

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

**July 22, 2024**

MCPB No. 24-054  
Sketch Plan No. 320240050  
Democracy Center  
Date of Hearing: May 30, 2024

## **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 7, 2024, Democracy Center MF, LLC (“Applicant”) filed an application for approval of a sketch plan for construction of up to 472,710 square feet of residential uses (393 dwelling units), including 15% MPDUs on 15.35 acres of CR-1.5, C-1.25, R-0.75, H-200 zoned-land, located in the northwest quadrant of the intersection of Rockledge Drive/Fernwood Road and Westlake Terrace and recorded on Record Plat No. 12853 as Parcel 10 (“Subject Property”) in the North Bethesda Policy Area and 2017 *Rock Spring Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320240050, Democracy Center (“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 May 20, 2024, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on May 30, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320240050, Democracy Center, for construction of up to 472,710 square feet of residential

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Approved as to

Legal Sufficiency: /s/ Allison Myers

M-NCPPC Legal Department

uses (393 dwelling units), including 15% Moderately Priced Dwelling Units (MPDUs) on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

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 1,183,247 square feet of total development, comprised of 472,710 square feet of residential development (including bonus density for providing 15% Moderately Priced Dwelling Units (MPDUs)) and 710,537 square feet of commercial development (including 671,350 square feet of existing development and 39,187 square feet of unbuilt commercial density).
2. Height  
The development is limited to a maximum building height of 100 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.
3. Incentive Density  
The development must be constructed with the public benefits 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 Site Plan approval.
  - a. Major Public Facility, achieved by providing and constructing a privately-owned public active recreation park;
  - b. Transit Proximity, achieved through level 2 transit proximity;
  - c. Diversity of Uses and Activities, achieved by providing affordable housing and dwelling unit mix;

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<sup>1</sup> 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.

- d. Quality of Building and Site Design, achieved through structured parking and exceptional design; and
  - e. Protection and Enhancement of the Natural Environment achieved through the purchase of building lot terminations.
4. Public Open Space  
The Applicant must provide a minimum of 10% of the Site Area (668,484 square feet) as Public Open Space, totaling 66,848 square feet.
5. Future Coordination for the Preliminary Plan and Site Plan  
In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed in the Site Plan and Preliminary Plan application:
- a. The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
  - b. The Applicant must submit a noise analysis for the current and future transportation noise impacts at the time of Preliminary Plan.
  - c. Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code.
  - d. Final design of the public recreation space must be included with the Site Plan.
  - e. Revise the public benefit point calculations to reflect the correct calculations for a major public facility.
  - f. Revise the public benefit point calculations to reflect the level 2 transit proximity to the Property.
6. Validity  
A site plan must be submitted within 36 months after the date the resolution is sent for this Sketch Plan per Section 59.7.3.3.G.

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.*

a. Development Standards

The Subject Property includes approximately 15.35 acres zoned CR-1.5, C-1.25, R-0.75, H-200. The data table below demonstrates the Application’s conformance to the applicable development standards of the zone.

*Table 1: Development Standards Data Table for CR-1.5, C-1.25, R-0.75, H-200*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
Tract Area (Square Feet/Acres)	n/a	732,003 sf (16.80 ac)
Tract Area - Prior Dedication	n/a	63,519 sf (1.46 ac)
Tract Area - Proposed Dedication	n/a	0.0
Site Area (tract area minus dedications)	n/a	668,484 sf (15.35 ac)
Total Residential Density (GFA/ FAR)	549,002 sf (0.75)	387,467 sf (0.53)
Total Commercial Density (GFA/FAR)	915,003 sf (1.25)	671,350 sf (0.92)
Total Mapped Density (GFA/FAR)	1,098,004 sf (1.5)	1,058,817 sf (1.45)
MPDU requirement	15%	15%
MPDU Bonus Density (GFA/FAR)	85,243 sf (0.12)	85,243 sf (0.12)
Total GFA/FAR	1,183,247 sf (1.62)	1,144,060 (1.56)
Building Height	200 ft	<200 ft
Public Open Space (min s.f.)	66,848 sf	66,848 <sup>2</sup>

b. Intent of the Zone

- i. *Implement the recommendations of applicable master plans.*

As detailed in Finding No. 2 below, the Project implements the recommendations of the 2017 *Rock Spring Sector Plan*.

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<sup>2</sup> 57,000 square feet of public open space will be provided through the proposed residential development. The remaining required public open space (9,848 square feet) will be provided in the future on the commercial parcel in connection with any Major Site Plan Amendment.

- ii. *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The addition of residential development in this primarily office area helps create a mix of uses beneficial to the entire area.

- iii. *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The proposed development will provide a mix of unit sizes with 15% MPDUs. It also introduces multifamily units to an area that is dominated by office uses, with some townhouse residential units nearby. All parking will be contained in an integrated parking structure; thus it will not be provided between the building and the street. The proposed development includes a privately-owned public active recreation park as a major public facility.

- iv. *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The proposed development is of similar size to the adjoining office buildings and will be compatible with the existing development. The height and mass of the multi-family residential building is similar to the surrounding office development. Additionally, the proposed building is set back from the road, as are most of the office buildings in the surrounding area.

- v. *Integrate an appropriate balance of employment and housing opportunities.*

The proposed development will assist in providing a more balanced neighborhood by adding residential units to an area that is primarily developed with office uses.

- vi. *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project will provide the required 100 public benefit points from a minimum of 4 categories to achieve the desired incentive density above the standard method limit, as further discussed in Finding No. 6. Final determination of public benefit points will be made at the time of Site Plan.

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

The Subject Property is located within the Rock Spring Central/Mixed-Use Business campus cluster of the 2017 *Rock Spring Sector Plan* (“Sector Plan”) and is zoned CR-1.5, C-1.25, R-0.75, H-200. The Sketch Plan is consistent with the high-level vision of the Sector Plan, which states:

“The Plan envisions Rock Spring as an employment center that includes new housing, where appropriate, with concentrations of retail at each end of the central spine. New development and redevelopment should focus activity along the proposed central spine.” (Sector Plan, p. 17)

Page 35 of the Sector Plan identifies the Subject Property (Democracy Center) as part of the central spine. The Sketch Plan supports the Sector Plan’s vision by introducing new housing to the area while also constructing a 1.3-acre privately-owned public active recreation park.

Specific high-level recommendations from the Sector Plan that the Application meets include:

- For any new residential projects that develop under the optional method, the Plan recommends 15% MPDUs be provided as a public benefit. (P. 17)
- Create opportunities for infill or redevelopment of single-use commercial areas and surface parking lots with a greater mix of uses and public spaces that will reshape Rock Spring into a well-integrated community. (P. 20)
- Increase publicly accessible green spaces within the Plan area. (P. 20)

The Sector Plan advocates for properties in the Rock Spring Central/Mixed-Use Business Campus cluster to use infill redevelopment to replace existing development patterns with a more comprehensive restructuring of the area into a more mixed-use community (p. 24) which the Sketch Plan accomplishes through a mix of residential and recreational uses complemented by the existing Democracy Center commercial space directly to the south.

The Sector Plan specifically recommends the introduction of residential uses in this area to balance the existing commercial uses, which would be achieved through the realization of this Sketch Plan providing up to 393 dwelling units.

The Sector Plan provides detailed guidance about the existing open space on the Subject Property. Page 59 of the Sector Plan states:

“Should the existing structures on the site [Democracy Center] be razed and the property redeveloped, the existing open space on the northern portion of the site should be considered for the public uses described in Chapter 6, including parkland...If infill is contemplated under optional method development, complete removal of the existing open

space on the northern portion of the site should be discouraged. The portion of the northern open space to be preserved should be considered for conversion to parkland, either through dedication as part of the public open space requirement or a public benefit.” (Sector Plan, p. 59.)

Although the Sketch Plan proposes to redevelop the current open space, the Applicant proposes to develop a 1.3-acre privately-owned public recreation park. These amenities will serve the public as a Privately Owned Public Space (POPS) and include active recreation facilities, which are needed in the area.

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 approved development is a compatible height and scale with the surrounding development. The prominently located privately-owned public active recreation park will strengthen the relationship between the existing development and new development.

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

Vehicular access to the Property is via an existing access on Rockledge Drive located just south of the proposed building. Pedestrian access is provided directly from Rockledge Drive and as curving paths incorporated with the open space. Parking is located in an above ground parking structure. A new driveway will also connect to the existing driveway at the southwest corner of the Subject Property. This driveway located along the Property’s western boundary provides access to the building’s loading dock and trash area as well as an entrance to an above ground parking structure. It also serves as fire access.

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. The final determination of public benefit point values will be determined at Site Plan(s).

*Table 2: Public Benefits as Proposed at Sketch Plan*

<b>Public Benefit</b>	<b>Maximum Points Allowed</b>	<b>Recommended</b>
<b>Major Public Facilities</b>	70	34.11
<b>Transit Proximity</b>	50	34.39
<b>Diversity of Uses and Activities</b>		
Dwelling Unit Mix	10	10
Moderately Price Dwelling Units	N/A	27.63
<b>Quality Building and Site Design</b>		
Structured Parking	20	10
Exceptional Design	10	5
<b>Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations (BLT)	30	1.14
<b>Total Points</b>	<b>100 (required)</b>	<b>122.27</b>

Major Public Facilities

The Applicant requested 70 points for providing and building a privately-owned recreation park for public use. While the facility is for public use, it will be privately owned as the Department of Parks will not accept the facility in dedication. Points for this incentive are granted based on the land provided and construction of the facility. The Planning Board approves the category and supports a total of 34.11 points at this time.

Transit Proximity

Transit Proximity

The Applicant requested 34.39 points for being within ½ mile of a transit station. The Property is located within ½ mile of two future BRT stations, Level 2 transit. The Planning Board approves the category, but the points allocated must be corrected through the Site Plan to reflect the proximity to Level 2 transit facilities.

Diversity of Uses and Activities

Moderately Priced Dwelling Units

The Applicant requested 27.63 points for providing 15% MPDUs. The development will provide 59 MPDUs, 2.5% above the minimum required. The Planning Board approves the category.



#### Dwelling Unit Mix

The Applicant requested 10 points for integrating a mix of residential market-rate unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units. The development proposes to provide a mix of unit types meeting this criterion. The Planning Board approves the category.

#### Quality Building and Site Design

##### Structured Parking

The Applicant requested 10 points for providing structured parking. The development will provide an above-grade parking structure for the proposed development. The Planning Board approves the category.

##### Exceptional Design

The Applicant requested 5 points for providing exceptional design. The development proposes to provide exceptional design by creating an outstanding relationship between the privately-owned public active recreation park and the multi-family building. The design will separate public and private spaces while providing a transition that creates a cohesive development. The Planning Board approves the category.

##### Building Lot Terminations

The Applicant requested 1.14 points for providing BLTs for the 193,229 square feet of incentive density. The Planning Board approves the category.

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 proposed development will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at the 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 Sector 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 Democracy Center, Sketch Plan No. 320240050, 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

**July 22, 2024**

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

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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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of **5-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, July 18, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board