLAN #81995036H

MONTROSE CROSSING
 ROCKVILLE ELECTION DISTRICT NO. 4
 MONTGOMERY COUNTY, MARYLAND

Dewberry
 2101 GAITHER ROAD
 SUITE 340
 ROCKVILLE, MD 20850
 PH: 301.948.8300 FX: 301.258.7807
 www.dewberry.com



Professional Certification:
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
 License No. 18095
 Expiration Date: 12.21.16
 DATE: JULY 19 2016
 DES. DWN.
 SCALE: 1"=20'
 PROJECT/FILE NO. 50079850
 SHEET NO. FDA-1



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

August 30, 2016

Mr. Arinze Chiejina, P.E.
Dewberry Consultants LLC
2101 Gaither Road, Suite340
Rockville, MD 20850

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
Request for Montrose Crossing
Preliminary Plan #: 11960252A
SM File #: 281911
Tract Size/Zone: 1.59 Ac/CR-2.0
Total Concept Area: 1.59 Ac
Parcel(s): F
Watershed: LRC

Dear Mr. Chiejina:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of ESD to the MEP with the use of micro bioretention.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Use MCDPS latest design standards at time of plan submittal. As shown on the plan details you are only showing PVC membrane impervious liner on the sides. This will need to be concrete wall/box to support the sides.
6. At time of asbuilt verify the drainage areas to the structures.

Mr. Arinze Chiejina, P.E.
August 30, 2016
Page 2 of 2

7. All structures are to have stormwater management easements and covenants.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6322.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN281911 Montrose Crossing.DWK

cc: C. Conlon
SM File # 281911

ESD Acres:	1.59
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.00



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

July 15, 2016

Mr. Ed Axler, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Site Plan No. 81995036H
Montrose Crossing
Traffic Impact Study

ed
Dear Mr. Axler:

We have completed our review of the Local Area Transportation Review and Transportation Policy Area Review dated April 14, 2016 and prepared by Wells + Associates. Total development evaluated by the analysis includes:

- 10,860 square foot shopping center building to be removed;
- 19,000 square foot building shopping center building to be built;
- Net increase of square footage of 8,140 square feet.

We offer the following comments:

Local Area Transportation Review (LATR)

1. We defer to Maryland State Highway Administration for comment regarding state-maintained roadways, including Rockville Pike (MD 355).
2. We accept the consultant's conclusion that post-development Critical Lane Volumes for the studied intersections will not exceed the congestion level threshold for the North Bethesda Policy area.

Pedestrian and Bicycle Impact Statement (PBIS)

1. The report included an evaluation of the pedestrian, bicycle and transit infrastructure for the studied intersections and roads. However, we do not believe the analysis provided in the report

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Mr. Ed Axler
Site Plan No. 81995036H
July 15, 2016
Page 2

satisfies the submission requirements on page 22 of the 2012 LATR/TPAR guidelines. We recommend the report be updated to address items such as:

- a. Pedestrian and bicycle counts at intersections;
- b. Capital or operating modifications, if any, required to promote and maximize safe pedestrian travel;
- c. Inventory map of existing or proposed shared-use paths and/or bikeways next to the site; and
- d. Recognition of peak pedestrian volumes.

Transportation Policy Area Review (TPAR)

1. The site is located within the North Bethesda policy area that requires a TPAR payment of 25%.

SUMMARY

1. We accept the consultants' findings of the LATR portion of the report.
2. We recommend the consultant prepare an addendum to provide the accessible pedestrian signals for each of the studied intersections and outstanding information from the PBIS.
3. We concur with the applicant finding that a TPAR payment of 25% is required.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma, our Development Review Area Senior Planning Specialist for this project, at rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Gregory M. Leck, Manager
Development Review Team
Office of Transportation Policy

Mr. Ed Axler
Site Plan No. 81995036H
July 15, 2016
Page 3

cc: Nancy Randall, Wells + Associates
Jay Corbalis, FR Montrose Crossing LLC
Joanne Cheok, Dewberry
Christopher Ruhlen, Lerch, Early & Brewer
Pranoy Choudhury, MDSHA District 3
Crystal Myers, MNCPPC Area 2
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Kamal Hamid, MCDOT DTEO
Kyle Liang, MCDOT DTEO
Rebecca Torma, MCDOT OTP