



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

**JUL 29 2014**

MCPB No. 14-58  
Site Plan No. 81989049I  
Rock Spring Park  
Date of Hearing: July 17, 2014

**RESOLUTION**

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

WHEREAS, on November 16, 1989, the Planning Board, by Opinion dated January 19, 1990, approved Site Plan No. 819890490, for 1,635,100 square feet (0.85 far) to include 1,553,200 square feet of general office and 81,900 square feet of ancillary uses, on 44.16 acres of I-3 zoned-land, located on Fernwood Road between Rockledge and Rock Spring Drives ("Subject Property"), in the North Bethesda Policy Area, North Bethesda/Garett Park Master Plan ("Master Plan") area; and

WHEREAS, on November 12, 1998, the Planning Board approved an amendment designated Site Plan No. 81989049A (MCPB Opinion dated February 22, 1999) to modify the site layout, including the retention of the original IBM Building and the addition of above ground parking structures on the Property; and

WHEREAS, on February 27, 2004, the Planning Director administratively approved an amendment designated Site Plan No. 81989049C (Administrative Memorandum signed February 22, 1999) to provide an emergency generator for the office buildings on the Property; and

WHEREAS, on October 5, 2005, the Planning Director administratively approved an amendment designated Site Plan No. 81989049D (Administrative Memorandum signed October 5, 2005) to modify the phasing, modify the building layout for Building 2 and make minor changes to the grading for stormwater management facility on the Property; and

WHEREAS, on May 10, 2007, the Planning Board approved an amendment designated Site Plan No. 81989049E (MCPB No. 07-34) to change the size of the planters in the garage, make minor grading changes to the stormwater management facility, and increase the size of the street trees on the Property; and

Approved as to  
Legal Sufficiency

*David Lieb*  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org



WHEREAS, on September 27, 2007, the Planning Board approved an amendment designated Site Plan No. 81989049F (MCPB No. 07-196) to revise the footprint, massing and elevation of Buildings 1A and 1B, modify the footprints of Parking Garages No. 3 and 4 and revise the landscape and hardscape elements associated with the changes to the buildings and parking structure on the Property; and

WHEREAS, on July 24, 2008, the Planning Board approved an amendment designated Site Plan No. 81989049G (MCPB No. 08-92) to convert 18,000 square feet of office to a daycare facility and modify the landscape to include an outdoor play area on the Property; and

WHEREAS, on February 2, 2012, the Planning Director administratively approved an amendment designated Site Plan No. 81989049H (Administrative Memorandum signed February 2, 2012) to add a new monument sign and modify an existing monument sign on the Property; and

WHEREAS, on December 19, 2013, RS Associate LLC ("Applicant"), filed an application for approval of an amendment to the previously approved Site Plans to construct 168 townhouse units with 21 moderately priced dwelling units ("MPDU"), on the Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81989049I, Rock Spring Park ("Site 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 July 3, 2014, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on July 17, 2014, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below;

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Site Plan No. 81989049I for Plans for a maximum of 168 one-family attached units with 21 MPDUs subject to the following conditions:<sup>1</sup>

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.



1. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 119980930 as listed in MCPB Opinion dated March 17, 1999, as amended by Preliminary Plan No. 11998093A as listed in MCPB Resolution No. 08-91 and Preliminary Plan No. 11998093B.

2. Site Plan Conformance

Except as modified by this approval and only as applicable to this parcel, the development must comply with the conditions of approval for Site Plan No. 819890490 as listed in the Planning Board Opinion dated January 19, 1990, as amended by Site Plan No. 81989049A listed in the Planning Board Opinion dated February 22, 1999, Site Plan No. 81989049C listed in the Administrative Memorandum signed February 27, 2004, Site Plan No. 81989049D listed in the Administrative Memorandum signed October 4, 2005, Site Plan No. 81989049E listed in the Planning Board Resolution No. 07-34, Site Plan No. 81989049F listed in the Planning Board Resolution No. 07-196, Site Plan No. 81989049G listed in the Planning Board Resolution No. 08-92, and Site Plan No. 81989049H listed in the Administrative Memorandum signed February 2, 2012.

3. Building Height

The maximum height for the 168 one-family attached units is 60 feet.

4. Transportation

- a. Prior to the release of any building permit, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the North Bethesda Transportation Management District (TMD).
- b. The Applicant must construct the private internal street(s) to applicable Montgomery County tertiary residential street structural standards and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards.
- c. The Subject Property is covered by an effective site plan enforcement agreement, which is not modified by this site plan amendment except to the extent that there is a direct conflict between the two, in which case this amendment supersedes only the conflicting portion of the site plan enforcement agreement.

5. Environment

- a. Prior to issuance of sediment and erosion control permits, the Applicant must seek approval from the M-NCPPC General Counsel of the Certificate of Compliance Agreement for reforestation/afforestation and must purchase the required forest bank credits.

- b. Final Sediment Control Plan must be consistent with the limit of disturbance (LOD) shown on the Amended Final Forest Conservation Plan (FFCP).
  - c. The Applicant must comply with all tree protection and tree save measures shown on the approved Amended FFCP.
  - d. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
  - e. Prior to issuance of building permits for units along Fernwood Road and Rock Spring Drive, the following must be provided to M-NCPPC Staff:
    - i. The Applicant must provide a noise analysis that includes the baseline noise and the 20-year projected noise levels for the units along Fernwood Road and Rock Spring Drive.
    - ii. The Applicant must provide certification to M-NCPPC staff from an engineer who specializes in acoustical treatment that the building shell for residential units affected by exterior noise levels above 65 decibel (dBA), day-night average sound level (Ldn) will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA, Ldn.
    - iii. The builder must certify that noise-impacted units will be constructed in accordance with recommendations of the engineer that specializes in acoustical treatment.
6. Moderately Priced Dwelling Units (MPDUs)  
Prior to the release of any building permits, the Applicant must execute an Agreement-to-Build with the Department of Housing and Community Affairs (DHCA) to provide a minimum of 12.5 percent MPDUs.
7. Recreation Facilities  
The Applicant must provide at least the following recreation facilities as shown on the Certified Site Plan, conforming to the 1992 M-NCPPC Recreation Guidelines:
  - a. Nine Picnic/Sitting areas;
  - b. Pedestrian System;
  - c. Bike System; and
  - d. One Multi-Age Playground.
8. Common Open Space Covenant  
Record plat of subdivision must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).
9. Maintenance  
The Applicant and subsequent owner(s) are responsible for maintaining and ensuring the long term maintenance of all publicly accessible amenities including, but not limited to paving, plantings, lighting, benches, and playground equipment.



10. Architecture

- a. The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings and plans submitted via ePlans unless modified by Staff approval.
- b. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market rate units.

11. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a total of four bike parking spaces or equivalent approved by Staff that conforms to American Pedestrian and Bicycle Professionals guidelines. The Applicant shall install the bike racks near the proposed playground and public seating area. The final location must be determined at Certified Site Plan.
- b. The Certified Site Plan must delineate a location for a bikesharing station in coordination with MCDOT based on the requirements of the bikesharing system.

12. Fire and Rescue

The Planning Board has accepted the recommendations of the Montgomery County Fire and Rescue Services – Fire Code Enforcement Section in its letter dated June 2, 2014, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by Montgomery County Fire and Rescue Services – Fire Code Enforcement Section provided that the amendments do not conflict with other conditions of Site Plan approval.

13. Landscape Surety

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

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site



furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements.

- c. The bond or surety shall be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.

#### 14. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. For the purposes of these conditions, a building includes all abutting one-family attached units within one "stick." The development program must include the following items in the phasing schedule:

- a. A phasing, or sequence for the various stages of construction of the approved development with the associated release of permits as conditioned in the Planning Board resolution.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and Staff inspection and approval of all applicable environmental protection devices.
- c. Prior to the release of a Use and Occupancy Certificate for each stick, street lamps and sidewalks adjacent to that stick must be installed. Street tree plantings may wait until the next growing season.
- d. Prior to the release of a Use and Occupancy Certificate for each stick, on-site amenities directly abutting that stick must be installed, including, but not limited to, recreation amenities and public use space.
- e. Phasing for installation of on-site landscaping and lighting.
- f. Phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

#### 15. Certified Site Plan

Prior to approval of the Certified Site Plan, the Applicant must make the following revisions and/or provide information subject to Staff review and approval:

- a. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, and Planning Board Resolution approving this Site Plan in the Certified Site Plan set.
- b. Remove unnecessary sheets as identified by Staff.
- c. Make corrections and clarifications to details, calculations, recreation facilities, labeling, data tables, and schedules as needed and directed by Staff.
- d. Ensure consistency of all details and layout between architecture, site, and landscape plans.



BE IT FURTHER RESOLVED that all other site plan approval conditions remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements as shown on the latest electronic version of Rock Spring Park as of the date of the Staff Report, July 3, 2014, are 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 as revised by previous amendments, and all findings not specifically addressed remain in effect.*
2. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

3. *The site plan meets all of the requirements of the zone in which it is located.*

The Site Plan is developed pursuant to the Optional Method of Development of the I-3 Zone. "The optional method permits a mixed-use development in the I-3 Zone at locations that have convenient access to transit and are recommended in the Master Plan. Under the optional method, commercial uses that maintain an employment emphasis must be mixed with residential uses. Development must be in accordance with this provision of this section."

The purpose of the I-3 Mixed-Use Option is to promote mixed-use, transit and pedestrian-oriented centers, which including housing and a commercial component with an employment emphasis. It is also the purpose to promote development that follows sound environmental principles and maximizes preservation of natural features. Specifically, the option method is designed to:



- a. Provide a compatible mix of uses including employment, housing, and retail configured to define and animate the streets and to create a strong sense of place in the manner of traditional towns and urban neighborhoods;
- b. Promote compact, environmentally sensitive development that preserves natural features;
- c. Provide high quality residential neighborhoods consisting of a mix of unit types with open spaces and community facilities that are centrally located and easily accessible;
- d. Provide an interconnected street system, which consists of short blocks and is designed to promote pedestrian, bicycle and transit use as attractive, practical alternatives to automobile use for daily activities such as shopping and commuting; and
- e. Encourage the efficient use of the center and its transit facilities by providing pedestrian and bicycle linkages to adjacent areas and convenient access to transit. (Section 59-C-5.4391)

The Subject Property has convenient access to the Westfield Montgomery Mall Transit Center for RideOn, Metro and MTA bus services and is served by six bus stops around the Site. Lastly, the Subject Property is the location of a planned transit stop for the North Bethesda Transitway.

While the North Bethesda/Garrett Park Master Plan did not specifically recommend residential uses for this specific site, one of the objectives for the Rock Spring Park district is to add residential and retail uses.

In addition, the Site Plan achieves the following:

- Introduces residential use and a fine grid of urban blocks into a traditional suburban office park providing more activity and animation after business hours;
- Preserves over forty percent of green area and adds a central open space and a multi-age playground for residents and office workers;
- Adds a 20-foot wide promenade along the three street frontages of the Site and the center of the Site. It also provides new sidewalks that allow for movement to and through the Site. The application upgrades the sidewalk along Rock Spring Drive and Fernwood Road by introducing a 5-foot wide green panel with street trees along the curb; and
- Provides a fifty-five foot wide easement for future dedication along the periphery of the site for the North Bethesda Transitway as called for in the Countywide Transit Corridors Functional Master Plan.

The Planning Board finds the application meets the purpose of the I-3 Zone.



Development Standards

Development under the optional method must meet all the requirements of the I-3 Zone except development density, setbacks, minimum lot sizes, internal setbacks and frontage requirements specified in Section 59-C-5.4392(b).

Development Standard	Permitted/ Required	Approved
<b>59-C-5.31 Building height</b>		
No building shall exceed (feet)	100	100 <sup>1</sup>
<b>59-C-5.32 Coverage limitations</b>		
Minimum green area (percent of gross tract area)	35	42.6
Maximum off-street parking area (percent of gross tract area)	45	15
<b>59-C-5.4392(b)(1) Development Density</b>		
Maximum non-residential density (FAR)	0.6	0.81 <sup>2</sup>
Base Residential density (du/ac)	8	3.8 <sup>3</sup>
<b>59-C-5.4392(b)(2) Minimum Setbacks from property line</b>		
From abutting non-residential development (feet)	25	6.5 <sup>4</sup>
<b>59-C-5.4392(b)(3) Minimum Lot sizes, internal setbacks and frontage</b>		
Minimum Lot Size (square feet)	Determined at time of Site Plan	695
Internal Setbacks (feet)		
-front		5
-side		1
-rear		1
Frontage (feet)		0

<sup>1</sup>The maximum height for the 168 one-family attached units is 60 feet.

<sup>2</sup>See discussion of Special Provisions in Section 59-C-5.438(c) below.

<sup>3</sup>Seven and a half (7.5) percent for Lot 5 only (see page 10 for map).

<sup>4</sup>See discussion of building setback waiver request.



#### Development Density

Special Provisions in Section 59-C-5.438(c) allow a maximum 0.85 FAR as quoted:

"... a record lot, partially developed on June 26, 1989 in accordance with an approved site plan, and which abuts or confronts one or more lots occupied on June 25, 1989 by buildings with FARs greater than a 0.85 FAR, may:

1. For a period of 5 years after June 26, 1989, be permitted a development density up to FAR 0.85 based on gross tract area and the Planning Board may approve the site plan, provided the Planning Board finds that:
  - a. the site plan is in compliance with all other provisions of the I-3 zone in effect at the time of site plan approval, and
  - b. affected intersections will be adequate to accommodate the density above 0.5 FAR, unless such evaluation is required at buildings permit."

On June 26, 1989, Parcel 1 comprising 44.16 acres was a record lot partially developed with the original IBM building (constructed in the 1960s). Pursuant to this provision, on November 16, 1989, the Planning Board approved Site Plan No. 819890490 for 1,635,100 square feet of commercial office (0.85 FAR). At the time of approval, the Site Plan was in compliance with all other provisions of the I-3 Zone. For a period of five years, the Subject Property was allowed to continue to be built out greater than 0.6 FAR (the normally permitted maximum FAR). After the end of the five-year window, the Planning Board granted amendments to the approved Site Plan as long as the APFO approval for the Subject Property remained valid; the 0.85 FAR in the original site plan continued to be valid. Notably, Preliminary Plan Amendment No. 11998093A and Site Plan Amendment No. 81989049G, approved on July 24, 2008, allowed the conversion of 18,000 square feet of approved, unbuilt commercial footage for day care use. Similarly, the Site Plan Amendments request density conversion of approved, unbuilt general office use to a different use.

The I-3 optional method limits non-residential density to 0.6 FAR. Ordinarily, a proposed development such as this would be required to comply with all of the requirements of the currently applicable zoning – in this case, a maximum residential density of 12.5 dwelling units per acre and non-residential density of 0.6 FAR. The existing non-residential density exceeds this limit. The Board finds, however, that under Section 59-C-5.438(c) – and only under the narrowly applicable provisions of this section – new residential density may be approved at this site under the I-3 optional method even though the non-residential density exceeds what the I-3 optional method allows.

#### Setback Waiver

The Applicant requests a waiver from the 25' setback from adjacent non-residential development. Townhouse units fronting Radial Driveway F are setback a minimum of 6.5 feet from the property line. Directly across from these units is the existing Parking Garage No.2. The Applicant asserts that the comparable scale of the townhouse units



relative to the adjacent structures in the park is compatible without the required setback. Section 59-C-5.4392(b)(2)(F) states that the Planning Board may allow a reduction in setbacks if the reduced setback is compatible with adjacent development. The face-to-face dimension between the townhouse units and Parking Garage No. 2 is 72 feet. The Planning Board finds the distance to be appropriate for the confronting uses and approves of the reduced setback.

#### Parking Waiver

The Applicant is requesting a waiver of 32 spaces for the required residential parking on the 10.62-acre portion of the Subject Property. Sixty-four (64) of the Market-Rate units will be 16 feet wide; the Applicant will offer the purchasers of these 64 units the option of a two-car garage or one-car garage with additional ground-floor living space. This results in a potential deficit of up to 32 parking spaces from the code requirement. If only 50% of those purchasing the 16-foot wide units opt for the two-car garage, the project will meet the code requirement.

<b>Parking Requirement 59-E-3.7</b>	<b>Required</b>	<b>Approved</b>
Townhouse	2 Spaces/Unit	
83 Market-Rate units	166	166
64 Market-Rate units	128	64*
21 MPDU	42	42
On-Street Spaces	-	32
<b>subtotal</b>	<b>336</b>	<b>304</b>
Existing (Built) Office	4 Spaces/1000 SF	
1,195,920 SF	4,784	5,385
<b>COMBINED TOTAL</b>	<b>5,120</b>	<b>5,689</b>

\*assumes that all 64 purchasers opt for 1 space

The parking waiver meets the goal outlined in the purpose clause of the I-3 Optional Method to promote pedestrian, bicycle and transit use as attractive, practical alternatives to automobile use. While the Site is not located within a central business district or transit station development area, it is served by multiple bus routes and BRT is planned for the future. Transit service in this area is expected to be enhanced.

The Applicant has agreed to reserve the 32 on-street spaces for guests only. In addition, the Applicant has arranged for the exclusive use of 72 parking spaces in the existing Parking Garage No. 2 for guest overflow parking. While the terms of this agreement may be altered or annulled anytime in the future, Parking Garage No. 2 is



available to the general public for a fee and is available to accommodate guest overflow parking.

Section 59-E-4.5 states: the Planning Board "may waive any requirement in this Article [E] not necessary to accomplish the objectives in Section 59-E-4.2 and in conjunction with reductions may adopt reasonable requirements above the minimum standards". The Planning Board found the reduction of parking accomplishes the following objectives of Section 59-E-4.2: protection of the health, safety and welfare of those who use any adjoining land or public road that abuts; safety of pedestrians and motorists; optimum safe circulation of traffic and proper location of entrances and exits to public roads; and provision of appropriate lighting.

In conclusion, the Planning Board granted the parking waiver for the following reasons: with the full waiver for 32 spaces, the parking meets the objectives outlined in Section 59-E-4.2; and based on the Applicant's experience in development with a garage option; it is unlikely that all 64 units will opt for the one-car garage.

4. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

#### Location of Buildings and Structures

The location of the buildings and structures are adequate, safe and efficient. All buildings are arranged along a grid street pattern and allow for safe and efficient pedestrian circulation. The provision of rear loaded garages with an alley system minimizes vehicular intrusion into the pedestrian realm.

#### Open Spaces

The locations of open spaces are adequate, safe, and efficient. In addition to the existing open spaces to remain, the open space network includes small landscaped areas, a large centralized space with a multiage playground and a twenty foot promenade which encircles the townhouse units and run through the Subject Property. The open spaces areas and the promenade are landscaped to provide shaded spaces while maintaining functionality for passive or active recreation.

#### Landscaping and Lighting

The landscaping and lighting for the Subject Property will ensure the area will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The approved pedestrian lighting fixtures and street lighting fixtures will limit the lighting levels to streets, sidewalks, and the promenade. A mix of shrubs, shade trees, ornamental trees and foundation plantings are approved throughout the Site.



#### Recreation Facilities

The Site Plan will provide adequate, safe, and efficient recreation facilities to help residents lead an active and healthy life. The on-site recreation amenities are dispersed throughout the Subject Property. They include 9 bench-seating areas, multi-age play equipment, open play area and twenty foot wide promenade for pedestrian and bike circulation. Off-site recreation facilities within ½ mile of the Subject Property include Walter Johnson High School and Stratton Park. Off-site recreation facilities within 1 mile of the Site include Cabin John Regional Park, Tilden Woods Park, Timberlawn Park and Ashburton Elementary School.

The Site Plan meets the required supply of recreation facilities based on the Planning Board's Recreation Guidelines. However, there are pathways between the townhomes with a sidewalk width of 4 feet. The Recreation Guidelines recommends a minimum width of 5 feet. After investigating the issue, the Applicant asserts that increasing the sidewalk width would compromise the side setbacks as requested by MCDPS. Therefore, the Applicant requested approval of the 4-foot width sidewalk. The Planning Board granted this request.

#### Pedestrian and Vehicular Circulation Systems

Internal vehicular circulation will be adequate, safe and efficient. The Subject Property will be served by three public streets, two internal private streets, and a series of private alleys. Vehicular access will be provided from Rockledge and Rock Spring Drives. The street network will include a primary loop road with specialty paving and/or pavers where it intersects with the north/south pedestrian promenade. Internal street intersections and crosswalk locations provide adequate sight distance and implement ADA compliant sidewalk ramps. The private street system provides access for emergency vehicles and other public services. Mountable curbs allow emergency vehicles access onto the pedestrian promenade.

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

No other development is proposed in the immediate vicinity at this time. The architecture of the approved townhouse units provides varied unit widths and exterior finish materials that will reflect the contemporary style of the adjacent commercial buildings. The introduction of residential uses to this suburban park provides a compatible mix of uses to create a more active and animated office park after business hours. It will enhance the office park character, while preserving the overall emphasis on employment uses. This infill, residential project will create a strong sense of place by transforming the traditional office park into a more dynamic multi-use center.



6. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protections, and any other applicable laws.*
- a. Under Chapter 22A of the Montgomery county Code, the NRI/FSD #4-01270 for this site was approved on August 1, 2001 and the Forest Conservation Plan was approved in April 2002 with an amendment in 2007. The Applicant has provided an amended Forest Conservation Plan that is in compliance with M-NCPPC's Environmental Guidelines. The Planning Board approves the Final Forest Conservation Plan with the conditions cited in this Staff Report thereby granting the variance request.
  - b. The Department of Permitting Services issued a letter accepting the Stormwater Management Concept for the site on June 30, 2014.

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

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

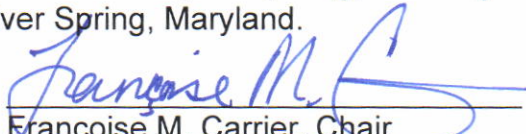
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 29 2014 (which is the date that this resolution is mailed to all parties of record); and

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).

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**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 Anderson, seconded by Commissioner Dreyfuss, with Vice Chair Wells-Harley and Commissioners Anderson, Dreyfuss, and Presley voting in favor, and Chair Carrier not participating, at its regular meeting held on Thursday, July 17, 2014, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board