

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-063  
Site Plan No.820220110  
White Oak Apartments  
Date of Hearing: July 7, 2022

JUL 19 2022

## 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 February 28, 2022, White Oaks Apartments, LLC (“Applicant”) filed an application for approval of a site plan for construction of up to 443,400 square feet of residential development, up to 387 dwelling units, on 7.83 acres of CRF-1.25, C-0.25, R-1.25, H-85’ zoned-land, located at 2220 Broadbirch Drive and identified as Parcel EEEE on Plat No. 21173 (“Subject Property”) in the 2014 *White Oak Science Gateway Master Plan* (“Master Plan”) area; and

WHEREAS the site plan application for the Subject Property was designated Site Plan No.820220110, White Oak Apartments (“Site Plan” 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 June 27, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 7, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 4-0; Chair Anderson, Vice Chair Verma, Commissioners Cichy, and Rubin voting in favor, with Commissioner Patterson being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220110 for the construction of up to 387 multifamily residential units

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

(443,400 square feet), including a minimum of 15% MPDUs, zoned CRF-1.25, C-0.25, R-1.25, H-85', on the Subject Property, subject to the following conditions:<sup>1</sup>

Density, Height & Housing

1. Density  
The Site Plan is limited to a maximum of 443,400 square feet of residential uses for up to 387 units, comprised of up to 359 multifamily residential units and up to 28 two-over-two multifamily residential units.
2. Height  
The development is limited to a maximum height of 75 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.
3. Moderately Priced Dwelling Units
  - a. The development must provide a minimum of 15 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A.
  - b. Before issuance of any building permit for any residential unit(s), the MPDU Agreement to Build between the Applicant and the MCDHCA must be executed.

Open Space, Facilities and Amenities

4. Public Open Space, Facilities, and Amenities
  - a. The Applicant must provide a minimum of 34,820 square feet of public use space (10% of Site area) on-site.
  - b. Before the issuance of the final Use and Occupancy Certificate, all public open space areas on the Subject Property must be completed.
5. Public Benefits  
The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.
  - a. Major Public Facilities – Road A must be constructed according to the cross section shown on the Certified Site Plan prior to the issuance of the final Use and Occupancy Certificate for the two-over-two residential units.
  - b. Transit Proximity – Full site within ¼ and ½ mile of an existing Flash Bus Rapid Transit Station.
  - c. Diversity of Uses and Activities
    - i. Affordable Housing/MPDUs
      - a) The development must provide 15 percent MPDUs, or MCDHCA - approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.

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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.

- b) Before issuance of any building permit for any residential unit, the MPDU Agreement to Build between the Applicant and the DHCA must be executed.
    - c) The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated April 18, 2022 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 may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
  - ii. Dwelling Unit Mix
    - a) The Applicant must integrate a mix of residential unit types with at least 51 efficiency units, 178 one-bedroom units, 101 two-bedroom units, and 57 three-or-more bedroom units, with the final unit mix approved by the staff shown on the CSP.
    - b) Before issuance of any use-and-occupancy certificate, the Applicant must provide as-built floor plans to M-NCPPC and a copy of the approved layout to DPS Zoning & Site Plan Enforcement.
  - d. Quality Building and Site Design
    - i. Structured Parking
      - a) The Applicant must provide a minimum of 380 parking spaces within an above-grade structure.
- 6. Building Lot Terminations (BLTs)
  - a. Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.6295 BLTs to the MCDPS and M-NCPPC staff.
- 7. Recreation Facilities
  - a. The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.
- 8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to seating areas, sculptural elements, playgrounds, patios, seating areas, and walking paths.

#### Environment

- 9. Forest Conservation & Tree Save

The development must comply with the Final Forest Conservation Plan and/or Tree Save Plan.

  - a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

- b. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c. Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Paint Branch watershed to satisfy the reforestation requirement for a total of 1.25 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Paint Branch watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.

#### Transportation & Circulation

##### 10. Transportation

- a. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated April 22, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b. The applicant must pay the White Oak Local Area Transportation Improvement Program (LATIP) mitigation payment or construct an improvement listed in the updated "White Oak Science Gateway LATR/LATIP Cost Estimating Analysis White Paper" dated May 2019. The timing of whether the improvement will be constructed, or the Applicant will be making the payment, must be determined no later than application for the right-of-way permit. The timing of the payment or construction of the improvement will be per County Code Chapter 52.
- c. Prior to the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

##### 11. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 96 long-term and 6 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit, bicycle room in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance.

The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

- c. The Applicant must provide one bicycle repair station.
  - d. The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, prior to final use and occupancy permit release.
    - i. Broadbirch Drive: 10-foot-wide sidewalk with 14-foot-wide buffer from traffic.
    - ii. Road A: 10-foot-wide sidepath with 7-foot-wide buffer from traffic.
12. Fire and Rescue
- 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 May 5, 2022, and hereby 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 amendments do not conflict with other conditions of Site Plan approval.

#### Site Plan

13. Site Design
- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A4-01 through A4-14 of the submitted architectural drawings, as determined by M-NCPPC Staff.
14. 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 or BUG-equivalent fixtures.
  - c. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
  - d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
  - e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
- 15. **Site Plan Surety and Maintenance Agreement**  
Prior to issuance of any sediment control permit, 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 drive aisles 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 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.
- 16. **Development Program**  
The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.
- 17. **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. Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
  - b. Add the following notes:
    - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before demolition, clearing, and grading."
    - ii. "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."



- iii. "The Applicant must schedule an on-site preconstruction meeting with Department of Permitting Services, Zoning and Code Compliance Section staff upon approval of the Certified Site Plan or before any site development work begins that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-construction meeting with the DPS Site Plan inspector. A copy of the approved Certified Site Plan is required to be on-site at all times."
- c. Fire and Rescue Access plan should be included in the Certified Site Plan.
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Revise the Public Benefit calculations to show 20 points in the Transit Proximity category.
- g. Revise the Public Benefits calculations to remove credit for the purchase of Building Lot Terminations.
- h. Revise plans to ensure consistency between Sketch, Preliminary, and Site Plans.
- i. Provide additional landscaping/screening at the terminus of the alley between the two over two buildings to block views of the parking.
- j. Add the supplemental planting area, shown on the FFCP, to the landscaping plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of White Oak Apartments, Site Plan No. 820220110, 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 of its Staff as presented at the hearing and/or as 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.*

The Property is subject to Local Map Amendment (LMA) No. H-141, as approved by County Council Resolution No. 19-1128, adopted on January 11, 2022. LMA H-141 rezoned the Property from CR-0.75, C-0.75, R-0.25, H-75 Zone to the CRF-1.25, C-0.25, R-1.25, H-85 Zone. A Floating Zone Plan was approved with the following binding elements:

1. Residential development may not exceed 400 dwelling units.
2. A minimum of 15% of the dwelling units constructed must be Moderately Priced Dwelling Units under Chapter 25A of the Montgomery County Code.
3. Uses shall be limited to multifamily dwelling units inclusive of two-over-two or stacked multifamily units.

The submitted plans are consistent with the Floating Zone Plan and meet the binding elements listed above.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

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 as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Development Standards

i. *Division 5.3.5 Zone*

The Subject Property includes approximately 7.83 acres zoned CRF-1.25, C-0.25, R-1.25, H-85. The Application satisfies the applicable development standards as shown in the following data table:

*White Oak Apartments, Site Plan Data Table for CRF-1.25, C-0.25, R-1.25, H-85' Zone, Optional Method, Section 59.5.3.5*

Development Standard	Permitted/ Required	Approved
Tract Area (square feet /acres)	n/a	358,008 s.f. (8.22 ac)
Prior Dedication (square feet /acres)	n/a	17,170 s.f. (0.39 ac)
Dedication (square feet /acres)	n/a	44,294 s.f. (1.02 ac)
Site Area (square feet /acres)	n/a	
Parcel A		295,712 s.f. (6.79 ac)
Outlot A		831 s.f. (0.02 ac)



<b>Mapped Density CRF-1.25, C-0.25, R-1.25, H-85 Residential (GFA/ FAR)</b>	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)
<b>Commercial (GFA/FAR)</b>	89,502 s.f. (0.25 FAR)	0.0 s.f. (0.0 FAR)
<b>Total Mapped Density (GFA/FAR)</b>	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)
<b>MPDU requirement</b>	15%	15%
<b>Building Height, max average</b>	85 feet	
<b>Multifamily</b>		75 feet max
<b>Two over Two Buildings</b>		55 feet max
<b>Public Open Space (min s.f.)</b>	29,654 s.f. (10%) <sup>2</sup>	34,820 s.f. (11.7%)
<b>Minimum Setbacks (ft)<sup>3</sup></b>		
<b>Front (south)</b>	10 ft	14 ft
<b>Side (west)</b>	0 ft	124 ft
<b>Side (east)</b>	60 ft	60 ft
<b>Rear (north)</b>	10 ft	15 ft

ii. *Division 4.7 Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes 122.51 public benefit points in 5 categories to satisfy the requirements:

<b>Public Benefit</b>	<b>Maximum Points Allowed</b>	<b>Approved</b>
<b>Major Public Facilities</b>	70	55.25
<b>Transit Proximity</b>	30	20
<b>Diversity of Uses and Activities</b>		
Dwelling Unit Mix	10	10
Moderately Priced Dwelling Units	N/A	30
<b>Quality Building and Site Design</b>		
Structured Parking	20	7.26
<b>Total Points</b>		<b>122.51</b>

<sup>2</sup> As required by 4.5.4.B.1 (optional method) because of two master planned frontages.

<sup>3</sup> As determined by the Floating Zone Plan associated with H-141.

a) Major Public Facilities

The Applicant requests 55.25 points for providing Road A as a major public facility. Points for this incentive are granted on a sliding scale based on the land area conveyed, floor area conveyed, and constructed area. The Planning Board approves the Applicant's request based on the following calculations:

$((39,898 \text{ square feet conveyed} / 340,838 \text{ square feet Site Area})^2 + (27,130 \text{ square feet constructed} / 340,838 \text{ square feet Site Area})^4) * 100 = 55.25 \text{ points}$

b) Transit Proximity

The Applicant requests 20 points for Transit Proximity, based on being within ¼ and ½ mile of an existing Flash Bus Rapid Transit Station, which is a level 2 transit facility. The Planning Board approves the Applicant's request.

c) Diversity of Uses and Activities

1) Dwelling Unit Mix

The Applicant requests 10 points for providing a mix of units to include a minimum of 10% efficiencies, 10% one-bedroom units, 10% two-bedroom units, and 7.5% three-bedroom units. The Planning Board approves the Applicant's request based on the following mix of units:

- 13% efficiencies
- 46% one-bedroom units
- 26% two-bedroom units
- 15% three-bedroom units

2) Moderately Priced Dwelling Units

The Applicant requests 30 points for providing 15% MPDUs. The project is providing 15% MPDUs, 2.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs as demonstrated in the calculation below:

$(15\% \text{ MPDUs provided} - 12.5\% \text{ MPDUs required}) * 12 = 30 \text{ points}$

The Planning Board approves the Applicant's request.

d) Quality of Building and Site Design

1) Structured Parking

The Applicant requests 7.26 points for providing structured parking. Three hundred and eighty (380) spaces out of 522 total parking spaces are located in an above ground parking structure. The Planning Board approves the Applicant's request based on the calculation below:

$$(380 \text{ above grade spaces} / 522 \text{ total parking spaces}) * 10 = 7.26 \text{ points}$$

b. General Requirements

i. *Site Access*

Pedestrian access to the Site is from the established sidewalk network along Broadbirch Drive, which is enhanced by streetscape improvements along the Property frontage, consistent with recommended streetscape standards within the *2014 White Oak Science Gateway Master Plan Design Guidelines*. The Applicant is proposing to construct a new Business District Street (Road A), identified as a potential road within the Master Plan, along the eastern Property line from Broadbirch Drive to the northeast corner of the Property.

The existing curb cut on Broadbirch Drive currently providing access to the former office surface parking area, along the eastern Property line, will remain. The solitary ingress and egress from the existing roadway provide direct access to the internal parking areas which serve the multifamily residential structure and 2-over-2 garages. The new Business District Street serves as the community's backbone, providing access to the residential driveways, as well as the structured, multi-grade parking garage. Construction of Road A is intended to be extended northwards as part of future redevelopments of adjacent properties, eventually tying into the existing Whitehorn Court cul-de-sac. A temporary turnaround, consistent with MCDOT standard detail MC-223.01 will be constructed in the interim prior to its future extension.

ii. *Parking, Queuing, and Loading*

The total number of parking spaces in the on-site parking garages and surface parking areas meet the Zoning Ordinance requirement, by providing 522 vehicle spaces, 96 long-term bike spaces, and 6 short-term bike racks. Long-term bicycle parking spaces are provided within a secure bicycle room on the ground floor of the structure and short-term spaces are located adjacent to the future leasing and amenity space along Road A, in the southeast corner of

the multifamily structure. All private vehicular parking within the garage structure, surface parking areas, and garages within the two-over-two dwelling units are accessed from the internal private driveways.

Trash pick-up associated with the 2-over-2 multifamily dwelling units are accommodated through the vehicular access located off a drive aisle, where trash will be collected from each of the 14 buildings for pick-up, with an expected frequency of twice per week. The five-story multifamily structure features its own internal loading dock and resident parking entrance, directly from Road A. The loading space is intended to primarily serve residents moving in and out of the building, as well as accommodate trash pickup. Vehicular and loading turning movements are displayed on the submitted circulation and truck turning exhibits.

iii. *Open Space and Recreation*

The Project is providing 10% public open space per the requirements of Section 4.5.4. The Public Open Space is located along Broadbirch Drive on the south side of the Property, adjacent to the existing forest. The public open space incorporates a trail system connecting four distinct areas, providing a variety of experiences and opportunities. The four spaces frame an open lawn, which can be used for active recreation.

The recreation facilities meet the requirements of the Recreation Guidelines according to the Recreation Facilities Data Table provided with the Application. The recreation facilities include a playground, picnic/seating areas, indoor fitness and resident lounge, a dog run, and a rooftop amenity area with a swimming pool.

iv. *General Landscaping and Outdoor Lighting*

The landscaping and lighting, as well as other site furnishings, enhance the open spaces and streetscapes. The facilities are safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project transforms the existing streetscape along the Broadbirch Drive frontage, as well as creates a new frontage on Road A. The surface parking lot is appropriately shaded and landscaped and additional trees are planted adjacent to the existing forest.

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

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on May 12, 2022. Stormwater quantity control is met by the Westfarm Regional Pond. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

b. Chapter 22A, Forest Conservation

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

The FFCP shows 0.09 acres of forest (outside of the stormdrain easement). The Applicant is clearing 0.01 acres of forest but the remaining 0.08 acres of forest is counted as cleared because it is too small to be protected with an isolated Category I Conservation Easement. The Limits of Disturbance (LOD) on the FFCP are consistent with the LOD on the PFCP. The Applicant is planting 0.05 acres of forest to supplement the existing forest. The forest conservation planting requirement of 1.25 acres is being met off-site.

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

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. All vehicular access to the Project is from Road A, off Broadbirch Drive. The pedestrian realm on Broadbirch Drive is enhanced by the provision of a 10-foot sidewalk. The Project is dedicating and constructing Road A, which includes a 10-foot shared use path. Amenities are located interior to the building and on the roof level, as well as in the public open space.

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

The Project substantially conforms to the recommendations of the 2014 White Oak Science Gateway Master Plan (Master Plan). The overarching goal of this Master Plan is “to transform the built environment from auto-oriented single-purpose nodes into vibrant mixed-use centers” (p. 23). The Property is within the Master

Plan's Life Science/FDA Village Center which is identified as one of the three major activity centers (p. 27). This Master Plan recommended the CR Zone for this Property to "encourage redevelopment and provide land use flexibility" (p. 50) and the Property is identified as a potential redevelopment site on the Illustrative Concept Plan for the area (Figure 4, p. 47).

The US 29 BRT network envisioned in the Master Plan is now operating along the corridor, and the Project takes advantage of the County's major investment in this new transit infrastructure. The Master Plan recommendations support the introduction of residential uses and pedestrian-oriented amenities. While the Master Plan discussion focuses primarily on the 300-acre Percontee property, it also recommends that properties such as the Subject Property and others adjacent to it "introduce mixed uses and improve key properties to create adequate gateways to the area and enhance vehicular and pedestrian connections" (p. 50). The development furthers other Master Plan goals by improving frontages along an important existing street (Broadbirch Drive); and introducing a mix of residential uses into an otherwise light industrial area.

The Applicant intends to construct a portion of master planned "potential" connection, "Whitehorn Court (extended)". When redevelopment of adjacent properties occurs in the future, dedications to complete this road will be required that will ultimately connect Broadbirch Drive and Whitehorn Court, improving area circulation and extending dead-end streets as recommended in the Master Plan (p. 50)

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.*

The development is served by adequate public facilities, including circulation and access, parking, master-planned roadways, pedestrian and bicycle facilities and public transportation services. Projects within the White Oak Policy Area are exempt from the Local Area Transportation Review (LATR) but are subject to a Local Area Transportation Improvement Program (LATIP). The Applicant is paying a fee per their assumed impact based on trip generation, to the satisfaction of the Montgomery County Department of Transportation (MCDOT), which operates the LATIP program.

As part of Preliminary Plan 120220060, a School Adequacy Test was performed. Based on the project including 359 multifamily high-rise units and 28 multifamily low-rise units, no Utilization Premium Payments are required.



The development is served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations and health care are sufficient following the construction of the project. Electric, gas and telecommunications services are also available. Per the June 1, 2022 letter from MCDOT, the storm drain analysis shows adequate drainage with no improvements needed to the downstream storm drain system for this plan.

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

The scale and massing of the buildings have been designed to 'step down' as it approaches Broadburch Drive to be more compatible with the lower-rise buildings across that road. At the same time, the taller apartment component of the Project is adjacent to an existing hotel located on the neighboring property to the west that is of comparable height at four to five stories.

The architecture is articulated with setbacks and offsets in the massing to reduce the scale of the building along the street. Frontage improvements and the human-scaled expression of the street-level facades enhance the public realm.

The Project is contemporary in style while complementing traditional architectural expression in the general neighborhood. The design of the buildings incorporates sustainable design strategies to reduce the project's environmental impact.

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 JUL 19 2022 (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 the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 4-0-1, Chair Anderson, Vice Chair Verma, and Commissioners Cichy, and Rubin voting in favor, Commissioner Patterson abstaining, at its regular meeting held on Thursday, July 14, 2022, in Wheaton, Maryland and via video conference.



\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

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