






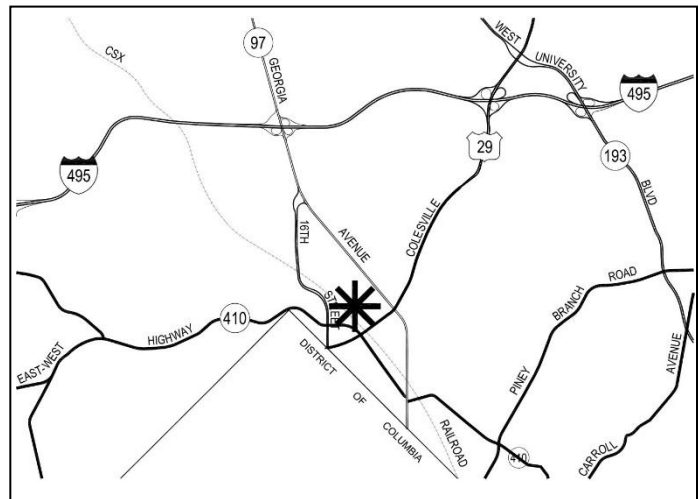
Elizabeth Square, Preliminary Plan Amendment 12015003A

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Description

Staff Report Date: 07/7/17

- Preliminary Plan Amendment to modify condition 1, condition 7 and condition 17 to allow for the creation of up to four (4) lots to allow for phased platting;
- Located at the northwest quadrant of the intersection of Second Avenue and Apple Avenue;
- 3.12 gross acres zoned CBD-1 and CBD-2 in the *Silver Spring CBD and Vicinity Sector Plan* area;
- Applicant: Lee Development Group, Inc. and the Housing Opportunities Commission of Montgomery County;
- Acceptance Date: June 7, 2017.



Summary

- The Preliminary Plan Amendment proposes to modify condition 1, condition 7 and condition 17 to allow for the creation of up to four (4) lots to allow for phased platting prior to final assemblage of the project into one (1) lot.
- The proposed Amendment will allow the phasing of recording plats for the Project, thus facilitating implementation of the approved Project Plan using the existing recorded lots, until all phases of the Project have received site plan approval and the consolidation of all phases into a single lot can occur.
- The Applications are being reviewed under the CBD-1 Zone development standards in effect on October 29, 2014, as permitted under Section 59.7.7.1.B.3 of the Zoning Ordinance.
- Staff has not received correspondence regarding the Amendment.
- Staff recommends approval of the Preliminary Plan Amendment, with conditions 1, 7 and 17 as modified.

SECTION 1: RECOMMENDATION

Preliminary Plan Amendment No. 12015003A

Staff recommends approval of Preliminary Plan No. 12015003A, subject to the following condition, which modifies and supersedes condition 1, condition 7 and condition 17 included in Preliminary Plan No. 120150030 to allow the creation of up to four (4) lots instead of one (1) lot for the phasing of plats. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted to the M-NCPPC are required. All conditions of previous approvals remain valid and binding. In the event of a conflict between the following condition and those of previous approvals, the condition as amended shall control.

1. Approval is limited to ~~one lot~~ up to four lots, with a maximum density of 772,078 square feet of total development, which includes i) up to 766,046 square feet of residential uses for up to 907 high rise residential dwelling units (a net increase of up to 436 residential units above the existing number), including 15% moderately priced dwelling units ("MPDUs") and 10% workforce housing units ("WFHUs"), or MCDHCA approved equivalent for either, and ii) up to 6,032 square feet of non-residential uses; with up to an additional 63,896 square feet for community recreational center use.
7. No release of any above grade building permit for new development on the site will be permitted prior to recordation of plat(s) for the portion of the property associated with the applicable building permit, except for any sheeting and shoring permit and permit for renovation of an existing building.
17. No clearing, grading or recording of plats prior to Certified Site Plan approval for the new development on the ~~site~~ relevant phase.

Site Vicinity

The map displays the Silver Triangle area in North Shington, Virginia. A red outline highlights the 'SUBJECT SITE' located at the intersection of Fenwick Lane and Apple Avenue. Surrounding streets include Spring Street, Fenwick Lane, Apple Avenue, and others. Key landmarks include 'PUBLIC PARKING No. 7', 'METRO', and 'SILVER TRIANGLE'. The map also shows various parcels, parking lots, and green spaces.

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The neighborhood surrounding the Subject Property includes multi-family residential uses, commercial uses, and retail uses. The recently constructed, mixed-use development project, Fenwick Station, across Fenwick Lane to the north is zoned CBD-1¹.

Site Analysis

The Subject Property includes an HOC property, consisting of four (4) lots and associated rights-of-way (Lots 6, 7 and 8 and Lot 17-Figure 4 below) containing a total of 89,137 square feet of gross tract area, and an LDG property, which consists of one (1) lot and associated rights-of-way (Lot 116-Figure 4 below) containing a total of 46,895 square feet of gross tract area, zoned CBD-1 and CBD-2.

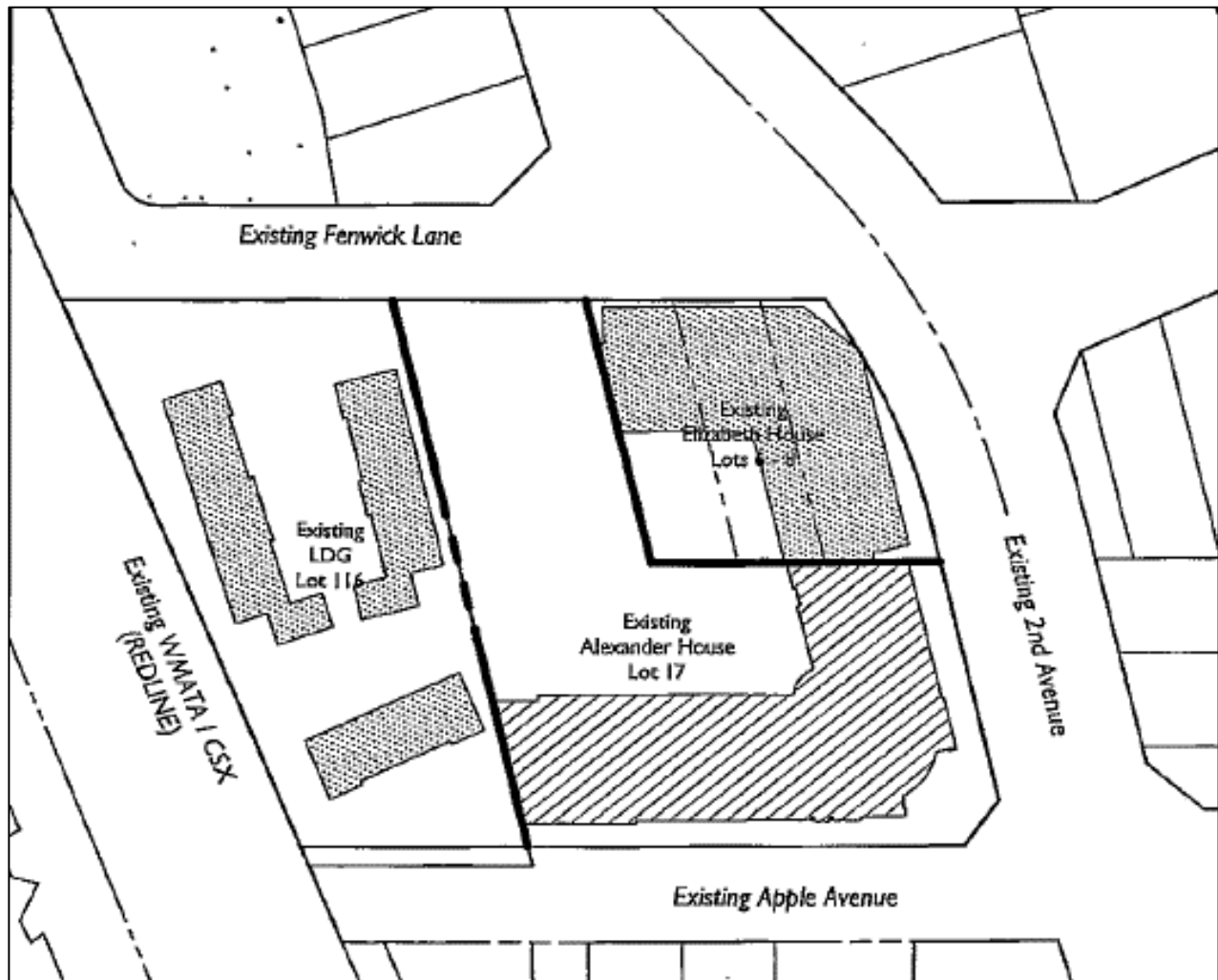


Figure 4: Existing Subdivision

The Property is currently developed with a mix of residential and commercial uses. Elizabeth House, located in the northeast corner of the Property, is a 14-story (approximately 120 feet) building constructed

¹ The CBD zones are being referenced here because the Applications were submitted prior to the adoption of the 2014 Zoning Ordinance that changed the CBD zones to CR zones.

around 1966 that has 160 affordable senior multi-family units. Alexander House, located in the southeast corner of the Property, is a 16-story (143 feet) building constructed in 1992 with 311 multi-family units. Three two-story commercial buildings, in an office townhouse configuration, are located on the west side of the Property.

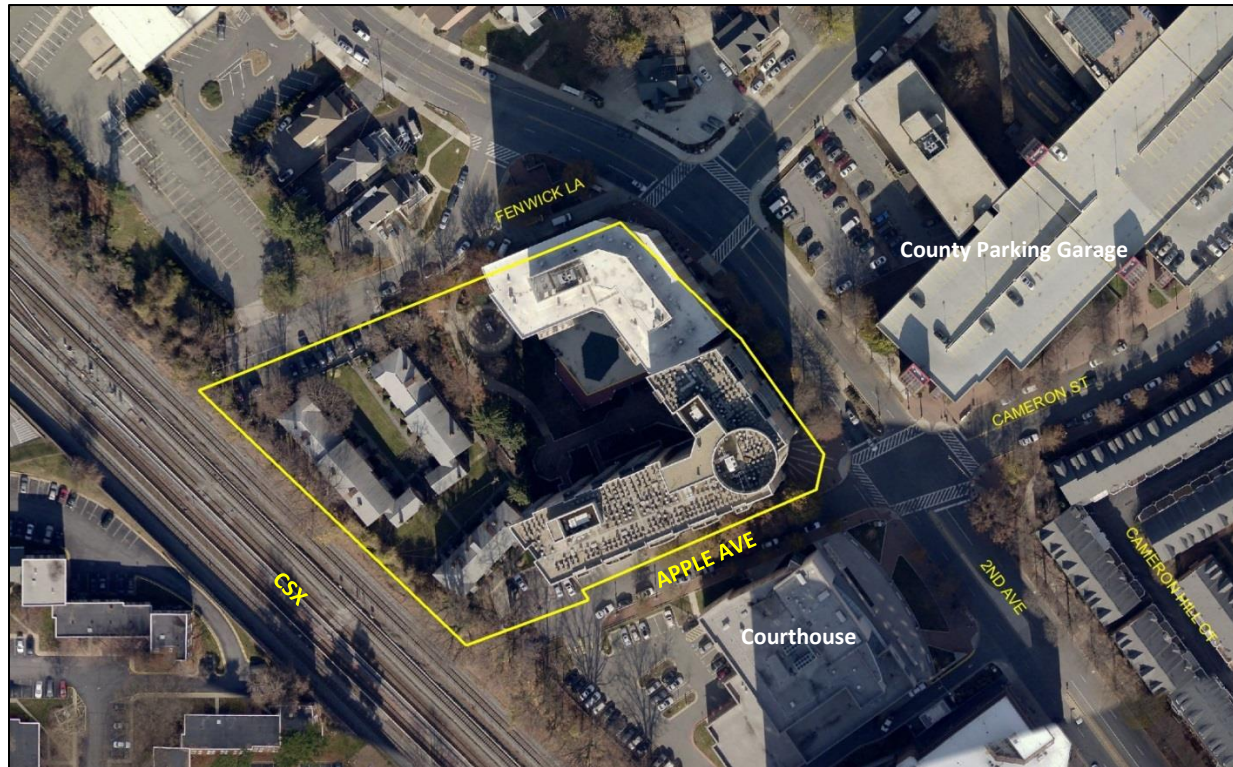


Figure 2-Aerial View

The site contains no forest, streams, wetlands, or environmental buffers. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no historic properties on site.

Previous Approvals

On July 28, 2015, the Planning Board approved Project Plan No. 920150010 by resolution (MCPB No. 15-88), Preliminary Plan No. 120150030 (MCPB No. 15-89) and Mandatory Referral No. MR015024 for construction of up to 766,046 square feet of residential development with up to 907 dwelling units, up to 6,032 square feet of non-residential uses, and 63,896 square feet of government-operated facilities on a single, unified lot outlined in Figure 2 above.

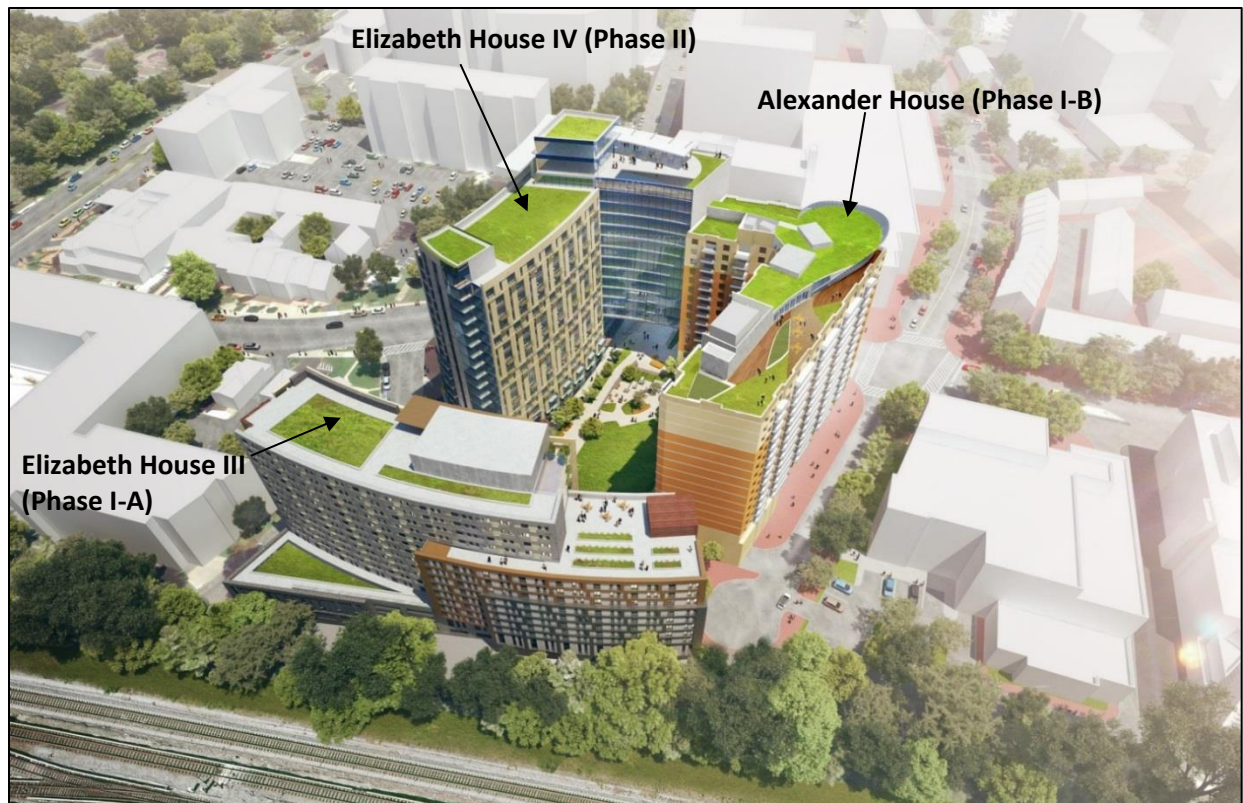


Figure 3-Approved Project Plan (Aerial View Looking East)

Previously, in 1989, the Alexander House site received Project Plan, Preliminary Plan, and Site Plan approvals, for a 16-story multi-family building, currently containing 311 residential units (Project Plan No. 919880020, Preliminary Plan No. 119881410 and Site Plan No. 819890710). For the redevelopment of the consolidated site, the Applicant elected not to amend the prior Project and Preliminary Plan approvals for the Alexander House, but to incorporate the Alexander House into the new Project Plan and Preliminary Plan applications.

The Planning Director approved Administrative Site Plan Amendment 81989071A for the Alexander House on June 12, 2015 to address minor interior and exterior modifications to the building and to reduce the number of dwelling until from 311 to 300. The Planning Board subsequently approved Site Plan Amendment No. 81989071B on December 12, 2016, (by resolution MCPB No. 16-130), superseding the previously approved amendment in order to make additional minor interior and exterior modifications to the building including reducing the number of dwelling units from 311 to 305.

On November 3, 2016, the Planning Board approved Site Plan No. 820160160 by resolution (MCPB No. 16-116), for Elizabeth House III, the Phase I-A site plan, to construct a multi-family building including up to 279,325 total square feet, with up to 267 units, including 15% MPDUs and 10% WFHUs, and up to 54,048 square feet of government-operated facilities, public-use space and structured parking.

SECTION 3: PROJECT DESCRIPTION

Proposal

The purpose of this amendment is to allow the Applicant to replat the site in phases, rather than all at once, enabling construction to begin on part of the site.

Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant posted four signs on the Property regarding the subject Preliminary Plan Amendment. A notice about the Amendment was sent on June 9, 2017. As of the date of this staff report, Staff has not received correspondence on the proposed Amendment.

SECTION 4: ANALYSIS AND FINDINGS

The project is reviewed under the Zoning Ordinance in effect on October 29, 2014, as allowed by Section 7.7.1.B.3 of the current Zoning Ordinance.

The proposed Preliminary Plan Amendment No. 12015003A makes no substantive change to the ultimate result and the effect of the Preliminary Plan. The Amendment merely allows sequencing of implementation based on the existing lot configuration, in advance of the single lot contemplated by the approved Preliminary Plan. The Amendment will allow the platting of lots to follow the needed and logical sequence of construction. The Amendment also allows the design and planning process to proceed in a logical manner, rather than requiring premature design and Staff review that would be redone and replaced later.

The proposed Preliminary Plan Amendment to phase the implementation for the platting of the Elizabeth Square property would not require any changes to the findings made by the Planning Board in the approval of Preliminary Plan No. 120150030.

STAFF RECOMMENDATION

Preliminary Plan Amendment No. 12015003A will not alter the overall character or impact of the development with respect to the original findings of approval. Further, the Amendment will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Preliminary Plan Amendment No. 12015003A.

Attachments:

A. Preliminary Plan No. 120150030 Resolution