





**Wildwood Manor Shopping Center: Preliminary Plan No. 11989271C and Site Plan No. 82008024B**

	Rhoda Hersson-Ringskog, Senior Planner, Area 2 Division, Rhoda.Hersson-Ringsk@montgomeryplanning.org, 301-495-2192
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**Completed: 12/03/18**

**Description**

Request to convert an approved, but unbuilt, office to a 5-story, 106,000 square foot mixed-use building with up to 95,000 square feet of multi-family residential uses with up to sixty (60) Age-Restricted (by covenant) dwelling units, and a minimum of 15% MPDUs, and 11,000 square feet of ground floor retail uses with below grade parking, in addition to an existing 3,500 square foot bank and a 30,000 square foot medical office building.

Location: 10401 Old Georgetown Road (MD 187), approximately 100 feet south of intersection of Rock Spring Drive;

Master Plan: *2017 Rock Spring Sector Plan*;

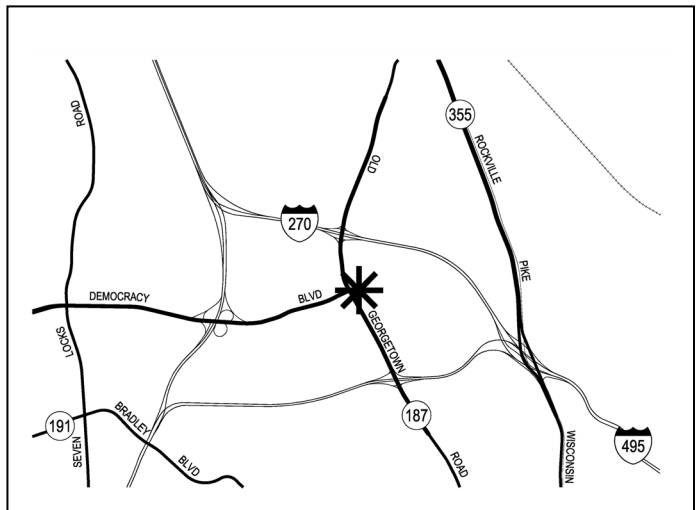
Zone: CRT-1.25: C-0.5, R-0.75, H-50;

Preliminary Plan Size: 3.49 acres;

Site Plan Size: 3.49 acres;

Acceptance Date: April 5, 2018;

Applicant: Alvin Aubinoe, Wildwood Medical Center.



**Summary**

- Staff recommends approval with conditions.
- The Preliminary Plan and Site Plan are being reviewed concurrently.
- The Applicant seeks to convert a second approved, but unbuilt, 30,000 square foot office building to a multi-family residential dwelling (age-restricted by deed/covenant) and 11,000 square feet of ground floor retail with below grade parking.
- The existing medical office building is 36,423 square feet in size but is considered 30,000 square feet for FAR purposes. Per the Zoning Ordinance, mechanical and storage space is excluded when calculating FAR.
- The Preliminary Plan approval includes approval of the amended Preliminary Forest Conservation Plan.
- The Site Plan approval includes approval of the amended Final Forest Conservation Plan.
- The proposed multi-family building meets all required development standards for the applicable zone under the standard method of development. The two existing buildings are considered legal, non-conforming structures. Any future alterations of any building on the Property will require conformance with all applicable development standards of the zone.
- Staff has received community correspondence regarding this application and Staff met with members of the community on June 13, 2018, August 20, 2018, and November 13, 2018.

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**ATTACHMENTS**

1. 2018 Preliminary Plan
2. 2018 Site Plan
3. Community correspondence letters/emails
4. Variance letter dated July 31, 2018
5. MCDPS Stormwater Management letter dated 10/10/2018
6. MCDOT letter dated 5/9/2018
7. MCDPS Fire Department Access and Water Supply Section letter dated 9/10/18
8. MCDHCA letter dated 11/1/2018
9. Preliminary Forest Conservation Plan
10. Final Forest Conservation Plan

## **SECTION 1: RECOMMENDATIONS AND CONDITIONS**

### **Preliminary Plan No. 11989271C**

Staff recommends approval of Preliminary Plan No. 11989271C, including the Preliminary Forest Conservation Plan (PFCP). All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

#### **General Approval**

1. This Preliminary Plan is limited to two Lots and one private road parcel for up to 139,500 square feet of development, including up to 95,000-square-feet and sixty (60)-units of multi-family residential uses (age-restricted by covenant) with a minimum 15% MPDUs and up to 11,000 square feet of ground-floor retail uses with below-grade parking, in addition to an existing 3,500-square-foot bank and an existing 30,000-square-foot medical office.
2. Occupancy Provisions Age-Restricted Housing
  - a) All residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.
  - b) Prior to Certified Site Plan, the Applicant must record a covenant reflecting the age restriction in the Maryland Department of Land Records. The Liber Folio reference must be included on the Certified Site Plan.

#### **Adequate Public Facilities**

3. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

#### **Agencies**

4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 9, 2018, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. Before the issuance of access permits, if any, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
7. 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 November 8, 2018, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter,

which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated September 10, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated November 1, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### Concurrent Site Plan Approval

10. Before submitting a record plat application or clearing or grading the Subject Property, the Applicant must receive Staff certification of Site Plan No. 82008024B. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and bikepaths is determined through site plan review and approval.
11. If a Site Plan for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan Amendment before Certified Site Plan.

#### **Environment**

##### Forest Conservation

12. The Applicant must comply with the following conditions of approval of Preliminary Forest Conservation Plan No. 11989271C, approved as part of this Preliminary Plan.
  - a) Before demolition, clearing, or grading on the Subject Property, the Applicant must record a Certificate of Compliance to use an off-site forest mitigation bank easement in the Montgomery County Land Records. The certificate of compliance must be in a form approved by the M-NCPPC Office of the General Counsel.
  - b) A Final Forest Conservation Plan (FFCP) that substantially conforms to the Preliminary Forest Conservation Plan must be approved with the Site Plan.
  - c) Prior to the release of the first Use and Occupancy permit, mitigation must be provided for the removal of seven (7) trees subject to the variance provision that are not included in the forest clearing calculations. Mitigation must be provided in the form of planting native canopy trees totaling 63 caliper inches, with a minimum planting stock size of three (3) caliper inches. The trees planted for variance tree mitigation are in addition to the trees planted to satisfy the forest conservation requirements. The mitigation trees must be planted on the Subject Property, in locations shown on the approved Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.

## **Transportation**

### Existing Frontage Improvements

13. The Applicant must upgrade the sidewalk along the Property's frontage on Berkshire Drive from four (4)-feet-wide to five (5)-feet-wide in accordance with the County's Road Code standards.
14. The Applicant must assure that all on-site pedestrian connections are ADA compliant.

### Private Roads

15. The Applicant must provide the Private Road identified as "*Private Street F*" on the Preliminary Plan, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
  - a) The record plat must show the Private Road in a separate parcel.
  - b) The Private Road must be consistent with Road Code Standard MC-2001.02, as modified.
  - c) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E..

### Other

16. Motorized vehicle access from Berkshire Drive is restricted to emergency access only and must be signed as such and built with removable physical barriers.

## **Record Plats**

17. There shall be no clearing or grading of the site prior to Certified Site Plan. The record plat needed to implement this Preliminary Plan approval and create two lots and one private road parcel must be recorded prior to issuance of any Use and Occupancy Certificate for the project.

### Easements

18. The record plat must show necessary easements.
19. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
20. The record plat must reflect a thirty (30)-foot building restriction line from Berkshire Drive, as shown on the Preliminary Plan.

## **Certified Preliminary Plan**

21. The Applicant must include applicable approval letters and the Preliminary Plan Resolution on the approval sheet(s).

22. The Certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

23. Before approval of the Certified Preliminary Plan, the Applicant must make the following revisions and/or provide the following information subject to M-NCPPC Staff and other agency review and approval:

- a. Modify the data table to reflect development standards approved by the Planning Board.
- b. Ensure consistency of all details and layout between the Preliminary, the Site Plan, PFCP, architectural plans subject to M-NCPPC Staff review and approval.
- c. The Preliminary Plan application drawings should contain a Preliminary Forest Conservation Plan, numbered with the Preliminary Plan number, and delete the Final Forest Conservation Plan numbered with Site Plan number.
- d. Add the cross-section of the private street on the Preliminary Plan.

## SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 82008024B. The development must comply with the binding elements and conditions of approval for Preliminary Plan No. 11989271C. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

### **Density, Height & Housing**

1. Density

The Site Plan is limited to up to 139,500 square feet of development, including up to 95,000-square-foot and sixty (60) units of multi-family residential uses (age-restricted by covenant) with a minimum 15% MPDUs and up to 11,000 square feet of ground-floor retail uses with below-grade parking, in addition to an existing 3,500-square-foot bank and an existing 30,000-square-foot medical office.

2. Occupancy Provisions Age-Restricted Housing

- a) All residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.
- b) Prior to Certified Site Plan, the Applicant must record a covenant reflecting the age restriction in the Maryland Department of Land Records. The Liber Folio reference must be included on the Certified Site Plan.

3. Height

The development is limited to a maximum height of 50 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

4. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated November 1, 2018, and 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 DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 15 percent MPDUs or DHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and DHCA must be executed.

### **Open Space, Facilities and Amenities**

5. Public Open Space

- a. The Applicant must provide a minimum of 26,260 square feet of public open space (17% of net lot area) on-site.
- b. Before the issuance of the Final Use and Occupancy Certificates for the residential development, all Public Open Space areas on the Subject Property must be completed.

6. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited, to the public open space, landscape, hardscape, and associated elements, and streetscaping.

**Site Plan**

8. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet 09-ARCH-82008024B-001 through Sheet 09 -ARCH-820170090-003 of the submitted architectural drawings, as determined by M-NCPPC Staff.

9. Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) All on-site pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

10. Landscape Plan

- a) Prior to the end of the first planting season after issuance of the final Use and Occupancy Certificate, all landscape plant materials must be installed.
- b) In addition to plantings shown on the Landscape Plan, the Applicant must work with Montgomery County Department of Transportation to add additional native landscaping along the Property frontage of Berkshire Drive within the right-of-way.

**Environment**

11. Forest Conservation & Tree Save

The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.



- a) The Applicant must record a certificate of compliance for the purchase of off-site mitigation credit from an approved forest mitigation bank in the land records prior to any clearing and grading occurring on site.
- b) The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
- c) Site inspections are required by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

## **Transportation & Circulation**

### **12. Pedestrian & Bicycle Circulation**

- a) The Applicant must provide thirty-three (33) long-term and eight (8) short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit part of parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide an eight (8) to ten (10)-foot-wide asphalt sidepath connecting Old Georgetown Road to Berkshire Drive, as shown on the Site Plan.
- d) The Applicant must provide a five (5)-foot-wide sidewalk along the Private Road.

### **13. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 59.7.3.4.K.4 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, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- 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 a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

### **14. Development Program**

The Applicant must construct the development in accordance with a development program table that must be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

15. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) The Applicant must revise the lighting plans to ensure that illumination levels do not exceed 0.5 footcandles (fc) along the Berkshire Drive property line.
- b) The Applicant must revise the lighting plans to include the heights of all pole-mounted lights.
- c) The Applicant must revise the Recreation Facilities table to replace Pedestrian Connection on the list of facilities provided.
- d) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- e) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- f) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- g) Ensure consistency of all details and layout between Site and Landscape plans.
- h) The Applicant must provide two (2) additional short-term bike parking (inverted U rack) at the entrances to the retail businesses.

## SECTION 2: SITE DESCRIPTION AND BACKGROUND

### Site Vicinity

The Wildwood Manor Shopping Center Property (Subject Property or Property – outlined in red in Figure 1, is approximately 3.49 acres in size and is located at 10401 Old Georgetown Road (MD 187), on the east side of Old Georgetown Road, between Democracy Boulevard and Rock Spring Drive, approximately 30 feet south of the intersection of Old Georgetown Road and Rock Spring Drive. The Property is bordered by Interstate I-270 to the north; Democracy Boulevard, Old Georgetown Road, and Cheshire Drive to the south; Old Georgetown Road and the Georgetown Square Shopping Center to the west; and Farnham Drive and Rossmore Drive to the east.

The neighborhood surrounding the Property contains both residential and commercial uses. The area to the north and east of the Property is residential in nature with detached houses in the R-90 Zone; the neighborhood to the north has a Transferable Development Rights (TDR) Overlay Zone. Two shopping centers occupy the southern and western portions of the Neighborhood. The Wildwood Shopping Center abuts the Property to the south and contains a variety of retail and service uses with associated surface parking allowed by special exception/conditional use. The Georgetown Square Shopping Center is located on the western edge of the neighborhood, across Old Georgetown Road from the Property, and includes retail and restaurant uses. A gas station is located adjacent to the Property to the southwest and is classified in the CRT- 0.75, C-0.75, R-0.25, H-35 Zone.

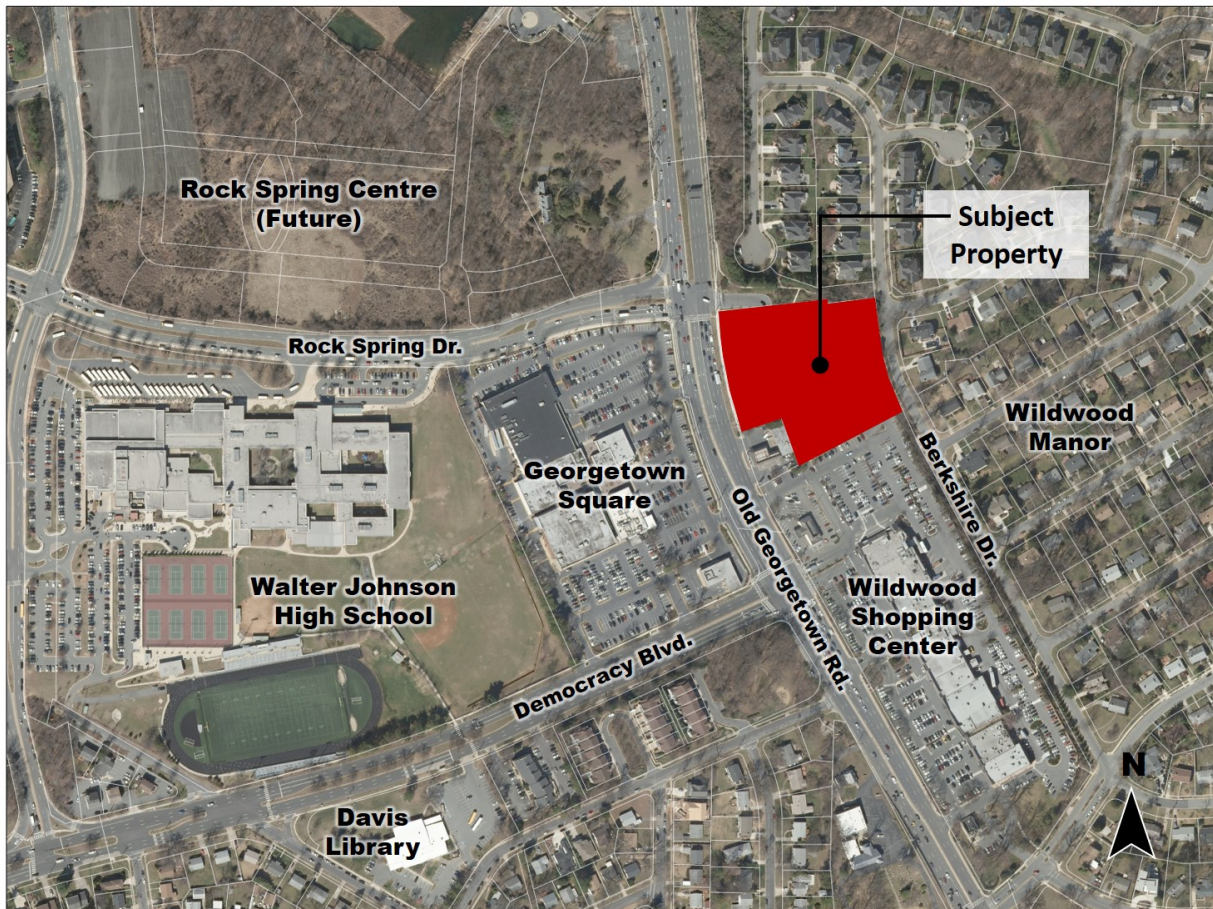


Figure 1 Vicinity Map



## Site Description

The Property (Figure 2) is improved with a three-story, 36,423-square foot (30,000-square-foot for FAR purposes) medical office building, a 3,471-square-foot, stand-alone bank with drive-thru service, and associated surface parking. The medical office building is surrounded with a landscape bed containing trees and shrubs. The northern portion of the Property contains a landscaped open space area with trees and shrubs, and a grassy area with trash receptacle. The Property contains some mature trees that would be removed to accommodate the proposed mixed-use project. There is a six-foot board-on-board fence lined with trees and shrubs along the Property's Berkshire Drive frontage. The Property slopes moderately down from the northwest corner to the southeast corner and sits approximately 10 feet above Berkshire Drive. The Property has access to Old Georgetown Road via a driveway located at the northern end of the property (across from Rock Spring Drive) via an easement on the abutting property to the north. Internal driveways also connect the Property with the Wildwood Shopping Center to the south and the gas station to the southwest. The gas station also has direct access to Old Georgetown Road. Although there is no vehicular connection between Berkshire Drive and the Property, there are pedestrian connections available just to the south and north of the Property. The Property lies in the Lower Rock Creek watershed and contains no forest, streams, wetlands, floodplains, or any associated buffers. The Property is currently served by public water and sewer. The Property is within the 2017 *Rock Spring Sector Plan* (Sector Plan) area and is zoned CRT-1.25, C-0.5, R-0.75, H-50 Zone.



Figure 2 Aerial view with Property outlined in red

### SECTION 3: PROPOSED PROJECT

#### Zoning History/ Background

A history of prior approvals for the Property is summarized in the table below:

Approval Year	Application Number	Approval
1964	BA-1631	The Board of Appeals approved a special exception to allow construction of a medical office building on the R-90 zoned property.
1992	G-706	The North Bethesda/Garrett Park Master Plan reaffirmed the Property's R-90 Zone.
2007	G-851	County Council approved a Local Map Amendment to rezone the Property from R-90 to the O-M <sup>1</sup> (Office building, moderate intensity) Zone, under optional method, to allow the construction of a second, three-story office building and a single-story bank. The schematic development plan included several binding elements that limited the maximum FAR to 0.46 and the maximum height to three stories or 42 feet. In addition, no point along the east side of the building could exceed 56 feet in height.
2009	11989271A / 820080240	The Planning Board approved Preliminary Plan 11989271A and Site Plan 820080240 to construct the second office building and the bank. The bank was constructed but the second office building was not.
2012	S-2830	The Board of Appeals approved Special Exception S-2830 to substitute a five-story residential building (with a minimum of 35% productivity housing) for the previously approved, but unbuilt, office building.
2013	SDPA 12-1	County Council approved Schematic Development Plan amendment SDPA 12-1, associated with Special Exception S-2830, which included several binding elements.
2013	11989271B/ 82008240A	Preliminary Plan amendment 11989271B and Site Plan amendment 82008240A were submitted to implement the residential building approved under SDPA 12-1 and Special Exception S-2830, but were subsequently withdrawn by default because the applications were inactive.
2014	G-956	District Map Amendment G-956 rezoned the property to CRT-1.25, C-0.5, R-0.75, H-50 to accommodate the approvals under SDPA 12-1 and S-2830.
2015	SDP 2016-01	The Applicant submitted a Schematic Development Plan amendment under the 2004 Zoning Ordinance. The Application was withdrawn after Staff determined that the requested rezoning would not be

<sup>1</sup> The O-M Zone no longer exists in the 2014 Zoning Ordinance.

		technically allowed using the standards and procedures of the 2004 Zoning Ordinance.
2017	H-117	<p>The Applicant submitted a Local Map Amendment seeking to rezone 3.50 acres from the CRT-1.25, C-0.5, R-0.75, H-50 Zone to the CRTF-1.25, C-0.5, R-0.75, H-60 Zone to construct up to 64 dwelling units and 10,925 sf of retail. This application was presented to the Planning Board on February 24, 2017. During the presentation Staff recommended denial of the application due to the proposed increase in building height combined with a reduced setback from Berkshire Drive for neither was compatible with the adjacent single-family neighborhood. The Planning Board voted that the application should be approved only if the building height was not increased beyond 50 feet and certain binding elements were added to the plans.</p> <p>Following the Planning Board hearing the application was transmitted to the Office of Zoning and Administrative Hearings. The applicant withdrew the application on May 10, 2017.</p>

As discussed in further detail below, the proposed development substantially conforms to the setback and height recommendations established by the case history and ultimately by the 2017 *Rock Spring Master Plan*, which were established to address compatibility concerns of the existing residential neighborhood.

## Proposal

### Uses and Density

The Applicant seeks to convert the approved, unconstructed second office building to multi-family residential dwellings (age-restricted by deed/covenant) and ground floor retail with below grade parking as shown in Figure 3 and 4 below and Attachments 1 and 2. The proposed development will include:

- Retention of the existing medical office building and bank;
- Creation of two lots and one private road parcel as follows:
  - Lot/Parcel D – Including the existing medical office building and the proposed multi-family residential/retail building with underground parking;
  - Lot/Parcel E – Including the existing bank; and
  - Private road parcel/Parcel F – Including a private road between the two Lots, Parcel D and Parcel F.
- Sixty (60) Age-Restricted residential units, as defined by Section 59.1.4.2 of the Zoning Ordinance;
- Eleven thousand (11,000) square feet of ground floor retail;
- A total of 253 parking spaces (110 surface spaces and 143 below grade structured parking spaces) with the required drive aisles, loading/delivery areas, and refuse enclosure;
- Twenty-six thousand two hundred sixty (26,260) square feet or (17% of the net lot area) of Public Open Space for users of the Property including residents of the multi-family building. The Public Open Space will be provided in the following areas:

- The Upper Plaza – this is a small hardscape public space with plantings, spaces for tables and chairs and would serve as a connection point for circulation between the existing medical office and the proposed mixed-use multi-family building.
- Lower Plaza – a large hardscape open space, based on the “woonerf design” or street living design. A multi-purpose space for uses including farmers markets, outdoor seating area for the adjacent retail storefronts, for kids to play games such as foursquare etc.
- A privately-owned Neighborhood Park– a privately owned neighborhood park with both active and passive activities to be enjoyed by residents, visitors and the surrounding neighborhood. The space includes tables and chairs, bocce court, and a Learning Center which will be covered by a pergola.



Figure 3 Proposed Preliminary Plan/Site Plan





*Figure 4 View of the existing surface parking to the south of the Medical Office building, where the proposed multi-family building would be constructed*

### Site Design and Architecture

Site Plan No. 82008024B proposes to construct a new 5-story mixed-use building with 95,000 square feet for up to sixty (60) multi-family residential units and 11,000 square feet of ground floor retail. The residential development will be age-restricted to persons who are over 55 years of age or older by covenant. The new development will be constructed on the surface parking lot south of the existing medical office building.

The proposed building is shaped like an “L”, fronting on the Private Road. A retail arcade lines the interior of both arms of the “L” and provides a ground level unifying feature. A vehicular drive passes through the two arms at the ground level, with the building built above. A series of open spaces run east to west, connecting the proposed building to the existing medical office building. The vehicular entrance to the parking garage is at the rear of the development, located next to the residential entrance and lobby. The pedestrian parking garage entrance is at the northwest corner of the proposed building, on the Upper Plaza. The Lower Plaza is connected to the Upper Plaza by steps and is designed to be a flexible, multi-use space, providing for use as a service entrance as well as open space. A neighborhood park is adjacent to the existing neighborhood and provides passive and active recreation as well as a landscaped buffer.





Figure 5 Site Plan

The site design is driven by several factors. The first is the existing medical office building and SunTrust bank that will be retained. The second is the slope of the surface parking lot that the mixed-use building will be developed on. There is an approximately 13' drop in grade from the northwest corner of the parking lot to the southeast corner. Additionally, there is a 20' WSSC right-of-way running diagonally across the property, that will be realigned with this development. The development responds to these constraints by positioning the realigned WSSC right-of-way to run beneath the open spaces between the existing medical building and the new mixed-use building, using the design of the open space to mediate the grade change. The surface parking is located on the flattest portion of the site, on the southern area facing the existing Wildwood Manor Shopping Center surface parking. The design takes advantage of the elevation change by having the entrance to the underground parking at the northeast corner of the site, so that the downramp runs with the slope of the site.



Figure 6 View from the Southwest

The proposed mixed-use building will be built using buff-colored brick in an Art Deco style, with decorative elements that mimic the brushed metal accents common to the period. Architectural elements including lighting and signage will complement the overall aesthetic. The articulation of the building breaks up the massing, while the vertical elements on the facades add interest and decrease the scale. The arcade is fifteen (15)-feet-wide and provides a transition from the surface parking to retail and residential uses.



Figure 7 South Elevation

The proposed mixed-use building responds to challenge of adjoining both the commercial uses on Old Georgetown Road to the west and the existing single-family residential neighborhood to the east by

focusing the retail to the west and residential uses to the east. The Property is currently developed with a parking lot adjacent to the Berkshire Drive property line, with a privacy fence separating the uses. The proposed development creates a new buffer to the existing residential neighborhood by providing a heavily landscaped area that ranges from 30 feet to 70 feet deep, with a metal, ornamental fence at the property line. Additionally, the new mixed-use building is 5-stories along the Private Road frontage but steps down to 3 stories adjacent to Berkshire Drive, and adheres to the setback and height recommendations established by the 2017 *Rock Spring Master Plan*.

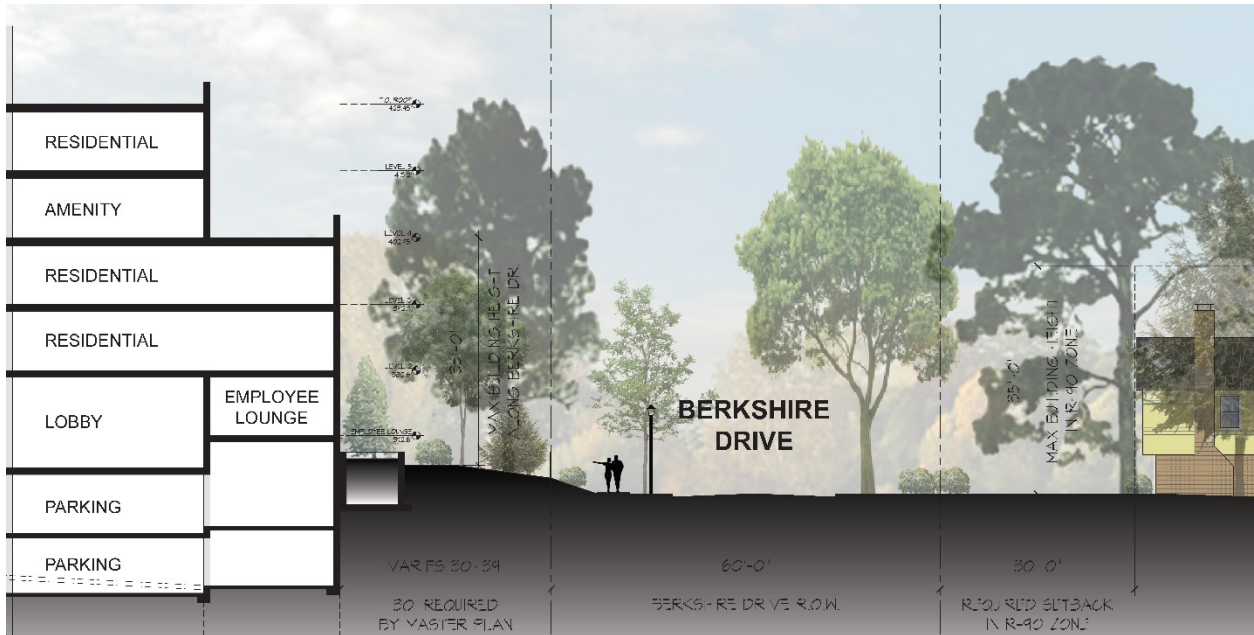


Figure 8 Berkshire Drive Cross Section

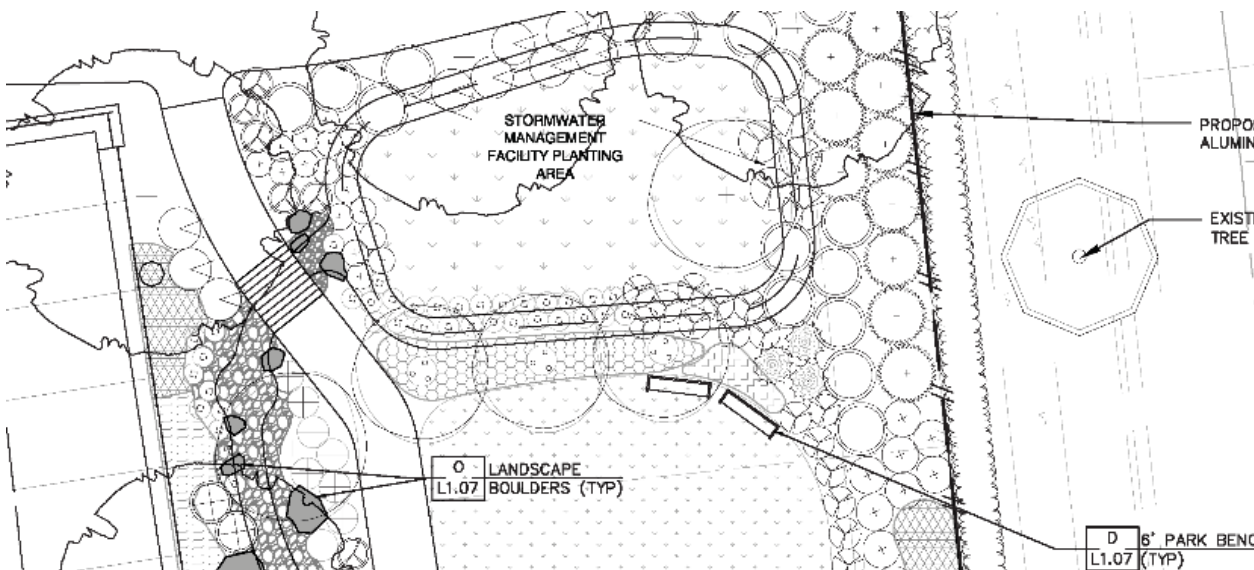


Figure 9 Closeup of Landscaping



In order to provide adequate fire access, the Applicant has been required to add an additional access point from Berkshire Drive. Vehicular access from Berkshire Drive will be restricted to emergency vehicles only, with removable bollards used to block other access. However, pedestrians and cyclists will be able to access the Property here and the paved area has been incorporated into the open space design as a plaza.



Figure 10 Fire Access from Berkshire Drive

### Open Space and Recreation

The proposed development will provide over 26,000 square feet of Public Open Space, and will include a variety of open spaces and recreational amenities. While Environmental Site Design stormwater management facilities are incorporated into the open space, as calculated, the area is exclusive of these features.



Figure 11 Public Open Space

The proposed Public Open Space includes a sidepath connecting Berkshire Drive with Old Georgetown Road. While there is an existing path on the adjacent homeowners association property, it does not connect to Old Georgetown Road and providing that connection in the future is problematic due to grade issues at that corner. The sidepath is a neighborhood connector and will be permanently open to the public.

The sidepath connects to Berkshire Drive through the proposed Neighborhood Park. The Neighborhood Park provides active and passive recreation uses while serving as a buffer to the adjacent residential community. A separate path runs south from the sidepath and is separated from the surface parking area by a dry creek and landscape buffer. This path connects the lawn and seating areas with a pergola

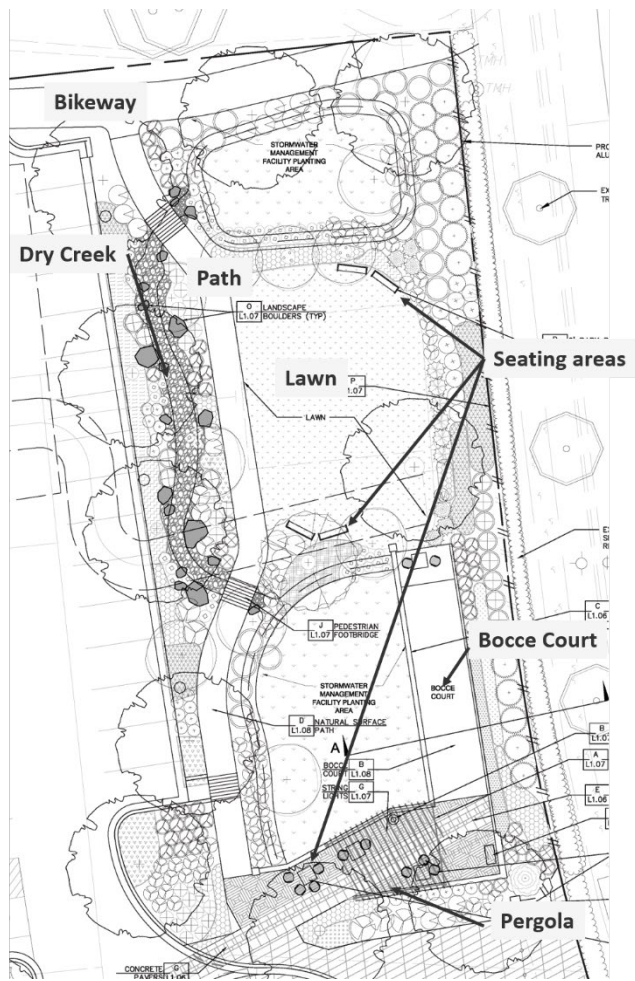


Figure 12 Neighborhood Park

and bocce court. The Neighborhood Park is bracketed to the north and south by bioretention areas that are functional and help frame and organize the space. There are multiple seating areas, for a variety of experiences. A landscaped border and ornamental metal fence serves as a visual and spatial buffer to the adjacent residential neighborhood, while access is provided through the sidepath and emergency access drive.

A special paving pattern connects the pergola to the Lower Plaza, across the drive aisle. The Lower Plaza is a flexible space designed to serve as access to the service entrance as well as a pedestrian space. This space can be programmed during non-delivery hours so that the same space can serve a multiple of uses. For example, it could be used as a farmer's market at scheduled times. It also includes seating areas and connects with the existing medical office building.

The Upper Plaza is connected to the Lower Plaza by steps and a series of planted terraces. The Upper Plaza connects the parking garage elevator entrance to the existing medical office building. The Upper and Lower Plaza mediate the grade changes, as well as join the new mixed-use building to the existing medical office building.

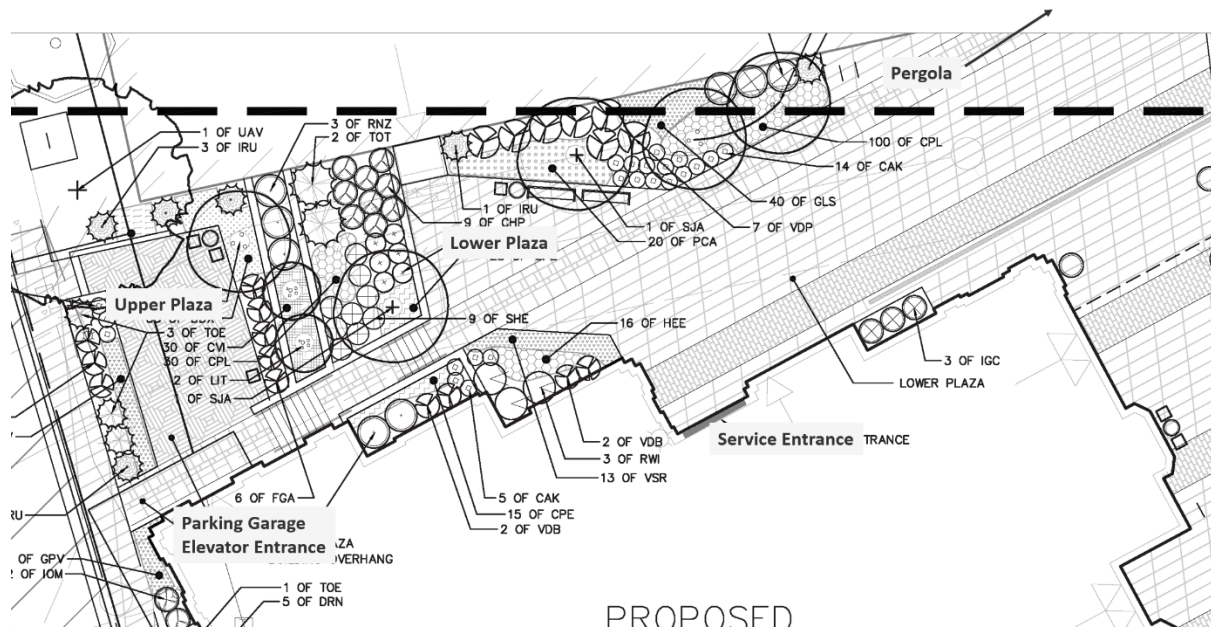


Figure 13 Plazas

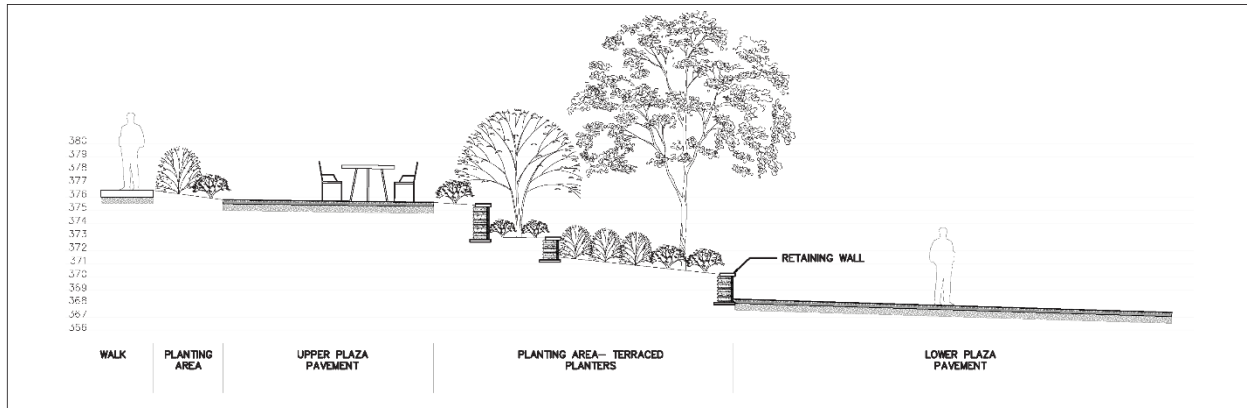


Figure 14 Plaza Cross Section

The Arcade lines both arms of the interior of the “L” and unifies the ground floor of the mixed-use building. The Arcade provides protection from the elements for shoppers and offers opportunities for seating, as well as events.

The mixed-use building contains additional recreation spaces, with an indoor fitness area and a resident lounge.



## SECTION 4: COMMUNITY CORRESPONDENCE

The Applicant has complied with all submittal and noticing requirements. A notice regarding the proposed development was sent to all parties of record by the Applicant on April 6, 2018. The Applicant held the required pre-submission meeting on December 6, 2017, at the Davis Community Library for both the Preliminary Plan and Site Plan, which was attended by eleven citizens.

To date, Staff met with two members of the Wildwood Manor Citizens Association Board at M-NCPPC offices on June 13, 2018. On August 20 and November 13, Staff met with residents at Wildwood Manor to discuss the proposal with residents and answer questions. Staff also received several emails from residents of Wildwood Manor Citizens Association (Attachment 3). A summary of issues raised by residents and responses from Staff are included below:

- Concerns about whether the Applicant can measure the height of the proposed building from the Old Georgetown Road.

*Staff Response:*

- a. Per the Zoning Ordinance, the Applicant can measure the height of the proposed building from Old Georgetown Road since the Lot is a through street and the Zoning Ordinance supports measuring the height from either right-of-way if the Lot is a lot extending through from street to street under Section 4.1.7.C.2 as follows:

*4.1.7.C.2 Building Height in Commercial Residential Zones*

- i. ....*For a corner lot or a lot extending through from street to street, the height is measured from the curb grade opposite the middle of the building façade along either right-of-way...*
- ii. *If a building is set back from the street line 35 feet or more, then the building height is measured from the average elevation of finished ground surface along the front of the building.*

- b. The height of the Berkshire Drive elevation is limited to 35 feet (per the Master Plan recommendation).
- The purposes and intended effects of creating a private road.

*Staff Response:*

- a. As shopping centers redevelop in the County, Staff often recommends the subdivision of these larger properties and establishing any logical internal connections as private roads. Ultimately, this allows for better connectivity and a safer pedestrian experience as sites like this one redevelop with infill development. Thus, Staff has requested the Applicant to establish two lots and one private road parcel, as shown on the Preliminary Plan and Site Plan. Staff will continue to request and extend this private road connection through the Wildwood Shopping Center when the remaining properties to the south apply for Preliminary Plan Amendment(s). The private road helps organize potential redevelopment into a series of smaller blocks, as the area converts from a commercial center to a mixed-use neighborhood.



- b. The creation of the private road also means the Applicant will measure the building height from the frontage of the private road, which is a more logical measuring point, rather than from Old Georgetown Road.



Figure 15 View of the existing driveway which would be constructed as a Private Street and the height of the building is being measured from here.

- Concerns that the decorative elements along the building's parapet wall may exceed the height permitted. Neighbors felt these contribute to the overall perception of height, and since they extend beyond the roof they should be reduced.

*Staff Response:*

- a. According to the drawings submitted, the parapets are  $\pm 7.9$  feet above roof height which is under the limits set by the Zoning Ordinance (8.0 feet).
- b. The Zoning Ordinance supports the proposed parapet as follows:

*4.1.7.C.3 Height Encroachments*

*c. In the CRT, CR, Employment and Industrial zones, the following may exceed the established height limit by up to 8 feet, except when located within an airport approach area:*

- I. rooftop deck, patio, shade structure;*
- II. rooftop garden, landscaping;*
- III. parapet wall;*
- IV. rooftop rainwater collection or harvesting system; and*
- V. rooftop renewable energy system, such as solar panel or wind turbine.*

- Concerns about potential parking by building residents and visitors on nearby Wildwood Manor streets, especially Berkshire Drive (Figure 16 below) instead of parking at the proposed underground parking spaces for the proposed development. The additional driveway (for emergency access) will make it easier for visitors to park on Berkshire Drive.

*Staff Response:*

- a. The development will include a total of 254 parking spaces (111 surface spaces and 143 below grade structured parking). The minimum requirements for the Property is 161 parking spaces (78 commercial + 83 residential).
- b. On-street parking currently exists along Berkshire and Staff is unable to restrict future residents and visitors of the proposed development from using that parking. However, as indicated above, the Applicant will provide parking to accommodate the uses proposed onsite.



*Figure 16 View of Berkshire Drive and the existing bicycle path on the adjacent HOA property*

- Concerns about increased traffic as a result of the proposed development.

*Staff Response:*

- a. The prior land use approvals on the lot for the existing bank (Phase I) and the unbuilt office (Phase II) generated 71 morning and 81 evening peak-hour vehicular trips. The proposed conversion of the approved but unbuilt office to a 60-unit multi-family residential building and 11,000 sf of ground floor retail generates 42 morning and 85 evening peak-hour vehicular trips. Therefore, the proposed change in use generates 29 fewer morning and four additional evening peak-hour vehicular trips. This is discussed further in Section 5 of this Staff Report.

- Concerns about Berkshire Drive traffic safety if additional on-street parking occurs.

*Staff Response:*

- a. As stated above, the Applicant is providing parking well above the minimum required. Furthermore, on-street parking is already allowed along Berkshire Drive. Thus, Staff recommends that residents work with MCDOT to restrict on-street parking if issues occur in the future.
- Lack of proposed Berkshire Drive frontage improvements.

*Staff Response:*

- a. Staff has added the following condition:  
“The Applicant must work with Montgomery County Department of Transportation to add additional native landscaping along the Property frontage of Berkshire Drive within the right-of-way.”  
  
Furthermore, the Applicant is providing a fence and plantings along the Property line adjacent to Berkshire Drive for additional screening.
- Replacement of privacy fence with lower open fence. Neighbors want to block all views into the existing community.

*Staff Response:*

- a. Staff believes that the combination of ornamental picket fence with deep landscape border provides a safer and more attractive buffer for the Public Open Space, which will function as a small neighborhood park for the existing and future residents.
  - b. Currently, there is parking on the Property directly on the other side of the fence. Post development, there will be landscaped areas, so the need for a solid screen is diminished.
- Safety issues with the bicycle trail termination, at both ends.

*Staff Response:*

- a. The proposed sidepath connects to the existing sidepath on the adjacent homeowner’s association property at Berkshire Drive
  - b. The proposed sidepath connects to the existing eight (8) foot sidewalk on Old Georgetown Road in the same location as an existing sidewalk. This neighborhood connection will eventually connect to a larger bicycle network.
- The site design does not include adequate short-term parking location for deliveries.

*Staff Response:*

- a. There are 111 surface parking spaces associated with the development and 13 directly adjacent to the mixed-use building. Staff believes that this should be sufficient for drop-off and deliveries, in conjunction with the delivery area of the lower plaza.

- The proposed development is not compatible with the surrounding neighborhood.

*Staff Response:*

- a. The Master Plan-required setback, stepped height, and additional landscaped buffer are in direct response to the neighbor's concerns with compatibility, and were established by both the case history and Master Plan process. The proposed development adheres to these recommendations. Thus, the proposed development is compatible with the existing neighborhood.

## **SECTION 5: PRELIMINARY PLAN ANALYSIS AND FINDINGS**

Under Section 50.4.2.D, the Planning Board must make the following findings to approve a Preliminary Plan:

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The size, width, shape, and orientation of the existing lot will be appropriate for the location. The Preliminary Plan will accommodate development on the Property at an appropriate and efficient location. The proposed maximum building height will be 50 feet; 35 feet height along Berkshire Drive frontage and building setbacks of 30 feet from Berkshire Drive, which is consistent with the setbacks and building height stepbacks along Berkshire Drive as envisioned by the *2017 Rock Spring Master Plan*.

The proposed lots were reviewed for compliance with the dimensional requirements for the CRT-1.25: C-0.5, R-0.75, H-50 Zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, width, and setbacks in the zone and accommodate the proposed use as shown in Table 4 in the Site Plan section of this Staff Report. However, as set out Table 4, the proposed development does not meet the ground story, rear (min) 30% transparency requirement, because the Applicant is providing structured parking on this small building and therefore is providing 21% transparency at the ground story, rear elevations, rather than the required 30%. Additionally, the Applicant has oriented the retail and residential uses toward Old Georgetown Road and away from Berkshire Drive as much as possible. Minimizing transparency toward Berkshire Drive is another way the Applicant has attempted to minimize impacts of this development on the existing neighborhood. The Zoning Ordinance allows the Planning Board to approve a lesser minimum at the time of Site Plan, and Staff recommends the Planning Board approve the 21% transparency as proposed.

### Private Roads -Section 50.4.3.E.4.

This Application includes establishing the existing north/south driveway, located between the existing medical office building and the existing bank, as a private road in a separate road parcel. In accordance with the requirements of Section 50.4.3.4c., in requesting a private road, the Applicant agrees, per the condition of approval that the private roads must be fully accessible to the public;

accessible to fire and rescue vehicles, as needed; and designed to the minimum corresponding public road standards, except for right-of-way and pavement widths, as modified.

The proposed private road identified as “Private Street F” on the Preliminary Plan will:

- Provide frontage to the proposed mixed-use building;
- Be constructed to the minimum public road standards, except for right-of-way and pavement widths, as modified;
- Provide adequate turning radii where necessary for emergency access;
- Have an appropriate paving cross-section for private vehicles, and appropriate circulation and turnaround pattern; and
- Be located in a separate private road parcel with a covenant and easement that ensures it is adequately maintained and remain fully accessible to the public.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Property is within the boundaries of the *2017 Rock Spring Master Plan*. The Master Plan area is largely suburban in character, dominated by auto-oriented employment and retail uses that are surrounded by residential uses. The Master Plan envisioned three districts; the Property is part of the Rock Spring East/Village Center District. This center includes a mix of office, limited residential, educational, service, and retail uses. The Application proposes introducing residential uses to a Property, which at present houses medical office and service uses. The Master Plan supports the concept of transforming single-use commercial properties into mixed-use by inserting residential components that could support existing commercial uses. The Property is adjacent to an existing residential community; the Master Plan includes specific language on how redevelopment should transition to adjacent single-family homes directly across Berkshire Drive.

The Master Plan included detailed recommendations for this Property. The proposed development adheres to the following Master Plan recommendations:

- Height: Maximum height is 50 feet; 35 feet along the Berkshire Drive frontage.
- Building Setbacks: 30 feet from Berkshire Drive.
- Open Space: 30 feet setback in front of the proposed building along Berkshire Drive, plus 40 feet wide open space only along the Berkshire Drive frontage beyond the building area. Other open space areas are provided within the proposed development.

In addition, the proposal furthers the following Master Plan goals:

- Creates infill development that introduces housing within a single use commercial property.
- Provides a publicly accessible green space within the Plan area.
- Replaces an existing surface parking lot with mixed-use redevelopment.
- Increases amenity options for businesses and their employees, as well as for new residents.
- Reduces impervious surfaces by creating pervious, green areas.
- Establishes additional pedestrian/bicycle connections that link to existing trails.

As stated in Site Design and Architecture subsection of the Proposal section and as demonstrated by Figure 8 above, Staff finds that the proposed development is in substantial conformance with the setbacks, and height stepback recommendations of the Master Plan. Additionally, the proposed development: introduces housing options on a property that has been historically used solely for non-residential uses; provides publicly accessible green space in the form of Public Open Space, that will be available for use by the existing and future residents; replaces the existing surface parking lot



with infill/mixed-use development; increases amenities for businesses, employees, and existing and future residents in the area; reduces impervious surfaces by creating pervious, open space areas with stormwater management facilities not previously required; and by establishing additional pedestrian and bike facilities consistent with the recently adopted 2018 Bike Master Plan. Thus, Staff finds the proposed development in substantial conformance with the recommendations of the 2017 *Rock Spring Master Plan*.

3. *Public Facilities will be adequate to support and service the area of the subdivision.*

### Transportation

#### *Adequate Public Facilities (APF) Test*

The existing medical office of 36,423 square feet (30,000 square feet for FAR purposes) was originally approved in 1990 and was constructed prior to the following amendments in 2008. In 2008, Preliminary Plan No. 11989271A and Site Plan No. 820080240 were approved for the then existing medical office of 36,423 square feet (30,000 square feet for FAR purposes), a 3,470 square foot bank (Phase I) with three drive-through windows, and a general office building (Phase II) of 30,000 square feet. The bank was constructed; however, the second 30,000 square foot general office building was never built.

Since the existing medical office building was constructed and occupied more than twelve (12) years before the current Local Area Transportation Review (LATR) transportation statement request, the Applicant may take credit for the existing site trips based on the current LATR trip generation methodology. These existing trips are reflected in the transportation study as “background” traffic.

The previous approvals for the existing bank and the unbuilt office generated 71 morning and 81 evening peak-hour vehicular trips as shown on Table 1. The proposed conversion of the approved but unbuilt office to a 60-unit multi-family residential building and 11,000 square feet of ground floor retail generates 42 morning and 85 evening peak-hour vehicular trips, as shown in Table 1. Therefore, the proposed change in use generates 29 fewer morning and four additional evening peak-hour vehicular trips (Table 1). Under the current 2016-2020 Subdivision Staging Policy (SSP), the County Council resolution requires that peak-hour person trips be analyzed for the Local Area Transportation Review Test rather than vehicular trips which was required at the time of the prior approval (Table 2). Therefore, under the current 2016-2020 SSP which this Application is being reviewed under, a traffic study is required because the proposed land use change generates more than a total of 50 peak-hours person trips for the existing development and the proposed mixed-use building.

**Table 1 Vehicular Trip Generation**

<i>Land Uses</i>	<i>Square Feet Or Units</i>	<i>Site-Generated Peak-Hour Vehicular Trips</i>	
		<i>Morning</i>	<i>Evening</i>
<b>Prior APF Approved Land Uses</b>			
Phase I Built Bank	3,470	23	50
Phase II Unbuilt Office	30,000	48	31
<b>Total Prior Approved Land Uses</b>		<b>71</b>	<b>81</b>
<b>Proposed Land Uses</b>			
Phase I Built Bank	3,470	23	50
Phase II Mid-Rise Apartments	60	17	22
Phase II Retail Space	11,000	2	13
<b>Total Trips by Proposed Land Uses</b>		<b>42</b>	<b>85</b>
<b>Net Difference</b>		<b>-29</b>	<b>+4</b>

**Table 2 2016 -2020 SSP Analysis**

<i>Proposed Land Uses</i>	<i>Square Feet Or Units</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
<b>Peak-Hour Vehicular Trips</b>			
<b>Total Trips by Proposed Land Uses</b>		<b>42</b>	<b>85</b>
<b>Peak-Hour Person Trips</b>			
<b>Peak-Hour Person Trips</b>		<b>55</b>	<b>110</b>

The Highway Capacity Manual (HCM) average vehicle delay standard for the North Bethesda Policy Area is 71 seconds. Based on the traffic study results, the Highway Capacity Manual (HCM) average intersection delay values (in seconds per vehicle) at the studied intersections are shown (Table 3) for the following traffic conditions:

1. Existing: Existing traffic conditions.
2. Background: The existing traffic conditions plus the trips generated from approved but unbuilt nearby developments.
3. Total: The existing traffic conditions plus the site-generated trips generated by the proposed land uses.

**Table 3 Average Intersection Delay Values**

Intersection	Peak Hour	Traffic Condition (Average intersection delay in seconds)		
		Existing	Background	Total
Old Georgetown Road & I-270 WB Ramp	Morning	18.2	19.2	19.1
	Evening	28.2	28.6	28.8
Old Georgetown Road & I-270 EB Ramp	Morning	24.9	28.6	28.1
	Evening	19.4	24.7	24.8
Old Georgetown Road & Rock Spring Park	Morning	23.0	29.8	30.8
	Evening	52.2	74.4*	74.1*
Old Georgetown Road & Democracy Blvd.	Morning	48.9	48.9	48.8
	Evening	57.6	58.0	58.7
Old Georgetown Road & Cheshire Drive	Morning	14.6	15.5	15.5
	Evening	27.7	34.5	34.5
Rock Spring Drive & Rockledge Drive	Morning	22.8	23.9	23.9
	Evening	31.0	27.9	27.9
Democracy Blvd. & Rockledge Drive	Morning	52.8	45.6	45.9
	Evening	38.2	43.9	44.0

\*Average intersection delay exceeds the 71 seconds/vehicle standard for the Policy Area.

For the first and third intersections, the delay in the total traffic condition is less than the delay in the background condition. The reason for the reduced delay is that the trips generated by the proposed residential uses are in the non-critical directions compared to previously approved commercial trips.

At the intersection of Old Georgetown Road and Rock Spring Park the average intersection HCM delay values exceed the congestion standard for the North Bethesda Policy Area (71 seconds per vehicle). However, the proposed conversion of office to residential and retail uses results in a reduction of the delay in the total traffic condition compared to the background traffic condition. Therefore; per the LATR Guidelines, no improvements are required at this intersection.

The Applicant is not required to enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) because the Property is located outside the TMD's boundary.



### *Master Planned Roadways*

In accordance with the 2017 *Rock Spring Sector Plan* and the Council adopted 2018 *Bikeway Master Plan*, the master-planned roadway and bikeway designations are as follows:

- Old Georgetown Road is designated as a major highway, M-4, with a recommended 120-foot right-of-way and a Local Bikeway, LB-7, two-way separated bike lanes on the eastern side in the 2017 *Rock Spring Master Plan*.

Berkshire Drive is not listed in the Master Plan and is considered a tertiary residential street with a 50-foot-wide right-of-way.

An overall transportation goal of the 2017 *Rock Spring Master Plan*, to: “provide guidance for transforming the area from an auto-centric setting to a more transit-oriented environment that is hospitable to both pedestrians and bicyclists.”

### *Master Planned Bikeways*

The 2018 *Bicycle Master Plan* recommends a Neighborhood Connector on the north side of the Property and two-way separated bike lanes on the east side of Old Georgetown Road along the west side of the Property. The Applicant is providing the east/west Neighborhood Connector with the proposed development, while the two-way separated bike lane along Old Georgetown Road will be required in the future when development is proposed on the lot along Old Georgetown Road. Although vehicles will primarily access the site via Old Georgetown Road, the area to be occupied and disturbed by the proposed mixed-use building is 130-feet from Old Georgetown Road with an existing gas station and bank operating in-between. By ensuring the sidewalk on Berkshire Avenue is a minimum of five (5)-feet-wide, providing the east/west Neighborhood Connector on the north side of the Property, and providing acceptable short- and long-term bicycle parking, the Applicant is fulfilling the recommendations of the Bicycle Master Plan.

### *On-Site Parking*

Although the County Ordinance permits reduced parking for the existing medical office building, the parking demand of the existing tenants appears to be higher than a typical medical office. This higher parking demand is accommodated on the Property. Also, the plan is conditioned to clearly designate both public and private residential parking spaces.

### *Pedestrian Facilities*

The proposed development must provide on-site pedestrian connections that are ADA compliant. The Applicant must provide a five (5)-foot-wide sidewalk along the Berkshire Drive frontage.

### *Available Transit Service*

Ride On routes 6, 26, and 96 and Metrobus routes J1 and J2 operate on Old Georgetown Road’s frontage.

### Schools Capacity

This Preliminary Plan is subject to the FY2019 Annual School Test. This Application proposes to convert approved, but unconstructed office to multi-family residential dwellings (age-restricted by covenant) and 11,000 square feet of ground floor retail with below grade parking. The FY2019 Annual School Test does not apply to this Property, because the proposed age-restricted housing (55 years of age

and older) is not subject to the schools APF review. Any conversion from age-restricted housing to standard multi-family housing in the future will require the conditions of approval of the Preliminary Plan and Site Plan to be amended, the covenant to be extinguished and the schools APF test to be evaluated.

#### Other Public Facilities and Services

The Property is proposed to be served by public water and public sewer. This application has been reviewed by the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Comments, which has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied.*

The plan as submitted is in compliance with Chapter 22A, Forest Conservation, and in conformance with the *Environmental Guidelines: Guidelines for Environmental Management of Development in Montgomery County*.

#### Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on February 23, 2018. The NRI/FSD documented no streams or their buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known occurrences of rare, threatened, and endangered species. This plan is in compliance with the *Environmental Guidelines*.

#### Preliminary Forest Conservation Plan

There is no forest on the site. The land use, zoning and net tract area yield an afforestation requirement of 0.54 acres of forest planting. The Applicant proposes to provide the afforestation mitigation through purchase of credit in an approved off-site forest bank. The mitigation must equal 0.54 acres of new forest planted or 1.08 acres of existing forest preserved.

#### Forest Conservation Variance

Section 22A-12(b) (3) of County code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County code. The code requires no impact to trees that: measure 30 inches or greater, dbh; are part of a historic site or designated with an historic structure; are designated as a National, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

### Variance Request

The Applicant submitted a variance request on July 31, 2018 because the plan would create an impact to the Critical Root Zones (CRZ) of ten trees that are considered high priority for retention under Section 22A-12(b) of the County code. Seven of these trees will be removed; the other three will be saved. A copy of the variance request letter, specifying the amount of critical root zone disturbance for the trees to be saved, is appended to this Staff Report (Attachment 4).

### Hardship Finding

This Property is zoned CRT in the recent Approved and Adopted Rock Spring Master Plan. In the section of the Master Plan discussing this Property, the Plan notes that *“The intent of the CRT Zone is to target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses, while encouraging development that integrates a combination of housing types, mobility options, commercial services, public facilities, and amenities.”* The Master Plan further says of this Property that *“An office building and bank are developed on this site. An approval currently exists for the development of 58 multi-family units south of the existing office building on what is currently a surface parking lot.”* It is clear that the Master Plan and zoning envision the kind of infill development being proposed in this Preliminary Plan and accompanying Site Plan. Because most of the specimen trees on this Property exist within small planting islands within and around the parking lot, this kind of infill development cannot be implemented without impacting these trees that are in the parking lot where new buildings, drive aisles, sidewalks, stormwater management, and amenities are planned. Staff believes that denying the variance would prevent any meaningful infill development from occurring, and this would constitute a hardship for the Applicant. This finding must be met when determining whether a variance can be considered for the project. Based on this finding, staff finds that a variance can be considered.

### *Required Variance Findings*

Section 22A-21 of the County code sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations, as the Director’s designee, that granting the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

The specimen trees to be removed are in islands within the parking lot or at the parking lot perimeter. Infill development, by definition, adds new buildings within the existing parking lot and developed area of the site. The development is consistent with the Master Plan recommendations and the zoning. Staff has determined that the impacts to the trees subject to the variance requirement cannot be avoided if the site is to be redeveloped as envisioned and is consistent with the findings of similar variance reviews. Therefore, Staff finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant, but on the approved zoning, Master Plan recommendations, and environmental, engineering and site constraints.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance approval associated with the PFCP approval requires that specimen trees being removed be replaced on-site at a ratio of one inch of replacement tree planting for every four inches diameter removed, using native shade tree planting stock of no less than three inches caliper, each. The Variance approval permits the removal of seven specimen trees totaling 251 inches, diameter. This results in required mitigation equal to 63 caliper-inches of native shade trees, or 21 trees of three inches caliper, each. These trees are shown on the FFCP and Landscape Plans for this Site Plan.

These replacement trees will, in time, replace the lost water quality functions of the trees being removed. Therefore, the project will not violate State water quality standards or cause a measurable degradation in water quality.

#### *County Arborist's Recommendation on the Variance*

In accordance with Montgomery County Code Section 22A-21(c), on September 24, 2018, the Planning Department referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. Since no recommendations were received in response, approval of the Arborist is assumed.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Applicant received approval of its stormwater management concept from the Montgomery County Department of Permitting Services on November 8, 2018. The concept proposes to meet required stormwater management goals using a combination of ESD approaches including micro bioretention and structural filtration. The Property is not subject to a water quality plan and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

6. *Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

There are no other applicable provisions to the Property.

## SECTION 6: SITE PLAN ANALYSIS AND FINDINGS

Per Section 7.3.4 of the Zoning Ordinance,

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
  - a. *satisfies any previous approval that applies to the site;*

The development is consistent with Preliminary Plan No. 11989271C, which is being reviewed concurrently with this Site Plan. The existing medical office building and bank are the subject of previous site plan approval(s) under its previous O-M (Office building, moderate intensity) zoning. The proposed mixed-use building meets all required development standards for the applicable zone under the standard method of development. The two existing buildings are considered legal, non-conforming structures. Any future alterations of any building on the Property will require conformance with all applicable development standards of the zone. All the previous site plans are superseded by the current Site Plan.

- b. *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;*

This section is no longer applicable, in that all previous Binding Elements and conditions of approval of all regulatory approvals are replaced by the Sectional Map Amendment approved subsequent to the 2017 *Rock Spring Master Plan* and conditions of approval of this Preliminary Plan and Site Plan.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- i. *Division 4.5 Commercial/Residential Zones and Division 4.4 Residential Zones*

### Development Standards

The Site covers approximately 3.47 acres Zoned CRT 1.25, C-0.5, R-0.75, H-50. The data table below shows the Application's conformance to the development standards of Section 59-4.5.3.

<b>Table 4 Applicable Development Standards, CRT-1.25 C-0.5 R-0.75 H-50</b>		
Section 59.4.5.2.C. (Multi Use)		
CRT Standard Method Development		
	<b>Required / Allowed for Multi Use</b>	<b>Proposed for Multi Use</b>
<b>1. Site</b>		
<b>Open Space (min)</b>		
Open space, tract >10,000 sf	10%	17%
<b>Specification for all Open Space</b>		
a. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.		
b. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is public open space (see Section 6.3.6).		
<b>2. Lot and Density</b>		
<b>Lot (min)</b>		
Lot area	n/a	n/a 152,367 S.F. or 3.497 AC. (Gross Tract)
Lot width at front building line	n/a	n/a
Lot width at front lot line	n/a	n/a
<b>Density (max)</b>		
CRT Density, FAR	Mapped at CRT-1.25 =190,458 S.F. C-0.5 = 76,183 S.F. R-0.75 =114,275 S.F.	0.92 or 139,500 S.F. 0.29 or 44,500 S.F. 0.62 or 95,000 S.F.
<b>Specification for Density</b>		
a. In the CR zone, a designated historic resource that does not occur more than 10% of the gross floor area is excluded from the FAR calculation.		
<b>Coverage (max)</b>		
Lot	n/a	n/a
<b>3. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback	0'	7' min
Side street setback	0'	n/a
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	12' per Section 4.1.8. A	<200' (North: R-90 Zone)
Side setback, abutting all other zones	0'	8' (South)
Side setback, end unit	n/a	n/a
Side setback between lot and site boundary	n/a	n/a

Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	Section 4.1.8. A	n/a
Rear setback, abutting all other zones	0'	n/a
Rear setback, alley	4'	n/a
Rear setback between lot and site boundary	n/a	n/a
<b>Parking setbacks for Surface Parking Lots (min)</b>		
Front setback	Must be behind front building line of building in the BTA	30' (from Private Street, along new retail parking lot south of Proposed Building)
Side street setback	Must be behind side street building line of building in the BTA	n/a
Side setback	Must accommodate landscaping required under section 6.2.9	6' (South – CRT Zone)
Rear setback	Must accommodate landscaping required under section 6.2.9	n/a
Rear setback, alley	0'	n/a
<b>Build-to-Area (BTA, max setback and min % of building façade)</b>		
Front setback	15'	15' max (Private Street)
Building in front street BTA	70%	85%
Side street setback	15'	n/a
Building in side street BTA	35%	n/a
<b>Placement</b>		
<b>Specifications for Built-to Area</b>		
a. The Built-to Area maximum front or side street setback may be increased by the minimum setback necessary to avoid a platted public transportation or utility easement, or a platted public transportation or utility reservation		
b. The Built-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Built -to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.		
<b>4. Height (in feet)</b>		
<b>Height (max)</b>		
Principal building	Mapped at 50'	50' Max.
Accessory structure	Mapped and section 4.1.8.B	n/a
<b>5. Form</b>		
<b>Massing (max)</b>		
Units permitted in one row	n/a	n/a
<b>Building Orientation</b>		

Entrance facing street or open space	Required	Entrance located at northwest corner of Proposed Building fronting Private Street
Entrance spacing (max)	75'	Only one entrance provided along West elevation fronting Private Street
<b>Transparency, for Walls Facing a Street or Open space</b>		
Ground story, front (min)	60%	60%
Ground story, side (min)	30%	30% Min
Ground story, rear (min)	30%	21%
Upper story (min)	20%	20% Min
Blank wall, front (max)	25%	25%
Blank wall, side/rear (max)	35%	25%
<b>Specification for Building Orientation and Transparency</b>		
a. Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In providing a site plan submitted under this subsection, the Planning Board must find that the plan (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.		
<b>Allowed Building Elements</b>		
Galley/Awning	Yes	Yes
Porch/Stoop	Yes	No
Balcony	Yes	No

The Applicant has requested relief from both the build-to-area and transparency requirement by the Planning Board. Build-to-area and transparency requirements may be modified by the Planning Board at the time of Site Plan Review per Sections 59.4.5.3.C.3.b and 59.4.5.3.C.5.a. of the Zoning Ordinance, respectively, provided that they are modified, “only to the extent necessary to accommodate the physical constraints of the site or the proposed land use,” and that, “design elements incorporate design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.” While the proposed building complies with the build-to-area requirements of the CRT Zone along its west façade adjacent to the Private Road Parcel discussed above, the same is not possible for the building’s east façade along Berkshire Drive. The location of the building does not conform to the CRT Zone’s maximum setback of 15 feet from a right-of-way, because a planted buffer and setback requirement of thirty (30) feet is imposed by the Master Plan.

The Applicant has also requested the Planning Board approve a transparency of 21% on the east elevation, instead of the 30% required. The east elevation is immediately adjacent to the thirty (30)-foot-wide landscaped buffer, and the Applicant has tried to minimize impacts of this development on the existing residential community in response to concerns raised by the community by adhering to the setback and height stepback requirements, by locating and



orienting the proposed retail further west on the Property, and by reducing the amount of transparency at the base of the building as much as possible along the Berkshire Road frontage.

Therefore, Staff supports relief from the build-to-area and transparency requirements as requested.

*ii. Division 6.1. Site Access*

As conditioned, the Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area.

*iii. Division 6.2 Parking, Queuing, and Loading*

The proposed development is removing surface parking spaces and providing two floors of below grade structured parking. The primary loading space will be provided on the north side of the proposed mixed-use building. Parking, queuing, and loading will be provided in an adequate, safe, and efficient manner.

The site currently contains 202 surface parking spaces (194 standard and 8 accessible). As part of this development, 92 surface parking spaces will be removed. Upon completion of the proposed development, the site will contain 254 parking spaces – 111 surface parking spaces and 143 below grade structured spaces. The proposed parking exceeds the minimum standards set in Sect. 6.2.3.

**Table 5 Parking**

<b>OFF STREET PARKING-SECT. 6.2.3</b>	<b>MIN</b>	<b>MAX</b>	<b>PROPOSED</b>
MEDICAL OFFICE (30,000) 1.0/1K (MIN) 4.0/ K (MAX)	30.0 (MIN)	120.0 (MAX)	30 (Min.)
MED. ASSO. STORAGE (6,423 S.F.)	0		0
RETAIL (13,578 S.F.) 3.5/1K (MIN) 6.0/K (MAX)	47.5 (MIN)	81.5 (MAX)	48 (Min.)
COMMERCIAL PARKING SUBTOTALS	77.5 (MIN)	201.5 (MAX)	<b>78 (Min.)</b>
RESIDENTIAL APARTMENTS			
MARKET RATE UNITS = 52			
1 BDRM (23) 1.25 SPACES PER UNIT	28.8 (BASE)		
2 BDRM (18) 1.50 SPACES PER UNIT	27.0 (BASE)		
3 BDRM (11) 2.00 SPACES PER UNIT	22.0 (BASE)		
MPDU UNITS = 8			
1 BDRM (3) 1.25 SPACES PER UNIT X .50 ( SECT 6.2.3.I.2)	3.75 (BASE) 3.2 (REDUCTION)		
2 BDRM (5) 1.50 SPACES PER UNIT X .50 ( SECT 6.2.3.I.2)	4.50 (BASE) 1.9 (REDUCTION)		
RESIDENTIAL PARKING SUBTOTAL	83		<b>83 (Min.)</b>
<b>TOTAL PARKING SPACES</b>	161 TO 286 SPACES		<b>254 SPACES</b> (See Note 5)
MOTORCYCLE-SECT. 6.2.3.C (Based on 249 spaces)	2% or 5		5 -1 SURFACE, 4 GARAGE (See Note 7)
ACCESSIBLE SPACES	5		10 - 5 SURFACE, 5 GARAGE (See Note 5 and 7)
<b>CARE SHARE-SECT. 6.2.3.D</b>	1		1 (See Note 8)
<b>CHARGING STATION-SECT. 6.2.3.E</b>	1		1 (See Note 7)
<b>BICYCLE-SECT. 6.2.3.F</b>			
RESIDENTIAL (60 UNITS)	0.5 UNIT = 30 1 ST / 29 LT		30 (See Note 9) 4 ST / 29 LT (See Note 5)
MEDICAL (30,000 S.F.)	1.0/5K = 6 1 ST / 5 LT		7 2 ST / 5 LT (See Note 5)
RETAIL (13,578 S.F.)	1.0/10K = 2 1 ST / 1 LT		4 2 ST / 1 LT
TOTAL BICYCLE SPACES	3 ST / 33 LT		8 ST / 33 LT (See Note 5)

iv. *Division 6.3 Open Space and Recreation*

The Project will provide 26,260 square feet of Public Open Space, or 17% of the net tract area, which is greater than the 10% requirement. The development will provide adequate, safe, and efficient open space.

The Applicant has demonstrated that by providing the bikeway, Public Open Spaces, sidewalks, plazas, picnic and seating areas, Community Use Urban Park, indoor fitness room, resident lounge, and landscaping/lawn areas, the development satisfies the Recreational Guidelines.

**Table 6 Recreation Demand Points**

Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
TH	Townhouses and Single-Family attached	0	0	0	0	0	0	0
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
SFD	Single-Family Detached	0	0	0	0	0	0	0
Mid-Rise	Multiple-Family, 4 stories or less	60	9.60	13.80	10.80	42.60	28.80	4.80
<b>Total Demand Points =</b>		<b>60</b>	<b>9.60</b>	<b>13.80</b>	<b>10.80</b>	<b>42.60</b>	<b>28.80</b>	<b>4.80</b>

**Table 7 Onsite Recreation Supply Points**

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Bridge	1	10.00%	5.50	11	13.20	13.20	13.20	13.20
Bikeways	1	10.00%	0.53	1.52	1.78	7.03	4.75	0.53
Indoor Fitness Room	1	0%	0	1.38	1.08	10.65	5.76	0.72
Open Grass Area Lawn - Urban (2,000 sf)	1	10.00%	2.20	3.30	5.50	7.70	8.80	3.30
Resident Lounge	1	0%	0	2	5	10	8	7
Community Use Urban Park	1	10.00%	4.40	5.50	8.80	13.20	11	8.80
Picnic/Seating	1	10.00%	1.10	1.10	1.65	3.30	3.30	3.30
<b>Total Onsite Supply Points =</b>			<b>13.73</b>	<b>25.80</b>	<b>37.01</b>	<b>65.08</b>	<b>54.81</b>	<b>36.85</b>

v. *Division 6.4 General Landscaping and Outdoor Lighting*

The project provides adequate landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and efficient for residents and visitors. The Project will include streetscaping along the new private road, with widened sidewalks, paths, and lighting.

As shown in the Development Standards table and findings above, the proposed Site Plan meets all the general requirements and development standards of Division 59-4.4 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance except as follows.

In accordance with Section 6.2.10, the Applicant is requesting a waiver from Section 6.2.9.C.3.a for perimeter planting along Wildwood Estates HOA Parcel C. While the adjoining property is residentially zoned and vacant, the HOA parcel has required screening planted existing and the Applicant is proposing to add a 6-foot fence on the property line (Figure 17).

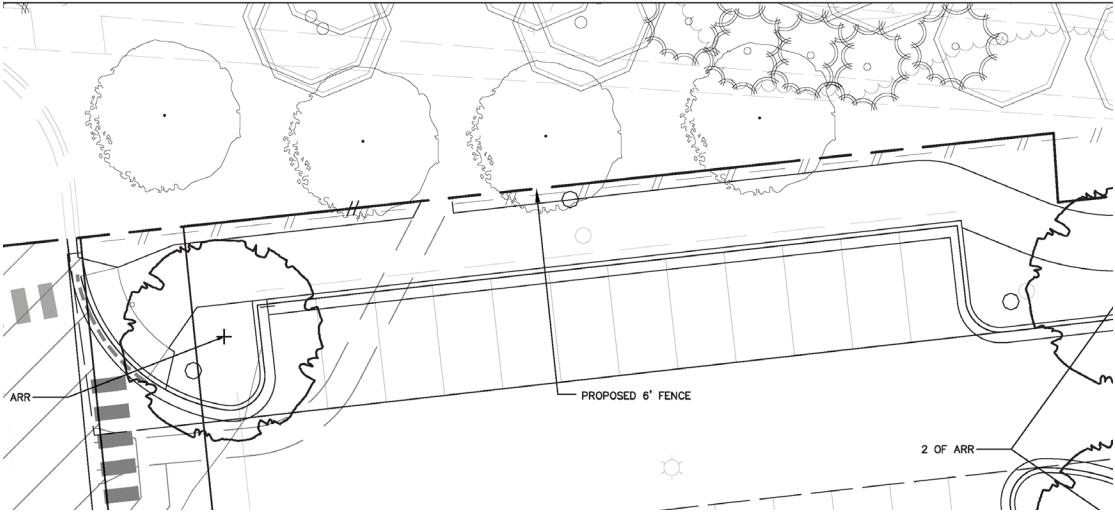


Figure 17 Perimeter Parking

e. satisfies the applicable requirements of:

- i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on November 8, 2018. Stormwater treatment will be accomplished through the use of micro bioretention, planter box micro bioretention structures, and underground structural filter to manage the Channel Protection Volume requirement.

- ii. Chapter 22A, Forest Conservation

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on February 23, 2018. The NRI/FSD documented no streams or their buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known occurrences of rare, threatened, and endangered species. This plan is in compliance with the *Environmental Guidelines*.

Final Forest Conservation Plan

The site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Final Forest Conservation Plan (FFCP) (Attachment 10) in conjunction with the Site Plan. The Preliminary Forest Conservation Plan (PFCP), including a recommendation for a variance approval for

disturbance of specimen trees on the site, is being recommended for approval as part of the Preliminary Plan for this property (Preliminary Plan No. 11989271C). The FFCP is consistent with the PFCP. There is no forest on the site. The land use, zoning and net tract area yield an afforestation requirement of 0.54 acres of forest planting. The applicant proposes to provide the afforestation mitigation through purchase of credit in an approved off-site forest bank. The mitigation must equal 0.54 acres of new forest planted or 1.08 acres of existing forest preserved.

#### Variance Mitigation Trees Required

The variance approval associated with the PFCP approval required that specimen trees being removed be replaced on-site at a ratio of one inch of replacement tree planting for every four inches diameter removed, using native shade tree planting stock of no less than three inches caliper, each. The Variance approval permits the removal of seven specimen trees totaling 251 inches, diameter. This results in required mitigation equal to 63 caliper-inches of native shade trees, or 21 trees of three inches caliper, each. These trees are shown on the FFCP and Landscape Plans for this Site Plan.

- f. *Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

As conditioned, the Site Plan provides adequate, safe, and efficient parking and circulation patterns. The Project provides well-integrated onsite surface parking with multiple access points. The Site Plan provides adequate and well-integrated open space and site amenities, circulation patterns, streetscape improvements, safe pedestrian environments, and adequate building massing consistent with the zone. These enhancements will facilitate improved pedestrian connections from nearby neighborhoods by offering access to existing and planned bikeways, transit, side paths, and retail uses.

- g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in Preliminary Plan finding two (2) above, the Property is in substantial conformance with the requirements of the 2017 *Rock Spring Sector Plan*.

- h. *will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in Preliminary Plan finding three (3) above, the Property will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

Not applicable, the Subject Property is zoned CRT.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

Based on the adherence to the Master-Plan recommended setbacks, height step-back requirements, screening, Public Open Space and bicycle and pedestrian improvements proposed, this development is compatible with both existing and approved adjacent development.

- 3. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

## **SECTION 7: CONCLUSION**

The Applications meets all requirements established in the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed lot and parcels, the development substantially conforms with the Master Plan, and the Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the applications (Attachment 5, 6 ,7, and 8). Therefore, Staff recommends approval of Preliminary Plan No. 11989271C and Site Plan No. 82008024B, with the conditions listed at the beginning of the Staff Report.