



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

MCPB No. 16-101
Site Plan No. 81995036H
Montrose Crossing
Date of Hearing: September 22, 2016

OCT 12 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance, including the zoning in effect on October 29, 2014; and

WHEREAS, as indicated below, the purpose of this Site Plan Amendment is i) to allow for the replacement of an existing 10,701-square-foot free standing restaurant building that houses a single, stand-alone restaurant with a 19,000-square-foot multi-tenant retail/restaurant building, which will increase the overall commercial square footage of the site to 392,923 square feet of commercial floor area, which is still under the approved 448,825 square feet of maximum commercial development for the entire site; and ii) to bring the parking requirements in line with current standards for the entire site; and

WHEREAS, on August 15, 1996 the Planning Board approved Site Plan No. 819950360 for construction of 2,400 square feet of office, 20,377 square feet of restaurant (including the subject restaurant), 426,048 square feet of retail uses, and structured parking on 31.52 net acres of RMX-3C-zoned land, located on the southeast quadrant of the intersection of Rockville Pike and Bou Avenue, Parcel A, which is now Parcel F ("Subject Property"), in the North Bethesda/Garret Park Master Plan ("Master Plan") area; and

WHEREAS, Site Plan Amendment Nos. 81995036A through 81995036G were all approved to address issues throughout the Subject Property, but were not directly related to that portion of the Subject Property, sometimes referred to as the Development Site being addressed by this Site Plan Amendment; and

Approved as to
Legal Sufficiency:

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WHEREAS, on May 10, 2016, FR Montrose Crossing LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plan(s) to replace an approximately 10,701-square-foot existing restaurant building with a 19,000-square-foot multi-tenant retail/restaurant building and to reduce parking per the current Zoning Ordinance standards on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 81995036H, Montrose Crossing (“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 September 9, 2016 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 22, 2016, the Planning Board held a public hearing on the Application at which it 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, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Wells-Harley voting in favor. Commissioner Dreyfuss was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81995936H to i) replace an approximately 10,701-square-foot existing restaurant building with a 19,000-square-foot multi-tenant retail/restaurant building, and ii) to reduce parking requirements per Section 7.7.1.B.3.b of the Zoning Ordinance in effect October 30, 2014, subject to the following conditions:¹

1. Compliance with Previous Site Plan Approvals

All previously approved conditions in the Opinions and Resolutions for Site Plan 819950360, and subsequent Site Plan Amendments remain in full effect except as modified by this Amendment.

¹ 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.

2. Compliance with Previous Preliminary Plan Approvals

All previously approved conditions in the Opinions and Resolutions for Preliminary Plan 119602520, and subsequent Preliminary Plan Amendments remain in full effect.

3. Compliance with Previous Project Plan Approvals

All previously approved conditions in the Opinions and Resolutions for Project Plan 919940030, and subsequent Project Plan Amendments remain in full effect except as amended by this Amendment.

4. Department of Permitting Services- Water Resources Section

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated August 30, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

5. Prior to release of any building permit, the Applicant must execute a Traffic Mitigation Agreement for the Subject Property with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the North Bethesda Transportation Management Organization and to assist in achieving the North Bethesda/Garrett Park Master Plan recommended non-auto driver mode share goal.

6. Adequate Public Facilities

a. The Applicant must make a Transportation Policy Area Review (TPAR) Mitigation Payment for transit, equal to 25 percent of the applicable transportation impact tax for the 8,299 additional square feet of general retail space to the Montgomery County Department of Permitting Services (DPS). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

b. The Adequate Public Facility (APF) review for the Site Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution

7. The Applicant must provide one inverted-U bike rack, or equivalent as approved by Staff, located in a well-lit area near the main entrance as shown on Certified Site Plan.

8. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated August 4, 2016 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

10. Landscaping

- a. Prior to release of any building occupancy permit, all adjacent on-site amenities including sidewalks, landscaping, benches, and trash receptacles must be installed.
- b. Street tree planting may wait until the next planting season.

11. Site Property Plan Surety and Maintenance Agreement

Prior to issuance of the building permit, 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 all applicable Site Plan elements, including, but not limited to, landscape elements, plant material, on-site Property lighting, site furniture, private streets, alleys, sidewalks, and trash enclosures.
- c. The bond or surety must 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.

12. 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.

13. Certified Site Plan

The Certified Site Plan must include the following revisions and/or information subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and all current and previous Planning Board approval resolutions.
- b) Modify data table to reflect development standards approved by the Planning Board.
- c) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 81996036H, Montrose Crossing submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered 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) *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;*

There are no development plans, diagrammatic plans, or schematic development plans on this site.

- (2) *The site plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Subject Property is not located in an Urban Renewal area. The new restaurant/retail use along with the existing uses on the site are allowed in the RMX-3C Zone. The Amendment meets all the development standards of the RMX-3C Zone as shown in the data table below.

Table 1: RMX-3C Development Standards

Development Standard	Permitted/Required	Approved Amendment (Subject Property)	Approved Amendment (Development Site)
59-C-10.3.4.b Maximum Gross Non-residential Leasable Floor Area	1,300,000 sq. ft.	392,923 sq. ft	19,000 sq. ft. (part of the overall 392,923 sq. ft.)
59-C-10.3.4(b) Commercial Density	0.5 ¹	0.29	
59-C-10.3.6 Minimum Number of Dwelling Units (sites over 30 acres)	150 DUs	230 ²	
59-C-10.3.9 Minimum Commercial building setback from any street	25 feet ³ (12.5 feet with waiver)	12.5 feet (existing building, no change)	80 feet
Minimum Parking setback from any street	10 feet	10 feet and 0 feet ⁴	10 feet
Green Area within commercial portion	10%	16%	

1. FAR lowered to 0.35 FAR in 91994003A.
2. The multifamily building associated with the shopping center was approved for 230 DUs. The residential component of the larger Montrose Crossing Project is not part of this Amendment.
3. Previously, the Planning Board approved a waiver to reduce the setback to 12.5 feet.
4. Existing parking along Rockville Pike, designated for TD Bank, does not have a parking setback. The approved amendment will provide a minimum 10-foot parking setback along Rockville Pike for the replaced building.

Table 2: Parking Requirement

	Required	Provided
Retail (including new building)	Minimum: 375,823 sq. ft. (3.5/1,000 sq ft)= 1316 Maximum: 375,823 sq. ft (6/1,000 sq.ft)= 2255	
Patron Area	Minimum: 7,550 sq ft. (4/1,000 sq. ft)= 31 Maximum: 7,550 sq ft. (12/1,000 sq. ft)= 91	
Office	Minimum: 2,400 sq ft. (4/1,000 sq. ft)= 5 Maximum: 2,400 sq ft. (12/1,000 sq. ft)= 8	
Total	Minimum Required: 1352 Maximum Permitted: 2354	1910
59.6.2.1.B Accessible	20 accessible spaces+ 1 accessible spaces per 100 total spaces over 1000 total spaces = 30	70
59.6.2.1.B Van Accessible	¼ of provided accessible parking= 18	25
59.6.2.1.C Motorcycle	2 percent of total parking or 10 spaces maximum = 10	10
59.6.2.1.D Car Share	1 per 100 total parking spaces or 5 spaces maximum = 5	5
59.6.2.E Electric Charging	1 per 100 total parking spaces = 20	20
59.6.2.4.C Bicycle		
Total Short Term	Restaurant = 1, Retail = 32, Office = 0, Total: 33	33
Total Long Term	Restaurant = 1, Retail = 6, Office = 1, Total: 8	8

59-C-10.3.4 Maximum Commercial Density

The Subject Property is located within the 1992 North Bethesda Garrett Park Master Plan. The Master Plan refers to the Property as "...one of the most critical parcels in North Bethesda." The Plan envisions a mix of uses on the Property and a maximum of 0.5 FAR commercial density on the Property. The Amendment will change the mix of uses on the Property by replacing an existing restaurant with a building for multiple retail and restaurant establishments. Although the development on the Property will be slightly larger than the current building, it will still be under the overall 0.5 FAR limit for the entire site per the RMX-3C Zone.

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

Building and Structures

The new restaurant/retail building will have a slightly larger footprint than the existing building but will be in the same location as the existing building. The location of buildings and structures will continue to be adequate, safe, and efficient as the Planning Board found in Site Plan 819950360.

Open Space

RMX-3C Zone does not have an open space requirement, but it requires 10% green area or an outside amenity area. The landscape improvements on the Development Site will slightly increase the Subject Property's green area from the previously approved 15.2 percent to 16 percent. The location of open spaces will be adequate, safe, and efficient.

Landscaping & Lighting

The Amendment will provide shade trees and ornamental trees around the new building. Lighting will be provided by bollards and decorative light poles. The Amendment will add a landscape buffer along the Development Site's frontage. The lighting and landscaping on the site will be adequate, safe, and efficient.

Vehicular and Pedestrian Circulation

The Amendment will eliminate an existing vehicular access point off of the Shopping Center's, internal driveway to improve pedestrian circulation on the Subject Property. It will also extend an existing sidewalk with a tree panel to establish a better separation between the building and the shopping center's internal driveway. The pedestrian and vehicular circulation will be 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;*

The Amendment will replace an existing 10,701-square-foot restaurant building with a 19,000-square-foot multitenant restaurant and retail building. The building will be in approximately the same location as the existing building and maintain the same setback from Rockville Pike. It will be approximately 25 feet high, the same height as the existing building. All other existing buildings and improvements on the rest of the Subject Property will remain unaffected by this amendment. The structures and uses continue to be compatible with the other uses and other site plans and developments in the vicinity as the Planning Board found in Site Plan 819950360.

- (5) *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.*

The Site Plan meets the requirements of the Montgomery County Forest Conservation Law and the County's Environmental Guidelines. The Subject Property contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, steep slopes, or known habitats of rare, threatened or endangered species. It has an approved Forest Conservation Exemption dated March 10, 2016 (FCE No. 42016138E) for a modification to an existing non-residential developed property. The Montgomery County Department of Permitting Services-Stormwater division approved the stormwater concept on April 30, 2016.

- (6) *Public facilities will be adequate to support and service the development.*

Public Transit Service

The following two ride-on routes serve the Montrose Crossing Shopping Center:

- Ride-On route 46 runs along Rockville Pike every 30 minutes between the Shady Grove Metrorail Station and NIH/Medical Center Metrorail Station on weekdays and weekends. The nearest bus stop is located just north of the intersection of Rockville Pike and Hubbard Drive.
- Ride-On route 26 has a bus stop at the nearby intersection of Twinbrook Parkway and Chapman Avenue and runs every 30 minutes along between the Montgomery Mall Transit Center and Glenmont Metrorail Station on weekdays and weekends.

The Subject Property is located approximately two-thirds of a mile from the Twinbrook Metrorail Station. When the master-planned BRT is built, these alternative non-single-occupancy-vehicle transportation modes will provide good north-south travel options.

The 2013 *Countywide Transit Corridor Function Plan* recommends the MD 355 South BRT Corridor No. 5 between the DC line and the Rockville Metrorail Station. The MD 355 South Corridor segment along the frontage of the Subject Property is recommended to operate the buses in mixed traffic within the master-planned 162-foot (150 feet of dedication and 12 feet of reservation) wide right-of-way with two additional transit lanes. A BRT station is recommended near the intersection of MD 355 and Hubbard Drive. The MCDOT has funded the planning for MD 355 South Corridor.

Transportation Demand Management

The Subject Property is within the North Bethesda Transportation Management District (TMD). The *North Bethesda/Garret Park Master Plan* requires the Applicant to participate in the North Bethesda TMD and assist in achieving and maintaining the Master Plan's goal of 39 percent non-auto driver mode share for employees in the Master Plan area.

Pedestrian and Bicycle Facilities

The Amendment will provide adequate ADA-compliant pedestrian connections from the sidewalk along Rockville Pike across the parking area to the building. There is an eight-foot wide shared use path with a two-foot wide green panel along Rockville Pike, and a six-foot wide sidewalk with a three-foot wide green panel along the driveway into the Montrose Crossing Shopping Center. The Amendment will provide one bike rack. It will need to be located in a well-lit area near the main entrance to the new building (as opposed to the entrance to the shopping center).

Local Area Transportation Review (LATR)

A new Adequate Public Facilities (APF) test was required because the APF validity period for the Preliminary Plan No. 11960252A, approved in 2004, expired on March 25, 2009. The Applicant submitted a traffic study to satisfy the LATR test because the total number of site-generated peak-hour trips was 30 or more. Based on the traffic study results, the calculated CLV values do not exceed the CLV standard of 1,550 for the North Bethesda Policy Area. Therefore, the LATR test is satisfied.

Transportation Policy Area Review (TPAR)

For the current TPAR test, the roadway test for the North Bethesda Policy Area is adequate, and the transit test is inadequate. Therefore, pursuant to the 2012-2016 Subdivision Staging Policy the Applicant must make a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax for the 8,299 additional square feet of general retail space. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Other Public Facilities and Services

All other public facilities and services are available and will be adequate to serve the development. Public water and sewer, gas, electric, and telecommunication services are available and will be adequate to meet the needs of the approved development. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. The approved development was reviewed and approved the Montgomery County Fire and Rescue Service (MCFRS) and considered to have adequate access for emergency vehicles.

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

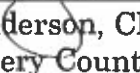
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 12 2016 (which is the date that this resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, October 6, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board