



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

**MCPB
Item #
12/3/09**

November 19, 2009

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief *GK*
Vision Division *pw*

FROM: Piera Weiss, Master Planner (301.495.4728)

SUBJECT: Discussion of the appropriate zoning for the Forum property located at 11801 Rockville Pike, Planning Board Draft White Flint Sector Plan.

STAFF RECOMMENDATION: Transmit the Planning Board's recommendation to the Planning, Housing & Economic Development (PHED) Committee.

BACKGROUND

The Planning Board transmitted the Planning Board Draft White Flint Sector Plan to the County Council on August 5, 2009. The County Council held public hearings on October 20 and 22, 2009. The Council received testimony from the owners of the Forum property requesting consideration for the CR zone.

Council staff has asked Planning staff to take this request to the Planning Board for consideration before the PHED Committee begins their review of the properties on December 7 and 10.

The Forum property is located at 11801 Rockville Pike and is zoned RH. The 5.22-acre property is improved with 230 residential units in a high-rise building, surface parking, tennis courts and an outdoor pool. The property is built to a 1.28 FAR. The property is identified in the Planning Board Draft White Flint Sector Plan in the Sterling Block of the Metro East District. The Plan recommends confirming the RH zoning since the property already contains residential development. The Plan recommends CR 3, C 1.5, R 2.5, and H 200 for surrounding underdeveloped properties, located in the Maple Avenue District, to the north and east.

As indicated in Attachment 1, the Forum property owners have requested CR 3.5, C .5, R 3.0, and H 200 as well as clarifications to the Maple Avenue/Chapman Avenue alignment depicted in the Draft Sector Plan (see Figures 13, 21, and 30 on pages 24, 32, and 40 of the Draft Plan, respectively).

ISSUES

Appropriate Density: The property owners are requesting CR 3.5, C .5, R 3.0, and H 200. This particular permutation of the CR zone was not used in the Draft Plan.

Staff suggests that one of the CR zones recommended in the Draft Plan should be used for the subject property and that the CR zone used should match a CR zone that was used on adjacent properties. The CR 3, C1.5, R 2.5, and H 200 zone recommended for surrounding properties would more than double the existing density at the Forum and would allow a maximum of 2.5 FAR for the residential component which is 1.2 FAR over the existing FAR.

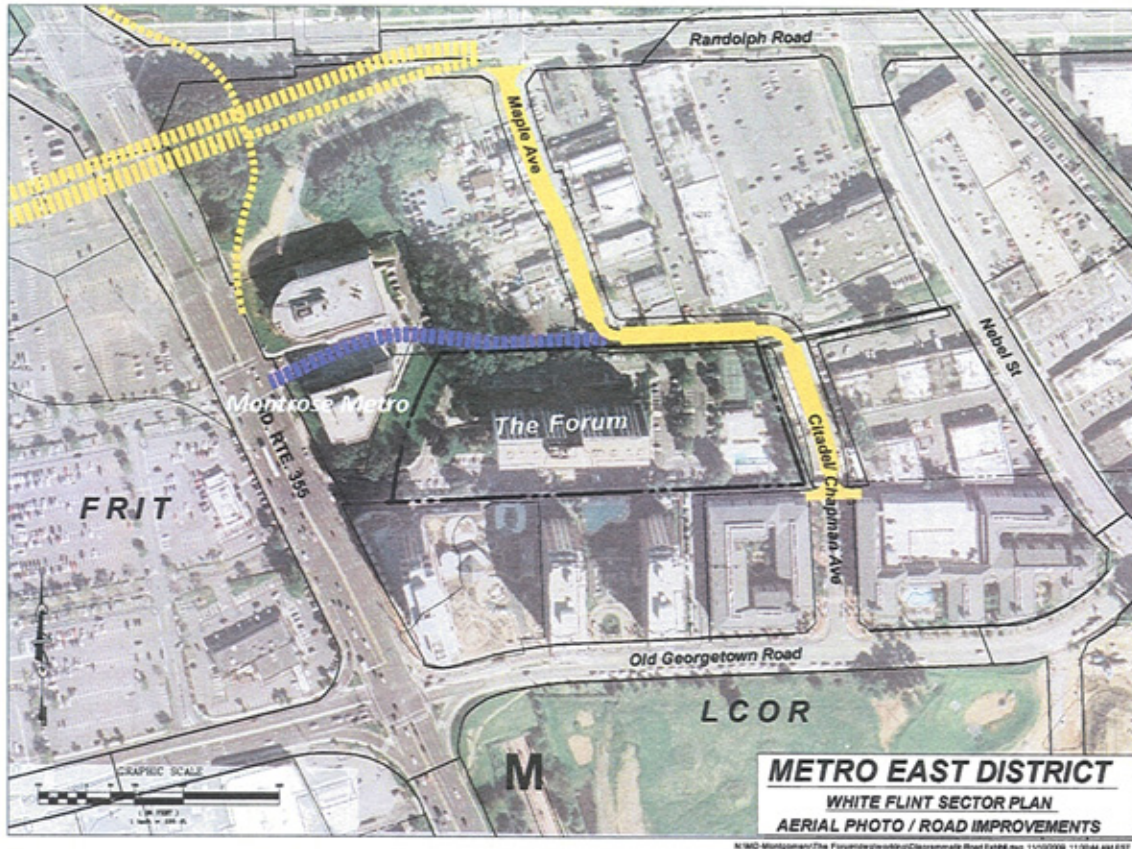
Connections: One of the goals of the Sector Plan was to reconfigure the existing mobility network and create a grid system that provided better access between old and new development.

The Forum development is unusual in that it does not have frontage on a public road. The Maple Avenue/Chapman Avenue Extension (CIP Project 509337) will provide frontage on two sides; however, access will still be difficult because of grade changes between the Forum and the new street. Staff suggests that a new “pink” local street (alignment to be determined) be added to the Maple Avenue District. This will improve access from Rockville Pike and between the Maple Avenue and Metro East Districts by allowing more interior properties access to Maple Avenue/Chapman Avenue Extended.

The property owners are in general agreement with this proposal and indicate such a connection on Exhibit B of Attachment 1. This proposed connection should not be designated a public street since it may not be possible to get the necessary business street right-of-way of 70 feet for the entire length of the alignment. The portion that traverses the commercial properties at 11919 and 11921 Rockville Pike (Montrose Metro Center) is an existing parking lot drive aisle, built on top of a private structure, and does not meet design standards for public roads. Patrons can walk in the drive aisle, but there is no space for separate sidewalks. The portion between Montrose Metro Center and Maple Avenue/Chapman Avenue traverses two other parcels across which private street alignment and access options will require further coordination.

Staff recommends that Figure 43 be amended to show a new local connection to Maple Avenue/Chapman Avenue Extended (see Map 1).

The property owners note the alignment of Maple Avenue/Chapman Avenue Extended is shown incorrectly on Figures 13, 21, and 30. Staff will correct these figures.



MAP 1: Proposed additional connection to Maple Avenue/Chapman Avenue.

PW:ha: M:\White Flint Plan production file\County Council\Dec 3 Forum Board agenda item.doc

Attachments:

1. Letter dated October 20, 2009 from Linowes and Blocher on behalf of Forum
2. Testimony from October 22, 2009 Sector Plan hearing
3. Metro East District – Existing and Proposed Zoning, Figure 22
4. Maple Avenue District – Existing and Proposed Zoning, Figure 31

ATTACHMENT 1

LINOWES AND BLOCHER LLP ATTORNEYS AT LAW

October 20, 2009

Anne C. Martin
301.961.5127
amartin@linowes-law.com

The Honorable Phil M. Andrews
President
Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, Maryland 20850

Via Email Delivery

Re: The White Flint Sector Plan

Dear Council President Andrews and Members of the County Council:

On behalf of The Council of Co-Owners of the Forum Condominium (the "Forum Condominium"), we respectfully request that the County Council, sitting as the District Council (the "Council") recommend a new zoning classification of the Forum Condominium's property located within the boundaries of the White Flint Sector Plan (the "Sector Plan"). Although this request is subsequent to the Planning Board's consideration of the Sector Plan, the opportunity is too significant to be dismissed based on its belated submission. As explained in detail below, the Forum Condominium specifically requests a recommendation to the new Commercial Residential ("CR") zone at CR 3.5: C .5, R 3.0, H 200, and also requests a few minor clarifications in the Sector Plan graphics with respect to the pending Maple/Chapman Avenue alignment.

The Forum Condominium property consists of 5.2275 acres located off Rockville Pike in the R-H zone (multi-family, high-rise planned residential) that was developed pursuant to an approved Site Plan in 1973 (the "Forum Property"). The existing development on the Forum Property consists of a 16-story residential building with 230 condominium units, and includes surface parking areas, landscaped green areas, tennis courts and a pool area. Although the density of the building is only a 1.28 FAR, the Forum Property is built to its capacity in the R-H zone.

The Forum Property was developed prior to the extension of the Red Line of the Metro and was originally surrounded by vacant, commercial and/or industrial sites. However, the Forum Property is located 2 blocks from the White Flint Metro station (and only one block from a northern entrance) and in the heart of this emerging transit-oriented, mixed-use area. Based on this proximity to transit, the Forum Property (and neighboring properties to the north and east) is now included in the White Flint Sector Plan boundary in the area identified as "Metro East". For your reference, a revised excerpt of the Sector Plan with the with the Forum Property outlined in blue and the proposed CR zone added is attached hereto as Exhibit A.

The Honorable Phil M. Andrews
October 20, 2009
Page 2

The Forum Condominium recently recognized that the commercial and industrial areas to the north, west and east of the Forum Property, which are located further from the White Flint Metro station, are recommended for the mixed-use CR zone in the Sector Plan (at densities of 4 and 3 FAR and building heights of 150-250 feet), while the Forum Property is recommended to remain in the R-H zone. The Forum Property is also immediately adjacent to the Maple/Chapman Avenue extension on its north and east borders, which road extension will be completed within the next few years (pursuant to the recommendations in 1992 North Bethesda/Garrett Park Sector Plan and current Sector Plan). These new streetfronts create an opportunity for an additional new building in the underutilized eastern 2-acres of the Forum Property to provide a street edge with an improved pedestrian environment and the potential for transit-oriented development, similar to the neighboring properties. Further, potential development on the Forum Property provides an opportunity for a logical future road connection on the north side of the site to connect Maple Avenue and Rockville Pike at an existing intersection. The revised excerpt of the Sector Plan attached hereto as Exhibit B, depicts this additional road connection in the street network proposed for White Flint.

Although the Forum Condominium has no immediate plans for development, the owners seek a recommendation in this 20-year Sector Plan to provide the opportunity for improvement and enhancement to the Forum Property and surrounding neighborhood. This would be achieved through a recommendation similar to the CR zoning, density and maximum building heights recommended for the surrounding properties and those located at a similar distance to the White Flint Metro Station. This recommendation would be CR 3.5: C .5, R 3.0, and H 200, as depicted on the attached Exhibit A, and in detail on the attached Exhibit C.

The Forum Condominium became aware and engaged in the Sector Plan only recently as part of the discussions with the County regarding necessary easements for the Maple/Chapman Avenue road improvements adjacent to the Forum Property. Since that designed and funded road project is underway, we request that the images in the final Sector Plan be adjusted to clarify that the current Maple/Chapman Avenue extension does not include the north boundary of the Forum Property as currently shown on the images on Pages 24, 32 and 40 of the Sector Plan.

We apologize again for the belated nature of this request, but hope the Council will agree with the Forum Condominium owners and their supporters - the Friends of White Flint, the White Flint Partnership, the Western Montgomery County Citizens Advisory Board, and other residential associations - to provide this opportunity for future transit-oriented development consistent with the urban goals of the Sector Plan. The requested CR recommendation will allow the Forum Condominium to participate in the walkable, sustainable and engaging White Flint community, and not remain stuck in 1973 with its suburban, automobile-oriented development and stagnant zoning classification.

The Honorable Phil M. Andrews
October 20, 2009
Page 3

Sincerely,

LINOWES AND BLOCHER LLP


Anne C. Martin

Enclosures

cc: Members of the County Council
The Honorable Royce Hanson
The Honorable Isiah Leggett, County Executive
Ms. Marlene Michaelson
Dr. Glenn Orlin
Mr. Gerald Israel
Mr. Todd Lewers
Mr. Doug Wrenn

L&B1237549v1/11674.0001

Compatibility

White Flint Park, Garrett Park Estates, Crest of Wickford, Old Georgetown Village and Fallstone are single-family and townhouse communities that immediately surround the Plan area. These neighborhoods have differing densities and scales. New development at the edges must be compatible with these neighborhoods in building height and scale and should accommodate pedestrian and bicycle access from existing neighborhoods. Landscaped buffers, compatible uses, and buildings of appropriate bulk and height should be located adjacent to existing communities.

Development in accordance with this Plan should add value and enhance the quality of life that surrounds the area by providing increased services, better facilities, employment opportunities and greater housing opportunities. The proposed density and height map (Figure 13) indicates the areas where heights and density transition to the surrounding neighborhoods.

Figure 13: Density and Height

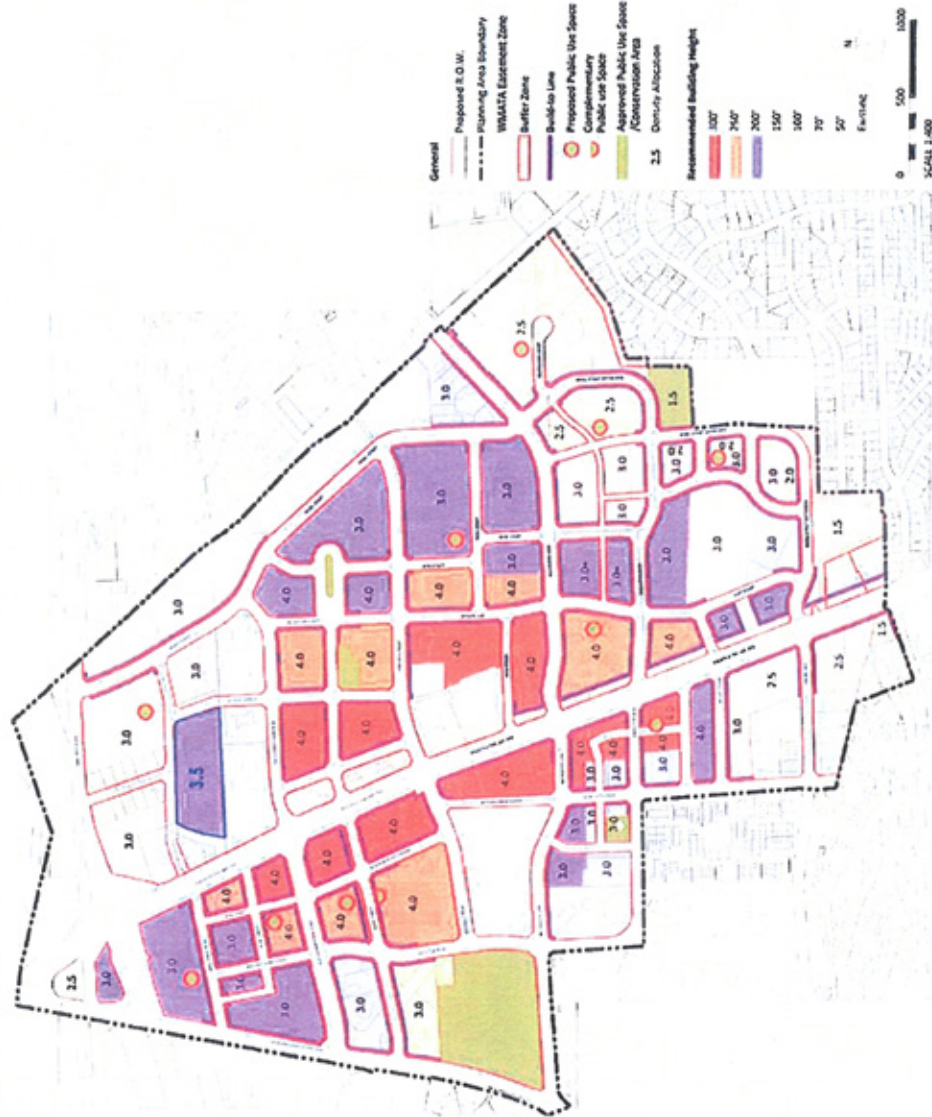


Figure 43: Existing and Proposed Street Network



Street Network

- Augment the master planned street network (Figure 43). Plan area streets should adhere to the design standards of the County Road Code. Nebel Street is to have a three-lane cross section to allow for a southbound travel lane and continuous left turn lane. Pedestrian refuge islands can be provided where Nebel Street forms a T intersection with B-2, B-13 and B-6, because there is no left turn lane.
- Implement non-master planned street and alley connections in conformance with the Montgomery County Zoning Ordinance, White Flint Urban Design Guidelines, and the County Road Code. These streets may be public or private and provide flexibility for operational functions including property access, loading, and parking.
- Target speeds for the Plan area roadways are 25 miles per hour except for Montrose Parkway, which has a target speed of 35 miles per hour.

Transit

- Construct a northern entrance to the Metro station in the southeast quadrant of Rockville Pike and Old Georgetown Road.

ATTACHMENT 2

WHITE FLINT SECTOR PLAN HEARING OCTOBER 22, 2009 TESTIMONY OF TODD LEWERS

Good evening, Council members. Thank you for the opportunity to present my testimony this evening. My name is Todd Lewers and I am testifying tonight as a resident living within the White Flint Sector Plan boundary for over 20 years. I also live at the Forum Condominium and work with the Forum condominium Board regarding community development affairs. This Sector Plan is important to all residents at the Forum. I am here to tell you that:

- I personally support the White Flint Sector Plan
- The 400+ residents and Montgomery County voters at the Forum support the White Flint Sector Plan, but there are caveats;

The Forum Condominium was ahead of its time when it was constructed over 36 years ago in its location, which was primarily a commercial and industrial area; it was also ahead of the Metro extension and it is currently located less than 2 blocks from the White Flint Metro. Based upon the Sector Plan, once the north entrance to the Metro is in place, the Forum will only be one block away from the Metro. Essentially, the Forum's location is getting better and better. However, in that regard, the Forum finds itself somewhat 'lost in the planning shuffle' associated with the Sector Plan. The Forum does not nor is it slated to have a modern zoning classification which seemingly are being bestowed upon nearly all adjacent properties in the neighborhood. Essentially, that means we do not have the proper zoning to contribute to the emerging transit-oriented area. That said, although we do not have any plans for improvements today, we request the CR zoning to provide that opportunity to the Forum owners in the future, so as not to be inevitably left "as is" with our outdated R-H zoning classification.

We realize we are somewhat late to this process, and we appreciate the time and efforts of the Planning Board staff, the Planning Board, and numerous other County agencies and groups that have developed the Sector Plan and have the vision to turn White Flint into a transit-oriented, walkable/bikable community. We support the Sector Plan, however, we do request that the Forum property be considered for the same CR zoning category, so we have the same opportunity to be part of that vision which everyone around us has.

Also, soon, the extension of Maple/Chapman Avenue will run adjacent to the Forum's property and alongside the underutilized 2-acre corner of surface parking and dated recreation areas; this will provide the potential for us to improve that corner with a new companion building, possibly even an 'urban' school, and provide the opportunity for a sharp urban street edge. These potential improvements would enhance the pedestrian connectivity of our neighborhood, and not leave our "back yard" closed off as it is today.

As part of becoming engaged with the Sector Plan, we have coordinated with the other groups like Friends of White Flint, White Flint Partnership, West Montgomery Citizens Council Advisory Board and other property owners in the area- both residential and commercial- and join them in support for the Sector Plan before you today, including a few improvements in addition to the CR zoning for the Forum. Specifically, we support the proposed Transit-Way Design for dedicated transit lanes in the center of Rockville Pike; we support the transformation of Rockville Pike as soon as possible; we support the infrastructure financing plan proposed for the commercial properties and new development to contribute to the valuable infrastructure improvements; and we support that those funds stay in White Flint for improvements here.



Again, as a late bloomer in this process, we would also like to thank all of the groups that have been integral to the development of the Sector Plan vision and that have been supportive of the Forum's request to have the same CR zoning opportunity.

Thank you for your consideration of my comments.

**WHITE FLINT SECTOR PLAN HEARING
OCTOBER 20, 2009
TESTIMONY OF GERALD ISRAEL FOR THE FORUM CONDOMINIUM**

Good evening Council President Andrews and Members of the County Council. Thank you for the opportunity to present my testimony this evening. My name is Gerry Israel and I am testifying tonight as the President of the Council of Co-Owners of the Forum Condominium in support of the White Flint Sector Plan, but with a few changes, specifically the rezoning of the Forum property to the CR 3.5 zone.

For those of you not familiar with the Forum Condominium property, it is located on the east side of Rockville Pike, 2 blocks north of the White Flint Metro Station and across from Mid-Pike Plaza. The 5-acre property consists of our 16-story residential building with 230 units (and owners), as well as some surface parking, tennis courts, pool area and landscaped areas. The Forum Condominium was developed in the early 1970's before the extension of Metro and was surrounded by industrial and commercial properties. To put our property in context with the density recommendations in the Sector Plan, our building consists of approximately a 1.28 FAR in density.

We only recently became involved in the White Flint Sector Plan process, and we appreciate the time and efforts of the Planning Board staff, the Planning Board, and numerous other County agencies and groups that have developed the Sector Plan vision for a transit-oriented, walkable community. As we learned about the Sector Plan, and the potential for the underdeveloped commercial properties in our area to transform the current auto-oriented environment into a transit-oriented community, we recognized that the Forum property is similarly underdeveloped and has opportunity to be a part of this vision.

Although we have no development plans, the Forum property does have an area of approximately 2-acres in the northeast corner that is adjacent to the planned and funded extension of Maple/Chapman Avenue. This underutilized corner of the Forum property, with the surface parking and dated recreation areas, provides the potential for us to improve that corner with a new companion building and urban street edge. These potential improvements would enhance the pedestrian connectivity and environment of our immediate "Metro East" neighborhood, and provide the opportunity to further extend Maple/Chapman Avenue west to the existing intersection at Rockville Pike to improve the street grid for the whole area.

Unfortunately, the current R-H zoning classification of the Forum Property does not provide the opportunity contribute to the emerging transit-oriented neighborhood and achieve similar densities recommended for the surrounding properties. Therefore, we request the CR zoning similar to the surrounding properties and those similarly situated from the Metro that have a 3 and 4 FAR density recommendations and 150-250 foot maximum building heights. Specifically, we request the CR 3.5 zone with C .5, R-3.0 and H 200. Should the Forum owners decide that improvements are desired in the future, this CR zoning will provide that opportunity, and not limit our options with the R-H zoning classification from the 1960s.

We have attached revised pages of the Sector Plan to my testimony that demonstrate how this CR zoning request is consistent with the surrounding properties, and show the potential to enhance the connectivity of the area.

We apologize that we are coming in late to this process after the Planning Board review, but hope you will agree that the Forum property and its owners should have the same opportunity as its underdeveloped commercial neighbors to contribute to the White Flint vision. We do want to thank all of the groups that have generously brought us up to date on the Sector Plan and that

have been supportive of the Forum's request for this CR zoning opportunity, including: the Friends of White Flint, the White Flint Partnership, the Western Montgomery County Citizens Advisory Board and the 10 residential associations we joined with in support of the Sector Plan, with some improvements. We hope the Council will join in this support.

Thank you for your consideration of our request.

Figure 22
Existing Zoning



- Rezone the remaining TS-M area and the I-1 parcel east of Wentworth Place (once used for stormwater management) in the North Bethesda Center project to CR-3: C 1.5, R 2.5, and H 200. Rezone the 0.17-acre, R-90 Montbain property to CR-3: C 1.5, R 2.5, and H 200.
- Rezone the three properties on the south end along Hebel Street to the same zone, CR-3: C 1.5, R 2.5, and H 200 feet. This will allow for assembly or independent redevelopment.

Block 2: Sterling

- Confirm TS-M Zone on properties along the north side of Old Georgetown Road. The mixed-use development is recent and there is little likelihood of redevelopment over the Plan's lifetime.
- Confirm the O-M Zone on the existing office buildings and the R-H Zone on the Forum property.
- Rezone the I-1 properties to CR-3: C 1.5, R 2.5, and H 200. This will allow existing properties to continue in their current uses, but if future redevelopment is desirable, mixed use is possible.

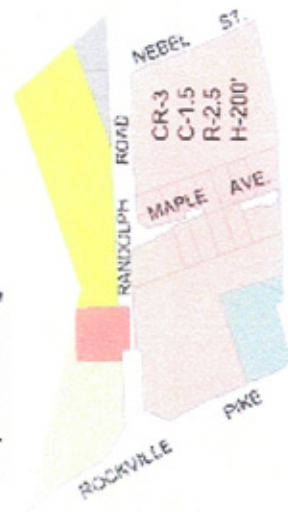
Proposed Zoning



Figure 31
Existing Zoning



Proposed Zoning



- Confirm the O-M, R-200, and RAX/3C zoned properties.
- Confirm the I-4 zoning on the three properties located on the north side of Randolph Road; redevelopment of these small properties is unlikely.
- Confirm the C-2 Zone on the historic Montrose School property. Montrose Parkway will offer access to the site; pedestrians will have access from the south and north, but vehicular access is from the north only. There is no potential for creating mixed uses on the property. The property owner is not interested in relocating the structure under any circumstances.
- Rezone the remaining I-4 properties (Montrose Shopping Center and the properties on Maple Avenue) to CR-3, C-1.5, R-2.5, and H-200. The density map indicates that lower heights, 750 feet, are generally intended for this area. Building heights should transition down from the core, but it may be desirable to have a taller building define the corner of Randolph Road and Nebel Street.