



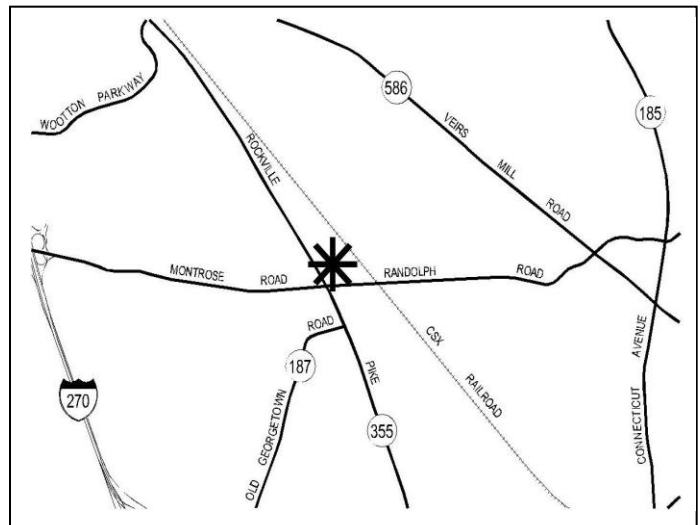
**Montrose Crossing, Project and Site Plan Amendments, 91994003B and 81995036E**

- Joshua Sloan, Coordinator, [Joshua.Sloan@MontgomeryPlanning.org](mailto:Joshua.Sloan@MontgomeryPlanning.org), 301.495.4597
- Steve Findley, Acting Planner/Supervisor, [Steve.Findley@MontgomeryPlanning.org](mailto:Steve.Findley@MontgomeryPlanning.org), 301.495.4727
- Glenn Kreger, Acting Area 2 Chief, [Glenn.Kreger@MontgomeryPlanning.org](mailto:Glenn.Kreger@MontgomeryPlanning.org), 301.495.4653

**date of staff report:** October 21, 2011

**description**

- Addition of free-standing bank and restaurant on existing parking lot; minor changes to parking, site, utilities, and landscaping associated with new buildings and existing retail store;
- A subsequent minor resubdivision will reincorporate land conveyed to SHA;
- Located in the northeast quadrant of the intersection of Rockville Pike and Randolph Road; and
- On 33.38 gross acres of RMX-3C-zoned land within in the North Bethesda/Garrett Park Master Plan area.
- Applicant: BVS Montrose, LLC; filed on 6/20/11.



**summary**

- Staff recommends approval of the project and site plan amendments with conditions;
- Due to previous amendments reducing the floor area of retail space to construct Nebel Street through the site, the square footage requested is within the density limits of the applicable preliminary plan;
- Reincorporation of previously conveyed land will be processed as a minor subdivision application by Staff before any building permits can be issued;
- All development standards, zoning requirements, and compliance with previous approvals will be met and the additions will not preclude the site from providing necessary right-of-way and urban form expected with the White Flint II sector plan.

## Recommendation and Conditions

### Project Plan Amendment 91994003B

Staff recommends approval of Project Plan Amendment 91994003B for up to 230 multi-family dwelling units and 462,599 square feet (0.34 FAR) of commercial uses on 33.38 gross acres of RMX-3C-zoned land. The maximum residential and commercial densities are unchanged by this amendment; the mix of commercial uses will be modified to allow replacement of some retail uses with a restaurant and bank. All site development elements shown on the site and landscape plans stamped received on June 3, 2011 are required, subject to the following conditions:

1. Compliance with Previous Approvals  
All previously approved conditions in the Opinion for Project Plan Amendment 91994003A, dated February 11, 2004, remain in effect, except as modified by this Amendment.
2. Removal of Condition 15  
Condition 15, "Improvements to Montrose Gateway", is no longer applicable and is removed.

### Site Plan Amendment 81995036E

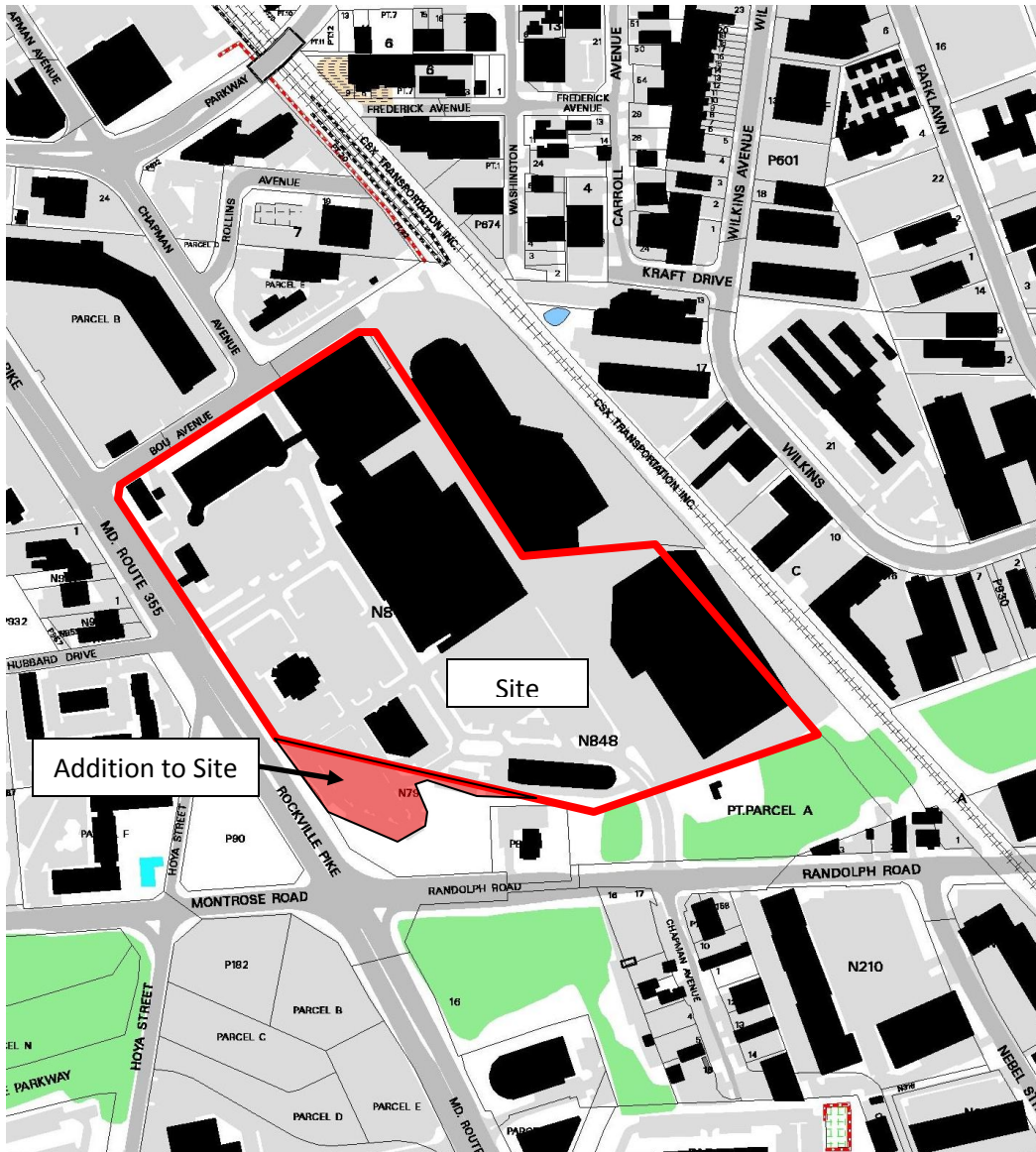
Staff recommends approval of Site Plan Amendment 81995036E, Montrose Crossing, for up to 384,424 square feet (0.28 FAR) of commercial uses on 33.38 acres of RMX-3C-zoned land. The maximum residential and commercial densities are unchanged by this amendment; the mix of commercial uses will be modified to allow replacement of some retail uses with a restaurant and bank. All site development elements shown on the site and landscape plans stamped received on June 3, 2011 are required, subject to the following conditions:

1. Compliance with Previous Approvals  
All previously approved conditions in the Opinions for Site Plan 819950360, dated August 15, 1995, and subsequent Site Plan Amendments 81995036B, dated May 27, 2003, and 81995036D, dated September 29, 2010, remain in effect, except as modified by this Amendment.
2. Stormwater Management  
The proposed development is subject to Stormwater Management Concept approval conditions dated May 18, 2011, unless amended and approved by the Montgomery County Department of Permitting Services.
3. Relocation or Decommissioning of Public Art  
The Applicant must make a good-faith effort to find a location within Montgomery County for the removed public art. If Staff is satisfied that a suitable location cannot be found, the Applicant may return the artwork to the artist or, if not accepted by the artist, dispose of the work.
4. Development Program  
The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:
  - a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.

- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan.
  - c. The development program must provide phasing for installation of on-site landscaping and lighting.
5. Certified Site Plan
- Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:
- a. Include the stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
  - b. Provide minor corrections, details, and clarification as required by Staff.

## Site Vicinity and Description

The site is encircled by Rockville Pike, Bou Avenue, Nebel Street, and Randolph Road and is currently approved with retail, restaurant, structured parking, and multi-family residential uses. Most of the site that is not covered by buildings is used for surface parking; there are no known historic, culturally significant, or environmental resources on site.



## Proposal

### Previous Approvals

#### Project Plan

Project Plan 919940030 was approved on February 15, 1995 for up to 467,806 square feet (0.34 FAR) of commercial uses and 150 multi-family dwelling units.

Project Plan 91994003A was approved on February 11, 2004 for up to 462,599 square feet (0.34 FAR) of commercial uses and 230 multi-family dwelling units. The conditions of approval remained identical to the original project plan except for the changes in allowed commercial and residential densities.

#### Preliminary Plan

Preliminary Plan 11960252A was approved on February 25, 2004 for 230 multi-family dwelling units, 426,048 square feet of retail space, 20,377 square feet of restaurant, and 2,400 square feet of office uses. The application was actually designated 11960232A, but incorrectly listed and recorded as 11960252A, no record of the previous approvals amended by this approval are available in our records.

#### Site Plan

This development proceeded according to several phases and, thus, had numerous site plan approvals governed by the limits established by the Project and Preliminary Plan approvals.

Site Plan 819950180 was approved on April 11, 1995 for Phase IA, including construction of 14,255 square feet of retail in one location and removal of 6,789 square feet of retail in another.

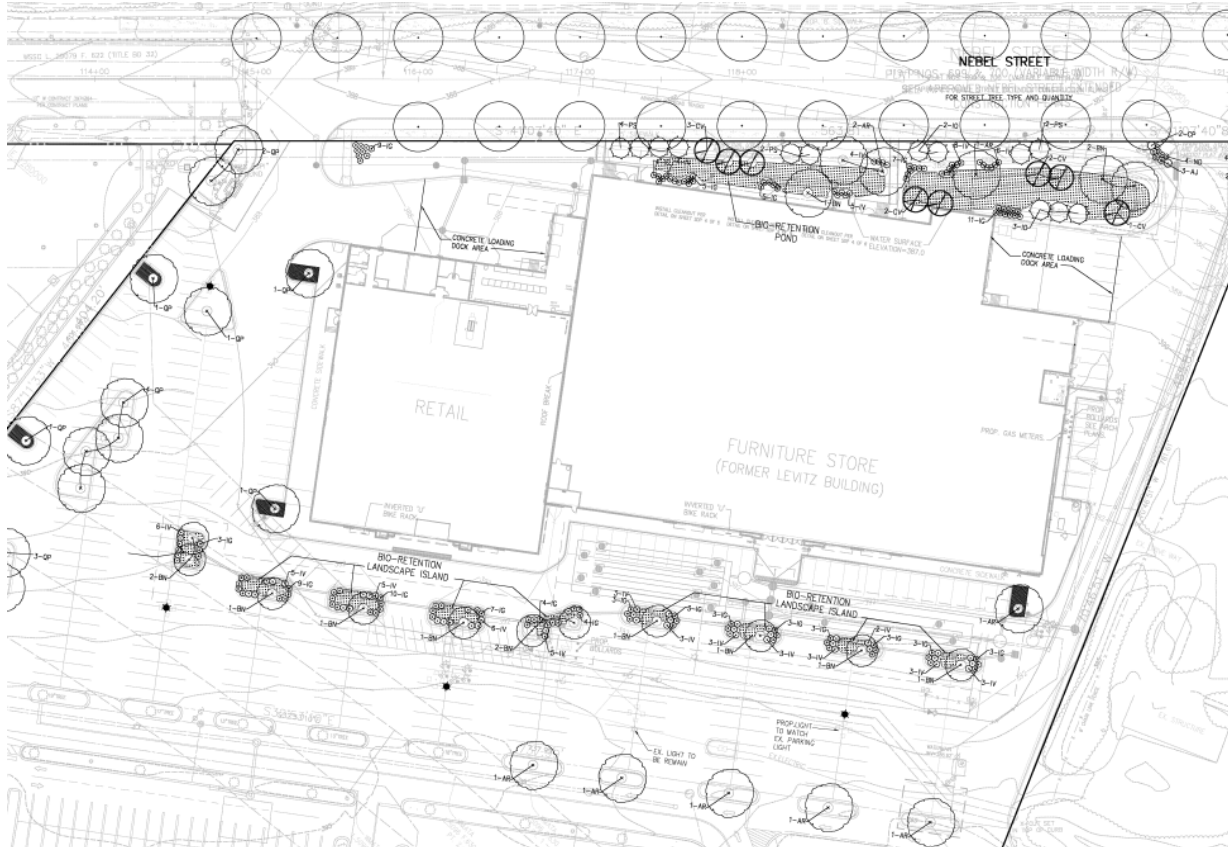
Site Plan 81995036 was approved on August 15, 1995 for Phases IB & II: construction of 2,400 square feet of office, 20,377 square feet of restaurant, and 426,048 square feet of retail uses and structured parking. This plan was amended several times:

- 81995036B granted an extension to file a site plan for Phase III (eventually filed as 820040130);
- 81995036D was approved on September 29, 2010 to allow the construction of Nebel Street, which required a reduction of 70,732 square feet of retail space; and
- 81995036A & 81995036C were Staff-level approvals several years ago, although no records are available on the date or specific modifications made.

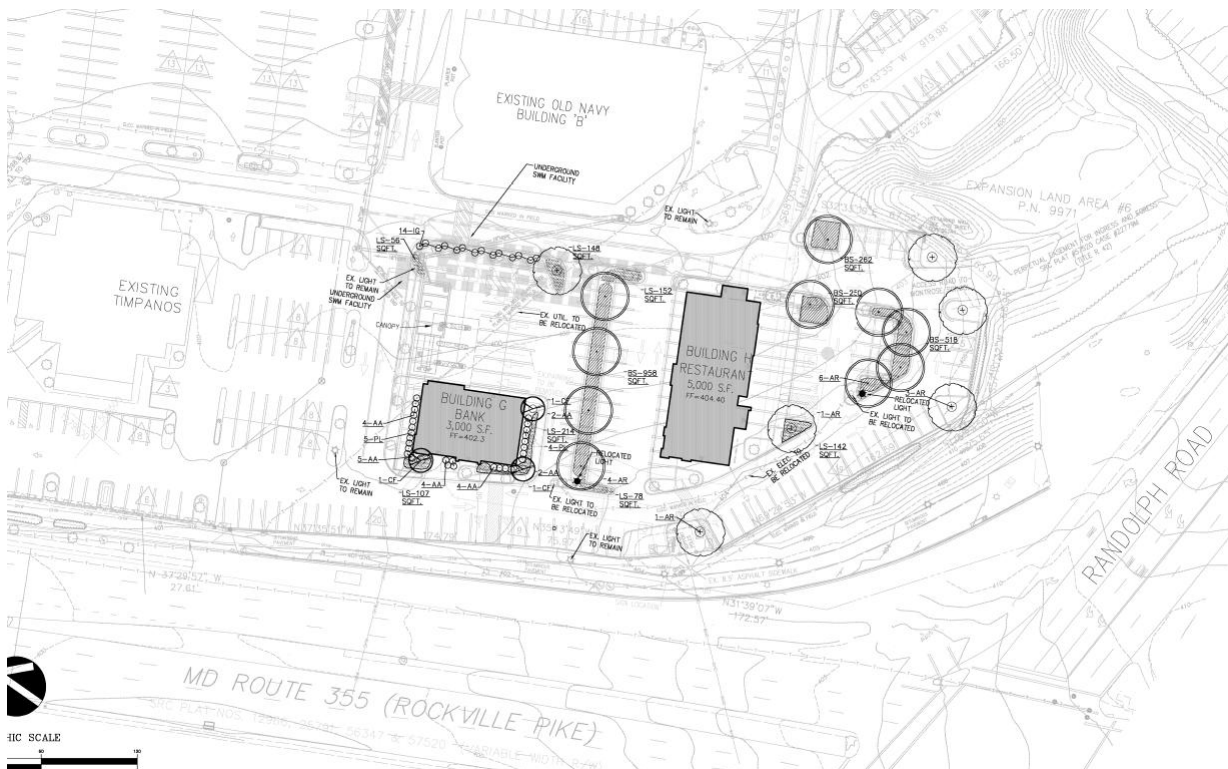
Site Plan 820040130 was approved on February 10, 2004 for Phase III: the construction of 230 multi-family dwelling units.

### Amendment Description

The proposed development will use approved density that was removed for the construction of Nebel Street to build a free-standing bank and restaurant. Additional changes are requested to accommodate utilities and permanently remove the “festive place maker” originally required at the corner of Rockville Pike and Randolph Road. A minor subdivision application has been filed to add 1.709 acres of land previously conveyed to the State Road Commission for construction of the Montrose Parkway interchange. Finally, numerous minor site, landscape, parking, and lighting changes will be made to accommodate the new buildings and utilities.



Landscape Plan for Modification to Existing Furniture and Retail Stores



Landscape Plan for Proposed Bank and Restaurant

## **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 June 7, 2011. Staff has not received correspondence on this matter.

## **Analysis and Findings**

### **Project Plan**

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a project plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

As the following Findings demonstrate, the subject Project Plan Amendment adequately addresses each of these considerations. Generally, the Amendment does not significantly alter the overall design character of the development in relation to the original approval and the previous findings, except as discussed below, remain valid.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the Board’s consideration of approval. In accordance herewith, the Staff makes the following findings:

(a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

The proposed amendment replaces previously approved retail space with office and restaurant uses. Because these uses continue to provide services for employees, residents, and visitors as intended by the RMX-3C zone, the previous findings remain valid. As the data table shows, all required development standards are met or exceeded; the Amendment increases green area and decreases building coverage.

<i>Data Table for the RMX-3C Zone</i>			
<b>Development Standard</b>	<b>Required/Allowed</b>	<b>Previously Approved</b>	<b>Proposed</b>
<b>Gross Site Area</b>	n/a	29.82 acres	33.38 acres <sup>1</sup>
<b>Previous Dedications</b>	n/a	1.86 acres	1.86 acres
<b>Net Site Area</b>	n/a	31.68 acres	31.52 acres
<b>Density</b>			
Min. Dwelling Units	150 units/acre	230 total	230 total
Max. Commercial FAR	0.5	0.35	0.27
<b>Max. Gross Nonresidential Leasable Floor Area (square feet)</b>	1,300,000	448,825	384,424
<b>Min. Setbacks (feet)</b>			
Residential Building from any Street	30 (15 with waiver)	15	15
Commercial Building from any Street	25 (12.5 with waiver)	12.5	12.5
Parking from any Street	10	10	10
<b>Min. Parking</b>	2155	2294	2303
<b>Min. Green Area or Outside Amenity Area (% of net lot)</b>			
Within Commercial Portion	10 (133,904sf)	12.9 (174,906sf – based on previous net lot)	15 (203,203sf)
Within Residential Portion	20 (6,780sf)	22 (8,061sf – based on previous net lot)	23 (8,061sf)

<sup>1</sup> After minor resubdivision is platted.



- (b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

The proposed amendment replaces previously approved retail space with office and restaurant uses. Because these uses continue to provide services for employees, residents, and visitors as recommended by the Master Plan, the previous finding remains valid. No Urban Renewal Plan applies to this site.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The proposed amendment replaces previously approved retail space with bank and restaurant uses. Because these uses are smaller in size and similar in intensity to the removed retail space, the development will remain compatible and not detrimental to existing and potential development in the neighborhood. Since the proposed building locations will occupy parking areas that will not be needed for any future road or driveway connections through the site, the operational characteristics are also not detrimental to existing or potential development. A perpetual easement for access to the Montrose School site has been retained and is not impacted by the proposed bank and restaurant locations. Therefore, the previous findings regarding location, size, intensity, design, and operational characteristics and staging remain valid.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The proposed Amendment is within the limits tested by the approved preliminary plan and will continue to meet all transportation- and traffic-related conditions of approval. For these reasons, the previous findings regarding public services and traffic mitigation remain valid and no Trip Mitigation Agreement is required.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The proposed Amendment is similar in layout, use, and intensity to the previously approved Project Plan. For this reason, the previous finding that the proposal is more efficient and desirable than could be accomplished by the standard method of development remains valid.

- (f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

No modification of the total number of dwelling units or MPDUs provided by the development is requested by this Amendment.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

The proposed development is located on one existing lot and does not propose any open space or density transfers.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

This project qualifies for an exemption from preparing a Forest Conservation Plan under Section 22A-5(t) of the Forest Conservation Law. This exemption applies to,

“a modification to existing developed property if:

- (1) no more than 5000 square feet of forest will be cleared;
- (2) the modification does not affect any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan; and
- (3) the modification does not require approval of a new subdivision plan.”

Because this project meets all three criteria, an exemption was granted on June 30, 2011.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The proposed development is subject to the water quality resources protection requirements. The stormwater management concept, approved on May 18, 2011, proposes to meet Environmental Site Design to the Maximum Extent Practicable via micro-biofilters and bioswales. The remaining volume will be treated using a structural, proprietary filter.

- (j) *When the Planning Board allows any public use space, or public facilities and amenities to be provided offsite, the Planning Board must find that the space or improvement: (1) is consistent with the goals of the applicable master or sector plan; and (2) serves the public interest better than providing the public use space or public facilities on-site.*

This finding was not listed in the Opinion for the previous Project Plan Amendment presumably because it was not in the Ordinance at that time; it is, however, relevant to the proposed Amendment because the Applicant is requesting permanent removal of a sculptural piece – the “festive place maker” required by the initial approval.

This piece – a number of large, colorful pedestrians and bicyclists rendered in flat, metal cutouts, like giant paper dolls – was removed for the construction of the Montrose Parkway underpass. Because the land was conveyed to the State Road Commission, which does not want to replace them in the remaining forested area, and no space large enough on the subject site is available, it is appropriate to find a better location for these works. Discussions are underway with numerous public and non-profit agencies, but if no suitable site can be found, it is recommended that the

works be decommissioned and returned to the artist.

These works are not critical to the goals of the Master Plan; green area, sidewalk connections, and more sustainable land use are more important to creating a sense of place originally intended by these pieces. Moreover, the Montrose Parkway underpass makes this area less suitable for artworks, which cannot be appreciated through the tangle of ramps, bridges, and control signals. Future development in the area should, possibly through the process of the upcoming White Flint II Sector Plan, find more suitable applications for public art, open space, and amenities.

### **Site Plan**

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 proposed Amendment is in conformance with the amended Project Plan and meets or exceeds the requirements of the RMX-3C as shown in the data table on page 7. Replacement of floor area from the large furniture store with two buildings in an existing parking lot, will not affect circulation patterns on the site and no changes are proposed regarding access to the site from the abutting roads. A traffic statement was submitted and the trips generated by the proposed uses are fewer than the previously approved density. Further, these modifications do not impact the efficiency, adequacy, or safety of the site with respect to, open space, landscaping, or lighting. Finally, no residential aspects of the site are affected by this Amendment and, as discussed above, all environmental regulations are met or are not applicable.

### **Attachments**

- A. Agency Approvals
- B. Applicable Previous Approvals



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

May 18, 2011

William Robinson  
Vika, Inc.  
20251 Century Blvd, Suite 400  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for Montrose Crossing – Bank and Restaurant  
Preliminary Plan #: 1-60252A  
SM File #: 239967  
Tract Size/Zone: 48.02 Ac./RMX-3C  
Total Concept Area: 1.28 Ac.  
Parcel(s): A  
Watershed: Lower Rock Creek

Dear Mr. Robinson:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet ESD to the MEP via micro-biofilters and a bio-swale. The remaining volume is to be treated using a structural, proprietary filter.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Termination of existing stormwater easement may be required.
6. The existing structural sand filter was designed to treat one half inch of runoff for the one-year storm event. The area conveying to the facility is 2.3 acres. Since the proposed development affects a portion of drainage area, the new facility must also treat the first half inch of runoff for the difference in area between the proposed development and the existing drainage area. That area is 1.02 acres.
7. At design stage, try to divert the runoff from areas where other stormwater management best management practices are used from the structural filter. These underground structures should be designed for a maximum of one acre.

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 sediment control/stormwater management 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 240-777-6332.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB: tla CN239967 Montrose Crossing - Bank and Resturant.DWK

cc: C. Conlon  
SM File # 239967

ESD Acres: 1.28  
STRUCTURAL Acres: 2.30  
WAIVED Acres:

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

**OPINION**

---

**Project Plan No. 9-94003A**

**MONTROSE CROSSING, RMX-3C Zone**

Northeast Quadrant of the Intersection of Rockville Pike and Randolph Road

North Bethesda

Date Mailed: February 11, 2004

---

*Action: Motion was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 5-0. Commissioners Berlage, Bryant, Robinson, Perdue, and Wellington voting for the motion. All Commissioners were present.*

---

The date of this written opinion is February 11, 2004 (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 March 11, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until March 11, 2006 (24 months) provided the applicant has submitted a site plan application, within 18 months of the original validity period and with site plan approval received within 6 months, as provided in Section 59-D-2.7.

On January 29, 2004 Project Plan Review #9-94003<sup>A</sup> 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:

**FINDINGS**

1. Conforms with the Requirements and Intent of the RMX-3C Zone

The Planning Board finds that Project Plan #9-94003A, as conditioned, meets all of the purposes and requirements of the RMX-3C Zone. A summary follows that compares the development standards shown in the application with the development standards required in the RMX-3C Zone.

DATA SUMMARY: MONTROSE CROSSING

STANDARD	PERMITTED/REQUIRED	PROVIDED
Lot Area		31.68 acres 1,380,027 sf
Maximum Density		
<ul style="list-style-type: none"> <li>• Commercial FAR</li> <li>• Residential du</li> </ul>	0.5 150 du minimum	0.34 230 du
Overall Floor Area		
<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Residential</li> </ul>		462,599 sf 300,000 sf
Maximum GLA	1,300,000	762,599 sf
Minimum Build Setback From Street		
<ul style="list-style-type: none"> <li>• Residential Building</li> <li>• Commercial Building</li> </ul>	30 ft / 15 ft with waiver 25 ft / 12.5 ft with waiver	15 ft with waiver 12.5 ft with waiver
Minimum Parking Setback	10 ft	10 ft
Parking spaces	Retail 1,929 Residential 226* Total 2,155 spaces	1975 spaces 319 2294 spaces

\* The final number of residential spaces would be determined at site plan, based on the final number of dwelling units.

GREEN AREA AND PUBLIC AMENITIES CALCULATIONS

1. **Green Area**

Required: 139,643 sf

10% of lot area for the commercial area – 132,501 sf  
20% of lot area for the residential area - 7,142 sf

Provided Commercial Green area – 161,829 sf  
Residential Green Area – 8,061 sf  
169,890 sf

- landscape in parking lots
- setbacks
- sidewalks and medians
- residential open space
- on-site streetscape
- on-site open spaces

2. **Public Facilities and Amenities**

Provided: 99,544 sf (7%)

**On Site**

- Paved crosswalks 13,077 sf

**Off Site**

- Streetscape and open spaces 86,467 sf  
(Now inclusive of area in-between Open Space "B" and the Gateway Feature)

3. **Total Green Area and Public Amenities** 269,434 sf (18%)



## FINDINGS

1. Conforms to the North Bethesda – Garrett Park Master Plan

The Planning Board finds that Project Plan #9-94003A, as conditioned, is in conformance with the approved and Adopted North Bethesda – Garrett Park Master Plan. The land use, circulation, and urban design objectives described in the Master Plan have been met by the Montrose Crossing Project.

2. Compatibility with the Neighborhood

The Planning Board finds that the Project Plan, as conditioned, will be compatible with the existing and potential development in the general neighborhood because of its location, size, intensity, staging, and operational characteristics.

3. Will Not Overburden Existing or Proposed Public Services

The Planning Board finds that the proposed development, subject to its review and compliance by applicant of any requirements imposed by a timely adopted public facility review pursuant to the Loophole Closure Law, will not overburden existing public services nor those programmed for availability, concurrently with each stage of development.

4. Is More Efficient and Desirable than the Standard Method of Development

The Planning Board finds that the proposed project, as conditioned, will be more efficient and desirable than the standard method of development. This optional method project would consist of a mix of uses which is recommended in the Master Plan and which would not be provided under the standard method of development. With approximately 230 dwelling units, the housing component will provide the 24-hour activity within the center and help to enliven it. Several amenities, both on site and off site, will be included in this project as part of the optional method. An enhanced pedestrian environment will be provided on site, consisting of attractive streetscaping along continuous sidewalks that provide direct linkage within the site and along the perimeter. Several open spaces will provide the public a focus and thus promote a sense of community for the area.

5. Includes Moderately-Priced Dwelling Units

The application includes moderately-priced dwelling units. This project shall provide Moderately Priced Dwelling Units for the project at the rate of 12.5% for 230 units, or 29 MPDUs. The developer's proposal for provision of MPDUs is attached. They intend to supply 15 MPDUs on site and make a payment to the Housing Initiative Fund for the remainder.

## CONDITIONS

The Planning Board APPROVES Project Plan #9-94003A subject to the following conditions:

### 1. Development Ceiling

- a. Subject to site plan review, this development is limited to a total commercial development of 462,599 sf and 230 dwelling units. The proposed project shall retain the other previously approved conditions of approval for Project Plan No. 9-94003 and Preliminary Plan No. 1-60252 (Attachment 1).
- b. Project built in accordance with the following phasing plan:
  - A. Phase I (Ia and Ib) – Construct 34,500 square feet of new retail use to replace 41,340 square feet of existing retail for a net decrease in retail area of 6,840 square feet. **(Improvements have been constructed and condition is satisfied)**
  - B. Phase II – Construct 83,000 square feet of retail use and a parking structure. **(Improvements have been constructed and condition is satisfied)**
  - C. Phase III – Construct approximately 230 dwelling units and Open Space "B" improvements.
- c. Enter into an agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) for Phase III (residential only portion) of the project to participate in the North Bethesda Transportation Management District (TMD) to assist in achieving and maintaining its Trip Reduction Goals.

### 2. Transportation Improvements

In addition to any requirements that may occur as a result of a timely adequate public facilities review pursuant to the Loophole Closure Law, the applicant must provide the following transportation improvements:

- a. Prior to building permits for Phase II, the applicant must have a third northbound approach lane on Parklawn Drive West at Randolph Road under construction, unless after further investigation and study by the applicant in conjunction with site plan approval for Phase II, an alternative road improvement designed to mitigate the traffic at this location was approved as Phase II site plan condition. This lane would be used as an exclusive left-turn lane. **(Condition superseded by subsequent site plan approval)**

- b. Prior to occupancy permits for Phase II, the applicant must complete the construction of Chapman Avenue Extended, from Randolph Road to Bou Avenue, to include two through travel lanes and two parking, parcel pick up, or turning lanes and ensure that the street is fully. **(Improvements have been constructed and condition is satisfied)**
- c. Prior to building permits for Phase II, the applicant must enter into a Public Improvement Agreement (PIA) with the Montgomery County Department of Transportation (MCDOT) to provide the following:
  - (i) Complete a before/after study of Rockville Pike and Chapman Avenue, not later than six months after occupancy permits, to confirm that there is sufficient diversion at the intersection of Randolph Road and Rockville Pike to mitigate the impact of the development; and **(Study completed and condition is satisfied)**
  - (ii) If such diversion cannot be demonstrated, the application must have an eastbound right-turn lane from Montrose Road to southbound Rockville Pike under construction within six months after completion of the study. **(Condition is satisfied by before/after study results)**

3. Traffic Impact Study **(Condition is satisfied)**

Prior to site plan approval for Phase II, the applicant must update the traffic impact study for the further Adequate Public Facilities (APF) review in accordance with all requirements of law, including Loophole Closure Law.

4. Dedication of Nebel Street

Nebel Street must be dedicated to a right-of-way of 70 feet at the time it is 100% funded in the CIP or per agreement with DPWT. If dedication occurs prior to the expiration of lease to Levitz, such dedication would be subject to Levitz's approval and may result in a temporary reduced right-of-way along a portion of the store.

5. Dedication of Bou Avenue

Bou Avenue, between Chapman Avenue and the lease line (near the alley), must be dedicated to a 70-foot right-of-way prior to issuance of building permit and subject to agreement with DPWT. An offset of approximately five feet off the center line may be permitted at the time of dedication.

6. Lease Agreement with SHA

Prior to building permit approval, the applicant must provide a signed lease agreement with the State Highway Administration that reflects the improvements to Open Space 'B' and any improvements and maintenance of parking and amenities within the SHA right-of-way, which borders the property to the south.

7. Phasing of Amenities

The public facilities and amenities for this project plan must be provided at the initial occupancy permit for the respective phases as follows:

*Phase II:* Open Space A, Open Space C, Montrose Gateway, Chapman Avenue including streetscape, East West Street streetscape, Bou Avenue streetscape, and Rockville Pike streetscape; and **(Improvements have been constructed and condition is satisfied)**

*Phase III:* Residential amenities and Open Space B.

8. Improvements to Chapman Avenue Extended (Improvements have been constructed and condition is satisfied)

Prior to site plan approval for Phase II, the applicant must include the following in the design of Chapman Avenue, which would be a private street, from Randolph Road to Bou Avenue, subject to MCDOT's approval:

- a. The roadway must include two through travel lanes and two parking, parcel pick up, or turning lanes and consist of 36 feet. On street parking may be deleted if it interferes with pedestrian access to the stores;
- b. Continuous sidewalks, with a minimum undisturbed width of 6 feet, on both sides of the street;
- c. Specially paved crosswalks;
- d. Neck-downs at appropriate intersections;
- e. Street trees at the curb, three to three and one half - inch caliper, approximately 30 feet on center along parking areas and 60 feet on center along shops, designed to maintain visibility to primary tenants;
- f. Adequate depth of soil (i.e., 4'-0") to support the proposed street trees;
- g. Street lights approximately 60 feet on center; and
- h. Benches, trash receptacles, and other streetscape elements.

9. Improvements to the East-West Street (Improvements have been constructed and condition is satisfied)

Prior to site plan approval for Phase II, the applicant must provide a final streetscape design for the East-West street, pursuant to the following guidelines:

- a. Minimize curb-cuts along the northern side to maintain a continuous sidewalk;
- b. Continuous sidewalks, with a minimum undisturbed width of 6 feet, on both sides of the street;
- c. Specially paved crosswalks;
- d. Street trees, three to three and one half - inch caliper, approximately 30 feet on center, designed to maintain visibility to primary tenants;
- e. Adequate depth of soil (i.e., 4'-0") to support the proposed street trees;
- f. Street lights approximately 60 feet on center; and
- g. A special continuous streetscape feature along the curb to separate pedestrians from cars.

10. Improvements to Rockville Pike Streetscape (Improvements have been constructed and condition is satisfied)

Prior to site plan approval for Phase II, the applicant must include the following streetscape elements in the design of the east side of the Pike, from Randolph Road to Bou Avenue, in the area within the right-of-way and the setback, which would generally consist of 30 feet minimum, subject to SHA's approval:

- a. A ten foot wide hiker/biker trail, clearly demarcated by color, signs, and logo;
- b. Double row of street trees, 3 to 3.5 inch caliper, approximately 50 feet on center designed to maintain visibility to primary tenants; and
- c. Adequate depth of soil (i.e., 4'-0") to support the proposed street trees.
- d. The narrower section along the existing Chevy Chase Bank must accommodate the hiker/biker trail only.

11. Improvements to Bou Avenue (Improvements have been constructed and condition is satisfied for Phases I and II)

Prior to site plan approval for Phase II, the applicant must provide the following setbacks, which reflect the recommended right-of-way and the required minimum setbacks, including applicable waivers: (i) 52.5 feet from the road center line for Building C and 50 feet for its driveway; (ii) 47.5 feet from the road center line for the parking structure; and (iii) 15 feet from the right of way for the residential structure (including its parking structure). The following streetscape elements must be included along the south side of Bou Avenue the area within the right-of-way and the setback, subject to MCDOT's approval:

- a. A continuous sidewalk with a minimum undisturbed width of six feet;
- b. Street trees at the curb, 3 to 3.5 inch caliper, approximately 30 feet on center;
- c. Adequate depth of soil (i.e., 4'-0") to support the proposed street trees;
- d. Attractive landscaping and screening of the loading areas; and
- e. Pedestrian oriented streetscape elements including lighting, benches, imaging lamppost features, and trash receptacles.

12. Improvements to Open Space A (Improvements have been constructed and condition is satisfied)

Prior to site plan approval for Phase II, the applicant must provide the following in the design for Open Space A, which would be adjacent to Building A and consist of approximately 4,400 sf:

- a. Special paving within the surrounding roadway to significantly increase the perceived and usable area of this open space and improve connectivity to the adjacent sidewalks and activating users;
- b. A garden area with year-round interest and permanent plating including trees;
- c. Park chairs and benches; and
- d. A sculptural feature to create a focal point.

13. Improvement to Open Space B

Prior to site plan approval for Phase III, the applicant must provide the following in the design for Open Space B, which would be adjacent to the Montrose School. The details will be determined at site plan. The design must be coordinated with the schools' occupants and subject to SHA's approval:

- a. An east-west axis from the Montrose Gateway to the Montrose School consisting of a tree lined pedestrian link, unless there is an existing facility providing a pedestrian link;
- b. A direct north-south axis from Randolph Road to Open Space A consisting of a tree lined pedestrian link;
- c. A tree save area;
- d. Seating; and
- e. A significant usable grassy area.

14. Improvements to Open Space C (Improvements have been constructed and condition is satisfied)

Prior to site plan approval for Phase II, the applicant must provide the following in the design of Open Space C, which would be adjacent to Building C and consist of approximately 4,000 sf, excluding the Chapman Avenue sidewalk:

- a. A continuous typical Chapman Avenue sidewalk area 12 ft wide with 6-foot sidewalk, street trees at the curb, and lighting;
- b. A garden area with year-round interest and permanent planting including trees; and
- c. Park chairs and benches.

15. Improvements to the Montrose Gateway (Improvements have been constructed and condition is satisfied)

Prior to site plan approval for Phase II, the applicant must provide the final design for Montrose Gateway, which would be located at the corner of Rockville Pike and Randolph Road and consist of approximately 4,400 sf, to include a festive place maker, landscaping, seating, and lighting. The design must address screening of the air quality station and is subject to SHA's approval.

16. Improvement to Building "C" (Improvements have been constructed and condition is satisfied)

Prior to site plan approval for Phase II, the applicant must provide the following in the design of the area surrounding Building C:

- a. A direct, clear, shaded, and unobstructed pedestrian walk along the south side of the building; and
- b. Attractive screening of the loading areas along Bou Avenue.

17. Provision of Parking (Improvements have been constructed and condition is satisfied for Phases I and II)

Prior to site plan approval for Phase I, the applicant must revise the parking plan to provide the following:

- a. All required parking must be met with the site;
- b. Surplus parking may be located temporarily within the SHA leased right-of-way so long as a significant wooded area is provided in proximity to the Montrose School. New trees may replace the existing; and
- c. The site must meet the landscaping purposes and requirements in the Zoning Ordinance, Section 59-E-2.73;

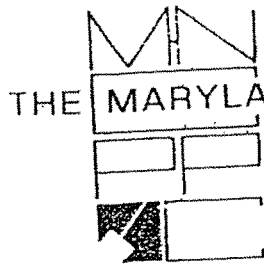
18. Building Scale and Compatibility Features

Prior to site plan approval for Phase III, the applicant must address the following in the design of the residential building:

- a. Direct pedestrian linkages from the building entrance to the retail area; and
- b. Setbacks for the high-rise portion to be consistent with condition No. 11 in order to achieve human scale on Bou Avenue.

The approval of this project plan includes a 50% waiver of the building setback requirements from Bou Avenue for the commercial buildings and the entire residential building in finding that the proposed streetscape permits a lesser setback without adversely affecting development on adjacent properties.





MONTGOMERY COUNTY PLANNING BOARD

\* \* \* R E V I S E D \* \* \*  
O P I N I O N

DATE REVISED OPINION MAILED: August 15, 1995

SITE PLAN REVIEW #8-95036

PROJECT: MONTROSE CROSSING PHASE IB AND PHASE II

---

*Action: Approval subject to conditions. Motion was made by Commissioner Aron, seconded by Commissioner Baptiste, with a vote of 5-0, Commissioners Aron, Baptiste, Hussmann, Holmes and Richardson voting for.*

---

The date of this written opinion is August 15, 1995 (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 14, 1995 (which is thirty days from the date of this written opinion). If no administrative appeal is filed, then this site plan shall remain valid indefinitely.

On April 21, 1995, Montrose Crossing Inc. submitted an application for the approval of a site plan for property in the RMX-C3 zone. The application was designated Site Plan Review #8-95036.

On June 29, 1995, Site Plan Review #8-95036 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 by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, and which is make a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan meets all of the requirements of the zone in which it is located.
2. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

3. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The Montgomery County Planning Board approves Site Plan Review #8-95036 as follows:

APPROVAL of 2,400 square feet of commercial office, 20,377 square feet of restaurant, and 426,048 square feet of commercial retail, subject to the following conditions:

1. Applicant to record covenant against the property providing the following:
  - a. Applicant to submit a complete application for site plan review for Phase III (the residential component) on or before July 1, 2002, unless the Board has granted an approval extending the submission schedule for some additional reasonable timeframe. Applicant must establish grounds for why the residential component is not feasible.
  - b. During site plan review of Phase III, the Planning Board and Applicant must establish a definitive construction schedule for initiation and completion of Phase III.
  - c. Applicant must not seek approval of any additional retail development beyond the amount approved in Project Plan 9-94003 until the Board has determined that Phase III is under construction.
  - d. Use of the property for the area of the Phase III portion of the site (or such other location acceptable to the Board and Applicant) must be limited to residential purposes consistent with the RMX-3C Zone and approved site plan for Phase II, although the area presently designated for residential use may be utilized for interim parking use.
  - e. Covenant must be recorded prior to any initial building permit for Phase III; survive annexation; and run for 30 years.
2. Relocate parking along Montrose Parkway right-of-way at Levitz site to provide a ten-foot landscape strip in compliance with Section 59-E-2.71 of the Zoning Ordinance.
3. 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) Landscaping associated with each section of the parking lot and each building shall be completed as construction of the building is completed.
  - 2) Sidewalks, tree pits, iron fencing, and other streetscape elements of Chapman Avenue along site frontage to be completed as construction of the street is completed.
  - 3) Streetscape along Rockville Pike (MD 355) including single row of trees and bikepath to be completed in first phase of development.
  - 4) Clearing and grading schedule.
- b. Enforcement Agreement to reference Adequate Public Facilities Ordinance agreement as outlined in the August 8, 1995 (Revised) Transportation Planning Division memo.
4. The following information must be clearly shown on the signature set of site and landscape plans and must be incorporated into the sediment and erosion control plan for staff review prior to approval by MCDEP:
    - a. Conditions of DEP Concept approval letter dated February 28, 1995;
    - b. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
    - c. The development program inspection schedule;
    - d. Limit of disturbance line.
  5. Incorporate the following items into the signature set of site, landscaping, and lighting plans:
    - a. Details for special paving of brick or other high quality pavers and colored concrete, bike racks, trash receptacles, and planting. Tree calipers shall be 3"-3 1/2" on Chapman Avenue, East-West Street, Rockville Pike and Bou Avenue.
    - b. A single row of street trees 35' on center, on Rockville Pike (MD 355), except along the existing Chevy Chase Bank frontage, and at the Randolph Road intersection;
    - c. Street trees on Chapman Avenue as shown on landscape plan revised by the Applicant on June 29, 1995;

- d. Details for ten-foot wide bikepath on Rockville Pike to include demarcation by color, signs, and logo, per Project Plan approval, subject to MCDOT approval and public utility easements;
  - e. Note indicating that compactor color shall match color of Building C to improve views from Bou Avenue;
6. The applicant may proceed with clearing and grading on August 29, 1995 provided a complete signature set has been submitted to staff by July 29, which includes plans and documents reflecting all conditions of Planning Board approval. Applicant shall agree to make adjustments to the documents as reasonably required by staff. If applicant does not submit signature set by July 29, 1995, clearing and grading may not commence before thirty days from submittal.
7. Prior to signature set, applicant must submit a Declaration of intent in a form specified in Chapter 22A and deemed acceptable to the Planning Board, or designee stating that the development:
- a. is being conducted on an existing, single lot;
  - b. is not subject to a special exception approval;
  - c. will not result in the cumulative cutting, clearing, or grading of more than 40,000 square feet of forest; and
  - d. will not result in the cutting, clearing, or grading of any trees or forest that are subject to the requirements of a previously approved forest conservation plan or tree save plan.
  - e. Declaration to further acknowledge that should any additional regulated activities under Chapter 22A occur on the lot which in the aggregate would result in the cutting, clearing, or grading of forest in excess of 40,000 square feet, then this exemption will expire. In such event, the entire area of the recorded lot as configured at the time this site plan was approved must be included in the forest conservation calculations and reviewed by the Planning Board for compliance with Chapter 22A. All persons having a fee interest in the lot will be required to participate in the requires forest conservation, afforestation, reforestation, and maintenance.
8. Comply with conditions of Transportation Planning Division memo dated August 8, 1995, (revised).

9. Before any sale of a portion of a lot can be consummated, applicant must ensure that County and State laws governing subdivision and resubdivisions are met.
10. Prior to construction of Building A above WMATA tunnel, applicant to submit to staff documentation confirming concurrence by WMATA.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

**DATE MAILED:** May 27, 2003  
**SITE PLAN REVIEW:** #8-95036B  
**PROJECT:** Montrose Crossing

---

*Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson and Wellington voting for.*

---

The date of this written opinion is May 27, 2003 (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 June 27 2003. (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On April 24, 2003, Site Plan Review #8-95036B 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 8-95036B for 426,048 square feet of retail, 20,377 square feet of restaurant, 2,400 square feet of office, and a future multi-family project subject to the following conditions:

1. Prior Approval  
The terms and conditions of all applicable prior regulatory approvals and agreements remain in full force and effect, except as affected by the conditions of this site plan amendment.
2. Site Plan Submission for Phase III  
The applicant must submit a complete site plan application for Phase III of the subject development on or before December 1, 2003.
3. Transportation  
Phase III of the development is limited to 150 dwelling units (multi-family units for Policy Area Transportation Review and high-rise units for Local Area Transportation Review) as analyzed in the previous site plan approval. Any additional multi-family dwelling units are subject to Adequate Public Facilities-transportation-related review at the time of site plan.



SEP 29 2010

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

MCPB No. 10-128  
Site Plan No. 81995036D  
Project Name: Montrose Crossing  
Hearing Date: September 16, 2010

**RESOLUTION**

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

WHEREAS, on August 13, 2010, BVS Montrose, LLC. ("Applicant"), filed a site plan amendment application designated Site Plan No. 81995036D ("Amendment") for approval of the following modifications:

1. Reduction of the original Levitz building footprint from 158,732 square feet to 88,000 square feet;
2. Reflect the street dedication and road construction plans for Nebel Street extended designed by Montgomery County Department of Transportation;
3. Modify the existing parking configuration;
4. Modify the existing Landscape Plan to reflect the revised parking configuration including additional plantings, landscaped islands and green space.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 3, 2010 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on September 16, 2010, 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 recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81995036D;

Exhibit 10

Approved as to  
Legal Sufficiency:

*Christina Soma* 8/31/10

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

100% recycled paper



BE IT FURTHER RESOLVED, that this Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connections with the originally approved site plan; 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

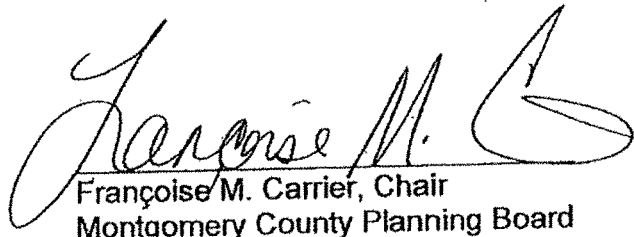
BE IT FURTHER RESOLVED, that the date of this written Resolution is SEP 29 2010 (which is the date that this Resolution is mailed to all parties of record); and

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).

\* \* \* \* \*

### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board