



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

MCPB No. 17-109  
Sketch Plan No. 320180020  
Hillandale Gateway  
Date of Hearing: November 16, 2017

JAN 22 2018

**RESOLUTION**

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

WHEREAS, on August 14, 2017, Hillandale Gateway, LLC ("Applicant") filed an application for approval of a sketch plan for construction of up to 555,175 square feet of residential floor area (including gross floor area for all MPDUs) with 500 units including 15% Moderately Priced Dwelling Units (MPDUs) and 24,500 square feet of retail floor area with a drive-thru, related public open space, recreation amenities, hardscape, landscape and stormwater management improvements on 6.60 acres of CRT 1.75, C-0.5, R-1.5, H-85 zoned-land, located at the southwest corner of the New Hampshire Avenue (MD 650) and Powder Mill Road intersection, ("Subject Property") in the and the *White Oak Science Gateway Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180020 Hillandale Gateway ("Sketch Plan" 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 November 6, 2017, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on November 16, 2017, 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, on November 16, 2017 the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 5-0;

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Approved as to  
Legal Sufficiency:

Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180020, Hillandale Gateway, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a total maximum gross floor area of 579,675 square feet of mixed-use development comprising 555,175 square feet of multi-family residential, with 500 units (including 15% MPDUs), and 24,500 square feet of retail space including 2,500 square feet as a free-standing building with a Drive-Thru. The final amount of non-residential floor area and exact number of market rate, MPDUs, and age-restricted, affordable units will be determined at Site Plan review.

2. Height

The development is limited to a maximum height of 110 feet.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Total points must equal at least 50 and must be chosen from at least three categories as required in Section 59.4.5.4.A.2. The requirements of Section 59.4.7.1 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan.

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

- a. Transit Proximity, achieved through the Site's location within ½ to 1-mile of the existing Powder Mill Bus Transfer Station; and abutting a Master-planned BRT Station (planned at the New Hampshire Avenue/Powder Mill Road intersection).
  - b. Diversity of Uses and Activities, achieved through the provision of a minimum of 15% MPDUs on-site and;
  - c. Quality Building and Site Design, achieved through structured parking with most of the parking spaces in an above-grade garage; a portion of the parking garage will be below-grade.
4. Future Coordination for Preliminary and Site Plan Submission
- In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed at Preliminary or Site Plan review:
- a. At Preliminary Plan, the Applicant will confirm the turning movement for full movement egress from the drive-thru lane;
  - b. Corner turning radii must be as narrow as possible to foster greater pedestrian safety, where feasible. Provide turning diagrams if turning radii of 25 feet or greater is necessary;
  - c. The Applicant must address comments from the Maryland State Highway Administration regarding the access easement/drive aisle from New Hampshire Avenue at Preliminary Plan.
  - d. Submit a noise study at preliminary plan.
  - e. At site plan, coordinate with the Montgomery County Department of Transportation (MCDOT's) Commuter Services Section regarding placement of a bikeshare station, if required.
  - f. The Applicant must comply with all fire regulations at Site Plan. In the event the Applicant elects to utilize construction Type 5A on either building, material modifications to the building layouts may be required at the time of Site Plan review to assure appropriate fire access.

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 and all applicable elements of the Zoning Ordinance, the Board finds that, as conditioned, the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan, and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of this Chapter.*

Section 4.51.C. Commercial Residential Town (CRT) states that “The CRT Zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtown. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus.”

The Sketch Plan meets these objectives because it includes a mix of uses, which will be located alongside the future Bus Rapid Transit (BRT) corridor on New Hampshire Avenue. The Sketch Plan also meets the general requirements of Section 59.4.5.4.A., and the development standards of Section 59.4.5.4.B., Optional Method Development for the CRT Zone as follows:

a. Use Standards

The Sketch Plan includes two mixed-use buildings primarily for multi-unit living, and retail uses with a Drive-Thru component, which are permitted uses in the CRT Zone.

b. Development Standards

The Subject Property includes approximately 6.60 acres and is zoned CRT 1.75, C-0.5, R-1.5, H-85. The data table below demonstrates the Application’s conformance to the applicable development standards of the CRT Zone.

*Table 1: Development Standards Data Table*

<b>Development Standard</b> <b>Section 59-4.5.4.</b>	<b>Permitted/Required</b>	<b>Approved</b>
<b>Gross Tract Area (sf)</b>	287,744	287,744
<b>Maximum Density (CRT)</b> <b>Non-residential (C)</b> <b>Residential (R)</b>	<b>1.75 FAR (503,552 sf)*</b> <b>0.5 FAR (143, 872 sf)</b> <b>1.50 FAR (431,616 sf)*</b>	<b>1.58 FAR (454,675 sf)*</b> <b>0.09 FAR (24,500 sf)</b> <b>1.49 FAR (430,175 sf)*</b>
<b>Max Building Height (feet)</b>	85	110 <sup>1</sup>
<b>Minimum Public Open Space (%) of Net Lot</b>	10% (22,432 sf)	Minimum 10%

<b>Parking (spaces) Multi-family</b>	Minimum 1 space/unit; Maximum 1 space/studio, 1.25 space/one bedroom, 1.5/two bedroom	TBD at Site Plan
<i>Retail/service establishment</i>	Minimum 3.5 space/1,000 sf GLA; Maximum 6 space/1,000 sf of GLA	

\*This amount does not include approximately 125,000 square feet of gross floor area of MPDUs because the Sketch Plan provides a minimum of 15% MPDUs. Per Section 59.4.7.3.D.6.c.iii of the Zoning Ordinance, "For a project providing a minimum of 15% MPDUs, the gross floor area of all MPDUs provided is exempt from the calculation of FAR."

<sup>1</sup> Pursuant to Section 59-4.7.3.D.6.c.i: If a project exceeds 12.5% MPDUs, the height limit of the applicable zone or master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

c. General Requirements

i. *Site Access*

The Sketch Plan meets the four site access requirements in Section 59.6.1 as demonstrated on Bicycle, Pedestrian and Vehicular Circulation Plans that allow a vehicle, pedestrian or bicycle to enter and exit the property to and from a street or an abutting site safely. The Applicant will address these requirements more closely at Site Plan review.

ii. *Parking, Queuing, and Loading*

The Sketch Plan meets the general intent of Section 59.6.2.1 and these requirements are reviewed more closely at Site Plan review.

2. *The Sketch Plan substantially conform(s) with the recommendations of the applicable master plan.*

The Sketch Plan substantially conforms to the overriding goal and recommendations of the 2014 *White Oak Science Gateway Master Plan* and its Design Guidelines. The Master Plan states that "[t]his Plan's overriding goal is to transform the built environment from auto-centered single-purpose nodes into vibrant mixed-use centers." The Master Plan's 'Land Use and Zoning' section *Map 5, Activity Centers* states the following for the Subject Property: "The Plan seeks to change and transform these communities over

time, with the support of a future BRT system. Mixed-use developments with walkable centers that bring employment, housing, and shopping opportunities together are desirable for these centers as well.” Finally, the Master Plan’s ‘Proposed Development and Zoning Overview’ Section states: “The recommended CR Zones are designed to encourage a mix of uses in the Plan’s centers, where BRT routes and stations are planned. The Plan proposes CR zones at sufficient densities to provide incentives for private reinvestment, promote transit, and provide needed public amenities in redeveloping areas, including open space, recreation, day care centers, better building design, and affordable housing.”

The Sketch Plan furthers these goals. The Application enhances the New Hampshire Avenue/Powder Mill Road intersection with active uses and public open space. The mix of uses included in the Sketch Plan supports the future Bus Rapid Transit (BRT) along New Hampshire Avenue. The distribution of uses on the Subject Property effectively use the parking garage to buffer residential uses from traffic noises from I-495, and by wrapping the parking structure with residential and commercial uses minimizes the impact of parking on the areas intended for public use. The building massing will be broken into smaller components, which will reduce the visual scale of the buildings and achieve the “village center” character and scale envisioned by the master plan for this activity center.

The Sketch Plan also creatively interprets the direction provided by the Design Guidelines to consolidate frontages along New Hampshire Avenue. The smaller coffee shop pad site fronting on New Hampshire Avenue effectively creates a street edge, contains the provided public open space, and allows visibility to the larger buildings beyond. Locating the public open space in the front portion of the Subject Property creates a viewshed to the buildings beyond, which establishes visual connections between future developments at the Hillandale Shopping Center and the ATU property. It also provides a visual connection across the intersection to the existing Our Savior Episcopal chapel, a local landmark, furthering the Plan’s goal of using it as a focal point for development.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Subject Property is not associated with a development plan or schematic development plan.

4. *The Sketch Plan achieve(s) compatible internal and external relationships between existing and pending nearby development.*

The buildings will be compatible in height, building massing and scale in relation to existing and pending nearby development in the Hillandale Activity Center of the 2014 *White Oak Science Gateway Master Plan* area. It is anticipated that adjacent properties (i.e., the ATU, Hillandale Shopping Center, and the Exxon Gas station) and properties to the north on New Hampshire Avenue will redevelop at similar heights, building mass, and scale as envisioned in the 2014 *WOSG Master Plan*. The Subject Property is the first among the Hillandale Activity Center properties to undergo Sketch Plan review to implement the Plan's vision in this part of the *White Oak Science Gateway Master Plan* area.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Sketch Plan will provide satisfactory vehicular, pedestrian, and bicyclist access, circulation, parking and loading. The drive-thru will be screened from the public ROW to address required development standards at Site Plan review. Designated loading space for the coffee shop will be shown at Site Plan review. Pedestrian and bicyclist access and circulation on New Hampshire Avenue will include a shared-use path as recommended in the *Countywide Bikeways Functional Master Plan*. Provision of this public facility along with the required ROW for the planned BRT station will be determined as BRT facility planning moves forward and these provisions will be shown at the required preliminary plan and site plan reviews.

The parking garage and on-street parking spaces will meet all applicable zoning requirements at site plan review. Truck circulation for the proposed coffee shop are adequate and will be further reviewed at site plan.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Master Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan.

For development of the Subject Property in the CRT Zone, the Zoning Ordinance requires 50 points in at least three categories. Although at the time of Sketch Plan review, only the categories need to be approved, the following table shows both the categories and points for public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirements to provide sufficient public benefits points. The Applicant's three proposed public benefits for Transit Proximity, Diversity of Uses and Activities, and Quality Building and Site Design are as follows:

*Table 2: Public Benefits*

<b>Public Benefits Calculations</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Max Allowed</b>	<b>Approved</b>
<b>59-C-15.852.: Transit Proximity</b>		
Transit Proximity	25	15
<b>59-C-15.854.: Diversity of Uses and Activities</b>		
Moderately Priced Dwelling Units	No limit	30
<b>59-C-15.855.: Quality of Building and Site Design</b>		
Structured Parking	20	10.26
<b>Total Points</b>	Min./required: 50	55.26

Transit Proximity

The Subject Property abuts a master-planned BRT Route (New Hampshire Avenue Corridor) with a right-of-way, as defined in Section 59.4.7.3.B.1.b., because it shares a property line with a right-of-way for a master-planned transit station, and 100% of the tract is within a quarter-mile of the transit portal. Transit proximity for the master-planned BRT Station is considered a Level 2 category per Section 59.4.7.3.B.1.a.ii. Therefore, the Application qualifies for up to 15 points for transit proximity. The Applicant is requesting the full 15 points. The redevelopment includes provision of a BRT Station at New Hampshire Avenue and Powder Mill Road to implement public transit opportunities for residents and employees as envisioned in the Master Plan. The Planning Board supports granting these points at this time.

Diversity of Uses and Activities

Pursuant to the approved October 2015 Commercial/Residential and Employment Zones *Incentive Density Implementation Guidelines*, 12 points



are to be granted for every 1% of MPDUs greater than 12.5%, and any fraction of 1% increase in MPDUs entitles the Applicant to an equal fraction of 12 points. The Application is providing a minimum of 15% MPDUs and therefore qualifies for 30 points based on the following formula:  $(15\% - 12.5\%) * 12 = 30$  points. The Planning Board supports 30 points at this time.

#### Quality Building and Site Design

The Application includes approximately 750 parking spaces in a parking structure that will be largely above-grade. Approximately 630 spaces will be in the above-grade portion of the garage and an estimated 70 spaces will be below-grade. In this sub-category up to 20 points can be achieved for placing parking in an above or below grade parking structure. Thus, 10.26 points will be achieved based on the following formula:  $[(630/750) * 10] + [(70/750) * 20] = 10.26$ . At site plan review, the Master Plan's design guidelines will be addressed to implement the New Hampshire Avenue Streetscape. The Master Plan's vision requires such sites to activate the street and provide a predominantly pedestrian-oriented environment that is adequate, safe and efficient. The proposal adequately addresses "the relationship of the site to adjacent properties" in a proposed design and building massing as envisioned in the Master Plan for sites in the CRT zone. The Planning Board supports 10.26 points at this time.

*7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Sketch Plan will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the *White Oak Science Gateway Master Plan*; and

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 all binding site development elements shown on the latest version of Hillandale Gateway Sketch Plan No. 320180020, received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 22 2018 (which is the date that this Resolution is mailed to all parties of record); and

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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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, January 11, 2018, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board