

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUL 15 2022

MCPB No. 22-061

Sketch Plan No. 320220050

White Oak Apartments

Date of Hearing: July 7, 2022

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on February 28, 2022, White Oaks Apartments, LLC ("Applicant") filed an application for approval of a sketch plan for construction of up to 443,400 square feet of residential development 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, Applicant's sketch plan application was designated Sketch Plan No. 320220050 White Oak Apartments ("Sketch 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 binding elements and 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, and Commissioners Cichy, and Rubin voting in favor, with Commissioner Patterson being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320220050, White Oak Apartments, for construction of up to 443,400

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605 | Fax: 301-495-1320

www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

square feet of residential development on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 443,400 square feet of total residential development.

2. Height

The development is limited to a maximum building height of 75 feet, as measured from the building height measuring point shown on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefit categories listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least 4 categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at the time of Site Plan approval.

- a) Major Public Facility, achieved through construction of a master-planned road;
- b) Transit Proximity, achieved by being located between ¼ and ½ mile of a level 2 transit station;
- c) Diversity of Uses and Activities, achieved through providing a diverse dwelling unit mix and moderately priced dwelling units; and
- d) Quality of Building and Site Design, achieved through structured parking.

4. Public Open Space

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

The Applicant must provide a minimum of 10% of the Site Area as Public Open Space, totaling a minimum of 34,820 square feet.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as 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 and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The CRF Zone permits a mix of residential and nonresidential uses at varying densities and heights. Section 5.3.5 of the Zoning Ordinance sets forth the development standards for the Optional Method of Development within the CRF Zone. The development will satisfy the applicable development standards for the Optional Method of Development in the CRF Zone, with the exact figures to be determined at the time of Site Plan.

a. Development Standards

The Subject Property includes approximately 8.22 acres zoned CRF-1.25, C-0.25, R-1.25, H-85. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

White Oak Apartments, Sketch 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)
Mapped Density CRF-1.25, C-0.25, R-1.25, H-85 Residential (GFA/ FAR)	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)

Commercial (GFA/FAR)	89,502 s.f. (0.25 FAR)	0.0 s.f. (0.0 FAR)
Total Mapped Density (GFA/FAR)	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)
MPDU requirement	15%	15%
Building Height, max average	85 feet	
Multifamily		75 feet max
Two over Two Buildings		55 feet max
Public Open Space (min s.f.)	29,654 s.f. (10%) ²	34,820 s.f. (11.7%)

b. Intent of the Zone

The Sketch Plan conforms to the intent of the CRF Zone as described below.

- i. *Allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings (Section 5.3.2)*

The Property is currently improved with a single-story commercial building, satellite dishes, and associated surface parking. The Application will transform the Site into a pedestrian-friendly development that will include a variety of multifamily dwelling units within approximately 1/4 to 1/2 mile of a Montgomery County Flash Bus Rapid Transit (BRT) station at the intersection of US 29 and Tech Road. By introducing residential units into an area that is currently developed with commercial and industrial uses, the Project is creating a mix of uses within the area. The Project responds to the setting by anchoring the Broadbirch Drive frontage with units that enter directly from the road.

- ii. *Allow flexibility in uses for a site.*

The Project will include market-rate and MPDU residential units in two different building forms (multifamily residential and two-over-two units) in a variety of unit types (studios, one-bedrooms, two-bedrooms, three-bedrooms). As a result, the Project will provide different housing opportunities for a range of demographics and incomes. The Application will also provide important streetscape improvements along the Site's Broadbirch Drive frontage that will enhance pedestrian and bicycle connectivity in and around the Property. Additionally, the dedication for Road A, with

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

accompanying shared use path, is the first step in breaking the existing block into smaller blocks. No parking is located between any buildings and street frontages.

- iii. *Provide mixed-use development that is compatible with adjacent development.*

The Project locates the lower height two-over-two buildings (55 feet max) adjacent to Broadbirch Drive, with doors opening onto the public sidewalk. The taller multifamily residential building (75 feet max) is located at the rear of the Property and is oriented to Road A. This begins the process of setting up relationships with redevelopment of surrounding properties.

- iv. *Substantially conforms to the recommendations of the applicable master 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 will take 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 will further 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).

2. *The Sketch Plan substantially conforms to the recommendations of the Master Plan.*

As discussed in Finding 1.b.iv, the Sketch Plan substantially conforms to the 2014 *White Oak Science Center Master Plan*.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Sketch Plan successfully achieves compatibility with the varied uses in its immediate vicinity. The surrounding development is a mixture of mixed use and commercial developments of similar heights. The Project anchors the Broadbirch Drive and Road A frontages and provides connections for pedestrians and cyclists, creating relationships to nearby development and setting up connections and compatibility to future development.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. All vehicular access to the Project will be from Road A from Broadbirch Drive. Parking for the two-over-two units will be located off of an alley located between the two buildings. An integrated parking garage and loading area is provided for the multifamily residential building. There is also surface parking located at the rear of the building. This Project will dedicate right-of-way for Broadbirch Drive to facilitate an

improved streetscape with a 10-foot sidewalk. The dedication and development of Road A includes a 10-foot shared use path.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the *Incentive Density Implementation Guidelines*, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan.

For the development, the Zoning Ordinance requires 100 points in 4 categories. The Applicant proposes to exceed the 100-point requirement utilizing 5 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the Project's ability to meet the requirement to provide sufficient benefit points.

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

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 supports the category at this time.

Transit Proximity

The Applicant request 20 points for Transit Proximity, based on being within $\frac{1}{4}$ and $\frac{1}{2}$ mile of an existing Flash Bus Rapid Transit Station, which is a level 2 transit facility. The Planning Board supports the category at this time.

Diversity of Uses and Activities

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 supports the category at this time.

Moderately Priced Dwelling Units: The Applicant requests 30 points for providing 15% MPDUs. The project will provide 15% MPDUs, 2.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs. The Planning Board supports the category at this time.

Quality building and site design

Structured Parking: The Applicant requests 7.26 points for providing structured parking. Three hundred and eighty (380) spaces out of 523 total parking spaces are located in an above ground parking structure. The Planning Board supports the category at this time.

7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

The Applicant intends to develop the structures, landscaping and streetscaping for the Project simultaneously in a single phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Master Plan, or other requirements; and

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 all binding site development elements shown on the latest version of White Oak Apartments, Sketch Plan No. 320220050, received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 15 2022 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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

Thomas Rosato
7226 Lee Deforest Drive
#104
Columbia, Maryland 21046

Noam Magence
1228 Euclid Avenue
4th Floor
Cleveland, Ohio 44115

Adam Steiner
4080 Lafayette Center Drive
Suite 330
Chantilly, Virginia 20151

Don Foor
8200 Greensboro Drive
Suite 650
McLean, Virginia 22102

Timothy Stemann
2 Research Place
Suite 100
Rockville, Maryland 20850

SOO LEE-CHO
200B Monroe Street
Rockville, Maryland 20850

Jane Przygocki
2 Research Place
Suite 100
Rockville, Maryland 20850

Francoise Carrier
7315 Wisconsin Avenue
Suite 800
Bethesda, MD 20814

Karl J. Alt
9801 Washingtonian Blvd
Suite 310
Gaithersburg, MD 20878

Josh Wooldridge
9801 Washingtonian Blvd
Suite 310
Gaithersburg, MD 20878

Joseph Torg
9801 Washingtonian Blvd
Suite 310
Gaithersburg, MD 20878

Thom Nester
1228 Euclid Avenue
4th Floor
Cleveland, Ohio 44115

Ben Audrain
1228 Euclid Avenue
4th Floor
Cleveland, Ohio 44115

Rebecca Torma
101 Monroe Street
10th floor
Rockville, MD 20850

Deepak Somarajan
101 Monroe Street
10th floor
Rockville, MD 20850

Dan Wilhelm
904 Cannon Rd
Silver Spring, MD 20904

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850
By email rick.brush@montgomerycountymd.gov

MS. Somer Cross
DHCA
100 MARYLAND AENUE
4TH FLOOR
ROCKVILLE, MD 20850
By email somer.cross@montgomerycountymd.gov

MS. PATRICIA WOLFORD
MCDPS-ZONING
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850
By email patricia.wolford@montgomerycountymd.gov

DAN McHUGH
MPDU MANAGER, DHCA
100 MARYLAND AVENUE, 4TH FLOOR
ROCKVILLE, MD 20850
By email dan.mchugh@montgomerycountymd.gov

MR. GREG LECK
MCDOT
101 MONROE ST
10th FLOOR
ROCKVILLE, MD 20850
By email greg.leck@montgomerycountymd.gov

MR. ATIQ PANJSHIRI
MCDPS-RIGHT-OF-WAY
PERMITTING
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850
By email atiq.panishiri@montgomerycountymd.gov

MS. CHRISTINA CONTRERAS
MCDPS-LAND DEVELOPMENT
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850
By email
christina.contreras@montgomerycountymd.gov

MR. ALAN SOUKUP
MCDDEP-WATER & WASTEWATER POLICY
255 ROCKVILLE PIKE, SUITE 120
ROCKVILLE, MD 20850
By email alan.soukup@montgomerycountymd.gov

MR. MARK ETHERIDGE, MANAGER
MCDPS-SEDIMENT/STORMWATER
INSPECTION & ENFORCEMENT
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850
By email mark.etheridge@montgomerycountymd.gov

MR. EHSAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850
By email ehsan.motazedi@montgomerycountymd.gov

MR. GENE VON GUNTEN
MCDPS-WELL & SEPTIC
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850
By email gene.vongunten@montgomerycountymd.gov