



Schematic Development Amendment SDPA-3-11



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Completed: 2/3/2012

Description

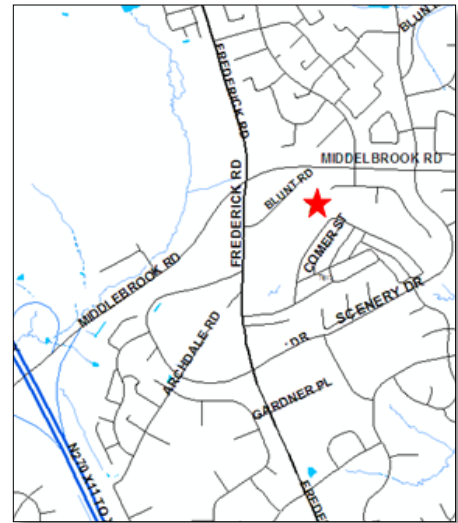
Schematic Development Amendment SDPA-3-11.: Request to amend an approved Schematic Development Plan to reconfigure the location of building and parking facility, add to the height of the previously approved building, correct the size of the property and accommodate current environmental regulations and requirements for a property consisting of approximately 2.06 acres of land in the O-M Zone, located at 19815 Blunt Road in Germantown, Maryland.

Germantown Employment Area Sector Plan

Filing Date: July 5, 2011.

Applicant: YBM Construction, Inc.

Staff Recommendation: *Approval*



Summary

The subject property was reclassified from the R-60 Zone to the O-M Zone in 1990 by application No. G-619, under the optional method of application. The 1990 Schematic Development Plan (SDP), which was approved with the adoption of G-619, was never effectuated and the property is currently unimproved. The Plan proposes a 4-story, 35,666 square-foot building and a surface parking facility with 107 spaces. The amended plan, as proposed, reflects some changes, driven, in part, by new land use regulations that have become effective over the past 20 years. The amended SDP also proposes to modify the previously approved binding elements.

The proposed development is generally consistent with all applicable standards of the O-M zone and applicable requirements of the Zoning Ordinance. The request is in accord with the land use recommendations of the *2009 Germantown Employment Area Sector Plan*. The proposed development conforms to the purpose close for the O-M Zone and the general standards for SDP.

The binding elements, as depicted on the latest plan revision (January 25, 2012) are generally acceptable.

Upon approval of the SDPA by the County Council, the proposed development will be subject to the Site Plan review. Design, Environmental and Transportation elements are to be addressed at Site Plan review process, where the plan will be presented with more developed and refined design, architecture, and landscaping details.

RECOMMENDATION

Staff recommends approval of the proposed Schematic Development Plan for the following reasons:

1. The proposed application and Schematic Development Plan Amendment are consistent with the purposes, standards and regulations of the O-M zone.
2. The proposed application and Schematic Development Plan Amendment will be compatible with existing and planned land uses in the surrounding area.
3. The proposed application and Schematic Development Plan Amendment bear sufficient relationship to the public interest, including conformity to *the 2009 Germantown Employment Area Sector Plan*.

The staff also notes that there is no opposition to the Schematic Development Amendment. Moreover, the amendment does not represent a substantial change from what was approved in 1990 in terms of the proposed use and extent of development on the property. Therefore, staff also recommends that the proposed SDPA be forwarded directly to the District Council, bypassing a public hearing by the Zoning Hearing Examiner.



I. STATEMENT OF THE CASE

Background

The property is a record lot identified in the public records as Lot 18, Block 3 of Plat No. 1733, Plumgar Subdivision. It was reclassified from the R-60 Zone to the O-M Zone in 1990 by application No. G-619 under the optional method of application. The 1990 Schematic Development Plan (SDP) was approved for a three-story general commercial office building and parking facility, but a Site Plan was never reviewed and the property has remained undeveloped.



With the proposed SDPA the applicant proposes to construct a 4-story, 35,666 square-foot general office building. The proposed project also includes 107 surface parking spaces, a 3-foot high retaining wall along a portion of the northern property line, and a 3-foot-high landscape buffer and berm also along a portion of the northern property line. The applicant's prehearing statement indicates that access to the building will be directly from a driveway connection to Blunt Road.

The SDPA also proposes amendments of the binding elements set forth in the existing covenant. The applicant has submitted a revised covenant. If the Council approves the proposed SDPA, the revised covenant will be filed in the land records of Montgomery County, pursuant to the requirements of Section 59-H-2.54.

II. DESCRIPTION OF PROPERTY

The subject site is located at 19815 Blunt Road on the east side of the road. Blunt Road is a short neighborhood road that runs southeast to northeast between Frederick Road and Middlebrook Road creating a small triangle at the southeast corner of the intersection of the two roads. The Germantown Employment area Sector Plan refers to the properties within the triangle as Blunt Road Triangle properties. The subject site is located directly across from these properties. The property is trapezoidal in shape with its front portion, adjacent to the road,



narrower than its rear portion. The property is a record lot that was zoned O-M with the 1990 adoption of Local Map Amendment G-619. It consists of 2.06 acres of land. The property is currently unimproved and lightly forested. The rear portion of the property slopes downwards toward the rear property line. The property has approximately 110 feet of frontage on Blunt Road which provides access to the site. Blunt Road terminates just short of Middlebrook Road to the northeast

III. SURROUNDING AREA

The surrounding area for this application is generally defined by the following boundaries:

- North: Middlebrook Road
- East: Scenery Drive
- West: Middlebrook Road and Scenery Drive
- South: Scenery Drive



The subject neighborhood is characterized by a mixture of commercial and residential uses. The northern portion of the neighborhood is residentially developed with single-family dwellings in the R-60 Zone. The central, western, and northwestern portions of the neighborhood are commercially developed in the C-1 and C-3 zones, and there is also a shopping center and a mobile home park, both in the RMX-2C/TDR Zone. The southern portion of the neighborhood is developed with commercial buildings in the C-3 zone and single family detached residences and mobile homes in the R-200, RT-16 and RMX-2C Zones.

The subject property is surrounded by an undeveloped parcel of land and single family houses to the north, a shopping center to the south and a mobile home park to the east. Commercial buildings in the C-3 Zone, are located to the west and across Butler Road .

IV. PLANNING AND ZONING HISTORY

Based on available records, the site was in the R-R Zone prior to 1974. The 1974 approved Sectional Map Amendment (F-939) for Germantown reclassified the property from R-R to R-60. The 1984 SMA (G-404) for the Germantown Planning Area and the 1990 SMA for Germantown & Vicinity confirmed the R-60 zoning of the site. On January 23, 1990, the District Council approved Application G-619 with some development restrictions to allow the reclassification of the property from R-60 to O-M. *The 2009 Germantown Employment Area Sector Plan* retained the subject property in the O-M Zone as limited by the Schematic Development Plan. In the current application the applicant is requesting to amend the Schematic Development Plan (SDP) that was approved in conjunction with the approval of G-619.

V. PROPOSED DEVELOPMENT

1. Development Concept

In the current application, the applicant, YBM Construction, requests the following:

- Amend the Schematic Development Plan that was approved in 1990 in conjunction with G-619.
- Bring the 1990 Approved LMA in compliance with current environmental regulations and requirements relating to stream valley buffers, stormwater management facilities and forest retention.
- Increase the height of the building by one floor and adjust the number of parking spaces accordingly.
- Relocate the approved building and parking facility.
- Adjust the road alignment based on the 2009 Sector Plan recommendation.

With the proposed revisions to the SDP the applicant proposes to construct a 4-story, 35,666 square-foot general office building. The proposed project also includes a surface parking facility with 107 Spaces. The applicant's prehearing statement indicates that access to the building will be directly from a driveway connection to Blunt Road.

2. Schematic Development Plan Amendment & Binding Elements

The applicant proposes to amend the existing recorded covenant with a new covenant. The amended Binding Elements increase the height and number of stories for proposed building, increase the allowable Gross Floor Area, and change the setback requirements, but all of these are still well within the standards of the zone as shown by the following textual binding elements chart submitted with the ASDP.

BINDING ELEMENTS

Existing Zone O-M Total Tract Area: 89,522 S.F.				
Development Standard	Zoning Ordinance	Approved Binding Elements	Binding Elements for Amendment	Binding Use Restrictions
Lot Coverage	60%	40%	Not greater than 50%	The following uses are not permitted: Ambulance or rescue squads, private. Ambulance or rescue squads, public. Chancery. Fire stations. Places of Religious Worship.
Building Height-stories	5 stories	2 stories (front) 3 stories (rear)	Not greater than 4 stories	
Building Height-foot	60 Feet	2 stories – 26 Feet 3 stories – 38 Feet	Not greater than 50 Feet	
Floor Area Ratio (FAR)	1.5	0.4	Not greater than 0.5	
Gross Floor Area (GFA)	1.5	0.4 (35,679 S.F.)	Not greater than 0.5	
Green Area	10%	40%	Not less than 40%	
Front Setback-Blunt Road	15 Feet	220 Feet minimum	Provide 40 Feet minimum	
Side Setback-From the R-60 zone (Parcel 471 and Lots 44-46)	$60' \div 3 = 20$ Feet (1 foot for each 3-feet of height)	41 Feet	1 foot for each 3 feet of height	
Side Setback-From the C-1 zone (commercial property on Parcel D)	$60' \div 3 = 20$ Feet (1 foot for each 3-feet of height)	40 Feet	Minimum 1 foot for each 3 feet of height	
Rear Setback-From the R-90 zone (Parcel 669)	$60' \div 3 = 20$ Feet (1 foot for each 3-feet of height)	110 Feet	Minimum 1 foot for each 3 feet of height	
Off Street Parking	3 spaces/1000 S.F. of office space	104 Spaces	minimum 107 Spaces	

In addition, to the Binding Elements table, the SDP contains the following information under the heading “General Notes”

GENERAL NOTES

1. AS A BINDING ELEMENT OF THIS SCHEMATIC DEVELOPMENT PLAN, APPLICANT WILL PROVIDE A 3' EVERGREEN HEDGE LANDSCAPED BUFFER ALONG THE PROPERTY LINES ABUTTING RESIDENTIAL PROPERTIES SUBSTANTIALLY AS SHOWN.
2. THE LOCATION OF THE BUILDING ON THE LOT AS SHOWN IS A BINDING ELEMENT OF THE SCHEMATIC DEVELOPMENT PLAN. THE SHAPE OF THE BUILDING IS FOR ILLUSTRATIVE PURPOSE ONLY.
3. EXCEPT AS SHOWN: NO RARE, THREATENED OR ENDANGERED SPECIES HAVE BEEN IDENTIFIED
NO WOODLAND, FLOOD PLAIN, WETLANDS OR OTHER NATURAL RESOURCES.
NO MAJOR VEGETATIVE GROWTH.
NO HISTORIC SITES AS INDICATED IN THE MASTER PLAN FOR HISTORIC PRESERVATION
4. EXISTING ZONE: O-M
5. TOTAL TRACT AREA 89,522 SF

As noted, application G-619 was approved in 1990 to allow the reclassification of the subject property from the R-60 Zone to the O-M Zone. The application was approved with an associated SDP that limited the scope and intensity of development on the property by restricting the use of the property. The 1990 approved SDP included Binding Elements regarding two phases of construction with specific references to the times that construction could commence for each phase. The 1990 Binding Elements also included a specific reference concerning access to the property that calls for a construction of a cul-de-sac link to Middlebrook Road Extended. The 1990 Binding Elements stated that a temporary access be provided by existing Blunt Road until the Cul-de-sac is constructed and that the applicant widen Blunt Road between the property and Frederick Road (MD 355) to create a paved width of 20 feet.

The proposed amendment (SDPA-11-3) amends the approved access and related Binding Elements. Since the 2009 Sector Plan for Germantown Employment Area recommends that Blunt Road be connected with Middlebrook Road, the 1990 approved access via a cul-de-sac is no longer relevant. The proposed plan depicts direct access to the property from Blunt Road, and the road's alignment for the planned Blunt Road/Middlebrook connection, consistent with the Sector Plan's recommendation

The proposed Binding Elements and the General Notes are in conformance with the requirements of the zone and most exceed the minimum requirements or are under the maximum permitted. Staff notes that while the proposed FAR of 0.5 (44,761 SF) is greater than the 0.4 FAR allowed under the original SDPA, it is still significantly lower than the 1.5 FAR permitted in the Zone. Details related to this increase density will be reviewed at the time of Site Plan.

The proposed height is one story higher than the 1990 approved maximum height. However, staff finds that the proposed 4-story building with the maximum height of 50 feet is justified for the following reasons:

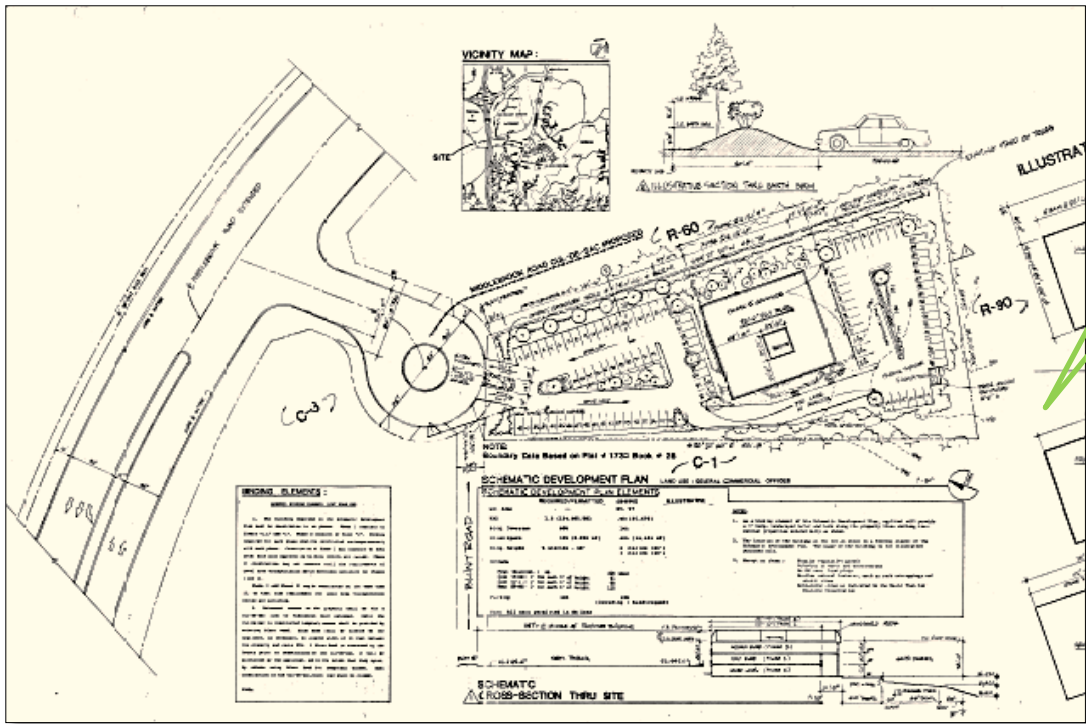
1. *The Germantown Employment Area Sector Plan* was approved and adopted in 2009, nearly 20 years after the original reclassification of the site from R-60 Zone to the O-M Zone. The Plan confirmed the O-M zoning of the subject property with a specific recommendation for the subject area (Fox Chapel District) within which the property is located. Under the heading “Urban Form”, the Plan specifies that **“Building heights should not exceed 60 feet along MD 355, stepping down in height to 50 feet to 60 feet along the eastern edge of the district to be compatible with existing residential neighbors”**(page 75). The proposed height of 50 feet maximum/4-story conforms to the sector plan’s recommendation.
2. The originally approved building includes a penthouse level which normally is not included in building height measurement but can project a perception of a 4-story building.
3. The location of the proposed building is on a portion of the property that is adjacent to a property proposed for a nonresidential use (Mosque) and does not border the residential properties located to the northeast. The residential properties will be substantially buffered by evergreen trees and as recommended, by a fence. The mobile home park to the east is adequately distanced from the proposed building and separated from the proposed building by forest conservation area and stream buffer. The adjoining property to the south is developed with a neighborhood shopping center and the properties to the west across Blunt road, are developed by commercial buildings in the C-3 Zone. The proposed development of the site with a 4-story building would serve as a transition from the more intense developments to the south and west and it will be consistent with the development pattern that the Sector Plan envisioned for the Fox Chapel District.

In addition to the Schematic Development Plan Amendment, the subject proposal is also subject to the review and approval of a Site Plan by the Planning Board. The size, scale, design elements, parking facility, forest conservation areas, setbacks, landscaping, green areas and other land use and design elements will be reviewed extensively at the time of Site Plan review.

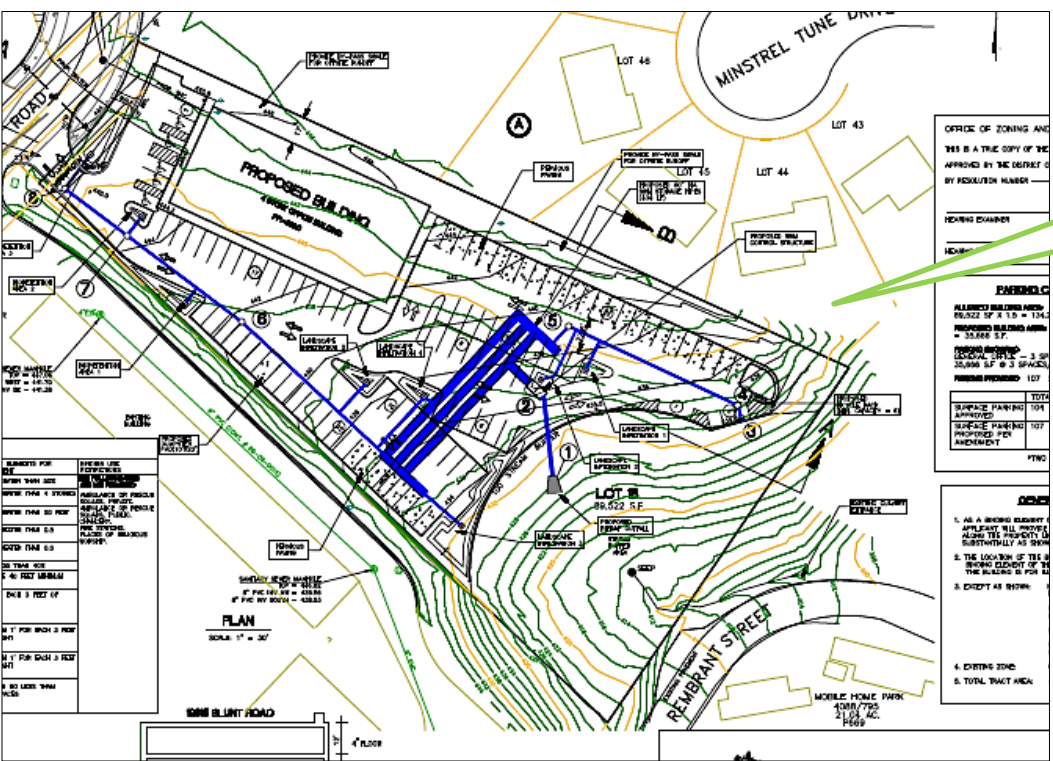
Staff recommends that the binding element related to the number of parking spaces be deleted since the number of required parking spaces cannot be determined until Site Plan review. Staff also recommends that "Places of Religious Worship" be removed from the binding elements since "places of religious worship" are allowed by right in any zone as long as they meet zoning.

A declaration of covenants, conditions and restrictions was recorded in conjunction with the Zoning Classification that restricted the development of the property to the conditions and restrictions detailed in the covenant that was executed and sealed on September 29th 1989. In conjunction with this application, the applicant is proposing a new Declaration of Covenant.

SCHEMATIC DEVELOPMENT PLAN



1990 Approved Plan



Proposed SDP

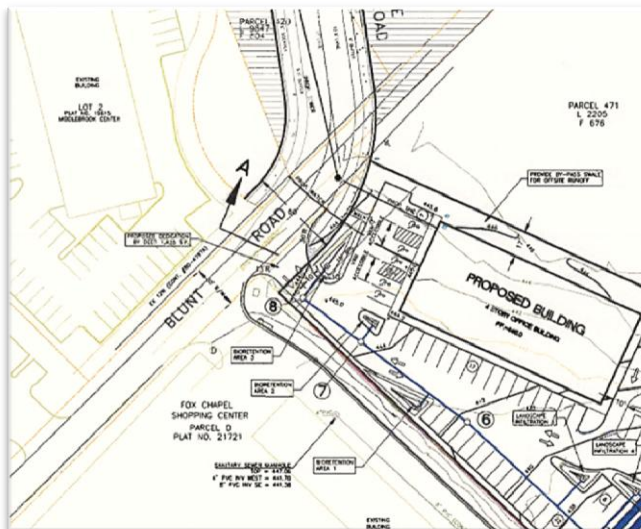
3. ADEQUATE PUBLIC FACILITIES.

(a) Water And Sewer Service

The applicant has indicated that the Property is designated for public water and sewer in Water and Sewer Categories W-1 and S-1 respectively by the Montgomery County 10-year Comprehensive Water Supply and Sewerage Systems Plan. The applicant has also provided a letter from WSSC confirming a Phase I approval of the connection of sewer service (see attached letter from WSSC). The changes proposed by this application are not likely to significantly impact the water or sewer systems. Specific findings will be made under adequacy of public facilities as part of subsequent reviews of the plan.

(b) Traffic and Parking

Access to the site is proposed from Blunt Road. Blunt Road will be realigned to connect to Middlebrook Road. The alignment of Blunt Road/Middlebrook Road proposed in the Schematic Development Plan appears as the alignment of relocated Blunt Road/Middlebrook Road that the applicant, the adjacent property owner, and the public agencies representatives agreed upon. The dedication of land required of the applicant for Blunt Road and the applicant's share of the construction costs for the new Blunt Road to Middlebrook Road shall be determined at the time of Site Plan review. Staff finds that the proposed access point and the internal vehicular and pedestrian circulation system shown on the amended schematic development plan are adequate.



Based on information contained in the traffic study submitted by the applicant, the revised density for the Plumgar Property with the proposed 35,666 square feet of office space can be adequately accommodated by the existing intersection and roadway system in the vicinity of the site. The detailed LATR analysis will be conducted at the time of Site Plan review as a part of the APF findings.

The site is located in the Germantown East Policy Area where there is a 50 percent PAMR trip mitigation requirement according to the County's Growth Policy. The applicant will be required to address this PAMR issue at the time of

Site Plan review as a part of the APF findings.

Staff concludes that the proposed schematic development plan amendment application for the 35,666 square feet of office space development with proposed access, internal circulation, and pedestrian facilities shown on the amended schematic development plan will be adequate and approval of this application will not result in an adverse impact on the surrounding roadway network. The APF findings including the LATR and PAMR tests will be addressed at the time of Site Plan review. Based on staff's review of the submitted traffic study and amended schematic development plan dated January 18, 2012, the following transportation requirements related to approval of this schematic development plan amendment application are recommended.

1. The dedication of part of the Subject Property for alignment of Blunt Road/Middlebrook Road shall be determined at the time of Site Plan review.
2. The Adequate Public Facility (APF) review will be done at the time of Site Plan review.

4. ENVIRONMENT

The 2.06-acre property is located in the Great Seneca Creek watershed, which is classified by the Maryland Department of the Environment (MDE) as Use I waters. There are no existing structures on the property. The property contains approximately 1.37 acres of high priority forest. There are three (3) trees greater than 30 inches in diameter at breast height (DBH), and ten (10) trees between 24 and 30 inches DBH located on or adjacent to the site. The remainder of the site consists of an open field and a hedgerow. A seep exists within the forest, in the southern corner of the property, and flows in a southerly direction before flowing off-site. There is a 100-foot wide environmental buffer on the property, associated with the seep. There are steep slopes ($\geq 25\%$) located in the southern and eastern portion of the property, within the forest stand. There are no wetlands, 100-year floodplain, or highly erodible soils on the site.

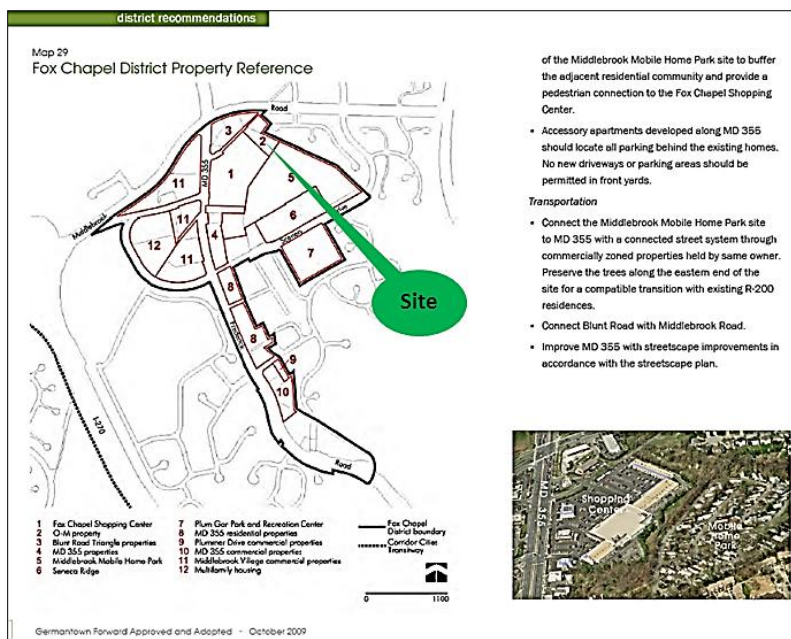
The applicant has submitted a preliminary FCP. The following comments are based on a conceptual review (see attached memo dated 1/16/2012 from Mary Jo Kishter). Additional comments and recommendations will be provided at time of formal FCP submission with the Site Plan.

1. Staff recommends that the applicant strive to retain an additional 1,307 square feet of forest on-site, adjacent to the forest proposed to be retained within the environmental buffer. This would result in a planting requirement of 0.03 acres that could be met by reforesting the portion of the environmental buffer that is not forested (priority area). This

reforestation is currently shown on the provided FCP. The additional 0.04 acres of required reforestation would not be necessary.

2. If the applicant is not able to retain the additional forest as described above, credits from proposed onsite landscaping or payment of fee-in-lieu to the M-NCPPC forest conservation fund may be acceptable to meet the remaining forest conservation requirement. The applicant will need to provide evidence that the landscape areas will provide adequate soil volume for the plants to thrive and reach their 20-year canopy coverage for which credit is given. Additionally, the area of projected 20-year canopy coverage credit may not overlap with the other trees receiving credit (areas may not count more than once towards meeting the forest conservation requirement). The Forest Conservation Plan will need to show the projected 20-year canopy of each of the trees for which forest conservation credit is proposed. Again, the preference is to retain as much forest as possible onsite to avoid reforestation. The 0.03 acres of reforestation proposed in the environmental buffer is a priority area and staff supports this.

VI. MASTER PLAN AND COMPATABILITY



The proposed project is within *the Germantown Employment Area Sector Plan*, which has general and specific recommendations and comments in terms of Land use (pages 75-77) for the area identified as the Fox Chapel District Property within which the property is located. However there is no specific recommendation for the subject O-M zoned property. Staff finds the proposal generally consistent with the goals and objectives of the Sector Plan. Stepping down the proposed height of the building to 50 feet along the eastern edge of the *Fox*

Chapel District is consistent with the Sector Plan recommendation for compatibility with the “existing residential neighbors”.

The Sector Plan states “Preserve the trees along the eastern end of the (mobile home) site for a compatible transition with existing R-200 residences. The amended SDP provides for forest conservation areas that generally address this recommendation. A final forest conservation

plan will be submitted as part of the site plan review process of the subject proposal.

This provision introduces the consideration also for retention of trees along the edges of the subject property to provide compatible transitions to adjacent properties. The SDP does indicate provision for a hedge at the northeastern property line, however, the plan does not adequately address the retention of trees or the provision of full planting buffers along the parking areas at the northeastern and southwestern property lines. To ensure adequate screening and buffering of the proposed use from the adjacent R-60 zoned residential properties, staff recommends the addition of a six-foot board on board fence or a fence using a similar opaque material.

VII. ANALYSIS

Although the Zoning Ordinance does not set forth standards for Schematic Development plans, through the years, based on the case law, the following general standards have been developed and applied, both for original classification and amendments, in the hearing examiner's findings:

1. The proposed plan complies with the requirements of the Zone and its purpose clause;
2. The proposed reclassification will be compatible with existing and planned land uses in the surrounding area.
3. The proposed reclassification bears sufficient relationship to the public interest to justify its approval. Factors considered public interests include, conformity to Master Plan, the recommendations of the Planning Board and its staff, and possible adverse effects on the surrounding area, public facilities and the environment as well as other factors determined by the council to be of public interest

A. PURPOSE CLAUSE AND ZONE REQUIREMENTS

Pursuant to Section 59-C-4.310, the purpose of the O-M Zone is to provide locations for moderate-intensity office buildings in areas outside of central business districts. It is intended that the O-M zone be located in areas where high-intensity uses are not appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly one-family residential in character.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses, and, in itself, shall not be sufficient to require the granting of an application.

Conformance with Applicable Development Standards			
Current Development Standards-O-M Zone	Required 59-C-4.31	Proposed	Binding Elements
Minimum Lot Area	N/A	89,522 SF	
Maximum Lot Coverage 59-C-4.311(1)	60%	Not greater than 50%	
Maximum Building Height 59-C-4-311(2)	60 FT/5stories	50 FT/4 stories	Not Greater than 50 FT/4 stories
Minimum Green area 59-C-4.311(3)	10%	Not less than 40%	Not less than 40%
Minimum Lot Frontage	110±FT	110 FT	
Maximum Floor Area 59-C-4.312	1.5	0.40 (35, 666SF)	Not Greater than .5
Minimum Building Setback 59-C-4.313 ❖ Front Setback (Blunt Rd) ❖ Side Setback-north (R-60 property non- residential) ❖ Side Setback-south (shopping center) ❖ Rear Setback (mobile home park)	15 FT 1 FT/ 3FT of height	55 FT 17 FT 17± 265±	40 FT (min) 1 FT/3 FT of height Minimum 1 FT/3 FT of height Minimum 1 FT/3 FT of height
Parking Setback ❖ Side Setback (From R-60 residential)	20FT	20 FT	

Conformance with Applicable Parking Standards	
REQUIRED	PROPOSED
3sp/ 1,000 SF floor area (Office) *35,666x3/1000=106.99=107	35,666x3/1000=106.99=107sp • Regular sp=102 • Handicap sp=5
Total parking spaces *Maximum Floor area allowed to meet the parking requirement	107 sp
Motorcycle parking: 2%of total not to exceed 10 107x.02=2.14=3 spaces	3 sp
Bicycle parking 1sp/20 automobile sp 107÷20=5.35=6	6 sp

The proposed development is in character with the prevailing development pattern that currently

exists in the immediate area. The property is surrounded by a mixture of uses- an R-60 zoned future site of a Mosque and single-family residential properties (in R-60 Zone) to the north, trailer homes to the east, a shopping center and mobile home park in the RMX-2C/TDR to the south; and commercial developments on C-3 zoned properties to the west across Blunt Road. The latest sector plan (2009), adopted 19 years after the rezoning of the property to O-M zone, confirmed the property's zoning which allows for its development with a moderate-intensity office building. The proposed development would be compatible with existing as well as future land uses in the surrounding area.

The application complies with the purposes of the O-M zone to provide locations for moderate intensity office buildings in areas where high-intensity uses are not appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. As the proposed project goes forward, at the site plan stage, careful attention should be given to the provision of sufficient and adequate landscaping, access, on site circulation, screening and buffering,



the height of the new building and Forest Conservation requirements. Staff recommends that, in addition to the proposed landscaping and preservation of existing trees, a fence should be installed along the portion of the property's northern boundary adjacent to the R-60 zoned residential properties.

The proposed access points and internal vehicular circulation system shown on the development plan are safe, adequate and efficient. The Internal roads are proposed to be private roads. The parking schedule will support the proposed use and development, and meets the parking requirements. The applicant has responded to staff suggestions to make some changes to the originally proposed circulation pattern and overall parking facility design. Although, the revised plan offers a somewhat improved circulation pattern, issues concerning the placement of the handicap parking places and the location of parking spaces within the front yard would still need to be further explored. These issues as well as the final decision on the total required parking spaces will be addressed and determined at the time of Site Plan review.

The development plan provides for approximately 1,435 foot wide right-of-way dedication along Blunt Road.

VIII. COMMUNITY CONCERNS

In response to staff's inquiry about community outreach, the applicant indicated that presentations were made to members of the community on the proposed Schematic Development Plan Amendment on a couple of occasions within the past seven years. Documents submitted into the record by the applicant indicate that two meetings were held with the community on Wednesday April 22, 2009 and on November 7, 2007 (See Attachment C)

At the time of this writing, staff has not received any direct comments from the community either in support or in opposition to the proposal. Prior to site plan submittal, the applicant will be required to hold a public meeting to present the plan.

IX. CONCLUSION

Staff concludes that the proposed Schematic Development Plan Amendment SDPA-11-3 complies with the purpose clause and the development standards of the O-M Zone. The requested SDPA will be compatible with the existing and planned land use in the surrounding area, and it bears sufficient relationship to the public interest to justify its approval. Staff also recommends that if the application is to be approved by the Planning Board, a public hearing with the Zoning Hearing Examiner should not be required and that the application should be sent directly to the County Council.

ATTACHMENTS:

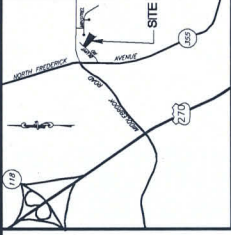
- A. Plans and Drawings**
- B. Referral comments**
- C. Documentary evidences**

ET/SDPA-11-3/02/03/12

PLANS AND DRAWINGS

Attachment-A

NO.	DATE	REVISION
1	12-14-11	DRIVE AISLE WIDTH/SECTION B-B
2	12-28-11	PARKING LAYOUT
3	1-18-12	PARKING LAYOUT
4	1-25-12	PARKING LAYOUT



VICINITY MAP
SCALE: 1" = 2,000'

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE DEVELOPMENT PLAN (EXHIBIT NUMBER _____)
APPROVED BY THE DISTRICT COUNCIL ON THE _____ DAY OF _____, 200__
BY RESOLUTION NUMBER _____

HEARING EXAMINER _____ DATE _____
HEARING EXAMINER'S LAST NAME PRINTED _____

PARKING CALCULATIONS

ALLOWED BUILDING AREA
89,522 SF x 1.19 = 106,523 SF

MINIMUM REQUIRED PARKING AREA
= 35,269 SF

PARKING REQUIRED: 3 SPACES/1,000 SF
55,666 SF @ 3 SPACES/1,000 SF = 167 SPACES REQUIRED

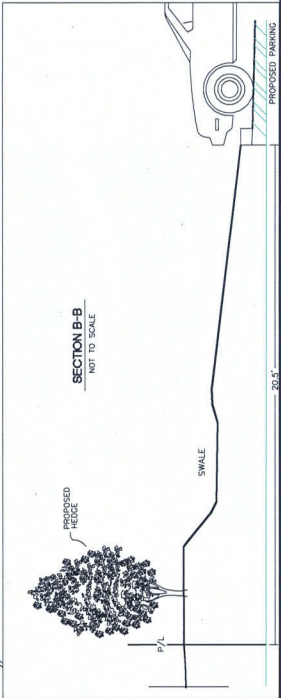
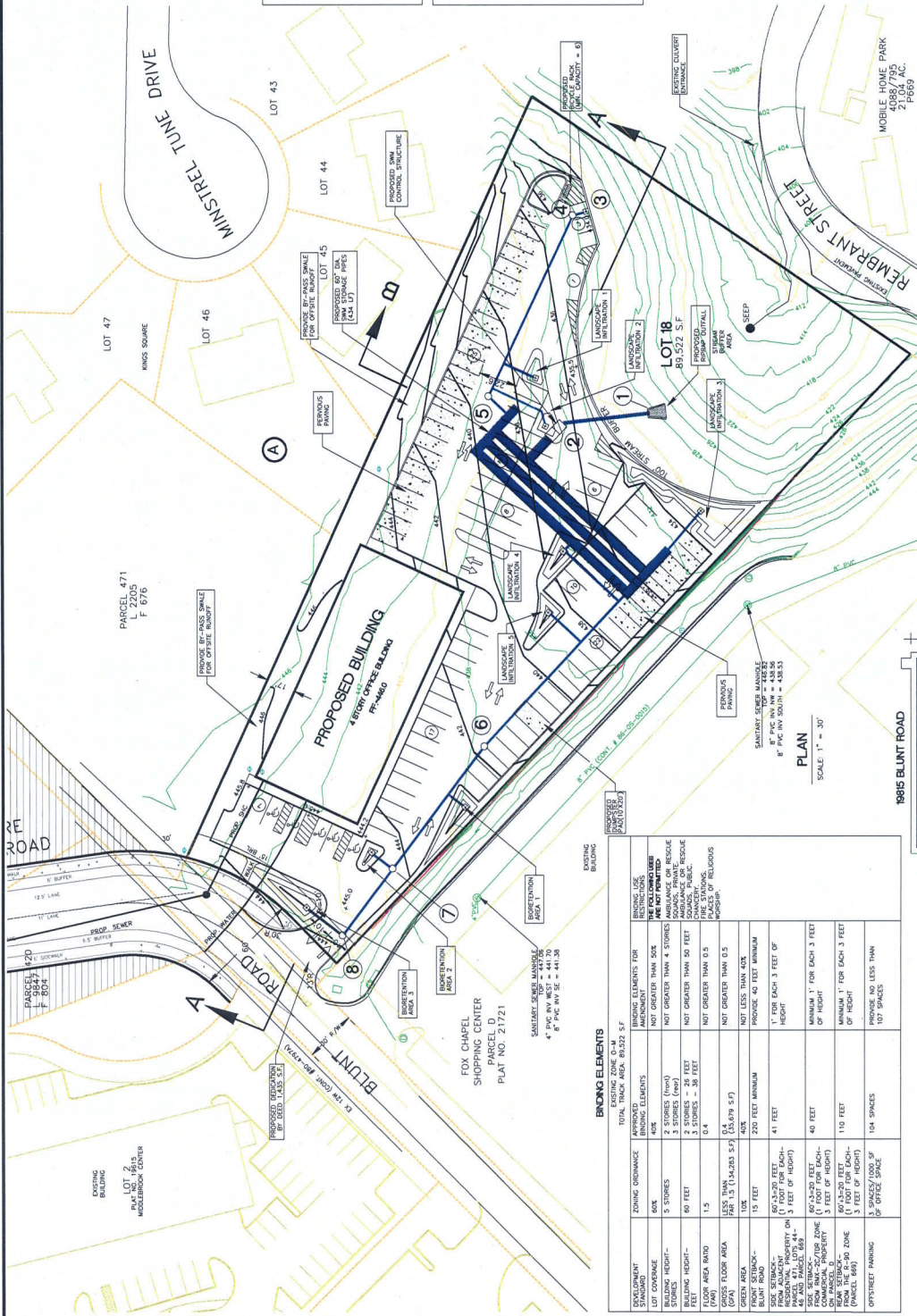
PARKING PROVIDED: 107 SPACES

TOTAL SPACES	HANDICAP	STANDARD	MOTORCYCLE
SURFACE PARKING APPROVED	104	3	0
TOTAL SPACES	107	3	0

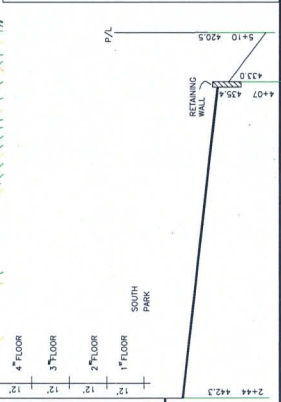
*TWO OF WHICH ARE VAN ACCESSIBLE

GENERAL NOTES

- AS A BINDING ELEMENT OF THIS SCHEMATIC DEVELOPMENT PLAN, THE PROPERTY LINES ADJACENT TO THE PROPOSED BUILDING SHALL BE SUBSTANTIALLY AS SHOWN. CHANGES TO THE SHOWN PROPERTY LINES SHALL BE THE RESPONSIBILITY OF THE OWNER. THE BUILDING IS FOR ILLUSTRATIVE PURPOSE ONLY. NO HAS BEEN PERFORMED ON THIS SITE. THE BUILDING IS FOR ILLUSTRATIVE PURPOSE ONLY. NO HAS BEEN PERFORMED ON THIS SITE. THE BUILDING IS FOR ILLUSTRATIVE PURPOSE ONLY. NO HAS BEEN PERFORMED ON THIS SITE.
- NO MAJOR VEGETATIVE GROWTH.
- NO HISTORIC SITES AS INDICATED IN THE MASTER PLAN FOR HISTORIC PRESERVATION.
- EXISTING ZONE: O-M
- TOTAL TRACT AREA: 89,522 SF



SECTION B-B
NOT TO SCALE

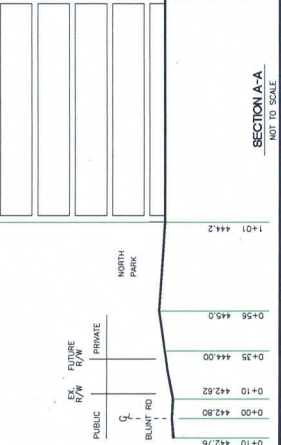


SECTION A-A
NOT TO SCALE

EXISTING ELEMENTS

EXISTING ZONE: O-M
TOTAL TRACT AREA: 89,522 SF

EXISTING ELEMENTS	REQUIREMENTS FOR EXISTING ELEMENTS	REQUIREMENTS FOR PROPOSED ELEMENTS
EXISTING BUILDING	NOT GREATER THAN 50 FEET	NOT GREATER THAN 50 FEET
EXISTING DRIVEWAY	NOT GREATER THAN 50 FEET	NOT GREATER THAN 50 FEET
EXISTING SIDEWALK	NOT GREATER THAN 5 FEET	NOT GREATER THAN 5 FEET
EXISTING LANDSCAPING	NOT GREATER THAN 0.5 FEET	NOT GREATER THAN 0.5 FEET
EXISTING SIGNAGE	NOT GREATER THAN 4 FEET	NOT GREATER THAN 4 FEET
EXISTING UTILITY LINES	NOT GREATER THAN 4 FEET	NOT GREATER THAN 4 FEET
EXISTING DRIVEWAY	NOT GREATER THAN 50 FEET	NOT GREATER THAN 50 FEET
EXISTING SIDEWALK	NOT GREATER THAN 5 FEET	NOT GREATER THAN 5 FEET
EXISTING LANDSCAPING	NOT GREATER THAN 0.5 FEET	NOT GREATER THAN 0.5 FEET
EXISTING SIGNAGE	NOT GREATER THAN 4 FEET	NOT GREATER THAN 4 FEET
EXISTING UTILITY LINES	NOT GREATER THAN 4 FEET	NOT GREATER THAN 4 FEET



PLAN
SCALE: 1" = 30'

0+10 442.76
0+00 442.80
0+10 442.82
0+35 444.00
0+55 445.00
1+01 444.20

BLUNT RD
NORTH PARK
SOUTH PARK

PUBLIC
FUTURE
PRIVATE

RETAINING WALL
SWALE
PROPOSED HEDGE

MOBILE HOME PARK
4086/790
2-PBEG

PROPOSED OFFICE BUILDING

PROPOSED OFFICE BUILDING

PROPOSED OFFICE BUILDING

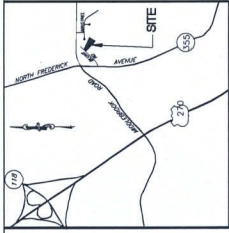
PROPOSED OFFICE BUILDING

PROPOSED OFFICE BUILDING

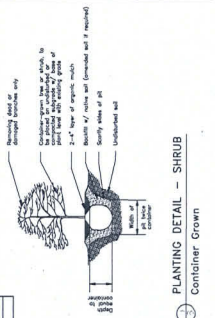
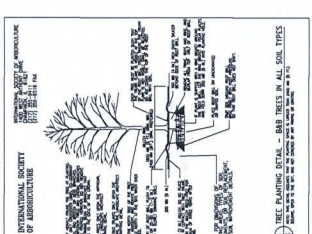
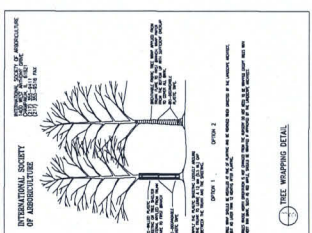
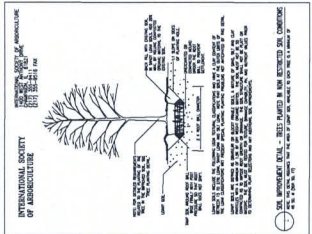
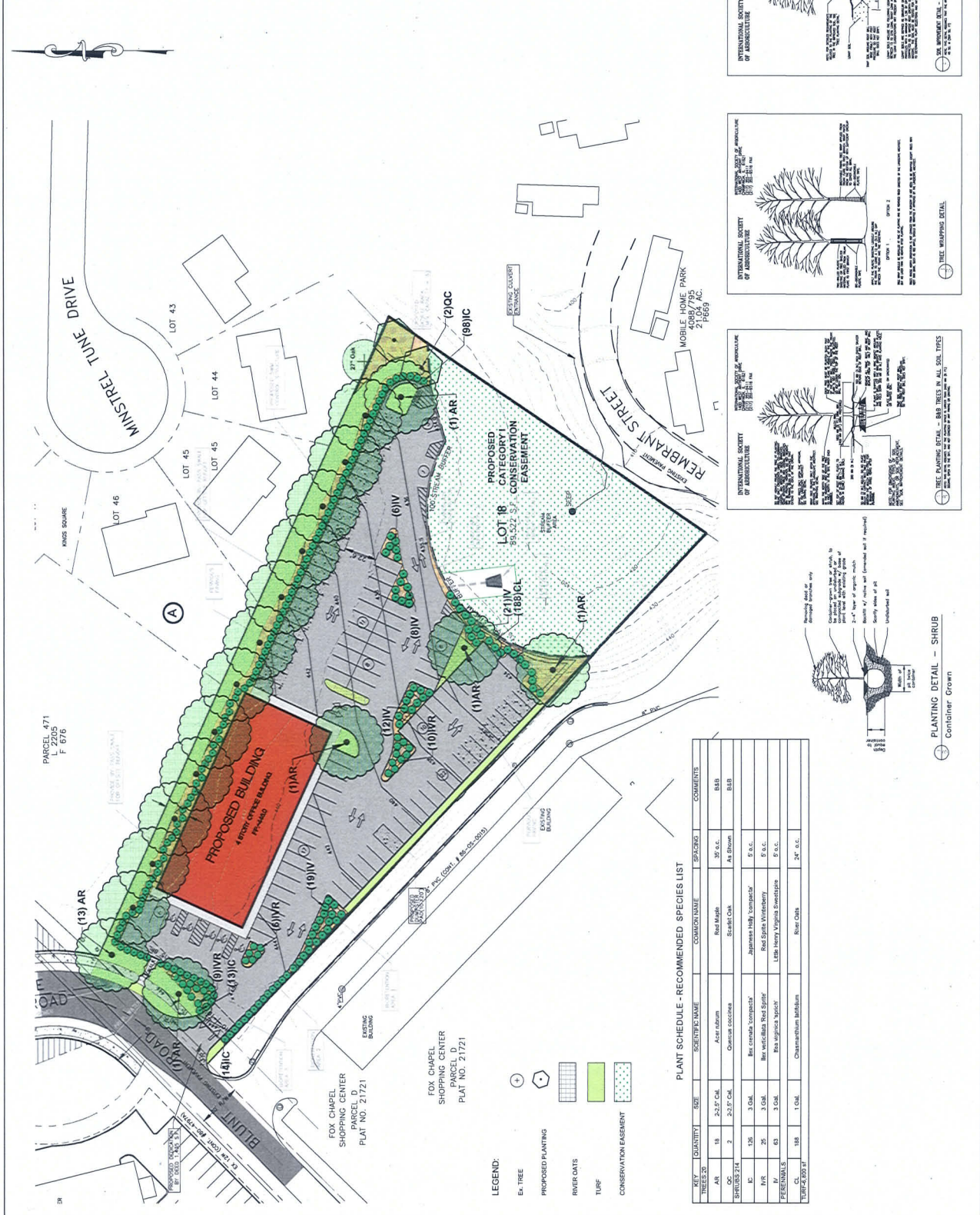
PROPOSED OFFICE BUILDING

DATE	REVISION
1/28/12	Printing layout revision

SCALE: 1" = 30'
 DRAWN: []
 DATE: 1/28/12
 SHEET: 1 OF 1
 FILE NO.: 007000002



SCHEMATIC OWNER
YEM Construction
 604 S. Frederick Road
 Gaithersburg, Maryland 20877
 (301) 979-0471



PLANT SCHEDULE - RECOMMENDED SPECIES LIST

KEY	QUANTITY	SIZE	SCIENTIFIC NAME	COMMON NAME	SPACING	COMMENTS
TREES 20						
AR	18	2-2.5' Cal.	Aster rubrum	Red Maple	36" o.c.	o.s.b.
AR	2	2-2.5' Cal.	Quercus coccinea	Scarlet Oak	As Shown	o.s.b.
IC	105	3 Cal.	Thuja occidentalis 'compacta'	Japanese Holly 'compacta'	E.O.C.	
IV	25	3 Cal.	Thuja occidentalis 'holly'	Red Spruce 'holly'	E.O.C.	
PERENNIALS	65	3 Cal.	Rosa rugosa 'prince of darknes'	Large Rose 'prince of darknes'	E.O.C.	
CL	188	1 Cal.	Chamaenerium liliifolium	River Oats	24" o.c.	
TURF 2,500 SF						

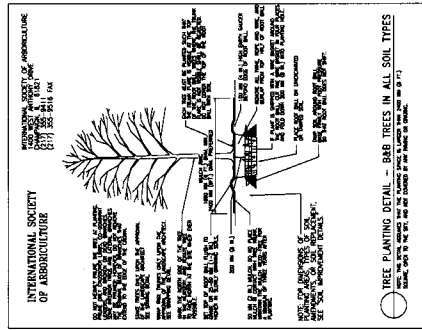
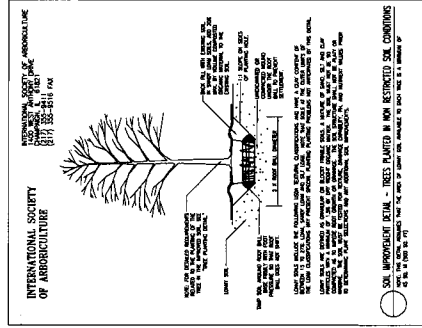
- LEGEND:
- EX-TREE
 - PROPOSED PLANTING
 - RIVER OATS
 - TURF
 - CONSERVATION EASEMENT

DATE	REVISION
12/12/11	MP/PC
1/27/12	MP/PC
1/28/12	MP/PC



TREE TABLE

TREE NUMBER	BOTANICAL NAME	COMMON NAME	HEIGHT (ft.)	TREE CONDITION	COMMENTS	STATUS
ST-1	Quercus alba	White Oak	34'	Moderate	Slight lean, canopy dense, many openings in canopy, leaf loss, some stem buttresses through upper canopy.	To be removed with appropriate site preparation
ST-2	Acer rubrum	Red Maple	27'	Heard (Poor)	Small tree, canopy not closed, stem buttresses, lot of stem decay, several hollow trunks, moderate growth.	To be removed
ST-3	Quercus laevis	Northern Red Oak	20'	Moderate	Canopy on trunk, broken limbs with some root collar. (Virginia Chapter 4)	To be removed
ST-4	Quercus alba	White Oak	24'	Moderate	On trunk, moderate wood growth.	To be removed
ST-5	Quercus alba	White Oak	29'	Good/Adverse	Partial on trunk, dead limbs in canopy. Poor canopy structure. Reason for on	To be removed
ST-6	Liquidambar styraciflua	Sweet Gum	37'	Heard (Poor)	Vertical growth, canopy not closed, possible internal decay, lower diameter, weak structural support.	To be removed with appropriate site preparation
ST-7	Quercus rubra	Black Oak	37'	Moderate/Poor	Vertical growth, canopy not closed, possible internal decay, lower diameter, weak structural support.	To be removed with appropriate site preparation
ST-8	Quercus alba	White Oak	30'	Good/Adverse	Partial on trunk, dead limbs in canopy. Poor canopy structure. Reason for on	To be removed
ST-9	Quercus alba	White Oak	26'	Moderate/Poor	Partial on trunk, dead limbs in canopy. Poor canopy structure. Reason for on	To be removed
ST-10	Quercus laevis	Northern Red Oak	27.5'	Good	Vertical growth, canopy not closed, possible internal decay, lower diameter, weak structural support.	To be removed with appropriate site preparation
ST-11	Quercus alba	White Oak	29'	Good	Vertical growth, canopy not closed, possible internal decay, lower diameter, weak structural support.	To be removed with appropriate site preparation
ST-12	Quercus alba	White Oak	27'	Moderate	Vertical growth, canopy not closed, possible internal decay, lower diameter, weak structural support.	To be removed with appropriate site preparation
ST-13	Liquidambar styraciflua	Sweet Gum	30'	Heard (Poor)	Vertical growth, canopy not closed, possible internal decay, lower diameter, weak structural support.	To be removed with appropriate site preparation



PLANT SCHEDULE - RECOMMENDED SPECIES LIST

TREE ID	QUANTITY	SPECIES NAME	COMMON NAME	SPACING	COMMENTS
AR	18	25' F. Oak	Red Maple	30' x 30'	RB 6
OC	2	25' F. Oak	Common Cuckoo	As Stems	RB 6

NOTES:
 1. 20% CANOPY COVERAGE SHOWN FOR 20 PROPOSED TREES IS 21,120 SF.
 2. 14 CREDIT RECEIVED FOR 14,728 SF OF CANOPY COVERAGE IS 2,062 SF (17 ACRES)
 3. CANOPY COVERAGE FOR PROPOSED TREES:
 - MATURE CANOPY COVERAGE (20" DBH) FOR Red Maple 45" DIAMETER
 - MATURE CANOPY COVERAGE (20" DBH) FOR Sweet Gum 24" DIAMETER

NET TRACT AREA
 A. Total net area 2.08
 B. Land dedication area (park, county facility, etc.) 0.00
 C. Area to remain in commercial/agricultural production 0.00
 D. Area to remain in residential development 0.00
 E. Other deductions (specify) 0.00
 F. Net Tract Area 2.08

LAND USE CANOPY COVER
 A. Area of existing canopy cover on the site to be retained 1.37
 B. Area of new canopy cover to be added 0.96
 C. Total area of canopy cover to be retained 2.33
 D. Area of land to be retained 0.96
 E. Area of land to be removed 0.41

PLANTING REQUIREMENTS
 P. Retention of existing canopy cover to be retained 0.23
 R. Credit for retention above conservation threshold 0.16
 S. Total retention required 0.07
 T. Credit for retention (they do not exceed 20% of 'P') 0.00
 U. Total retention and substitution required 0.07

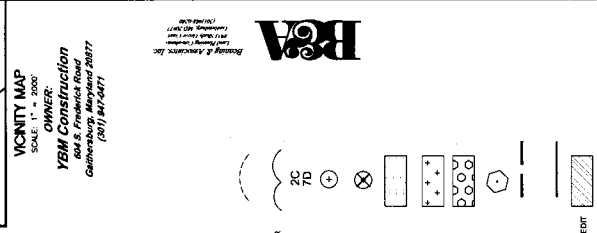
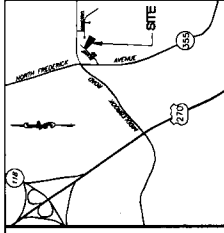
PROPOSED FOREST CLEARENCES
 A. Total area of land to be cleared 0.96
 B. Total area of forest to be retained 0.41

PLANTING SCHEDULE
 A. Planting to be completed within 6 months 0.00
 B. Planting to be completed within 12 months 0.00

PLANTING NOTES
 1. Forest retention above threshold with no obligation
 2. Credit for retention above conservation threshold
 3. Total retention required
 4. Credit for retention (they do not exceed 20% of 'P')
 5. Total retention and substitution required

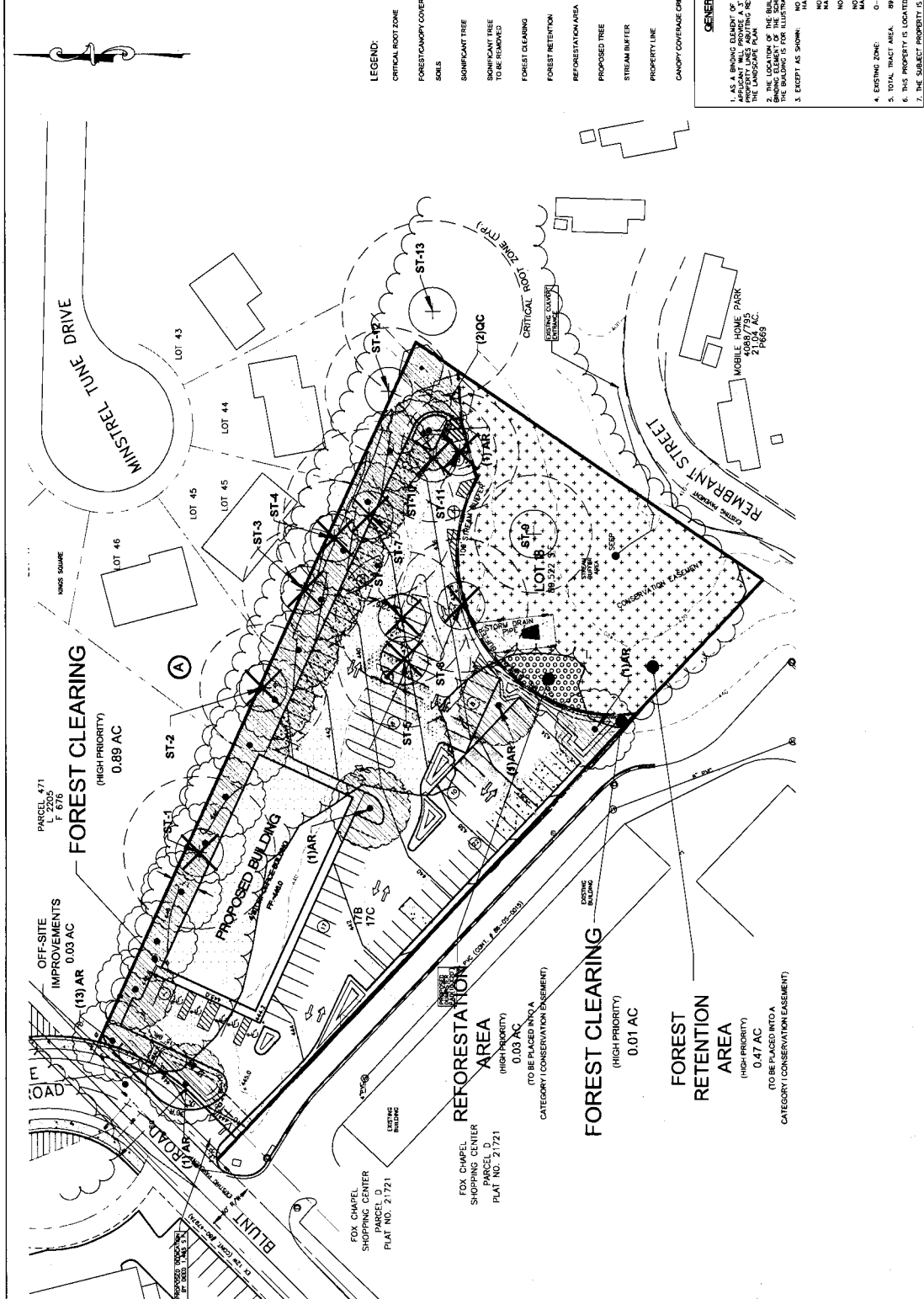
CONSERVATION NOTES
 1. 20% ACE RECREATION REQUIREMENT TO BE MET BY 20.00 ACRES OF ON-SITE RECREATION PLANTING WITH THE REMAINING 0.08 ACRES SATISFIED BY ON-SITE LANDSCAPE PLANTING

DATE	REVISION
10/29/11	ISSUE FOR PERMITS
1/7/12	ISSUE FOR PERMITS
1/26/12	ISSUE FOR PERMITS



GENERAL NOTES

- AS A RESULT OF THIS SOILS DEVELOPMENT PLAN, PROPERTY LINES ADJACENT TO NEIGHBORING PROPERTIES SUBSTANTIALLY AS SHOWN ON THE LARGEST SCALE OF THE SOILS DEVELOPMENT PLAN SHALL BE MAINTAINED.
- THE LOCATION OF THE BUILDING ON THE LOT AS SHOWN ON THE SOILS DEVELOPMENT PLAN SHALL BE MAINTAINED. THE SHAPE OF THE BUILDING IS FOR ILLUSTRATIVE PURPOSES ONLY.
- EXCEPT AS SHOWN:
 - NO WOODLAND, FLOOD PLAIN, WETLANDS OR OTHER NATURAL RESOURCES.
 - NO MAJOR VEGETATIVE GROWTH.
 - NO RESTRICTED AREAS AS NOTICED IN THE SOILS DEVELOPMENT PLAN FOR HISTORIC PRESERVATION.
- EXISTING ZONE: 0-14
- TOTAL TRACT AREA: 68,342 S.F.
- THIS PROPERTY IS LOCATED ON TAX MAP 1012 AND W.S.S.C. SHEET 2270W11
- THE SUBJECT PROPERTY IS WITHIN THE GREAT CREEK DRINK WATER SHED.



PRELIMINARY FOREST CONSERVATION PLAN

ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND TRACT REMAINING IN R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST TO BE RETAINED	ACREAGE OF FOREST RETENTION	LAND USE CATEGORY	CONSERVATION THRESHOLD	ACREAGE OF WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN FLOODPLAIN TO BE PLANTED	FOREST WITHIN FLOODPLAIN TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	STREAM AVERAGE WIDTH
2.08 AC	0.00 AC	1.37 AC	0.44 AC	COMMERCIAL/INDUSTRIAL AREA	15% + 0.31 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.47 AC	0.02 AC	0.03 AC	0.03 AC	0.47 AC	100'

REFERRAL COMMENTS

Attachment-B

January 20, 2012

MEMORANDUM

TO: Elsabett Tesfaye
Area 3 Division

FROM: Ki H. Kim, Transportation Planner/Coordinator
Area 3 Division

SUBJECT: Schematic Development Plan Amendment No. SDPA-11-03
Plumgar Property
Germantown

This memorandum is Transportation Planning staff's review of the subject schematic development plan amendment application. The application includes 38,300 square feet of office space proposed in Lot 18, Block 3, known as the Plumgar Property, located on the east side of Blunt Road, south of Middlebrook Road in the Germantown East Policy Area.

RECOMMENDATION

Based on our review of the submitted traffic study and amended schematic development plan dated January 18, 2012, Transportation Planning staff recommends the following condition as part of transportation requirements related to approval of this schematic development plan amendment application.

1. Total development under this schematic development plan amendment application is limited to 38,300 square feet of office space as shown on the amended schematic development plan and analyzed in the traffic study.
2. The dedication of part of the Subject Property for alignment of Blunt Road/Middlebrook Road shall be determined at the time of Site Plan review.
3. The Adequate Public Facility (APF) review will be done at the time of Site Plan review.

DISCUSSION

Site Access and Vehicular/Pedestrian Circulation

Access points to the site are proposed from Blunt Road. Blunt Road will be realigned to connect to Middlebrook Road. The alignment of Blunt Road/Middlebrook Road proposed in the

Schematic Development Plan appears as the alignment of relocated Blunt Road/Middlebrook Road that the applicant, the adjacent property owner, and the public agencies representatives worked out to agree upon. The detailed dedication of part of the Subject Property for Blunt Road and the applicant's participation share of constructing the new Blunt Road to Middlebrook Road shall be determined at the time of Site Plan review. Staff finds that the proposed access point and the internal vehicular and pedestrian circulation system shown on the amended schematic development plan are adequate.

Local Area Transportation Review (LATR)

Based on information contained in the traffic study submitted by the applicant, the revised density for the Plumgar Property with the proposed 38,300 square feet of office space can be adequately accommodated by the existing intersection and roadway system in the vicinity of the site. The detailed LATR analysis will be conducted at the time of Site Plan review as a part of the APF findings.

Policy Area Mobility Review (PAMR)

The site is located in the Germantown East Policy Area where there is a 50% PAMR trip mitigation requirement according to the County's Growth Policy. The applicant will be required to address this PAMR issue at the time of Site Plan review as a part of the APF findings.

CONCLUSION

Staff concludes that the proposed schematic development plan amendment application for the 38,300 square feet of office space development with proposed access, internal circulation, and pedestrian facilities shown on the amended schematic development plan will be adequate and approval of this application will not result in an adverse impact on the surrounding roadway network. The APF findings including the LATR and PAMR tests will be addressed at the time of Site Plan review.



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

MEMORANDUM

TO: Elsabett Tesfaye, Planning Area 3
FROM: Mary Jo Kishter, Planning Area 3
DATE: January 16, 2012
SUBJECT: SDPA 11-03
19815 Blunt Road

The 2.06-acre property located at 19815 Blunt Road, is located in the Great Seneca Creek watershed, which is classified by the Maryland Department of the Environment (MDE) as Use I waters. There are no existing structures on the property. The property contains approximately 1.37 acres of high priority forest. There are three (3) trees greater than 30 inches in diameter at breast height (DBH), and ten (10) trees between 24 and 30 inches DBH located on or adjacent to the site. The remainder of the site consists of an open field and a hedgerow. A seep exists within the forest, in the southern corner of the property, and flows in a southerly direction before flowing offsite. There is a 100-foot environmental buffer on the property, associated with the seep. There are steep slopes ($\geq 25\%$) located in the southern and eastern portion of the property, within the forest stand. There are no wetlands, 100-year floodplain, or highly erodible soils on the site.

Planning staff has completed a preliminary review of the submitted Forest Conservation Plan (FCP) for this property. For a Schematic Development Plan, a formal review of the FCP is not conducted, and the Planning Board does not act on the FCP. Staff's formal review and recommendations to the Planning Board regarding the FCP will be done at the time of Site Plan; however, the applicant has submitted a FCP and we offer the following comments based on a conceptual review. Additional comments and recommendations will be provided at time of formal FCP submission with the Site Plan.

1. Staff recommends that the applicant strive to retain an additional 1,307 square feet of forest onsite, adjacent to the forest proposed to be retained within the environmental buffer. This would result in a planting requirement of 0.03 acres that could be met by reforesting the portion of the environmental buffer that is not forested (priority area). This reforestation is currently shown on the provided FCP. The additional 0.04 acres of required reforestation would not be necessary.
2. If the applicant is not able to retain the additional forest as described above, credits from proposed onsite landscaping or payment of fee-in-lieu to the M-NCPPC forest conservation fund may be acceptable to meet the remaining forest conservation requirement. The applicant will need to provide evidence that the landscape areas will provide adequate soil volume for the plants to thrive and reach their 20-year canopy coverage for which credit is given. Additionally, the area of projected 20-year canopy coverage credit may not overlap with the other trees receiving credit (areas may not count more than once towards meeting the forest conservation

requirement). The Forest Conservation Plan will need to show the projected 20-year canopy of each of the trees for which forest conservation credit is proposed. Again, the preference is to retain as much forest as possible onsite to avoid reforestation. The 0.03 acres of reforestation proposed in the environmental buffer is a priority area and staff supports this.

G:\Mary Jo\Staff Memos - PB\SDPA-11-03_S19815BluntRoad_mjk.doc

Plumgar Property, Germantown
19815 Blunt Road
Amendment to Schematic Development Plan

Team 3 Master Plan Comments
Prepared by R. Cashion

Consistency with the October 2009 Approved and Adopted Germantown Employment Area Sector Plan

A. Master Plan Consistency

Sector Plan (SP) land use provisions and findings related to the project as proposed -

Land Use (Fox Chapel Land Use section of Sector Plan, SP pgs. 74 and 75)

The plan conforms to the land use and density provisions of the Oct. 22, 2009 Approved and Adopted Germantown **Sector Plan**. There are, however, provisions in the Sector Plan that dictate refinements are necessary for a final site plan.

1. The SP pg. 74 states that “the Fox Chapel District will become the commercial hub at the intersection of MD 355 and Middlebrook Road”

Consistent with the SDP as proposed the subject site is shown as **Office use** on the Fox Chapel Land Use Plan, SP pg. 74. The **Office** designation conforms to the Sector Plan’s key recommendations including to “**increase employment**”, SP pg. 9, in the planning area.

2. The Sector Plan, SP pg. 74, states that the vision of the plan “can best be accomplished by cooperation among property owners and a **coordinated development plan**”.

The SDP shows an alignment for Blunt Road at the property frontage, therefore coordination and all required **roadway dedication should be a condition of approval** for the SDP.

Additionally, the SDP shows that **storm water management is a significant consideration** for the project therefore coordination with adjacent property owners may be required at site plan. For stormwater management such anticipated **coordination may be appropriate as a condition** for the SDP.

3. The Sector Plan, Pg. 75, references the “objective to **provide connections** between the residential and commercial portions of the area.”

The SDP as proposed does not include a well defined pedestrian route from the eastern portion of the site to Blunt Road and to a continuous sidewalk at Blunt Road. **Improved pedestrian circulation should be provided.**

4. The existing and proposed **zoning** for the subject property is **O-M Office building**, moderate intensity, SP pg.84.

The **proposed office use** with an allowable 134,283 sq . ft. of office space and with 4 floors and 38,300 sf of office proposed **conforms to this zoning category**. (definition of 'moderate' should be verified with the ordinance)

Urban Form (Fox Chapel Land Use section of Sector Plan, SP pgs. 75 and 76)

1. "Building heights ... stepping down in height **to 50 to 60 feet along the eastern edge of the district** to be compatible with existing residential neighbors".

The SDP is consistent with this height provision as it includes the office building at not greater than 50 feet.

Transportation (Fox Chapel Land Use section of Sector Plan, SP pg. 76)

1. The Sector Plan states "Preserve the trees along the eastern end of the (mobile home) site for a compatible transition with existing R-200 residences.

This provision introduces the consideration also for retention of trees along the edges of the subject property to provide compatible transitions to adjacent properties. The SDP does indicate provision for a hedge at the northeastern property line however the plan does not adequately address retention of trees or the provision of full planting buffers along the parking areas at the northeastern and southwestern property lines. Approval of the SDP should be conditioned upon the provision for adequate screening of the surfave parking areas.

2. The Sector Plan states "Connect Blunt Road with Middlebrook Road", SP pg. 76.

Preserve the trees along the eastern end of the (mobile home) site for a compatilble transition with existing R-200 residences.

The SDP addresses this provision with the proposed ROW and alignment extention of Blunt Road.

3. "Building heights ... stepping down in height **to 50 to 60 feet along the eastern edge of the district** to be compatible with existing residential neighbors".

The SDP is consistent with this height provision as it includes the office building at not greater than 50 feet.

B. Urban Design Guidelines

1. The SDP as proposed generally complies with the provisions of the **Germantown Sector Plan Urban Design Guidelines** - See M-NCPPC web resources, pgs. 44 and 45 here - <http://www.montgomeryplanning.org/community/germantown/documents/GermantownUDG.pdf>

The alignment of Blunt Road as shown in the above referenced pages of the Sector Plan Design Guidelines differ from the existing alignment of Blunt Rd. and the proposed alignment as shown for the SDP. Comments from transportation staff regarding the alignment of Blunt Rd. as shown in the proposed SDP are necessary.

C. Added Comments

1. Required setbacks from the adjacent R-60 zoned property to the north, at Parcel 471, should be verified. Setback requirements for the adjacent sing. fam. detached lots to the north should also be verified and checked with the data table. A 3 to 1 setback requires a minimum setback of 16 ft. and 17 ft. is shown on the plan adjacent to Parcel 471. Final grading may require a larger setback.
2. Continuous, dense landscape planting as screening for the surface parking areas is necessary at the northeast and southwest site property lines. A revised binding element for adequate screening at the site perimeter is necessary for the SDP; e.g., the binding element could read - "At the time of Site Plan the Applicant will provide a Landscape Plan to include a continuous hedge and a berm at the northeast property line and adequate planting for screening of the surface parking areas at both the northeast and southwest perimeter of the site.
3. Comments are necessary from transportation staff relative to parking provisions and the Blunt Road ROW and alignment, and from environmental staff regarding storm water management and the SDP General Note No. 3.
4. The Blunt Road frontage area of the project, as shown with the SDP, is significantly constrained. This should be addressed at the time of Site Plan.

SUPPLEMENTAL INFORMATION

Attachment-C

MILES & STOCKBRIDGE P.C.

Casey L. Cirner
301.517.4817
ccirner@milesstockbridge.com

VIA HAND DELIVERY

October 21, 2011

Elsabett Tesfaye
Planning Area 3
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20901

Re: SDPA 11-03
19815 Blunt Road, Germantown (the "Property")

Dear Ms. Tesfaye:

On behalf of the Applicant, YBM Construction, we want to again thank you and the Maryland-National Capital Park and Planning Commission Staff copied hereto for meeting with us, the Applicant and its consultant team on October 18, 2011 to discuss SDPA 11-03. Per our meeting, the following have occurred: (i) Patrick Perry of Benning & Associates, Inc. formally filed with M-NCPPC on October 20, 2011, the revised Preliminary Forest Conservation Plan for the Property. A copy of that revised plan was filed with the Office of Zoning and Administrative Hearings ("OZAH") per the attached cover letter; (ii) Russ Reese of Maddox Engineers & Surveyors, Inc. has resolved with M-NCPPC Staff and William Campbell of the Department of Permitting Services concerns raised as to the location of the proposed stormwater management out-fall for SDPA 11-03; and (iii) revised Schematic Development Plan Amendments have been prepared and filed with OZAH in the above-captioned case. Please see the enclosed cover letter. Also enclosed are five (5) copies of the revised Schematic Development Plan Amendment for your file.

At our meeting you also requested that we provide you with information regarding the community meetings that have taken place regarding SDPA 11-03. Since SDPAs are filed with OZAH and not M-NCPPC, the application is not bound by the formal notice and meeting requirements set forth in the Manual of Development Review Procedures, Approved and Adopted 2007. Nonetheless over the seven (7) years we have been working on this project, we have held two noticed community meetings, the first was held on November 7, 2007 and the second on April 22, 2009.

We have also conducted meetings with individual members of the community. For example, we have met with Ken Steiding, owner of the confronting Kenwood Autobody and his legal counsel, Jim Clifford, Esquire. We have also met with representatives of the adjacent Germantown Mosque property. Since meeting minutes are not required under these circumstances, we have enclosed copies of the meeting notices and sign-in sheets. Further, any community members



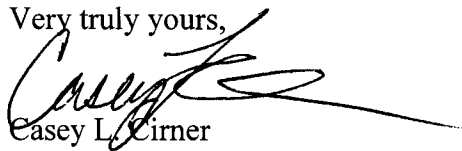
Page 2

who have expressed an interest in our project have been provided copies of the SDPA 11-03 application package and any revised plans. Please see the cc list below for references to those community members.

We understand that the Development Review Committee's review of the development proposed for the Property will be conducted at Site Plan. Therefore, please let us know at your earliest convenience that date that the Planning Board will conduct a public hearing on this matter.

As always, please do not hesitate to contact Steve or me with any questions or concerns.

Very truly yours,



Casey L. Cirner

Enclosures

cc: Without Enclosures
 Jon Carter, M-NCPPC Area 3 Supervisor
 Ron Cashion, MNCPPC
 Mary Jo Kishter, MNCPPC
 Richard Weaver, MNCPPC
 Ki Kim, MNCPPC
 Ben Bashiri, YBM Construction
 Russell Reese, Maddox
 Caryn Williams, Maddox
 Josh Maisel, Benning & Associates
 Carl Starkey, Street Traffic Studies
 Stephen J. Orens, Esquire

With Enclosures
 Robert and Mary Ellen Elliott
 Kenwood Autobody c/o James R. Clifford, Esquire
 Jim Wilson, Wilson Tire & Service Goodyear
 Amma Najjar, Germantown Mosque

NOTICE OF FILING & COMMUNITY MEETING

YBM, Inc. is pleased to announce the upcoming posting of the informational sign and filing of the schematic development plan amendment for the property located at:

19815 Blunt Road
Germantown, Maryland 20876
(Behind Yuraku in the Fox Chapel Shopping Center)

For those of you who did or did not attend our last informational meeting on November 7, 2007, we will again be hosting a meeting to discuss the schematic development plan amendment, which we are submitting to the Office of Zoning and Administrative Hearings.

The meeting will be held at 7:00 p.m. on Wednesday, April 22, 2009, in the reception area of the Dentist Office located at 19731 N. Frederick Road, Germantown in the Fox Chapel Shopping Center.

Please R.S.V.P to the undersigned if you plan to attend.

Sincerely,

Ms. Casey L. Moore
Miles & Stockbridge P.C.
Attorneys for YBM, Inc.
Phone: 301-517-4817
Fax: 301-762-0363
Email: cmoore@milesstockbridge.com



Community Meeting Project : 19815 BLUNT RD. Meeting Location: 19731 FREDERICK RD. Date: APRIL 22, 2009

#	Name	Address	Community Association Affiliation (if applicable)	√ to be party of record (ie. receive agency correspondence /testify at agency hearings)
1	Rob Elliott	11240 MINSTREL TUNE DRIVE	MIDDLEBROOK HAMON	YES
2	Ben Bashiri	604 S Frederick Ave #415	-	-
3	David Kabir			
4	Rob Peltz			
5	Karen Molina			
6	Amma Naja	19825 Blunt Road		-
7	Linda Novitzki	11238 Minstrel Tune Dr	Middlebrook	
8				
9				
10				
11				

CELL
240-447-1889

NOTICE OF COMMUNITY MEETING

YBM, Inc. is pleased to announce that it will be holding an informational meeting regarding the future development of:

**19815 Blunt Road
Germantown, Maryland 20876**

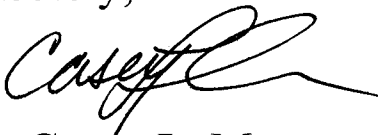
(Behind Yuraku in the Fox Chapel Shopping Center)

The proposed schematic development plan amendment will be discussed and attendees will have the opportunity to comment on the plan prior to its submission to the Office of Zoning and Administrative Hearings.

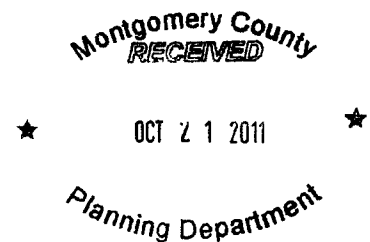
The meeting will be held at 7:30 p.m. on Wednesday, November 7, 2007, in the reception area of the Dentist Office located at 19731 N. Frederick Road, Germantown in the Fox Chapel Shopping Center.

Please R.S.V.P to Connie Kaufman 301-762-1600 if you are able to attend.

Sincerely,



Ms. Casey L. Moore
Miles & Stockbridge P.C.
Attorneys for YBM, Inc.
Phone: 301-517-4817
Fax: 301-762-0363
Email: cmoore@milesstockbridge.com



SIGN-IN SHEET

Community Meeting Project : Lot 18, Pungar			Meeting Location: Fox Chapel Shopping Center		Date: 07/07
#	Name	Address	Community Association Affiliation (if applicable)	✓ to be party of record (ie. receive agency correspondence /testify at agency hearings)	
1	BEN BASHIRI		YBM INC		
2	REZA TAHAAR		YBM INC		
3	DAN KAHIR		YBM INC		
4	ROBERT LOWE	19525H GUNNERS BENCH RD GERMANTOWN, MD 20876	Middlebrook Commons CONDOMINIUMS		
5	MUSRAT JAMAL	11241 WINSTREL TUNE DR	Middlebrook Manor		
6	Kew Steidling	11440 Middlebrook Rd	Kenwood Auto Body		
7	Casey Moore	Miles + Stockbridge			
8	Steve Orens	Miles + Stockbridge			
9	Russell Reese	Macbox Inc			
10	Anthony Bruno	11247 Monarch Tune Dr. GERMANTOWN MD 20876	Middlebrook Manor		
11					

Tesfaye, Elsabett

Subject: FW: SDPA 11-03, Blunt Road, Germantown
Attachments: WSSC_Phase1_Approval.pdf

From: Cirner, Casey L. [<mailto:ccirner@milesstockbridge.com>]
Sent: Tuesday, January 31, 2012 1:20 PM
To: Tesfaye, Elsabett
Cc: Orens, Stephen J.; Russell Reese (rreese@maddoxinc.com); Patrick Perry
Subject: RE: SDPA 11-03, Blunt Road, Germantown

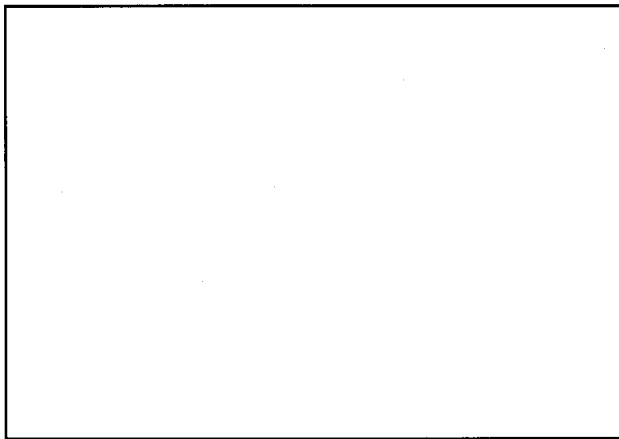
Elsabett,

You are welcome. To answer your questions below regarding water and sewer, I note the following:

The Subject Property is designated for public water and sewer in Water and Sewer Categories W-1 and S-1 (existing public service) respectively by the Montgomery County 10-year Comprehensive Water Supply and Sewerage Systems Plan. Attached is a letter from WSSC for Phase I approval of the connection of sewer service.

Please let me know if you need any additional information.

Thanks,
Casey



In accordance with Internal Revenue Service rules, any federal tax advice provided in this communication is not intended or written by the author to be used, and cannot be used by the recipient, for the purpose of avoiding penalties which may be imposed on the recipient by the IRS. Please contact the author if you would like to receive written advice in a format which complies with IRS rules and may be relied upon to avoid penalties.

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Washington Suburban Sanitary Commission

14501 Sweitzer Lane • Laurel, Maryland 20707-5902

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GENERAL MANAGER
Jerry N. Johnson

November 30, 2009

Mr. Ben Bashiri
YBM Construction
604 S. Frederick Avenue, Suite 415
Gaithersburg, MD 20877

Re: Phase I Letter of Findings, WSSC Project No. DA5098Z10, Plumgar

Dear Mr. Bashiri:

A hydraulic planning analysis has been completed on the Plumgar project. The project has been conceptually approved. Please refer to the enclosed 200'-scale sketch along with the summary table and list of conditions included in this letter, which provide the results of our analysis.

HYDRAULIC SUMMARY TABLE
Proposed Development: 41,500 sq ft of office
200-ft Sheet: 227NW11
SEWER
WWTP Service Area: Blue Plains
Sanitary Sewer Service Status:
Mim-Basin Number: 15-045

The following is a list of conditions that apply to this project and must be met before a Systems Extension Permit (SEP) will be issued.

ASSESSMENT PAYOFF REQUIRED

The property to be developed has an existing benefit assessment. This project will not be granted a System Extension Permit until the existing assessment balance is paid. **If paid by May 31, 2010 the amount required is \$933.11.** Assessment payoff should be made immediately if plat is recorded before the System Extension Permit is granted.

SANITARY SEWER CONDITIONS

REQUIRED SANITARY SEWER MAIN SIZES

All sewers are to be 8-inch diameter gravity sewer.

Mr. Ben Bashiri
YBM Construction
RE: DA5098Z10
November 30, 2009
Page 2

SERVICE DEPENDENT ON OTHER CONSTRUCTION

Sewer service is dependent on project number DA3388Z02 being constructed and placed into service. Construction of DA3388Z02 has been completed but the project has not been released for service. For more information, please contact Mr. Wayne Black, Development Project Manager, at 301-206-8751.

CONNECTION AND ON-SITE CONDITIONS

MINIMIZE CONNECTION LENGTHS

The length of all connections should be minimized.

The next step in the process is Phase 2, Review for System Integrity. Your submission package should include the Review for System Integrity Checklist and all checklist items, including the review fee. The plans must be prepared per WSSC CADD Standards and in accordance with the Pipeline Design Manual, Standard Details, and the General Conditions and Standard Specifications of WSSC. Should you want to schedule a pre-design meeting, please contact Paul Bonaccorsi (301-206-8750, PBonacc@wsscwater.com).

If you have any questions or concerns, please feel free to contact me at 301-206-8816 or hdesai@wsscwater.com.

Sincerely,

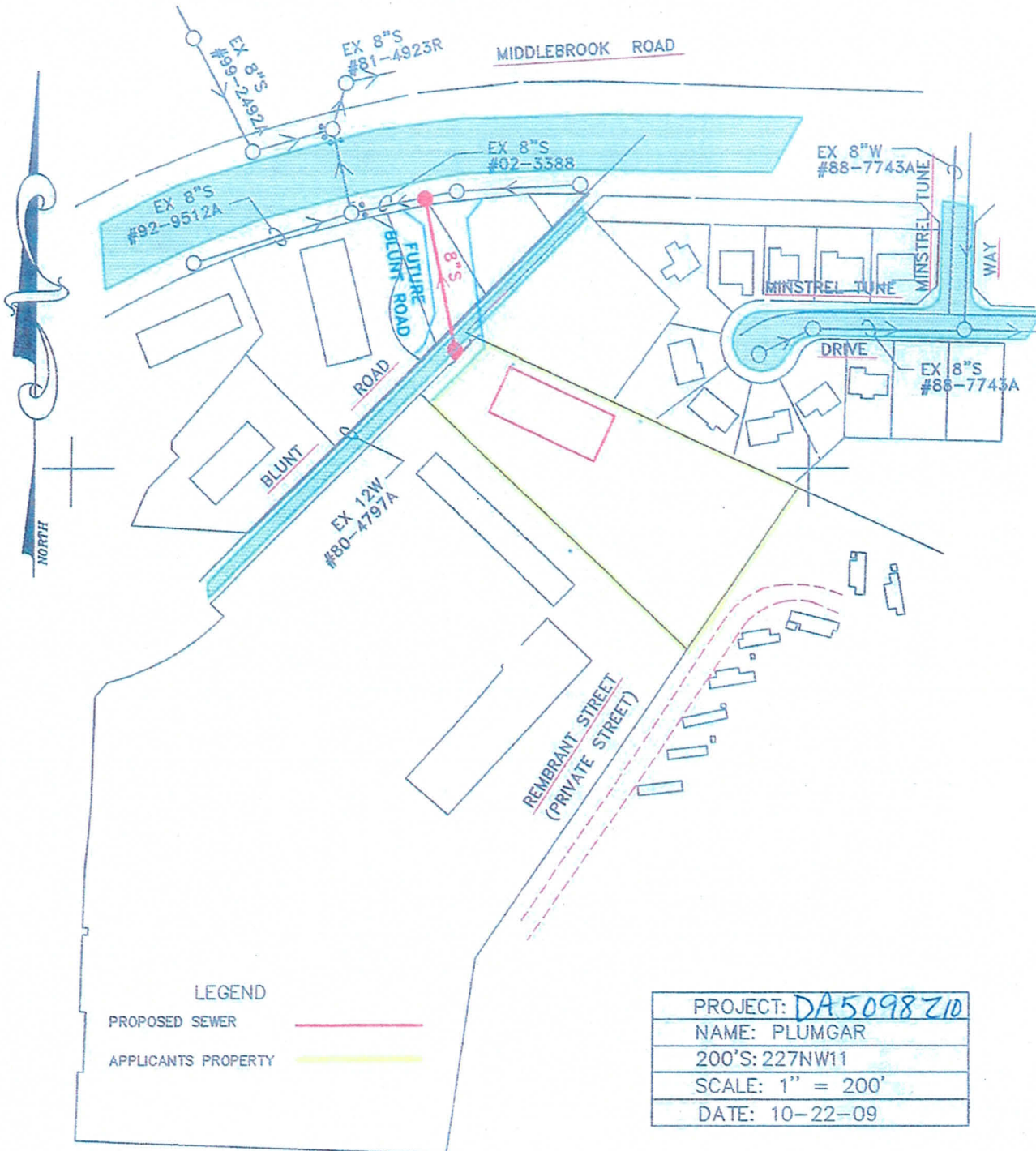


Hansa Desai
Principal Hydraulic Engineer
Development Services Group

HSD:jtn

Enclosure

cc: ✓ Maddox Engineers & Surveyors – Ms. Caryn Williams
Montgomery County Government – Department of Environmental Protection –
Mr. Alan Soukup



NOV. 30, 2009

H. Gera



1 inch = 200 ft.

FILE COPY