



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

**Staff Report: Consent Site Plan Amendment 8200034A,
 Avalon Bay at Rock Spring Centre**

ITEM #: _____

MCPB HEARING DATE: February 17, 2011

REPORT DATE: February 3, 2011

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
 Robert Kronenberg, Supervisor
 Area 1

FROM: Sandra Pereira, Senior Planner
 Area 3, Lead Reviewer
 301.495.2186
sandra.pereira@mncppc-mc.org



APPLICATION

DESCRIPTION: Amendment to reduce the number of approved residential units by 4 to reflect as-built conditions, and to modify the existing cul-de-sac on Rock Forest Drive; 10.47 acres; MXPDP Zone; located on the Northeast quadrant of the intersection of Rockledge Drive and Rock Forest Drive; 1992 North Bethesda Garrett Park Master Plan.

APPLICANT: Avalon Bay Communities, Inc

FILING DATE: January 10, 2011

RECOMMENDATION: Approval with conditions

EXECUTIVE

SUMMARY: Amendment to reduce the number of approved multi-family residential units from 390 to 386 to reflect as-built conditions, and to modify the existing cul-de-sac on Rock Forest Drive in order to provide connectivity to the proposed street network on site plan No. 820090030 (Rock Spring Centre – Phase III).

Approval signatures

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SITE DESCRIPTION

Vicinity

The subject site is located on the northeast quadrant of the intersection of Rockledge Drive and Rock Forest Drive within the larger 53.4-acre tract known as Rock Spring Centre. The Centre is located in the northeast quadrant of the intersection of Rockledge Drive and Rock Spring Drive in the North Bethesda Garrett Park area. The Centre, in the MXPB zone, is bound by the I-270 interchange to the north, Old Georgetown Road to the east, Rock Spring Drive to the south, and Rockledge Drive to the west. Surrounding properties across Rockledge Drive to the west are zoned I-3 and are developed with the headquarters of IBM. Across Rock Spring Drive to the south is the Walter Johnson High School zoned R-90. Immediately to the east, between the school and Old Georgetown Road is the Georgetown Square Shopping Center, zoned C-1. Across Old Georgetown Road to the east are one-family detached residential neighborhoods zoned R-90/TDR. The site has access to major transportation networks and proximity to other commercial/industrial centers.



Vicinity Map with approximate site boundary outlined in red

Site Analysis

The subject site was approved for 390 multi-family units but was developed with a 386-unit apartment complex in six, four-story buildings, as part of the Avalon Bay site plan (application no. 82000034A). Access to the apartment complex is provided from Rockledge Drive, via Rock Forest Drive. The site is currently served by public water and sewer.

PROJECT DESCRIPTION

Previous Approvals

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

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

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

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

On August 3, 2000, the Planning Board approved with conditions **Site Plan No. 820000340, Avalon Bay** (Resolution dated August 8, 2000) for a maximum of 390 multi-family dwelling units, including 71 MPDUs [Appendix A].

Pending applications include **Preliminary Plan No. 11998092B** and **Site Plan No. 820090030, Rock Spring Centre Phase III**, which are scheduled to the Planning Board on February 17, 2011. These applications propose to create a mixed-use development with 210,000 SF of retail, 549,900 SF of office, 90,000 SF of below grade entertainment facilities, 200-room hotel, and 161 residential dwelling units (including 44 MPDUs) on 30.17 acres.

Proposal

The Applicant requests the following modifications:

a) Number of Units

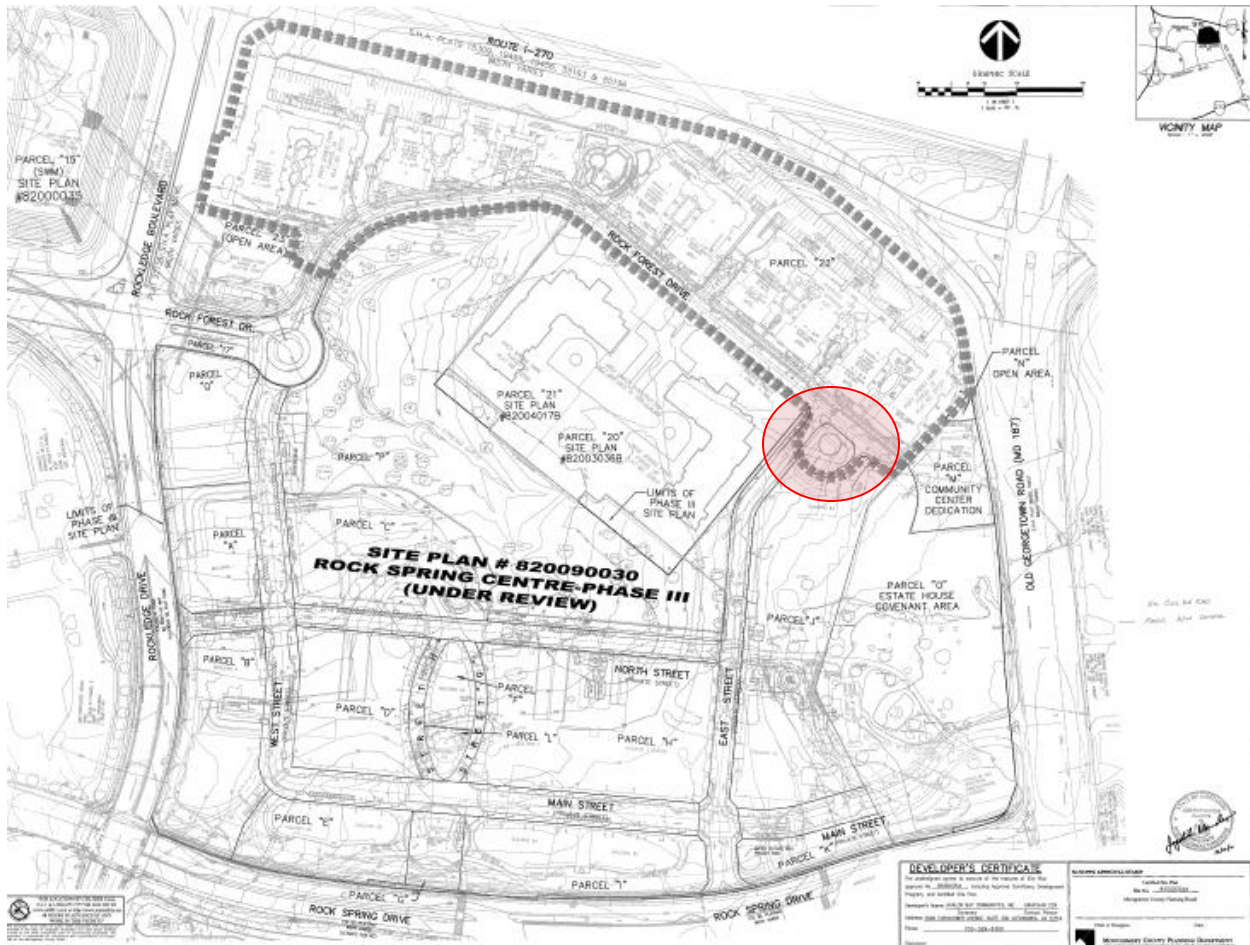
Avalon Bay at Rock Spring Centre is part of a larger development encompassing the 53.4-acre tract west of Old Georgetown Road, north of Rock Spring Drive, east of Rockledge Drive, and south of the I-270 interchange. Zoning Case No. G-713 and subsequent Development Plan Amendment 99-01 established certain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

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

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

b) Cul-de-sac on Rock Forest Drive

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



Illustrative Plan with cul-de-sac area highlighted in red

PROJECT ANALYSIS

Master Plan

The proposed amendment does not affect the application's conformance with the 1992 North Bethesda Garrett Park Master Plan recommendations for the subject site.

Transportation and Circulation

The proposed amendment does not affect vehicular or pedestrian traffic.

Environment

The proposed amendment does not affect the application's conformance with the applicable requirements of Chapter 22A regarding forest conservation, including the variance provisions to permit clearing of specimen trees, and the requirements of Chapter 19 regarding water resource protection.

Development Standards

The subject site is zoned MXPDP. The proposed amendment does not affect the application’s compliance with the purpose and requirements of the zone. The following data table indicates the proposed development’s compliance with the Zoning Ordinance. Only the standards that are affected by the proposed amendment are listed; a comprehensive modified data table is included on the certified site plan.

Project Data Table for the MXPDP Zone

Development Standard	Permitted/Required	Approved with 820000340	Proposed for Approval
Residential (D.U.s) - Multi-family - MPDUs	n/a	390 71	386 70

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendment was sent to all parties of record on December 23, 2010 giving 15 days for comments. Staff has not received correspondence on this matter.

RECOMMENDATION

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval and the site remains compatible with existing and proposed development adjacent to the site. The Amendment reduces the number of approved multi-family residential units from 390 to 386 to reflect as-built conditions, and modifies the existing cul-de-sac on Rock Forest Drive in order to provide connectivity to the proposed street network on site plan No. 820090030 (Rock Spring Centre – Phase III). These modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, landscaping, or lighting.

Staff recommends approval of site plan 82000034A, Avalon Bay at Rock Spring Centre, for the amendments delineated above. All site development elements shown on the site plans stamped “Received” by the M-NCPPC on December 13, 2010 are required.

APPENDICES

- A. Prior Resolution for Site Plan No. 820000340
- B. Agency Letters
- C. Draft Resolution

Appendix A

MONTGOMERY COUNTY PLANNING BOARD

C O R R E C T E D O P I N I O N

DATE MAILED: August 8, 2000

SITE PLAN REVIEW: #8-00034

PROJECT: Avalon Bay at Rock Spring Centre

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue, with a vote of 3-0, Commissioners Bryant, Holmes, and Perdue voting for. Commissioners Hussmann and Wellington were absent.

The date of this written opinion is August 8, 2000, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before September 7, 2000, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-98092 is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On August 3, 2000, Site Plan Review #8-00034 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;
3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation

facilities, and the pedestrian and vehicular circulation systems are 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;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-00034 which consists of a maximum of 390 multi-family dwelling units including 71 MPDUs subject to the following conditions:

1. Limit the site plan to 390 garden apartments which is part of the 1,250 dwelling units (dus) and 977,200 square feet of non-residential uses approved as part of Preliminary Plan of Subdivision, 1-98092.
2. Fully bond the design and construction of the improvements below contiguous to the site prior to issuance of building permits for the initial phase of development. These improvements were part of the previously identified improvements for Site Plan 8-89049, Rock Spring Center (IBM), approved in April 1991. Along Old Georgetown Road, widen from four to five lanes to add the following:
 1. Old Georgetown Road at Rock Spring Drive: On Old Georgetown Road construct a second northbound left-turn lane.
 2. Old Georgetown Road at Democracy Boulevard: On Old Georgetown Road construct a third northbound through lane.
3. Enter into a traffic mitigation agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (MCDPWT) to participate in the North Bethesda Transportation Management Organization (TMO) to assist the North Bethesda Transportation Management District (TMD) in achieving and maintaining its 39% non-driver traffic mitigation goal.
4. Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided:
 1. Direct access shall be provided into the courtyard amenity areas from the interior building corridor system.
 2. The distance between buildings 5 and 6 shall be no less than 33'.
 3. Additional information demonstrating consistency with the MDSHA I-270 traffic projections used to develop projected noise levels; information regarding reflective noise; expected noise attenuation provided by the parking garage; and anticipated interior noise levels within the corridor and living area within Building No. 3 shall be provided. Additional requirements to attenuate noise to within acceptable limits may be required based on the information provided and the ensuing analysis by staff.
 4. All PUE's shall be located and identified on the plans.
 5. All sidewalks shall be a minimum of five-feet-wide.
 6. Additional details shall be provided for the courtyard areas including details and

- specifications for lighting, paving, landscape planting and site furnishing. Careful attention shall be given to screening all mechanical equipment. The sidewalks in the courtyards shall be redesigned to better integrate areas of proposed special paving.
7. Construction details and specifications for all walls and fences shall be provided.
 8. Additional planting shall be provided within the SHA right-of-way, subject to SHA approval. Additional shrub masses and evergreen trees shall be provided along the I-270, Rockledge Boulevard, and Old Georgetown Road frontages. The planting along the I-270 frontage shall be revised to include more native species.
 1. Details and specifications shall be provided for the recreation facilities which demonstrate conformance with design standards in the Recreation Guidelines.
 10. The following note shall be added to the site plan in the vicinity of the I-270 improvements: “All work shall be coordinated with SHA contract No. M04015C72. It is imperative that the contractor of the Avalon Bay site and the SHA contractor attend a coordination meeting to discuss scheduling of simultaneous work. Areas such as erosion and sediment control, drainage, maintenance of traffic, and grading are critical and must be carefully coordinated between the two parties”.
 11. The location and mix of MPDUs shall be added to the site plan.
 12. The lighting proposed within and on top of the parking structure shall be located and designed so as to reduce glare and shall follow current IESNA guidelines. The fixtures proposed for the open, top level of the garages shall be low in stature, and preferably either the bollard or wall-mounted type.
 13. Alternative grading and/or wall designs shall be explored in an effort to lower the height of the retaining proposed along the south side of Building 1.
 14. Details and specifications for the noise wall shall be provided. The materials used in the noise wall shall be compatible with the facade materials used in the residential buildings and the parking structures.
5. A minimum 50-foot-wide unobstructed buffer area shall be provided from the intersection of Rockledge Boulevard and the I-270 overpass, approximately 750 feet to the east as shown on the submitted plans. A minimum 20-foot-wide unobstructed buffer area shall be provided along the Old Georgetown Road frontage. These unobstructed buffer areas shall be free of all utilities or other obstructions which would otherwise preclude the area from being fully utilized as a landscape buffer. Underground utilities contained in conduit, which upon utility company approval do not preclude landscape planting (including shade trees), are acceptable within the buffer area.
 6. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.

- 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 6) Coordination of each section of the development and roads;
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- b. Site Plan Enforcement Agreement to delineate transportation management program.
7. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
- a. Undisturbed stream buffers;
 - b. Limits of disturbance;
 - c. Methods and location of tree protection;
 - d. Forest Conservation areas;
 - e. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas;
 - f. Conditions of DPS Stormwater Management Concept approval
 - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - h. The development program inspection schedule.
 1. Details for and location of noise wall to attenuate noise levels to no more than 60 dBA Ldn for outdoor recreation areas.
 - j. certification from a professional acoustical engineer that the building shell will attenuate current noise levels to an interior level not to exceed 45 dBA Ldn.
8. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
9. No clearing or grading prior to M-NCPPC approval of signature set of plans.

Appendix B

Pereira, Sandra

From: Beall, Mark [Mark.Beall@montgomerycountymd.gov]
Sent: Friday, December 17, 2010 12:16 PM
To: Pereira, Sandra
Subject: RE: avalon bay, 820000340

Sandra,

They were under the building permits in our imaging system, but the U&O's are tied to the building permits. The permits were all filed at the same time.

Thank you,

Mark Beall

Permitting Services Specialist II

Site Plan Enforcement

Desk- (240)777-6298

Fax- (240)777-6263

mark.beall@montgomerycountymd.gov

<http://permittingservices.montgomerycountymd.gov/dpstmpl.asp?url=/Main.asp>

-----Original Message-----

From: Pereira, Sandra [mailto:Sandra.Pereira@mncppc-mc.org]
Sent: Friday, December 17, 2010 10:15 AM
To: Beall, Mark
Subject: RE: avalon bay, 820000340

Mark,

Just a clarification, these architectural drawings are submitted together with the U&O or building permits?

Thanks
Sandra

From: Beall, Mark [mailto:Mark.Beall@montgomerycountymd.gov]
Sent: Thursday, December 16, 2010 3:15 PM
To: Pereira, Sandra
Subject: RE: avalon bay, 820000340

Sandra,

I have double checked the architectural drawings for the subject Site Plan and there were 386 units built according to those plans. Feel free to call if you have any additional questions or concerns.

Thank you,

Mark Beall

Permitting Services Specialist II

Site Plan Enforcement

Desk- (240)777-6298

Fax- (240)777-6263

mark.beall@montgomerycountymd.gov

<http://permittingservices.montgomerycountymd.gov/dpstmpl.asp?url=/Main.asp>

-----Original Message-----

From: Pereira, Sandra [mailto:Sandra.Pereira@mncppc-mc.org]

Sent: Wednesday, December 15, 2010 5:33 PM

To: Beall, Mark

Subject: avalon bay, 820000340

Hi Mark,

Just wondering if you found out anything about the number of units actually built at Avalon Bay.

Thank you!

Sandra Pereira

Senior Planner

M-NCPPC Montgomery County Planning Department

Development Review Division

8787 Georgia Avenue, Silver Spring, MD 20910

phone (301) 495-2186 :: fax (301) 495-1306

sandra.pereira@mncppc-mc.org



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

August 27, 2010

Steven A. Robins, Esq.
Lerch Early & Brewer
3 Bethesda Metro Center, Suite 460
Bethesda, MD 20814-5367

RE: Rock Spring Centre Preliminary Plan Amendment No. 11998092B and
Rock Spring Centre Phase III Site Plan No. 820090030
Revised Plans

Dear Mr. Robins:

This is in response to your memorandum of July 28, 2010, requesting comments on the above applications.

The Department of Housing and Community Affairs (DHCA) reviewed and provided comments on the earlier versions of these applications (see enclosed letter dated December 16, 2008). At that time, DHCA found that the applications were consistent with the terms of the MPDU Alternative Agreement Under Section 25A (Alternative Agreement) that was approved on May 25, 2004. Although the revised Site Plan Application No. 820090030 includes changes in design of the residential component that were not contemplated by the Alternative Agreement (specifically, three (3) low-rise buildings are now proposed instead of a single high-rise building, and the buildings will include only residential units and will therefore not be mixed-use), DHCA finds that these changes do not invalidate the Alternative Agreement.

Following is a summary of how the current plans address DHCA's earlier comments. (In the future, it would be helpful if you provide point-by-point responses to DHCA's comments.)

2008 DHCA Comment #1: Only 162 MPDUs are included in the Program Summary of the Preliminary Plan Amendment, instead of the required 226 MPDUs. In addition, the information in this table is presented in a confusing manner. Although the Program Summary shows 703 total residential units in Phase II and 161 units in Phase III, the corresponding MPDUs are shown under the heading, "MPDU'S for Phases II – V." MPDUs need to be shown with their corresponding phase, and the Preliminary Plan Amendment must indicate that the MPDUs are included in the totals for each phase.

Division of Housing and Code Enforcement

Code Enforcement
FAX 240-777-3701

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
and Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

The Site Plan for Phase III shows the correct total number of MPDUs (226). However, both the Preliminary Plan Amendment and the Site Plan include inconsistencies with prior Planning Board approvals and with the Alternative Agreement and, in the case of Phase I, with what was actually constructed. (Please see a summary included as Attachment I).

July 2010 Revised Plans: Most of these corrections have been made; however, the Preliminary Plan Amendment still shows the MPDUs for Phases II and III under the heading, "MPDU's for Phases II – V." To avoid confusion, the heading should read, "MPDUs for Phases II and III." In addition, the total number of MPDUs for the entire project (226) should be provided.

2008 DHCA Comment #2: *Site Plans #820050310 and #820060270 need to be withdrawn before the Planning Board hears the current Preliminary Plan Amendment and Site Plan applications, as both of these site plans were based on an amendment to the 2004 DHCA MPDU Alternative Agreement which is no longer valid.*

July 2010 Revised Plans: It is DHCA's understanding that Site Plan #820050130 will be withdrawn after the subject Preliminary Plan Amendment and Site Plan applications are approved. It is also our understanding that Site Plan #820060270 was never heard by the Planning Board.

2008 DHCA Comment #3: *Although 390 total units and 71 MPDUs were approved for Phase I (Avalon Bay at Rock Spring Centre), only 386 total units and 70 MPDUs were actually constructed, according to DHCA's records. The difference of four (4) units in the total number is made up in subsequent phases in the applicant's proposal, but the missing MPDU is not accounted for. If the applicant achieves full build-out of the 1,250 total housing units on the site, an additional MPDU must be provided to reach the required total of 226 MPDUs.*

July 2010 Revised Plans: This comment has been addressed in the current plans. An additional MPDU is now being provided in Phase III.

2008 DHCA Comment #4: *The Preliminary Plan Amendment shows an incorrect number of MPDUs for Phase II. The most recent approvals for Phase II include 64 on-site MPDUs and an in-lieu payment for 48 MPDUs (per the 2004 DHCA Alternative Agreement), for a total of 112 MPDUs in Phase II. (This information is correctly presented on the new site plan for Phase III.)*

July 2010 Revised Plans: This comment has been addressed on the Preliminary Plan Amendment.

2008 DHCA Comment #5: *The construction schedule in the MPDU Agreement to Build for the Phase II 351-unit high rise building has expired. The Applicant will need to execute an amended Agreement to Build for this building. This amended Agreement to Build will require 99 year covenants if the building is rental, or 30 year covenants if the building is a for sale condominium product.*

July 2010 Revised Plans: This is an informational comment that still applies; however, it does not need to be addressed on the plans.

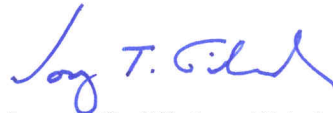
2008 DHCA Comment #6: *The MPDUs need to be distributed among the residential floors of the Phase III high-rise building, and no more than approximately one-third of the MPDUs should be located on any given floor. DHCA needs to review floor plans of the proposed residential building showing locations of MPDUs and market rate units on each floor, with a summary chart of location and bedroom composition of MPDUs and market rate units, as well as floor plans (including dimensions and square footage) for each MPDU unit type.*

July 2010 Revised Plans: The Architectural Plans provided do not show locations of MPDUs, and the plans do not provide the level of detail indicated above. DHCA needs this information in order to complete a review of this project.

2008 DHCA Comment #7: *As required by Section 25A-5(b)(3) of the Montgomery County Code, 2004, as amended, the proposed bedroom mix of the MPDUs in the Phase III site plan is proportional to that of the market rate units.*

July 2010 Revised Plans: The revised Site Plan shows the correct proportional bedroom mix for the MPDUs and market rate units.

Sincerely,



Joseph T. Giloley, Chief
Division of Housing and Code Enforcement

cc: Rose Krasnow, Chief, Development Review Division, M-NCPPC
Robert Kronenberg, Development Review Division, M-NCPPC
Sandra Pereira, Development Review Division, M-NCPPC
Erin Grayson, Development Review Division, M-NCPPC
Vickie L. Gaul, Associate County Attorney
Richard Y. Nelson, Jr., Director, DHCA
Christopher J. Anderson, Manager, Single Family Programs, DHCA
Lisa S. Schwartz, Senior Planning Specialist, MPDU Office, DHCA

Enclosure

S:\Files\FY2011\Housing\MPDU\Lisa Schwartz\Rock Spring Centre Letter 8-27-10.doc

Appendix C



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

RESOLUTION

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

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

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


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

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

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

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

Approved as to
Legal Sufficiency:

 2/4/11
M-NCPPC Legal Department

a) Number of Units

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

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

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

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

b) Cul-de-sac on Rock Forest Drive

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

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

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

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

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

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

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

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

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

* * * * *

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 _____, seconded by Commissioner _____, with Commissioners _____ (list) voting in favor of the motion, with Commissioner(s) _____ (list) dissenting, Commissioner(s) _____ (list) abstaining, Commissioner(s) _____ (list) being absent or being temporarily absent, at its regular meeting held on Thursday, _____, 200.., in Silver Spring, Maryland.