



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

MCPB No. 21-065
Site Plan No. 82013012F
Pike and Rose Phase II
Date of Hearing: July 22, 2021

JUL 27 2021

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, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on November 14, 2013, the Planning Board, by Resolution MCPB No. 13-134, approved Site Plan No. 820130120 for up to 1,648,936 square feet of total development, including up to 645,976 square feet of residential development and up to 1,122,960 square feet of non-residential development on 24.38 acres of CR-3.0 C-1.5 R-2.5 H-200 zoned-land, located on the north side of Old Georgetown Road, between Rockville Pike and Towne Road ("Subject Property"), in the White Flint Policy Area and 2010 White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on July 2, 2015, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 82013012A, to modify curbs, landscape and hardscape layout, add solar panels on the Building 7 parking garage, shift residential units from Building 6 and Building 2, including MPDU adjustments, within the maximum approved residential square footage, and reduce the permitted floor area from 1,648,936 to 1,603,813 square feet on the Subject Property; and

WHEREAS, on March 15, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82013012B (MCPB No. 16-022), to add 17,018 square feet of non-residential floor area, increasing the overall floor

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

area from 1,603,813 square feet to a total of 1,620,831 square feet for Phase II, add planter and wooden trellis structures to Building 8, and make modifications to Building 1A on the Subject Property; and

WHEREAS, on October 19, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82013012C (MCPB No. 16-102), to remove 38 units, including 5 MPDUs, from Building 2, update unit types for Buildings 6 and 7, modify Towne Road streetscape to include a protected bike lane, increase the park pavilion building by 255 square feet, increase parking by 54 spaces, design modifications for Rose Park, and update the Certified Site Plan set to reflect as-built conditions for Garage 7 on the Subject Property; and

WHEREAS, on August 1, 2018, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82013012D (MCPB No. 18-079), to revise the design of Building 3B and associated parking garage within Block 3, update the Public Benefit Points to reflect the additions of solar panels and bikeshare stations, removal of a daycare center, modify the bicycle parking provided, and minor modifications to reflect as-built conditions on the Subject Property; and

WHEREAS, on October 1, 2020, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 82013012E to make minor adjustments to internal garage space, landscape, and hardscape to reflect as-built conditions, and minor adjustments to architecture to address permit review and tenant fit-out on the Subject Property; and

WHEREAS, on March 29, 2021, Federal Realty Investment Trust ("Applicant") filed an application for approval of an amendment to the previously approved site plans to change the use of Building 2 from residential to research and development ("R&D") laboratory; increase Phase II commercial density by 76,723 square feet; shift lot lines to accommodate the reconfigured Building 2; update development standards, public benefit points, and site access; and make adjustments to Building 2 utilities, grading, hardscape and landscape on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82013012F, Pike and Rose Phase II ("Site Plan," "Amendment," 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 July 9, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 22, 2021, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82013012F for a change of use of Building 2 from residential to R&D laboratory, an increase in Phase II commercial density by 76,723 square feet, shifting of lot lines to accommodate the reconfigured Building 2, an update to development standards, public benefit points, and site access; and adjustments to Building 2 utilities, grading, hardscape and landscape by adding and modifying the following conditions:¹

Added Condition

1A. Density

Approval is limited to a maximum Phase II density of 1,620,831 square feet of total development including a maximum of ~~1,122,960~~ 1,199,683 square feet of non-residential uses.

Revised Conditions

3. Density Allocation

Core and shell building permits may only be issued after staging allocation is granted under the Staging Allocation Request Regulations in the White Flint Sector Plan Implementation Guidelines approved by the Planning Board. ~~The Planning Board in March 23, 2012 approved a Staging Allocation Request (No. 25400) for 493 residential dwelling units and 262,800 square feet of non-residential development for Phase I of this property.~~

9. Recreation Facilities

The Applicant must provide at least the recreation facilities, conforming to the Planning Board Recreation Guidelines (September 1992), shown on the Site Plan including:

a. In Building 2:

i. Four picnic/sitting areas;

¹ 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. One swimming pool;~~
- ~~iii. Indoor community space; and~~
- ~~iv. One indoor fitness facility.~~

14. Certified Site Plan

- a. Prior to the Issuance of the Certified Site Plan, the Applicant must provide elevation drawings identifying all areas for "Enhanced Screening and Artistic Treatments" with examples of strategies, materials and landscaping for inclusion in the Certified Site Plan Set with staff approval.
- b. Prior to the issuance of the Certified Site Plan, the Applicant must update all architectural plans, elevations and sections as well as landscape plans to reflect the latest decisions related to building design, as discussed with Staff through the final review cycle.
- c. Prior to the issuance of the first Use and Occupancy permit, the Applicant must provide details for Staff approval and install all "Enhanced Screening and Artistic Treatments" to activate building frontages as identified in the drawings submitted with the Application.
- d. Applicant must update all Public Benefit tables prior to Certified Site Plan.
- e. Modify data table to reflect development standards approved by the Planning Board.
- f. Include the development program and all current and previous Planning Board approval resolutions.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Pike and Rose Phase II, Site Plan 82013012F, 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 Planning 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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

- (1) The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

The Subject Property is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is subject to the binding elements of Sketch Plan 320110010, which were modified in Site Plan 820130120 and subsequent site plan amendments.

As part of this Subject Amendment, the Applicant is revising their calculation of Public Benefit points to reflect the changes to the type and volume of parking provided as part of Building 2. The Public Benefit categories affected by the amendment changes are Public Parking, Minimum Parking, and Structured Parking. The Applicant will continue to fulfill the Public Benefit requirements set out in previous approvals.

Public Benefit points for Pike & Rose Phase II were last included as part of Site Plan 82013012D. All changes occurring with the Subject Amendment are limited to Phase II, and therefore only Phase II Public Benefit points are being adjusted. The changes to Building 2's parking result in a negligible increase in public benefit points being provided by the parking categories of 0.03 points, as shown in the table below.

Category	Previously Approved Phase II	Proposed Phase II	Difference
Public Parking	4.09	6.46	2.37
Minimum Parking	4.84	3.49	1.35
Structured Parking	6.57	5.58	0.99
Sum of Parking Categories	15.5	15.53	0.03

- (2) The Site Plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56;*

The approved R&D and commercial uses are allowed in the CR zone. As part of this amendment, Phase II commercial development is increased to a maximum of 1,199,683 square feet, but the total development maximum for Phase II is unchanged at 1,620,831. The changes made by the Site Plan Amendment meet all the requirements of the zones as shown by the data table below. The Site is not located in an Urban Renewal area.

Site Plan Data Table - Pike & Rose Phase II		
Zone - CR-3.0 C-1.5 R-2.5 H-200		
	Required/Permitted	Proposed
Gross Tract Area		13.27 acres
Dedications		2.95 acres
Net Lot Area		10.32 acres
Gross Floor Area	Previously Approved	Proposed
Total	1,620,831	1,620,831
Commercial	1,122,960	1,199,683
Residential	645,976	421,148
Open Space	60,000	60,000
Vehicle Parking (bldg. 2 only)	260 spaces (min)/780 spaces (max)	405 spaces
Compact Car	81 spaces (max)	57 spaces
ADA	9 spaces (min)	9 spaces
ADA Van	3 spaces (min)	3 spaces
Motorcycle	8 spaces (min)	8 spaces
Bicycle Parking	52 spaces (min)	60 spaces (52 long-term)

- (3) *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

The Amendment only alters the size and configuration of Building 2, which will be reconfigured to accommodate a biotech tenant. Building 2 was previously approved to be a residential apartment building with a height of up to 200 feet. The new building will house up to 260,000 square feet of commercial uses, including 251,000 square feet for a new biotech tenant and up to 8,000 square feet of ground-floor retail space and have a height of approximately 170 feet. The changes to the size and configuration of Building 2 will not adversely affect the design or functionality of the building. The pedestrian and vehicular circulation, as well as landscaping and stormwater management on the Property will remain adequate, safe, and efficient.

(4) Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and

The new building is slightly larger than the previously approved Building 2, but its height will be reduced by 30 feet. The new Building 2 continues to be compatible with the surrounding high density residential and commercial development in the area.

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-D-3.8; 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 JUL 27 2021 (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 Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, July 22, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board