MCPB No. 16-102
Limited Site Plan Amendment No. 82013012C
Pike and Rose, Phase II
Date of Hearing: September 22, 2016

OCT 19 2016

RESOLUTION

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

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

WHEREAS, on November 14, 2013, the Planning Board, by Resolution MCPB No. 13-134, approved Site Plan No.820130120 for up to 1,648,936 square feet of development, including up to 645,976 square feet of residential development and up to 1,122,960 square feet of non-residential development on 13.21 gross acres of land bounded by Montrose Parkway to the north, Towne Road (formerly Hoya Street) to the west, Rockville Pike (MD 355) to the east, and Old Georgetown Road to the south ("Property" or "Subject Property") split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 in the White Flint Sector Plan ("Master Plan" or "Sector Plan") and

WHEREAS, On August 5, 2014, by Resolution MCPB No. 14-65, The Planning Board approved Staging Allocation Request No. 26000 for 368 residential dwelling units for Buildings 6 and 7 as approved in Site Plan No. 820130120; and

WHEREAS, On April 21, 2015, by Resolution MCPB No. 15-46, The Planning Board approved Staging Allocation Request No. 26200 for 160,705 square feet of non-residential development for Buildings 1A, 3A, 4 and 8 as approved in Site Plan No. 820130120; and

WHEREAS, On July 2, 2015, the Planning Director approved the Administrative Site Plan Amendment No. 82013012A for minor modification to curbs, landscape and hardscape layout changes, the addition of solar panels on the Building 7 parking garage, a shift of residential units from Building 6 to Building 2 including MPDU adjustments within the maximum approved residential square footage, and the reduction of permitted floor area from 1,648,936 to 1,603,813 square feet; and

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 9/28/16

WHEREAS, On March 15, 2016, by Resolution MCPB No. 16-022, the Planning Board approved Site Plan No. 82013012B for 17,018 square feet of non-residential floor area increasing the overall floor area from 1,603,813 square feet to a total of 1,620,831 square feet for Phase II, added planter and wooden trellis structures to Building 8, and made modifications to Building 1A.; and

WHEREAS, on July 1, 2016, Federal Realty Investment Trust ("Applicant"), filed an application for approval of an amendment to the previously approved site plans for a reduction of 38 units, including five MPDUs for Building 2; update unit type for Buildings 6 and 7; modification of Towne Road to incorporate a protected bike lane and streetscape changes; an increase in the park pavilion building size by 255 square feet; increase in parking by 54 spaces; design modifications for Rose Park; and updates to the Certified Site Plan set to reflect as-built conditions for garage 7; and

WHEREAS, Applicant's application was designated Site Plan No. 82013012C, Pike & Rose-Phase II (the "Application"); and

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board dated September 9, 2016, setting forth its analysis and recommendation of approval of, the Application ("Staff Report"); and

WHEREAS, on September 22, 2016 the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Wells-Harley, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Wells-Harley voting in favor. Commissioner Dreyfuss was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Site Plan No. 82013012C for a reduction of 38 units, including five MPDUs for Building 2; to update unit type for Buildings 6 and 7; modification of Towne Road to incorporate a protected bike lane and streetscape changes; to increase the park pavilion building size by 255 square feet; to increase parking by 54 spaces; for design modifications for Rose Park; and for updates to the Certified Site Plan set to reflect as-built conditions for garage 7, subject to the following conditions:[1]

---

[1] For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

1. Compliance with Previous Site Plan Approvals
   All previously approved conditions in the Opinions and Resolutions for Site Plan 820130120 and subsequent Site Plan Amendments remain in full effect except as modified by this Amendment.

2. Compliance with Previous Preliminary Plan Approvals
   All previously approved conditions in the Resolution for Preliminary Plan 120120020, remain in full effect.

3. Compliance with Previous Sketch Plan Approvals
   All previously approved conditions in the Resolution for Sketch Plan 320110010, remain in full effect.

4. Fire and Rescue
   The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated August 10, 2016 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

5. Provide a total of 143 public and 305 private bicycle parking spaces for Phase II. The public bicycle spaces should be inverted-U bike racks located near the main entrances to the apartment buildings and ground-floor retail space. The private bicycle spaces should be bike racks in a well-lit, secured location in the parking garages near an elevator or the vehicular access points. The final location will be approved by staff at Certified Site Plan.

6. Certified Site Plan
   The Certified Site Plan must include the following revisions and/or information subject to Staff review and approval:
   a) Include the development program and all current and previous Planning Board approval resolutions.
   b) Include the revised cross section of Hoya Street (now Towne Road) as approved by the Montgomery County Department of Transportation.
   c) Modify data table to reflect development standards approved by the Planning Board.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 82013012C, Pike and Rose Phase II submitted

via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

(1) The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;

The Subject Property is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is subject to the binding elements of Sketch Plan 320110010, which were modified in Site Plan 820130120.

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

The approved commercial uses are allowed in the CR zone. The changes made by this Application meet all the requirements of the zones as shown by the data table below. The Subject Property is not located in an Urban Renewal area.

Amendment	Required	Previously Approved	Approved
Building 2 units		236 (30 MPDUs)	198 (25 MPDUS)
Park Pavilion/Kiosk		2,055 sq.ft	2,310 sq. ft.
Residential indoor amenity space	3,460	4,120	3,460
Residential outdoor amenity space	3,460	4,120	3,460
Building 2 Parking (59-C-15.631)	175-249	132*	176

Building 6 Parking (59-C-15.631)	182-260	179	189
Building 7 Parking (59-C-15.631)	513-1,180	566	566
Total Vehicle Parking	1,686-3,720	1,862	1,916
Private and Secure Bicycle Parking (59-C-15.62)	305	318	305
Public Bicycle Parking (59-C-15.62)	143	143	143

*Building 2 was mistakenly approved for less parking than required by the Zoning Ordinance.

(3) The locations of building and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

The Amendment will only alter the size and configuration of the park pavilion building. The pavilion building will be increased by 255 square feet for a restroom addition and its height will be reduced from two to one story. There will be landscaping and design changes in the park, including the addition of sculpture benches. These changes will make the park more attractive and comfortable for users. Towne Road will now include a two-way separated bike lane and new streetscaping. These improvements will make the road more attractive to both bicyclists and pedestrians. These modifications to the pavilion area and to Town Road do not change the Board's previous finding that the location of buildings and structures, open space, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

(4) Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development;

The new pavilion building is slightly larger than the previously approved pavilion/kiosk design but its height will be reduced to one story. The new pavilion is still compatible with the surrounding high density residential and commercial developments in the area. All the other structures will continue to be compatible with other uses, other site plans, and existing and proposed adjacent developments.

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

The Site Plan's previous forest conservation and water resources approvals remain in full effect, and the Board's previous finding stands.

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

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 19 2016 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * * * * * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, October 6, 2016, in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board