



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

MCPB
Item #
09/27/07

MEMORANDUM

DATE: September 14, 2007

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor *CC*
Development Review Division
(301) 495-4542

FROM: Stephen Smith *SS*
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for September 27, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220071160 **Higgins Estate**
220071520 **North Washington**
220071530 **Bea-Kay Acres**
220080350 **Shady Grove Life Sciences Center**

PLAT NO. 220071160

Higgins Estate

Located on the west side of Rockville Pike (MD 355), approximately 450 feet south of Nicholson Lane

TS-M zone; 1 lot

Community Water, Community Sewer

Master Plan Area: North Bethesda – Garrett Park

White Flint Crossing, LLC, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060310 and Site Plan No. 82006017A, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plans.

Note: The reduced site plan amendment included in the following pages has not been signed by Development Review Chief, Rose Krasnow. Technical staff has reviewed the site plan amendment and will ascertain all appropriate signatures on the plan prior to the requesting Chairman Hanson's signature on the record plat mylar.

RECORD PLAT REVIEW SHEET

Plan Name: White Flint Crossing Plan Number: 120060310
 Plat Name: Higgins Estates Plat Number: 220071160
 Plat Submission Date: 3-12-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:

Signed Preliminary Plan - Date 11/22/06 Checked: Initial CAC Date 5/21/07
 Planning Board Opinion - Date 9-28-06 Checked: Initial SJS Date 4-11-07
 Site Plan Req'd for Development? Yes X No Verified By: SJS (initial)
 Site Plan Name: White Flint Crossing Site Plan Number: 82006017A
 Planning Board Opinion - Date 9-28-06 Checked: Initial SJS Date 4-11-07
 Site Plan Signature Set - Date Checked: Initial Date
 Site Plan Reviewer Plat Approval: Checked: Initial Date

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths Easements ok Open Space N/A
 Non-standard BRLs N/A Adjoining Land ok Vicinity Map Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsay</u>	<u>3-20-07</u>	<u>4-6-07</u>	<u> </u>	<u>No Comments</u>
Research	Bobby Fleury	<u> </u>	<u> </u>	<u> </u>	<u> </u>
SHA	Doug Mills	<u> </u>	<u> </u>	<u> </u>	<u> </u>
PEPCO	Jose Washington	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Parks	Doug Powell	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DRD	Steve Smith	<u> </u>	<u> </u>	<u>4-6-07</u>	<u>ok</u>

Final DRD Review:

DRD Review Complete: Initial SJS Date 9/14/07
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial SJS Date 5-18-07
 Final Mylar w/Mark-up & PDF Rec'd: Initial SJS Date 8-20-07
Board Approval of Plat:
 Plat Agenda: Initial SJS Date 9/21/07
 Planning Board Approval:
 Chairman's Signature:
DPS Approval of Plat:
 Engineer Pick-up for DPS Signature:
 Final Mylar for Reproduction Rec'd:
Plat Reproduction:
 Addressing:
 File Card Update:
 Final Zoning Book Check:
 Update Address Books with Plat #:
 Update Green Books for Resubdivision:
 Notify Engineer to Seal Plats:
 Engineer Seal Complete:
 Complete Reproduction:
 Sent to Courthouse for Recordation:

No.



DATE: 10/1/54
SCALE: AS SHOWN

WHITE FLINT CROSSING PRELIMINARY PLAN

LOT 4 HIGGINS CROSSING
P.O. BOX 144
MONTGOMERY COUNTY, MARYLAND

NOTES:
1. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS OF MONTGOMERY COUNTY, MARYLAND.
2. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.
3. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SUBDIVISION MAP ACT OF MONTGOMERY COUNTY, MARYLAND.
4. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
5. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
6. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
7. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
8. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
9. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
10. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.



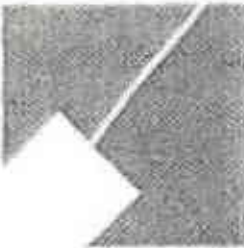
GENERAL NOTES:
1. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.
2. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SUBDIVISION MAP ACT OF MONTGOMERY COUNTY, MARYLAND.
3. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
4. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
5. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
6. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
7. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
8. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
9. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
10. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.



10/1/54
10/1/54

10/1/54
10/1/54

NOTES:
1. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.
2. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SUBDIVISION MAP ACT OF MONTGOMERY COUNTY, MARYLAND.
3. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
4. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
5. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
6. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
7. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
8. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
9. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.
10. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EASEMENT ACT OF MONTGOMERY COUNTY, MARYLAND.



SEP 28 2006

MCPB No. 06-17
Preliminary Plan No. 120060310
White Flint Crossing
Date of Hearing: April 27, 2006

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review preliminary plan applications; and

WHEREAS, on September 6, 2005, White Flint Crossing LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 4.33 acres of land located on the East side of Rockville Pike (MD 355), approximately 460 feet south of the intersection with Nicholson Lane ("Property" or "Subject Property"), in the North Bethesda Garrett Park master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060310, White Flint Crossing ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 27, 2006, Staff presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, Staff had issued a memorandum to the Board, dated March 21, 2006, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, in reaching its determination on a preliminary plan application, and in making the required findings, the Planning Board must consider and apply the purposes and applicable regulations of Montgomery County Code Chapter 50;

WHEREAS, pursuant to Montgomery County Code § 50-35(f), following a public hearing on the application, the Planning Board shall, by majority vote and based upon the evidence and testimony contained in the record, approve, approve subject to any conditions or modifications or disapprove a preliminary plan application; and

WHEREAS, on April 27, 2006, following the Hearing, the Planning Board APPROVED the Application subject to certain conditions, on motion of Commissioner Wellington; duly seconded by Commissioner Perdue; with a vote of 4-0, Commissioners Berlage, Perdue, Wellington, and Robinson voting in favor (Commissioner Bryant necessarily absent); and

WHEREAS, on April 27, 2006, the Planning Board concurrently considered Site Plan No. 820060170 for the Subject Property ("Site Plan"), and, following its action on the Preliminary Plan Application, the Board approved the Site Plan subject to conditions; and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060310 to create one lot on 4.33 acres of land located on the East side of Rockville Pike (MD 355), approximately 460 feet south of the intersection with Nicholson Lane, in the North Bethesda Garrett Park master plan area, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 223,000 square feet of retail, including 203,000 square feet of gross, leasable retail space, and up to 440 multi-family dwelling units, including 15% MPDUs.
- 2) Compliance with the specifications and requirements of the approved development plan for Zoning Application G-830, County Resolution No. 15-1144.
- 3) No clearing, grading or recordation of plats prior to approval of the Certified Site Plan.
- 4) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.

- 5) The proposed development shall comply with the conditions of the forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s), or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 6) Prior to building permit release for Point Tower (Building "A"), compliance with all exterior/plaza and interior noise mitigation recommendations and detailed building shell analysis as specified in report entitled "Phase I Traffic Noise Analysis – White Flint Crossing" Report #5283 by Polysonics Corporation dated 1/26/2006:
 - a. Certification from an acoustical engineer that the building shell for residential dwelling units will, if constructed in accord with the specified acoustical criteria, attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - b. Commitment by the builder to construct in accordance with the acoustical design criteria as specified in the noise report. An acoustical engineer must approve any changes to the building shell construction that may affect acoustical performance in writing with copy to MNCPPC staff prior to implementation and verify that the noise criteria will still be met.
- 7) Dedicate 15 feet of right-of-way for a total of 75 feet from the centerline of Rockville Pike (MD 355) with recordation of the plat.
- 8) Applicant shall provide for the extension of Executive Boulevard between Woodglen Drive and Rockville Pike as follows:
 - a. Record plat to reflect dedication of 76.5 feet of right-of-way for the master-planned extension of Executive Boulevard between Woodglen Drive and Rockville Pike with recordation of the plat.
 - b. Prior to recordation of plat, Applicant to record a declaration of covenants ("Declaration") for future dedication of an additional 3.5 feet of right-of-way for Executive Boulevard on adjoining Lot P16 and Parcel 978 along the northern property line of the subject property. Declaration to be reviewed and approved by MNCPPC staff and MCDPWT prior to recordation. Dedication shall occur upon rezoning or redevelopment of Lot P16 and Parcel 978.
 - c. Construct Executive Boulevard between Rockville Pike and Woodglen Drive with a commercial business district road alignment and cross-sectional design as approved by the Montgomery County Department of Public Works and Transportation (DPWT) in their letter dated March 17,

2006, and in accordance with the *North Bethesda/Garrett Park Master Plan* recommendations. The cross-sectional design should include the following:

- i. Four lanes for a pavement width of 46 feet at Woodglen Drive that is gradually increased to a width of 50 feet at Rockville Pike per waiver from DPWT.
 - ii. A one-foot northerly offset of the centerline compared to the existing Executive Boulevard at its intersection with Woodglen Drive, per waiver from DPWT.
 - iii. An eight-foot-wide shared-use path with concrete pavers, a panel and street trees on the north side.
 - iv. A 5-foot-wide sidewalk and outdoor café area on the south side.
 - v. The design requirements of the Maryland State Highway Administration (SHA) in their letter dated March 31, 2006 for the intersection of Executive Boulevard and Rockville Pike.
- d. Executive Boulevard shall be constructed and opened to general traffic prior to the release of any use and occupancy permits for the high-rise apartment units in Building "A", or the Point, as well as all interim traffic control improvements at Rockville Pike, as required by SHA as stated in their letter dated March 31, 2006, and in coordination with the Montgomery County Department of Permitting Services (DPS).
- 9) Applicant shall provide improvements at the intersection of Rockville Pike and the future Executive Boulevard as follows:
- a. Install a traffic signal at the intersection of Rockville Pike and Executive Boulevard, when determined by SHA to be warranted. Additional traffic counts and an updated warrant analysis shall be performed six months after Executive Blvd is open to traffic to determine if a traffic signal at this intersection is warranted. Final decision on installing a traffic signal at this intersection will be determined by SHA.
 - b. As part of the traffic signal installation, if required by the SHA, reconstruct the access point on the east side of this intersection serving the existing automobile dealership, Fitzgerald Auto Mall ("Fitzgerald"), within the Rockville Pike right-of-way. In addition, Applicant shall work with Fitzgerald on a plan to reconfigure that portion of the existing Fitzgerald

parking lot that is directly impacted by the relocation of the access point. Applicant shall pay all reasonable expenses associated with such reconfiguration.

- c. In the interim before a traffic signal is installed, design and construct the intersection of Executive Boulevard and Rockville Pike to prohibit through and left turns from eastbound Executive Boulevard. All other turning movements shall continue to be permitted.
 - d. Construct a left-turn storage bay/lane from southbound Rockville Pike into the driveway on the east side serving Fitzgerald Auto Mall, before Executive Boulevard is opened to the public.
- 10) Show on the site plan an eight-foot-wide clear space (outside the door swing and other streetscape elements) along the east side of Woodglen Drive's public right-of-way to allow users of the North Bethesda Trolley Trail to pass by the site frontage.
 - 11) The Applicant must enter into a traffic mitigation agreement (TMA) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management District (TMD). The TMA must be signed and executed by all parties prior to the issuance of the initial building permit for the project and shall continue in force in perpetuity.
 - 12) Applicant shall provide 20 bicycle parking spaces, of which six spaces shall be inverted-U or hitch racks installed as part of the streetscape improvements along Executive Boulevard and Woodglen Drive; 14 spaces shall be bike lockers installed in the parking garage.
 - 13) Compliance with the conditions of MCDPWT letter dated March 17, 2006, unless otherwise amended.
 - 14) Compliance with the conditions of SHA letter dated March 31, 2006, unless otherwise amended.
 - 15) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
 - 16) Access and improvements as required by MDSHA prior to issuance of access permits. Final approval of the number of dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.

- 17) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 5, 2005.
- 18) Provide a minimum of 18' sidewalk along Woodglen Drive and Executive Boulevard extended with tree pits and landscaped areas.
- 19) Provide a minimum of 15' sidewalk along the festival street for safe and desirable pedestrian circulation on the site.
- 20) Screen open sections of parking in the garage from the existing townhouses along Woodglen Drive. Block headlights from shining into the windows of the homes. In addition, provide cut-offs inside the garage to prevent any light from spilling over into the townhouses.
- 21) Encourage undergrounding the utility poles to allow for optimum sidewalks and adequate tree planting areas.
- 22) Encourage meeting the amenity requirements on-site with any additional amenities devoted to the future North Bethesda Trolley Trail facility planned for the west side of Woodglen Drive.
- 23) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 24) Other necessary easements.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, the testimony of the Applicant and speakers in favor of and in opposition to the Application, and other evidence contained in the Record, which is hereby incorporated in its entirety into this Resolution, the Montgomery County Planning Board FINDS that:

1. *The preliminary plan substantially conforms to the master plan.*

The proposed preliminary plan is subject to the North Bethesda Garrett Park Master Plan and the White Flint Sector Plan (collectively the "Master Plan").

a) Master Plan Objectives

The stated objectives of the Master Plan for the subject area are to:

- i. Develop White Flint as the main urban center of North Bethesda: Located within the White Flint Sector Sub Area 6, the proposed development will include the construction of the extension of Executive Boulevard from Woodglen Drive to Rockville Pike. The proposal will add a street grid to create a more interconnected local street network in the White Flint Metro Station area. The Master Plan recommends that Executive Boulevard be extended to cross Rockville Pike and connect to Huff Court. This street is classified by the Master Plan as a business district street with an 80-foot right-of-way and four planned through lanes. The planned roadway was proposed as a segment of the ultimate street system in White Flint.
- ii. Promote mixed-use development near the Metro station to ensure the 24-hour vitality of the area: The proposed development is the type of mixed-use development envisioned by the Master Plan, which recommends, at page 52, a more intensive mixed-use development pattern for White Flint with the "emphasis on employment east of the Pike and housing west of the Pike. The tallest buildings are proposed adjacent to the Pike, stepping down in height to the east and west" The presence of both residential and retail uses in a setting with an attractive public realm will contribute to the liveliness of the area at various times of the day and week.
- iii. Include a significant transit serviceable residential component: The proposed development will provide 440 new residential units within a 10-minute walk of the White Flint Metro Station. The project will also provide MPDUs in an amount equal to 15% of the number of dwelling units constructed. Because the Subject Property was rezoned from the C-2 zone to TS-M zone, the Preliminary Plan proposes mixed-use, transit-oriented development with a greater residential density than could otherwise be achieved. The 1992 master plan was flexible in calculating the affordable housing mix. For this project, the number of MPDUs was calculated using the new MPDU legislation. The plan is consistent with the Planning Board recommendations, the binding elements in the zoning case and Development Plan, and the Master Plan. Affordable housing has been very hard to attain in the Bethesda/North Bethesda areas (due to buy-outs, etc.). This project will construct 15 percent or 66 MPDUs on-site.
- iv. Ensure a lively pedestrian environment: The proposed development will add to the pedestrian "friendliness" of White Flint. The design includes a festival street for use by the residential, commercial, and employment communities, which provides pedestrian connections to future Executive Boulevard extended, Security Lane, and Rockville Pike through the development.

b) Density of Development

With respect to density of development, the Master Plan limits the FAR to 2.0 (in the TS-M recommended areas within the White Flint Sector Plan), with a maximum cap of 2.4, provided that the increase is all residential and is at least 50 percent affordable housing. The proposed FAR is 2.29 and the Board finds, based on Staff's analysis, that the proposed development meets the intent of the master plan.

c) Executive Boulevard

An express recommendation of the Master Plan is to "[e]xtend Executive Boulevard east to meet Huff Court." Master Plan at 51. As a condition of its approval of the instant Application, the Planning Board requires Applicant to construct the master-planned segment of Executive Boulevard between Woodglen Drive and Rockville Pike through the subject site in order to provide essential vehicular circulation and access. Staff advised the Board that they had analyzed the alignment of Executive Boulevard from Woodglen Drive to MD 355 and that they had determined that the Applicant's alignment complies with the recommendations of the Master Plan. Staff and the Applicant informed the Board that the proposed alignment, including a proposed one-foot offset of the centerline of the road, is supported by M-NCPPC, DPWT, and SHA staff.

The Planning Board heard testimony and received evidence from the Applicant, Staff, and a representative of Fitzgerald Auto Mall (in opposition to the alignment). Having considered all the relevant testimony and evidence, the Board finds that the proposed alignment of Executive Boulevard extended through the Subject Property is in substantial conformance with the alignment recommended in the Master Plan. In arriving at the latter finding, the Board relies, in part, on Figure 10, at page 291 of the Master Plan (Proposed Ultimate Street System – White Flint). That Figure makes clear that the Master Plan recommends that the master-planned portion of Executive Boulevard, between Woodglen Drive and Rockville Pike was intended to align with the existing Executive Boulevard west of Woodglen Drive. Figures 18 and 19, contained in the White Flint Sector Plan Area section of the Master Plan, also support that view. Evidence and testimony of record demonstrates that the centerlines of the two segments of Executive Boulevard will be substantially aligned. The Board concurs with Staff that the final alignment for the extension of Executive Boulevard east of Rockville Pike may be determined in the future and finds that the Planning Board is not required to make such a determination through this Application.

The Board rejects Fitzgerald's arguments that Code § 50-30(c) requires the Board to establish, at the time of its review of this Application, the final alignment of Executive Boulevard east of Rockville Pike, in order to coordinate that segment of the

master planned road with the proposed extension west of Rockville Pike. In support of its position, the Board notes that Staff and Applicant's consultant advised the Planning Board—and the Board concurs—that the proposed alignment through the Subject Property does not preclude options on the east side of MD 355 for minor offset of the centerline or other roadway alignment options that may be necessary to address site conditions on the east side of MD 355.

The Applicant testified that, as a part of the Woodglen Commons application, concerning property to the north of the Subject Property, the Applicant was required to identify the location at which Executive Boulevard extended would cross into the Fitzgerald property and that there was no objection at that time or during the rezoning case for the Subject Property.

The Preliminary Plan proposes 76.5 feet of right-of-way dedication for Executive Boulevard extended and is conditioned on the recordation, prior to recordation of the plat, of a declaration of covenants for future dedication of an additional 3.5 feet of right-of-way for Executive Boulevard extended on adjoining Lot P16 and Parcel 978 to the north of the subject site, which properties are owned by the Applicant. The Board finds that the present dedication of 76.5 feet substantially conforms to the Master Plan recommendation for an 80-foot right-of-way. Moreover, the Board finds that the requirement for future dedication of 3.5 feet of the right-of-way ensures that the approval is consistent with Chapter 50 minimum street width requirements and, therefore, no waiver is required for a reduction in the width of right-of-way. The Board notes that Staff and the Applicant informed the Board that the initial dedication area is sufficient to provide all the necessary road improvements. The ultimate 80-foot right-of-way will allow for future widening of the shared-use path on the north side of the road if sidewalk cafes are proposed when the northern property develops.

Associated with the alignment of Executive Boulevard extended is the issue of the Executive Boulevard/MD 355 intersection, and its potential impact on the access point to Fitzgerald's Auto Park facility. During its deliberations at the Hearing, the Board addressed Fitzgerald's concerns regarding the staff-recommended condition, which had required Applicant to reconstruct Fitzgerald's driveway. The Board spent a great deal of time discussing and soliciting testimony on various aspects of the Executive Boulevard/MD 355 intersection, including the existing access point to Fitzgerald's property. The Board is persuaded, based on the testimony of its Staff and the Applicant's civil engineer, that the Maryland State Highway Administration ("SHA") has jurisdiction over all median modifications and access points within the Rockville Pike right-of-way. As such, if in the future SHA approves a signalized intersection, the existing Fitzgerald property access point shall be relocated, as required. At the Hearing, the Board crafted a condition that, in the event SHA requires the installation of a traffic signal, requires the Applicant to: (1) reconstruct the aforementioned access point; (2) work with Fitzgerald on a plan to reconfigure that portion of the existing

Fitzgerald parking lot that is directly impacted by the relocation of the access point; and (3) pay all reasonable expenses associated with such reconfiguration. The Board finds that such a condition is reasonable, promotes safety, and is fair to Fitzgerald, in that the Applicant will bear the reasonable costs of reconfiguring those directly impacted portions of Fitzgerald's parking lot.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

a) Pedestrian and Bicycle Facilities

Adequate sidewalks exist or will be provided along the adjacent roadways and internal streets, with pedestrian access directly from Rockville Pike to the proposed promenade mid-block between Executive Boulevard extended and Security Lane. In addition to the existing bikeway along Woodglen Drive, the master-planned bikeway will be constructed along the extension of Executive Boulevard between Woodglen Drive and MD 355.

b) Available Bus Service

Transit service is available along the segment of Rockville Pike fronting the site via Ride-On routes 5, 38, and 46, and Metrobus route J-5. No transit service operates along Woodglen Drive.

c) North Bethesda Transportation Management District ("TMD")

The proposed development is located within the boundary of the TMD. Therefore, the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the TMD to assist the County in achieving and maintaining the 39% non-auto-driver mode share for employees and 30% non-driver mode-share goal for multi-family residents. As conditioned, the Applicant must enter into a traffic mitigation agreement with the DPWT and M-NCPPC.

d) Traffic Signal Warrants at New Rockville Pike and Executive Boulevard Intersection

The Applicant's traffic engineer prepared a traffic signal warrant study for SHA's review. Evidence of record shows that five of the signal warrant conditions for minimum vehicular volumes in the Manual of Uniform Traffic Control Devices were met using the projected traffic generated by the proposed development. In a March 31, 2006 letter to Transportation Planning Staff, the SHA states that it "does not support the installation of a traffic signal at the MD 355/Executive Boulevard intersection. However, in the same letter, the SHA did agree to review any updated Traffic Signal Warrant Studies that are

submitted by the developer at least six months after Executive Boulevard extended to MD 355 is open to traffic.

e) Local Area Transportation Review

Staff advised the Board that a traffic study was required to satisfy Local Area Transportation Review ("LATR") because the proposed development generates 30 or more total peak-hour trips during the weekday morning or evening peak periods. The traffic conditions analyzed included the existing, background, and total future traffic conditions. Staff informed the Board that the study determined that the calculated critical lane volumes for all analyzed intersections are less than the intersection's applicable congestion standard and advised the Board that the proposed development meets LATR requirements.

The Board questioned Staff regarding concerns raised at the Hearing by representatives of Fitzgerald and the Garrett Park Estates-White Flint Park Citizens' Association ("Citizens' Association"), generally contesting the adequacy of the traffic study. Transportation Planning Staff generally testified that the methodology used in analyzing the instant Application is consistent with that utilized for other large mixed-use developments. Staff walked through its analysis, justifying, based on the proposed uses, the reductions in trips that it factored into the analysis. Staff testified that LATR guidelines were not used to calculate trip generation rates because those guidelines are only accurate for a development of up to 200,000 square feet, which square footage the proposed development exceeds. Staff confirmed that it instead used ITE trip generation rates, as is its practice for larger developments. The Citizens' Association representative conceded that the Staff is permitted to utilize that methodology in its analysis of such cases. With respect to the count of existing trips, Staff confirmed that counts were performed as a part of the traffic study and that the fact that the Citizens' Association may have had a different result in counts it performed is of little consequence as such counts can vary from day to day. Additionally, both Staff and the Applicant confirmed that the analysis was performed, consistent with applicable guidelines, based on the gross leasable figure of 203,000 square feet.

The Board, having considered the arguments of all parties and its Staff, and relevant evidence of record, is persuaded that Staff followed the proper methodology in analyzing the instant Application.

f) Executive Boulevard/Rockville Pike Intersection

During its deliberations at the Hearing, the Board addressed Fitzgerald's concerns regarding the staff-recommended condition, which had required Applicant to reconstruct Fitzgerald's driveway. The Board spent a great deal of time discussing and soliciting testimony on various aspects of the Executive Boulevard/MD 355 intersection,

including the existing access point to Fitzgerald's property. The Board is persuaded, based on the testimony of its Staff and the Applicant's civil engineer, that the Maryland State Highway Administration ("SHA") has jurisdiction over all median modifications and access points within the Rockville Pike right-of-way. The record is clear that the SHA does not support the installation of a traffic signal at that intersection at the present time, for reasons set forth in a letter dated March 31, 2006 to Transportation Planning Staff. That letter also makes clear the position of SHA that motorists exiting the Fitzgerald Auto Park should be allowed to turn left, onto southbound Rockville Pike. Having heard the concerns of Fitzgerald that the extension of the MD 355 median northward would inhibit or render unsafe such left turns from Fitzgerald Auto Park, the Board obtained a commitment from the Applicant that no such median extension would be constructed until, and if, traffic lights are approved and installed at the intersection. The Board notes, however, that the conditions as proposed and approved did not and do not require such a northward extension of the median. The above-discussed SHA letter is clear that the only turning movement prohibited in the intersection is the left turn from eastbound Executive Boulevard onto northbound Rockville Pike; the conditions of approval are consistent with this SHA requirement.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*
4. *The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Staff advised the Board that forest conservation requirements of 0.89 acres of afforestation shall be met through use of credits for shade tree canopy onsite and within surrounding rights-of-way. The approval of this Application is conditioned upon the satisfaction of all conditions of the associated forest conservation plan prior to the recordation of the plat or issuance of sediment and erosion control permits, as applicable.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site*

The Department of Permitting Services, through letter dated July 5, 2005, advised the Applicant that the stormwater management concept for the site is acceptable.

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

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code

Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plan for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 28 2006 (which is the date that this Resolution is mailed to all parties of record); and


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

At its regular meeting, held on **Thursday, September 14, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Wellington, seconded by Commissioner Perdue, and with Commissioners Perdue, Wellington, and Robinson voting in favor, and with Chairman Hanson and Commissioner Bryant abstaining. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120060310, White Flint Crossing**.

Adopted by the Montgomery County Planning Board this 14th day of September 2006.



Royce Hanson
Chairman, Montgomery County Planning Board



Trudye M. Johnson
Executive Director

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

SEP 28 2006

MCPB No. 06-18
Site Plan No. 820060170
White Flint Crossing
Date of Hearing: April 27, 2006

MONTGOMERY COUNTY BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review site plan applications; and

WHEREAS, pursuant to Montgomery County Code § 59-D-3.4 (b), following a public hearing on the application, the Planning Board must, by resolution, approve, approve with conditions or disapprove a proposed site plan; and

WHEREAS, the Planning Board, in reaching its decision on a site plan, must determine that the site plan meets all the requirements of Code Section 59-D-3.4(c); and

WHEREAS, on October 19, 2005, White Flint Crossing, LLC, ("Applicant"), filed an application for approval of a Site Plan for 440 multi-family dwelling units, including 66 MPDUs, and 223,000 square feet of retail on 5.91 gross acres of TSM-zoned land on the west side of Rockville Pike, approximately 460 feet south of its intersection with Nicholson Lane, ("Property" or "Subject Property"); and

WHEREAS, on September 20, 2005, the District Council approved zoning application, G-830, and its Development Plan for the reclassification from the C-2 zone to the TSM-zone for the Subject Property; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060170, White Flint Crossing ("Application" or "Site Plan"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 27, 2006, Staff

presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, on April 14, 2006, prior to the Hearing, Staff had issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record ("Record") on the Application and approved the Application subject to certain conditions, on Motion of Commissioner Wellington, duly seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Berlage, Perdue, Wellington, and Robinson voting in favor (Commissioner Bryant necessarily absent)

WHEREAS, on April 27, 2006, the Planning Board concurrently considered Preliminary Plan No. 120060310 for the Subject Property ("Site Plan"), and, prior to its action on the Site Plan Application, the Board approved the Preliminary Plan subject to conditions; and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Site Plan No. 820060170 for up to 440 multi-family dwelling units, (including 15% MPDUs), and up to 223,000 square feet of commercial development on 5.91 acres in the TS-M zone, subject to the following conditions:

1. Development Plan Conformance

The development shall comply with the binding elements of Development Plan G-830. The ground floor of each building shall be in commercial use, except for residential lobbies and other ancillary residential uses associated with the residential buildings. The amount of commercial development shall not be less than 130,000 square feet.

2. Preliminary Plan Conformance

The development shall comply with the conditions of approval for Preliminary Plan 120060310.

3. Building Height

Buildings heights shall be measured as shown on Site Plan 820060170, and as amended as follows: The measuring point used to measure the height of Building C shall be shown along Executive Boulevard at the curb grade opposite the middle of the front of the building to the highest point of the roof surface of the flat roof, per Section 59-A of the Zoning Ordinance.

4. Architecture

Buildings shall be constructed in substantial conformance with the architectural plans and elevations prepared by Torti Gallas & Partners, as revised and dated March 6, 2006, and as subsequently amended by the following conditions: (a) The top of the Point Tower, which is intended to be developed as a landmark, shall be designed and constructed in substantial conformance with the approved elevations, and (b) All service areas will be completely enclosed within the buildings and will be equipped with garage doors to fully screen view of loading activities.

5. Streetscape Improvements

The plans shall be revised to address the comments of DPS contained in the March 20, 2006 memorandum from Navid to Komes.

6. Transportation Division Memo

Conditions of M-NCPPC Transportation Planning Division memo dated April 6, 2006.

7. Public Art

Prior to submission of the certified site plan, the Applicant shall present a fully developed and detailed program for the public art component to the Art Review Panel for approval, and shall revise the site plan drawings to incorporate the approved public art.

8. Certified Site Plan

Prior to certified site plan approval of site and landscape/lighting plans, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. All building setbacks shall be clearly dimensioned on the site plan.
- b. Provide adequate spot elevations in the plaza, paseo and along walkways, to ensure ADA accessibility and positive drainage. Provide spot elevations at the top and bottom of all walls and steps and ramps.
- c. Add the required number of bicycle and motorcycle parking spaces to the development data table and locate them on the plan.
- d. The location of all required handicap accessible parking spaces shall be identified on the plan.
- e. Demonstrate that all light fixtures shall be full cut-off fixtures or shall be able to be equipped with deflectors, refractors or reflectors, on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential property.
- f. Additional trees and landscape planting shall be added to soften the plaza area and pedestrian walkway from Rockville Pike to the Plaza.
- g. Provide construction details for the trellis and screens proposed along the south façade of the building along the Service Lane.

- h. Provide a section through the planter/planting bed for all trees planted over top of structures that demonstrates that all trees planted over structure will have enough soil volume to encourage growth and maintain the health of the trees.
- i. The pedestrian area of the sidewalk on the south side of Executive Boulevard shall be a minimum of seven-feet wide, free of café seating.
- j. Details for a new attractive bus shelter as approved by DPWT and MNCPPC staff shall be added to the plans.
- k. The location of the benches along Rockville Pike shall be revised with a better orientation to the pedestrian space.
- l. The Recreation Facilities chart shall be amended in conformance with the chart provided at page 15 of the Staff Report. Provide details of the fitness equipment to be included in the indoor fitness facility in conformance with the standards contained on page 44 of the *Recreation Guidelines*.
- m. The Shared Parking Analysis Table, which appears on the site plan, shall be revised in accordance with the table entitled "White Flint Shared Parking Analysis per Section 59-E-3.1", which is located on page 14 of the Staff Report .
- n. The west elevation of the building along Woodglen Drive shall be revised and annotated to ensure that parking will not be visible from Woodglen Drive and from the confronting residential development. Special attention shall be given to screening the view of parked and moving vehicles and lighting within the garage.
- o. The east elevation of Buildings A and B, which front onto Rockville Pike, shall be revised to provide an "activated edge" and will minimize expanses of blank walls at the pedestrian level. The elevations shall be clearly annotated to demonstrate the location of windows, doorways, etc.
- p. Special consideration shall be given to the architectural design of all four sides of the penthouse on the Point Tower, to ensure that the highly visible top of the building is designed as an area landmark as envisioned by the Master Plan. The final design of the penthouse shall be included in the certified site plan.
- q. The plans shall be amended to reflect the relocation of the existing overhead utility lines and poles on the east side of Woodglen Drive to the west side of Woodglen Drive or shall be located underground.
- r. The Public Amenity Plan shall be revised to eliminate the following areas from the passive and active recreation area calculations: the residential lobby of Building A, internal access corridor between the parking structure and the Paseo, the island in the center of the vehicular drop-off from the area, and the areas in the public right-of-way created by the right-of-way truncation.

- s. The location of the garage intake and exhaust vents shall be added to the plans. Special consideration shall be given to the location of these vents so as not to impact the use of the pedestrian areas or to adversely impact the health of landscape plant materials. Every reasonable effort shall be made to relocate and/or reduce the number of grates proposed in the sidewalk along Rockville Pike.
- t. A plan shall be submitted that demonstrates that a safe barrier-free route exists or will be provided between the interim parking facility and Rockwal I and II until the permanent parking facility is completed.
- u. The Applicant shall provide a letter to the Development Review staff from the Old Georgetown Village Condominium ("OGVC") confirming that adequate evergreen planting has been planted by the Applicant on the Old Georgetown Village Condominium property boundary, consistent with OGVC's request in its letter to the Chairman, dated April 4, 2006, and Applicant's proffer at the Hearing.

9. Master Plan Compatibility

- a. Provide a minimum of 18-foot wide sidewalk along Woodglen Drive and Executive Boulevard extended, with tree pits and landscaped areas.
- b. Provide a minimum of 15-foot wide sidewalk along the festival street for safe and desirable pedestrian circulation on the site.

10. Forest Conservation

The proposed development shall comply with the conditions of the forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s), or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits:

- a. Submission of financial security to M-NCPPC for tree planting needed to meet afforestation requirement.
- b. Approval of Maintenance and Management Agreement by M-NCPPC staff prior to first inspection of planted areas.
- c. Required site inspections by M-NCPPC monitoring staff per Section 110 of the Forest Conservation Regulations, as applicable.

11. Noise Study

Prior to building permit release for Building A, the "Point Tower", compliance with all exterior/plaza and interior noise mitigation recommendations and detailed building shell analysis as specified in report entitled "Phase I Traffic Noise Analysis - White Flint Crossing" Report #5283 by Polysonics Corporation dated 01/26/2006:

- a. Certification from an acoustical engineer that the building shell for residential dwelling units will, if constructed in accord with the specified acoustical criteria, attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. Commitment by the builder to construct in accordance with the acoustical design criteria as specified in the noise report. An acoustical engineer must approve any

changes to the building shell construction that may affect acoustical performance in writing with copy to MNGPPC staff prior to implementation.

12. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 8, 2005.¹³ Development Program

Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of certified site plan. The Development Program shall include a phasing schedule as follows:

- a. Streetscape improvements including paving, lighting, street furniture and tree planting for Woodglen Avenue, Executive Boulevard, Rockville Pike (including the rain garden), Festival Street, and the service lane shall be installed as site construction is completed, but no later than six months after issuance of the first use and occupancy permit for buildings with frontage on the applicable street. A copy of the use and occupancy permit shall be provided to site plan enforcement staff within 10 days of issuance so that staff can initiate the inspection process.
- b. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- c. Phasing of dedications, stormwater management, sediment/erosion control, pedestrian paths, trip mitigation or other features.
- d. The Plaza (and associated pedestrian access walkways) including all paving, planting, lighting, fountain, site furnishings and public art shall be completed no later than six months after the issuance of the first use and occupancy permit for buildings A or B. A copy of the use and occupancy permit shall be provided to site plan enforcement staff within 10 days of issuance so that staff can initiate the inspection process.
- e. The rooftop courtyard and recreation amenities proposed for the courtyard and in interior spaces within the residential buildings shall be completed no later than 6 months after the issuance of the first use and occupancy permit for residential units in buildings A or C. A copy of the use and occupancy permit shall be provided to site plan enforcement staff within 10 days of issuance so that staff can initiate the inspection process.

14. Demolition, Clearing and Grading

No demolition, clearing, or grading, prior to M-NCPPC approval of certified site plan of plans, except for the existing hotel structure.

BE IT FURTHER RESOLVED THAT the Board hereby grants the Applicant's request to (1) reduce the amount of parking required for the retail use, pursuant to Section 59-E-3.32; and (2) to reduce the residential parking requirement by 15%, pursuant to Section 59-E-3.33; and

BE IT FURTHER RESOLVED, that all site development elements shown on White Flint Crossing plans stamped by the M-NCPPC on March 6, 2006, shall be required except as modified by the above conditions of approval; and

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

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and other evidence contained in the Record, which is hereby incorporated in its entirety into this Resolution, the Montgomery County Planning Board FINDS that:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Montgomery County Code § 59-D-1.64.*

The Board finds that the Site Plan is in conformance with the approved development plan, G-830, for the TS-M zoned property, as approved by the District Council on September 20, 2005. Below, are listed the binding elements and a brief discussion demonstrating the conformance:

(i) Development of the property shall be limited to 649,114 square feet of development (that includes 60,000 square feet of cellar space). The total amount of residential development on the property (including the number and percentage of MPDUs) may increase as a result of the conversion of commercial to residential use so long as the ground floor of each building remains commercial (except for residential lobbies and other ancillary residential uses associated with those buildings at the ground level). The minimum amount of commercial development will be 130,000 square feet.

The proposed site plan includes 649,114 square feet of development, including approximately 59,900 square feet of cellar space. The first floor of each building is proposed and approved for commercial use. A total of 163,100 square feet of the project (not including cellar space) will be devoted to commercial uses.

(ii) The Applicant shall provide up to 15% of the total number of residential units as MPDUs depending on the amount of the density bonus achieved by the Applicant pursuant to Chapter 25A of the Montgomery County Code, as amended 2004. The total number, mix and location of the residential units, including the MPDUs, shall be determined at site plan. All MPDUs shall be provided on site.

The Site Plan Application proposed and the Board approves up to 440 dwelling units including 15% MPDUs. The MPDUs include the same proportional mix of unit types as the market rate units. A letter dated April 10, 2006 from Montgomery County Department of Housing and Community Affairs states that the number, mix, and ratio of the MPDUs, as presented, is acceptable.

(iii) The following maximum height limitations shall apply to the development: (i) up to 24 stories for the building A located at the northeast corner of the property along Rockville Pike, (ii) up to six stories for the building(s) located along Woodglen Drive and (iii) the height of the parking structure located west of Festival Street, if any, shall be no greater than the height of the adjacent residential building(s) along Woodglen Drive. The final determination of the height, in feet, of each of the buildings referenced on the development plan shall be made at site plan.

The following building heights were proposed and are approved by the Board: (i) Building A, located in the northeast corner of the site along Rockville Pike, will be 24 stories and 289 feet tall, as measured from the level of the approved street grade for Executive Boulevard extended, opposite the middle of the front of the building to the top of the flat portion of the roof. (The approved height does not include the rooftop penthouse structure housing mechanical equipment.) Building C, located in the northwest corner of the site, between Executive Boulevard, the service lane, Woodglen Drive and Festival Street varies in height with the grade and will be between six and seven stories. In conformance with the binding element, the height of the building along Woodglen Drive is six stories. The proposed and approved height of the building is 84 feet, measured from the level of the approved street grade opposite the middle of the front of the building along Executive Boulevard. The layout of the buildings has changed since the development plan was approved. The majority of the parking is now located below grade in an underground parking structure, rather than in a seven-story, above grade parking structure as conceptually represented on the Development Plan. The portion of the building west of Festival Street is primarily residential, with an integrated level of parking above the grocery store. The height of the building is consistent across the block, approximately 84 feet tall. However, because the site slopes from northwest to southeast, an additional floor is possible along Festival Street. This change in grade was recognized at the Development Plan stage and is represented on the approved Development Plan. Although the height of Building B was not specified in the Binding Elements of the Development Plan, the submitted architectural drawings indicate that the building will be 2 stories and 82 feet tall, as measured from the street grade along Rockville Pike opposite the middle of the front of the building to the highest point of the roof.

Staff informed the Board that, subsequent to the approval of the Development Plan, plans were submitted and reviewed by MCDPWT for the extension of Executive Boulevard. Staff further informed the Board that MCDPWT has determined that the pavement width for Executive Boulevard must be a minimum of 46 feet wide, increasing to 50 feet near its intersection with Rockville Pike. As a result, the width of the sidewalk on the south side of Executive Boulevard has decreased from 20 feet to 18 feet. Staff advised the Board that such a reduction is, in its expert view, acceptable; the Board concurs with the Staff position.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Planning Board finds that the Application meets all of the standards and requirements of the TS-M Zone. In its Staff Report, Staff presented a data table, which listed the Zoning Ordinance development standards requirements for the TS-M Zone, the standards approved in the Development Plan and the development standards proposed for approval. The Board finds that the Site Plan meets all of the requirements of the TS-M Zone, based on the aforementioned data table and other relevant information contained in the Staff Report describing the requirements of the TS-M Zone, and Staff and Applicant Hearing testimony. The development standards approved by the Planning Board are set forth below:

Approved Development Standards
(TS-M Zone)

Development Standard	Approved by Planning Board for Site Plan No. 820060170 and Binding on Applicant
Min. Gross Tract Area (sf.):	257,309 (5.907 ac.)
-Exec. Blvd. Dedication	42,112
-MD 355 Dedication	26,535
Net Lot Area (sf):	188,662 (4.33 ac.)
Gross Floor Area (sf.)	
-Commercial retail on or above grade	163,100
-Commercial-cellar space (not incl. In FAR)	59,900

-Total Commercial	223,000
-Base Residential	349,274
Total FAR square Footage	512,374 (1.99 FAR)
Bonus Residential Density	76,840 (22% of base)
Total Residential incl. MPDUs	426,114
Total FAR square footage plus Bonus Residential Density	589,214 (2.29 FAR)
Total square footage incl. cellar space	649,114
Number of Residential Units	
-Market Rate	374
-MPDUs	66 (15% of Total)
Total Number of Residential Units	Up to 440
Open Space (%/sf):	
-Public Use Space	10%/18,867
-Active/Passive Rec. Space	25%/47,165
Total Open Space	35%/66,032
Maximum Building Height:	
-Building A	24 Stories (289 feet)
-Building B	2 Stories (82 feet)
-Building C	6-7 Stories (84 feet)
Building Setbacks (ft.):	
-Building A - Rockville Pike	10
-Building A – Exec. Blvd.	1
-Building B - Rockville Pike	10
-Building B – Service Lane	11'-6" (from curb)
-Building C –	20 (from curb)

Woodglen Dr.
 -Building C – Exec. 18 (from curb)
 Blvd.

Parking (Residential-
 market rate):
 (37) Eff. Units 37
 @ 1sp./unit
 (206) 1BR @ 1.25 258
 sp/unit
 (122) 2 BR 183
 @ 1.5sp/unit
 (9) 3 BR @ 2.0 sp/unit 18

Parking (Residential-
 MPDUs):
 (7) Eff. Units 4
 @ .5sp./unit
 (36) 1BR @ .625 23
 sp/unit
 (21) 2 BR @ .75sp/unit 16
 (2) 2BR + 3
 Den @ 1.5sp/unit
 Total Residential 461* **
 Parking

Parking-Commercial
 (See table on page 14
 of Staff Report)

Total Commercial and 1,550**
 Residential Parking

*15% credit taken for proximity to Metro per Section 59-E. 3.33(a).

**The total number of residential parking spaces provided will be based on final unit count.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Buildings

Staff advised the Board that a podium of mid-rise buildings has been introduced to shape a strong pedestrian-focused public realm in and around the project. The scale of the podium ranges from 4-7 stories and is comprised of ground floor retail uses and residential uses above. At one location within the development, the Applicant proposes a "point tower", to create a landmark gateway for the southern edge of the White Flint area. Staff advised the Board that such an approach to crafting urban blocks and districts is a proven method of making successful high-density neighborhoods, citing successful examples of this approach in Vancouver, Seattle, San Diego, and Toronto.

A majority of the project's ground floor space will be devoted to various retail uses, restaurants, and an anchor retail space that is proposed to house a "Whole Foods" grocery store. Additionally, a partial second floor of retail will be provided along the eastern half of the project. The retail and restaurant uses are envisioned to serve the surrounding residential neighborhood to the west, the residential component of the project itself, and the employees of several office buildings both to the north and south of the Property.

A residential component, consisting of two to three buildings of varied character and scale will be located above the retail element. A landmark hi-rise residential building with a two-story retail podium is proposed at the corner of Rockville Pike and Executive Boulevard. A smaller two-story mid-rise building is proposed adjacent to this building, also along Rockville Pike. A third building is proposed along Woodglen Drive in the form of a four to seven story mid-rise residential/retail building. The third building will contain two-story retail along a portion of its perimeter and single story retail along Executive Boulevard and part of Woodglen Drive.

The majority of the project's parking will be housed in a below-grade parking structure that is accessed from the new Service Lane and from Executive Boulevard. A smaller portion of the project's parking will be located in an above-grade parking structure in the western block that will be accessed from Woodglen Drive.

Service access for the project is handled discreetly along a proposed Service Lane at the project's southern edge. Service points for both the project and the adjacent office buildings to the south are located along this narrow street. This service approach removes this use from the more public street edges around the project.

The project is envisioned as both a Smart Growth Project, sited near the White Flint Metro and certified by the Smart Growth Alliance, and a Green Development. The project is foreseen to be capable of achieving at least 21 LEED points. This achievement clearly heightens the project's status as a green development in addition to its many smart growth qualities. The green building features that will achieve the LEED points are currently under investigation to determine the most appropriate set of green development features that the project will be able to provide.

b. Open Space

The plan proposes approximately 10% (18, 866 sf) of the site will be in public open space, meeting the 10% minimum requirement. The open space is located primarily along both sides of the Paseo (Festival Street) adjacent to the improved public right of way along Rockville Pike and includes the pedestrian accessway between Rockville Pike and the internal plaza. Approximately 25% of the site is devoted to Active and Passive Recreation Space, again meeting the minimum 25% requirement of the TS-M zone. The active and passive recreation space includes the courtyard and swimming pool area associated with Building C, a majority of the internal Plaza area, landscape areas and sidewalks along the service drive, narrow strips of sidewalk 1-2 feet in width along the Woodglen and Executive Boulevard frontages, the residential lobby of Building A, and an internal corridor between the parking structure and the Paseo. Staff advised the Board that, in its expert view, internal corridors, building lobbies and or parking lot islands do not fulfill the intent of passive and active recreation space; and, therefore, Staff had recommended the addition of a condition, which requires that the plans be revised to demonstrate on the certified site plan plans that requirements for both the amount and nature of the public use and active and passive recreation space are fully met.

The proposed stormwater management concept consists of on-site channel protection measures via underground storage; on-site water quality control via separator sand filters or Stormfilters and a possible green roof. On-site recharge will not be required. Stormwater Concept was approved by DPS on July 5, 2005 and reconfirmed on March 15, 2006.

c. Landscaping and Lighting

The proposed landscape of the White Flint Crossing Project, as amended by the conditions above, is designed to provide an engaging and pedestrian-friendly urban experience and is adequate, safe, and efficient. In keeping with the North Bethesda Master Plan, it places special emphasis on human scale and ease of access appropriate to the developing urban fabric of the White Flint transit stop

area while at the same time relating to the program of the proposed buildings. Streets and sidewalks are sufficiently separated from the automobile and sheltered by canopy trees to provide pedestrian safety and comfort. Café areas and small places for public gathering and relaxation are arranged throughout the project to foster active, busy, and safe public space.

Detailing of the site is intended, like the architecture, to be contemporary, while also establishing a unique character for the White Flint Community. Details such as small-sized stone and concrete pavers, small benches, and hedges and varied ground covers; all work toward providing a rich walking experience.

Environmental sustainability is emphasized throughout. A biofilter "Rain Garden", along Rockville Pike, provides for sustainable treatment of stormwater while lessening irrigation needs, revealing ecological process, and providing a place to display native plantings in an ornamental manner. Native plants are used throughout the development wherever possible. Non-invasive, non-native plantings are proposed only where site conditions are too difficult for native plantings. Paving materials and site structures are sourced locally whenever possible and sustainable production is favored in the selection process.

In the center of the project is a main plaza and primary gathering space. Its dynamic oval shape juxtaposed with the axial routes of the Paseo street and the walkway connection to Rockville Pike provides a multi-use space for strolling, relaxing, café seating, and small community events and performances. Its design theme is inspired by the geological significance of the White Flint name.

d. Recreation

The project meets the requirement for recreation as shown in the Recreation Amenity Analysis Table, included at page 15 of the Staff Report. As noted above, the Board has conditioned its approval of the site plan on the provision by the Applicant of additional details on the certified site plan in order to ensure the internal recreation facilities meet the guidelines.

e. Vehicular and Pedestrian Circulation

The Board finds that, as conditioned, the vehicular and pedestrian circulation will be adequate, safe and efficient. This plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing enhancement of the streetscape as envisioned by the master plan.

Careful consideration has been given to pedestrian and vehicular movements in and around White Flint Crossing. Executive Boulevard will be extended from

Woodglen Drive to Rockville Pike as part of the subject development. In addition the "superblock" formed by the surrounding roadways will be broken down into a smaller block by introducing an internal "Festival" street known as the Paseo. All the perimeter and internal sidewalks systems will incorporate special streetscape treatment including special paving, lighting and landscape planting. Following is a detailed description of the major pedestrian and vehicular spaces proposed as part of White Flint Center.

i. Executive Boulevard extended from Woodglen Drive to Rockville Pike:

The extension of Executive Boulevard from its current terminus at Woodglen Drive east to its intersection with Rockville Pike represents the implementation of a significant Master Plan recommended road improvement.¹ Executive Boulevard will be constructed as a four-lane (46-50 feet of paving) wide roadway. It is envisioned that parallel parking will be provided along both sides of the street until such time that traffic volumes require the lane be used for circulation.

Streetscape improvements will be provided on both sides of the street. A shared-use sidewalk, a minimum of eight-feet-wide will be located on the north side of Executive Boulevard. A five-foot wide tree panel with shade trees located approximately 24 feet on center underplanted with shrub masses and ground cover is proposed. Pedestrian scale street lighting is proposed. A small café area approximately 8 feet in width is proposed along the Whole Foods grocery store frontage. The Board's approval of the Application is subject to a condition that requires that the sidewalk on the south side of Executive Boulevard be a minimum of seven feet wide, free of café seating.

Associated with the alignment of Executive Boulevard extended is the issue of the Executive Boulevard/MD 355 intersection, and its potential impact on the access point to Fitzgerald's Auto Park facility ("Fitzgerald"), which is located on

¹ The Planning Board received correspondence and testimony in opposition to the proposed alignment of Executive Boulevard Extended. The Board also received correspondence and Hearing testimony from the Applicant on this issue. In addition, Staff testified in support of the proposed alignment. Having considered all the evidence and testimony of record, the Board found the proposed alignment to be in substantial conformance with the Master Plan. The Board's master plan substantial conformance finding, including the bases for that finding, is included as a part of the Board's Preliminary Plan Opinion for White Flint Crossing; master plan conformance is not a required finding at site plan review.

the east side of Rockville Pike, across from the Subject Property.² During its deliberations at the Hearing, the Board addressed Fitzgerald's concerns regarding a staff-recommended Preliminary Plan condition, which had required Applicant to reconstruct Fitzgerald's driveway. The Board spent a great deal of time discussing and soliciting testimony on various aspects of the Executive Boulevard/MD 355 intersection, including the existing access point to Fitzgerald's property. The Board is persuaded, based on the testimony of its Staff and the Applicant's civil engineer, that the Maryland State Highway Administration ("SHA") has jurisdiction over all median modifications and access points within the Rockville Pike right-of-way. The record is clear that the SHA does not support the installation of a traffic signal at that intersection at the present time, for reasons set forth in a letter dated March 31, 2006 to Transportation Planning Staff. That letter also makes clear the position of SHA that motorists exiting the Fitzgerald Auto Park should be allowed to turn left, onto southbound Rockville Pike. Having heard the concerns of Fitzgerald that the extension of the MD 355 median northward would inhibit or render unsafe such left turns from Fitzgerald Auto Park, the Board obtained a commitment from the Applicant that no such median extension would be constructed until, and if, traffic lights are approved and installed at the intersection. The Board notes, however, that the Preliminary Plan conditions, as proposed and approved, did not and do not require such a northward extension of the median. The above-discussed SHA letter is clear that the only turning movement prohibited in the intersection is the left turn from eastbound Executive Boulevard onto northbound Rockville Pike; the Preliminary Plan conditions of approval are consistent with this SHA requirement.

² During its deliberations at the Hearing, the Board addressed Fitzgerald's concerns regarding a staff-recommended Preliminary Plan condition, which had required Applicant to reconstruct Fitzgerald's driveway. The Board spent a great deal of time discussing and soliciting testimony on various aspects of the Executive Boulevard/MD 355 intersection, including the existing access point to Fitzgerald's property. The Board is persuaded, based on the testimony of its Staff and the Applicant's civil engineer, that the Maryland State Highway Administration ("SHA") has jurisdiction over all median modifications and access points within the Rockville Pike right-of-way. As such, if in the future SHA approves a signalized intersection, the existing Fitzgerald property access point shall be relocated, as required. At the Hearing, the Board crafted a Preliminary Plan condition, which, in the event SHA requires the installation of a traffic signal, requires the Applicant to: (1) reconstruct the aforementioned access point; (2) work with Fitzgerald on a plan to reconfigure that portion of the existing Fitzgerald parking lot that is directly impacted by the relocation of the access point; and (3) pay all reasonable expenses associated with such reconfiguration. The Board finds that such a condition was reasonable, promotes safety, and is fair to Fitzgerald, in that the Applicant will bear the reasonable costs of reconfiguring those directly impacted portions of Fitzgerald's parking lot.

ii. "Festival Street" also known as the Paseo:

Staff advised the Board that the Festival Street is a private street that has been introduced into the project to break down the scale of the block framework and to offer an important mid-block pedestrian connection from Nicholson Lane to Security Lane. It is envisioned as a multi-use public space that will provide limited automobile access through the property and more importantly, will frequently be restricted to pedestrian use for weekend functions and special events in conjunction with the Public Plaza.

Staff noted that the Festival Street is conceived to be similar in character to a "Mixed Street", as described in the Master Plan. It will include a row of parallel parking spaces on the west side of the street and will be a relatively narrow, (approximately 28 feet wide including parking) bollarded, tree-lined street that emphasizes the pedestrian and de-emphasizes the automobile. The entire width of the street from building face to building face is proposed to be paved using concrete pavers, granite banding, and flush granite curbs. The special paving extends across the crosswalks proposed at either end of the Paseo. Decorative bollards and steel or bronze pots filled with seasonal plantings help define the limits of the vehicular space. No garage access is proposed from the Paseo at this time. Street trees, approximately 24-feet on center, and special decorative, pedestrian scale street lighting is also proposed.

iii. The Public Plaza:

The Public Plaza is located in the center of the project and is the primary public space element around which the entire project is focused. Staff informed the Board that the Plaza is envisioned as an urban room physically defined by the five-six story residential/retail buildings that surround it and encircled by two-story retail shops which define its public character. Restaurants and outdoor café seating will be located around its perimeter and will substantially contribute to its animation.

Physically, the space will include a combination of hardscaped plazas, landscaped areas, outdoor café seating areas, an elaborate fountain, and programmable space for public functions that will be open and inviting to all. The primary piece of public art designed by artist Jim Sanborn will be installed in the Public Plaza. The space is connected to Rockville Pike, Executive Boulevard, the Service Lane, and to Security Lane by a series of specially designed landscaped sidewalks. Access to the underground parking garage will be provided directly to the Public Plaza.

iv. Rockville Pike:

The proposed buildings will be set back approximately 10 feet from the Rockville Pike right-of-way, creating a strong street edge which defines the pedestrian zone. The proposed sidewalk along Rockville Pike will vary slightly in width with the fenestration of the adjacent building façade from 14'-21'. This strong orientation to the street contributes to the goal of making this portion of Rockville Pike into an Urban Boulevard and the main street for North Bethesda. The Board's approval is subject to a condition that requires this edge be "activated" and that long expanses of blank building walls at pedestrian scale be avoided.

Staff informed the Board that large overhead utility lines are located along both sides of Rockville Pike. The overhead lines are located high enough so as not to prohibit the planting of street trees. The proposed streetscape treatment includes street trees (approximately 25 feet on center), hedges and ground cover planting, concrete pavers with decorative granite insets, bands of stone paving at the pedestrian walkway to the Plaza, decorative street and pedestrian scale lighting, benches, a new bus shelter, several pieces of public art and the introduction of an innovative "rain garden".

The location of a 24 story, "point tower" building along Rockville Pike, at its intersection with Executive Boulevard extended, will act as an important landmark and will help distinguish the southern edge of the White Flint Urban District.

v. Woodglen Drive:

Existing Woodglen Drive consists of an 85 foot wide right-of-way. Buildings will be set back approximately one foot from the right-of-way and about 20 feet from the curb. The six-story building proposed along Woodglen Drive consists of grocery store at the ground level with one floor of parking and four floors of residential above. Parallel parking along the curb is anticipated along Woodglen Drive. Overhead utility lines will either be relocated to the west side of the road or as recommended in the preceding conditions, will be located underground.

A 10-foot wide sidewalk consisting of concrete pavers and granite cobble panels and decorative inserts is proposed. The decorative paving extends across the garage entrances and in the crosswalk across the service drive. The sidewalk will also function as an interim bike path until the bike path is constructed on the west side of Woodglen Drive. For this reason, DPWT has requested that the proposed outdoor café area be eliminated from the Woodglen frontage. Street trees, approximately 30-feet on center underplanted with masses of shrubs and groundcovers and decorative pedestrian scale street lighting are also proposed.

vi. Service Lane:

A Service Lane forms the southern boundary of the project site connecting Woodglen Drive with Rockville Pike. Access to the parking garage and to building loading areas is provided via the Service Lane. In addition underground vaults for stormwater management and garage intake and exhaust vents are proposed to be located in this area.

Pedestrian access is provided along both sides of the service lane by relatively narrow, five-foot-wide, colored concrete sidewalks, appropriate to the secondary scale of the street. The sidewalk treatment continues across the driveway entrances to the parking garage and loading areas featuring saw-cut joints in a pattern to safely demarcate and differentiate the vehicular zone. Tightly spaced (approximately six feet on center) Ginkgo trees lines both sides of the narrow Service Lane creating a more pedestrian friendly route. A series of trellis' and screens planted with vines soften the blank facades of the building at pedestrian level. The Board's approval of the Site Plan is subject to a condition that requires construction details for the trellis and screens be added to the certified site plan plans. A unique and highly desirable element of the service lane is the proposed lighting. Lighting in this area is proposed to be provided by light fixtures suspended on overhead cables and by ground mounted light bollards.

vii. Secondary pedestrian connections:

Staff advised the Board that a series of proposed pedestrian connections will help contribute to the urban nature and pedestrian friendly character of the development. A barrier free accessible route has been provided from Rockville Pike directly to the plaza area. This connection is also important in that it provides visual access from the Pike into the public plaza and its shops and restaurants. A connection to the Rockwall I and II office buildings and Security Lane has been introduced from the Festival Street to an existing pedestrian connection to Security Lane.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The Board's approval is subject to conditions of approval requiring that views of the parking garage be completely screened from view of the abutting residential development existing on the west side of Woodglen Drive. The Board finds that, with the implementation of such screening, each proposed structure and the mixed-use nature of the development is compatible with other uses and other Site Plans and with existing and proposed adjacent development. The Board notes that the record includes correspondence from the Fallstone Homeowners' Association—which confronts the Subject Property across Woodglen Drive—

expressing significant support for the project. The Board addresses, in its Preliminary Plan Opinion, concerns raised by speakers related to traffic and transportation-related matters. To the extent such matters are considered issues of compatibility, the Board incorporates herein the relevant Preliminary Plan findings.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

Forest Conservation requirements are being met by the provision of 0.89 acres of afforestation consisting of shade tree canopy on-site and within the surrounding road rights-of-way.

6. The Board finds, pursuant to Section 59-E-3.1(b)(3), that shared parking internally, and the shared parking arrangement between the subject development and adjacent Rockwal I and II office buildings is possible and appropriate at the location proposed. A portion of the Subject Property is currently developed with a surface parking lot, with a portion of the spaces currently needed to meet the parking requirement for Rockwal I and II. Staff informed the Board that the Applicant, or an affiliate thereof, owns the Rockwal I and II property and that 133 spaces must be provided on the Subject Property to satisfy the parking requirements for Rockwal I and II. The Board relies, in significant part, on the Shared Parking Analysis on page 14 of the Staff Report in arriving at its finding.

7. Pursuant to Section 59-E-3.4(a) of the Zoning Ordinance, "off-site parking spaces for development constructed in accordance with a building permit filed after June 28, 1984, may be approved by the director/planning board if . . . (2) the property proposed to be used for such required parking is plat-restricted, deed-restricted or is a meeting center restricted under a joint use agreement" Staff advised the Board that the Applicant had provided staff with a copy of deed demonstrating that the Subject Property is encumbered by a deed restriction, which guarantees the availability of the a certain amount of parking to future users of Rockwal I and II.

In a letter to Staff, dated March 21, 2006, the Applicant proposed an interim parking plan, which, during construction of the subject development, will make available sufficient parking in a nearby lot, owned by an affiliate entity of the Applicant. That lot is located less than 100 yards from the Subject Property. In addition, the Applicant proposed to make valet parking services available.

8. Pursuant to Section 59-E-3.32(a), the Planning Board approves a 15% reduction in the standard parking requirements, finding that the entrance of the proposed use is located within 1,600 feet of a metrorail entrance.

9. Pursuant to Section 59-E-3.33(a), for "multiple-family dwelling units, townhouses fourplex units, and individual living units in personal living quarters, the director/planning board may approve a 10 percent reduction in the standard parking requirement provided in Section 59-E-3.7, if such units are located within a central business district or transit station development area." In addition, "a 5 percent reduction is also allowed where such units are located within 1,600 feet of a metrorail station entrance as defined by Section 59-E-3.21." Finding that the Subject Property is zoned TS-M and is located within 1,600 feet of the entrance to the White Flint Metrorail entrance, the Board approves the above-noted parking reductions.

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

BE IT FURTHER RESOLVED, that the date of this written opinion is SEP 28 2006 (which is the date that this opinion is mailed to all parties of record); and

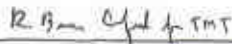
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203,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

At its regular meeting, held on **Thursday, September 14, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Wellington, seconded by Commissioner Perdue, and with Commissioners Perdue, Robinson, and Wellington voting in favor, and with Chairman Hanson and Commissioner Bryant abstaining. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan No. 820060170, White Flint Crossing**.

Adopted by the Montgomery County Planning Board this 14th day of September 2006.



Royce Hanson
Chairman, Montgomery County Planning Board



Trudye M. Johnson
Executive Director

WHITE FLINT CROSSING
DEVELOPMENT PLAN
LAND USE PLAN

107 & 108th AVENUE
 488 EIGHTH STREET, NORTH EAST

DATE: 10/1/01
 SCALE: 1/8" = 1'-0"
 SHEET NO. 1

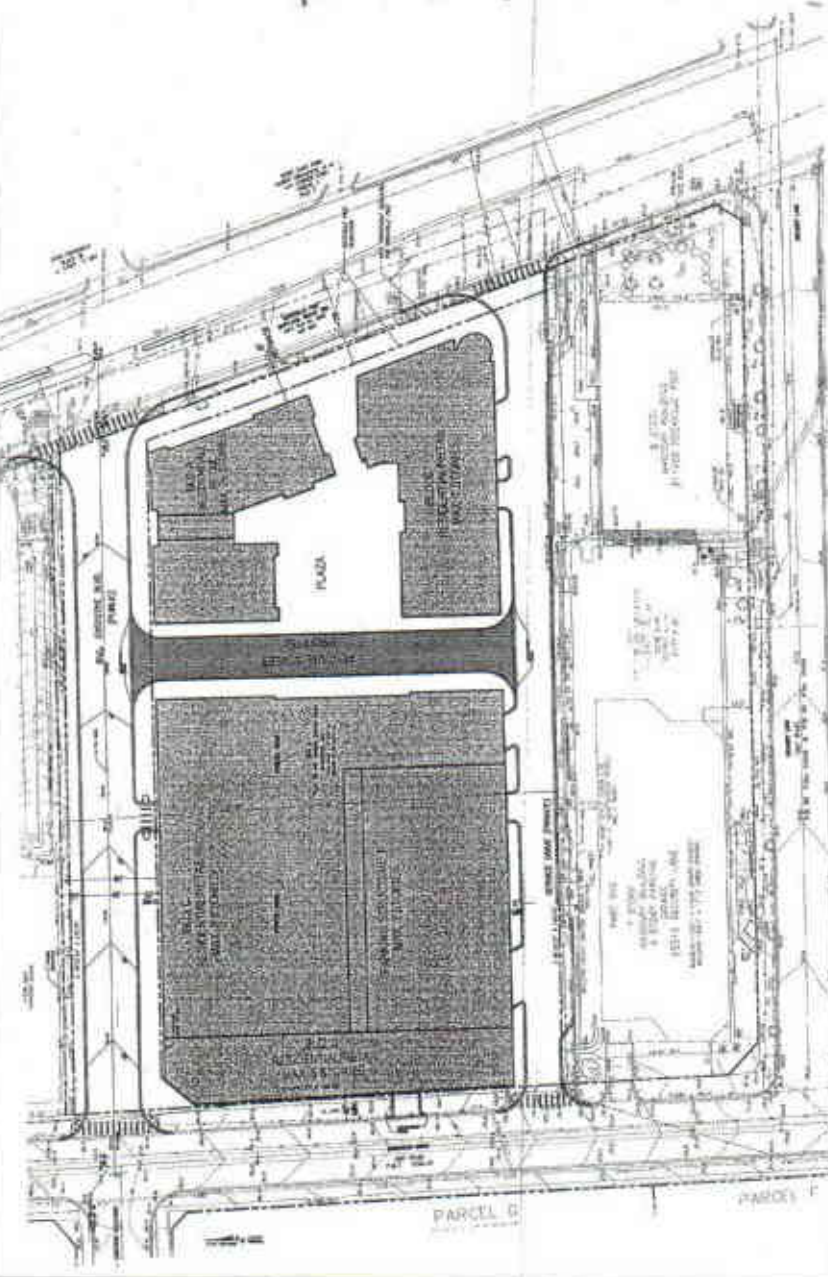


GENERAL NOTES:

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

LEGEND:

1.0	RESIDENTIAL
2.0	COMMERCIAL
3.0	INDUSTRIAL
4.0	RECREATION
5.0	OPEN SPACE
6.0	UTILITY
7.0	ROADWAY
8.0	RAILROAD
9.0	WATERWAY
10.0	UNDEVELOPED



NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
1	RESIDENTIAL	10,000	10.0%
2	COMMERCIAL	20,000	20.0%
3	INDUSTRIAL	30,000	30.0%
4	RECREATION	40,000	40.0%
5	OPEN SPACE	50,000	50.0%
6	UTILITY	60,000	60.0%
7	ROADWAY	70,000	70.0%
8	RAILROAD	80,000	80.0%
9	WATERWAY	90,000	90.0%
10	UNDEVELOPED	100,000	100.0%

OFFICE OF ZONING & ADMINISTRATIVE HEARINGS CERTIFICATION

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO THE OFFICE OF ZONING & ADMINISTRATIVE HEARINGS ON 10/1/01.

[Signature]
 DATE: 10/1/01

PLANNING DEPARTMENT

107 & 108th AVENUE
 488 EIGHTH STREET, NORTH EAST

DATE: 10/1/01
 SCALE: 1/8" = 1'-0"
 SHEET NO. 1

DEVELOPER CERTIFICATION

I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

[Signature]
 DATE: 10/1/01





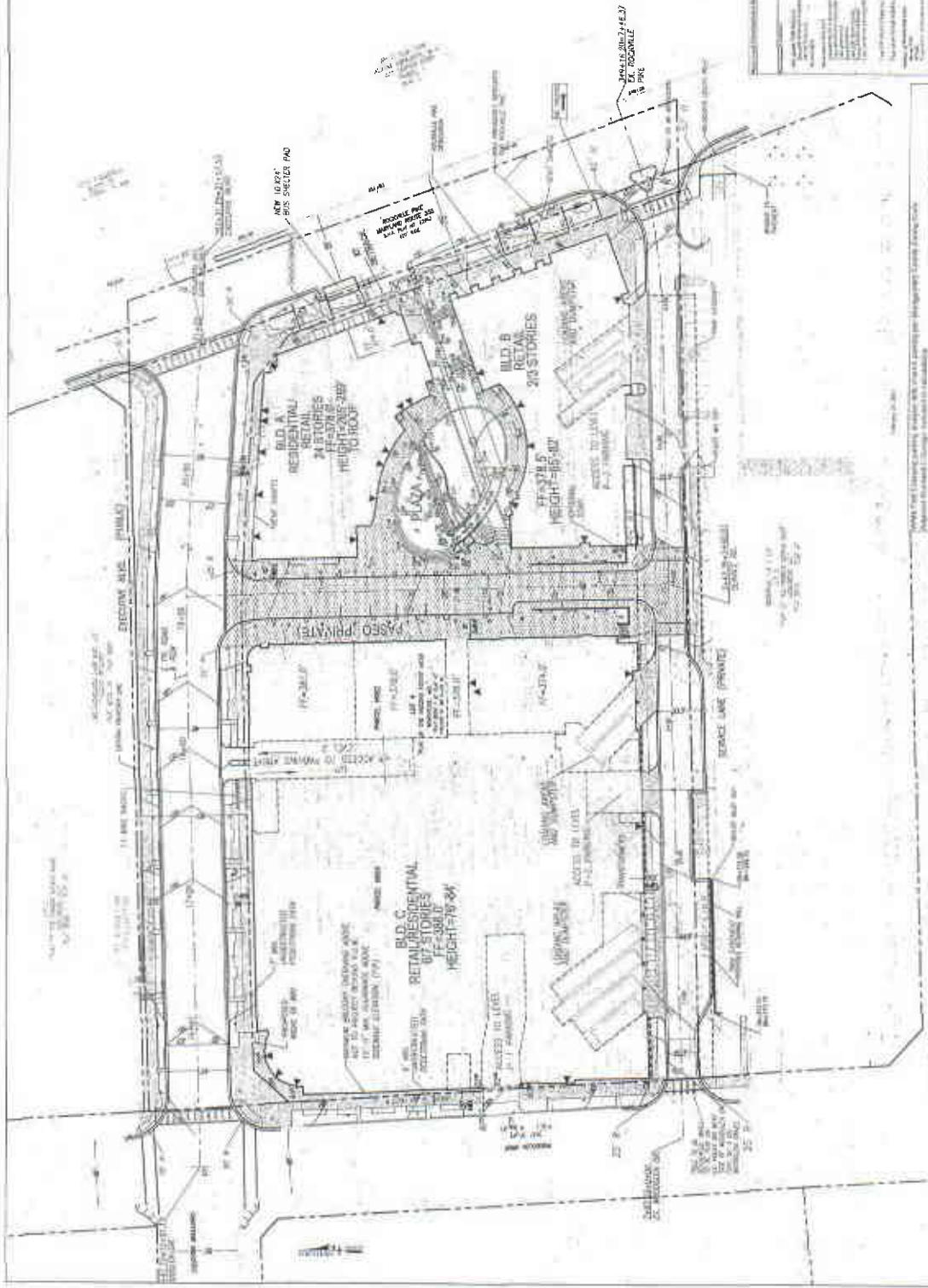
WHITE FLINT CROSSING PRELIMINARY PLAN AMENDMENT

UNAPPROVED FOR CONSTRUCTION

NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIMINARY PLAN	12/15/2023	J. SMITH	M. JONES
2	REVISIONS	01/10/2024	J. SMITH	M. JONES
3	REVISIONS	02/05/2024	J. SMITH	M. JONES
4	REVISIONS	03/01/2024	J. SMITH	M. JONES
5	REVISIONS	04/01/2024	J. SMITH	M. JONES
6	REVISIONS	05/01/2024	J. SMITH	M. JONES
7	REVISIONS	06/01/2024	J. SMITH	M. JONES
8	REVISIONS	07/01/2024	J. SMITH	M. JONES
9	REVISIONS	08/01/2024	J. SMITH	M. JONES
10	REVISIONS	09/01/2024	J. SMITH	M. JONES
11	REVISIONS	10/01/2024	J. SMITH	M. JONES
12	REVISIONS	11/01/2024	J. SMITH	M. JONES
13	REVISIONS	12/01/2024	J. SMITH	M. JONES
14	REVISIONS	01/01/2025	J. SMITH	M. JONES
15	REVISIONS	02/01/2025	J. SMITH	M. JONES
16	REVISIONS	03/01/2025	J. SMITH	M. JONES
17	REVISIONS	04/01/2025	J. SMITH	M. JONES
18	REVISIONS	05/01/2025	J. SMITH	M. JONES
19	REVISIONS	06/01/2025	J. SMITH	M. JONES
20	REVISIONS	07/01/2025	J. SMITH	M. JONES
21	REVISIONS	08/01/2025	J. SMITH	M. JONES
22	REVISIONS	09/01/2025	J. SMITH	M. JONES
23	REVISIONS	10/01/2025	J. SMITH	M. JONES
24	REVISIONS	11/01/2025	J. SMITH	M. JONES
25	REVISIONS	12/01/2025	J. SMITH	M. JONES

GENERAL NOTES:

- ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE FLORIDA BUILDING CODE (FBC).
- ALL UTILITIES SHALL BE DEPTH TESTED AND RECORDED PRIOR TO CONSTRUCTION.
- ALL EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE (FEC) AND THE FLORIDA MECHANICAL CODE (FMC).
- ALL FOUNDATIONS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 318 AND THE ACI 308.
- ALL STRUCTURAL MEMBERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AISC 360 AND THE AISC 308.
- ALL EXTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL INTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL FIRE PROTECTION SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL SAFETY SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL ACCESSIBLE ELEMENTS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL SIGNAGE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL LANDSCAPING SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE (FEC) AND THE FLORIDA MECHANICAL CODE (FMC).
- ALL FOUNDATIONS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 318 AND THE ACI 308.
- ALL STRUCTURAL MEMBERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AISC 360 AND THE AISC 308.
- ALL EXTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL INTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL FIRE PROTECTION SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL SAFETY SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL ACCESSIBLE ELEMENTS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL SIGNAGE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL LANDSCAPING SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.



NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIMINARY PLAN	12/15/2023	J. SMITH	M. JONES
2	REVISIONS	01/10/2024	J. SMITH	M. JONES
3	REVISIONS	02/05/2024	J. SMITH	M. JONES
4	REVISIONS	03/01/2024	J. SMITH	M. JONES
5	REVISIONS	04/01/2024	J. SMITH	M. JONES
6	REVISIONS	05/01/2024	J. SMITH	M. JONES
7	REVISIONS	06/01/2024	J. SMITH	M. JONES
8	REVISIONS	07/01/2024	J. SMITH	M. JONES
9	REVISIONS	08/01/2024	J. SMITH	M. JONES
10	REVISIONS	09/01/2024	J. SMITH	M. JONES
11	REVISIONS	10/01/2024	J. SMITH	M. JONES
12	REVISIONS	11/01/2024	J. SMITH	M. JONES
13	REVISIONS	12/01/2024	J. SMITH	M. JONES
14	REVISIONS	01/01/2025	J. SMITH	M. JONES
15	REVISIONS	02/01/2025	J. SMITH	M. JONES
16	REVISIONS	03/01/2025	J. SMITH	M. JONES
17	REVISIONS	04/01/2025	J. SMITH	M. JONES
18	REVISIONS	05/01/2025	J. SMITH	M. JONES
19	REVISIONS	06/01/2025	J. SMITH	M. JONES
20	REVISIONS	07/01/2025	J. SMITH	M. JONES
21	REVISIONS	08/01/2025	J. SMITH	M. JONES
22	REVISIONS	09/01/2025	J. SMITH	M. JONES
23	REVISIONS	10/01/2025	J. SMITH	M. JONES
24	REVISIONS	11/01/2025	J. SMITH	M. JONES
25	REVISIONS	12/01/2025	J. SMITH	M. JONES

GENERAL NOTES:

- ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE FLORIDA BUILDING CODE (FBC).
- ALL UTILITIES SHALL BE DEPTH TESTED AND RECORDED PRIOR TO CONSTRUCTION.
- ALL EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE (FEC) AND THE FLORIDA MECHANICAL CODE (FMC).
- ALL FOUNDATIONS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 318 AND THE ACI 308.
- ALL STRUCTURAL MEMBERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AISC 360 AND THE AISC 308.
- ALL EXTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL INTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL FIRE PROTECTION SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL SAFETY SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL ACCESSIBLE ELEMENTS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL SIGNAGE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL LANDSCAPING SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE (FEC) AND THE FLORIDA MECHANICAL CODE (FMC).
- ALL FOUNDATIONS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 318 AND THE ACI 308.
- ALL STRUCTURAL MEMBERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AISC 360 AND THE AISC 308.
- ALL EXTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL INTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL FIRE PROTECTION SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL SAFETY SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL ACCESSIBLE ELEMENTS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL SIGNAGE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.
- ALL LANDSCAPING SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FBC AND THE FMC.

PLAT NO. 220071520

North Washington

Located on the south side of Fenton Street, approximately 300 feet west of Colesville Road (US 29)

CBD-2 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: Silver Spring CBD

Alirma, LLC, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(3)** of the Subdivision Regulations, which states:

Consolidation of Two or More Lots or a Part of a lot into One Lot. Consolidating more than one lot into a single lot is permitted under the minor subdivision procedure provided:

- a. Any conditions applicable to the original subdivision remain in full force and effect and the number of trips generated on the new lot do not exceed those permitted for the original lots or as limited by an Adequate Public Facilities agreement.
- b. Any consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed recorded prior to June 1, 1958

Staff applied the above-noted minor subdivision criteria for this property and concludes that the proposed subdivision complies with the criteria of Section 50-35A (a)(3) of the subdivision regulations and supports this minor subdivision record plat.

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: North Washington Plat Number: 220071520
 Plat Submission Date: 5-29-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: N/A

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____
 Site Plan Name if applicable: _____ Site Plan Number: _____
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____

Lot # & Layout Lot Area Zoning Bearings & Distances Coordinates ok
 Plan # N/A Road/Alley Widths ok Easements ok Open Space N/A Non-standard
 BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A TDR note N/A
 Child Lot note N/A Surveyor Cert ok Owner Cert ok Tax Map ok SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>Amphibious</u>	<u>6-15-07</u>	<u>7-2-07</u>	<u>6-25-07</u>	<u>EXEMPT</u>
Research	Bobby Fleury	↓	↓	↓	<u>OK</u>
SHA	Doug Mills	↓	↓	↓	↓
PEPCO	Steve Baxter	↓	↓	↓	↓
Parks	Doug Powell	↓	↓	↓	↓
DRD	Nellie Carey	↓	↓	<u>7-2-07</u>	<u>OK</u>
Transportation	<u>D. Payne</u>			<u>6-19-07</u>	<u>CBD Right of Way</u> <input checked="" type="checkbox"/>

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

SSS

SJS

SSS

SSS

Date

9-10-07

7-5-07

9/6/07

9-27-07

No. _____

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____
 - ii. physical improvements within 15 feet of adjusted line: _____
 - iii. alteration to building setback: _____
 - iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: _____
- b) Adequate sewerage and water service/public or private: _____
- c) Adequate public facilities and AGP satisfied: _____
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: ok

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot

Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

- a) All owners and trustees signed: _____
- b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: _____
- b) Street dedication required: _____
- c) Forest conservation: _____
- d) Storm water management: _____
- e) Special Protection Area/Water Quality Plan: _____
- f) Landscaping and lighting plan including parking lot layout: _____

g) Approved Special Exception:

(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

a) Number of Lots:

b) Written MCDPS approval of proposed septic area:

c) Required street dedication:

d) Easement for balance of property noting density and TDRS:

e) Average lot size of 5 acres:

f) Forest Conservation requirements met:

PLAT NO. 220071530

Bea-Kay Acres

Located in the southwest quadrant of the intersection of Fairland Road and Partridge Drive

R-90 zone; 4 lots

Community Water, Community Sewer

Master Plan Area: Fairland

919 Fairland, LLC, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060500, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plan.



MONTGOMERY COUNTY PLANNING BOARD

100 S. WOODLEY ROAD, SUITE 1000, CAPITAL PARK AND PLANNING COMMISSION

UG 10 2007

**MCPB No. MCPB 07-50
Preliminary Plan No. 120060500
Bea-Kay Acres (Resubdivision)
Date of Hearing: April 26, 2007**

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 21, 2005, 919 Fairland, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 4 lots on 1.02 acres of land located on the southwest quadrant of the intersection with Fairland Road and Partridge Drive ("Property" or "Subject Property"), in the White Oak master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060500, Bea-Kay Acres ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated February 5, 2007 setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 26, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 26, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

D. M. ... 4/23/07

875 Georgia Avenue, N.W., Washington, D.C. 20006 Chairman's Office: 301-951-1005 Fax: 301-951-1329

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Commissioner Robinson; with a vote of 5-0, Commissioners Bryant, Hanson, Perdue, Robinson and Wellington voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060500 to create 4 lots on 5-0 acres of land located on the southwest quadrant of the intersection with Fairland Road and Partridge Drive ("Property" or "Subject Property"), in the White Oak master plan area ("Master Plan"), subject to the following conditions:

- 1) This Preliminary Plan is limited to four (4) one-family detached residential lots.
- 2) The builder will comply with all acoustical performance recommendations from the Henning Associates Report ("Fairland Road Traffic Noise Study") dated September 22, 2006:
 - a) Prior to the release of the first building permit, an acoustical consultant will provide a detailed analysis of the final building shell for each new house type to determine exactly what modifications are necessary to achieve an interior noise level of no greater than 45 dBA, Ldn.
 - b) Prior to release of the first building permit, the builder must enter into a binding agreement with M-NCPPC to construct noise mitigation measures in accordance with the recommendations of the Henning Associates Report.
- 3) A tree-planting plan for proposed Lot 1 to create a visual screen near Fairland Road for the existing house must be submitted to, and approved by, M-NCPPC Environmental Planning Staff prior to the pre-construction meeting for the subdivision.
- 4) Tree planting on Lot 1, required as part of the tree save and planting plan, must be done no later than the first planting season after the Department of Permitting Services final inspection signoff of the sediment and erosion control plan.
- 5) The Applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 6) The Applicant must provide access and improvements as required by MCDPWT prior to recordation of plat(s).
- 7) The Applicant must comply with the conditions of the MCDPWT letter dated May 30, 2006, unless otherwise amended.
- 8) The Applicant must comply with the conditions of approval of the MCDPS stormwater management approval dated January 30, 2007.
- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 10) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the master plan.

The Subject Property is located in the White Oak Master Plan Area. The plan did not specifically address the Subject Property but did provide general guidance and recommendations for development patterns and density. The master plan ensures protecting and strengthening positive attributes and encouraging development that will enhance the community's function, sense of place, and identity. The preliminary plan complies with the master plan goal in that it proposes residential development that will contribute to the vibrant living environment envisioned in the master plan.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections as further discussed below. Access and public facilities will be adequate to support the proposed lots and uses. The proposed size, width, shape and orientation of the lots are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The Application has been reviewed by other applicable county agencies, all of who have recommended approval of the plan.

4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Subject Property has frontage on Fairland Road, which generates traffic-related noise. The traffic noise study submitted by the Applicant projects traffic noise to range from about 63 dBA, Ldn to 69 dBA, Ldn on the proposed lots closest to Fairland Road. These projected noise levels exceed the transportation noise guideline level of 60 dBA, Ldn for outdoor use areas for new residential lots in this part of the county. Compliance with the recommendations contained in the noise consultant's traffic noise study, which include construction of a noise barrier on the proposed Lot 2, is critical to providing an acceptable noise environment for the outdoor use areas. The recommended building shell analysis and construction to meet the interior noise level guideline of 45 dBA, Ldn is also required to provide an acceptable interior noise environment for the proposed residential units.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

On January 30, 2007, the MCDPS Stormwater Management Section approved the project's stormwater management concept which includes topsoiling and infiltration trenches for water quality control.

- 6. The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"), as analyzed below.*

Frontage: In a neighborhood of 32 lots, lot frontages range from 64 feet to 199 feet. The proposed lots will have frontages which range from 75 feet to 122 feet. As such, Staff finds that the proposed lots will be consistent in character with other lots in the neighborhood with respect to frontage.

Area: The existing lots in the neighborhood range in buildable area from 2,500 square feet to 11,681 square feet. The proposed lots will be 3,245 square feet, 3,540 square feet, 4,190 and 5,620 square feet in area. The proposed resubdivision will be in character with the existing lots in the neighborhood with respect to area.

Lot Size: The lot sizes in the delineated neighborhood range from 9,319 square feet to 24,109 square feet. The proposed lot sizes will range from 10,180 square feet, 10,250 square feet, 10,321 square feet and 13,537 square feet. Therefore,

Staff finds the lot sizes of the proposed lots to be of the same character as the existing lots in the neighborhood.

Lot Width: The lot widths in the existing neighborhood range from 75 feet to 187 feet. The proposed lots will have minimum widths of 81 feet, 85 feet, 96 feet, and 109 feet. As such, Staff finds that the proposed resubdivision will be of the same character as the other existing lots in the neighborhood as it pertains to lot width.

Shape: There are 24 irregular lots, two (2) square lots and six (6) rectangular lots in the neighborhood. The proposed resubdivision will create one (1) rectangular lot and three (3) irregular lots. Staff finds that the proposed lots will be of the same character as the existing lots in the neighborhood as it pertains to shape.

Alignment: There are four (4) corner lots, ten (10) radial lots and 18 perpendicular lots in the neighborhood. The proposed resubdivision will create two (2) corner lots and two (2) perpendicular lots. Staff finds that the proposed subdivision will be consistent in character with the existing lots in the neighborhood as it pertains to alignment.

Residential Use: The proposed lots are suitable for residential use.

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the four proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the White Oak Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan. Therefore, approval of the Application with the conditions specified above is recommended.

Section 50-29 (a) (1)

Pursuant to Section 50-29(a)(1) of the Subdivision Regulations, the Lot size, width, shape and orientation shall be appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated in order to be approved by the Board.

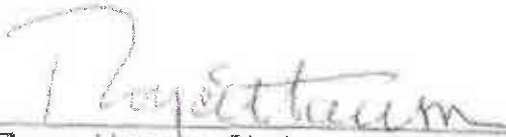
The proposed Lots 3 and 4 will be oriented with a two (2) to one (1) lot-to-lot relationship with the existing Lot 1, on the south side of Bea-Kay Drive. Although this type of orientation is not typical within the neighborhood, it does exist at the southern end of the delineated neighborhood. In Block A, Lots 13, 14 and 15 on the southeastern side of Partridge Drive, there is a three (3) to one (1) lot-to-lot relationship to Lot 3 on the northwestern side of Partridge Drive. Additionally, this is a neighborhood already in transition. Larger lots were recorded in excess of the underlying R-90 zone standards on Partridge Drive, but it seems likely that additional resubdivisions will occur over time given that most of the neighborhood is recorded pursuant to the standards of the R-90 zone. Therefore, The Board finds that the proposed orientation of the lots is appropriate for the subdivision.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is AUG 10 2007 (which is the date that this Resolution is mailed to all parties of record); and

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

At its regular meeting, held on Tuesday, August 7, 2007 in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Robinson, seconded by Commissioner Bryant with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060500, Bea-Kay Acres (Resubdivision)


Royce Hanson, Chairman
Montgomery County Planning Board

PLAT NO. 220080350

Shady Grove Life Sciences Center

Located in the northwest quadrant of the intersection of Medical Center Way and Shady Grove Road

LSC and R&D zones; 2 parcels

Community Water, Community Sewer

Master Plan Area: Shady Grove Special Study Area

Institute for Genomic Research Inc., Applicant

Staff recommends approval of this subdivision plat pursuant to section 50-35A(a)(4) of the Subdivision Regulations, which states:

Further Subdivision of a Commercial, Industrial or Multi-Family Residential Lot to Reflect a Change in Ownership, Deed, Mortgage or Lease Line. The creation of deed, mortgage or lease line within a commercial, industrial or multi-family residential lot does not require the approval of a new subdivision plan. At the owner's discretion, the creation or deletion of internal lots to reflect a new deed, mortgage or lease line may be platted under the minor subdivision procedure. All prior conditions of approval for the original subdivision remain in full force and effect and the number of trips generated on any new lot will not exceed those permitted for the original lot or as limited by an Adequate Public Facilities agreement. Any necessary cross-easements, covenants or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat. This plat involves a change in ownership as provided for in Section 50-35A (a)(4).

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Shady Grove Life Services Ctr. Plat Number: 220080350

Plat Submission Date: 8-21-07

DRD Plat Reviewer: S. Smith

DRD Prelim Plan Reviewer: N/A

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____

Preliminary Plan No. _____ Checked: Initial _____ Date _____

Planning Board Opinion - Date _____ Checked: Initial _____ Date _____

Site Plan Name if applicable: _____ Site Plan Number: _____

Planning Board Opinion - Date _____ Checked: Initial _____ Date _____

Lot # & Layout Lot Area Zoning ok Bearings & Distances ok Coordinates ok
 Plan # ok Road/Alley Widths ok Easements ok Open Space N/A Non-standard
 BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A TDR note N/A
 Child Lot note N/A Surveyor Cert Owner Cert Tax Map ok SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>Env. P</u>	<u>8-28-07</u>	<u>9-11-07</u>	_____	<u>N. Comments</u>
Research	Bobby Fleury	_____	_____	<u>9-10-07</u>	<u>No REVISIONS</u>
SHA	Doug Mills	_____	_____	_____	_____
PEPCO	Steve Baxter	_____	_____	_____	_____
Parks	Doug Powell	_____	_____	_____	_____
DRD	Nellie Carey	_____	_____	<u>9-11-07</u>	<u>OK</u>

Final DRD Review:

DRD Review Complete: SJS 9-14-07

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up): SJS 9-14-07

Final Mylar w/Mark-up & PDF Rec'd: SJS 9-14-07

Board Approval of Plat:

Plat Agenda: SJS 9-27-07

Planning Board Approval: _____

Chairman's Signature: _____

DPS Approval of Plat:

Engineer Pick-up for DPS Signature: _____

Final Mylar for Reproduction Rec'd: _____

Plat Reproduction:

Addressing: _____

File Card Update: _____

Final Zoning Book Check: _____

Update Address Books with Plat #: _____ No. _____

Update Green Books for Resubdivision: _____

Notify Engineer to Seal Plats: _____

Engineer Seal Complete: _____

Complete Reproduction: _____

Sent to Courthouse for Recordation: _____

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____
 - ii. physical improvements within 15 feet of adjusted line: _____
 - iii. alteration to building setback: _____
 - iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: _____
- b) Adequate sewerage and water service/public or private: _____
- c) Adequate public facilities and AGP satisfied: _____
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: _____

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot

Any subdivision/conditions; APF agreement satisfied: ok

(5) Plat of Correction

- a) All owners and trustees signed: _____
- b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: _____
- b) Street dedication required: _____
- c) Forest conservation: _____
- d) Storm water management: _____
- e) Special Protection Area/Water Quality Plan: _____
- f) Landscaping and lighting plan including parking lot layout: _____

g) Approved Special Exception:

(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

a) Number of Lots:

b) Written MCDPS approval of proposed septic area:

c) Required street dedication:

d) Easement for balance of property noting density and TDRS:

e) Average lot size of 5 acres:

f) Forest Conservation requirements met:
