

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-006  
Site Plan No. 82004017C  
**Rock Spring Centre Tower II**  
Date of Hearing: January 26, 2023

FEB 17 2023

## 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, including the zoning then in effect; and

WHEREAS, on March 1, 2004, the Planning Board, by Resolution MCPB No., approved Site Plan No. 820040170 for a 19-story, 352-unit, high-rise residential building, including 32 MPDUs on 1.96 acres of MXPZ zoned-land, located on Rock Forest Drive, approximately 1,000 feet East of Rockledge Drive (“Subject Property”), in the 1992 North Bethesda/Garrett Park Master Plan area (“Master Plan”) area; and

WHEREAS on October 13, 2006, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82004017A (MCPB Resolution No. 06-23) to reduce the number of dwelling units to 217, increase the number of stories to 20, and relocate the required MPDUs to a different phase of the site; and

WHEREAS, on November 30, 2006, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82004017B (MCPB No. 06-100), to increase the number of dwelling units to 352, including 32 MPDUs and a clubhouse on the Subject Property; and

WHEREAS, on July 1, 2020, Floyd E. Davis Company, Rock Spring Properties (“Applicant”) filed an application for approval of an amendment to the previously approved site plan to reduce the dwelling unit count from 352 to 125 and transfer the previously approved, but unbuilt, 227 units to Site Plan Amendment No. 82009003A; and

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Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82004017C, Rock Spring Centre Tower 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 January 13, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 26, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hill, seconded by Vice Chair Presley, with a vote of 5-0; Chair Zyontz, Vice Chair Presley, Commissioners Branson, Hill, and Piñero voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82004017C to reduce the dwelling unit count from 352 to 125 and transfer the previously approved, but unbuilt, 227 units to Site Plan Amendment No. 82009003A by modifying Condition No. 2 and adding Condition Nos. 6 through 9 as follows:<sup>1</sup>

### **Modified Condition**

#### **2. Moderately Priced Dwelling Units (MPDUs)**

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated September 19, 2022, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations provided in the letter, which MCDHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide eighteen percent (18%) MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) 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.

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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.

### **New Conditions**

6. The Site Plan is limited to a maximum of up to 125 multi-family dwelling units.
7. Approval of a site plan amendment is required prior to issuance of any building permit.
8. Remove all Forest Conservation Plan Sheets from Certified Site Plan 82004017C and indicate on the Sheet Index that the sheets have been removed.
9. Add the following note to the cover sheet:

*Forest Conservation Law Requirements met by FFCP SITE PLAN  
AMENDMENT NO. 82009003A.*

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 Rock Spring Centre Tower II, Site Plan Amendment No. 82004017C, 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 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:

*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.*

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 Site Plan Amendment meets the requirements of the MXPB Zone, and the development standards are limited as specified in the data table below. The Applicant must comply with Local Map Amendment G-713, which requires that 18% of the dwelling units be provided as MPDUs. Previously approved Alternative MPDU Agreements with DHCA are no longer valid. All development standards, except for the maximum density and MPDU requirement, remain unchanged in this Site Plan Amendment.

**Data Table for Site Plan Amendment No. 82003036C  
 (MXP Zone under the Zoning Ordinance In Effect on October 29, 2014)**

<b>Development Standards</b>	<b>Approved</b>
Min. Tract Area	3.09 ac
Maximum Density	125 units
MPDUs	18%
Building Setbacks	
From detached homes	550 ft
From street (the tower portion)	50 ft
From street (the garage portion)	30 ft
Green Area	59%
** Total Gross Floor Area, maximum building height, and parking will be determined at the time of a future site plan amendment, which is required before the issuance of any building permit.	

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

The previously approved Forest Conservation Plan associated with this Site Plan included the establishment of a Category I Conservation Easement onsite. The easement is being retained and continues to provide retained and planted forest. A Final Forest Conservation Plan (Site Plan Amendment No. 82009003A) has been submitted concurrently with the Subject Site Plan Amendment. The FFCP associated with Site Plan Amendment No. 82009003A covers the entire Rock Spring Centre Property, including the area covered by the Subject Site Plan Amendment. FFCP 82009003A replaces the FFCP previously associated with the Subject Plan Amendment and satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

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 FEB 17 2023 (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 Hill, seconded by Commissioner Piñero, with a vote of 4-0; Chair Zyontz, and Commissioners Hill, Piñero, and Presley voting in favor of the motion, Commissioner Branson necessarily absent, at its regular meeting held on Thursday, February 16, 2023, in Wheaton, Maryland.



Jeffrey Zyontz, Chair  
Montgomery County Planning Board



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Rock Spring Centre: Preliminary Plan  
Amendment No. 11998092C, Site Plan  
Amendment Nos. 82003036C,  
82004017C, 82009003A