



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

OCT 3 2013

MCPB No. 13-138
Preliminary Plan No. 11985065A
Rossmoor Leisure World Commercial Center
Date of Hearing: September 19, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on September 12, 1985, the Planning Board approved Preliminary Plan No. 11985065 (formerly No. 1-85065) with conditions, limiting development for the Rossmoor Leisure World Commercial Center to a total of 146,530 square feet, including: an 111,130-square foot shopping center, 12,000 square feet of general office, 12,000 square feet of medical office, 6,400 square feet of bank, and 5,000 square feet of restaurant "without further APF review" on 13.40 acres of PRC zoned land in the northeastern quadrant of the intersection of Georgia Avenue and Rossmoor Boulevard ("Subject Property"), in the Aspen Hill Policy Area, in the Aspen Hill Master Plan ("Master Plan") area; and

WHEREAS, on September 12, 1985, the Planning Board approved Site Plan No. 81985045 (formerly No. 8-85045) with conditions, for commercial and office development totaling 146,530 square feet, including: 117,530 square feet of retail, 12,000 square feet of medical office, 12,000 square feet of general office, and 5,000 square feet of restaurant; and

WHEREAS, on March 12, 1986, the Planning Board formalized an Agreement with Rossmoor-IDI Commercial Center Associates and established a process to allow the Applicant to exceed the total density limit of 146,530 square feet¹ previously approved under the Preliminary and Site Plans if it finds that public facilities remain adequate for any additional development, subject to the specific uses within the approved development envelope being:

¹ Neither the Preliminary nor Site Plan indicated whether the 146,530 square feet was gross floor area or gross leasable area, and the APF Agreement referred to it in both ways.

Approved as to
Legal Sufficiency:  9/11/13
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

a shopping center of 101,330 square feet; a 36,000-square-foot, 3-story commercial/general office/medical office building with not more than 12,000 square feet of general office space and not more than 12,000 square feet of medical office space; 9,200 square feet for three free-standing buildings to include two banking institutions of not more than a total of 6,400 square feet, and one restaurant of not more than 5,000 square feet; and

WHEREAS, on June 25, 2013, Rossmoor – IDI Commercial Center Associates Limited Partnership (“Applicant”)² filed an application for approval of an amendment to the previously approved preliminary plan to modify the mix and square footage of the originally approved envelope of land uses within the total allowable vehicle trips under existing approvals on the Subject Property and requested an update to the APF Agreement; and

WHEREAS, Applicant’s preliminary plan amendment application was designated Preliminary Plan No. 11985065A, Rossmoor Leisure World Commercial Center (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 6, 2013, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 19, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 19, 2013, the Planning Board voted to approve the Application subject to conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Preliminary Plan No. 11985065A by modifying and adding the following conditions to the previously approved preliminary plan to limit development to specific uses and square footage, and without further APF review permitting additional floor area if it is limited by either a maximum square footage or maximum vehicle trips:

1. The development is limited to (i) 101,450 square feet of general retail, including restaurants (excluding fast food restaurants with drive-through windows and

² For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner of any successor(s) in interest to the terms of this approval.

automobile filling stations); (ii) 33,000 square feet of office, which may include medical or general office uses; (iii) 3,445 square feet of fast food restaurant with drive-through windows; (iv) 6,960 square feet of banks with drive-through windows; and (v) any one of the land uses listed in Table A below, up to the maximum square footage or peak hour trips as outlined in Table A; *OR*

2. The development is limited to (i) through (iv) as set forth in Condition 1 above, and any mix of uses listed in Table A below, subject to Staff confirmation prior to the issuance of any use and occupancy (“U&O”) certificate, that the mix of land uses will not generate more than the maximum allowed vehicle peak-hour trips as outlined in Table A.

Table A: Rossmoor Leisure World Commercial Center Surplus Square Feet & Vehicle Trips

Land Use		Square Feet	Surplus Number of Peak-Hour Trips			
			Morning		Evening	
			Primary	Total	Primary	Total
a	General Retail Uses	27,212	50.45	84.09	201.81	336.34
b	General Office Use	51,199	70.65	70.65	114.69	114.69
c	Medical Office Use	29,076	70.65	70.65	106.42	106.42
d	Banks with Drive-Thru Windows	11,931	39.79	147.36	83.18	308.06
e	Fastfood Restaurant with Drive-Thru	2,237	70.65	110.40	48.45	75.70

3. Prior to issuance of any building permit, the 1986 Adequate Public Facilities Agreement (“APF Agreement”) must be amended and re-recorded to reflect the mix of land uses, limits to additional square footage of each use, and maximum allowed vehicle peak-hour trips for each use, as approved with this Preliminary Plan.

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

BE IT FURTHER RESOLVED, that all summary text and annotations as shown on Rossmoor Leisure World Commercial Center amended preliminary plan stamped by the M-NCPPC on the last eplan preliminary plan upload on June 25, 2013 and revised on September 3, 2013, shall be required, except as modified by the above conditions of approval; and

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

reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and all findings not specifically addressed remain in effect.*
2. *Public facilities remain adequate under this Preliminary Plan Amendment.*
Staff conducted an adequate public facilities review of the proposed modifications, and found that the mix of uses and the maximum square footage as outlined in Table A above and as conditioned by this Amendment, remain within the originally approved maximum number of vehicle trips.

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

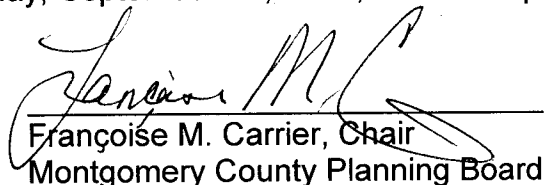
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 3 2013 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson voting in favor, and Commissioners Dreyfuss, and Presley absent, at its regular meeting held on Thursday, September 19, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board