






**Rock Spring Centre: Preliminary Plan Amendment No.11998092C, Regulatory Extension Request #3;  
Site Plan Amendment Nos. 82003036C, 82004017C, 82009003A, Regulatory Extension Request #1**

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**Staff Report Date: 8/31/20**

**Description**

Request to extend the regulatory review period for Preliminary Plan No. 11998092C and for Site Plans Nos. 82003036C, 82004017C, and 82009003A.

Location: NW corner of the intersection of Old Georgetown Road and Rock Spring Drive, North Bethesda.

Master Plan: Rock Spring Master Plan.

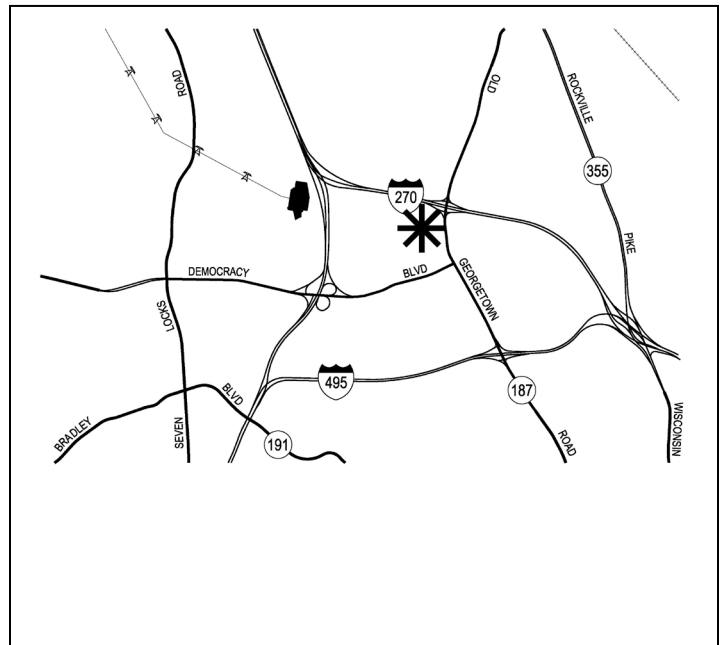
Zone: CR-1.5, C-0.75, R-1.0, H-275 and CR-1.5, C-0.75, R-0.75, H-275 but reviewed under the standards of the MXPD Zone in the Zoning Ordinance in effect prior to October 30, 2014.

Property Size: 53.4 acres.

Application Accepted: March 27, 2019.

Applicant: Rock Spring Properties and Floyd E. Davis Company.

Review Basis: Chapters 50, 59.



**Summary**

Preliminary Plan Amendment No. 11998092C

Section 50-4.1.E of the Subdivision Regulations generally states that Preliminary Plan applications must be scheduled for a public hearing within 120-days after the date an application is accepted. However, the Planning Board may extend this regulatory review period.

The Application was accepted on March 27, 2019, with a tentative Planning Board date of July 25, 2019. The Applicant previously submitted two extension requests, granted by the Planning Board on July 18, 2019 and January 3, 2020, with a tentative Planning Board date of September 17, 2020.

On July 29, 2020, the Applicant submitted a third request to extend the regulatory review period from September 17, 2020 to April 29, 2021. According to the Applicant, significant time and resources have been spent in diligently pursuing this Preliminary Plan Amendment, three associated Site Plan Applications, which were filed on July 1, 2020, and working with Staff to address comments raised both at the Development Review Committee meeting and subsequent meetings with Staff. The Applicant has also increased the magnitude of the first phase of development, resulting in the need for additional time to finalize the Site Plan applications. Finally, preparation of plans has been complicated by challenges associated with the COVID pandemic.

Site Plan Amendment Nos. 82003036C, 82004017C, and 82009003A

Section 59.7.3.4.C of the Zoning Ordinance generally states that Site Plan applications must be scheduled for a public hearing within 120-days after the date an application is accepted. However, the Planning Board may extend this regulatory review period.

The Site Plan Amendment applications were accepted on July 1, 2020, with a tentative Planning Board date of October 29, 2020. On July 29, 2020, the Applicant submitted a request to extend the regulatory review period for six months, with a tentative Planning Board date of April 29, 2021. Given the complexity and scope of the Project, the Applicant and Staff anticipate that additional time beyond the standard 120-day review period will be required for the Site Plan Amendments, which will be reviewed concurrently with the associated Preliminary Plan Amendment.

Conclusion

Staff supports the Applicant's request to extend the review period for Preliminary Plan Amendment No. 11998092C and Site Plan Amendments 82003036C, 82004017C, and 82009003A with a tentative Planning Board date of April 29, 2021, although the hearing can occur before that date.

Attachment 1: Applicant's extension request dated July 29, 2020.

# ATTACHMENT 1



**LerchEarlyBrewer**

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**Steven A. Robins**

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July 29, 2020

## **VIA ELECTRONIC DELIVERY**

The Honorable Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Rock Spring Centre Regulatory Extension Requests for  
Preliminary Plan Amendment No. 11998092C  
Site Plan Amendment Nos. 82003036C, 82004017C & 82009003A

Dear Chairman Anderson and Members of the Board:

Our firm represents Rock Spring Properties and Floyd E. Davis Company (as authorized representatives of the various family ownership entities) (the “Applicant”), together with Buchanan Partners (as Owners’/Applicants’ Representative) (“Buchanan”), in connection with the above-referenced Preliminary and Site Plan Amendment Applications for the 54 acre Rock Spring Centre property (the “Property”). On behalf of the Applicant and Buchanan, and pursuant to Montgomery County Code Sections 50.4.1.E and 59.7.3.4C, we respectfully request an extension of the time in which the Planning Board is required to hold a public hearing on the above referenced Applications. The Planning Board has granted previous extensions of the Preliminary Plan Amendment (which was formally accepted on March 26, 2019) – a six month extension on July 18, 2019 and an eight month extension on January 16, 2020. Accordingly, the Preliminary Plan Amendment is tentatively schedule for a September 17, 2020 Planning Board hearing. The Site Plan Amendments (which were formally accepted on June 24, 2020) are collectively, tentatively scheduled for an October 29, 2020 Planning Board hearing.

As mentioned in our last extension request, since filing the Preliminary Plan Amendment, the Applicant and Buchanan have expended significant time and resources in diligently pursuing the Amendment and working closely with Staff to address comments raised both at the Development Review Committee meeting and subsequent meetings with Staff. The Applicant and Buchanan also have been working hard to prepare the associated Site Plan Applications (three of them) – Planning Department Staff have long-since indicated their preference for the Site Plan and Preliminary Plan Amendments to be heard concurrently by the Planning Board. Staff also requested that the Applicant consider increasing the scope of the first phase of development. This move to increase the scope of the first phase, while certainly a step that will

benefit the project, also had the effect of adding a greater level of complexity to the planning and design process. The additional time granted by the Board in its last extension was needed not only to finalize the Site Plan packages but also to rework other parts of the Preliminary Plan Amendment to accommodate and work through the design of this larger first phase. The Applicant has now completed that important work. The Site Plan Amendments have been filed and the Preliminary Plan Amendment has been resubmitted. We also have been before the DRC on all of the Site Plan Applications. The Applicant now is in the process of working through all of the DRC comments with Technical Staff and the various administrative agencies. Coordinating the various amendments - from production to filing - also have been further compounded by the COVID 19 pandemic and complications associated with this unprecedented situation.


Given the complexity of the Amendments, the Applicant and Staff anticipate that additional time beyond the regulatory 120 review period will be required for the Site Plan Amendments. Additionally, an extension is needed in order to allow for concurrent review of the Preliminary and Site Plan Amendments, which will ensure the most efficient use of the Planning Department and Planning Board's resources and will provide the Board with a true feel for the project, particularly this more robust first phase of development. Accordingly, the Applicant is requesting an 8 month extension of the Preliminary Plan Amendment and an 6 month extension of the Site Plan Amendments. This would provide an extension until April 29, 2021. Of course, it is the Applicant's and Buchanan's intention to work with Staff during the review period so that the Board's review is well in advance of the full extension period.

This much anticipated project is on the cusp of commencing and Staff and the Applicant have been working very hard, remotely on the various aspects of the Applications. We are excited by the progress being made and look forward to presenting these Applications with the Board in the near term. Thank you for your consideration of this matter.

Very truly yours,



Steven A. Robins



Elizabeth C. Rogers

cc: Gwen Wright  
Carrie Sanders  
Patrick Butler  
Emily Tettelbaum  
Chris Camalier  
John Davis  
Russ Gestl  
Sylke Knuppel



8787 Georgia Avenue  
 Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Effective: February 6, 2019

Phone 301.495.4550  
 Fax 301.495.1306

**REGULATORY REVIEW EXTENSION REQUEST**

Request #1       Request #2

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

**Plan Name:** Rock Spring Centre      **Plan No.** 82003036C;

82004017C; 82009003A

This is a request for extension of:       Project Plan       Sketch Plan  
 Preliminary Plan       Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 10/29/2020

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

**Person requesting the extension:**

Owner,  Owner's Representative,  Staff (check applicable.)


Steven A. Robins		Lerch, Early & Brewer, Chtd.	
<i>Name</i>		<i>Affiliation/Organization</i>	
7600 Wisconsin Avenue, Suite 700			
<i>Street Address</i>			
Bethesda		MD	20814
<i>City</i>		<i>State</i>	<i>Zip Code</i>
(301) 657-0747		sarobins@lercheearly.com	
<i>Telephone Number</i>	<i>Fax Number</i>	<i>E-mail</i>	

We are requesting an extension for 6 months until 04/29/2021

Describe the nature of the extension request. Provide a separate sheet if necessary.

See attached letter.

**Signature of Person Requesting the Extension**

  
 \_\_\_\_\_  
*Signature*

07/29/2020  
 \_\_\_\_\_  
*Date*

**Extension Review**

*Planning Director Review for Extensions 30 days or less*

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

*Planning Board Review for Extensions greater than 30 days*

The Montgomery County Planning Board reviewed the extension request on \_\_\_\_\_ and approved an extension for more than 30 days of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.



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**REGULATORY REVIEW EXTENSION REQUEST**

Request #1       Request #3

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

**Plan Name:** Rock Spring Centre      **Plan No.** 11998092C

This is a request for extension of:       Project Plan       Sketch Plan  
     Preliminary Plan       Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 09/17/2020

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

**Person requesting the extension:**

Owner,  Owner's Representative,  Staff (check applicable.)

Steven A. Robins		Lerch, Early & Brewer, Chtd.	
<i>Name</i>		<i>Affiliation/Organization</i>	
7600 Wisconsin Avenue, Suite 700			
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(301) 657-0747		sarobins@lercheearly.com	
<i>Telephone Number</i>	<i>Fax Number</i>	<i>E-mail</i>	

We are requesting an extension for 8 months until 04/29/2021

Describe the nature of the extension request. Provide a separate sheet if necessary.

See attached letter.

**Signature of Person Requesting the Extension**

\_\_\_\_\_  
*Signature*

07/29/2020  
*Date*

**Extension Review**

*Planning Director Review for Extensions 30 days or less*

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

*Planning Board Review for Extensions greater than 30 days*

The Montgomery County Planning Board reviewed the extension request on \_\_\_\_\_ and approved an extension for more than 30 days of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.