DEC 28 2016

## RESOLUTION

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

WHEREAS, on August 8, 2016, W-ARC MV Owner VII, LLC ("Applicant") filed an application for approval of a sketch plan for up to a maximum total of 615,000 square feet (0.75 FAR), including a maximum of 450,000 square feet of residential uses (0.55 FAR), and 165,000 square feet of non-residential uses (0.20 FAR) on 18.784 acres of CRT 1.5. C-1.0, R-0.75, H-75 zoned land, located on the west side of Montgomery Village Avenue between Stedwick Road and Clubhouse Road in Gaithersburg, MD ("Subject Property") within the 2015 Montgomery Village Master Plan ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320170020 Montgomery Village Center ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 2, 2016, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on December 15, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320170020, Montgomery Village Center, for up to a maximum total of

Approved as to Legal Sufficiency:/

M-NCPPC Legal Department

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615,000 square feet (0.75 FAR), including a maximum of 450,000 square feet of residential uses (0.55 FAR), and 165,000 square feet of non-residential uses (0.20 FAR) on the Subject Property, subject to the following binding elements and conditions:

- A. <u>Binding Elements</u>. The following site development elements are binding under Section 59-7.3.3. F. of the Montgomery County Zoning Ordinance:
  - 1. Maximum density and height;
  - 2. Location and extent of public open space;
  - 3. Location of vehicular access points;
  - 4. Public benefit schedule;
  - 5. Phasing Plan;
  - 6. Phase 2 will require a Sketch Plan Amendment

All other elements are illustrative and subject to refinement at the time of Site Plan.

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

## **Density**

The proposed development is limited to a maximum total of 615,000 square feet with 0.75 FAR, including a maximum of 450,000 square feet of residential uses (0.55 FAR), and 165,000 square feet of non-residential uses (0.20 FAR). The final amount of non-residential and residential floor area and the number of dwelling units will be determined at Site Plan.

#### Height

The development is limited to a maximum height of 75 feet.

### **Incentive Density**

The development must include the public benefits listed below unless modified under Section 59-7.3.3.I at the time of Site Plan. Total points must equal at least 50 and be chosen from at least three categories as required by Section 59-4.5.4.A.2. The requirements of Division 59-4.7 and the CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

1. Connectivity and Mobility, achieved through retail services and pedestrian connections;

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

- 2. Diversity of Uses and Activities, achieved through providing care facilities, a mix of dwelling unit types, and accessible units;
- Quality of Building and Site Design, achieved through structured parking;
  and
- 4. Protection and Enhancement of the Natural Environment achieved through providing recycling facilities and a vegetated wall.

## Moderately Priced Dwelling Units (MPDUs)

The development must provide MPDUs in accordance with Chapter 25A with the following distribution of MPDUs and as approved by the DHCA at Site Plan:

- 1. A proportional number of the fee simple townhouses (2 of the 15).
- 2. Townhouse MPDUs must have at least 3 bedrooms, with a full bath on each level that includes a bedroom.
- 3. The remaining MPDUs must be located in the multi-family building.
- 4. None of the "two-over-two" units may be MPDUs.

# Public Open Use Space

The required minimum 10 percent Public Open Space must be provided over two phases. The required Public Open Space must meet the standards of the optional method development per Section 6.3.6.B.2. and must not include any stormwater management facilities. It must be provided as illustrated in the Sketch Plan, and finalized at Site Plan for each phase.

At Preliminary Plan, per Section 59.4.9.10.C., all "common and public open space in Montgomery Village must be recorded within a separate lot or parcel with a protective easement or covenant in the land records, in a form approved by the Planning Board, unless the parcel is exempted from recordation under Chapter 50".

#### Design Improvements

At the time of Site Plan, the Applicant must address the following design elements:

- 1. On the Northeast side of the multi-family building, the ground floor level units should be accessible from the street in order to activate the street edge.
- 2. Reduce turning radii on all streets to the maximum extent allowed by the road code and approved by DPS Fire and Rescue.
- 3. Provide a more consistent street tree canopy throughout the Site.

Future Coordination for Preliminary and Site Plan

In addition to any other requirements of Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance, the Applicant must address the following at Preliminary Plan and Site Plan review:

- 1. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- 2. Forest Conservation requirements;
- 3. Noise Analysis at time of Preliminary Plan;
- 4. Demonstrate compliance of distribution of bedrooms in the multi-family building MPDUs with the requirements of Chapter 25A;
- 5. At Site Plan, provide a map showing existing and proposed qualifying basic services within ¼ mile of the subject site, measured from each residential or office lobby to address the incentive density point guidelines; and
- 6. Streetscape details.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.

## a. Development Standards

The Subject Property includes approximately 18.78 acres zoned CRT 1.5. C-1.0, R-0.75, H-75. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Project Data Table						
Section	Development Standard	Permitted/ Required	Proposed			
	Gross Tract Area (sf)					
	CRT-1.5, C75, R-1.25, H-75	n/a	615,000			

4.5.4.B.2.b	Density		
	Non-Residential	613,690	165,000
	Residential	1,022,815	450,000
4.5.4.B.2.b	Building Height (feet)	75	(up to) 75
4.5.4.B.3	Minimum Setback (feet)	0	n/a
4.5.4.B.1	Minimum Public Use Space (%)	10%	8.04% (phase 1) 1.96% (phase 2) 10% (total)
6.2	Parking		
	Non-Residential	552 (Min)	552
	Residential	299 (Min)	519
	Total	851 (Min)	1071

The proposed project meets the intent of the CRT by creating a mixed-used development, ground floor retail, new pedestrian connections, and establishing placemaking area by achieving the requirements of public open space.

This project promotes an economically, environmentally, and socially sustainable development where people can live, work, recreate, and access services and amenities

This is achieved by the proposed 212 multi-family units in a mid-rise building with structured parking, renovation of the commercial building, new townhomes, a new street connection, and related landscaping and circulation improvements on a site that currently lacks many of these features and amenities that will be provided in the proposed project. This will change the auto-dependent shopping center to a more pedestrian activity environment. The central location of open space between the residential and new commercial will create a destination for residents and the surrounding community. This will allow for economic opportunities along with creating a sensitive of place within the site.

# b. General Requirements

#### i. Open Space and Recreation

The required minimum 10 percent Public Open Space must be provided over two phases. In Phase One, all required Public Open Space must meet the standards of the

optional method per Section 6.3.6.B.2. and must not include any stormwater management facilities. The required public open space must be provided as illustrated in the Sketch Plan and finalized at the Site plan for each phase. At Preliminary Plan, per Section 4.9.C., all "common and public open space in Montgomery Village must be recorded within a separate lot or parcel with a protective easement or covenant in the land records, in a form approved by the Planning Board, unless the parcel is exempted from recordation under Chapter 50".

2. The Sketch Plan substantially conforms to the recommendations of the Master Plan.

The proposed project conforms with the recommendations of the 2015 Montgomery Village Master Plan. In summary, it will transform an auto-oriented suburban development pattern into a more urban center, of residences, and businesses; where people walk to work, shops and recreational spaces. It provides new compact development with new street connections and additional density. This establishes a safe pedestrian environment throughout the proposal. The new open space provides alternatives for recreation and leisure in a mixed-use setting; thus, creating places for the community to use that are framed and activated by the surrounding shopping center, and retail storefronts; where the public will feel welcome to gather and linger.

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

Not Applicable; there is no development plan or schematic development plan for this Site.

4. The Sketch Plan satisfies the green area requirement in effect on October 29, 2014.

Not Applicable; the zoning on this site is not the result of a local map amendment.

5. The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.

The proposed project is designed to provide a compatible relationship with the existing structures within the block surrounded by Montgomery Village Avenue, Clubhouse Road, Watkins Mill Road and Stedwick Road as well as the existing development located

outside of this block. The proposed redevelopment will create a new connection through the site and activate the street with first floor retail. The proposed public open space is appropriately located and will have adequate scale and proportions with easy access to the surrounding retail and residential uses.

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

The proposed project will establish an adequate and convenient road network for the proposed and future redevelopment of the Site. It will create a suitable layout to accommodate vehicular, pedestrian, and bicycle circulation in a safe and friendly environment. The new street connection will transform a retail plaza that currently has vacant spaces into a complete street, with new vehicular access, on-street parking, and retail storefronts.

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

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

- a. the recommendations of the applicable master plan;
- b. CR Zone Incentive Density Implementation Guidelines;
- c. any design guidelines adopted for the applicable master plan area;
- d. the size and configuration of the site:
- e. the relationship of the site to adjacent properties;
- f. the presence or lack of similar public benefits nearby; and
- g. enhancements beyond the elements listed in an individual public benefit that increases public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

Table 2- Public Benefits Valuations						
Section #	Benefit Categories	Points Allowed	Points Recommended			
59-4.7.3C: Connectivity and Mobility						

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С.3	Neighborhood Services	15	12.5	
C.5	Through-Block Connection	20	10	
59-4.7.3D: Diversity of Uses and Activities				
D.2	Care Centers	20	10	
D.3	Dwelling Units Mix	10	5	
D.4	Enhances Accessibility for Dwelling Units	20	3	
59-4.7.3E: Quality of Building and Site Design				
E.7	Structured Parking	20	5	
59-4.7.3F: Protection and Enhancement of the Natural Environment				
F.5	Recycling Facility Plan	10	5	
F.10	Vegetated Wall	10	5	
	Total	125	55.5	

#### Connectivity and Mobility

#### Neighborhood Services

The Site already contains more than the required minimum number of services and small businesses. In addition, it is currently surrounded by other goods and services. Within a ¼-mile radius, there are three gas stations, two banks, a drug store, a McDonalds, an assisted living facility and two small offices. The proposed redevelopment will provide an array of options both large and small. The redeveloped Site will have two large stores, an array of mid-size retail bays, and over a dozen small bays under 5,000 square feet that will provide a wide range of retail goods and services on site to serve the community. At Site plan, a map showing qualifying basic services, existing and proposed, within ¼ mile of the Site will be required.

#### Thru-Block Connection

The Sketch Plan provides an open air, at least 15 feet wide, safe and attractive thrublock pedestrian connection that will be open to the public at all times. It is located at open space Area 5 between the multi-family building and the 15 new townhomes. At Site Plan, a final detailed plan of circulation and site layout is required.

#### Diversity of Uses and Activities

#### Care Center

There is currently a children's day care on Site and the tenant plans to remain. The day care is available to the public and provides care for more than 15 children. The proposed Sketch Plan includes a new playground to serve the children enrolled in the day care. Final size, location, layout, and other design details will be determined at the Site Plan stage.

## Dwelling Units

The Applicant is providing a total of 299 dwelling units (15 townhouses. 72 two-over-twos, and 212 multi-family), of which eight percent will be efficiency units, 27 percent will be one-bedroom, 53 percent will be two-bedroom, and 12 percent will be three-bedroom units. The residential mix proposed in the Sketch plan meets the requirements for five points. At Site Plan, final layout, design, and location will be approved prior to use-and-occupancy for As-built floor plans.

#### Accessibility

The multi-family building will provide three units with interiors that satisfy American National Standards Institute A117.1, Residential-Type A standards or an equivalent County standard. At Site Plan, final location and area will be determined.

#### Quality Building and Site Design

# Structured Parking

The proposed Sketch Plan provides a total of 1,071 parking spaces, of which 501 spaces will be provided in a garage. The first two floors will be available to retail tenants and the rest will be assigned to the multi-family units. At Site Plan, a detailed parking layout with calculations will be required.

#### Protection and Enhancement of the Natural Environment

# Recycling Facility

The project will satisfy Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. In addition, the center's management team will work with the community to implement and educate environmentally friendly

initiatives. At Site Plan, a final layout approved by the Division of Solid Waste Services is required.

### Vegetation Wall

The project will install and maintain a vegetated wall that covers at least 30% of the south side of the garage façade, will be at least 300 square feet in area, and must be visible from a public street. At Site Plan, final details, coverage, location, and design will be required.

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

The Sketch Plan proposes redevelopment of the Site in two phases and establishes the overall layout of the site with building locations, open spaces, and vehicular and pedestrian circulation. All required site improvements, circulation facilities, and a proportional amount of public benefits will be provided in each phase and will be delineated in the Preliminary Plan and all subsequent Site Plans. A full development program to establish phasing of the elements required by this Application will be developed and analyzed during subsequent Preliminary and Site Plan reviews. Any redevelopment in the area delineated as Phase 2 will require a Sketch Plan Amendment.

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

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Montgomery Village Center 320170020 received by M-NCPPC as of the date of the Staff Report December 12, 2016, are required, except as modified by the above conditions of approval; 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).

\* \* \* \* \* \* \* \* \* \* \* \*

## **CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, December 15, 2016, in Silver Spring, Maryland.

Casey Anderson, Chair

Montgomery County Planning Board