



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

MCPB No. 21-120
Site Plan Amendment No. 82013012G
Pike and Rose Phase II
Date of Hearing: October 28, 2021

NOV 15 2021

RESOLUTION

WHEREAS, under Section 59-7.3.4 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 amendment 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 area from 1,603,813 square feet to a total of 1,620,831 square feet for Phase II, add

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

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, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82013012F (MCPB No. 21-065), 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, on July 8, 2021, Federal Realty Investment Trust ("Applicant") filed an application for approval of an amendment to the previously approved site plans to change the architectural design and massing of Building 9, decreasing the size of the building by 36,000 square feet and height by 48 feet; revise the surrounding hardscape and plantings; reconfigure Meeting Street to eliminate entrance to Block 13; increase Building 2 square footage from 260,000 to 275,000; and make minimal changes to public benefit points and;

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82013012G, 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 October 14, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 28, 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. 82013012G for a change of architectural design and massing of Building 9, decreasing its size by 36,000 square feet and height by 48 feet; revisions to the surrounding hardscape and plantings; reconfiguration of Meeting Street; and an increase in Building 2 square footage from 260,000 square feet to 275,000 square feet; and make minimal changes to public benefit points, by modifying one prior condition and adding the following conditions:¹

Revised 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 ~~1,199,683~~ 1,193,831 square feet of non-residential uses and 427,000 square feet of residential uses.

New Conditions

13. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") Fire Department Access and Water Supply Section in its letter dated September 17, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of this Site Plan Amendment approval.

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.

14. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") Water Resources Section in its stormwater management concept letter dated June 4, 2021. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of this Site Plan Amendment approval.
15. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") Right-of-Way Permitting Section in its memorandum dated August 24, 2021 and incorporates them as conditions of the Site Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which the MCDPS Right-of-Way Permitting Section may amend if the amendments do not conflict with other conditions of this Site Plan Amendment approval.
16. 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.
17. 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. Applicant must update all Public Benefit tables prior to Certified Site Plan.
 - c. Modify data table to reflect development standards approved by the Planning Board.
 - d. Include the development program and all current and previous Planning Board approval resolutions.
 - e. Prior to certified site plan, update the FFCP to be consistent with the Site Plan Amendment

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Pike and Rose Phase II, Site Plan 82013012G, 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 herein remain valid and 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 No. 320110010 and Site Plan No. 820130120, as modified through subsequent site plan amendments.

As part of this Amendment, the Applicant will be revising their calculation of Public Benefit Points to reflect the changes to their type and volume of parking provided as part of Building 9. The Public Benefit categories affected by the Amendment changes are Public Parking, Minimum Parking, and Structured Parking. The Applicant will make up for any loss of Public Benefit Points occurring in this Amendment as part of future development to fulfill the Public Benefit Point requirements set out in previous approvals.

Public Benefit Points for Pike & Rose Phase II were last included as part of Site Plan No. 82013012F. 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 1.26 points, as shown in the table below.

Table 2: Public Benefits – Parking Categories

Category	Approved Phase II Public Benefit Points	Proposed Phase II Public Benefit Points	Difference
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Public Parking	6.46	6.36	-0.10
Minimum Parking	3.49	3.27	-0.22
Structured Parking	5.58	7.16	+1.58
Sum of Parking Categories	15.53	16.79	+1.26

(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 proposed commercial uses are allowed in the CR zone. 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.

Table 3: Development Standards

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
	Previously Approved	Proposed
Total	1,620,831 sf	1,620,831 sf
Commercial	1,199,683 sf ²	1,193,831 sf
Residential	421,148 sf ²	427,000 sf
	Required/Permitted	
Transparency		
Ground Story, Front	60% (min)	80.40%
Ground Story, Side/Rear	30% (min)	80.5% (east elevation) / 33.1% (west elevation)
Upper Story	20% (min)	>20%
Blank Wall, Front	25 feet (max)	<25 feet
Blank Wall, Side/Rear	35 feet (max)	<35 feet
Open Space	60,000 sf	60,000 sf

²This table hereby corrects the Phase II Density Table found on page 7 of the 82013012F Staff Report, which inadvertently allocated 5,852 square feet of non-residential density to the maximum density allowed for Phase II. The project, as approved under 82013012F and proposed under 82013012G remain within the maximum densities set by the Planning Board.

Vehicle Parking	322 spaces (min)/803 spaces (max)	525 spaces
ADA	10 spaces (min)	10 spaces
ADA Van	3 spaces (min)	4 spaces
Motorcycle	9 spaces (min)	10 spaces
Bicycle Parking	20 public/30 private	20 public/30 private

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

The Subject Amendment will only alter the architectural design and massing of Building 9, including decreasing the Building 9 height and density, revising the surrounding hardscape and landscape elements, and updating the edge condition of Block 13 to eliminate an entrance to Meeting Street. The Subject Amendment also increases the previously approved density of Building 2 from 260,000 square feet to 275,000 square feet, and the size and configuration of Building 9, which will be reconfigured to accommodate a tenant. Building 9 was originally approved for up to 333,500 square feet of commercial development and a height of 288 feet. The revised Building 9 contains approximately 297,500 square feet of commercial development, with 287,500 square feet dedicated to office space and 10,000 square feet of street-level retail. The increased Building 2 density, of up to a maximum of 275,000 square feet, does not result in any changes to the massing, configuration, or design of the building or the area around it. The changes to the size and configuration of Building 9 will not adversely affect the design or functionality of the building. As discussed in the transportation section below, the pedestrian and vehicular circulation 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 revised Building 9 is slightly smaller than the previously approved Building 9, as its height will be reduced by 48 feet, from 288 feet to 240 feet. Building 2's design will not change and remains compatible with other uses and other site plans, and with existing and proposed adjacent development as approved through Site Plan Amendment No. 82013012F and confirmed herein. As a result, both Building 2 and Building 9 will be compatible with the surrounding high density residential and commercial development in the area.

(5) The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.

The Site Plan's previous forest conservation and water resources approvals remain in full effect, and the Amendment does not impact the requirements of either approval. The change to the Meeting Street configuration is all within the existing LOD, and the Certified Site Plan will be updated to show the new street design.

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 (the Zoning Code in effect on October 29, 2014); 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 NOV 15 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).

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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 Verma, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, October 28, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board