



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

MCPB No. 17-104
Sketch Plan No. 320170100
Ourisman Ford at Montgomery Mall
Date of Hearing: November 30, 2017

JAN 22 2018

RESOLUTION

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

WHEREAS, on June 19, 2017, FP Whitro Westlake, LLC (“Applicant”) filed an application for approval of a sketch plan for construction of up to 355,822 square feet for a multi-unit, 75-foot high, apartment building with 12.5% Moderately Priced Dwelling Units (MPDUs) on a former automobile dealership site, with public open space, recreation amenities, structured parking, hardscape, landscape and stormwater management improvements on 4.08 acres of CRT-2.5, C-1.5, R-2.0, H-75 zoned land, located at the northeast corner of the Westlake Terrace and Motor City Drive intersection (“Subject Property”) within the *Rock Spring Master Plan* (“*Master Plan*”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320170100 Ourisman Ford at Montgomery Mall (“Sketch Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 17, 2017, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on November 30, 2017, 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, on November 30, 2017 the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of Commissioner Cichy, seconded by Commissioner Dreyfuss, with a vote of 3-1;

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
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Commissioners Andersen, Cichy, and Dreyfuss voting in favor, Commissioner Patterson voted against the motion, Commissioner Fani-Gonzalez was absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320170100, Ourisman Ford at Montgomery Mall, for construction of up to 355,822 square feet for a multi-unit, 75-foot high, apartment building with 12.5% Moderately Priced Dwelling Units (MPDUs) on a former automobile dealership site, with public open space, recreation amenities, structured parking, hardscape, landscape and stormwater management improvements on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 355,822 square feet of residential uses. The total number and distribution of units will be determined at Site Plan review.

2. Height

The building height must not exceed 75 feet.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Total points must equal 50 and must be chosen from at least three categories as required in Section 59-4.5.4.A.2. The requirements of Division 59-4.7.1 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan.

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

- a. Major Public Facilities, achieved through provision of a bikeshare station;
 - b. Transit Proximity, achieved through Level 2 proximity to an existing transit center;
 - c. Connectivity and Mobility, achieved through minimum parking;
 - d. Diversity of Uses and Activities, achieved through providing enhanced accessibility;
 - e. Quality Building and Site Design, achieved through structured parking; and
 - f. Protection and Enhancement of the Natural Environment, achieved through a cool roof and vegetated areas.
4. Future Coordination for Site Plan
- In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed when filing a Site Plan:
- a. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guidelines requirements;
 - b. Submit a noise study for noise generated by traffic on the I-270 spur;
 - c. Coordinate with the Montgomery County Department of Transportation (MCDOT) Commuter Services Section regarding placement of a bikeshare station; and
 - d. Provide dedication to achieve 45 feet from centerline along Westlake Terrace in a deed of dedication.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that, as conditioned, the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan, and that the Sketch Plan satisfies Section 59.7.3.3.E., which requires that the sketch plan must:

1. meet the objectives, general requirements, and standards of this Chapter;

a. Use Standards

Section 4.5.1.C. Commercial Residential Town (CRT) states that, "The CRT Zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtown. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus."

The proposed Sketch Plan meets the CRT Zone’s objectives by adding multi-unit residential uses to an area that is currently dominated by non-residential uses including Westfield Montgomery Mall, and Rock Spring office district to the east (the latter has recently added a townhouse development along Westlake Terrace/Fernwood Drive). The proposed entrance plaza at the corner of Westlake Terrace and Motor City Drive will add more pedestrian activity along these streets. The Project will put approximately 340 multi-unit apartments across the street from an existing transit center that provides rapid bus service to the Grosvenor Metro Station.

b. Development Standards

The Subject Property includes approximately 4.08 acres zoned CRT-2.5, C-1.5, R-2.0, H-75. The data table below demonstrates the Application’s conformance to the applicable development standards of the zone.

Development Standards Table for the CRT 2.5, C1.5, R2.0, H75 Zone

Development Standard Section	Permitted/Required	Approved
59- 4.5.4		
Gross Tract Area (sf)	177,911 sf	177,859 sf
Maximum Total Density (CR)	2.5 FAR (444,778 sf)	2.0 FAR (355,822 sf)
Maximum Non-residential (C)	1.5 FAR (266,867 sf)	0.0 FAR (0 sf)
Maximum Residential (R)	2.0 FAR (355,822 sf)	2.0 FAR (355,822 sf)
Maximum Building Height (feet)	75	75
Minimum Public Open Space	10% (or 17,786 sf)	10% (or 17,786 sf)
Minimum/Maximum Parking Multi-family	Minimum: 1 space/unit; Maximum: 1 space/studio, 1.25 space/one bedroom, 1.5/two bedroom = 323	TBD at Site Plan

2. substantially conform with the recommendations of the applicable master plan.

The Property is within the Rock Spring West District of the 2017 *Rock Spring Master Plan*. The Plan includes this property in the discussion of pipeline development in the area and describes how these approved but unbuilt projects would support the “*central spine*” concept in the plan by delivering “*a mix of uses and improvements to the public realm that will start to reshape the Plan area into a connected, cohesive community that is more pedestrian*”

and bicycle friendly for employees, residents, students, and visitors” (pgs. 16 and 17).

The Applicant has incorporated applicable design guidance from the *Rock Spring Master Plan* in the Sketch Plan :

- *Concentrate development intensity along Westlake Drive and Westlake Terrace and proximate to the Transit Center on the West Side. To the extent possible, activate the frontage of Westlake Terrace.*
- *Implement quality building and site design considerations, such as building orientation to take advantage of passive heating, lighting, and ventilation.*
- *Prioritize consolidation of frontage along the central spine, and the introduction of residential uses to balance existing commercial uses.*

The proposed project adds new housing along Westlake Terrace across the street from the Transit Center. It provides a plaza and the main building entrance along Westlake Terrace that will activate this street. The Applicant conducted a solar study to demonstrate that the building orientation will maximize solar gain in the winter months and provide shade for the interior courtyards and the pool area in the summer. The project will bring residential units to a predominantly commercial area directly across the street from the Transit Center, and transform a former automobile dealership site into a block with urban street frontages and public and private open spaces.

Connectivity and Open Space guidelines of the Master Plan are to:

- *Improve the public realm along existing connections with wider sidewalks and landscaped areas to enhance pedestrian access between developing properties, the central spine, and adjacent communities.*
- *Consolidate the areas designated for public open space as part of the development process into usable, substantial, active, programmed, and accessible spaces.*

The project includes a public plaza at the corner of Westlake Terrace and Motor City Drive, which will also act as the main pedestrian entrance to the building. This space will be an attractive addition to the network of sidewalks and other open spaces in the surrounding neighborhood. The project also improves an existing PEPCO easement along I-270 to provide a walking loop around the site that will connect to the network of public sidewalks in the area.

The *Rock Spring Master Plan* recommends that all optional method projects in the master plan area should provide 15% MPDUs as the highest priority public amenity for new residential developments, unless the property is required to dedicate land for a school site or athletic fields that can be used by Montgomery County Public Schools (MCPS) and approximate the size of a local park. The Sketch Plan review was initiated long before the Council's PHED Committee added this recommendation to the Planning Board Draft of the Master Plan, and therefore does not include 15% MPDUs as a public amenity to earn benefit points; nor does it dedicate land for a school or athletic field. The Planning Board agrees with the Applicant's assertion that this recommendation was added to the Draft Master Plan at a very late stage in the development review process (approximately one week before the publication of the Staff Report), and that the Sketch Plan application has gone through significant Staff review, including the Development Review Committee without consideration of this eleventh - hour revision to the Draft Master Plan. Instead, the Planning Board finds the Staff had been working with the Applicant to provide appropriate amenities to help the project achieve needed benefit points. Therefore, as a matter of equity, the Planning Board supports that the Applicant not be required to provide 15% MPDUs.

3. *satisfy under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014, was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition any open space requirement of the property's zoning on October 30, 2014;*

The Property's zoning on October 29, 2014 was not the result of a Local Map Amendment.

5. *achieve compatible internal and external relationships between existing and pending nearby development.*

The proposed building height of 75 feet will be compatible with the existing Pinnacle Business Center to the north and to the buildings in the Rock Spring Office Park to the east on the other side of the I-270 spur. The

Pinnacle Business Center is approximately six stories and the buildings across the I-270 spur are mid-to hi-rise. The Property is the first in the area to be developed under the CRT Zone, as recommended in the *Rock Spring Master Plan*. As several nearby sites undergo redevelopment in the future, they will have similar building heights as this building and compatibility will be achieved as envisioned in the *Rock Spring Master Plan*.

6. *provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

Available Transit Service

Five Ride On bus routes and two Metrobus routes operate along Westlake Terrace with stops at the Montgomery Mall Transit Center that is across Westlake Terrace from the proposed project.

Pedestrian Facilities

The Applicant will upgrade the existing sidewalks along Westlake Terrace and Motor City Drive with handicap ramps, crosswalks, and other pedestrian improvements, which will provide a safe pedestrian connection from the site to Montgomery Mall, the Transit Center, and other pedestrian facilities in and around the area.

Master-Planned Roadways and Bikeways

The following master plans have recommendations for planned transportation facilities adjacent to the Subject Property:

- 2005 *Countywide Bikeways Functional Master Plan*,
- 2013 *Countywide Transit Corridors Functional Master Plan*,
- 2017 *Rock Spring Master Plan*, and
- The Draft Bicycle Master Plan.

Westlake Terrace is designated as a business district street, B-3, in the *Rock Spring Master Plan*, with a recommended 90-foot-wide right-of-way. The current right-of-way is smaller than 90 feet; the Applicant must dedicate nine feet of additional right-of-way at Site Plan review. The *Countywide Transit Corridors Functional Master Plan* recommends Corridor 6, North Bethesda Transitway, along Westlake Terrace.

Dwight Eisenhower Highway (I-270) West Spur is designated as a freeway, F-1a, with a recommended 300-foot-wide right-of-way. The Maryland State Highway Administration (SHA) has two on-going projects along the segment of I-270 adjacent to the Property: 1) the I-270 Congestion Management Project; and 2) Capital Improvements Program (CIP) Project No. AW518B11,

West Side Mobility Study for express toll lanes along I-270 between I-495 and I-370.

Motor City Drive is a designated business district street, B-7, in the *Rock Spring Master Plan* with a recommended 70-foot-wide right-of-way. It currently has 35 feet from its centerline to the Property's edge.

No bikeway is recommended in the applicable master plans.

The existing and proposed vehicular, bicycle, and pedestrian circulation facilities will be appropriate. The proposed parking and loading will be adequate to serve the proposed development. The total number of parking spaces will be determined at Site Plan review.

7. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit points will be made at Site Plan.

For optional method developments in the CRT Zone, the Zoning Ordinance requires a minimum of 50 points in at least three categories. Although at the time of Sketch Plan review, only the categories need to be approved, the table below shows both the categories and points for public benefits requested in the Application to demonstrate the project's ability to meet the requirement to provide sufficient public benefits points. The Site Plan review will include the specific details of each requested subcategory, demonstrate how each will be implemented, and make recommendations to the Planning Board for the number of points that should be granted for each public benefit.

The *Rock Spring Master Plan* recommends that all optional method projects in the master plan area should provide 15% MPDUs as the highest priority public amenity for new residential developments, unless the property is required to dedicate land for a school site or athletic fields that can be used by Montgomery County Public Schools (MCPS) and approximate the size of a local park. The Sketch Plan review was initiated long before the Council's

PHED Committee added this recommendation to the Planning Board Draft of the Master Plan, and therefore does not include 15% MPDUs as a public amenity to earn benefit points; nor does it dedicate land for a school or athletic field. The Planning Board agrees with the Applicant’s assertion that this recommendation was added to the Draft Master Plan at a very late stage in the development review process (approximately one week before the publication of the Staff Report), and that the Sketch Plan application has gone through significant Staff review, including the Development Review Committee (DRC) without consideration of this eleventh-hour revision to the Draft Master Plan. Instead, the Planning Board finds the Staff had been working with the Applicant to provide appropriate amenities to help the project achieve needed benefit points. Therefore, as a matter of equity, the Applicant is not required to provide 15% MPDUs.

Public Benefit Calculations Table

Public Benefit Categories/Amenities	Max Points Allowed	Points Requested
59-4.7.3.A: Major Public Facilities		
Bikeshare Station	40	5
59-4.7.3B: Transit Proximity		
Level 2 Transit Proximity	25	15
59-4.7.3C: Connectivity and Mobility		
Minimum Parking	10	5
59-4.7.3.D: Diversity of Uses and Activities		
Enhanced Accessibility	20	6
59-4.7.3E: Quality Building and Site Design		
Structured Parking	20	10
59-4.7.3.F: Protection and Enhancement of the Natural Environment		
Cool Roof	10	5
Vegetated Area	10	10
Total	135	56

Major Public Facility

Bikeshare Station: Bikeshare stations provide public amenity at a convenient location where increased density creates a greater need for civic uses and greater demands on public infrastructure. The Applicant is proposing a bikeshare station and requesting 5 points in this category; the Planning Board approves the request.

Transit Proximity

The Property is adjacent (across Westlake Terrace) to the Westfield Montgomery Mall Transit Center for the master-planned bus line running

along Westlake Terrace, which is defined as Level 2 transit in the Zoning Ordinance. The Planning Board approves 15 points in concept.

Connectivity and Mobility

Minimum Parking: The Applicant is requesting points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points to providing a maximum allowed to 10 points for providing no more than the minimum number of required parking spaces on-site. The minimum required number of on-site spaces is 323 and the Applicant is proposing 373 parking spaces. The final number of parking spaces will be determined at Site Plan. The Planning Board approves 5 points in concept.

Diversity of Uses and Activities

Enhanced Accessibility for Seniors or the Disabled: Points in this category are granted for a development that increases the mix of land uses, types of housing, economic variety and community activities; contributes to development of more efficient and sustainable communities; reduces the necessity of automobile use; and facilitates healthier lifestyles and greater social interaction. Up to seven of the proposed ground-level units will be constructed with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards, or an equivalent County standard. The Planning Board approves 6 points in concept.

Quality Building and Site Design

Structured Parking: Points are granted in this category for high quality design that is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities, and the pattern of development is harmonious. Due to increased density in these settings, buildings tend to be highly visible and high-quality design helps attract residents, patrons, and businesses to these areas. All off-street parking will be provided in a parking garage, which will be wrapped around on all sides with residential units. The Planning Board approves 10 points in concept.

Protection and Enhancement of the Natural Environment

Cool Roof: Up to 10 points are granted in this subcategory for constructing any roof area (that is not covered by a vegetated roof) with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, a minimum SRI of 25 for slopes above 2:12. A cool roof is included in the project and meets these standards. The Planning Board approves 5 points in concept.

Vegetated Area: Up to 10 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. This area does not include vegetated roofs or stormwater management facilities. A vegetated area on the eastern part of the Site will be provided. The Planning Board approves 10 points in concept.

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

The Project will be constructed in one phase.

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

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

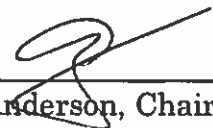
BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Ourisman Ford at Montgomery Mall Sketch Plan No. 320170100, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 22 2018 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, January 11, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board