



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #**  
**4/16/09**

~~February 23, 2009~~ REVISED  
April 6, 2009

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**FROM:** Damon B. Orobona, Senior Zoning Analyst *Damon*

**VIA:** Rose Krasnow, Chief of Development Review *RK*  
Ralph Wilson, Supervisor of Zoning *RW*

**SUBJECT:** **Local Map Amendment G-878**

---

**RECOMMENDATION:** *Approval*

The applicant, Germantown LLC, is requesting a rezoning of 8.46 acres from the C-1 Zone to the R-T 15 Zone for a property in Germantown located at 18451 Mateny Road. The applicant is proposing up to 112 townhomes on the site at a density of 13.2 dwelling units per acre. The subject property abuts existing townhouse and fourplex communities located to the north, west, and southwest. The proposed development is appropriate at the proposed location, compatible with surrounding uses, provides public amenities above the minimum requirements of the requested zone, adds to the visual character of the area, and is consistent with the recommendations of the Germantown Master Plan.

## SUMMARY OF REPORT

Application Filing Date:	October 1, 2008
Public Hearings:	April 16, 2009 (Planning Board) April 28, 2009 (Hearing Examiner)
Overview of Site:	The subject property is an 8.46 acre parcel located at 18451 Mateny Road in Germantown, Maryland. The site is zoned C-1 and is developed with a 46,373 square foot shopping center that contains a grocery store, liquor store, drycleaner, and satellite police station.
Proposed Zone and Use:	The applicant is proposing an infill development project. The 25-year-old shopping center is proposed to be razed and replaced with a townhouse community designed around a central village green. The applicant is proposing the R-T 15 Zone to accomplish these objectives.
Max Density in R-T 15 Zone:	At maximum build-out, the R-T 15 Zone would allow 154 dwelling units on the subject site with a MPDU density bonus.
Proposed Density for Site:	The applicant is limiting development at this site to 112 townhouses or less, at least 42 units less than allowed under the maximum build-out of the R-T 15 Zone. By limiting density to no more than 112 townhouses (13.2 dwelling units per acre), the proposed development will be in scale with the surrounding neighborhood.
Master Plan Consistency:	The project is consistent with the overall 1989 <i>Germantown Master Plan</i> .
Environmental Impact:	No environmental issues are present.
Traffic Impact:	The application satisfies both the Local Area Transportation Review (LATR) and the Policy Area Mobility Review (PAMR) and will not have an adverse effect on area roadway conditions.

Zoning Provisions:	The project complies with the purpose clause of the R-T 15 Zone. All development standards of the R-T 15 Zone are satisfied by the proposed schematic development plan.
Recommendation:	Reclassification to the R-T 15 Zone be approved as restricted by the binding elements shown on the schematic development plan.
Subsequent Review:	The applicant will need to undergo both subdivision and site plan reviews.

## I. PROCEDURE

Application G-878, filed October 1, 2008, seeks a local map amendment, pursuant to §59-H-1.1 of the Montgomery County Zoning Ordinance, to reclassify 8.46 acres from the C-1 Zone to the R-T 15 Zone. The subject property, known as Lot 685 of subdivision 21, is located at 18451 Mateny Road, Germantown, Maryland.

The application was filed under the optional method of application, authorized by §59-H-2.5, which allows the applicant to restrict the development standards or the use of the property to less than the maximum permitted in the requested zone and specify whether development will be staged. Such binding limitations are shown on a schematic development plan that is submitted with the application, and these limitations must also be reiterated in covenants filed in the land records of Montgomery County.

The Office of Zoning and Administrative Hearings originally scheduled a public hearing date on this application for March 16, 2009, but the hearing date was postponed because of noticing issues. The Office of Zoning and Administrative Hearings will hold a rescheduled public hearing on April 28, 2009 in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland. Before the Hearing Examiner's proceedings, the Montgomery County Planning Board will conduct an initial public review of the local map amendment on April 6, 2009, at 8787 Georgia Avenue, Silver Spring, Maryland.

## II. DETAILS OF APPLICATION

### A. Subject Property and Surrounding Area

The subject property is located in the northeast quadrant of the intersection of Mateny Road and Clopper Road in Germantown. The site is approximately 8.46 acres in size and irregular in shape. The site fronts on three

public roads and has approximately 250 feet of frontage along Clopper Road, 400 feet along Mateny Road, and 580 feet on Cinnamon Drive. A 7-11 filling station and convenience store are located to the immediate southwest of the site and zoned C-1.

The subject property is currently zoned C-1 and is developed with a 46,197 square foot shopping center. The shopping center was built in 1984 and contains a Super Grand grocery store, a drycleaners, a beer/wine shop, and a satellite police station. A substantial portion of the site is made up of impervious surface (approximately 90% as estimated by Environmental Planning). The topography reflects somewhat of a plateau due to an increase in grade from east to west – the site is 334 feet in elevation at the property's Cinnamon Drive frontage and 360 feet at the property's Mateny Road frontage – but the increase in grade is sharp and occurs mainly at the eastern edge of the site along Cinnamon Drive.

A small cemetery of significant importance is located on the southwest corner of the applicant's property between the grocery store parking lot and the 7-11, which is known as the Graff (or alternatively Musser) family cemetery. Burial plots are contained within a 40 by 60 square foot area. The cemetery dates back to the 1800s and is apparently one of the first occurrences of African Americans and Caucasians being buried side-by-side. The cemetery was once listed in the *Montgomery County Locational Atlas and Index of Historic Sites* but was subsequently removed, so a review of the application by the Historic Preservation Commission is not required.<sup>1</sup> Site photos are shown below.

---

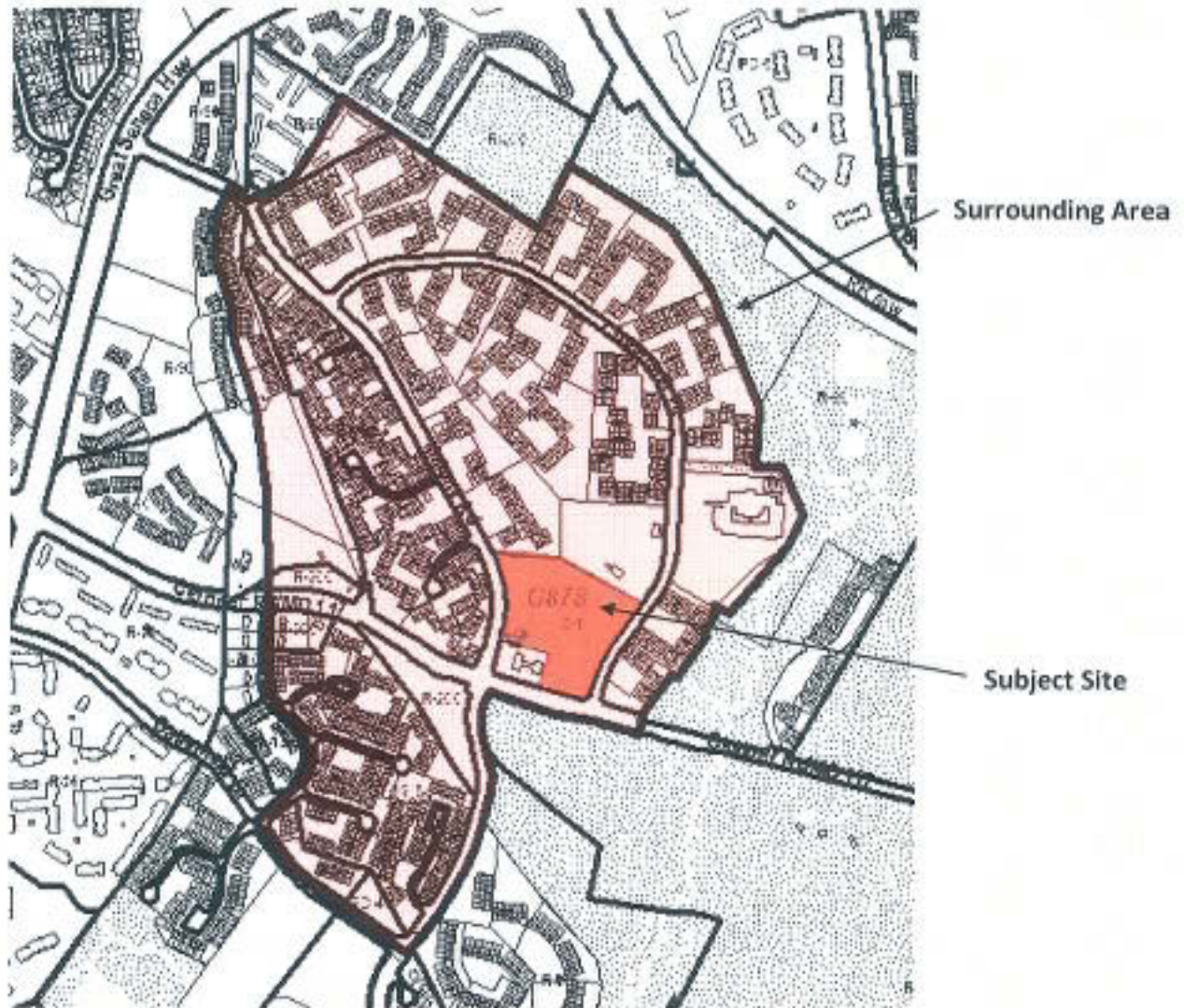
<sup>1</sup> See Historic Preservation Interoffice Memorandum at attachment 1.



The subject property was placed in the Rural Residential (R-R) Zone with the enactment of the 1958 zoning ordinance. Prior to 1958, the land was within the jurisdiction of the *Upper Montgomery County Planning District* and zoned to a similar land use. In 1969, the land was rezoned from the R-R Zone to the C-1 Zone with map amendment F-345. The existing shopping center was developed under the C-1 Zone in 1984.

The surrounding area must be identified in a floating zone application so compatibility can be properly evaluated. The applicant in this case has suggested a surrounding area generally formed by Pine Ridge Lane and the Cinnamon Woods Subdivision to the north, Gunners Branch Park to the east, Dairymaid Drive to the south, and Metz Drive and the Stoneridge Subdivision to the west. Planning staff finds this surrounding area appropriate for determining whether the proposed zone will be compatible with surrounding uses as this definition captures virtually all nearby properties that may be affected by the rezoning.

The land use and zoning pattern of the surrounding area is predominantly medium-density residential, but there are also institutional, commercial, and parkland uses present in the area. Abutting the subject property to the north, east, and west are townhouses and fourplexes in the Stoneridge and Cinnamon Woods communities. Farther northeast, approximately 500 feet from the subject property, is Clopper Mill Elementary School, followed by Gunners Branch Park. A 7-11 filling station and associated convenience store are to the immediate southwest of the site, and the Gunners Branch Stream Valley area is directly south of the site across Clopper Road. To the southwest lies the Aston Place townhouse community. A generalized outline of the surrounding area is shown below.



## B. Proposed Use

The applicant is proposing to raze the existing shopping center and replace it with up to 112 townhouses in a pattern that fits within the larger context of the neighborhood. The applicant has stated that the existing shopping center is no longer viable because two newer village shopping centers have been established in the nearby areas of Kingsview Village and Clopper Village.

Although the applicant is applying for R-T 15 zoning, which would typically allow up to 154 units on this site with a density bonus, the application limits development to 112 townhouses, including 14 Moderately Priced Dwelling



Units (MPDUs), at a density of 13.2 dwelling units per acre. This self-imposed limitation is intended to achieve compatibility with surrounding area.

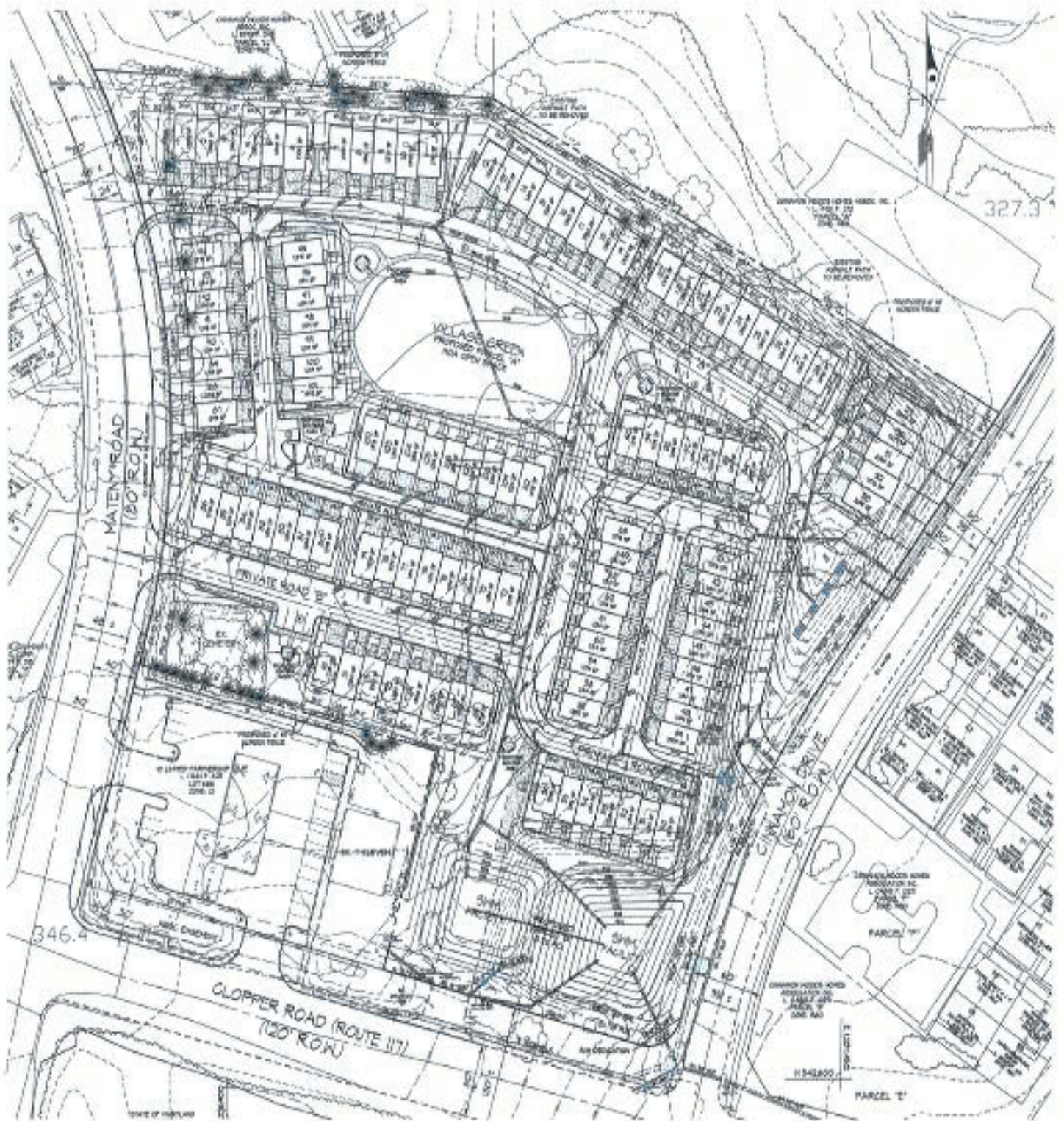
Pursuant to §59-H-2.5, the applicant has chosen to use the optional method of application process, requiring the submission of a schematic development plan that differentiates between elements of the proposal that are legally binding and elements that are merely illustrative and subject to variation during subsequent stages of review. Legally binding elements of the plan are to be specified on the face of the schematic development plan and in a declaration of covenants filed in the County's land records so future owners of the property will be on notice of the property's restrictions. The binding elements for the subject application are shown below, followed by the illustrative portion of the plan.

#### BINDING ELEMENTS

---

- DENSITY IS LIMITED TO NO MORE THAN 112 DWELLING UNITS
- MPDU UNITS WILL BE PROVIDED AT 12.5% OF TOTAL DENSITY
- MINIMUM GREEN AREA WILL NOT BE LESS THAN 45% OF TRACT

# Illustrative Portion of Schematic Development Plan



Planning Staff has worked closely with the applicant on the illustrative design of the plan, which has resulted in substantial improvement to townhouse orientations, the internal road configuration, and the expansion of the central "village green" open space area and pedestrian network.

Seventy eight of the proposed townhomes will be 3-story (maximum height of 35 feet) with two-car garages and driveways deep enough to accommodate additional parking for two extra cars; 34 townhouses that include a one-car garage will be intermingled throughout the development (with additional driveway parking for one vehicle). An additional 46 on-street parking spaces for guests, service providers, and others will be provided within the development, typically near the proposed parks. The total parking count for the development is 236 spaces, 12 spaces more than required by the ordinance. Total parking increases to 426 spaces if driveway parking is included in the calculation.

All townhomes will be arranged in a traditional manner to align the front of the units with the streetscape. A series of smaller walkways and pocket parks help promote an active pedestrian environment.<sup>2</sup> The applicant will retain the cemetery on site. The applicant has designed the site in a way that may enhance the cemetery's significance and encourage visitation by placing a small pocket park adjacent to the existing cemetery. This area is connected to the larger village green by a pedestrian pathway. Further, the site design places a row of seven townhomes directly overlooking the distinctive cemetery/pocket park area. The applicant has committed to further improvements for the existing cemetery (such as providing interpretive markers to provide historic context) at the time of site plan review. Although the proposal will be subject to site plan review, layout is important at the rezoning stage to help convey the proposed development to the public and to express expectations for future reviews to the applicant.

---

<sup>2</sup> See Development Review Interoffice Memorandum at attachment 2.

### C. Master Plan Compliance

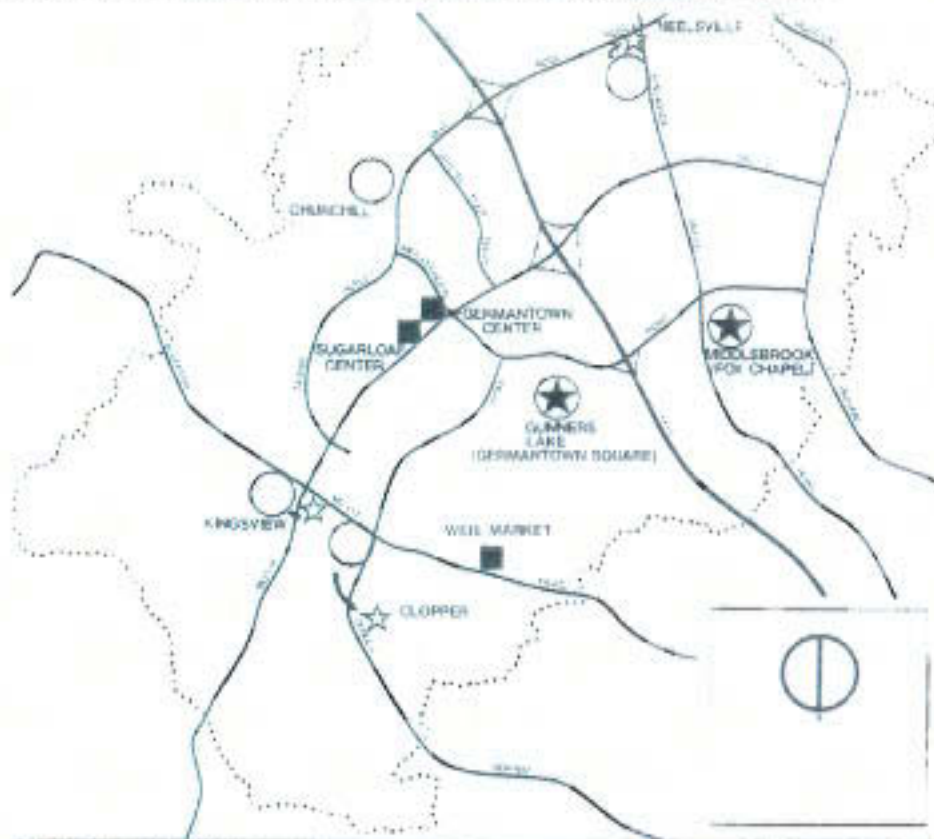
The property is located within the geographic area covered by the 1989 *Germantown Master Plan*. Although the subject property is not specifically mentioned, the Master Plan generally states two main recommendations that apply to this application: (1) The Plan calls for retail activities to be concentrated in defined areas and village centers, and (2) the Plan states that certain portions of Clopper Road that are highly visible to travelers be designed with sensitivity to site and landscaping considerations.

In the preface materials, the Plan states the recommendation to "concentrate retail activities in... village centers in order to discourage strip commercial development along Germantown roadways." The grocery store and associated parking lot located on the subject property can be characterized as exactly the type of strip commercial development that is being discouraged in the Plan. Since the Plan was adopted in 1989, two village retail areas have been established in very close proximity to the subject site – the Kingsview Village and Clopper Village retail areas – both of which were specifically recommended in the 1989 Master Plan. According to the applicant, the success of these two village centers has contributed to a substantial loss of business at the subject property, resulting in underutilized, unviable commercial activity on the subject property.

A few members of the community assert that the Clopper Village retail area at the intersection of Great Seneca Highway and Mateny Road (approximately 3000 feet from the subject site) is not the village area recommended in the 1974 *Germantown Master Plan* for the Clopper neighborhood. The 1974 Plan states, "the village center for Clopper Village should be located near the intersection of Clopper Road and the Western Arterial. This will be central to the village and accessible by pedestrian, as well as automobile, circulation." The Major Highway System map of the 1974 Plan depicts the western arterial (M-90) corresponding to the alignment of Great Seneca Highway.

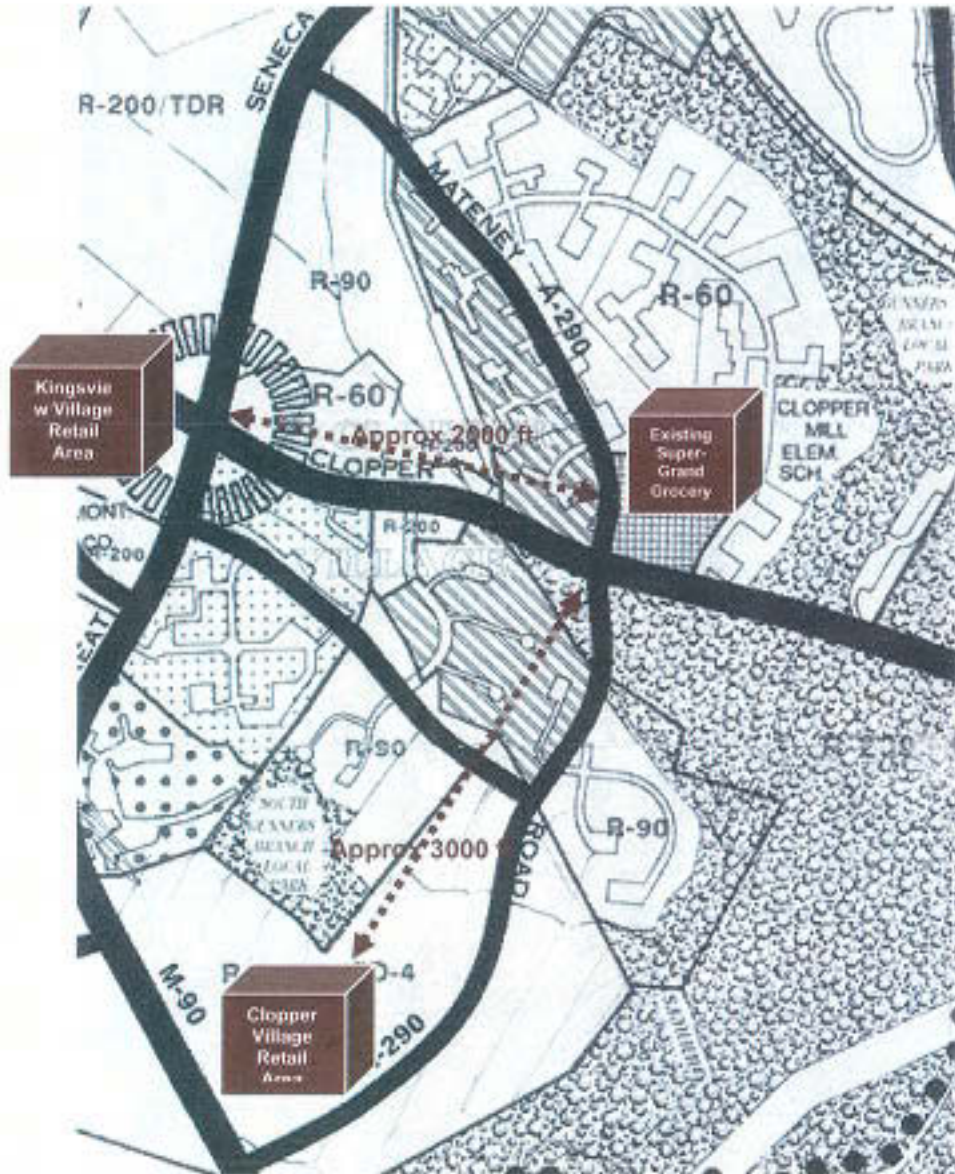
In the 1989 Master Plan, the village center locations given by the 1974 Plan are shown, as well as recommendations for relocating some of these centers. The 1989 Plan specifically moves the Clopper Village center to its current (constructed) location. The figure also depicts the subject property's shopping center in the category of "other convenience retail centers."

Staff concludes that the 1989 Germantown Master Plan fully considered the ideal location for the Clopper Village center, that the subject site was determined to be inadequate for a village center location, and the subject site was deemed an "other convenience retail center" that the Master Plan discourages in its preface materials. The proposed change from commercial to residential land use will eliminate a sizable, outdated strip retail development that was constructed outside one of the concentrated village centers.



**1989 Master Plan-  
Village Center Locations**

- Village Center ★
- Other Convenience Retail Centers ★
- Shopping Centers ○
- Other Convenience Retail Centers ■



The second Plan recommendation that may pertain to this site is a recommendation regarding development on Clopper Road. In the CL-4 analysis area of the Germantown Plan, which is directly west of the subject property, sensitivity to development along Clopper Road is recommended because of the high visibility to travelers along the road. Although the subject property does not fall within the CL-4 analysis area, the existing shopping center is still visible from the road frontage along Clopper. The visibility consideration stated in the Master Plan adds support to a residential use along Clopper rather than the somewhat sizable existing commercial development and vast parking lot. Residential use will reinforce the established character and identity of the area.

Staff finds that the proposed development, limited to a maximum of 112 units, is compatible with surrounding uses, adds to the visual character of the area, and is consistent with the recommendations of the *Germantown Master Plan*.<sup>3</sup>

#### **D. Public Facilities**

*Water and Sewer.* The rezoning application and schematic development plan were reviewed by the Washington Suburban Sanitary Commission (WSSC). WSSC found that the reclassification from the C-1 Zone to the R-T 15 Zone and the subsequent proposed development would not burden the water or sewer systems of the area.<sup>4</sup>

*Transportation and Roadways.* The subject property is located in the northeast quadrant of the intersection of Clopper Road and Mateny Road. As proposed, the development will have ingress and egress from both Mateny Road (two access points) and Cinnamon Drive (one access point). Transportation staff finds that the proposed access to the site will be safe and adequate. Also, the internal vehicular/pedestrian circulation and walkways provide for safe and adequate movement of pedestrian traffic.

A traffic study was submitted to determine the impact of the proposed development on the area transportation system. Three local intersections were identified as critical for analysis to determine whether they meet the applicable congestion standard of 1,425 Critical Lane Volume (CLV) for the Germantown West Policy Area. The proposed trips were added to existing and background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the future CLVs. The result of the CLV calculation is shown in the following table.

---

<sup>3</sup> See Community-based Planning Interoffice Memorandum at attachment 3.

<sup>4</sup> See WSSC Memorandum at attachment 4.

	Existing		Background		Total**	
	AM	PM	AM	PM	AM	PM
Clopper Road (MD 117) /Great Seneca Highway	1,134	1,146	1,215	1,301	1,190	1,223
MD 117/Matenev Road	949	594	1,015	880	994	693
MD 117/Waring Station Road	1,580	1,237	1,635	1,329	1,627	1,327

**\*\* Total development conditions with proposed trip mitigation**

As shown in the above table, all existing intersections, except Clopper/Waring Station during the AM peak hour, are currently operating at the acceptable 1,425 CLV congestion standard. Under the background development, the traffic condition at the Clopper/Waring Station intersection would worsen during the AM peak hour. However, it would operate at better than the background development conditions with the trip mitigation measures to be provided by the applicant at the subdivision stage of review. With trip mitigation measures, the application will satisfy LATR requirements. The other two intersections operate within the congestion standard under the total future traffic condition scenario. No PAMR mitigation is required as the site is located in the Germantown West Policy Area.<sup>5</sup>

*Schools.* Staff has received information from Montgomery County Public Schools that the impact of the proposed development is estimated to be approximately 24 elementary school students, 13 middle school students, and 11 high school students. While Roberto Clemente Middle School remains within capacity for all years shown in forecast, projected enrollment at Northwest High School begins to exceed capacity in 2014-2015 and enrollment at Clopper Mill

<sup>5</sup> See Transportation Planning Interoffice Memorandum at attachment 5.



Elementary School is currently over-capacity and is projected to remain over-capacity. Therefore, an *elementary school facilities payment* will be required to obtain subdivision approval during the next phase of review.<sup>6</sup>

## **E. Environmental Considerations**

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved by Environmental Planning Staff on May 5, 2008. There are no streams on site. The site drains to a Use Class I-P tributary of Gunners Branch which flows into the Great Seneca Creek. The tributary is approximately 180-feet north of the project site. There are no environmental buffers on site that are associated with the tributary stream.

There is no existing forest on the subject property. The preliminary forest conservation plan shows a total afforestation requirement of 1.27 acres, which complies with §22-A-12(f) of the Forest Conservation law, requiring at least 15 percent afforestation on the site.

The conversion of this property from commercial use (with approximately 90 percent impervious surface) to a residential-townhouse use will reduce the overall amount of impervious surface on the site by over a third (to approximately 50-55 percent imperviousness). The reduced imperviousness, increased tree canopy, and potential for requiring current technology stormwater management measures<sup>7</sup> at site plan review, all serve to reduce the negative environmental and water quality effects of the current strip commercial development.

The applicant submitted a preliminary noise study to analyze impact from noise generated along Clopper Road. Although this report is preliminary in nature, it reveals that there may be some noise impact on the proposed townhomes in the southwest portion of the site. A noise mitigation concept should be approved at preliminary plan, with details formalized at the site plan

---

<sup>6</sup> See MCPS Memorandum at attachment 6.

<sup>7</sup> See letter from applicant regarding stormwater management concept plan at attachment 7.

stage when project layout and building locations are finalized.<sup>8</sup> The applicant has committed to working with Planning Staff to address these issues during later phases of review.

#### **F. Development Standards**

The proposal shown on the schematic development plan complies with all applicable development standards under the R-T 15 Zone.<sup>9</sup> As the layout is still illustrative, the application will need to satisfy development standards again at the time of subdivision and site plan review.

Although the provided green area shown on the schematic development plan is 50 percent of the site (the same percentage as required in less-dense townhouse zones), the applicant has proffered a binding element that the green area will be no less than 45 percent of the site in order to accommodate minor variations in site layout that may occur during later stages of review. Staff finds 45 percent minimum green area acceptable as it still provides 15 percent more green area than normally required under the R-T 15 Zone. The relevant development standards are shown in the table below.

---

<sup>8</sup> See Environmental Planning Interoffice Memorandum at attachment 8.

<sup>9</sup> Except for the requirement of §59-C-1.722 that each row contain 8 or less townhomes each. However, this requirement can be waived if necessary to provide MPDUs. As currently proposed, the site layout includes 3 rows of townhomes that contain 9 units each. All other rows have less than 8 units. Staff finds the waiver acceptable for optimum design at the schematic level, but the waiver will be finalized at site plan review.

Development Standard	Required	Provided	Applicable Zoning Provision
Minimum Tract Area	40,000 sq ft (0.92 acres)	368,082 sq ft (8.46 acres)	§59-C-1.731(a)
Maximum Density	15 dwelling unit per acre	13.2 dwelling unit per acre	§59-C-1.731(b)
Building Setback from Land Classified in One- family Detached Zone	30 ft	30 ft	§59-C-1.732(a)
Building Setback from Public Street	20 ft	20 ft	§59-C-1.732(b)
Building Setback from an Adjoining Side Lot	8 ft	8 ft	§59-C-1.732(c)(1)
Building Setback from an Adjoining Rear Lot	20 ft	20 ft	§59-C-1.732(c)(2)
Max Building Height	35 ft	35 ft	§59-C-1.733(a)
Minimum Percentage of Green Area	30%	<b>50%</b> (45% is Binding)	§59-C-1.34(b)
Parking	2 spaces per townhouse = 224 spaces	<b>236 spaces</b> (426 spaces if including stacked driveway parking)	§59-C-1.735 and §59-E-3.7

## G. Community Issues

Staff has received several letters in opposition to the proposed project. Those in opposition voice similar concerns. The density of the development is seen as inconsistent with the established character of the surrounding area. A concern over the loss of the grocery store and other retail services was also expressed. This is seen as a serious problem for area residents without cars.

Concerns are raised regarding the impacts of traffic, parking, and the capacity of the school system to accommodate an increase in students. Community representatives question the traffic study findings that show all existing intersections, except the Clopper/Waring Station intersection during the morning hours, are currently operating at the established congestion standards. School generation calculations that show student impact from the proposed development to be approximately 24 elementary school students, 13 middle school students, and 11 high school students are also questioned.

The Germantown Historical Society and others are concerned that the small burial ground will not be as well protected when surrounded by a townhouse development rather than by the existing shopping center. The applicant has designed the site in an attempt to enhance the cemetery's significance and encourage visitation by placing a small pocket park adjacent to the existing cemetery and connecting this area of the site to a larger village green through a network of pedestrian pathways. The applicant has also committed to further improvements of the cemetery in coordination with planning staff at the time of site plan review.

It is argued that changing the zone classification for the site would not be in agreement with the Germantown Master Plan's objective of encouraging social contacts and community activities through development of the village/neighborhood structure, which is one of the basic premises of the master plan. Although the site is not specifically addressed in the master plan, staff's position is that the proposed development, limited to a maximum of 112 units, is compatible with surrounding uses, adds to the visual character of the area, and, on balance, is consistent with the recommendations of the *Germantown Master Plan*.<sup>10</sup> The community letters can be found in full in attachment 9 to this report.

### **III. ZONING ORDINANCE COMPLIANCE**

#### **A. The Purpose Clause**

---

<sup>10</sup> See Community-based Planning Interoffice Memorandum at attachment 3.

**§59-C-1.721. Intent and purpose.** The purpose of the R-T Zone is to provide suitable sites for townhouses:

- (a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or
- (b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.

It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

The R-T 15 floating zone requires one of three possible locational requirements be met. The proposed rezoning must satisfy either (1) a need for a buffer or transitional use between commercial, industrial, or high density apartment uses and low density one-family uses, or (2) be designated on a master plan or other planning document for such development, or (3) be determined to be appropriate for development at the particular location for the density sought. The proposal in this application meets the appropriateness standard.

Although "appropriate" is undefined in the zoning ordinance, prior rezoning cases have interpreted the appropriateness standard to be linked to location and density and not as a rigid standard to be mechanically applied. Rather, it is applied in a flexible manner so that each application can be evaluated on a case-

by-case basis to determine if it is a proper fit given the location and density proposed.

The subject property is a suitable site for townhouse development and is an appropriate fit given the location and density proposed. Generally speaking, it is sound planning policy to "wrap" the most dense residential development in the area around a commercial activity and phase down density towards the perimeter of the surrounding area. As previously stated, the subject property is located on the corner of two major thoroughfares and adjacent to a gas station/convenience store. Development at this site is proposed at 13.2 dwellings per acre. The Stoneridge Townhouse community, directly to the west of the subject site, has a density of 12.6 dwellings per acre. The Aston Place townhouse Community, to the southwest of the site, has a density of 12.3 dwellings per acre. The Cinnamon Woods community, located directly to the north and east of the subject property, is developed with 635 fourplexes at a density of 8.2 dwelling units per acre. As shown in the graphic below, densities will be phased down towards the perimeter of the surrounding area.



## **B. Compatibility**

The proposed townhouse community is compatible with adjacent development in the surrounding area. A large portion of the surrounding area is comprised of existing townhomes and fourplexes. Furthermore, the proposal provides green space amenities, reduced imperviousness, and setbacks that limit any intrusiveness that could threaten the integrity of the adjacent uses.

## **C. The Public Interest**

The proposed redevelopment will be in the public interest as it will further the general intent of the 1989 *Germentown Master Plan* and general urban planning objectives.

The applicant proposes a townhouse development, including an affordable housing component, next to a small cemetery of noted significance. The cemetery is integrated into the well-designed townhouse community by a connection to a larger "village green" via a network of pedestrian sidewalks and pocket parks. Environmental improvements to the site in the form of better stormwater management facilities and reduced impervious surface will also be provided. The redevelopment of this site will eliminate a purportedly unviable strip retail development and replace it with a residential development of appropriate density that fits within the character of the surrounding area.

## **IV. CONCLUSION**

Planning Staff recommends that Local Map Amendment G-878, for reclassification of 8.46 acres of land from the C-1 Zone to the R-T 15 Zone, be approved as restricted by the schematic development plan.



## V. ATTACHMENTS

1. Historic Preservation Interoffice Memorandum
2. Development Review Interoffice Memorandum
3. Community-based Planning Interoffice Memorandum
4. WSSC Memorandum
5. Transportation Planning Interoffice Memorandum
6. MCPS Memorandum
7. Letter from Applicant regarding Stormwater Management Concept Plan
8. Environmental Planning Interoffice Memorandum
9. Community Letters

## Orobona, Damon

---

**Subject:** RE: Zoning Application No. G-878: REVISED COMMENTS

**From:** Whipple, Scott  
**Sent:** Tuesday, December 02, 2008 4:34 PM  
**To:** Orobona, Damon  
**Cc:** Johnsen, Douglas; Fothergill, Anne  
**Subject:** Zoning Application No. G-878: REVISED COMMENTS

Thank you for the opportunity to provide REVISED comments on the above referenced Zoning Application, at 18451 Mateny Road in Germantown.

A cemetery, identified in the Montgomery County Cemetery Inventory, is located on the southwest corner of the subject property. The cemetery, characterized as a family cemetery, is known as the Graff (and alternatively Musser) Family Cemetery. The burials are contained within a 40 x 60 ft lot bordered by low, single-rail wood fence and surrounded by 4-foot tall hedge. The burials are marked by fieldstones, with no engraved markers. These are apparently Graff family burials located on the former Musser Farm. The Musser Barn and Cemetery was listed in the Montgomery County Locational Atlas and Index of Historic Sites (#19/20), but was removed. Therefore, the cemetery has no protection under the Montgomery County historic preservation ordinance (Chapter 24A) and no Historic Preservation Commission review is required. State laws do provide some limited protection for burial sites (for information, see [http://www.marylandhistoricaltrust.net/PresBulletin2\\_Cemeteries.pdf](http://www.marylandhistoricaltrust.net/PresBulletin2_Cemeteries.pdf)).

The Historic Preservation section recommends that 1) the burials be taken into consideration as part of any future redevelopment of the site; 2) measures be taken to minimize disturbance of the cemetery site and to provide some protection for the burials and the related features, such as burial markers; and 3) that access to the burials be retained. The Historic Preservation section further encourages the property owner to take measures to physically buffer the cemetery from development through fencing and planting, such as that currently existing. Finally, the Historic Preservation section encourages the property owner to retain – or improve – the interpretive marker, providing some historic context for the site, which is currently located on the cemetery.


**Scott D. Whipple**, Supervisor  
Historic Preservation Section | Urban Planning Division  
Montgomery County Planning Department | M-NCPPC  
Office: 1109 Spring Street, Suite 801 | Silver Spring  
Mail: 8787 Georgia Avenue | Silver Spring MD 20910  
301-563-3400 phone | 301-563-3412 fax  
[scott.whipple@mncppc-mc.org](mailto:scott.whipple@mncppc-mc.org) | <http://www.mc-mncppc.org/historic/>




**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**INTEROFFICE MEMORANDUM**

**To:** Damon Orobona  
Senior Planner  
Development Review Division

**From:** Joshua Sloan   
Coordinator  
Development Review Division

**Via:** Robert Kronenberg, Supervisor   
Development Review Division

**Subject:** G-878: Germantown Park

**Date:** 2/5/2009

**RECOMMENDATION OF SITE PLAN SECTION STAFF**

Because the pending Schematic Development Plan application will require site plan approval, Site Plan review Staff have been asked to comment on various design issues. The development plan proposes changing the existing C-1 zoned land to RT-15 and would create up to 112 townhouse units (including 12.5% MPDUs) on 8.46 net acres. This is below the maximum density of 126 units allowed on site. Although this site is not specifically discussed in the master plan with regard to this use, analysis of the general provisions of the master plan and the moderate-density residential context of the area suggest that townhouses are compatible with the surrounding neighborhood.

According to Section 59-C-1.75, development in the Residential Townhouse (RT) Zones is subject to site plan review, but several issues should be resolved at this stage to ensure consistency of expectations for the applicant and citizens during the review. An initial submittal was reviewed by Planning Staff on January 22, 2009 and numerous suggestions were made regarding road layout, open space, and building orientation. These suggestions were analyzed by the Applicant who filed a revised Schematic Development Plan received by the Development Review Division on February 2, 2009, which is the subject of this review.

Because many Development Plans come to the Planning Board with a number of Binding Elements that encumber a property before a number of design details have not been fully investigated, it is Staff's position that these elements be enumerated here but not set as binding elements of the current Application.

**Site Layout**

The general layout, providing two unit types to alternately front on roads or open space, is an effective way to provide the appropriate orientation for the groups of townhouses. For example,

the units along the northern property line have front-loaded garages and entrances with backs to the existing houses and open space. Alternatively, the units with alley access have rear-loaded garages and entrances onto open space or interior roads with parallel parking. These options allow the Applicant to reduce paving and increase open space, while maintaining a reasonable density.

A waiver of the row design requirements (eight maximum townhouses per attached row) of Section 59-C-1.722 is appropriate to accommodate MPDUs. Standards such as green area, setbacks, and parking should be finalized at site plan.

### **Circulation**

The challenging topography on the site makes grading for roads and lots difficult. The Applicant has provided a clear hierarchy of private roads, alleys, driveway access, and parking. The final details of parking and road configuration should be finalized during preliminary and site plan review.

Interior sidewalks and connections to sidewalks on Mateny Road and Cinnamon Drive are important to allow residents to access the nearby convenience store and other off-site amenities and neighborhoods. Upgrades to the sidewalk and landscaping along Clopper Road will also make this area more conducive to pedestrians.

### **Open Space & Recreation**

Small open spaces are dispersed throughout the site with a larger community green space near the center. These open spaces – their specific use and amenities – will be a subject of further refinement during site plan review.

Like the internal roads, stormwater management is also difficult on this site due to the topography. While a better solution for such a site would shift the stormwater off the road frontages, this seems impossible given the grading constraints. Thus, with an adequate buffer from the sidewalks, the proposed concept seems the only reasonable alternative.

The recreation calculations meet the minimum requirements set forth by the Guidelines, but additional recreation diagrams will be required with the site plan application.

### **Landscaping & Lighting**

The landscaping and lighting concept is appropriate at this stage of the planning process and should not be unduly detailed until the more specific design stages are undertaken. Staff should pay particular attention to the relationship of the units to the existing commercial area, e.g., landscaping and fencing, during site plan review.

### **Recommendation**

Site Plan Staff recommends approval of Application G-878 with an understanding that the layout, circulation, open space, and recreation will be evaluated in greater detail during Site Plan review.

JCS



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 18, 2009

**MEMORANDUM**

**TO:** Damon Orobona, Senior Planner, Zoning Team  
Build Division

**VIA:** Sue Edwards, Team Leader, North Central Transit Corridor Team *SE*  
Vision Division

**FROM:** Ronald Cashion, RA, AICP, Planner Coordinator, Urban Designer *RC*  
North Central Transit Corridor Team  
Vision Division

**SUBJECT:** Germantown Park Shopping Center Local Map Amendment G-878  
Lot 685, 18451 Mateny Road, Germantown, MD

---

**STAFF RECOMMENDATION: Approval**

The proposed Local Map Amendment (LMA) and Schematic Development Plan are consistent with the 1989 Germantown Master Plan. Vision staff supports the change in land use from commercial to single-family residential, the Schematic Development Plan, the use compatibility in the neighborhood and the zone change to R-T 15. The general provisions and guidance provided by the Master Plan together with the appropriate transitional characteristics of the proposed residential townhouse use at this location have resulted in staff support and a recommendation of approval of the Local Map Amendment.

As part of this LMA application, staff has met with the Applicant and their associated professional team to propose refinements to certain primary site layout and design aspects of the proposed Schematic Plan. These discussions have resulted in improvements to the Plan included in the February 2, 2009 revised submittal. Staff will continue discussions of detailed aspects of the site layout and design refinements with the Applicant to further advance the Plan during the anticipated Site Plan review phase of this proposed project.

**LAND USE/MASTER PLAN GUIDANCE**

**Summary of Existing Conditions**

The Applicant, Germantown LLC, requests approval of a Local Map Amendment and Schematic Development Plan for 112 single-family residential townhouses under the R-T 15 zone. The 8.46 acre site, designated as Lot 685 Germantown Park, is located at the northeast quadrant of the intersection of Clopper Road (Route 117) and Mateny Road, and between Mateny Road and Cinnamon Drive in Germantown.

The site is currently developed with 46,373 square feet of one story retail uses including a large "Grand Mart" grocery store, a liquor store, a cleaners and a satellite police facility. The shopping center is zoned C-1 and was built in the 1980's and is currently underused and is in need of renovation. A large underused surface parking lot, with approximately 275 spaces, is located adjacent and south of the shopping facilities. The Applicant asserts that the existing shopping center is no longer viable due to its size and to the draw and success of the newer Clopper and Kingsview village center shopping areas located nearby.

The existing convenience commercial 7-11 abuts the site and will remain at the northeast quadrant of Clopper Road and Mateny Road. The relatively small existing family cemetery will remain at the southwest corner on the site, north of the 7-11 and abutting Mateny Drive. The cemetery establishes a buffer area between the proposed development and the 7-11.

The site has excellent vehicular access provided by Mateny Road and Cinnamon Drive via Clopper Road. The site is topographically situated as somewhat of a plateau due to the rise in elevation from south to north away from Clopper Road.

The land to the south and east of the site and across Clopper Road includes Seneca State Park. The Cinnamon Woods development, east of the site across Cinnamon Drive, includes established two-story, back to back fourplex style townhouses. The Cinnamon Woods maintenance and pool facilities are located some distance away from and downhill from the northeast corner of the subject property. Clopper Mill Elementary School and the M-NCPPC Gunners Branch Local Park are located in this general area and further northeast of the subject site. The Stone Ridge residential development abuts the site to the northwest and is across Mateny Road to the west and opposite the entire Mateny Road frontage of the site.

### **Master Plan Recommendations**

This Amendment's proposed change in land use from commercial to residential single-family townhouses can be reviewed in the historic context of planning for Germantown. The Approved and Adopted July 1989 Germantown Master Plan references two important considerations relative to land use and the subject application: 1) strong recommendations to concentrate retail activities in the major, defined master plan retail areas including the Village Centers, and relative to residential uses, 2) specific recommendations for maintaining a mix of unit types.

Of primary importance in the "Preface" of the 1989 Germantown Master Plan is the fourth listed recommendation which is -

- *"To concentrate retail activities in the Town Center, a Regional Shopping Mall, and the Village Centers in order to discourage strip commercial development along Germantown roadways."* (Italics added)

The proposed change from commercial to residential land use and zoning for the subject property eliminates a sizable, outdated strip retail area that is not designated as a Village Center.

Of additional significance related to the land use change from retail to residential, and in further support of the proposed Amendment Application, the " Plan Highlights Land Use " section of the 1989 Master Plan (Page 3) –

- *"Recommends retail uses be located in the following activity areas: (a) the proposed Regional Mall, (b) the Town Center, (c) the Village Centers, and (d) the Urban Villages; and discourages strip commercial development along Germantown roadways."*  
(Italics added)

Two additional recommendations from the 1989 Master Plan "Preface" support the proposed Application -

- "To develop a community-wide Townscape Design chapter, which provides guidance for establishing a distinctive identity and image for areas yet to be developed and strengthens the visual character of existing development."
- "To adopt a zoning text amendment to provide a greater variety of zoning tools for this and other master plans."

While the subject site is not within the Town Center, the emphasis upon "a distinctive identity and image" and "strengthens the visual character of existing development" are consistent with the proposed change in use because the visual character of the area will be improved. Regarding the last of the above listed "significant recommendations" from the "Preface" of the 1989 Plan, "a greater variety of zoning tools" is recommended. With respect to the subject application use of the Local Map Amendment as proposed is one such zoning tool.

Relative to residential unit types and housing mix, the 1989 Germantown Master Plan also contains the following recommendation -

- "To change land uses and residential densities recommended in the 1974 Master Plan in order to address environmental issues in certain areas, modify the housing mix by giving greater emphasis to detached dwelling units, and increase densities near transit stations."

The subject site has no particular site specific environmental features that would dictate this linkage to detached units. The proposed unit type is not related to environmental constraints. Use of townhouses does however enable siting of units that will minimize conflicts with existing topography.

Further recommendations regarding housing mix and unit types are contained in the "Plan Highlights Land Use" section of the 1989 Master Plan (Page 3). These include recommendations for:

- An increase in the total number of housing units by 16%, from 32,000 to 37,000;
- An increase in the proportion of single-family detached units from 18% (as recommended in the earlier 1974 Master Plan) to 29%; and

- A decrease in the proportion of single-family attached units from 54% to 31%.

Importantly, in the period since adoption of the 1989 Plan and as of 2006, the proportional mix of unit types in Germantown has moved toward these recommendations with:

- An overall increase in housing units to a total of approximately 32,000 (87% of the 1989 recommended build out);
- An increase in the proportion of single-family detached units to over 25% (just short of the 1989 goal of 29%); and
- A decrease in the percent of attached units from nearly 54% to less than 43%. [Refer to Note (1)].

### **The Clopper Village Analysis Areas (1989 Germantown Master Plan)**

For the Clopper Village Analysis Areas, the 1989 Germantown Master Plan (Pages 60 through 64) does not specifically address the subject property. However the Plan in addressing analysis areas to the west of the subject site (including portions of CL-4, Page 64) states "The portion of Clopper Road adjacent to this Analysis Area is part of the landscaped greenway. Further given the curves of Clopper Road, this area is highly visible for travelers in both directions." This high visibility consideration at Clopper Road adds support to a use other than the existing shopping center on the subject site. This visibility statement in the Master Plan is also of particular importance regarding the proposed storm water management facilities included in the Application Plan and located adjacent to Clopper Road at Cinnamon Drive. Relative to the proposed Plan, staff has emphasized the visibility aspects of these facilities and the importance of addressing this consideration with appropriate detailed design and landscape treatments, particularly at the time of Site Plan review.

The proposed 112 townhouses will be compatible with land uses in and near the CL-4 Master Plan area. The residential use and density will establish an appropriate transitional use at the Clopper Road frontage area. Residential use is preferred as compared with the existing sizeable shopping center and parking lot since the proposed use will reinforce the established residential identity and character at this location. The existing shopping center on the subject property together with the adjacent convenience commercial (7-11) use at its southwest corner can be characterized as the type of strip commercial development that is discouraged in the 1989 Master Plan.

### **COMPATIBILITY WITH ADJACENT USES**

The 1989 Germantown Master Plan, inclusive of the February 1990 "Zoning and Highway Plan" exhibit, depict the existing commercial shopping use and the C-1 zone for the subject property, and surrounding properties in the R-60 and R-T 12.5 zones.

The Application proposes the 8.46 acre subject site be developed with 112 single-family residential townhouses in the R-T 15 zone. The proposed development would be between the



existing R-60 zoned, two floor, four-plex, 640 unit Cinnamon Woods townhouse project to the east and north and the existing R-T 12.5 zoned, two floor, 305 unit Stone Ridge subdivision across Mateny Drive and to the west and northwest.

The R-T 15 zone with use of a 22% MPDU density bonus allows up to 154 residential units on the site. The Plan Amendment proposes 112 units inclusive of the required 14 MPDU's (12.5%). The 112 units proposed is 27% less than the allowable 154 units with the bonus density.

In terms of compatibility of the proposed residential townhouses with the adjacent uses, a comparison can be made with the existing adjacent Stone Ridge townhomes. The subject site has a proposed actual, effective density of 13.2 units per acre (112 units/8.46 acres) as compared with the adjacent Stone Ridge density of R-T at approximately 12.5 units per acre. This comparison becomes closer when the significantly larger size and total number of units of the Stone Ridge development is considered. This comparison also supports a conclusion that the proposed residential use has an appropriate density relative to adjacent uses and is also appropriate as a transitional, roadway fronting use at this location.

### **Schematic Development Plan**

Importantly, for this site and the development proposed, topographic variations, the existing vegetation at the property boundaries, distances and sight lines all provide very favorable physical characteristics for the proposed development. A significant open space and steep slopes exist between the northeastern property line of the subject site and the existing Cinnamon Woods maintenance, pool and community facilities. Steep existing grades at the eastern border of the site and at the proposed Cinnamon Road access roadway will provide an added buffer feature. These factors will, with the proper finished grading and additional planting, result in very good landscaped buffers.

The 1989 Master Plan (Pg. 64) addresses the high visibility of areas from Clopper Road. The Schematic Plan as proposed has limited development along this frontage area with only two rows of townhouses. The majority of the western row will be behind the 7-11 and this row will be screened with existing and added plantings. The eastern row of seven townhouse units will be partially screened with added plantings and these units are set back a significant distance, approximately 190 feet, from Clopper Road. Staff has recommended that the storm water management facilities, located between this row of townhouses and Clopper Road, be designed as visual features for this frontage area.

The applicant has responded to staff concerns relative to earlier plan submittals and significant revisions and improvements have been included in the current February 2 2009 Schematic Development Plan. Plan refinements have included: 1) Improved site vehicular access with two access-egress locations at Mateny Road, 2) a more generous internal roadway configuration at Cinnamon Drive that also fits the existing terrain in this area, 3) simplification of the internal access circulation and enlargement of the central Village Green amenity, and 4) improvements to internal street frontages particularly at the north sections of the Plan area.

## **MASTER PLAN CONTEXT**

Germantown has changed and matured significantly since the 1989 Master Plan. A new plan - "Germantown Forward" has been developed for the Germantown employment corridor. The new plan is a sector plan amendment and has been reviewed by the Planning Board and submitted to the County Council.

The planning area boundary for this new Sector Plan for the Germantown Employment Area extends to just over one mile from the Germantown Park site therefore it does not apply directly to this amendment application. The new plan does establish an overall vision for the adjacent employment corridor to create transit-served mixed use centers. [Refer to Note (2)].

## **SUMMARY**

Staff supports the Applicant's request for the change in land use and the R-T 15 zone category with 112 residential units:

- Land use change from commercial to residential: The 1989 Germantown Master Plan provides clear and repeated recommendations to concentrate retail activities in the planned retail areas and to discourage strip commercial development along Germantown's major roadways.
- Residential unit type and mix and change to the R-T 15 zone: Specific land use and zoning recommendations for the subject site are not addressed in the 1989 Germantown Master Plan. The proposed single-family residential townhouse development with MPDU's will be a transitional use at an appropriate density adjacent to the surrounding established residential uses.
- Compatibility of the proposed use with the existing character of the neighborhood: The immediate area adjacent to the site is most important in examining the compatibility of the proposed use. With the exception of the 7-11 convenience commercial use, the small adjacent cemetery, and the community facilities to the northeast, the subject site is surrounded on all three sides north of Clopper Road by residential uses. Residential single family townhouses at the density level proposed is similar to and compatible with the land uses surrounding the site. The density of the adjacent Stone Ridge development is comparable and compatible with the proposed use. Existing and proposed conditions at Cinnamon Drive and at the northeast corner of the site will result in a compatible relationship between the use as proposed and the Cinnamon Woods development.
- Fit of the proposed use as illustrated in the revised Schematic Development Plan for the site: Staff has used the development review process to work with the Applicant to assure that the Plan will fit this site and the results of this process have met that objective. The general plan layout as proposed fits the site in terms of access, orientation of the residential units, general fit to topographic and existing buffer features, treatments at the boundaries of the site, views to the project, and the needed fine grain development and detailed design that will occur at the time of Site Plan review.

---

Note (1):

Page 21\*, 2006 housing data from "Germantown Forward/ Planning Board Draft/ Technical Appendices\*" M-NCPPC, February 2009.

Note (2):

"Germantown Forward/ Planning Board Draft" M-NCPPC, February 2009.

WASHINGTON SUBURBAN SANITARY COMMISSION

DEVELOPMENT PROPOSAL REVIEW  
FOR A  
REZONING APPLICATION

APPLICATION NO.: G-878

DATE: NOVEMBER 14, 2008

APPLICANT: GERMANTOWN LLC

LOCATION: 18451 MATENY RD, GERMANTOWN PARK

COUNTY: MONTGOMERY COUNTY

200' SHEET NO.: 225NW13

PRESENT ZONING: C-1

PROPOSED ZONING: RT-15

SIZE OF PARCEL: 8.46 ACRES

DWELLING UNITS: 112 TOWNHOUSES

OTHER: N/A

---

**WATER INFORMATION**

1. Water pressure zone: 560B
2. Twelve and 10-inch water lines abuts the property in Mateny Road, Clopper Road and Cinnamon Drive (contract No's. 71-4899A and 71-4630B respectively).
3. Local service is adequate.
4. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.
5. The impact from rezoning this property would be negligible; estimated fire flow requirements would remain the same.

**SEWER INFORMATION**

1. Basin: Seneca Creek
2. A 200-foot-long non CIP- sized sewer extension is required to serve the property. This extension would connect to existing 8-inch main crossing Cinnamon Drive (contract no. 71-4630B) and would abut 2 properties in addition to the applicants. This extension has been conceptually approved to serve the property (job no. DA4978Z09).
3. 

Flow from the present zoning:	24,400 GPD
Flow from the requested zoning:	20,720 GPD
Flow from the proposed development:	20,720 GPD
4. Program-sized sewer mains are not required to serve the property.
5. Interceptor capacity is adequate.
6. Rezoning this property would not significantly impact the sewerage system.

[Check dynamic sewer system sketches on T:\dsg\procedures\hydraulics for potential downstream problems.]

*Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.*

*Reviewed by Jonathan Madagu, 301-206-8642*

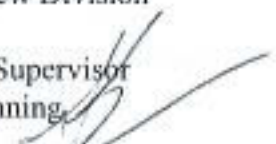



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 11, 2009

**MEMORANDUM**

TO: Damon Orobona, Zoning Analyst  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning 

FROM: Ki H. Kim, Planner/Coordinator   
Transportation Planning

SUBJECT: Zoning Application No. G-878  
Germantown Park  
Germantown West

---

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject zoning application. The application includes 8.46 acres of land, the Germantown Park, located north of Clopper Road (MD 117) and east of Mateny Road in the Germantown West Policy Area. The subject site is currently zoned C-1 and proposed to be developed for 112 residential dwelling units under the RT-15 zone.

**RECOMMENDATIONS**

Based on our review of the submitted traffic analysis and Schematic Development Plan (SDP), Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this zoning application.

1. Total development under the proposed zoning application is limited to 112 townhouses
2. The applicant must satisfy the Local Area Transportation Review (LATR) test by proposing to mitigate 49 new site-generated vehicular trips in the AM peak hour at the time of preliminary plan review. The specific strategies and facilities will be determined at the time of preliminary plan.

## DISCUSSION

### Site Access and Vehicular/Pedestrian Circulation

The proposed Germantown Park development will have two access points from Mateney Road and one access point from Cinnamon Drive.

Staff finds the proposed access to the site, as shown on the Schematic Development Plan, to be safe and adequate. Staff also finds that the internal vehicular/pedestrian circulation and walkways as shown on the Schematic Development Plan provide for a safe and adequate movement of pedestrian traffic. The Plan also includes all master planned required rights-of-way for Clopper Road, Mateney Road, and Cinnamon Drive.

### Local Area Transportation Review (LATR)

A traffic study was submitted to determine the impact of the proposed development on area transportation system. Three local intersections were identified as critical for analysis to determine whether they meet the applicable congestion standard of 1,425 Critical Lane Volume (CLV) for the Germantown West Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. The result of CLV calculation is shown in the following table.

**Table I**

	Existing		Background		Total**	
	AM	PM	AM	PM	AM	PM
Clopper Road (MD 117) /Great Seneca Highway	1,134	1,146	1,215	1,301	1,190	1,223
MD 117/Mateney Road	949	594	1,015	880	994	693
MD 117/Waring Station Road	1,580	1,237	1,635	1,329	1,627	1,327

**\*\* Total development conditions with proposed trip mitigation**

As shown in the above table, all existing intersections, except MD 117/Waring Station Road during the AM peak hour, are currently operating at acceptable 1,425 CLV congestion standard. Under the background development, the traffic condition at the MD 117/Waring Station Road intersection would worsen during the AM peak hour. However, it would operate at better than the background development conditions with trip mitigation measures to be provided by the applicant. The applicant is committed to provide the trip mitigation measures necessary to satisfy the LATR requirements in accordance with the Growth Policy's special procedures. With a trip mitigation requirement as conditioned in this memorandum, the subject application satisfies the LATR requirements. The other two intersections operate within the congestion standard under the total future traffic condition scenario.

#### Policy Area Mobility Review (PAMR)

The site is located in the Germantown West Policy Area where there is no PAMR mitigation requirement. Therefore, the subject application satisfies the PAMR requirement.

#### CONCLUSION

Staff concludes that the 112-dwelling unit residential development of the Germantown Park proposed under RT-15 with trip mitigation requirement that is conditioned in this memorandum will not have an adverse impact on the surrounding roadway network.

KK:tc





November 10, 2008



Mr. Damon Orobona  
Community-Based Planning Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Dear Mr. Orobona:

This letter is sent in response to Zoning Application No. G-878, known as "Parcel 685", located at 18451 Mateny Road, Germantown, Maryland.

This rezoning would result in up to 112 attached single family residences.. Based on average yield factors derived from the Maryland National Capital Park and Planning Commission 2005 Census Update Survey, the impact of this project is estimated to be approximately twenty-four (24) elementary, thirteen (13) middle, and eleven (11) high school students.

This property is located within the Clopper Mill Elementary School attendance area, the Roberto Clemente Middle School attendance area, and the Northwest High School attendance area.

Enrollment at Clopper Mill Elementary School is currently over capacity and is projected to remain over capacity. Enrollment at Northwest High School and at Roberto Clemente Middle School is currently within capacity. Projected enrollment at Northwest High School begins to exceed capacity in 2014-15, while Roberto Clemente Middle School remains within capacity for all six years of the forecast. See enclosed pages from the Montgomery County Public Schools Recommended Amendments to the FY 2009-2014 Capital Improvements Program (CIP).

The current growth policy school test (FY 2009) finds elementary school utilization exceeds the 105 percent in the Northwest Cluster. Therefore, an elementary school facilities payment is required to obtain subdivision approval in this cluster.

Sincerely,

Bruce H. Crispell, Director  
Division of Long-range Planning

BHC:imt

Enclosure

Copy to: Mr. Bowers, Mr. Lavorgna, Ms. Turpin

Division of Long-range Planning

# GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

## Memorandum

February 20, 2009

To: Mr. Damon B. Orobona, JD  
Senior Planner/Zoning Analyst  
MNCPPC Development Review



From: Seth C. Churchill, P.E. *SCC*  
Associate

Re: Germantown Park  
Case No. G-878  
Stormwater Management Concept Status

I am writing to advise you of the status of the Stormwater Management Concept Plan review for the referenced project. Although we do not have Stormwater Management Concept Plan approval from the Montgomery County Department of Permitting Services (MCDPS), we are confident that the plan will be approved without substantial changes. We have been through two reviews with MCDPS and the plan is currently in for a third. To date we have received standard comments on the plan and have responded to the same. We have not received any comments concerning the layout or treatment methods that cause any concern or would impact the current site lay-out. Any issues that may arise during the continuing review can be addressed within the general limits of the stormwater management areas shown on the current Schematic Development Plan without significantly affecting the surrounding plan elements.

The lone outstanding element that we are working to resolve with the County is their requirement that the Dam Safety Division at the Maryland Department of the Environment review the Dam Breach Component of our computations. We are in for review with the State and are actively working to achieve their approval. On this issue we are also confident that any concerns raised can be addressed within the general limits of the proposed stormwater management areas and will not result in substantial changes to the Schematic Development Plan.





**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

**Planning Department, Montgomery County, Maryland**  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

TO: Damon Orobona, Senior Planner, Development Review

VIA: Stephen D. Federline, Master Planner, Environmental Planning 

FROM: Doug Johnsen, RLA; Planner Coordinator, Environmental Planning 

DATE: February 11, 2009

SUBJECT: Germantown Park: Preliminary Forest Conservation Plan  
(Local Map Amendment #G-878)

---

**Recommendation: SUPPORT the zoning change from C-1 Commercial to the RT zone.**

Environmental Planning staff has reviewed the associated Schematic Development Plan and Preliminary Forest Conservation Plan for this proposal. A Preliminary Forest Conservation Plan recommendation will come as a separate item for Planning Board approval.

The following issues must be fully addressed in subsequent reviews:

1. Compliance with all conditions of the preliminary forest conservation plan.

Highlighted here are provisions of particular significance to the overall plan:

As an optional method plan, the applicant must comply with Section 22-A-12(f) of the Forest Conservation law. At a minimum, afforestation up to the afforestation threshold (15%, or about 1.27 acres) must be provided onsite. Afforestation may be met by use of canopy coverage outside of county rights of way, if forest is infeasible.

2. The applicant to submit a final noise analysis, and noise mitigation concept at time of preliminary plan submittal. Detailed design for selected noise mitigation measures shall be finalized during site plan review.

Schematic Development Plan

Positive elements of the proposed Schematic Development Plan include:

- Noise-sensitive site design
  - Setting townhouses back from the highway noise source (Clopper Road Route 117) and incorporating intervening noise compatible uses (e.g., SWM ponds) is a positive noise compatible design element.
  - Facing townhouses onto the major highway utilizes the townhouse row as an effective noise barrier to the upper floors, windows, and decks at the rear of the units which face away from the road, and perhaps to other townhouse rows further removed from the highway.
- Reduced imperviousness
  - Changing the land use from commercial (~ 90% imperviousness) to residential townhouse (~55% imperviousness) reduces the overall imperviousness by over a third and is a significant benefit over the current condition to nearby streams.

Negative elements include:

- Proposed land use is noise-sensitive and needful of proper mitigation.

## **BACKGROUND**

The 8.46-acre property is located at 18451 Mateny Road at the intersection of Clopper Road (MD 117) and Mateny Road. The project site is bounded by Mateny Road on the west, a small retail site and Clopper Road (MD 117) on the south, Cinnamon Drive on the east and neighboring residential properties on the north. Currently, the property is a retail development with an existing structure and parking lot. The applicant is seeking to change the zoning from C-1 to RT-15 and build 112 attached single-family residences.

The topography of the property is relatively flat from Mateny Road east across the site. There is some grade relief of 25% or greater at the eastern edge of the site sloping down to Cinnamon Drive.

There exist two soil types on this project site, Wheaton-Urban land complex (66UB and 66UC) and Urban land (400). The majority of the site is comprised of soil type 66UB which is associated with very deep, well drained Wheaton soil intermingled with Urban land. The Wheaton soil has been graded, cut, filled or otherwise disturbed during urbanization. The eastern portion of the site is comprised of soil type 66UC associated with the area of steep slopes. The entire site also consists of Urban land (400) which is classified as more than 75 percent of the surface covered by asphalt, concrete, buildings or other structures.

### **Environmental Buffers**

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved by Environmental Planning staff on May 5, 2008. There are no streams on or near the site. However, the site drains to a Use Class I-P tributary of Gunners Branch which flows into the Great Seneca Creek. The tributary lies approximately 180-feet north of the project site. There are no environmental buffers on the project site that are associated with the tributary stream.

### **Forest Conservation**

There is no existing forest on the subject property. The preliminary forest conservation plan shows a total afforestation requirement of 1.27-acres. As an optional method plan, the applicant must comply with Section 22-A-12(f) of the Forest Conservation law. At a minimum, afforestation up to the afforestation threshold (15%) must be provided onsite. Afforestation may be met by use of canopy coverage outside of county rights of way, if forest is found infeasible.

### **Imperviousness**

The conversion of this property from commercial use (~90% impervious) to residential-townhouse use (~ 55% impervious) reduces the overall amount of impervious surfaces on the site by over a third. The reduced imperviousness, plus the installation of current technology SWM measures, and increased tree canopy all serve to reduce the negative environmental/ water quality effects of the current land use on the receiving stream systems.

### **Noise**

The applicant submitted a preliminary noise study dated February 9, 2009 from Staiano Engineering, Inc. to analyze the impacts of traffic noise being generated along MD 117. Even though this report is preliminary in nature it does reveal that there may be some noise impacts to the southwest portion of the project site from traffic along MD 117. A noise mitigation concept should be approved at preliminary plan, with details formalized at the site plan design stage where final project layout and building locations are closer to being finalized. Staff requests a conditions that a more detailed noise analysis and noise mitigation report be submitted for review and approval at the time of preliminary plan submittal and that any possible mitigation measure(s) be formalized as part of the site plan process.

Z:\Local Map Amendments (G)501 to 999\G-878\_GermantownPark-dj.doc

DAMON B. OROBONA, JD  
Senior Planner/Zoning Analyst, Development Review Division  
Montgomery County Planning Department  
The Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760



March 25, 2009

RE:Rezoning Application #G878

Dear Mr. Orobona:

I would first like to thank you, Mr. Wilson, and Mr. Sloan for meeting with me today, and giving me your perspective on this rezoning request. And, as I promised, here is the letter of opposition, signed by homeowners in our community.

We are strongly opposed to the rezoning from C-1 to RT 15, of the parcel of land known as :

**Lot 685, Germantown Park  
Plat Bk. 195, Plat No. 21234**

Those of us who have signed this letter live in our community of families and our community is NOT made up of 3 story town homes, with two car garages, as is proposed in the plans and drawings prepared by Gutschick Little & Weber, PA, Civil Engineers, Land Surveyors, Land Planners, Landscape Architects, located in Burtonsville, Maryland. The owners/developers known as Germantown LLC, Finmarc Management Inc., located in Bethesda, Maryland consulted with the GLW, and through their attorney, Holland and Knight, in Bethesda, Maryland, submitted the application, with all documents attached, to the Office of Zoning and Administrative Hearings, on or about September 11, 2008. The package has gone through the first step of review, that being through the office of planning, zoning, and development review. This project has received approval and recommendation to move ahead to next phase, which is a hearing before the Planning Board, at Maryland National Park and Planning in Silver Spring, on April 16., time will be determined.

**ATTACHMENT 9**

Once the Planning Board has made a decision, this plan moves onto a hearing before the Zoning and Administrative Hearing Examiner, in Rockville at the Council Office Building on 100 Maryland Avenue, Room 200, scheduled now for April 28, but, no time has been set.

Our desire and the reason for having this letter reach you no later than March 27, 2009, is to guarantee that our oppositions and reasons become a permanent part of the record, and the Planning Board will have this prior to the hearing, as well as some of us plan to appear to reiterate our opposition and reasons at the hearing.

We do not want the rezoning change from C-1 change to RT-15.

The Town Center, known as the Grand Mart Shopping Center, provides essential shopping for all of us. And, **it is the only shopping center within walking distance** for those who do not drive, or are disabled and/ do not own a car. For those of us who choose to drive, it is a short ride and saves on fuel. The dry cleaners and launderer, also provide a very necessary service to all of us, as well as the convenience store. One of the most important services there, is the Montgomery County's Fifth District Police Satellite Station which serves the entire community. This facility is used for community meetings, and our long time standing Seneca Community Cluster Program meets there to discuss and plan actions for the betterment of our communities. These meetings are attended by the Montgomery County Police, often the Park Police, the Natural Resources Police, the State's Attorney, the Animal Control Police, the Dept of Parole and Probation and a representative from the County Executive's Office.

This is our Town Center, our Village Green, so to speak. Many people who attend these meetings, and events that are held here, walk. Were this rezoning take place, our community. This rezoning would have a most negative impact on our entire community.

There is a 7-11 directly below our Town Center, and it has at least 12 gas pumps if not more. This 7-11 is less than 100 feet from the end of the parking lot of the Town Center. We do not believe this is safe for families to live and play this close to gas pumps, as well as a "attractive nuisance"- . Having a gas station and a 7-11 at our front/back yard is quite undesirable. All the more reason not to change the rezoning fro C-1 to RT-15.

Quote from a letter dated September 11, 2008, from Holland and Knight the attorneys for the owner/developer written to Francoise Carrier, Esquire, Office of Zoning and Administration Hearings, Stella B. Warner Council Office Building, 100 Maryland Avenue, Room 200, Rockville, Maryland 20850.

The "existing shopping center is no longer viable due to its size relative to the Clopper and Kingsview shopping centers located in close proximate to the Property" ..... "These village centers are preferred by consumers, and have captured the vast majority of the patrons of a smaller community shopping centers" ..... "As a result the existing center is no longer a successful site"

We can all assume that the writer of this letter referred to and quoted above, does not live in our community - does not rely on this grocery store and dry cleaners, and does not have a Satellite Police Station in their community to hold meetings, and gather.

If anyone wants to say that the "existing center is no longer a successful site". They need to come by in the early evenings, and on weekends, and see the many, many cars parked in the parking lot, and families coming and going and shopping! If there is any kind of lack of "traffic" it could be blamed on the fact that there is no advertising.. The present owners of this shopping center, seem to want to see our Town Center, our Village Center, fail by sabotaging it. When the Grand Mart was thriving, you could often not find a parking spot, and would have to wait. There is no reason at all for this to be an unsuccessful site. And, in fact we know it is a successful site.

After the fire a few years back, this store, was completely rebuilt, and a new facade put on the outside of the shopping center. This again is our Village Square...our Village Center, and we do not want to see it taken away from us. As far as the quote that "Clopper and Kingsview shopping centers are in close proximity" - we would ask anyone who wants this rezoning to walk it - shop and bring grocery bags home, perhaps with a baby in a stroller, or a child- and trying to hold its hand.- walking busy roads with out sidewalks in many parts. This is not safe! Montgomery County has made pedestrian safety a priority!



Traffic on Clopper Road, Cinnamon Drive, and Mateny is very congested in rush hour. And, often at other times of the day and night. People/Families from all of the surrounding communities are trying to get to work, get their children to school, and school buses are in and out of our neighborhoods. It makes for a very busy and congested area.

If this rezoning goes through, and 110 town homes are built, you have to estimate 4-5 cars per unit, this will cause so much grid lock - that no one will be able to get anywhere on time!!!

Trying to cross Clopper to get to the bus stop is impossible to cross now. Add 400 more cars in this small space of 8.46 acres - and having them exit ,where 1500 to 2000 cars are already exiting and entering - you will turn our quiet communities into nothing but a parking lot, with fumes that will kill us! No, this cannot be done.

Cinnamon Drive is a 2 lane, tree lined, almost country-like road, with homes on both sides. Cinnamon Woods, sits on 72 beautiful green acres - . Cinnamon Woods is home to 684 families. All of whom will be negatively impacted with this plan. This plan will dump another 400-500 cars onto this road? Mateny is also a 2 lane (widens to 3 at Grand Mart) tree lined country road, with homes on both sides and cannot afford another car on it. As it is now, if someone is on Mateny and needs to cross Clopper, they often have to wait 2,3,4 lights just to go straight, or make a right turn, because of the parking allowed on Mateny, only allows space for 2 vehicles to sit at the light waiting to go straight or turn right.

StoneRidge is on Mateny and 100% of its homes are homes to 400 plus families and children., who will also be terribly impacted by this plan.

This traffic will carry on down Mateny and cause horrific traffic congestion to all of the communities that line Mateny. Including the new school. This part of Mateny is tree lined and a very quite 2 lane street, where thousands of family call home.

All of our children ride their bikes, play ball, in our neighborhoods... WE MUST KEEP PEDESTRIAN SAFETY AND OUR CHILDREN AT THE TOP OF THE PRIORITY LIST FOR A QUALITY OF LIFE IN MONTGOMERY COUNTY!

The communities in this area are very quiet, family communities - and putting a 3 story town home development with 2 car garages, squeezed into 8.46 acres of land, will not conform, be compatible, or will fit in our community. This kind of density does not belong on this small parcel of land.. We do not have the roads, the sidewalks, or other services, to support this kind of density.- The infrastructure is NOT HERE.

This proposed development, if the rezoning is passed, will overcrowd our schools. We do not agree with the Board of Education's figures.

Clopper Mill Elementary is already overcrowded. It has 4-5 temporary classrooms, which we all know consists of mobile homes! Adding another 100 plus kids to this school, will cause an ever more serious overcrowding in this school, in the classroom, and our children will not be educated properly due to extreme overcrowded conditions. Thus, our elementary school children, will not receive the good education we all pay for, because of the overcrowded condition.

The density of this proposed plan is outrageous. Yes, perhaps it meets the standards of new developments on a parcel of this size, but, it in so way meets the standards of peaceful living and the quality of life those of us enjoy in our communities of Cinnamon Woods, StoneRidge, Ashton Place, Williamsburg Square, Cloppers Mill West, North Creek, The Oaks, Heritage Presence, Farmingdale and many, many other neighborhoods in the area that will be directly , impacted in a negative way if this rezoning, and proposed development is to be approved.

For the sake of the present families, who live in this community, numbering up to 5,000 plus, we are requesting that this rezoning application **NOT BE APPROVED.**

Our request to the Planning Board is to listen to us. We live here and we love our community, or we would not have signed this letter to you - we do not want our community disrupted this way. We do not want to lose our Town Center. We do not want to lose our neighborhood of homes, families, children, schools. Our

communities are not in a big city environment, or even a "town center environment" such as those town homes that are surrounded by every kind of commercial enterprise on Middlebrook Road and 118.

We are a bedroom community, with a small town center we can use for our needs.

This is the way we want to keep our neighborhood, our communities. We urge you to **DENY THIS APPLICATION FOR REZONING.** Please do not disturb, disrupt our quality of life, our way of life, our homes.

Thank you so much for your time, your consideration, and trusting you will **DENY** this rezoning application, we are....

Sincerely.,

  
Charles F. Martinez

18707 Paprika Ct.

  
Anne Marie Martinez

18707 Paprika Ct.

**ADDITIONAL INFORMATION RE: G878  
TO BE INCLUDED WITH THE LETTER AND SIGNATURES.  
3/27/2009**

**From - Chuck and Anne Marie Martinez  
18707 Paprika Ct., Germantown, MD. 20874**

**We want to add the following:**

**In these difficult economic times, if this rezoning is approved, it will put two small business out of business, and thus take away their livelihood, along with the employees that are employed there. Both of these owners signed the letter. They are very concerned and afraid.**

**And, the employees at the grocery store will lose their jobs - and we all know what can happen to families when a member of that family loses income...they can lose their homes, and become homeless. We have more homeless families now than ever before..more children are homeless than ever before. With governments facing large deficits, we cannot afford to allow people to lose their income.**

**This rezoning needs to be put on hold - and denied at this time.**

**Thank you.**

Please sign/print name below signature and print your address, thanks.

Linda D Moore 18232 Smoke House Ct., Germantown, MD.  
LINDA D MOORE

Jose R. Garcia 13000 Well House Ct. Germantown MD 20874  
JOSE R. GARCIA

Dorothy Stolar 12844 Kitchen House Way  
Dorothy Stolar Germantown MD 20874

Glen Von Calio 18207 SMOKE HOUSE COURT  
GLEN VON CALIO GERMANTOWN, MD 20874

Carol M. Bragg 18206 SMOKE HOUSE CT  
CAROL M. BRAGG GERMANTOWN, MD 20874

Ellyn Cottingham 18832 Poppy Seed Lane  
Ellyn Cottingham Germantown, MD 20874

Thomas L. Bragg  
Thommy Bragg 18206 smoke House Ct - Germantown, MD 20874

Robin T. Moccia 18391 TIMKO LANE GERMANTOWN, MD 20874  
ROBIA T. MOCCIA

Reina Hernandez 18643 Nutmeg Pl. Germantown, MD 20874  
Reina Hernandez  
Hernandez

Please sign/print name below signature and print your address, thanks.

Cynthia Faville  
C Faville

13306 Kilbuck Way K. Germantown Rd  
Clopper's Mill Md

BALARAM N. KADAM  
Balam N Kadam

12862 Sage Terrace

Jay Soosik

12804 clopper rd.

Sunita Single

1282 clopper Rd.

JENNIFER BOYLE

Chatham Sccp

apnt

DANA CRAFFT

18711 PAPRIKA CT GERMANTOWN

Brian Suenaber

Brian Suenaber

18711 paprika CT Germantown

RONNEE L'ASEY Ronnee L'asey  
18712 Paprika Ct

Please sign/print name below signature and print your address, thanks.

  
ALLAN LOPEZ

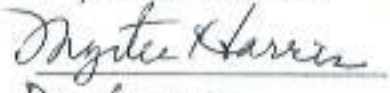
12833 Sage Tea glown MD 20874

DEANIS W BOYLE



MYRTIE HARRIS

13107 JERRYMAN DR Germantown MD 20874



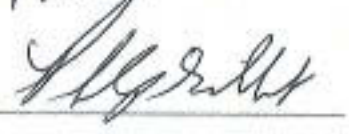
12637 Red Pepper Ct. Germantown, Md 20874

DAN LERNER



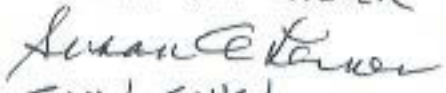
12621 Red Pepper Ct, Germantown, MD 20874

PHILIP GILBERT



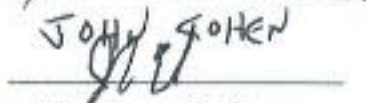
18642 BARKLEAF WAY Germantown, MD 20874

SUSAN A. LERNER



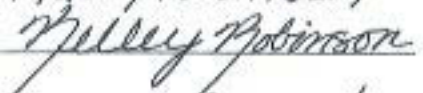
12621 Red Pepper Ct - Germantown, MD 20874

JOHN FOTHER



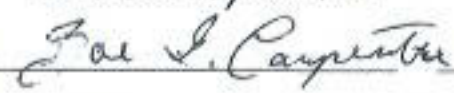
12617 RED PEPPER CT

Kelley Robinson



12635 Red Pepper Ct. Germantown, MD 20874

Zoe Carpenter



18303 Paprika CT Germantown, MD 20874

Please sign/print name below signature and print your address, thanks.

John R. Litwin John R. Litwin  
18213 Smoke House Ct. Germantown

Don Stolar  
DONALD STOLAR 18204 Smoke House Ct.  
GERMANTOWN MD 20874

Karen Keefe 13033 Mill House Ct.  
Karen Keefe Germantown, MD. 20874

Steve Heise 19511 Tarragon Way  
Germantown MD 20874

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



March 25, 2009

Dear Planning Commission,

I am submitting this letter in protest of the proposed housing development in the location of Clopper Road and Mateny Road in Germantown Maryland.

Please consider this letter as a signature on the petition being presented to you as I am unable to personally sign it.

Susan D Wye  
18210 Smoke House Rd  
Germantown MD 20874

Susan D Wye

March 25, 2009



Montgomery County Planning Board  
Attn: Damon Orobona, Senior Zoning Analyst  
8787 Georgia Avenue  
Silver Spring, MD 20910

To: Members of the Planning Board

I have a number of concerns about the proposed rezoning of a parcel of land adjacent to Cinnamon Woods in Germantown, Maryland. The Local Map Amendment is designated as G-878 and is a change from the current C-1 zone to RT-15.

#### Family Cemetery (p. 5)

Whatever else happens to this parcel, this cemetery needs to be cleaned up, excess vegetation removed, and it needs to be maintained as a cemetery plot instead of the current trash-filled jungle. Hedges would be nice, but at a smaller height, since currently it is impossible to see what is happening in there. Good lighting would also discourage any suspicious activities.

#### Grand Mart Grocery Store (pp. 5 and 6)

The picture on p. 5 is very deceptive. I don't know the time of day, but it looks like no one ever uses it. It is true that it is not as busy as it used to be, because there are 2 other grocery stores in the area. Also, it took a very long time after the fire before the store was re-opened. The picture on p. 6 shows a large number of cars in the parking lot.

There are a number of people who walk to the store. If you remove the grocery store, people without cars will have a hard time getting groceries. From the intersection of Clopper Road and Mateny Road, it is 0.8 miles to Shoppers Food Warehouse (off Great Seneca Highway). It is very dangerous to cross Clopper Road at Mateny. There is a sidewalk on one side of Mateny down to DairyMaid. After that there are sidewalks on both sides of Mateny.

It is 0.9 miles from the intersection of Clopper and Mateny to the Giant in Kingsview Village. There are no sidewalks from the intersection until you get to Metz Drive. The sidewalk on that side of the road goes up to the light by the Giant. There is a sidewalk on the other side from Rushing Water to the edge of the United Church of Christ property (not all the way to the traffic light by the Giant). It is also difficult to cross Great Seneca Highway.

If you do change the zoning, I think full sidewalks need to be put into place along both Mateny and Clopper (where sidewalks are currently missing). I think there should also be shuttle buses (once or twice weekly) to both Shoppers Food Warehouse and the Giant. You ought to at least find out if there is interest in such a service, otherwise it will be quite difficult for people without cars and/or who have trouble walking to get to a grocery store.

It is 0.9 mile from the intersection of Mateny and Cinnamon Drive to the Giant (going via Mateny to Great Seneca Highway). At least there are sidewalks on both sides of this route.

#### Green Area

The plan says that one of the reasons for the change is lessen the amount of impervious surface in the parcel. However, there is only a small area that is not covered by either houses, streets, and parking. Those are certainly impervious areas.

#### Density

I think a lower density (e.g. RT-12.5) would be preferable. The proposed plan has 4 rows of 9 townhouses, which I believe is more units than is desirable. Also, are the private alleys wide enough for fire trucks to maneuver? In Clarksburg some of the roads are too narrow for fire engines to negotiate. There is very

limited non-garage parking. What about visitors ? Are people going to be restricted to 1 or 2 cars ? That used to be the case 30 years ago, but many families nowadays have more than 2 cars. Also, with the pending restrictions on commercial and recreational vehicle parking, perhaps an area should be set aside for parking such vehicles. Mateny Road currently has overflow parking that is full at night. Both Cinnamon Woods and Stoneridge have reserved parking, and Cinnamon Woods at least has an aggressive towing policy for cars without permits.

There are no places for children to play. I suspect they will either use the Clopper Mill Elementary School play area or they will play in Cinnamon Woods. The only play areas in the development are the "Village Green" and the proposed seating areas.

#### Environmental Concerns

P. 14 says that there are no streams on site. However, there is a small stream that comes down from Cinnamon Drive down to the area by the C.W. maintenance shed. I don't know how it would be classified, but certainly any construction in the area would need to protect the stream and the marshy area.

#### Traffic

The study says that there would be little traffic impact in the area. I respectfully disagree. If you add 100-200 cars you will certainly affect traffic on Clopper Road. It is very difficult to make left turns onto Clopper except at the Mateny Road light. People who live on Allspice currently have great difficulty getting onto Clopper Road because of traffic volume and line-of-sight problems. They have no other way of getting out of their street. Making left turns from Cinnamon Drive is also difficult because there are hills in both directions. For safety, you need to exit at the traffic light. It has a very long wait time from Mateny onto Clopper. With more outgoing traffic, the timing of the light might have to be changed.

#### Student Numbers

I find it very hard to believe that in a development of 112 houses there would be only 24 elementary school students, 13 middle school students, and 11 high school students (p. 14). I think even an estimate of 1 child per household would be an undercount. Clopper Mill Elementary School is already over-capacity. Where will all these children go to school ?

In summary, I would not necessarily be against the amendment. However, I think that the loss of the grocery store will be a hardship for some people currently living in the area, and I think the density, as proposed, is too high. Certainly Cinnamon Woods has a much more open feel because of all the common ground. As proposed, I am afraid the amendment will only create an unattractive area with crammed-together townhouses. Also, there will certainly be impacts on both the traffic levels and the nearby schools.

Sincerely,



Elyn Cottingham  
18832 Poppy Seed Lane  
Germantown, MD 20874-2006



*Germantown Bank*

*The Germantown Historical Society  
P.O. Box 475  
Germantown, M.D. 20875*



*Germantown Train Station  
March 26, 2009*

Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Local Map Amendment G-878



Dear Chairman Hanson,

The Germantown Historical Society is opposed to the re-zoning of 18451 Clopper Rd. from C-1 to R-T 15. The Society is particularly concerned that the Musser/Graff burial ground will not be as well protected surrounded by a dense townhouse development than by a well-managed shopping center. When the shopping center was managed by the Weiss Market the burial ground was well maintained and protected. That it has not been since is due to the poor management of the shopping center since the Weiss Market left. The placing of a picnic area next to the burial ground, as proposed in the current applicant's site plan, is more conducive to vandalism than protection.

The Musser/Graff family burial ground dates back at least to 1823 and contains at least 20 graves. It is of particular significance to the state and nation because it contains one of the earliest instances of whites and blacks being buried in the same plot. It is extremely important to the Germantown community because it contains the remains of some of Germantown's founding families and demonstrates how the village was made up of people from both German and English backgrounds. A list of people buried in there is attached.

We are also concerned that the changing of the zoning is not in agreement with the Germantown Master Plan. The "Community and Social Goals and Objectives" states that the Plan should provide for community identity and "To encourage social contacts and community activities through development of the village and neighborhood structure." Each of the six "Villages" that make up Germantown is composed of several "Neighborhoods." Each neighborhood, among other amenities, was supposed to have a shopping area within walking distance of all residents. Cinnamon Woods was the first neighborhood to be developed and this was the shopping center for this neighborhood. The development of this neighborhood followed the Master Plan and thus served as a model for those that followed. That not all of them followed the first model does not detract from the importance of this first model. By destroying this neighborhood shopping center you would be destroying one of the basic premises of the Master Plan.

This shopping Center has been mis-managed in the past several years by: not having a sign listing the stores on the main road, not bringing in appropriate stores to serve the neighborhood, not keeping up the grounds, not providing incentives for residents to come into the center. This is not a reason to destroy it and replace it with a dense development of row houses. Other older shopping centers in Germantown have been modernizing and re-facing their buildings. The same could be done with this one.

Sincerely,

Susan Soderberg, President

Musser Barn and Cemetery (Alfred W. Spates)

PLCT OF OLD GRAVEYARD AT MUSSER FARM

Andrew Graff d June 13, 1827	Jane Graff	
George Graff d. Dec. 10, 1823	Maria C. Musser Wn. Musser	
Sarah Henderson	Sa(h)ah Ann Musser	Susan Jane Musser died May 9, 18
James Henderson		
	Susan Beckley	
Comfort Cromwell	Sarah Beckley colored	
Eugenie Graff	G. Henderson's Child	
L. Gustavus Graff	Gassaway child	
G.M. Graff Twins		
John C. Clopper Redmond	Godschall Douglas May Douglas Isaac Cox	

March 26, 2009

Mr. Royce Hanson  
Chairman, Montgomery Planning Board  
Planning Board  
M-NCPPC  
8787 Georgia Ave.  
Silver Spring, MD 20910

Re: Germantown Shopping Center  
Application Number G-878

Dear Mr. Hanson:

I write this letter to request an additional extension of time for the above referenced re-zoning application. I acquired a copy of the application on Monday, March 16 after first noticing the posted signs on Friday, March 13. Upon reviewing the application, I realized it will take more time than allowed by the hearing scheduled for April 28. Additionally, it has been brought to my attention that submission of evidentiary statements are required by March 27 and any pre-hearing statements by experts are required at least 10 days prior to the hearing which schedules such by April 18.

The original sign was posted sometime around early February. The signs were posted throughout the weekend; however, they disappeared the day after my inquiry to the county office. I assumed the application was recalled therefore, I did no further research. Upon seeing the signs on March 13, and researching the application online on Monday, March 16, I was surprised to find the hearing was originally scheduled for that very day.

The applicant, by evidence posted on the schematics submitted, started their preparation process in 2005 thereby giving themselves approximately 4 years to prepare testimony. I respectfully request at least an additional 60 days beyond the scheduled April 28 date in order to conduct research, organize an adequate opposition to the re-zoning request and where applicable, organize and secure expert witness testimony.

Thank you for your consideration.

Sincerely,



Thomas C. Williams  
12871 Sage Terrace  
Germantown, MD 20874  
301-320-1484 (daytime business number)

RECEIVED  
0326  
MAR 27 2009

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

