MCPB Item No.: Date: 7/24/17

North Bethesda Town Center Preliminary Plan Amendment No. 12004049B

RHR

Rhoda Hersson-Ringskog, Senior Planner, Area 2 Division, Rhoda.Hersson-Ringsk@montgomeryplanning.org, 301-495-2192



Patrick Butler, Acting Supervisor, Area 2 Division, Patrick.Butler@montgomeryplanning.org, 301-495-4561

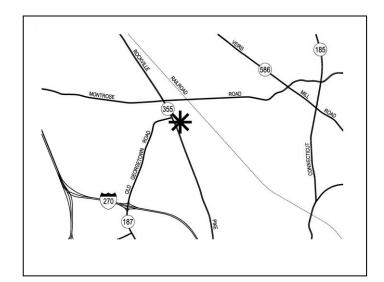
KA

Khalid Afzal, Acting Chief, Area 2 Division, Khalid. Afzal@montgomeryplanning.org, 301-495-4653

Staff Report Date: 7/13/17

Description

- Limited Preliminary Plan Amendment to amend Conditions No. 3, 8, 11, and 14 of the previous Preliminary Plan approval to allow recordation of a plat for Parcel G before Certified Site Plan;
- Current use: Mixed-use development, open space, and parking;
- Located at the north side of Marinelli Road between Rockville Pike and Nebel Street, within the 2010 White Flint Sector Plan area;
- Approximately 32.42 acres, zoned CR-4.0, C-3.5, R3.5, H300; CR-4.0, C-2.0, R3.5, H250; CR-3.0, C1.5, R2.5, H-200; and CR3.0, C1.5, R2.5, H-200;
- Applicant: LCOR White Flint, LLC;
- Application acceptance date: June 2, 2017.



Summary

- Staff recommends approval with conditions.
- The proposed amendment is being reviewed under Chapter 50, the Subdivision Regulations, in effect prior to February 12, 2017, and the Zoning Ordinance in effect prior to October 30, 2014.
- Staff finds that the proposed amendment is minor in nature and does not modify the original findings of approval.
- Three residents have expressed objections to the development of this site.
- A resident has expressed support for the North Bethesda Town Center development.

PRELIMINARY PLAN AMENDMENT NO. 12004049B

Staff recommends approval of this Limited Preliminary Plan Amendment to amend Condition Nos. 3, 8, 11, and 14 of Preliminary Plan No. 120040490. All site development elements shown on the latest electronic version of Preliminary Plan Amendment No. 12004049B submitted via ePlans as of the date of this staff report are required. All previous approved plans, findings, and conditions of approval remain in full force and effect, except as modified herein:

- 3. No clearing, grading or recording of plats prior to site plan signature set <u>except Parcel G record</u> <u>plat can proceed before Certified Site Plan</u>.
- 8. Record plat to reflect all areas under Homeowners Association ownership and stormwater management areas in all parcels except Parcel G. In Parcel G, the record plat shall include a notation that any necessary stormwater management easement will be recorded before the issuance of any new sediment and erosion control permit.
- 11. All road right-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the North Bethesda/Garrett Park Master Plan, unless otherwise designated on the Preliminary Plan. On Marinelli Road, the Applicant must dedicate, and show on the record plat(s), 5 feet of right-of-way (ROW) as shown on this Preliminary Plan Amendment No. 12004049B.
- 14. Compliance with conditions of the MCDPWT letter dated July 15, 2004, as amended September 21, 2004 and June 26, 2017, and as may be further amended.

SECTION 1: SITE DESCRIPTION AND BACKGROUND

Site Description

The Subject Property (Parcel G) is part of the 32.42 acres North Bethesda Town Center development (entire site) (Figure 1). The entire site is located on the north side of Marinelli Road between Rockville Pike to the west and Nebel Street to the east. Parcel G lies to the east of Citadel Avenue, within the larger site. White Flint Metro Station is located to the west of the Property, at the intersection of Rockville Pike and Marinelli Road.



Figure 1: Vicinity Map – Parcel G (hatched area)

The entire site lies within the 2010 *White Flint Sector Plan*, which was rezoned from TS-M (Transit Station, Mixed) and I-1 (Light Industrial) to four different CR zones as shown on Figure 2 below. Parcel G is zoned, CR-4.0, C-2.0, R-3.5 H-250.

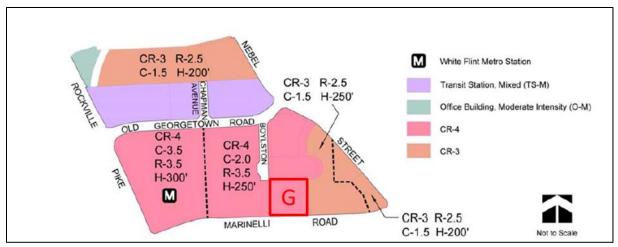


Figure 2: 2010 White Flint Master Plan – Proposed Zoning for the overall North Bethesda Town Center Project

Figure 3 below shows the overall site plan for the entire North Bethesda Town Center site, which was approved as part of the Preliminary Plan. Parcel G is outlined in red. Currently, the entire 32.42-acre North Bethesda Town Center site has the following improvements as shown in Attachment 1:

- 362,000-square-foot office building for the U.S. Nuclear Regulatory Commission on Parcel C;
- 341 units in the Aurora building on Parcel F;
- 312 units in the Wentworth House and 63,000 square feet of Harris Teeter store on Parcel E;
- WMATA Garage on Parcel D (this is not an LCOR investment); and
- Landscaped open space, a community green, public and private roadways, and other infrastructure improvements.



Figure 3: North Bethesda Town Center-Overall Site Plan - Parcel G outlined in red

History/Previous Approvals

Zoning/Development Plan

In April 2003, the Montgomery County Council approved the rezoning of the Property from R-90 Zone to the TS-M (Transit Station, Mixed) Zone by Local Map Amendment G-801, per Resolution 15-151 (Attachment 2). The rezoning sought to develop 2,700,000 square feet of mixed-use development with approximately 1,350,000 square feet of office and retail use and approximately 1,350,000 square feet for 1,350 residential rental units, including MPDUs.

Preliminary Plan No 120040490

On March 22, 2005, the Planning Board approved Preliminary Plan No. 120040490 for the entire North Bethesda Town Center site, to create 9 lots and two parcels on 32.42 acres to allow up to 1,350 multifamily residential units, including 169 MPDUs, 1,148,000 square feet of Commercial Office, 202, 037 square feet of General Retail with a possible supermarket, and an 80,000-square-foot theater with 3,500-seat capacity (Attachment 3).

Preliminary Plan Amendment No. 12004049A

On March 20, 2008, the Planning Board approved Preliminary Plan Amendment No. 12004049A which modified three conditions relating to platting, APF validity and public use easements (Attachment 4).

Approved Site Plans

On December 19, 2005, the Planning Board approved Site Plan No. 820050340 for Parcel E for an 18-story, multi-family building with 312 residential units, 39 MPDUs and 61,246 square feet of grocery store use.

On September 16, 2008, the Planning Board approved Site Plan No. 820080110 for Parcels F, I and J, for 327 multi-family dwelling units, and approximately 63,100 square feet of public use space in a 19-story building.

On September 18, 2008, the Planning Board approved Site Plan No. 820080180 for 527,655 gross square feet of mixed commercial and retail development on two parcels, including 103,910 gross square feet on Parcel A and 423,745 gross square feet on Parcel C, 42,900 square feet of public use space, and public site infrastructure. This site plan application was amended twice by Application 82008018A and 82008018B.

SECTION 2: THE PROPOSAL

Proposal

The 32.42-acre North Bethesda Town Center site is owned by the Washington Metropolitan Area Transit Authority (WMATA). On January 12, 2001, the Applicant entered into a Joint Development Agreement (JDA) with WMATA, which gives the Applicant development rights to the site. The JDA includes a phased development plan with a schedule of milestones, one of which is that the Applicant must obtain a record plat for each parcel in order to execute a ground lease by a certain date. The Applicant has met the necessary milestones for Parcels C, E and F and has developed these parcels, but is running out of time to obtain the record plat for Parcel G by the end of this year. Therefore, the Applicant is requesting revisions to Conditions 3, 8, 11, and 14 of Preliminary Plan 120040490 to allow recordation of a plat for Parcel G before Certified Site Plan. These revisions are shown in the conditions of approval stated at the beginning of this report

As part of this amendment, the Applicant is dedicating an additional five feet of right of way (ROW) on the south side of Parcel G, along Marinelli Road as shown in Attachment 5. This dedication will increase the established right-of-way line from 40 feet to 45 feet from the center line of Marinelli Road. The dedication is consistent with the 2010 *White Flint Sector Plan* recommendation of a 90-foot-wide right of way for Marinelli Road (the current right-of-way is 80 feet wide). The remaining five feet of right of way will come from the opposite side of Marinelli Road as part of any future development.

SECTION 3: ANALYSIS AND FINDINGS

Per Section 50-37(b)(2), when a Site Plan is required, plats are typically recorded after the approval of the Certified Site Plan. The Applicant is requesting approval to record a plat for Parcel G before Certified Site Plan, so the Applicant can meet all the requisites for acquiring the ground lease/leasehold interest for Parcel G before the expiration date in the contract with WMATA. The proposed amendment does not alter the findings and recommendations of the original Preliminary Plan No. 120040490 and Preliminary Plan Amendment No. 12004049A. The proposed modifications to Condition Nos. 3, 8, 11 and 14 will not alter the intent or objectives of the previous approvals, and will not affect the compatibility of the development with the surrounding neighborhood.

Community Outreach

The Applicant has complied with all submittal and noticing requirements. The Applicant also sent individual notice letters to neighboring residents and businesses. Staff received the following correspondence from the community:

- An objection from a resident on Old Georgetown Road, who is concerned about the loss of habitat for wildlife because of the North Bethesda Town Center development. She stated there is no need for this type of development and would like more green space in the area. (Attachment 6).
- An objection letter which seeks to retain the existing dog park in Parcel G (Attachment 7).
- A phone call from a local resident, who is opposed to the development and would like to attend the Planning Board hearing for this application.
- A phone call from a local resident, who is in support of the North Bethesda Town Center project.

The Applicant's team presented an overview of the proposed Preliminary Plan Amendment at the White Flint Implementation Committee at 7:00 p.m., on Monday, July 10, in the multi-purpose room of the Kennedy Shriver Aquatic Center, 5900 Executive Boulevard, Rockville, MD.

Conclusion

This Limited Preliminary Plan Amendment is consistent with the requirements of the Subdivision Regulations in effect prior to February 12, 2017, and the Zoning Ordinance in effect prior to October 29, 2014; is consistent with the goals and recommendation of the *2010 White Flint Sector Plan;* is consistent with the findings of the previously approved Preliminary Plan No. 120040490 and Preliminary Plan Amendment No. 12004049A; and has been reviewed by other applicable County agencies, all of whom support the application (Attachment 8). Therefore, Staff recommends approval of Preliminary Plan Amendment No. 12004049B, with the conditions listed at the beginning of this report. All other findings and conditions of Preliminary Plan Nos. 120040490 and 12004049A remain in full force and effect.

ATTACHMENTS:

- 1. Plans showing the developed Parcels
- 2. Local Map Amendment Approval No. G-801, per Resolution 15-151
- 3. Preliminary Plan 120040490 Resolution
- 4. Preliminary Plan Amendment 12004049A Resolution
- 5. Preliminary Plan Amendment 12004049B drawings
- 6. Objection Letter, June 12, 2017
- 7. Objection Letter, July 6, 2017
- 8. Agency Correspondence

ATTACHMENT 1A





LEGEND

1) THE UNITED STATES NUCLEAR REGULATORY COMMISSION

2 COMMUNITY GREEN

(3) WENTWORTH HOUSE AND HARRIS TEETER

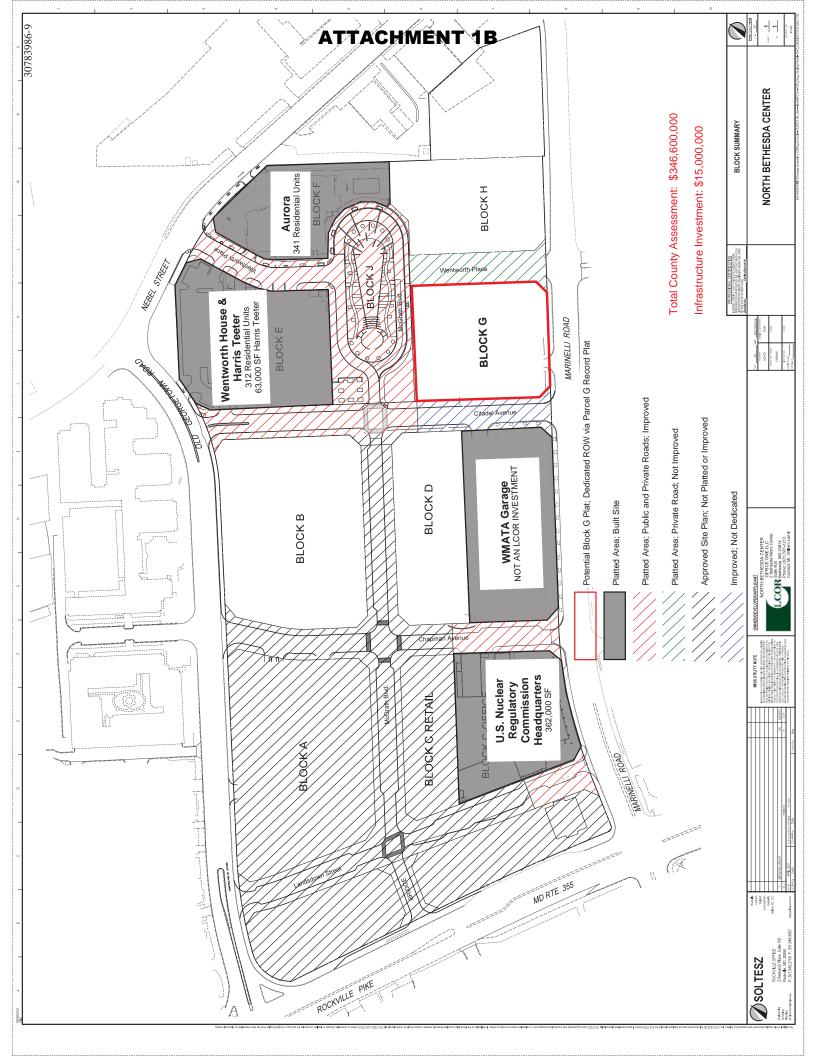
4 AURORA AT NORTH BETHESDA CENTER

(5) WMATA GARAGE (1,270 SPACES)









Resolution No. <u>15-151</u> Introduced: April 29, 2003

Adopted: April 29, 2003

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY

By: County Council

SUBJECT:

APPLICATION NO. G-801 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Stephen P. Elmendorf and Nathan J. Greenbaum, Attorneys for White Flint LLC (LCOR) and Washington Metropolitan Area Transit Authority (WMATA), Applicants, OPINION AND RESOLUTION ON APPLICATION

Tax Account No. 04-001-00052606

OPINION

Zoning Application No. G-801 requests reclassification from the R-90 Zone to the TS-M Zone of 30.99 acres known as the WMATA property, located within an area bounded by Rockville Pike, Old Georgetown Road, Nebel Street and Marinelli Road in North Bethesda in the 4th Election District.

The Hearing Examiner recommended approval of the application and the revised development plan based on findings that the proposed development is a proper use for the comprehensive and systematic development of the County; that the proposed use is capable of accomplishing the purposes of the TS-M Zone; that the proposed development is in compliance with the applicable master plan; and that the proposed development satisfies all the technical requirements of the TS-M Zone.

The Hearing Examiner also concluded that the development plan complies with the master plan and does not conflict with the general plan, the County's CIP or other County plans or policies; that the plan complies with equipposes, standards and regulations of the TS-M Zone, provides for the maximum safety, convenience and amenity of residents of the development, and will be compatible with adjacent development; that the plan provides for internal vehicular and pedestrian circulation systems that are safe, adequate and efficient; that the plan provides design features that will minimize soil erosion, enhance sediment control, and preserve natural features; and that the binding elements of the plan assure perpetual maintenance and care of recreational, common and quasi-public areas.

The Technical Staff and the Planning Board provided similar recommendations. The District Council agrees with the findings and conclusions of the Hearing Examiner, the Planning Board and the Technical Staff.

The subject property is located in the North Bethesda-Garrett Park Planning Area. The 30.99 acre tract is roughly rectangular in shape and is bounded on four sides by roads: Rockville Pike on the west, Old Georgetown Road on the north, Nebel Street on the east and

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Marinelli Road on the south. The topography reflects a 76-foot average drop in grade from west to east. The property extends about 1,560 feet in depth and is about 845 feet wide. The site is currently developed with the White Flint Metro Rail Station, a surface parking lot for Metro patrons, a golf driving range and miniature golf course and storm water management facilities. The 4.7-acre forest and rock outcroppings of the "White Flint" are located in the center of the site.

The surrounding impact area includes areas south to Parkwood, east to Rock Creek and north to Randolph Road. This area includes residential areas that will likely receive impact from this large development not just in the form of traffic impact but also from its intensity of use. This area is in line with the likely impact of the project and consistent with impact areas used by the District Council in other high impact cases.

The land use and zoning pattern of the area reflects mixed uses including offices, retail, light industrial, high-rise and mid-rise residential buildings, and single-family residential uses. The eastern portion of the area includes low-rise, light industrial uses within the Montrose Industrial Park and the Washington Gas Light facility. To the north are residential uses including the 3 to 5 story Windsor Villa apartments, and White Flint Place, a complex with a 12-story office building with retail and two 16 story residential buildings currently under construction. The 17 story Forum residential condominium is located further north.

The Mid Pike Plaza is located west of Rockville Pike and is developed with one and two story retail uses with surface parking. Also located west of Rockville Pike is the Metro surface parking lot that is approved for development as the County's Conference Center which will include two 12 story hotels and about 100,000 square feet of conference space. Located south of Marinelli Road and west of Rockville Pike is a two-story retail center. Located further to the west are three high-rise residential buildings developed under the TS-R Zone and range up to 19 stories.

Located on the south side of Marinelli Road and on the east side of Rockville Pike are the two buildings of the Nuclear Regulatory Commission, one of which is 20 stories and the other 10 stories. Located to the east along the south side of Marinelli Road are mixed uses including a proposed 20-story, residential high-rise, an existing 4-story apartment building, a Metrobus storage and maintenance facility, low-rise industrial uses and an athletic club. Located further south is the White Flint Mall, and the residential communities of Garrett Park Estates and Parkwood.

The proposed development will contain over 2,700,000 square feet of mixed uses with approximately 1,350,000 square feet designated for office and retail uses and approximately 1,350,000 square feet designated for 1,350 residential rental units, including moderately priced dwelling units (MPDUs). The overall concept of the project is to break the 30-acre site into eight building blocks centered along a "Main Street" that will extend in an east-west direction. This Main Street will link Rockville Pike and the eastern end of the site. Main Street will function as an internal loop road. All the internal streets will have sidewalks, streetscape improvements and ample building setbacks. These improvements will include street trees, pedestrian scale streetlights, benches, and street signs. Streetscape will also be provided along the roads that border the site. All the proposed uses will be located within 1,600 feet of the Metro station.

The project will be contained in eight building blocks. The four blocks closest to Rockville Pike will contain the office uses, while the four eastern blocks will contain the residential development. Building setback will be 15 to 20 feet with sidewalks of appropriate

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width depending on their location and function. Parking will be provided for employees, patrons, residents and Metro riders in structured parking facilities and on-street spaces. A WMATA parking garage will be located between a Metrobus stop and the transit station.

Retail uses will be located along the western edge of the site and will also extend along both sides of Main Street at street level. The proposal intends to provide a grocery store/market to be located east of Chapman Avenue within one of the residential blocks. A below grade movie theatre is also planned to be located east of Chapman Avenue.

A street grid is designed to accommodate future north-south extensions of Chapman Avenue and Citadel Street to form a connection between Nicholson Lane and Randolph Road that will permit traffic from Marinelli Road and Old Georgetown Road to enter the site and also provide relief to Rockville Pike. The street grid is also designed to slow traffic and offer a buffer for pedestrians with street parking. A north-south street, known as Station Street, will extend from Old Georgetown Road to Marinelli Road along the western end of the site, and will provide a showcase of activity for retail and offices uses facing Rockville Pike. The street will also provide pedestrian access to and from the Metro station and will provide for kiss and ride, handicap parking and bus access to the station. At the east end of the site, a local street will connect Main Street to Nebel Street. At the west end of the site, the development plan proposes a pedestrian/vehicular bridge across the Metro tracks. Final approval of the proposed bridge will be determined by the Planning Board at site plan review.

There are several identified amenities proposed. A tree stand, containing 51,000 square feet of forested area and over 25 specimen trees and the "White Flint" rock outcropping, will be preserved adjacent to Main Street. A community green of about 35,000 square feet is proposed along the eastern end of Main Street as a focal point for the residential buildings. A storm water management facility will be located off-site on an adjacent property at the eastern end of the site. Another storm water management facility will be located underground at the northern end of the site. Other substantial and additional amenities, including a childcare center and an indoor community activity space, will be provided within the building blocks as determined by the Planning Board.

The project will enhance pedestrian movement by locating density closer to Metro. Building heights will range to as high as 20 stories, the level currently reflected by the NRC building on the south side of Marinelli Road. An architectural edge around the building blocks will reflect heights of 1 to 4 stories. There will be 4 or 5 commercial buildings and the office towers that are expected to range from 10 to 20 stories in height. The residential towers would range from 4 to 20 stories with the tallest buildings clustered around the community green. The proposal includes a density limit of 2.0 FAR, which conforms to the master plan recommendation.

The property is classified under the R-90 Zone, which was applied to the site by the 1954 Regional District Zoning. Countywide comprehensive rezoning in 1958, and again in 1978 and in 1993 reconfirmed this zoning. The property is also the subject of special exceptions for two golf-driving ranges approved by the Board of Appeals.

In 1978, when the Nicholson Lane Sector Plan first analyzed this area, the R-90 Zone was recommended as a base zone and the TS-M Zone was recommended as an alternative floating zone which can only be applied by local map amendment. The zoning plan was followed by comprehensive zoning in 1978 which confirmed the R-90 Zone. The subject property is currently governed by the recommendations contained in the 1992 North Bethesda-

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Garrett Park Master Plan, which recommends the site for the R-90 Zone and for the TS-M Zone as a floating zone.

The District Council finds that the application is consistent with the land use and density recommendations of the master plan. In terms of planning objectives for this location, the application will provide a main urban center for North Bethesda, encourage significant Metro use, promote mixed use development to insure vitality of the area, provide transit serviceable residential uses and promote a lively pedestrian environment. The application also meets the urban design and street circulation recommendations of the plan. Open space and MPDUs are elements of the project that also comply with the recommendations of the master plan.

The District Council concludes that the proposed development complies with the intent and purposes of the TS-M Zone. The site is located in a transit station development area where substantial commercial and office uses exist and are recommended by the master plan and will promote optimum use of transit facilities. The proposed development is recommended for the TS-M Zone by the applicable master plan and will be located adjacent to the White Flint Metro The development plan provides an imaginative and compact site design with compatible land uses and specifically implements the design guidelines of the sector plan. The proposal includes several amenities including a child day care center, a indoor community activity space, structured parking, tree preservation, community open space areas and storm water quality and quantity control facilities. The design layout strictly conforms with the density recommendations of the master plan in that the overall development will be restricted to an FAR The development plan includes features that will minimize detrimental impact on adjacent properties or the surrounding area. The proposed development is compatible with the existing and planned land uses in the area. The proposal meets the technical development standards of the TS-M Zone concerning minimum lot area, overall density and public use space and active and passive recreational space.

The District Council also finds that the development plan meets the requirements of Section 59-D-1.61 of the Zoning Ordinance. The TS-M Zone at this location complies with the master plan and the proposed development is in accord with the County's other plans and policies. The development plan provides for a form of development that satisfies the requirements of the TS-M Zone, provides for the maximum safety, convenience and amenities for residents of the development, and is compatible with adjacent development. The development plan contains features that protect environmentally sensitive areas and provides for green areas. The design layout provides for significant open space, tree preservation, setbacks, buffer areas, separate vehicular and pedestrian circulation systems and a storm water management system. The internal vehicular and pedestrian circulation systems will be safe, adequate and efficient. The design features will prevent soil erosion, enhance sediment control and preserve natural features. The Applicants provided binding elements of the development plan to assure perpetual maintenance of all recreational, common and quasi-public areas.

For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County. Maryland approves the following resolution:

The revised development plan, submitted as Ex. 88(b), is approved. Zoning Application No. G-801 for the reclassification from the R-90 Zone to the TS-M Zone of 30.99 acres known as the WMATA property, located in an area bounded by Rockville Pike, Old Georgetown Road. Nebel Street and Marinelli Road in North Bethesda in the 4th Election District is granted in the amount requested subject to the specifications and requirements of the approved development plan; provided that, within 10 days of receipt of the District Council's approval resolution, the Applicants must submit the revised development plan, Ex. 88(b), as a single document for certification in accordance with §59-D-1.64.

This is a correct copy of Council action.

Mary A. Edgar, CMC

Clerk of the Council

ATTACHMENT 3



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 Date Mailed: MAR 22 2005

Action: Approved Staff Recommendation

Motion of Commissioner Bryant, seconded by Commissioner Perdue,

with a vote of 5-0;

Chairman Berlage and Commissioners. Perdue, Bryant, Wellington, and

Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-04049

NAME OF PLAN: North Bethesda Town Center (LCOR White Flint)

The date of this written opinion is MAR 22 2005 (which is the date that this opinion is mailed to all parties of record). 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).

INTRODUCTION

On January 13, 2004, LCOR White Flint, LLC submitted an application for the approval of a preliminary plan of subdivision of property in the TS-M and I-1 zones. The application proposed to create 9 lots on 32.42 acres of land located at on the east side of Rockville Pike (MD 355) between Marinelli Road and Old Georgetown Road (MD 187), in the North Bethesda/Garrett Park master plan area. The application was designated Preliminary Plan 1-04049. On September 30, 2004, Preliminary Plan 1-04049 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staffgenerated minutes of the Subdivision Review Committee meeting(s) on the application;

all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The subject property consists of approximately 32 acres and is located on the east side of Rockville Pike (MD 355) approximately 2,000 feet south of its intersection with Montrose Road. The property is bounded on four sides by roads: Rockville Pike on the west, Old Georgetown Road on the north, Nebel Street on the east and Marinelli Road on the south. The site is currently developed with the White Flint Metro Rail Station, a surface parking lot for Metro patrons, a golf driving range and miniature golf course, and stormwater management facilities. The majority of the property is zoned Transit Station Mixed with a small area of I-1 Light Industrial.

PRIOR PLAN APPROVALS

The TS-M zoned portion of the property was rezoned from the R-90 zone in April 2003 per County Council Resolution No. 15-151. The specifications and requirements of this rezoning have been incorporated into the approval of the Preliminary Plan per proposed condition #2.

A Pre-application Submission Application, including a Concept Plan, was submitted for Planning Board approval, pursuant to the provisions of Section 50-33A of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) in September, 2003 (Pre-Preliminary Plan No. 7-04001). The application requested a decision by the Planning Board on the adequacy of school facilities for the proposed subdivision under the Ceiling Element for the FY 2004 Annual Growth Policy (July 2003), and the adequacy of road and public transportation facilities of the proposed subdivision under the Alternative Review Procedures for Metro Station Policy Areas in the FY 2002 Annual Growth Policy — Policy Element (November 2001). The Pre-Preliminary Plan was approved by the Planning Board, with conditions on October 16, 2003. The approval conditions have been incorporated into the approval of the Preliminary Plan per proposed condition #13.

In July 2004 the Planning Board reviewed a Mandatory Referral for the Washington Metropolitan Area Transit Authority's (WMATA) Metro parking garage at White Flint, which is located on proposed Lot "D" of the subject Preliminary Plan. The Board approved the mandatory referral and transmitted comments to WMATA.

PROJECT DESCRIPTION

The preliminary plan consists of nine lots and 2 parcels. Each lot may contain up to a 20-story building with structured parking. The two parcels contain community open space and stormwater management facilities. The proposed development will contain mixed uses including: approximately 1,350 apartment units, twelve and one-half percent of these units, or 169 units will be Moderately Priced Dwelling Units; 1,148,000 square feet of Commercial Office; 202,037 square feet of General Retail; and up to an 80,000 square foot Theater. The plan preserves approximately one acre of trees, which are part of the original 4.7-acre forest and rock outcroppings of the "White Flint" in the Urban Amenity Open Space area. Site plan review pursuant to §59-D-3 is required for this project.

STAFF RECOMMENDATION

Staff recommended approval of this preliminary plan with conditions in its memorandum dated September 23, 2004 ("Staff Report"). Staff's review indicated that the preliminary plan complies with the requirements of Chapter 50, the Subdivision Regulations. Staff found that the preliminary plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the APF requirements.

During Staff's review, a letter was received from the Garrett Park Estates – White Flint Park Citizens' Association ("Citizens' Association"), which expressed concern with the traffic impact from the Bethesda Town Center, in particular on Rockville Pike, and noted that the Preliminary Plan did not show the on-site daycare facility or the on-site indoor community activity space. Staff also received a letter from V3 Properties, LLC ("V3 Properties"), the owner of an adjacent property on Nebel Street. V3 Properties noted that it and its neighbors should be provided access to and through the proposed development, at a minimum pedestrian access.

PUBLIC HEARING

At the public hearing, Staff presented revised conditions of approval to the Board. Staff explained that one of these revisions included the requirement that the Planning Board grant a waiver of a section of the Subdivision Regulations requiring business district streets have an 80' right-of-way to permit rights-of way of 70 feet, which is the width required in the Road Code, Montgomery County Code Chapter 49. Staff also noted that Condition 13 restates the binding conditions of approval of the pre-preliminary plan and that the preliminary plan proposed condition reflected the correction of a mistake in the pre-preliminary plan conditions by referencing the correct fiscal year Annual Growth Policy. Other revised conditions concerned the roadways, including obtaining certain approvals from SHA and WMATA at site plan review.

Transportation Planning Staff advised the Planning Board that adequate public facilities had been addressed at the pre-preliminary plan stage and has been approved by the Board. As such, Staff testified, the primary transportation issue for the Board's consideration at the preliminary plan hearing involved the road network. Staff advised the Board that, through negotiations, the applicant, DPWT and M-NCPPC Staff had arrived at a consensus position that the streets serving the commercial area will all be public. Streets serving the residential area of the project, however, will be private. Staff noted that DPWT has agreed to maintain Bridge Street as a public street, and that traffic control at the intersection of Bridge and Station streets is being given careful consideration to ensure that there will be no backup of traffic on Rockville Pike. Staff noted the importance of that access point to the site because nearly all of the retail will be located along Main Street and that M-NCPPC, DPWT, and the applicant feel strongly that the proposed connection to Rockville Pike at Bridge Road be provided.

The applicant, through its counsel, testified that applicant agrees with Staff's recommendation and conditions of approval, including the revisions. Responding to the comments in the Citizens' Association letter, applicant's counsel advised the Board that issues related to the daycare center and recreational amenities are not properly addressed at the preliminary plan stage and will be addressed at the site plan stage. Applicant also responded to the letter submitted by V3 Properties, which requested pedestrian and/or vehicular access directly into the site at the middle of the block. Noting that the neighboring property is in an I-1 Zone, Applicant pointed out that pedestrian access exists along Nebel Street into the site. Applicant commented that it did not desire to have I-1 traffic coming through the residential component of the proposed development and, furthermore, that a significant change in grade existed between those neighboring properties and the site, which would make such a connection impractical. Moreover, the applicant argued, the proposed road/ sidewalk grid network provides adequate vehicular and pedestrian connections from virtually any direction.

A representative of the Citizens' Association read and submitted into the record a written statement. The representative pointed out what she believed was an error in excluding from the list of intersections that exceed the CLV congestion standard and requested that the information be updated. She stated that it is in the interest of the community to discourage use of Rockville Pike in favor of alternate routes such as Nebel Street. The representative advised the Board that the Citizens' Association took issue with two aspect of the Preliminary Plan: the construction of new vehicular access from Rockville Pike and the proposal to provide only private road access to Nebel Street.

In its rebuttal time, the applicant clarified that the classification of certain roads as being "private," simply relates to the party who will be charged with maintaining the road. He noted that the private roads would be built to public road standards and the public would have access to those roads. Concerning Bridge Street, the applicant noted that

Transportation Planning Staff had determined during the zoning case that the access to Rockville Pike would relieve some of the traffic congestion at the intersection with Old Georgetown Road. He also advised the Board that deceleration and acceleration lanes would be provided on Rockville Pike at the new access point.

There was considerable discussion by the Board on the amenities and open spaces to be provided and whether they would really serve the community in the manner intended. Board members told the applicant that they want assurance that the proposed amenities would be useful and appear welcoming to the public. Staff and applicant explained to the Board how, conceptually, the amenities would work. They advised the Board that the amenities and open space design will be addressed in some detail at the time of site plan review. The applicant assured the Board that it is aware of the Board's desires with respect to the amenities and open space. The Board also expressed concurrence that the intersection of Nebel and Nicholson requires improvement and asked Staff to look into the matter in order that the Board may forward a recommendation to the County to address any issues there. The Applicant noted that it was required under the alternative review procedure to perform a comprehensive intersection analysis and that such analysis had been conveyed to Staff.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-04049 substantially conforms to the North Bethesda/Garrett Park Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision. As noted above, the adequate public facilities finding was made at the pre-preliminary plan stage.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- e) 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.
- f) The Record of this application contains only the following contested issues:
 - Pedestrian and/or vehicular access from adjoining properties in the southeast corner of the property directly into the proposed development: The Board finds, based on evidence of record and testimony at the hearing that providing such direct access is not feasible because of problematic grade changes and the location of proposed stormwater management facilities. The Board notes that adequate access is provided in the northeast corner of the proposed site and that additional "direct" access points are not necessary. The Board further finds that the proposed road/sidewalk grid network provides adequate vehicular and pedestrian connections from virtually any direction, including the adjoining properties.
 - Access to the proposed development directly onto Rockville Pike via Bridge Street: Based on evidence of record and testimony at the hearing, the Planning Board finds that the access point at the proposed Bridge Street and Rockville Pike is critical because nearly all of the retail will be located along Main Street, which is on axis with Bridge Street; and, therefore, it is important for optimal circulation and safety that vehicles entering from and exiting to Rockville Pike have such a Additionally, the Board finds that the convenient access point. proposed access point will facilitate efficient and safe circulation of public transit vehicles on the site. The Board further finds that the proposed connection to Rockville Pike at Bridge Street will not negatively impact traffic on Rockville Pike, because, among other things, it will relieve some of the traffic congestion at the intersection of Rockville Pike and Old Georgetown Road to the north, and deceleration and acceleration lanes will be provided on Rockville Pike to the north and south of the access point. The Board is of the opinion that, in approving a development plan that included access to Rockville Pike via proposed Bridge Street-which access point was not delineated for in the master plan—and delegating final approval of the bridge to the Planning Board as a part of the Board's regulatory review of the proposed development, the District Council, the master plan approving authority, has endorsed access onto Rockville Pike via proposed Bridge Street; and, therefore, the Board's finding of

substantial conformance with the master plan can be made notwithstanding the absence of such an access point from the master plan.

 Private Road access to Nebel Street: The Board finds, based on evidence of record and testimony at the hearing, that providing access to Nebel Street via "private roads" will not discourage drivers from using those roads to access Nebel Street because those roads, when constructed, will be indistinguishable from public roads and will be open to the public.

The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04049 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04049, including a waiver of Section 50-26(a)(4) pursuant to Section 50-38, to permit business district streets with a right of way of 70 feet, and subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 9 lots, 2 parcels with 1,350 Multi-Family Residential Units including 169 MPDUs, 1,148,000 square feet of Commercial Office, 202,037 square feet of General Retail with a possible supermarket, and an 80,000 square foot Theater with matinees and a 3,500-seating capacity.
- 2) Compliance with the specifications and requirements of the approved development plan for Zoning Application No. G-801, County Resolution No. 15-151.
- 3) No clearing, grading or recording of plats prior to site plan signature set.
- 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) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 6) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.

- 7) Record plat to reflect a Category II easement over the tree save area which is part of the Urban Amenity Open Space.
- 8) Record plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 26, 2004.
- 10) Final access and improvements, as required to be approved by MDSHA prior to issuance of building permit.
- 11) All road right-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the North Bethesda/Garrett Park Master Plan, unless otherwise designated on the Preliminary Plan.
- All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Bethesda/Garrett Park Master Plan, and to the design standards imposed by all applicable road codes, unless otherwise amended. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By ______" are excluded from this condition.
- 13) Compliance with the following transportation-related conditions:

Per the Planning Board's approval of Pre-Preliminary Plan No. 7-04001:

A. The Applicant to enter into an agreement with the Planning Board and the County Department of Public Works and Transportation to:

 meet trip reduction goals established by the Planning Board as a conditions of approving the LCOR Subdivision, which require the Applicant to reduce 50% of the number of weekly peak hour trips attributable to the LCOR Subdivision, either by reducing trips from the subdivision itself or from other occupants of the White Flint Metro Policy Area;

2. participate in programs operated by, and take actions specified by the North Bethesda Transportation Management District ("TMD") established by County law fro the White Flint Metro Policy Area (or a group of policy areas including that policy area) in order to meet the TMD's mode share goals;

3. pay an ongoing annual contribution or tax to fund the TMD's operation expenses, including minor capital items such as buses, as established by County law; and

4. pay the applicable transportation development impact tax without claiming any credits for transportation improvements.

5. Conduct a Local Area Transportation Review ("LATR") traffic study and specify for inclusion in the County's Capital Improvements Program ("CIP") any transportation improvements needed to support the subdivision.

B. Preliminary plan application shall conform to all other requirements set forth in Chapter 59, Zoning Ordinance, Chapter 50, Subdivision Regulations and

other applicable codes.

C. Planning Board approval of the Pre-Preliminary Plan including the alternative review procedures under Section TA1 of the FY02 Annual Growth Policy does not preclude further consideration by the Board of other trip reduction measures associated with preliminary plan or site plan review, as appropriate, e.g. location of transit stops, provision/location of Kiss-and-Ride and bus circulation areas; on-site and off-site pedestrian and vehicular circulation; on-site parking requirements; phase-in of day care facilities, and other trip reduction measures as appropriate.

Per Transportation Planning review of the Preliminary Plan:

- D. Designate the following internal streets as public commercial/industrial roads with modified cross-sections:
 - 1. The entire length of the north-south streets between Marinelli Road and Old Georgetown Road:

a) Station Street

- i) To be the main bus loading/unloading area, in lieu on Rockville Pike (MD 355) and the current on-site location.
- ii) To possibly be one-way southward between Main Street/Bridge Street to Marinelli Road that would be determined at site plan.

b) LCOR's (not the master-planned business district street)
Chapman Avenue

c) Citadel Avenue

- 2. Bridge Street that is an east-west street between Rockville Pike and Station Street.
- 3. Main Street that is an east-west street between Station Street and Citadel Avenue.

The remaining internal streets east of Citadel Avenue within the residential area of the proposed development would be designated as private streets – Main Street Circle and Park Avenue.

- E. Dedicate 70 feet of right-of-way for the five public business district streets with modified cross-sections. Locate PUEs outside the public right-of-way, unless DPWT agrees to relocation of PUEs at Site Plan.
- F. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) regarding the unique cross-section design details of the five public streets and the other private streets (i.e., Main Street Circle and Park Avenue) to optimize the vehicular circulation while providing for pedestrians, bicycles, and environmental considerations.
- G. At the site plan review for safe and efficient traffic circulation to, on, and from Bridge Street between Rockville Pike (MD 355) and Station Street and as an alternative access point via the intersections with Marinelli Road and Old Georgetown Road, coordinate the design and resolve the following:
 - Obtain Maryland State Highway Administration (SHA) approval of the proposed access point from Rockville Pike to Bridge Street, including right-turn-in and right-turn-out traffic control measures and associated deceleration/acceleration lanes;

 Obtain WMATA approval for deceleration/bus activity lane between Marinelli Road and proposed Bridge Street;

3. Prohibit lefts-in and lefts-out at the intersections of Station Street with Marinelli Road and with Old Georgetown Road and only permit rights-in and rights-out; and

- 4. Coordinate with DPWT regarding the installation of adequate traffic control at the intersection of Bridge Street/Main Street and Station Street to prevent excessive queuing along Bridge Street between Rockville Pike and Station Street.
- H. Coordinate with DPWT regarding their Capital Improvements Program (CIP) project for the extension of Citadel Avenue south of Marinelli Road and their Facility Planning Study for Chapman Avenue north of Old Georgetown Road.
- Prior to Site Plan review, coordinate with WMATA and DPWT to relocate the surface kiss & ride, handicapped parking, bus bays, taxi stands, and other parking facilities for the White Flint Metrorail Station on the subject site.
- J. At site plan review, provide the specific details regarding pedestrian and bicycle connections to all residential and non-residential development including the following amenities:

- Provide 160 bicycle spaces based on 20 spaces per garage for 8 garages with a mixture of bike lockers and bike racks. Coordinate with Transportation Planning staff on appropriate locations and types of bike parking facilities throughout the site.
- 2. Provide an 8-foot bikeway along Rockville Pike (MD 355).
- 14) Compliance with the conditions of the MCDPWT letter dated July 15, 2004 as amended September 21, 2004, and as may be further amended.
- This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to that date a final record plat must be recorded for all the property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 16) Other necessary easements.

W:\TAB\opinions\PreliminaryPlan\1-04049.NorthBethesdaTownCenter.final.3-11-05.doc

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on Thursday March 17, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Robinson, with Chairman Berlage, and Commissioners Perdue, Bryant and Robinson voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan 1-04049, North Bethesda Town Center.

Certification As To Vote of Adoption M. Clara Moise, Technical Writer

GARRETT PARK ESTATES~WHITE FLINT PARK CITIZENS' ASSOCIATION

March 15, 2004

Mr. Malcolm Shaneman
Development Review Division
Montgomery County Department of Park & Planning
8787 Georgia Avenue
Silver Spring Maryland 20910-3760



Re: Preliminary Plan, North Bethesda Town Center, 1-04049

Dear Mr. Shaneman:

Garrett Park Estates-White Flint Park Citizens' Association is extremely concerned with the traffic impact from the North Bethesda Town Center, especially on Rockville Pike, and especially during mid-week and weekend non-rush hours.

At the time the Pre-Preliminary Plan was being considered, we expressed our concerns. It is our understanding that those concerned need to be retransmitted in order to be considered as part of the Preliminary Plan issues. We are, therefore, attaching our letter dated August 22, 2003 and ask that our concerns be considered.

Additionally, we note that the Preliminary Plan does not show either the on-site day care facility or the on-site indoor community activity space specified in the binding elements of the development plan. We hope these amenities are being included.

Thank you for your consideration.

Sincerely.

Natalie Goldberg, Vice-President

Garrett Park Estates-White Flint Park Citizens' Association

11111 Jolly Way, Kensington, Maryland 20895

Attachment: Ltr. dated 8/22/2003 Pre-Preliminary Plan



ATTACHMENT 4



MAR 20 2008

MCPB No. 08-28 B Preliminary Plan No. 12004049A North Bethesda Town Center Date of Hearing: November 29, 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 September 18, 2007, LCOR White Flint, LLC("Applicant"), filed an application for amendment to a previously approved preliminary plan of subdivision for 32.42 acres of land located on the east side of Rockville Pike (MD 355) between Marinelli Road and Old Georgetown Road (MD 187) ("Property" or "Subject Property"), in the North Bethesda-Garrett Park master plan area ("Master Plan"); and

WHEREAS, the amendment includes a request for an extended twelve-year phasing schedule for recordation of plats for the development, and the establishment of a twelve-year Adequate Public Facilities (APF) validity period; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 12004049A, North Bethesda Town Center ("Preliminary Plan Amendment" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated November 19, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

APPROVED AS TO LEGAL SUFFICIENCY

LASTICION & STATE

M-NCPPC LEGAL DEPARTMENT

DATE**

3/10/08

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

MCPB No. 08-28 Preliminary Plan No. 12004049A North Bethesda Town Center Page 2

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on November 29, 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 November 29, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Lynch; seconded by Commissioner Robinson; with a vote of 5-0, Commissioners Bryant, Cryor, Hansen, Lynch, and Robinson 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. 12004049A for 32.42 acres of land located on the east side of Rockville Pike (MD 355) between Marinelli Road and Old Georgetown Road (MD 187) ("Property" or "Subject Property"), in the North Bethesda Garrett Park master plan area ("Master Plan"), subject to the following conditions:

- 1) Replace existing Condition #15 as follows:
 - 15) Record plats for this project may be recorded in phases. Prior to the end of each phase, final record plats must be recorded for all development included in the phase, or a request for extension must be filed. The Phasing Schedule is as follows:
 - Phase I (expires April 22, 2008): 312 dwelling units and 61,250 square feet of general retail.
 - Phase II (expires April 22, 2011): 323 dwelling units, 115,210 square feet of general retail and 355,000 square feet of commercial.
 - Phase III (expires April 22, 2014): 640 dwelling units, 25,577 square feet of general retail and 792,200 square feet of commercial.
 - Phase IV (expires December 2, 2015): All remaining development.

MCPB No. 08-28 Preliminary Plan No. 12004049A North Bethesda Town Center Page 3

- 2) A new Condition #17 to read as follows:
 - 17) The Adequate Public Facilities (APF) Review for the Preliminary Plan will remain valid for twelve (12) years, or one hundred forty-four (144) months from the date of mailing of the Planning Board's Revised Opinion for Pre-Preliminary Plan 7-04001 (date mailed: December 2, 2003).
- 3) The Applicant will record a separate easement document that will specify other terms of public use within the public access easement.
- 4) All other conditions of approval as contained in the Planning Board Resolution dated March 22, 2005, remain in full force and effect.

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 upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

The Planning Board finds that roads and transportation facilities, and other public facilities and services, remain adequate to support and service the Property. This includes the proposed private streets within the development for which use and access concerns were raised during public testimony at the public hearing. The Board finds that access will be perpetually maintained by a public access easement required to be placed over the private road on the record plat. The Board accepts the Applicant's proffer to record a separate easement document that will specify other terms of public use within the easement. This proffer was in response to a speaker's testimony concerning the exercise of First Amendment rights, such as freedom of speech and assembly within the easement.

The Board finds that the Applicant's request to establish a twelve year validity period for the Property's Adequate Public Facilities (APF) review is justified based on the size and mixed-use nature of the development, and that this twelve-year period should be calculated from the date of the original APF approval, or December 2, 2003. The Board further finds that the phasing plan for completion of the development as submitted by the Applicant is acceptable.

2. All previous findings are unaffected and previous conditions remain in full force and effect.

MCPB No. 08-28 Preliminary Plan No. 12004049A North Bethesda Town Center Page 4

The Planning Board finds that this Preliminary Plan Amendment does not affect the previous findings of the Board regarding the Preliminary Plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED, that this Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved preliminary plan; 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 Thursday, March 13, 2008, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Robinson, and Bryant voting in favor, and Commissioner Cryor absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 12004049A, North Bethesda Town Center.

Royce Hanson, Chairman

Montgomery County Planning Board

E-FILE STAMP

GENERAL NOTES

TAX MAP + H0122 GRID + HJ & 12,13 W330 - 200 MAP 215 NW 05 NUMBER OF LOTS PERMITTED NUMBER OF LOTS PROPOSED PUBLIC WATER STREMS CATEGORY PUBLIC SEWER SYSTEMS CATEGORY

SET DACKS TO DE DETERMINED AT SITE PLAN

SWM CONCEPT PLAN FILE NUMBER

LEGEND:

32.42 Acres or 1,412,167 Sq.ft 26.95 ocres or 1,174,360 Sq.ft.

EXISTING RIGHT OF WAY

FOLIO 503 FOLIO 148

LIDER 5090 LIBER 5141 LIBER 5276

ZONE TS-I GROSS TRACK AREA NET TRACT AREA USE

DEED REFERENCE

PRELIMINARY PLAN AMENDMENT B NORTH BETHESDA TOWN CENTER

ROCKVILLE ELECTION DISTRICT

VICINITY MAP Copyright ADC The trap Propts Permitted Used Number 2011(22)

PREPARED FOR: LCOR 2 BETHESDA METRO CENTER, SUITE 800

ENGINEER/SURVEYOR.
VIKA MARYLAND, LLC

SHUMAN ROGERS

12505 PARK POTOMAC AVENU GTI FLOOR POTOMAC, MD 20054 301-230-5228 TIMOTHY DUGAN Tringaniikshulmanngers com

SHEET INDEX:

- 1. COVER SHEET * 1A. RESOLUTIONS AND APPROVALS
- * 1B. RESOLUTIONS AND 2. PRELIMINARY PLAN
- * 3. PRELIMINARY PLAN
- PRELIMINARY STREET GRADE ESTABLISHMENT PROFILES
- PRELIMINARY STREET GRADE ESTABLISHMENT PROFILES
- 6. PRELIMINARY STREET GRADE

*DENOTES SHEETS REVISED FOR CURRENT AMENDMENT

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PARKING SPACE CALCULATIONS 1

Ex.8"3 PROP. S.D. PROPOSED STORM DRAIN EX₃21"RCP ___ EXISTING STORM DRAIN DRODOSED PRODERTY LINE

USE	MINIMUM REQUIRED SPACES	SPACES PROVIDE	
GENERAL OFFICE	2660 ²-	34443	
MULTI-FAMILY RESIDENTIAL	1756 4	1756 4	
RETAIL	865 ^{5.}	865 ^{5.}	
RESTAURANT	375 ^A	375 €	
TOTAL	5665 ^{7.}	6440 7	
		4000	

EX.12"W ____ EXISTING 12" WATER LINE

- Office 2.3 spaces per 1,000 SF of floor area within 800' of Metro Station.
 Office 2.4 spaces per 1,000 SF of floor area within 800' to 1,800' of Metro Station.
- 2. Office 2.0 spaces per 1,000 SF of floor area.
- 5. Retail 5 spezes per 1,000 SF for up to 172,037 SF total.
- Resisurant 25 spaces per 1,000 SF of patron space. Up to 30,000 SF total with 60% dedicated to patron space.

- Netwo storm.

 Parking space stre.

 reparadictar Sanarari : 8.5 × 16*

 Persidel Stormani : 7 × 29*

 Parallel Compact : 6 × 19.5* (up to 10% of total spaces)

 Handlago Sanardari : 12 × 18*

 Handlago Sanardari : 12 × 18*

 Handlago Van : 16° × 18° (overy 4th Handlago spaces)
- 9. Bicycle spaces : 20 per gerage x 8 gerages = 160 spaces 10. Motocycle spaces : 10 per garage x 8 garages = 80 spaces

BUILDING PROGRAM										
	Lot "A"	Lot "B"	Lot "C"	Lot "D"	Lot "E"	Lot "F"	Lot "G"	Lot "H"	Lot "I"	Project Total
Use	Commercial, Office Retail, Structured Parking	Commercial, Office, Retail, Structured Parking	Commercial, Office, Retail, Structured Parking	Commercial, Retail, Obustured Perling	Residential, Commercial, Retail, Structured Parking	Residential, Avial, Druckered Parling	Commercial, Rotall, Residential, Structured Parking	Residential Retail, Equatured Parking	Commercial Reteil	
Gross Floor Area										
Non-Residential	800,000 S.F. Material	900,000 S.F. Maximum	RID,000 S.F. Maximum		/bJUU S.F. Meximum		10,000 S.F. Meximum	_	200,000 S.F. Meximum	1,590,087 S Usermum
Residential					500 units Maximum	500 units Maximum	500 units Maxemum	500 units Maximum		1,000 unit Maximum
Building Height Maximum	20 stories 1.	20 stories 1.	20 stories 1.	20 stories 1.	20 stories 1.	20 stories _{f.}	20 stories _{1.}	20 stories 1	20 stories 1.	
Prelminary Classification of Dwelling Units										
Efficiency	_									135 Units
One Bedroom										810 Units
Two Bedroom										405 Units

LOCATION MAP

At its meeting of 9/30/04

- Per Transportation Phoming review of the Preliminary Play
- - Station Street
 To be the main but feeding/unleading area, in lieu on Rock ville (Niles (MD 255) and the season surgide for
 To potably be concessy statistical between Main StreetHirdge Street to Marinalli Road that would be

- Previol. 160 Livyols aprece based so 20 openes per garage for 8 garages with a minima of his latters and life tacks. Coordinate with Transportation Planning staff on appropriate locations and issues of biltie patients facilities assignment as any P. Provide as a 5-feet Nitrany along Reciville Pilar (MD 335).
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 tract ours a flar (month plan tensor by recessful for all the projectly delicitated on the approved professionary plan, or a request for as

LIST OF AMENDMENT B ITEMS



NORTH **BETHESDA** TOWN CENTER

4TH EDECTION DISTRICT MONTGOMERY COUNTY, MARYLAND WSSC GRID: 215 NW 05 TAX MAP: HQ122

PRELIMINARY PLAN AMENDMENT #12004049B COVER

VIKA 50154

ATTACHMENT 5B -FILE STAMP 3 PLY RODING PAPER FISE STANDARD MD-655.01 PROPOSED UNDERGROUND Slope \$ 11' (17#) /. 17.318 F. .39 P362 MANAGEMENT FACILITY SICEWALK, IF SHOWN PREPARED FOR: LCOR 2 BETHESDA METRO CENTER, SUITE 800 COMMINATION CURB & CUTTER CURB AND GUTTER DETAIL MD ROUTE 355 DENIGN CONSULTANTS ENGINEER/SURVEYOR:
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD.
SUITE 400
GERMANTOWN. MID 20874
301-916-4100
HARRY IERRINS. N 503,750 SURFACE PARKING ATTORNEY:
SHULMAN ROGERS
12505 PARK POTOMAC AVENUI
6TH FLOOR
POTOMAC, MD 20054
301-220-5228
TIMOTHY DUSAN
TDugan@shulmanrogers.com Residential PARKING GARACE 98.830 S.F V3 Properties LLC | | 23762 F 158 | | N6213 === (e) UNDERGROUND THEATER Open Space
THEATER Parcel A PROPOSED UTILITY LAYOUT
IN STREET PROPOSED STORMWATER SWM U/G Residential parameter parameter 237 688 S.F. ROW TRUNCATION TO BE PROVIDED AT MAIN STREET AND PARK AVE AT SITE PLAN UNLESS A WAIN'S IS REQUESTED. Parcelle Parcel G Multi-Family Residential 78,317 S.F. PROPOSED DEDICATION Marinelli Road **NORTH** Marinelli Rodd **EXIST BETHESDA** BLDG EXISTING PARKING **TOWN CENTER** 4TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND WSSC GRID: 215 NW 05 TAX MAP: HQ122 EXIST. 1 Average BLDG | Courts Royal North Limited National Engineering S Products, Inc.: S L. 3971 F 605 S N671 Demopoulos, George, Trustee L. 4843 F. 801 N625 EXIST. WMAIA L. 22159 F. 610 N668 Citade BUS FACILITY 3 PRELIMINARY PLAN EXIST. EXIST BLDG AMENDMENT #12004049B Washington Metro Thansit Authority LIST OF AMENDMENT B ITEMS P720 EXIST. WMATA Marinelli Properties Assoc. Limited Parnership BUS GARAGE DRAWN BY: JDC CHECKED BY: MG DATE ISSUED: 5/15/2017 L. 5816 F. 589 N669 PROJECT 50154 SHEET NO.

ATTACHMENT 6

From: Annie Barry

To: <u>Hersson-Ringskog, Rhoda</u>

Subject: Protesting the Development at Citadel and Marinelli

Date: Monday, June 12, 2017 11:15:09 AM

To Mrs. Herson-Ringskog and the company with plans to develop the environmentally protected area at Citadel and Marinelli,

My name is Anne Barry and I am a resident at 11800 Old Georgetown Road across the street from the land that is being purposed for development.

I object strongly to this development moving forward. The area of white flint is currently a collection of high rise apartment buildings and strip malls. We have no lack of these amenities. What we do lack is green space.

Currently the area that is being discussed is home to rabbits, deer, groundhogs and countless birds. These animals are protected and are thriving in this area. It is a safe breeding area where humans do not go. There are so few of these areas left and I feel that its our duty to let these animals continue to thrive here. I see these animals every day, they are my neighbors and the idea that they will just "get out of the way" as we pour concrete over this green space is atrocious.

The area around Rockville pike is incredibly hot. Blacktop and cement do not make the area any cooler. As the earth temperature continues to rise, I don't feel its a good idea to get rid of our natural air conditioning that this forest space provides. These plants and trees give us oxygen, and just saying that you will "replant" somewhere else doesn't seem helpful as our planet's temperature continues to rise rapidly.

I understand that you wish to make money, but sometimes we have to look at the bigger picture. There are so many areas around here that have been developed and aren't being used. Redevelop those buildings and please leave us some green space. For us and for the future families that wish to live here.

I would like the opportunity for a public forum where myself and my neighbors can raise our concerns.

Thank you very much for your time.

Annie Barry 11800 Old Georgetown Road Rockville, Maryland 20852

Thursday, July the sixth Two-thousand seveteen

(HEADER) LOG INTO ACCOUNTS AND CHECK CASH FLOW AND PAY CREDITORS

MAKE GROCERY LIST TO INCLUDE DAY ROUTINE AND BUSINESS EATABLES FOR SALE AND ON THE GO SALES SET UP

ITALIAN ICE COME UP SCAM NEEDS A CART

CONTACT CHRIS WITH DATES FOR RHODEISLAND

GO BACK TO EMBROIDERY OLDTOWN GBURG PUT UNTAMPERED GUY IN STCHESES ON MED GARMENT WITH ORIGINALALITY PATCH

DEAREST CENSUS BEAUREA: (draft)thentyoep

We will like new boxes to check with titles that will appear on documents *identifiers*

- "I'm drafting here"; Like Benjamin Franklin

For starters we will like "In Churchill Voice" Mandate Commanded Demanded Skin Color Options **ex. Brown**

Yellow

Red

Orange

White

Pink

Black

Clear

Fore:;'/ Starters next if born in United States of A@&mericak and America and Holding territories, *Colonial*.

American we wean and like first b4 any Sub/Prime Clarifications.

American B\$4 any other cancestral ancestral heritage descent.

Ex. "To be understood others being born in different land who update American we are {BLANK} American."

Forwar this document classified and Hnd to ar ours we as SupervisorManager Supervisor Director the player teammate in charge.

"If we are going to be thinking anyway we might as well b ethinking big."

Donald & Johnathan 3 Trump) OQuota

Mr and Mrs can Stay but we want ours a us want Sir/Ser for scantron gender styl

This portion involves a time honored tradidtion of mailing or hand delivering a letter note to the predident of commander in chief united states. My grandfather received a reply from the white house. FYI.

WE OURS US OUR

Air Space LiscenesES. To Own airspace as the 1st step in buyin CONSTRCYTION THENGROUND. WEATHER WATER TREATMENTS UNDER GROUNG TUNNELS ETC.

THIS IS ON RECORD SNAIL MAIL FOR VOICES AS A CONFORMITY UNIFORMITY LIKE PAPERWORK JARGON TO PARTICIPATE ENGAGE AND ACTIVIVATE AND NATIONALY CITIZENLY.



For amendments for this plan we our ours us want a trianglie fenced quad for dog park /

store exchange with an adjustable open close sliding roof for city living dog park social admendment adjustments. We have targeted parking collateral for OLDGEORGETOWN/NEBEL Location.

Analytics from herculesz fenceses and atlantaz remoleling tv series roofing.

Targeted dogginnnng evevents.

Ex. Singles night, double trouble, meaty express, do tasrtings, cold weater, water weater, water games trrunt bunch.

TO DOS

Paraphrase the quottaer know what ur thinking once u wrtite it downnnnnn.

NO: 12004049B

;; 6 SMELL COMPLAINTZES
355CAMERONSSEAFOODROCKVILLEMD

CONTACT~~BRANDON.CLAYTON@ICLOUD.COM 2404496677
POMEGRANITECOLLECTION@GMAIL.COM 443 699 9649

Regards, Regarding;
Prumelin Charles Oliston



Isiah Leggett

County

Executive

Al R. Roshdieh Director

DEPARTMENT OF TRANSPORTATION

June 26, 2017

Ms. Rhoda Hersson-Ringskog, Senior Planner Area 2 Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910-3760

> RE: Preliminary Plan Amendment No. 12004049B North Bethesda Town Center

Dear Ms. Herssøn-Ringskog:

We have completed our review of the applicant's May 17, 2017 Statement of Justification and Preliminary Plan Amendment for Parcel G. We have been in contact with the applicants and the Department of Permitting Services regarding their request to record a subdivision plat for Parcel G in advance of Planning Board approval of a Site Plan for that parcel. We support Planning Board approval of the applicant's request – conditioned on the applicant satisfying the Site Plan approval requirements prior to the issuance of a building permit for Parcel G.

This letter amends the comments contained in our Department's July 15, 2004, letter for the original preliminary plan (No. 120040490) for this project. Any previous comments not amended by this letter remain applicable. We recommend approval of this amendment (applicable only to Parcel G) subject to the following comments, numbered in accordance with our prior letter:

 Prior Comment #6 - Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and recorded Maintenance and Liability Agreement.

MCDOT Response: We do not object to excluding storm drain easement(s) from the record plat for Parcel G. If storm drain easement(s) are required at the Site Plan or the permit stage, the

Ms. Rhoda Hersson-Ringskog Preliminary Plan Amendment No. 12004049B June 26, 2017 Page 2

applicant will need to grant these easement(s) under a separate document prior to the issuance of the building permit.

2. <u>Prior comment #7</u> – At issue is the sentence in the original DOT letter which reads: *The remainder of the public road system must have standard ten (10) foot wide public utility easements [PUE] outside of the public right-of-way.*

PUEs (and the consultant's requests to not require them) were specifically considered during the original preliminary plan review. We note the March 22, 2005, Planning Board Opinion for that plan contained the following condition:

E. Dedicate 70 feet of right-of-way for the five public business district streets with modified cross sections. *Locate PUEs outside the public right-of-way, unless DPWT agrees to relocation of PUEs at Site Plan*.

MCDOT Response: In the Attachment to the Statement of Justification, the applicant's attorney notes this condition has not be required in the past and that PUEs were not required on record plats 23452 and 24119. We noticed that these record plats do grant PUEs along the private streets — but not in the public rights-of-way. We have not been able to find any documentation in which either our Department or the Department of Permitting Services formally agreed to eliminate the PUE comment adjacent to the public rights-of-way.

We believe Prior Comment #7 remains applicable to the Preliminary Plan but agree it should be reconsidered at the Site Plan stage. Thus, we do not object to excluding PUEs from the record plat for Parcel G. If PUEs are required at the Site Plan stage, the applicant will need to grant those easements under a separate document prior to issuance of the building permit.

3. Prior Comment #14 – Bethesda streetscape will be permitted on the public streets (outside of the curbs), and the applicant will be responsible for recording a maintenance and liability covenants in the land records of Montgomery County. The citation for these documents shall be noted on record plats and/or approved site plans. Adequate permanent bond shall be provided by the applicant to cover the potential cost of repair or replacement of the non-standard streetscape elements.

MCDOT Response: We accept the applicant's proposal to defer the execution and recordation of the Declaration of Covenants for Maintenance and Liability within the public right-of-way to the permit stage. This action will need to be completed prior to the issuance of a building permit on Parcel G.

Ms. Rhoda Hersson-Ringskog Preliminary Plan Amendment No. 12004049B June 26, 2017 Page 3

4. Prior Comment #28 – The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

MCDOT Response: The condition has already been satisfied as it pertains to Parcel G; therefore, the condition does not need to be modified for this amendment.

Thank you for the opportunity to review this preliminary plan amendment. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma, our Development Review Area Senior Planning Specialist or this project at (240) 777-2118 or at rebecca.torma@montgomerycountymd.gov.

Sincerely,

Gregory M. Leck, Manager Development Review Team Office of Transportation Policy

Sharepoint/directors office/development review/rebecca/developments/north bethesda/LCOR/12004049B LCOR North Bethesda.docx

cc:

William Hard

LCOR White Flint

Jamie Chapman

VIKA

Tim Dugan

Shulman, Rogers, Gandal, Pordy & Ecker

Khalid Afzal

M-NCPPC Area 2

Patrick Butler

M-NCPPC Area 2

Ed Axler

M-NCPPC Area 2

Preliminary Plan folder

Preliminary Plan letters notebook

cc-e:

Christopher Conklin

MCDOT OTP

Dee Metz

CEX

Atiq Panjshiri Sam Farhadi MCDPS RWPR
MCDPS RWPR

Rebecca Torma

MCDOT OTP