



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

MCPB No. 19-006  
Site Plan No. 82008024B  
**Wildwood Manor Shopping Center**  
Date of Hearing: January 10, 2019

**MAR 22 2019**

**RESOLUTION**

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

WHEREAS, on May 27, 2008, the Planning Board approved Site Plan No. 820080240, by Resolution MCPB No. 09-12, to retain the existing approximately 36,423 square-foot medical office building, and construct a new 30,000 square-foot office building, and a 3,470 square-foot drive-thru bank, and a parking structure ("Site Plan" or "Plan") on approximately 3.5 acres of land in the O-M Zone, located in the southeast quadrant of the intersection of Old Georgetown Road (MD 187) and Rock Spring Drive, in the North Bethesda/Garrett Park Master Plan area; and

WHEREAS, on November 26, 2014, Site Plan No. 82008024A to convert an approved, but unbuilt, office building to a 58-unit multi-family residential building, was withdrawn; and

WHEREAS, on April 5, 2018, Alvin L. Aubinoe, Inc. ("Applicant") filed an application for approval of an amendment to the previously-approved site plan to convert an approved, but unbuilt, office building to a five (5)-story, 106,000-square-foot mixed-use building with up to 95,000 square feet of multi-family residential uses with up to sixty (60) Age-Restricted (by covenant) dwelling units, and a minimum of 15% MPDUs, and 11,000 square feet of ground floor retail uses with below-grade parking, in addition to an existing 3,500-square-foot bank and a 30,000-square-foot medical office building, for a total of 139,500 square feet of development on approximately 3.49 acres of land in the CRT-1.25 C-0.5, R-0.75, H-50 Zone, currently located at 10401 Old Georgetown Road ("Subject Property"), in the North Bethesda Policy Area and the 2017 Rock Spring Sector Plan ("Sector Plan") area; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82008024B, Wildwood Manor Shopping Center ("Site Plan," "Amendment," or "Application"); and

Approved as to  
Legal Sufficiency

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WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 31, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 10, 2019, 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 January 10, 2019 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 3-0; Commissioners Anderson, Cichy, and Fani-Gonzales voting in favor, Commissioner Patterson abstained and Commissioner Dreyfus absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82008024B, subject to the following conditions, which supersede all previous conditions of approval:<sup>1</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to up to 139,500 square feet of development, including up to 95,000-square-foot for sixty (60) units of multi-family residential uses (age-restricted by covenant) with a minimum 15% MPDUs and up to 11,000 square feet of ground-floor retail uses with below-grade parking, in addition to an existing 3,500-square-foot bank and an existing 30,000-square-foot medical office.

2. Occupancy Provisions Age-Restricted Housing

- a. All residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.
- b. Prior to Certified Site Plan:
  - i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;

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<sup>1</sup> For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
- iii. The Liber Folio reference must be included on the Certified Site Plan.

3. Height

The development is limited to a maximum height of 50 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

4. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated November 1, 2018 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The development must provide 15 percent MPDUs or DHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and DHCA must be executed.

**Open Space, Facilities and Amenities**

5. Public Open Space

- a. The Applicant must provide a minimum of 26,260 square feet of public open space (17% of net lot area) on-site.
- b. Before the issuance of the Final Use and Occupancy Certificates for the residential development, all Public Open Space areas on the Subject Property must be completed.

6. Recreation Facilities

- a. Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited, to the public open space, landscape, hardscape, and

associated elements, and streetscaping, including the landscaped area along the Property frontage of Berkshire Drive.

## **Site Plan**

### **8. Site Design**

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet 09-ARCH-82008024B-001 through Sheet 09-ARCH-820170090-003 of the submitted architectural drawings, as determined by M-NCPPC Staff.

### **9. Lighting**

- a. Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e. All on-site pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

### **10. Landscape Plan**

- a. Prior to the end of the first planting season after issuance of the final Use and Occupancy Certificate, all landscape plant materials must be installed.
- b. In addition to plantings shown on the Landscape Plan, the Applicant must consult with the Montgomery County Department of Transportation and add additional native landscaping along the Property frontage of Berkshire Drive within the right-of-way.

## **Environment**

### **11. Forest Conservation & Tree Save**

The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan (FFCP). Additional tree-save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

- a. The Applicant must record a certificate of compliance for the purchase of off-site mitigation credit from an approved forest mitigation bank in the land records prior to any clearing and grading occurring on site.
- b. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
- c. Site inspections are required by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

## **Transportation & Circulation**

### **12. Pedestrian & Bicycle Circulation**

- a. The Applicant must provide thirty-three (33) long-term and eight (8) short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit part of the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must provide an eight (8) to ten (10)-foot-wide asphalt sidepath connecting Old Georgetown Road to Berkshire Drive, as shown on the Site Plan.
- d. The Applicant must provide a five (5)-foot-wide sidewalk along the Private Road.

### **13. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways,

storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.

- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

#### **14. Development Program**

The Applicant must construct the development in accordance with a development program table that must be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

#### **15. Certified Site Plan**

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. The Applicant must revise the lighting plans to ensure that illumination levels do not exceed 0.5 footcandles (fc) along the Berkshire Drive property line.
- b. The Applicant must revise the lighting plans to include the heights of all pole-mounted lights.
- c. The Applicant must revise the Recreation Facilities table to remove Pedestrian Connection from the list of facilities provided.
- d. Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- e. Add a note to the Site Plan stating that, "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- f. Add a note stating that, "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- g. Ensure consistency of all details and layout between Site and Landscape plans.
- h. The Applicant must provide two (2) additional short-term bike parking facilities (inverted U rack) at the entrances to the retail businesses.
- i. Add a note indicating bollards may be replaced by a gate/fence, subject to Planning Staff and DPS Fire and Emergency Services Staff review and approval. Design the gate to restrict vehicular movement and open for emergencies and select events only. When open for select events,

vehicular access must be prohibited, except for emergency service vehicles.

- j. Leave the existing wooden fence along Berkshire Drive in place and remove all references to the decorative metal fence.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 82008024B, Wildwood Manor Shopping Center, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site;*

All the previous site plans for the Property are superseded by this Site Plan. The development is consistent with Preliminary Plan No. 11989271C, which is being reviewed concurrently with this Site Plan. The existing medical office building and bank are the subject of previous site plan approval(s) under its previous O-M (Office building, moderate intensity) zoning. The proposed mixed-use building meets all required development standards for the applicable zone under the standard method of development. The two existing buildings are considered legal, non-conforming structures. Any future alterations of any building on the Property will require conformance with all applicable development standards of the zone.

2. *The development satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is no longer applicable, in that all previous Binding Elements and conditions of approval of all regulatory approvals are replaced by the Sectional Map Amendment approved subsequent to the 2017 *Rock Spring Master Plan* and conditions of approval of this Site Plan and concurrent Preliminary Plan.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable.

4. *The development satisfies applicable use standards, development standards, and general requirements under this Chapter;*

a. Development Standards

The Subject Property covers approximately 3.47 acres Zoned CRT 1.25, C-0.5, R-0.75, H-50. The data table below shows the Application's conformance to the development standards of Section 59-4.5.3.

<b>Applicable Development Standards, CRT-1.25 C-0.5 R-0.75 H-50</b> Section 59.4.5.2.C. (Multi Use) CRT Standard Method Development		
	<b>Required / Allowed for Multi Use</b>	<b>Proposed for Multi Use</b>
<b>1. Site</b>		
<b>Open Space (min)</b>		
Open space, tract >10,000 sf	10%	17%
<b>Specification for all Open Space</b>		
a. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.		
b. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is public open space (see Section 6.3.6).		
<b>2. Lot and Density</b>		
<b>Lot (min)</b>		
Lot area	n/a	n/a 152,367 S.F. or 3.497 AC. (Gross Tract)
Lot width at front building line	n/a	n/a
Lot width at front lot line	n/a	n/a
<b>Density (max)</b>		
CRT Density, FAR	Mapped at CRT-1.25 =190,458 S.F. C-0.5 = 76,183 S.F. R-0.75 =114,275 S.F.	0.92 or 139,500 S.F. 0.29 or 44,500 S.F. 0.62 or 95,000 S.F.
<b>Specification for Density</b>		
a. In the CR zone, a designated historic resource that does not occur more than 10% of the gross floor area is excluded from the FAR calculation.		



<b>Coverage (max)</b>		
Lot	n/a	n/a
<b>3. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback	0'	7' min
Side street setback	0'	n/a
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	12' per Section 4.1.8.A	<200' (North: R-90 Zone)
Side setback, abutting all other zones	0'	8' (South)
Side setback, end unit	n/a	n/a
Side setback between lot and site boundary	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	Section 4.1.8.A	n/a
Rear setback, abutting all other zones	0'	n/a
Rear setback, alley	4'	n/a
Rear setback between lot and site boundary	n/a	n/a
<b>Parking setbacks for Surface Parking Lots (min)</b>		
Front setback	Must be behind front building line of building in the BTA	30' (from Private Street, along new retail parking lot south of Proposed Building)
Side street setback	Must be behind side street building line of building in the BTA	n/a
Side setback	Must accommodate landscaping required under section 6.2.9	6' (South – CRT Zone)
Rear setback	Must accommodate landscaping required under section 6.2.9	n/a
Rear setback, alley	0'	n/a
<b>Build-to-Area (BTA, max setback and min % of building façade)</b>		

Front setback	15'	15' max (Private Street)
Building in front street BTA	70%	85%
Side street setback	15'	n/a
Building in side street BTA	35%	n/a
<b>Placement</b>		
<b>Specifications for Built-to Area</b>		
a. The Built-to Area maximum front or side street setback may be increased by the minimum setback necessary to avoid a platted public transportation or utility easement, or a platted public transportation or utility reservation		
b. The Built-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Built -to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.		
<b>4. Height (in feet)</b>		
<b>Height (max)</b>		
Principal building	Mapped at 50'	50' Max.
Accessory structure	Mapped and section 4.1.8.B	n/a
<b>5. Form</b>		
<b>Massing (max)</b>		
Units permitted in one row	n/a	n/a
<b>Building Orientation</b>		
Entrance facing street or open space	Required	Entrance located at northwest corner of Proposed Building fronting Private Street
Entrance spacing (max)	75'	Only one entrance provided along West elevation fronting Private Street
<b>Transparency, for Walls Facing a Street or Open space</b>		
Ground story, front (min)	60%	60%
Ground story, side (min)	30%	30% Min
Ground story, rear (min)	30%	21%
Upper story (min)	20%	20% Min
Blank wall, front (max)	25%	25%
Blank wall, side/rear (max)	35%	25%

<b>Specification for Building Orientation and Transparency</b>		
a. Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In providing a site plan submitted under this subsection, the Planning Board must find that the plan (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.		
<b>Allowed Building Elements</b>		
Galley/Awning	Yes	Yes
Porch/Stoop	Yes	No
Balcony	Yes	No

The Applicant has requested relief from both the build-to-area and transparency requirement by the Planning Board. Build-to-area and transparency requirements may be modified by the Planning Board at the time of Site Plan Review per Sections 59.4.5.3.C.3.b and 59.4.5.3.C.5.a. of the Zoning Ordinance, respectively, provided that they are modified, “only to the extent necessary to accommodate the physical constraints of the site or the proposed land use,” and that, “design elements incorporate design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.” While the proposed building complies with the build-to-area requirements of the CRT Zone along its west façade adjacent to the Private Road Parcel discussed above, the same is not possible for the building’s east façade along Berkshire Drive. The location of the building does not conform to the CRT Zone’s maximum setback of fifteen (15) feet from a right-of-way, because a planted buffer and setback requirement of thirty (30) feet is imposed by the Master Plan.

The Applicant has also requested the Planning Board approve a transparency of 21% on the east elevation, instead of the 30% required. The east elevation is immediately adjacent to the thirty (30)-foot-wide landscaped buffer, and the Applicant has tried to minimize impacts of this development on the existing residential community in response to concerns raised by the community by adhering to the setback and height stepback requirements, by locating and orienting the proposed retail further west on the Property, and by reducing the amount of transparency at the base of the building as much as possible along the Berkshire Road frontage.

Therefore, the Planning Board approves relief from the build-to-area and transparency requirements as requested.

b. General Requirements

i. *Site Access*

As conditioned, the Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area.

All vehicular access to the property is provided off of Old Georgetown Road. Access from Berkshire Drive is restricted to emergency use only. The emergency access driveway is currently shown with removable bollards. These bollards may be replaced by a gate/fence, subject to Planning Staff and DPS Fire and Emergency Services Staff review and approval. The gate must be designed to restrict vehicular movement and open for emergencies and select events only. When open for select events, vehicular access must be prohibited, except for emergency service vehicles.

ii. *Parking, Queuing, and Loading*

The proposed development is removing surface parking spaces and providing two floors of below grade structured parking. The primary loading space will be provided on the north side of the proposed mixed-use building. Parking, queuing, and loading will be provided in an adequate, safe, and efficient manner.

The site currently contains 202 surface parking spaces (194 standard and 8 accessible). As part of this development, 92 surface parking spaces will be removed. Upon completion of the proposed development, the site will contain 254 parking spaces – 111 surface parking spaces and 143 below grade structured spaces. The proposed parking exceeds the minimum standards set in Sect. 6.2.3.

OFF STREET PARKING-SECT. 6.2.3	MIN	MAX	PROPOSED
MEDICAL OFFICE (3000) 10/K (MIN) 40/K (MAX)	30.0 (MIN)	120.0 (MAX)	30 (Min)
MED ASSO STORAGE (6,423 SF)	0		0
RETAIL (13,578 SF) 30/K (MIN) 60/K (MAX)	47.5 (MIN)	81.5 (MAX)	48 (Min)
COMMERCIAL PARKING SUBTOTALS	77.5 (MIN)	201.5 (MAX)	78 (Min)
RESIDENTIAL APARTMENTS			
MARKET RATE UNITS = 52			
1 BRDM (23) 1.25 SPACES PER UNIT	28.4 (BASE)		
2 BRDM (18) 1.50 SPACES PER UNIT	27.9 (BASE)		
3 BRDM (11) 2.00 SPACES PER UNIT	22.0 (BASE)		
MPDU UNITS = 8			
1 BRDM (3) 1.25 SPACES PER UNIT X .50 (SECT. 6.2.3I.2)	3.75 (BASE) 3.2 (REDUCTION)		
2 BRDM (5) 1.50 SPACES PER UNIT X .50 (SECT. 6.2.3I.2)	4.50 (BASE) 1.9 (REDUCTION)		
RESIDENTIAL PARKING SUBTOTAL	83		83 (Min)
TOTAL PARKING SPACES	161 TO 286 SPACES		254 SPACES (See Note 5)
MOTORCYCLE-SECT. 6.2.3C. (Based on 249 spaces)	2% or 5		5-1 SURFACE, 4 GARAGE (See Note 7)
ACCESSIBLE SPACES	5		10-5 SURFACE, 5 GARAGE (See Note 5 and 7)
CARE SHARE-SECT. 6.2.3D	1		1 (See Note 8)
CHARGING STATION-SECT. 6.2.3E	1		1 (See Note 7)
BICYCLE-SECT. 6.2.3F			
RESIDENTIAL (60 UNITS)	0.5 UNIT = 30		30 (See Note 9)
	1 ST / 29 LT		4 ST / 29 LT (See Note 5)
MEDICAL (3000 SF)	105K = 6		7
	1 ST / 5 LT		3 ST / 5 LT (See Note 5)
RETAIL (13,578 SF)	10210K = 2		4
	1 ST / 1 LT		2 ST / 1 LT
TOTAL BICYCLE SPACES	3 ST / 31 LT		8 ST / 31 LT (See Note 5)

iii. *Open Space and Recreation*

The Project will provide 26,260 square feet of Public Open Space, or 17% of the net tract area, which is greater than the 10% requirement. The proposed Public Open Space includes a sidepath connecting Berkshire Drive with Old Georgetown Road. While there is an existing path on the adjacent homeowner's association property, it does not connect to Old Georgetown Road and providing a connection in the future is problematic due to grade issues at that corner. The sidepath is a neighborhood connector and will be permanently open to the public.

The sidepath connects to Berkshire Drive through the proposed Neighborhood Park. The Neighborhood Park provides active and passive recreation uses while serving as a buffer to the adjacent residential community. A separate path runs south from the sidepath and is separated from the surface parking area by a dry creek and landscape buffer. This path connects the lawn and seating areas with a pergola and bocce court. The Neighborhood Park is bracketed to the north and south by bioretention areas that are functional and help frame and organize the space. There are multiple seating areas, for a variety of experiences.

A special paving pattern connects the pergola to the Lower Plaza, across the drive aisle. The Lower Plaza is a flexible space designed to serve as access to the service entrance as well as a pedestrian space. This space

can be programmed during non-delivery hours so that the same space can serve multiple uses. It also includes seating areas and connects with the existing medical office building.

The Upper Plaza is connected to the Lower Plaza by steps and a series of planted terraces. The Upper Plaza connects the parking garage elevator entrance to the existing medical office building. The Upper and Lower Plaza mediate the grade changes, as well as join the new mixed-use building to the existing medical building.

The Applicant has demonstrated that by providing the bikeway, Public Open Spaces, sidewalks, plazas, picnic and seating areas, Community Use Urban Park, indoor fitness room, resident lounge, and landscaping/lawn areas, the development satisfies the Recreational Guidelines.

**Recreation Demand Points**

Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
TH	Townhouses and Single-Family attached	0	0	0	0	0	0	0
HI-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
SFD	Single-Family Detached	0	0	0	0	0	0	0
Mid-Rise	Multiple-Family, 4 stories or less	60	9.60	13.80	10.80	42.60	28.80	4.80
<b>Total Demand Points =</b>		<b>60</b>	<b>9.60</b>	<b>13.80</b>	<b>10.80</b>	<b>42.60</b>	<b>28.80</b>	<b>4.80</b>

**Onsite Recreation Supply Points**

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Bridge	1	10.00%	5.50	11	13.20	13.20	13.20	13.20
Bikeways	1	10.00%	0.53	1.52	1.78	7.03	4.75	0.53
Indoor Fitness Room	1	0%	0	1.38	1.08	10.65	5.76	0.72
Open Grass Area Lawn - Urban (2,000 sf)	1	10.00%	2.20	3.30	5.50	7.70	8.80	3.30
Resident Lounge	1	0%	0	2	5	10	8	7
Community Use Urban Park	1	10.00%	4.40	5.50	8.80	13.20	11	8.80
Picnic/Seating	1	10.00%	1.10	1.10	1.65	3.30	3.30	3.30
<b>Total Onsite Supply Points=</b>			<b>13.73</b>	<b>25.80</b>	<b>37.01</b>	<b>65.08</b>	<b>54.81</b>	<b>36.85</b>

*iv. General Landscaping and Outdoor Lighting*

The project provides adequate landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and

efficient for residents and visitors. The Project will include streetscaping along the new private road, with widened sidewalks, paths, and lighting.

As shown in the Development Standards table and findings above, the proposed Site Plan meets all the general requirements and development standards of Division 59-4.4 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance except as follows.

*v. Screening*

In accordance with Section 6.2.10., the Applicant is requesting a waiver from Section 6.2.9.C.3.a. for perimeter planting along Wildwood Estates HOA Parcel C. While the adjoining property is residentially zoned and vacant, the HOA parcel has required screening planted existing and the Applicant is proposing to add a six (6)-foot fence on the property line.

In response to community concerns about compatibility, the Planning Board required the Applicant to maintain the existing six-foot board-on-board privacy-fence adjacent to the Berkshire Drive right-of-way. Additionally, the Applicant must consult with the Montgomery County Department of Transportation and add additional native landscaping along the Property frontage of Berkshire Drive within the right-of-way

*5. The development satisfies the applicable requirements of the applicable requirements of Chapters 19 and 22A of the Montgomery County Code;*

*a. Chapter 19, Erosion, Sediment Control, and Stormwater Management*

The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on November 8, 2018. Stormwater treatment will be accomplished through the use of micro bioretention, planter box micro bioretention structures, and underground structural filters to manage the Channel Protection Volume requirement.

*b. Chapter 22A, Forest Conservation*

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

*i. Environmental Guidelines*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on February 23, 2018. The NRI/FSD documented no streams or their buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known occurrences of rare, threatened, and endangered species. This plan is in compliance with the Environmental Guidelines.

ii. *Final Forest Conservation Plan*

The site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Final Forest Conservation Plan (FFCP) (Attachment 10) in conjunction with the Site Plan. The Preliminary Forest Conservation Plan (PFCP), including a recommendation for a variance approval for disturbance of specimen trees on the site, is being recommended for approval as part of the Preliminary Plan for this property (Preliminary Plan No. 11989271C). The FFCP is consistent with the PFCP. There is no forest on the site. The land use, zoning and net tract area yield an afforestation requirement of 0.54 acres of forest planting. The applicant proposes to provide the afforestation mitigation through purchase of credit in an approved off-site forest bank. The mitigation must equal 0.54 acres of new forest planted or 1.08 acres of existing forest preserved.

iii. *Variance Mitigation Trees Required*

The variance approval associated with the PFCP approval required that specimen trees being removed be replaced on-site at a ratio of one inch of replacement tree planting for every four inches diameter removed, using native shade tree planting stock of no less than three inches caliper, each. The Variance approval permits the removal of seven specimen trees totaling 251 inches, diameter. This results in required mitigation equal to 63 caliper-inches of native shade trees, or 21 trees of three inches caliper, each. These trees are shown on the FFCP and Landscape Plans for this Site Plan.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

As conditioned, the Site Plan provides adequate, safe, and efficient parking and circulation patterns. The Project provides well-integrated onsite surface parking with multiple access points. The Site Plan provides adequate and well-integrated open space and site amenities, circulation patterns, streetscape improvements, safe pedestrian environments, and adequate building massing consistent with the zone. These enhancements will facilitate improved



pedestrian connections from nearby neighborhoods by offering access to existing and planned bikeways, transit, side paths, and retail uses. The new mixed-use building is shaped like an “L”, fronting on the Private Road. A retail arcade lines the interior of both arms of the “L” and provides a ground level unifying feature. A vehicular drive passes through the two arms at the ground level, with the building built above. A series of open spaces run east to west, connecting the proposed building to the existing medical office building. The vehicular entrance to the parking garage is at the rear of the development, located next to the residential entrance and lobby. The pedestrian parking garage entrance is at the northwest corner of the proposed building, on the Upper Plaza. The Lower Plaza is connected to the Upper Plaza by steps and is designed to be a flexible, multi-use space, providing for use as a service entrance as well as open space. A neighborhood park is adjacent to the existing neighborhood and provides passive and active recreation as well as a landscaped buffer.

The Site Plan responds to the challenge of adjoining the commercial uses on Old Georgetown Road to the west and the existing single-family residential neighborhood to the east by focusing the retail to the west and residential uses to the east. The Property is currently developed with a parking lot adjacent to the Berkshire Drive property line, with a privacy fence separating the uses. The proposed development creates a new buffer to the existing residential neighborhood by providing a heavily landscaped area that ranges from 30 feet to 70 feet deep. Additionally, the new mixed-use building is 5-stories along the Private Road frontage but steps down to 3 stories adjacent to Berkshire Drive, and adheres to the setback and height recommendations established by the *2017 Rock Spring Master Plan*.

7. *The development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Property is within the boundaries of the *2017 Rock Spring Master Plan*. The Master Plan area is largely suburban in character, dominated by auto-oriented employment and retail uses that are surrounded by residential uses. The Master Plan envisioned three districts; the Property is part of the Rock Spring East/Village Center District. This center includes a mix of office, limited residential, educational, service, and retail uses. The Application will introduce residential uses to a Property, which at present houses medical office and service uses. The Master Plan supports the concept of transforming single-use commercial properties into mixed-use by inserting residential components that could support existing commercial uses. The Property is adjacent to an existing residential community; the Master Plan includes specific language on how

redevelopment should transition to adjacent single-family homes directly across Berkshire Drive.

The Master Plan included detailed recommendations for this Property. The development adheres to the following Master Plan recommendations:

- **Height:** Maximum height is 50 feet; 35 feet along the Berkshire Drive frontage.
- **Building Setbacks:** 30 feet from Berkshire Drive.
- **Open Space:** 30 feet setback in front of the proposed building along Berkshire Drive, plus 40 feet wide open space only along the Berkshire Drive frontage beyond the building area. Other open space areas are provided within the proposed development.

In addition, the development furthers the following Master Plan goals:

- Creates infill development that introduces housing within a single use commercial property.
- Provides a publicly accessible green space within the Plan area.
- Replaces an existing surface parking lot with mixed-use redevelopment.
- Increases amenity options for businesses and their employees, as well as for new residents.
- Reduces impervious surfaces by creating pervious, green areas.
- Establishes additional pedestrian/bicycle connections that link to existing trails.

The Planning Board finds that the development is in substantial conformance with the setbacks, and height setback recommendations of the Master Plan. Additionally, the development: introduces housing options on a property that has been historically used solely for non-residential uses; provides publicly accessible green space in the form of Public Open Space, that will be available for use by the existing and future residents; replaces the existing surface parking lot with infill/mixed-use development; increases amenities for businesses, employees, and existing and future residents in the area; reduces impervious surfaces by creating pervious, open space areas with stormwater management facilities not previously required; and by establishing additional and safe pedestrian and bike facilities consistent with the recently adopted 2018 Bike Master Plan. Thus, the Planning Board finds the development in substantial conformance with the recommendations of the 2017 *Rock Spring Master Plan*.

*Master Planned Roadways and Bikeways*

In accordance with the 2017 *Rock Spring Sector Plan* and the Council adopted 2018 *Bikeway Master Plan*, the master-planned roadway and bikeway designations are as follows:

- Old Georgetown Road is designated as a major highway, M-4, with a recommended 120-foot right-of-way and a Local Bikeway, LB-7, two-way separated bike lanes on the eastern side in the 2017 *Rock Spring Master Plan*.

Berkshire Drive is not listed in the Master Plan and is considered a tertiary residential street with a 50-foot-wide right-of-way.

An overall transportation goal of the 2017 *Rock Spring Master Plan* is, to: “provide guidance for transforming the area from an auto-centric setting to a more transit-oriented environment that is hospitable to both pedestrians and bicyclists.”

The 2018 *Bicycle Master Plan* recommends a Neighborhood Connector on the north side of the Property and two-way separated bike lanes on the east side of Old Georgetown Road along the west side of the Property. The Applicant is providing the east/west Neighborhood Connector with the development, while the two-way separated bike lane along Old Georgetown Road will be required in the future when development is proposed on the lot along Old Georgetown Road. Although vehicles will primarily access the site via Old Georgetown Road, the area to be occupied by the mixed-use building is 130-feet from Old Georgetown Road with an existing gas station and bank operating in-between. By ensuring the sidewalk on Berkshire Avenue is a minimum of five (5)-feet-wide, providing the east/west Neighborhood Connector on the north side of the Property, and providing acceptable short- and long-term bicycle parking, the Applicant is fulfilling the recommendations of the Bicycle Master Plan.

8. *The development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

Property will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities, as established in the approval of the Preliminary Plan.

9. *The development is compatible with existing and approved or pending adjacent development.*

Based on the adherence to the Master-Plan recommended setbacks, height step-back requirements, screening, Public Open Space and bicycle and pedestrian improvements proposed, this development is compatible with both existing and approved adjacent development.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 MAR 22 2019 (which is the date that this resolution is mailed to all parties of record); and

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

\* \* \* \* \*

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, March 7, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board