

Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Consent Item

Date: 4/22/21

**Rock Spring Centre: Preliminary Plan Amendment No. 11998092C, Regulatory Extension Request #4;
Site Plan Amendment Nos. 82003036C, 82004017C, 82009003A, Regulatory Extension Request #2**

ET

Emily Tettelbaum, Planner Coordinator, Mid-County Planning, Emily.Tettelbaum@montgomeryplanning.org, 301-495-4569

CS

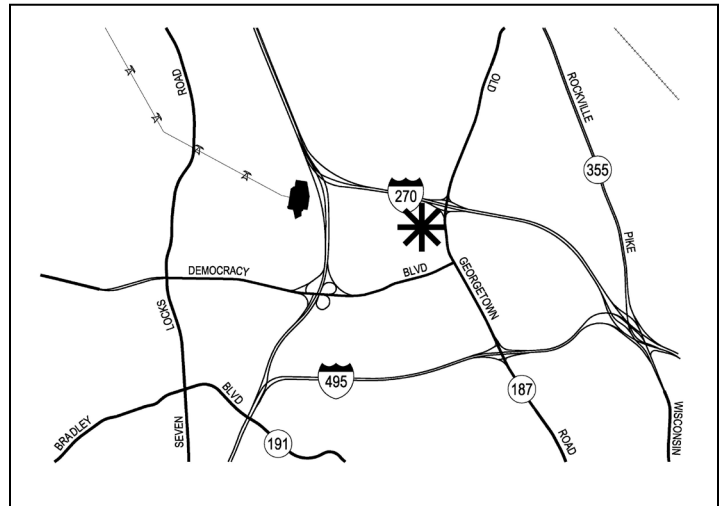
Carrie Sanders, Chief, Mid-County Planning, carrie.sanders@montgomeryplanning.org, 301-495-4653

Staff Report Date: 4/12/21

Description

Request to extend the regulatory review period for Preliminary Plan No. 11998092C and for Site Plan 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 MXPB Zone in the Zoning Ordinance in effect prior to October 30, 2014.
- Property Size: 53.4 acres.
- Application Accepted: March 27, 2019 (Preliminary Plan); July 1, 2020 (Site Plans).
- 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 initially accepted on March 27, 2019, with a tentative Planning Board date of July 25, 2019. The Applicant previously submitted three extension requests, granted by the Planning Board on July 18, 2019, January 3, 2020, and September 10, 2020 with a tentative Planning Board date of April 29, 2021.

On March 10, 2021, the Applicant submitted a fourth request to extend the regulatory review period from April 29, 2021 to December 23, 2021. According to the Applicant, significant time and resources have been spent in diligently pursuing the Preliminary Plan Amendment and three associated Site Plan Amendment Applications. The Applicant has held many meetings with Staff and various reviewing agencies to respond to DRC comments and work through the details of the Project. Finally, the preparation of plans has been complicated by challenges associated with the COVID pandemic.

Site Plan Amendment Nos. 82003036C, 82004017C, 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 originally accepted on July 1, 2020, with a tentative Planning Board date of October 29, 2020. On September 10, 2020, the Planning Board approved an extension of the regulatory review period for eight months, with a tentative Planning Board date of April 29, 2021.

On March 10, 2021, the Applicant submitted a second request to extend the regulatory review period from April 29, 2021 to December 23, 2021. The Site Plan Amendments will be reviewed by the Planning Board concurrently with the Preliminary Plan Amendment.

Conclusion

Staff supports the Applicant's request to extend the regulatory review period for Preliminary Plan Amendment No. 11998092C and Site Plan Amendments 82003036C, 82004017C, and 82009003A with a tentative Planning Board date of December 23, 2021, although the hearing can occur before that date.

Attachment 1: Applicant's extension request dated March 10, 2021.

Page 1 of 2

Effective: February 6, 2019

Phone 301.495.4550
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❑ Request #1

❑ Request #4

M-NCPPC Staff Use Only

File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

Plan Name: _____ **Plan No.** _____

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: _____

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.)

Name _____

Affiliation/Organization

Street Address

City

State

Zip Code

Telephone Number

Fax Number

E-mail

We are requesting an extension for _____ months until _____

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

Signature of Person Requesting the Extension



Signature

Date



Montgomery County Planning Department
Maryland-National Capital Park and Planning Commission

Page 1 of 2

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Effective: February 6, 2019

Phone 301.495.4550
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REGULATORY REVIEW EXTENSION REQUEST

☐ Request #1

☐ Request #2

M-NCPPC Staff Use Only

File Number Date Received	 	MCPB Hearing Date	
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Plan Name: _____ **Plan No.** _____

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: _____

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.)

Name		Affiliation/Organization	
Street Address			
City	State		Zip Code
Telephone Number	Fax Number	E-mail	

We are requesting an extension for _____ months until _____

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

Signature of Person Requesting the Extension

Signature

Date

Steven A. Robins
301-657-0747
sarobins@lercheearly.com

Elizabeth C. Rogers
301-841-3845
ecrogers@lercheearly.com

March 10, 2021

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, an eight month extension on January 16, 2020, and a 7.5 month extension on September 10, 2020. The Planning Board also granted a six month extension of the Site Plan Amendments (which were formally accepted on June 24, 2020) on September 10, 2020. Accordingly, the Preliminary Plan and Site Plan Amendments are collectively, tentatively schedule for an April 29, 2021 Planning Board hearing.

As mentioned in our last request, the Applicant and Buchanan have expended significant time and resources in diligently pursuing the Amendments and importantly, continue to do so today. The Applicant and Buchanan originally submitted only a Preliminary Plan Amendment. However, given Planning Staff’s strong preference for the Site and Preliminary Plans to be processed concurrently, the Applicant undertook the additional work necessary to prepare the associated Site Plan Amendments. Furthermore, at Planning Staff’s request, the scope of Site Plan Amendment No. 82009003A was significantly expanded. 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 much greater level of complexity to the planning and design process.

The additional time granted by the Board in its last extension was needed to work through all of the comments raised at the Development Review Committee (“DRC”) meeting with Technical Staff and the various administrative agencies. There still are a number of complex design issues that need to be worked out for the Project, many of which have competing agency recommendations. The Applicant and Buchanan are working hard to find consensus on these design issues among the various reviewing agencies, and have spent considerable time working through the agency comments, many of which resulted in the need for numerous meetings with Park and Planning Staff, the Department of Transportation, the Department of Permitting Services, and Montgomery County Public Schools. For example, the Applicant has had several meetings with MCDOT and Park and Planning, as well as with MCPS (and the Principal of Walter Johnson High School) to work through the design details and layout for the Rock Spring Drive right-of-way, to ensure that this main street meets the County’s goals and objectives both in the short-term and long-run (*i.e.* once the Transitway is implemented). The Applicant and Park and Planning have worked collaboratively on a variety of design issues, including but not limited to open space and the use of the existing forest conservation area, and many other important elements of the Project. As previously mentioned, other meetings also have occurred between the Applicant, Park and Planning Staff and agencies like DPS to work through details regarding the Project. More recently, the Applicant continues to work closely with Park and Planning regarding the building architecture, to ensure the Project achieves design excellence.

Of course, all of this has taken place during the on-going COVID-19 pandemic – the coordination necessary for these Amendments only has been compounded by the challenges associated with the unprecedented situation. The Applicant has diligently pursued both Applications since the filings, and Staff and the reviewing agencies have spent considerable time and effort working with the Applicant to mold the project into one that will set the tone for Rock Spring in the very near future. As an aside, Buchanan also has been actively pursuing potential uses of the retail/commercial space in the Project and is very excited about its prospects.

While the Applicant and Buchanan have made significant progress toward resolving many of the issues raised through DRC, the Applicant and Staff will need additional time to address the remaining outstanding issues, in order to complete the review of the Preliminary and Site Plan Amendments. The Applicant and Staff fully anticipate having the Preliminary and Site Plan Amendments heard concurrently by the Board, 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 the more robust first phase of development. Accordingly, the Applicant is requesting an 8 month extension of the Preliminary Plan and Site Plan Amendments, which will provide an extension until December 23, 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 can occur as early as possible (hopefully 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, and all remotely, on the various aspects of the Amendments. While we certainly would prefer to appear before the Board without the need for this extension,

we are extremely excited by the progress being made and look forward to presenting these Applications to the Board in the near future. Thank you for your consideration of this matter.

Very truly yours,



Steven A. Robins



Elizabeth C. Rogers

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