



**Project, Preliminary and Site Plan Amendments: Village West at Germantown Town Center
(formerly Martens Property) 92002002C, 12011009A & 82011013A**

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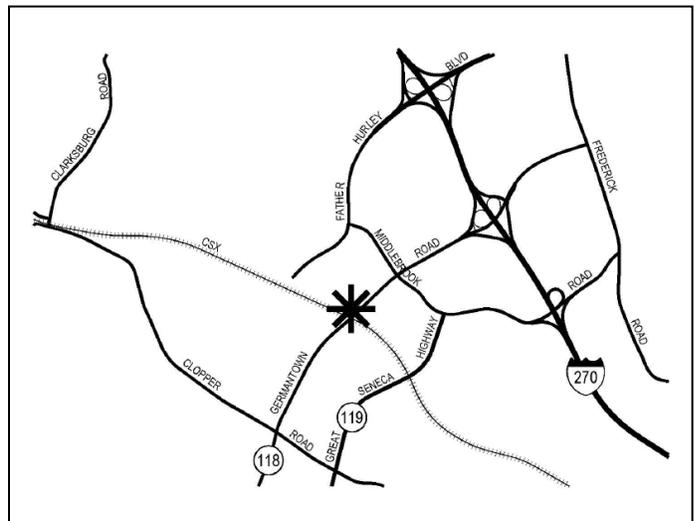
Completed: 12/05/12

description

- A. **Project Plan Amendment 92002002C:**
Village West at Germantown Town Center
- B. **Preliminary Plan Amendment 12011009A:**
Village West at Germantown Town Center
- C. **Site Plan Amendment 82011013A:**
Village West at Germantown Town Center

Amendment to add 15 multi-family units, consolidate the multi-family building footprints and increase the building height to a maximum of 65 feet or 5 stories, revise the adjacent amenity areas, parking and loading layout, near the intersection of Wisteria Drive and Waters Road, 26.48 acres, RMX-2 Zone, Germantown Employment Sector Plan.

Staff recommendation: Approval with conditions



summary

Staff recommends **approval of the Project Plan, Preliminary Plan and Site Plan Amendments with conditions.** Staff's analysis addresses the following issues:

- Increase in overall density from 0.74 to 0.75 FAR consisting of 470 residential dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses.
- Provision of additional public facilities and amenities to support increased density.
- Additional building height substantially conforms with recommendations in the Germantown Employment Area Sector Plan and Germantown Urban Design Guidelines.
- Extension of the APF validity period for 10 years (p.22).
- Pursuant to the FY2012 Annual School Test that was in effect on the date of approval of Preliminary Plan 120110090, the 455 dwelling units previously approved will continue to be subject to a School Facilities Payment at the elementary and high school levels. The 15 additional multi-family high rise units proposed are not subject to a School Facilities Payment pursuant to the FY2013 Annual School Test (p.22).
- No community concerns

TABLE OF CONTENTS

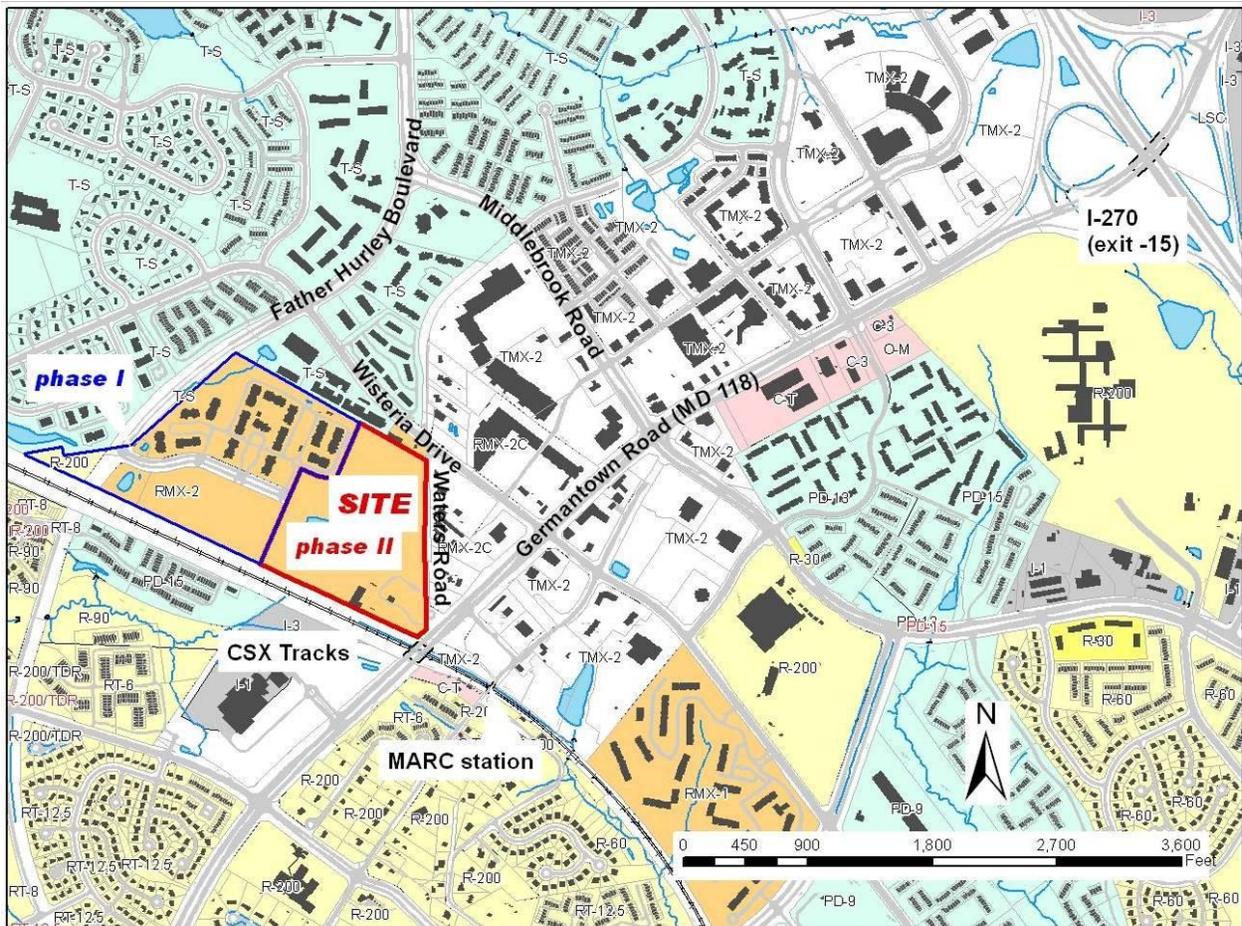
SECTION 1: CONTEXT & PROPOSAL	3
Site Description	3
Vicinity	3
Site Analysis	4
Project Description	5
Background	5
Previous approvals	5
Proposal	6
Community Outreach	10
SECTION 2: PROJECT PLAN AMENDMENT	11
Recommendation and Conditions	11
Basis for Consideration	12
Findings	13
SECTION 3: PRELIMINARY PLAN AMENDMENT	19
Recommendation and Conditions	20
Analysis and Findings	21
SECTION 4: SITE PLAN AMENDMENT	24
Recommendation and Conditions	24
Findings	26
APPENDICES	36
ILLUSTRATIONS & TABLES	
<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Illustrative Site Plan</i>	7
<i>Previously approved Site Plan</i>	8
<i>Preliminary Plan</i>	19
<i>Site Plan Data Table</i>	25
<i>Recreation Calculations Tables</i>	30

SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject property is located within the 62.58-acre tract formerly known as the Fairfield at Germantown. The larger tract is located on the west end of the Germantown Town Center District and southwest of Wisteria Drive between Father Hurley Boulevard to the west and Waters Road to the east. The southern edge of the tract, approximately 2,500 feet in length, is defined by the CSX tracks that serve the MARC Station to the east. Portions of the property are within ¼ mile radius of the Germantown MARC Station. The property is also located within one mile of the proposed Corridor-Cities Transitway.



Vicinity Map

The larger tract was divided into 2 phases. Phase I, which consists of approximately 36.1 acres on the western half of the tract, has been improved with more than 600 multi-family dwellings units as part of the original Fairfield of Germantown approval. Phase II, consisting of approximately 26.48 acres on the east side of the larger tract abutting Waters Road, is currently unimproved and the subject of the current applications.

The site is zoned RMX-2. Surrounding properties across Waters Road to the east are zoned RMX-2C and are improved with industrial/commercial uses. Across the CSX tracks to the south, properties are zoned PD-15 and I-3 and are developed with one-family attached houses and industrial uses, respectively. Along MD 118, there are a series of underdeveloped, industrial/commercial properties. The northern boundary adjoins properties zoned RMX-2 and T-S with existing commercial uses that face Wisteria Drive.

In addition to its proximity to major thoroughfares, existing and planned transit opportunities, and the emerging town center, the site is located within 2.3 miles of the new South Germantown Recreational Park, Seneca Creek State Park, Little Seneca Lake and Blackhill Regional Park, and within five miles of Little Bennett Regional Park and Ovid Hazen Wells Park.

Site Analysis

The site consists of approximately 26.48 acres located west of Waters Road and is currently unimproved. The site is heavily disturbed with rubble, vehicle storage and commercial/industrial staging areas. An existing stormwater management pond is located within this disturbed area near the railroad tracks. An existing 36-inch sanitary sewer force main is located under Waters Road and a WSSC easement is located along the northern property boundary.



Aerial Photo Looking North

The property contains no forest; however, there are six trees 30 inches and greater diameter at breast height (DBH) and four trees between 24" and 30" DBH on the property. The site's topography includes moderate slopes (> 15%) and steep slopes (> 25%). There is a stream running through the adjacent

properties to the southwest of the subject property. The property contains 0.34 acres of environmental buffers as a result of the adjacent stream. The property does not contain any wetlands. The property is within the Little Seneca Creek watershed; a Use III-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this watershed as fair.

PROJECT DESCRIPTION

Background

The original Project Plan for Fairfield at Germantown approved a mixed-use development with 610 garden apartments including 92 MPDUs (or 15%) and 250,000 square feet of office and retail on 62.4 acres. The development was divided into two phases, with the residential portion occurring in Phase I and the commercial portion in Phase II. Construction is complete on the residential portion affiliated with Site Plan No. 820030030, and subsequent amendments (82003003A, 82003003B, and 82003003C). Site Plan 820030030 limited the residential density to 604 dwelling units including 91 MPDUs (or 15%).

Phase II, subject of Project Plan Amendment No. 92002002A, was never brought before the Planning Board. The approved Project Plan Amendment No. 92002002B, amended Phase II by replacing the approved commercial uses with predominantly residential uses.

The Preliminary Plan for Fairfield at Germantown, approved concurrently with the original Project Plan, expired August 16, 2005. The applicant requested an extension of the expired Preliminary Plan and the Preliminary Plan validity period, which was denied by the Planning Board on April 6, 2006. The approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) and Forest Conservation Plan (FCP) for the 62.4-acre site approved with the Preliminary Plan for Fairfield at Germantown expired for those portions of the site that had not been platted yet when the Preliminary Plan expired. The original Project Plan has not expired because it was validated by the approved Site Plans for Phase I.

The recently approved Preliminary Plan No. 120110090 and Site Plan No. 820110130 conformed with the latest Project Plan approval by providing a mixed-use development with predominantly residential uses (455 d.u.) and some commercial uses (14,426 SF) in Phase II of the original property.

Previous Approvals

On June 13, 2002, the Planning Board approved with conditions **Project Plan No. 920020020** for Fairfield at Germantown (Planning Board Resolution dated June 19, 2002) for 610 garden apartments (including 92 MPDUs) and 250,000 square feet of office and retail on 62.4 acres.

On June 13, 2002, the Planning Board approved with conditions **Preliminary Plan No. 120020680** for Fairfield at Germantown (Planning Board Resolution dated July 16, 2002) for a maximum of 610 multi-family dwelling units and 250,000 square feet of office and retail uses on 62.4 acres.

On January 16, 2003, the Planning Board approved with conditions **Site Plan No. 820030030** (Planning Board Resolution dated January 28, 2003) for 604 housing units, including 91 MPDUs on 62.4 gross acres.

On March 17, 2005, the Planning Board approved with conditions Site Plan Amendment No. **82003003A** (Planning Board Resolution dated December 16, 2005) to change the unit type of the 200 residential

units south of Waterford Hills Boulevard from multi-family rental apartments to multi-family condominium units. The Amendment maintained the approved number of residential dwellings units including MPDUs, the approved lot pattern and recreational amenities.

On March 13, 2008, the Planning Board approved with conditions Site Plan Amendment No. **82003003B** (Planning Board Resolution No. 08-63) for revisions to playground equipment, mailboxes, lighting, landscape, sidewalks; addition of recycling container locations; adjustment of Building 12 location; and updates to the Forest Conservation Plan.

Project Plan Amendment No. **92002002A** was originally filed in 2006 to amend Phase II of Fairfield at Germantown by proposing 205,922 square feet of commercial retail development on 26.4 gross acres (Costco). This application was withdrawn in April 2007 because an extension of the Preliminary Plan's validity period was not granted.

On June 23, 2011, the Planning Board approved with conditions Project Plan Amendment No. **92002002B** (Planning Board Resolution No. 11-53) for 455 dwelling units (including 12.5% MPDUs) and 14,486 SF of commercial uses on 26.48 gross acres and a Final Forest Conservation Plan. [Appendix A]

On June 23, 2011, the Planning Board approved with conditions Site Plan Amendment No. **82003003C** (Planning Board Resolution No. 11-47) to clarify condition of approval no. 2 by specifying 604 housing units on 36.1 acres rather than 62.4 acres.

On December 1, 2011, the Planning Board approved with conditions Preliminary Plan No. **120110090** (Planning Board Resolution No. 11-131) to create 166 lots and two parcels on 26.48 gross acres. [Appendix A]

On December 1, 2011, the Planning Board approved with conditions Site Plan No. **820110130** (Planning Board Resolution No. 11-123) for 455 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses on 26.48 gross acres. [Appendix A]

Proposal

The Amendment proposes to add 15 multi-family dwelling units to the approved project resulting in a mixed-use development with a total of 470 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, with an overall 0.75 FAR on the 26.48-acre site.

The site layout shown on the Amendment drawings substantially follows the layout which was shown on the Preliminary and Site Plans approved by the Planning Board on December 1, 2011. At the time of the previous approvals, the Applicant expressed a clear intent to increase the number of multi-family units on the property in order to fully make up for the loss of three townhouses. This could not be accomplished at that time due to the density cap established by the approved Project Plan no. 92002002B and the strict timeframes for Project Plan noticing.

The Amendment proposes to consolidate the four previously approved multi-family buildings and Clubhouse into three buildings with a combined total of 304 multi-family dwelling units, and increase the maximum height of those buildings from 60 to 65 feet or 5 stories. The Clubhouse is now located at

the ground level of Building 1 rather than being a standalone building.



Illustrative Site Plan rendering

The amenity areas surrounding the multi-family buildings were revised to accommodate additional amenities and as a response to the new building configuration. The Amendment includes three general amenity areas surrounding the multi-family buildings: the pool area, the pedestrian corridor and active play area. 1) The pool area consists of a swimming pool, a wading pool (sun shelf), outdoor kitchen with trellis and moveable seating, and a fire pit. 2) The east-west pedestrian corridor encompasses a

sequence of distinct spaces connected by an 8-foot path lined with trees. The sequence of spaces starts at a plaza with a fountain and a gateway trellis on the eastern end along Waters Road, and progresses through an open play area II and mini-plaza with raised columns towards a pavilion with seating and a community garden on the western end. 3) An area of active recreation on the western side of Building 1 includes a dog park with a dog grooming station, yard games, volleyball court, sitting areas and grilling.

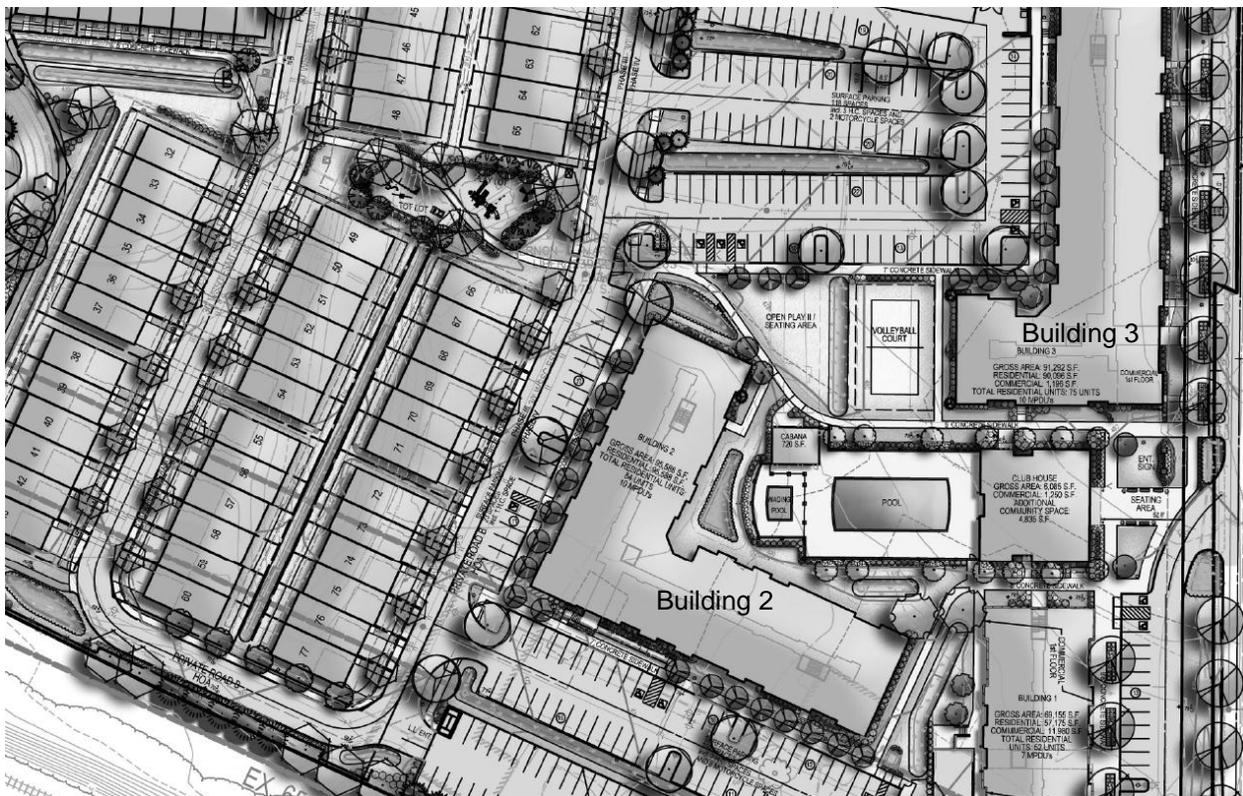
The parking areas were revised to accommodate required loading spaces for all multi-family buildings and the elimination of the 2-level parking structure. The parking requirements for the multi-family buildings are all met on-site via surface parking areas. Pedestrian and vehicular circulation including site access points substantially follows the approved layout.



Previously approved Site Plan



Proposed east-west open space corridor and multi-family amenity area



East-west open space corridor and multi-family amenity area as shown on approved Site Plan

COMMUNITY OUTREACH

The applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on any of these applications.

SECTION 2: PROJECT PLAN AMENDMENT

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Project Plan No. 92002002C, Village West at Germantown Town Center (formerly Martens Property), for a mixed-use development with 14,426 SF of commercial uses and a maximum of 470 dwelling units (including 12.5% MPDUs), on 26.48 acres. All site development elements as shown on the plans stamped by the M-NCPPC on October 24, 2012, and November 9, 2012, are required except as modified by the following conditions:

1. Project Plan Conformance
The proposed development must comply with the conditions of approval for Project Plan No. 92002002B (MCPB No. 11-53) [Appendix A], except as modified by this application.
2. Previous Approvals
All previous approvals remain in full force and effect unless modified by this application.
3. Development Ceiling
The proposed development for Phase II (26.48 acres) is limited to a maximum 0.75 FAR including a maximum 14,426 SF of commercial uses and a maximum 470 dwelling units.
4. Housing
The development must provide a minimum of 12.5 percent as MPDUs onsite, consistent with the requirements of Chapter 25A.
5. Public facilities and amenities
 - a) The public facilities and amenities provided within the 26.48 acre-site must include at a minimum a swimming pool, a wading pool (sun shelf), a volleyball court, yard games, open play areas, 2 tot lots, 2 play lots, seating areas, two pavilions, community garden, plaza with fountain, a dog park with a dog grooming station, accessory building for cleaning and maintenance, a pedestrian system and outdoor fitness stations. However, the Planning Board may approve other facilities that are equal to or better than these at the time of site plan approval.
 - b) The final design and details of the public facilities and amenities will be determined during site plan review.

Project Plans have a standard of review that includes a Basis for Consideration and Findings. The Basis for Consideration are listed below for reference and their discussion is incorporated within the Findings Section.

BASIS FOR CONSIDERATION

Section 59-D-2.43, Basis for Consideration, states: In reaching its determination on the application for the optional method of development and in making the required findings, the Planning Board must consider:

- (a) *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures.*
- (b) *Whether the open spaces, including developed open space, are sized and located to provide convenient areas for recreation, relaxation and social activities for the residents and patrons of the development. Open spaces should be planned, designed and situated to provide sufficient physical and aesthetic open areas among and between individual structures and groups of structures. The proposed setbacks, yards and related walkways must be wide enough and located to provide adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) *Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) *Whether the proposed development contributed to the overall pedestrian circulation system. Pedestrian walkways must:*
 - (1) *be located, designed and sized to conveniently handle pedestrian traffic efficiently and without congestion;*
 - (2) *be separated from vehicular roadways and designed to be safe, pleasing, and efficient for movement of pedestrians; and*
 - (3) *contribute to a network of efficient, convenient and adequate pedestrian linkages in the area of the development, including linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- (e) *The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- (f) *The adequacy of provisions for the construction of moderately priced dwelling units in accordance with Chapter 25A of this Code if applicable.*
- (g) *The staging program and schedule of development.*
- (h) *The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- (i) *The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*
- (j) *Payment of a fee acceptable to the Planning Board may satisfy all or some of the requirements*

for any public use space, or public facilities and amenities under the requirements established elsewhere in this Section.

FINDINGS

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board in concert with the basis for consideration.

Staff makes the following findings:

a) The application would comply with all of the intents and requirements of the zone.

The subject site is zoned RMX-2. Section 59-C-10.1 of the Montgomery County Zoning Ordinance establishes the RMX-2 Zone, which is identified as Residential-Mixed Use Development, Specialty Center. Division 59-C-10 does not include a purpose and intent section for the RMX (Residential Mixed-Use) Zones, and the term ‘specialty center’ is not defined in the Zoning Ordinance. Staff also consulted the 1989 master plan and 2009 sector plan in order to address this finding. The 1989 master plan recommends rezoning this property from the I-1 Zone to the RMX Zone. However, neither of the documents provides a purpose and intent statement for the RMX Zone.

Therefore, Staff relies on the term ‘Residential-Mixed Use Development’ to help support its recommendation that the Application meets the general intent of the zone. Section 59-C-10.3.1 adds further guidance with the language:

“This optional method of development accommodates mixed use development comprised of planned retail centers and residential uses, at appropriate locations in the County. This method of development is a means to encourage development in accordance with the recommendations and guidelines of approved and adopted master plans.” and

“Approval of this optional method of development is dependent upon the provision of certain public facilities and amenities by the developer. The requirement for public facilities and amenities is essential to support the mixture of uses at the increased densities of development allowed in this zone”

The Project Plan Amendment proposes to add 15 multi-family dwelling units to the approved project resulting in a mixed-use development with a total of 470 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, with an overall 0.75 FAR on the 26.48-acre site. The density and amenities achieved through the optional method of development enables the realization of the recommendations of the 2009 Approved and Adopted Germantown Employment Area Sector Plan, as described in Finding b) below.

The Amendment provides additional public facilities and amenities surrounding the multi-family buildings, which supports the increased density proposed. The Amendment includes three general amenity areas surrounding the multi-family buildings: the pool area, the pedestrian corridor and active play area. 1) The enclosed pool area consists of a swimming pool, a wading pool (sun shelf), outdoor kitchen with trellis and moveable seating, and a fire pit. The clubhouse with direct access to the pool area is now in the first floor of Building 1 rather than a standalone building. 2) The east-

west pedestrian corridor encompasses a sequence of distinct spaces connected by an 8-foot path lined with trees. The sequence of spaces starts at a plaza with a fountain and a gateway trellis on the eastern end along Waters Road, and progresses through an open play area II and mini-plaza with raised columns towards a pavilion with seating and a community garden on the western end. 3) An area of active recreation on the western side of Building 1 includes a dog park with a dog grooming station, yard games, volleyball court, sitting areas and grilling.



Perspective rendering looking South onto the amenity areas

The subject Project Plan Amendment is zoned RMX-2, which is governed by the development standards in Section 59-C-10.3 of the Montgomery County Zoning Ordinance. The Application meets the general requirements of the zone, under the optional method of development, as demonstrated in the Project Data Table [Appendix E].

The Amendment meets the density requirements of the zone and recommendations in the Sector Plan. The overall density, which is proposed at 0.75 FAR for the 26.48-acre site, is slightly below the maximum density of 0.8 FAR recommended by the Sector Plan for this site (p.53). The commercial density proposed is well below the maximum 0.5 FAR allowed and the gross leasable floor area is well below the maximum 600,000 SF allowed. The residential density proposed at 17.75 du/ac is below the 30 du/ac allowed by the zone.

The maximum height of the multi-family buildings has increased from 60 to 65 feet (5 stories). While the Zone does not include any required building height restrictions, the Germantown Employment Area Sector Plan and the Germantown Design Guidelines recommend the maximum building height of 60 feet. As further discussed in finding b) and c) below, the maximum height of 65 feet for the proposed multi-family buildings is acceptable.

Project Data Table for the RMX-2 Zone (Optional Method of Development)
(see Appendix E)

b) *The application would be consistent with the applicable sector plan or urban renewal plan.*

The Amendment is consistent with the 2009 Approved and Adopted Germantown Employment Area Sector Plan. The Amended Project Plan proposes to increase the number of residential units from 455 to 470 (including 12.5% MPDUs), and to maintain the commercial uses at 14,426 SF. This results in a slight increase in FAR from 0.74 to 0.75, which is still within the 0.8 FAR ceiling recommended in the Sector Plan (p. 53). The Sector Plan allows for flexibility in the residential and commercial mix provided so long as the overall density is below 0.8 FAR.



East elevation of Building 1 (along Waters Road)

The Amendment proposes an increase in the maximum building height for the multi-family buildings from 60 to 65 feet (5 stories). This change allows for accommodation of the additional 15 units with minimal increase in the buildings footprints, and greater ceiling height for the commercial development on the ground floor of Building 1. As a result of the increased building height and per County requirements, all 3 multi-family buildings will now be LEED certified. In addition, the Amendment improves the layout of the open space and provides additional amenities surrounding the multi-family buildings.

The proposed height limit for the multi-family buildings at 65 feet is above the recommended building height limit of 60 feet in the Sector Plan (p. 54) and the 2010 Germantown Urban Design Guidelines (p. 31). Although both documents reference 60 feet, they allow some flexibility in applying this recommendation to account for the unique circumstances of a given site and project. Language in the Sector Plan states “Building heights in the west end generally should not exceed 60 feet and should step down adjacent to existing residential communities” (p.54). The Design Guidelines “are not regulations that mandate specific forms and locations for buildings and open space” (p. 5).

The proposed height of 65 feet is substantially similar and consistent with the recommended 60 feet. The additional 5 feet will be hardly perceived from street level, especially when combined with flat roofs along the buildings’ street edge. The additional height is limited to the multi-family buildings generally located along Waters Road, which preserves the step down effect in building heights from east to west towards the existing residential communities as intended by the Sector Plan. The additional height also accommodates commercial uses, which require a greater ceiling height along Waters Road as intended by the Sector Plan.

The Amendment does not propose any other modifications that require a finding of Sector Plan conformance.

- c) *Because of its location, size, intensity, design, operational characteristics and staging the application would be compatible with, and not detrimental to, existing or potential development in the general neighborhood.*

The location, size and intensity of the proposed Amendment are compatible with the existing and potential development in the general neighborhood. The Amendment proposes to add 15 multi-family dwelling units to the approved project resulting in a mixed-use development with a total of 470 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, with an overall 0.75 FAR on the 26.48-acre site. The residential density proposed at 17.75 du/ac is compatible with the residential density at Fairfield of Germantown, immediately to the west, at 16.8 du/ac.

The Amendment proposes to consolidate the four previously approved multi-family buildings and Clubhouse into three buildings with a combined total of 304 multi-family dwelling units, and increase the maximum height from 60 to 65 feet or 5 stories. The Clubhouse is now located at the ground level of Building 1 rather than being a standalone building. In order to maximize compatibility, the multi-family building design incorporates flat roofs along the buildings' street edge to give the appearance of lower building heights. The maximum building height of 65 feet for the multi-family buildings is compatible with existing and potential development along Waters Road, and reinforces the step down effect in building heights from east to west towards the existing residential communities as intended by the Sector Plan.



Gateway to the east-west pedestrian corridor

The design, orientation and operational characteristics proposed provide a desirable and compatible transition between the existing residential development to the west and the more commercial uses to the east of Waters Road and along MD 118. Revisions to the design of the multi-family amenity area allow for additional amenities to be accommodated and a greater emphasis on the east-west pedestrian corridor. The parking areas were revised to accommodate additional (required) loading spaces for all multi-family buildings and the elimination of the 2-level parking structure.

- d) *The application would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The additional units proposed under this Amendment will not overburden existing public facilities and services nor those programmed for availability concurrently with each stage of construction. The proposed staging program provides a timely provision of services. The subject Project Plan for the proposed residential and commercial development satisfies the LATR/PAMR requirements of the Adequate Public Facilities (APF) review. The property is not located within a transportation management district. The total number of students generated by the 304 multi-family high rise units is less than that generated under the previous approval resulting in less impact on school enrollment.

- e) *The application would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The Amendment continues proposing to develop the site using the optional method of development, which is more efficient and desirable than the standard method of development. The optional method allows greater densities at key locations, such as proximity to mass transit, in exchange for greater public amenities and facilities. The Amendment increases the overall density by 15 multi-family dwelling units yielding an overall 0.75 FAR, and at the same time, it also proposes additional amenities in the southeast corner near the multi-family buildings. In addition to the swimming pool and wading pool (sun shelf) and the Club house, which has been incorporated on the first floor of Building 1, the Amendment proposes to add a pavilion surrounded by a community garden, open play area for volleyball and other yard games, a dog park with dog grooming station, accessory building for cleaning and maintenance, picnic and sitting areas, and an open play area II.

The standard method for RMX-2 zones must comply with the standards and requirements of the R-200 zone. The standard method yields lower density, greater setbacks, larger lots, no public amenities or open space, and a single-family housing type, all in contrast to the recommendations of the Master Plan. The average density for R-200 is no more than 2.44 d.u./ acre versus the density recommended in the master plan. A density of 2.44 d.u./acre is insufficient to reach the critical mass and density envisioned for the west end of the Town Center and areas within ½ mile radius of the MARC Station. The project proposes residential development at more than 17 dwelling units/acre.

Overall, these public facilities and amenities will support the mixture of uses at the increased densities proposed. Given the recommendations of the Master Plan and the site's proximity to transit, employment and services, the optional method of development is much more desirable and efficient for this particular site.

- f) *The application would include moderately priced dwelling units in accordance with Chapter 25A, if the requirements of that chapter apply.*

The Amendment has adjusted the total number and bedroom mix of MPDUs to reflect the revised total number of multi-family dwelling units and revised unit mix for the multi-family buildings. As a result, the application provides 59 MPDUs, or 12.5% of the total number of units as MPDUs,

consistent with the requirements of Chapter 25A, and as approved by DHCA [Appendix B].

- (g) When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities, within a lot with two or more CBD zones, under 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Planning Board may approve the project plan only if:*

The development does not propose any transfers of public open space or development density from one lot to another.

- (h) Any applicable requirements for forest conservation under Chapter 22A.*

The project has an approved Final Forest Conservation Plan (FFCP) that was approved by the Planning Board in conjunction with Project Plan 92002002B on June 23, 2011. The FFCP was subsequently revised and updated with Preliminary Plan No. 120110090 and Site Plan No. 820110130, approved by the Planning Board on December 1, 2011. The applicant has submitted a revised FFCP with this Amendment that reflects the proposed changes. This application and the revised FFCP are in compliance with Chapter 22A.

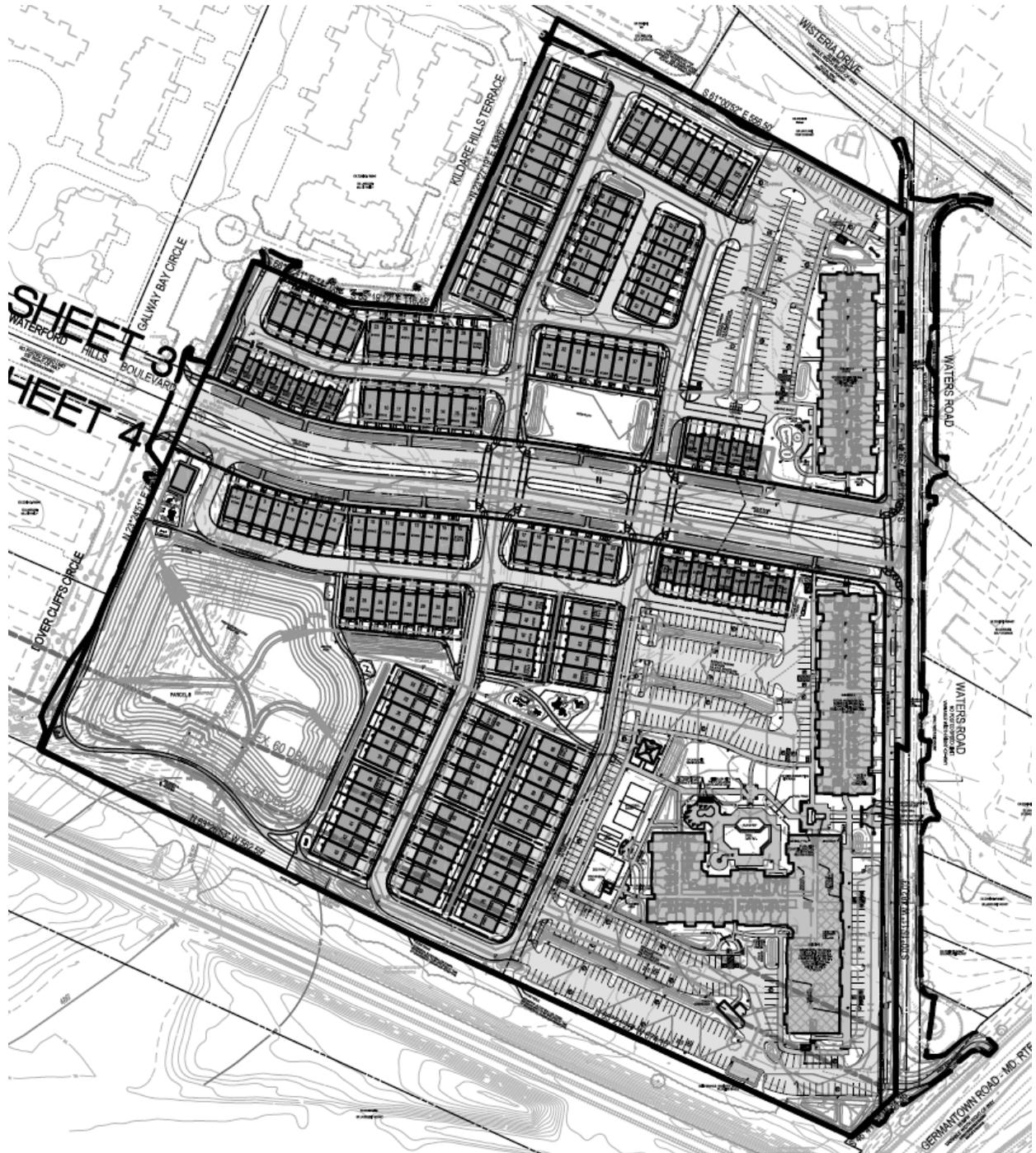
- (i) Any applicable requirements for water quality resources protection under Chapter 19.*

The proposed storm water management concept approved on November 14, 2012, meets the required stormwater management goals by the use of Environmental Site Design (ESD) for one inch of the required volume including microbiofilters, bioswales and porous paving. The existing dry stormwater pond will be used for the remaining volume that cannot be provided in the ESD facilities. Filterrras and a volume based Stormfilter will be used for the Waters Road improvements.

- (j) Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The Amendment does not alter the approved public use space and amenities to be provided off-site, as approved with Project Plan No. 92002002B. The project continues to improve the areas within the future right-of-way for Waters Road and Waterford Hills Boulevard consistent with the recommendations in the Germantown Sector Plan and the Design Guidelines.

SECTION 3: PRELIMINARY PLAN AMENDMENT



Preliminary Plan

RECOMMENDATION AND CONDITIONS

The Preliminary Plan meets all requirements established in the Chapter 50 of the County Code, the Subdivision Regulations, and it is in substantial conformance with the recommendations of the Germantown Employment Area Sector Plan. Staff recommends approval of Preliminary Plan No. 12011009A, subject to the following conditions:

1. The Applicant must comply with conditions of approval for Preliminary Plan No. 120110090, as listed in MCPB Resolution No. 11-131 [Appendix A], except as modified by this application and as follows.
2. This Preliminary Plan is limited to 166 lots and two parcels for a maximum of 470 residential units including a minimum 12.5% Moderately Priced Dwelling Units (MPDU's), for 166 one-family attached units and 304 multi-family, high-rise dwelling units, and 14,426 square feet of commercial uses.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated November 14, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for 121 months (10 years) from the date of mailing of the original MCPB Resolution (No. 11-131) dated February 22, 2012 and phased as follows:
 - a) Within 85 months (7 years) building permits must be issued for two-thirds of the townhouse units and all three multi-family buildings or a request for an extension must be received by Staff.
 - b) Within 121 months (10 years) all remaining building permits must be issued.
5. The Subject Property is located in the Northwest High School Cluster. Pursuant to the FY2012 Annual School Test that was in effect on the date of approval of Preliminary Plan 120110090, the 166 one-family attached (townhouse) units will continue to be subject to a School Facilities Payment at the elementary and high school levels, and 289 of the 304 multi-family high-rise units will continue to be subject to a School Facilities Payment at the elementary and high school levels. The rate of the tax or payment due is the rate in effect when the tax or payment is paid and must be made in accordance with Chapter 52, Article VII, Section 52-50(l), of the Montgomery County Code. Fifteen (15) of the 304 multi-family high rise units are not subject to a School Facilities Payment pursuant to the FY2013 Annual School Test.
6. The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks.
7. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
8. Any record plat containing Common Open Space must reference the covenant recorded at Liber 28045 Folio 578 ("Covenant") and the Applicant's recorded Townhouse Homeowners Association Documents must incorporate by reference the Covenant. However, the Record Plat of Subdivision for the Multi-family Parcel shall not reference the Covenant since it will be under single entity ownership and will not have a Homeowners Association.
9. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan Amendment prior to certification of the site plan.

ANAYSIS AND FINDINGS

Master Plan Conformance

The Amendment is consistent with and in substantial conformance to the 2009 Approved and Adopted Germantown Employment Area Sector Plan. The Amended Project Plan proposes to increase the number of residential units from 455 to 470 (including 12.5% MPDUs), and to maintain the commercial uses at 14,426 SF. This results in a slight increase in FAR from 0.74 to 0.75, which is still within the 0.8 FAR ceiling recommended in the Sector Plan (p. 53). The Sector Plan allows for flexibility in the residential and commercial mix provided so long as the overall density is below 0.8 FAR.

Adequate Public Facilities Review (APF)

The subject preliminary plan for the proposed residential and commercial development satisfies the LATR/PAMR requirements of the Adequate Public Facilities (APF) review. The property is not located within a transportation management district.

Local Area Transportation Review (LATR)

The proposed Amendment has no transportation-related impacts on the approved preliminary plan. The addition of 15 multi-family units generates seven (7) additional AM peak hour trips and ten (10) additional PM peak hour trips. Since the proposed Amendment results in fewer than 30 peak hours trips as compared to the currently approved plan, this project is not subject to the LATR.

Policy Area Mobility Review (PAMR)

A PAMR study is not required for the project because the site is located within the Germantown West Policy Area, which does not require trip mitigation according to the current Growth Policy.

Site Access, Vehicular/Pedestrian Circulation and Rights-of-way

There are no changes to the previously approved site access, roadway network, and pedestrian circulation system. The Amendment has been evaluated by Staff, the Montgomery County Department of Transportation (MCDOT), the Montgomery County Department of Fire and Rescue Services (MCFRS), and the Maryland State Highway Administration (MD SHA), all of which support the Amendment [Appendix B].

Other Public Facilities

Public facilities and services continue to be available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service, and they have determined that the property has appropriate access for fire and rescue vehicles [Appendix B]. Electrical and telecommunications services are also available to serve the Property. Washington Suburban Sanitary Commission recommends approval of the plan finding that local lines exist, and they are of adequate size to serve the proposed number of homes. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

The project is located in the Northwest High School Cluster. The 166 townhouse units, 136 multi-family garden apartment units and 153 multi-family high-rise units previously approved under Preliminary Plan 120110090 on December 1, 2011 are subject to the Annual School Test effective for FY12, hence, a School Facilities Payment is required at the elementary and high school levels for those units. Under this Amendment all of the previously approved units will continue to be subject to the FY12 Annual School Test, however; the 289 multi-family units will now all be high-rise units which will tend to lower the assessed impact fee when the payment is eventually calculated. It should be noted that the “per unit” amount of the School Facilities Payment is determined by MCDPS at the time that the payment is made to MCDPS. Because the “per unit” amount is subject to periodic adjustments, it is not possible for Staff to provide a specific payment amount at this time.

The FY13 Annual School Test indicates that capacity issues within the Northwest High School Cluster have been addressed and developments approved in FY13 are not subject to a School Facilities Payment at any level, therefore, the additional 15 multi-family high-rise units approved under this Amendment will not be subject to a School Facilities Payment.

The total number of students generated by the 304 multi-family high-rise units is less than that generated under the previous approval resulting in less impact on school enrollment.

Environment

The project has an approved Final Forest Conservation Plan (FFCP) that was approved by the Planning Board in conjunction with Project Plan 92002002B on June 23, 2011. The FFCP was subsequently revised and updated with Preliminary Plan No. 120110090 and Site Plan No. 820110130, approved by the Planning Board on December 1, 2011. The applicant has submitted a revised FFCP with this Amendment that reflects the proposed changes. This application and the revised FFCP are in compliance with Chapter 22A of the Montgomery County Code.

Compliance with the Subdivision Regulations

The application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all other applicable sections. The size, width, shape and orientation of the lots continue to be appropriate for the location of the subdivision, given the recommendations of the 2009 Approved and Adopted Germantown Employment Area Sector Plan. The lot pattern is comparable to that approved as part of the Fairfield Subdivision to the west. The Fairfield development included one family attached lots with a lot and block pattern that is similar to that proposed under the Village West at Germantown Town Center project. The Fairfield Subdivision also was approved with multi-family lots, again, in a similar pattern with respect to layout as that proposed under the Village West project. Staff finds that the size, shape, width and orientation of lots on the Village West at Germantown Town Center project is appropriate and will provide a seamless continuation of the Fairfield Subdivision to the west.

The Applicant has requested a phased Adequate Public Facilities validity period that will extend beyond the typical 85 months (7 years) to 121 months (10 years) as provided in Section 50-20(c)(3)(A)(iii) of the Subdivision Regulations. For projects of this scale, Staff believes that such a request is reasonable. The

phasing schedule submitted by the Applicant requires that two-thirds of the building permits for the townhouse units and all building permits for the three multi-family buildings including the internal club house will be issued within the initial 7-year period. All remaining building permits must be issued after the initial phase but within 121 months of the original Preliminary Plan Resolution mailing date.

Stormwater Management

The proposed storm water management concept approved on November 14, 2012, meets the required stormwater management goals by the use of Environmental Site Design (ESD) for one inch of the required volume including microbiofilters, bioswales and porous paving. The existing dry stormwater pond will be used for the remaining volume that cannot be provided in the ESD facilities. Filterras and a volume based Stormfilter will be used for the Waters Road improvements. Staff finds that the plan complies with Section 50-24(j) which requires that stormwater requirements be satisfied as part of the Preliminary Plan review.

SECTION 4: SITE PLAN AMENDMENT

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 82011013A, Village West at Germantown Town Center, for a mixed-use development with 470 residential dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, yielding a 0.75 FAR on 26.48 gross acres. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on October 24, 2012, and November 9, 2012, are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Project Plan Conformance
The proposed development must comply with the conditions of approval for Project Plan No. 92002002C, or as amended.
2. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for Preliminary Plan No. 12011009A, or as amended.
3. Site Plan Conformance
The proposed development must comply with the conditions of approval for Site Plan No. 820110130 (MCPB No. 11-123) [Appendix A], unless amended by this application.

Environment

4. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated November 14, 2012, unless amended and approved by the Montgomery County Department of Permitting Services. [Appendix B]

Parks, Open Space, and Recreation

5. Common Open Space Covenant
Any record plat containing Common Open Space must reference the covenant recorded at Liber 28045 Folio 578 (“Covenant”) and the Applicant’s recorded Townhouse Homeowners Association Documents must incorporate by reference the Covenant. However, the Record Plat of Subdivision for the Multi-family Parcel shall not reference the Covenant since it will be under single entity ownership and will not have a Homeowners Association.
6. Recreation Facilities and Amenities
 - a) Provide the following recreation facilities within the 26.48 acre-site: two play lots, two tot lots, an open play area II, an open play area I, a volleyball court, yard games, a swimming pool, a wading pool (sun shelf), fifteen seating areas, a pedestrian system, and five outdoor fitness stations.
 - b) Provide the following amenities within the 26.48 acre-site: two pavilions with seating,

community garden, plaza with fountain, a dog park with a dog grooming station, outdoor kitchen and a fire pit area.

Transportation & Circulation

7. Transportation

The development is limited to a maximum 0.75 FAR including 14,426 SF of commercial uses and 470 residential units (304 multi-family units and 166 one-family attached units), unless amended.

Density & Housing

8. Moderately Priced Dwelling Units (MPDUs)

- a) The development must provide a minimum of 12.5% of the total number of units as MPDUs on-site, consistent with the requirements of Chapter 25A.
- b) The MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) shall be executed prior to the release of any building permits.
- c) All of the required MPDUs shall be provided on-site.

Site Plan

9. Landscape

Provide shade trees along the western edge of the active play area, where the dog park, yard games and volleyball court are located.

10. Development Program

The previously approved development program remains in full force and effect except for former condition 17.d)ii) which shall be replaced with:

- ii. The swimming pool, wading pool (sun shelf), volleyball court, yard games, dog park with dog grooming station, open play area II, plaza with fountain must be completed prior to the release of the final residential use and occupancy permit for the second multi-family building constructed in this cluster (either Buildings 1 or 2).

11. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b) Modify data table to reflect development standards enumerated in the staff report.
- c) Show 18-foot long driveways for lots 17-23 Block B.
- d) Correct dimensions on architectural elevations to denote 65 feet maximum building height.

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan nor a schematic development plan were required for the subject site.

The Site Plan is consistent with pending Project Plan No. 92002002C for the Village West at Germantown Town Center reviewed concurrently with the subject application in terms of design layout, development standards, and conditions of approval.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As demonstrated in the Data Table, the Site Plan Amendment meets all the requirements of the RMX-2 Zone under the optional method of development. The proposed uses are allowed in the RMX-2 Zone and the Site Plan meets the purpose of the zone by providing a mixed-use development with primarily residential uses (470 units including one-family attached and multi-family units) and some commercial uses (14,426 square feet).

The proposed Amendment meets the density requirements of the zone and recommendations in the Germantown Employment Area Sector Plan. The overall density, which is proposed at 0.75 FAR for the 26.48-acre site, is slightly below the maximum density of 0.8 FAR recommended by the Sector Plan for this site (p.53). The commercial density proposed is well below the maximum 0.5 FAR allowed and the gross leasable floor area is well below the maximum 600,000 square feet allowed. The residential density proposed at 17.75 du/ac is below the 30 du/ac allowed by the zone.

The Amendment proposes to increase the maximum height of the multi-family buildings from 60 to 65 feet (5 stories). While the Zone does not include any required building height restrictions, the Sector Plan and the Germantown Design Guidelines recommend 60 feet as the maximum building height. As discussed in the project plan findings, the Amendment is in substantial conformance with the recommendations in the Sector Plan and Design Guidelines since both documents allow for some flexibility in the application of this recommendation to account for the unique circumstances of a given site and project. The proposed height of 65 feet is substantially similar to the recommended 60 feet and hardly perceived at street level, especially when combined with flat roofs along the buildings' street edge.

As demonstrated in the Data Table below, the project meets all of the applicable requirements of the RMX-2 Zone under the optional method of development.

Data Table for the RMX-2 Zone, Optional Method of Development

Development Standard	Zoning Ordinance Permitted/ Required	Approved with 820110130	Proposed for Approval with 82011013A
Site Area (acres)			
Gross Tract Area	n/a	26.48	26.48 (1,153,469 SF)
Less Dedication for Public ROW Water's Road Waterford Hills Blvd Father Hurley Blvd	n/a	<u>3.12</u> (0.77) (2.35) (0.00)	3.12
Net Lot Area	n/a	23.36	23.36
Density			
Max. Commercial (FAR) [59-C-10.3.4]	0.5	0.01	0.01
Max. gross leasable (non-residential) floor area (SF) [59-C-10.3.5]	600,000	14,426	14,426
Residential D.U.s (> 30 acres site area) [59-C-10.3.6]	150 min.	455	470
Max. Residential Density (du/acre) [59-C-10.3.7]	30 residential areas 40 commercial areas	17.18	17.75
MPDUs [Chapter 25A] One-family attached Multi-family	12.5%	12.5% (57 MPDUs) (21) (36)	12.5% (59 MPDUs) (21) (38)
Max. Total FAR - residential - commercial - clubhouse & cabana	0.8 (922,775 SF) ^(a)	<u>0.74 (854,000 SF)</u> (834,019 SF) (14,426 SF) (5,555 SF)	<u>0.75 (868,893 SF)</u> (849,122 SF) (14,426 SF) (5,345 SF)
Unit Mix One-family attached Multi-family 1-Bedroom 2-Bedroom 3-Bedroom	n/a	166 <u>289</u> (143) (138) (8)	166 <u>304</u> (141) (158) (5)
Min. Green Area or outside amenity area [59-C-10.3.3]			
Residential Commercial	50% 15%	50.0% (13.2 ac.)	50.0% (13.2 ac.)
Min. Building Setbacks (ft) [59-C-10.3.8]			
From one-family residential zoning	100	n/a	n/a
From residential zoning other than one-family (RMX-2/TS/RMX-2C) - Residential buildings - Commercial bldgs	30 50	15 ^(b) n/a	15 ^(b) n/a

From Any Street ^(c)			
- Residential buildings	0		
One-family		0	0
Multi-family		0	0
- Commercial bldgs.	0	n/a	n/a
From abutting commercial or industrial zoning (I-3/PD-15 Zone)		n/a	n/a
- Residential buildings	30		
- Commercial bldgs.	25		
Max. Building Height (ft)			
Overall	60 ^(d)		
One-family attached	n/a	45	45
Multi-family	n/a	60	65
Min. Lot (Parcel) Area (SF)			
One-family attached	n/a	1,250	1,250
Multi-family	n/a	15,000	15,000
Min. Lot Width at Street Front (ft)			
One-family attached	n/a	20	20
Max. Building Coverage			
One-family attached	n/a	90%	90%
Multi-family	n/a	90%	90%
Vehicle Parking (number of spaces)			
Retail auxiliary	51 (3.5 sp/1000 SF)	51	51
One-family attached (166 units)	332 (2 sp/unit)	535	535
Multi-family	<u>424</u>	<u>460</u>	<u>443</u>
1-Bedroom (141 units)	177 (1.25 sp/unit)	200	
2-Bedroom (158 units)	237 (1.5 sp/unit)	242	
3-Bedroom (5 units)	10 (2 sp/unit)	18	
Total spaces	785	1,046	1,029
Bicycle Parking (number of spaces)			
Racks		25	25
Covered storage		<u>40</u>	<u>40</u>
Total	20 (5%/sp provided)	65	65
Motorcycle Parking			
Number of spaces	9.2 (2%/MF sp provided)	11	11

^(a) Per the 2009 Approved and Adopted Germantown Employment Area Sector Plan recommendations for this site (p.53).

^(b) The Planning Board approved a reduction in the minimum setbacks with Site Plan No. 820110130.

^(c) No minimum setback required if in accordance with master plan.

^(d) According to the Germantown Employment Area Sector Plan (p. 54) and the Germantown Urban Design Guidelines (June 2010) (p. 31).

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a) Locations of buildings and structures

The locations of the proposed buildings and structures are adequate, safe, and efficient. The Amendment proposes to add 15 multi-family dwelling units to the approved project resulting in a mixed-use development with a total of 470 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, with an overall 0.75 FAR on the 26.48-acre site.

The Amendment proposes to consolidate the four previously approved multi-family buildings and Clubhouse into three buildings with a combined total of 304 multi-family dwelling units, and increase the maximum height of those buildings from 60 to 65 feet or 5 stories. The Clubhouse is now located at the ground level of Building 1 rather than being a standalone building. The effect previously achieved with the Clubhouse as a focal point and visual terminus for the future Waters Road connector to MD Route 118 is now adequately achieved with an open space gateway and trellis framed by architecturally prominent building corners.



Open Space Gateway and trellis and architecturally prominent building corners

The location of the buildings fronting on Waters Road and the provision of commercial uses and residential units with direct access to the street via separate ingress/egress points is maintained, which is key to the activation of Waters Road.

The Amendment proposes additional structures as part of the revised amenity areas. These include: a pavilion with seating, a dog grooming station, accessory building for cleaning and maintenance, and outdoor kitchen with trellis. The location of these structures adequately responds to the new amenity layout by strengthening the pedestrian experience and expanding the range of outdoor activities.

The parking areas for the multi-family buildings were revised to accommodate additional required loading spaces for all multi-family buildings and the elimination of the 2-level parking structure. The parking requirements for the multi-family buildings are all met on site via surface parking areas with a total of 443 parking spaces. The location of the surface parking areas within the site and behind the multi-family buildings allows for an adequate orientation of the project towards Waters Road and Waterford Hills Boulevard. The parking areas efficiently address parking needs of the future residents and enable safe access and circulation to the multi-family buildings.

The Amendment has replaced the long-term bicycle storage facilities with covered bicycle parking facilities, which are more practical and useful, at each multi-family building. The project still provides bicycle racks in proximity to residential units, amenity areas and circulation paths, which collectively encourage bicycle usage. The total number of bicycle parking spaces remains unchanged.

b) Open Spaces

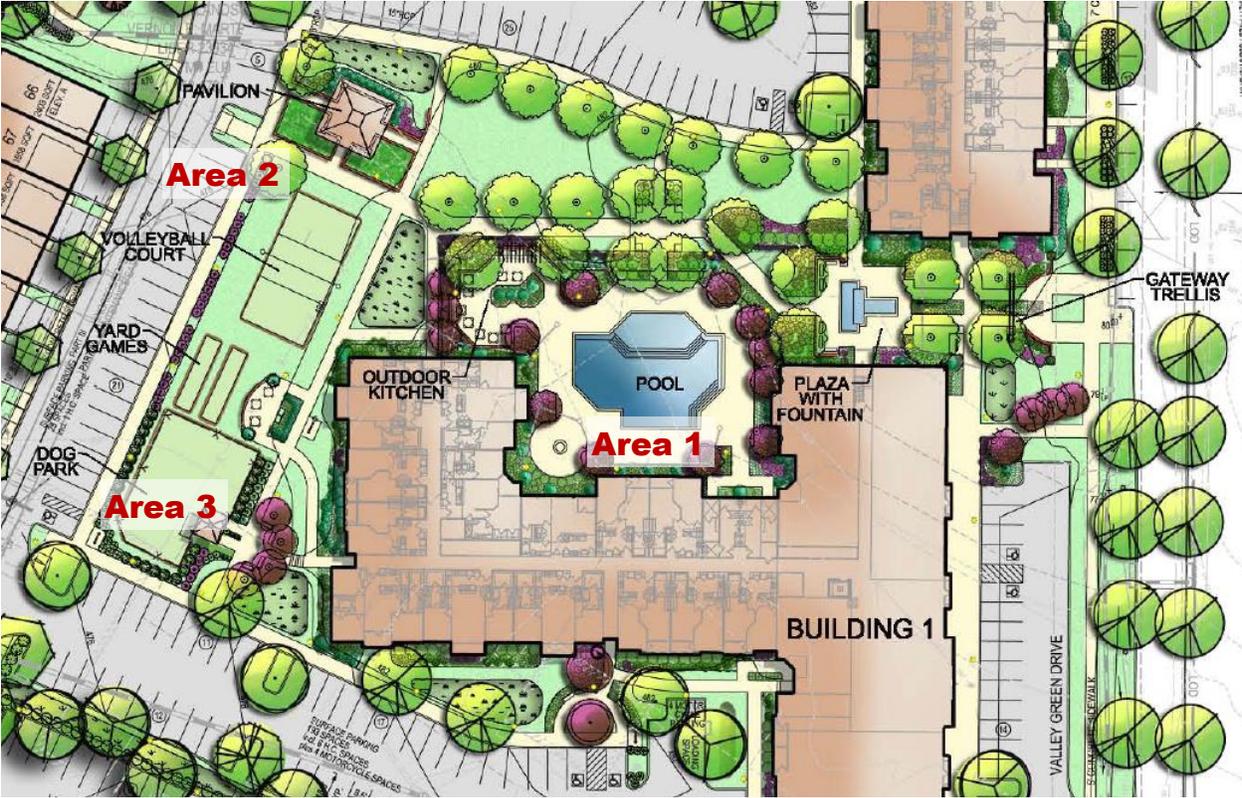
The open spaces provided are adequate, safe, and efficient. The RMX-2 Zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the tract area for residential uses, and 15 percent for commercial uses. The plan meets the green area requirements by providing a total of 50 percent (or 13.2 acres) of green space.



Perspective rendering of the east-west pedestrian corridor

The open space surrounding the multi-family buildings was revised to accommodate additional amenities and as a response to the new building configuration. The Amendment includes three general amenity areas surrounding the multi-family buildings: the pool area, the pedestrian corridor and active play area.

- 1) The pool area consists of a swimming pool, a wading pool (sun shelf), outdoor kitchen with trellis and moveable seating, and a fire pit enclosed by a 6-foot tall fence. Although located on the northern side of the Building 1, the pool area has adequate sun exposure as shown on the sun/shadow study in Appendix C.
- 2) The east-west pedestrian corridor, which accommodates pedestrian movements between the residential neighborhoods to the west and the MARC station, encompasses a sequence of distinct spaces connected by an 8-foot path lined with trees. The sequence of spaces starts with a gateway trellis and a plaza with a fountain on the eastern end along Waters Road and progresses through an open play area II and mini-plaza with raised columns towards a pavilion with seating and a community garden on the western end. This open space corridor efficiently allows for pedestrian movement and connectivity while creating safe opportunities for recreation and leisure.
- 3) An area of active recreation on the western side includes a dog park with a dog grooming station, yard games, volleyball court, sitting areas and grilling.



Three general amenity areas proposed

The open space and play lot associated with Building 3 were relocated from the northern to the western side of the building fronting on Waterford Hills Boulevard. This location is more prominent and provides adequate visibility of the open space from the public road.

The diversity of open spaces proposed is adequately dispersed throughout the development to provide safe and convenient access to all residents while efficiently providing relief from the density being proposed.

c) Landscaping and Lighting

The landscaping is adequate, safe, and efficient. The amendment revises the landscape plan as a response to the new amenity layout and building configuration. The landscape proposed continues to serve several purposes. It provides adequate canopy coverage and shade for parking areas and open spaces. It efficiently defines open spaces and amenity areas by creating an edge or boundary, and adding interest, such as, at the open space gateway. It screens and buffers different uses within the project, such as, the active play area from the surface parking areas.

Similarly, the lighting was updated also as a response to the new amenity layout and building configuration. The revised lighting is adequate, safe, and efficient.

d) Recreation Facilities

The recreation facilities provided are adequate, safe and efficient. The Amendment provides additional amenities and recreation facilities, which help support the proposed increase in density in this optional method of development project. The recreation facilities provided within the multi-family area, which are included in the recreation calculations, include: a swimming pool, a wading pool (sun shelf), a volleyball court, yard games, open play area II, and sitting areas.

As shown below, the recreation calculations for the overall development were updated to include the revised facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. These facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups.

Additional amenities, which are not included in the Recreation calculations, but integral to the enjoyment and leisure of the future residents include: outdoor kitchen with trellis, moveable seating and a fire pit in the pool area; a pavilion with seating, community garden, mini-plaza with raised columns, plaza with fountain, a dog park with a dog grooming station, accessory building for cleaning and maintenance, and indoor fitness facility. The accessory building for cleaning and maintenance and indoor fitness facility are for the use of the multi-family residents and their guests.

Demand		D1	D2	D3	D4	D5
	Number	Tots	Children	Teens	Adults	Seniors
Housing Type	of Units	0 to 4	5 to 11	12 to 17	18 to 64	65+
TH	166	28.22	36.52	29.88	214.14	11.62
Hi-Rise (5 or more)	304	12.16	12.16	12.16	234.08	139.84
		40.38	48.68	42.04	448.22	151.46

On-Site Supply		D1	D2	D3	D4	D5
	Quantity	Tots	Children	Teens	Adults	Seniors
Recreation Facility	Provided	0 to 4	5 to 11	12 to 17	18 to 64	65+
Tot Lot	2	18.00	4.00	0.00	8.00	2.00
Play Lot	2	0.00	18.00	6.00	8.00	2.00

Picnic/Sitting	15	15.00	15.00	22.50	75.00	30.00
Open Play Area I	1	6.00	9.00	12.00	30.00	2.00
Open Play Area II	1	3.00	4.00	4.00	10.00	1.00
Volleyball	1	2.00	2.00	3.00	8.00	1.00
Yard Games (Horseshoes, Bocce)	1	0.00	2.00	2.00	4.00	3.00
Pedestrian System	1	4.04	9.74	8.41	201.70	68.16
Swimming Pool	1	2.22	9.98	8.62	112.06	22.72
Wading Pool	1	6.06	2.43	0.00	22.41	7.57
Outdoor Fitness Facility	0.5	0.00	2.43	2.10	44.82	11.36
total:		56.32	78.58	68.63	523.99	150.81

Adequacy of Facilities	D1	D2	D3	D4	D5
Total Supply	56.32	78.58	68.63	523.99	150.81
90% Demand	36.35	43.82	37.84	403.4	136.32
Adequate?	yes	yes	yes	yes	yes

Recreation Calculations

e) Pedestrian and Vehicular Circulation Systems

The pedestrian and vehicular circulation systems are safe, adequate, and efficient. The Amendment proposes minor revisions to the pedestrian and vehicular circulation systems. Pedestrian paths were adjusted as a response to the revised layout of the amenity areas. A hierarchy of paths provides access to the various amenity areas, parking areas and buildings entrances. The Amendment improves the east-west pedestrian corridor by opening the space, creating a gateway, and connecting a sequence of spaces with an 8-foot wide path.



Gateway to the east-west pedestrian corridor

The vehicular circulation system was revised to accommodate minor revisions to the parking layout and loading spaces. Because all the multi-family buildings are now 5 stories, all are required to have loading spaces. These were integrated efficiently in the rear of the buildings while maintaining safe vehicular circulation in the parking areas. The Amendment also shows the vehicular access for the commercial area off Waters Road as a place holder subject to further coordination with potential adjacent development. This vehicular access into the parking area may shift north or south to better coordinate with potential adjacent development.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structures and uses proposed are compatible with other uses and site plans, and with existing and proposed adjacent development. The Amendment proposes to add 15 additional multi-family dwelling units to the approved mix, resulting in a total of 470 dwelling units and 14,426 square feet of commercial uses, with an overall 0.75 FAR on this site. The residential density proposed at 17.75 du/ac is compatible to the residential density at Fairfield of Germantown at 16.8 du/ac. The overall density and uses proposed are compatible with the location of the site on the west end of the Germantown Town Center area abutting the CSX tracks and within a ½ mile radius of the MARC Station. Locating the proposed commercial uses along Waters Road is compatible with the existing confronting uses on this road, which are more commercial in nature.

The Amendment proposes to eliminate the 2-level parking structure, which was previously located along the CSX tracks and helped to buffer noise from the tracks onto the multi-family buildings, and replace it with surface parking. This change prompted an updated noise study [Appendix D], which confirmed that the noise levels at the multi-family building 1 (closest to the tracks) are acceptable without the parking structure.



East elevation of Building 2 (along Waters Road) with maximum height of 65 feet

The maximum height of the multi-family buildings has increased from 60 to 65 feet or 5 stories. While this change is minimal, it allows for an additional story which accommodates the additional units with minimal increase in the building footprints, and greater ceiling height for the commercial development on the ground floor of Building 1. Also, per County requirements all buildings will have to be LEED certified.

From a compatibility standpoint, the additional 5 feet are not significant and will hardly be

perceived at street level, especially when combined with flat roofs along the buildings' street edge. The additional height is limited to the multi-family buildings located along Waters Road, which preserves the step down effect in building heights from east to west towards the existing residential communities as intended by the Sector Plan and is compatible with existing and potential development along Waters Road.

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

The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection. The Final Forest Conservation Plan (FFCP) was approved by the Planning Board in conjunction with Project Plan 92002002B on June 23, 2011. The FFCP was subsequently revised and updated with Preliminary Plan No. 120110090 and Site Plan No. 820110130, approved by the Planning Board on December 1, 2011. The applicant has submitted a revised FFCP with this Amendment that reflects the proposed changes. This application and the revised FFCP are in compliance with Chapter 22A of the Montgomery County Code.

The proposed storm water management concept approved on November 14, 2012, meets the required stormwater management goals by the use of Environmental Site Design (ESD) for one inch of the required volume including microbiofilters, bioswales and porous paving. The existing dry stormwater pond will be used for the remaining volume that cannot be provided in the ESD facilities. Filterrras and a volume based Stormfilter will be used for the Waters Road improvements.

APPENDICES

- A. Previous approvals
- B. Reviewing Agency Approvals
- C. Sun/Shadow Study
- D. Noise Study
- E. Project Plan Data Table

Appendix A



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-53

Project Plan No. 92002002B

Project Name: Martens Property (formerly Fairfield at Germantown)

Date of Hearing: June 23, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review project plan applications; and

WHEREAS, on January 4, 2011, Buchanan Acquisitions, LLC ("Applicant"), filed an application for approval of a project plan for 455 dwelling units (including 12.5% MPDUs) and 14,486 SF of commercial uses ("Project Plan"), on 26.48 acres of RMX-2-zoned land, near the intersection of Wisteria Drive and Waters Road in Germantown ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 92002002B, Martens Property (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated June 8, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on June 23, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 23, 2011, the Planning Board approved the Application subject to conditions, on the motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

Approved as to
Legal Sufficiency:

Christina Sorrent 9/1/11
M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Page 38 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 92002002B for 455 dwelling units (including 12.5% MPDUs) and 14,486 SF of commercial uses, on 26.48 gross acres in the RMX-2 zone, subject to the following conditions:

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan No. 920020020, except as modified by this Application.

2. Site Plan Conformance

Site Plan No. 82003003B must be amended to allow the proposed increase in residential density on the 62.4-acre site prior to approval of the subject Application.

3. Previous Approvals

All previous approvals remain in full force and effect unless modified by this Application.

4. Development Ceiling

The proposed development for Phase II (26.48 acres) is limited to a 0.74 FAR including 14,486 SF of commercial uses and 455 dwelling units.

5. Housing

The development must provide a minimum of 12.5 percent as MPDUs onsite, consistent with the requirements of Chapter 25A.

6. Building Access Points

- a) The multi-family buildings fronting on Waters Road must have a minimum of one (ideally more) pedestrian ingress/egress points off Waters Road for the residential units.
- b) The commercial portion of this development must be located along Waters Road and have individual pedestrian ingress/egress points off Waters Road.

7. Transportation

The Applicant must reconstruct Waters Road to include a minimum 31-foot wide pavement width with curb and gutter and street trees within a minimum 51-foot-wide right-of-way as shown on the Project Plan as Option 2, and with the addition of street trees on the east side of the road. Alternatively, if the full 70-foot right-of-way becomes available through dedication by others before the Applicant commences reconstruction of Waters Road, the Applicant must reconstruct

Waters Road to include a 38-foot-wide pavement width with curb and gutter and street trees as shown on the Project Plan as Option 1.

8. Waters Road Connection to MD 118

The Applicant must design the final alignment and identify future dedications for the construction of the Waters Road connection to MD 118 prior to approval of the Applicant's preliminary plan.

9. Forest Conservation

Prior to certified site plan, submit a revised Final Forest Conservation Plan specifying either on-site or off-site methods to meet the afforestation requirements of the site.

10. Public facilities and amenities

- a) The public facilities and amenities provided must include at a minimum a clubhouse with an indoor exercise room and an indoor community space, a swimming pool, a wading pool, two tot lots, two open play areas, nine seating areas, a dog park (if permitted by site conditions), and a pedestrian system. However, the Planning Board may approve other facilities that are equal to or better than these at the time of site plan approval.
- b) The final design and details of the public facilities and amenities will be determined during site plan review.
- c) The proposed Green Commons area must front on Waterford Hills Boulevard and be easily and readily accessible to the general public.

11. Rough Grading

Rough grading of the site and demolition of existing structures can be performed prior to Site Plan or Preliminary Plan approval provided the Final Forest Conservation Plan has been approved, a Rough Grading Sediment Control Plan to minimize soil erosion is approved, and M-NCPPC performs an inspection and approval of all tree-save areas and protection devices.

12. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan Approval

- a) The Applicant must obtain written approval from the Montgomery County Department of Transportation (MCDOT) for the final design and extent of any and all streetscape improvements within the rights-of-way.
- b) The Applicant must submit the traffic signal warrant analyses at preliminary plan consistent with the MCDOT's request.
- c) The final cross-section and right-of-way dimensions for Waterford Hills Boulevard and Waters Road will be finalized at the time of preliminary plan approval in coordination with MCDOT using the new Context Sensitive Design standards.

- d) A detailed development program including project phasing and construction of amenities and Waters Road improvements will be required prior to approval of the certified site plan.
- e) The final details of the noise study and follow-up recommendations will be determined at the time of site plan approval.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

(a) The proposed development complies with all of the intents and requirements of the RMX-2 zone.

Section 59-C-10.1 of the Montgomery County Zoning Ordinance establishes the RMX-2 Zone, identified as Residential-Mixed Use Development, Specialty Center. Division 59-C-10 does not include a purpose and intent section for the RMX (Residential Mixed-Use) Zone, and the term 'specialty center' is not defined in the Zoning Ordinance. The Planning Board also consulted the 1989 master plan and 2009 sector plan in order to address this finding. While the 1989 master plan recommends rezoning this Property from the I-1 Zone to the RMX Zone, neither document provides a purpose and intent statement for the RMX Zone.

Therefore, the Planning Board relies on the term 'Residential-Mixed Use Development' to help support its recommendation that the Application meets the general intent of the zone. Section 59-C-10.3.1 adds further guidance with the following language:

"This optional method of development accommodates mixed use development comprised of planned retail centers and residential uses, at appropriate locations in the County. This method of development is a means to encourage development in accordance with the recommendations and guidelines of approved and adopted master plans." and

"Approval of this optional method of development is dependent upon the provision of certain public facilities and amenities by the developer. The requirement for public facilities and amenities is essential to support the mixture of uses at the increased densities of development allowed in this zone"

The Project Plan amendment proposes a mixed use development with primarily residential uses (455 units including townhouses and multi-family units) and some

commercial uses (14,486 SF). The density and amenities achieved through the optional method of development help to realize the recommendations of the 2009 Approved and Adopted Germantown Employment Area Sector Plan, as described in Finding (b) below.

The public facilities and amenities provided are divided into three main areas: (1) the Green Commons with a tot lot, open play area II, and seating areas; (2) the southeast amenity area, which is enclosed by the multi-family buildings and includes a clubhouse with an indoor exercise room and an indoor community space, a swimming pool, a wading pool, a tot lot, open play area II, and seating areas; and (3) the southwest amenity area which surrounds a stormwater management (SWM) dry pond and includes a dog park, seating areas, and a pedestrian path. The Applicant has also proffered to reconstruct Waters Road with 31-foot wide pavement, curb and gutter, and street trees within the existing 51-foot right-of-way. Alternatively, if the full 70-foot right-of-way becomes available, Waters Road will be reconstructed with 38-foot wide pavement, curb and gutter, and street trees on both sides. Overall, these public facilities and amenities will support the mixture of uses at the increased densities proposed.

The Subject Property is zoned RMX-2, which is governed by the development standards in Section 59-C-10.3 of the Montgomery County Zoning Ordinance. The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, other uncontested evidence, and testimony of record, that the Application meets all of the applicable requirements of the RMX-2 zone under the optional method of development. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Project Data Table for the RMX-2 Zone (Optional Method of Development)

Development Standards	Approved by the Planning Board and Binding on the Applicant (entire site)	Approved by the Planning Board and Binding on the Applicant (Subject Project Plan)
Site Area (acres)		
Gross Tract Area	<u>62.58</u>	
Phase I	(36.10)	
Phase II	(26.48)	26.48
Less Dedication for Public ROW	<u>7.06</u>	<u>3.12</u>
Water's Road	(0.77)	(0.77)
Waterford Hills Blvd	(5.39)	(2.35)
Father Hurley Blvd	(0.90)	(0.00)

Net Lot Area	<u>55.52</u>	
Phase I	(32.16)	
Phase II	(23.36)	(23.36)
Density		
Max. Commercial (FAR) [59-C-10.3.4]	0.005	0.01
Max. gross leasable (non-residential) floor area (SF) [59-C-10.3.5]	14,486	14,486
Residential D.U.s (> 30 acres site area) [59-C-10.3.6]	1,059 ^(a)	455
Max. Residential Density (du/acre) [59-C-10.3.7]	16.9	17.18
MPDUs [Chapter 25A]	14% (148 MPDUs) ^(a)	12.5% (57 MPDUs)
Max. Total FAR	<u>0.53 (1,435,229 SF)</u>	
Phase I	0.22 (586,536 SF)	
Phase II	0.31 (848,693 SF)	
- residential		<u>0.74 ^(b) (848,693 SF)</u>
- commercial		(828,707 SF)
- clubhouse		(14,486 SF)
		(5,500 SF)
Min. Green Area or outside amenity area [59-C-10.3.3]		
Residential	51.0% (31.9 ac.) ^(c)	50.0% (13.2 ac.)
Commercial		
Min. Building Setbacks (ft) [59-C-10.3.8]		
From one-family residential zoning	n/a	n/a
From residential zoning other than one-family (RMX-2/TS/RMX-2C) - Residential buildings - Commercial bldgs	To be determined at Site Plan ^(d)	
From Any Street - Residential buildings - Commercial bldgs	To be determined at Site Plan ^(e)	
From abutting commercial or industrial zoning (I-3/PD-15 Zone) - Residential buildings - Commercial bldgs	n/a	n/a
Max. Building Height (ft.) ^(f)		
Overall		
Townhouse		45
Multi-family		60
Parking (number of spaces) ^(g)		
Office	n/a	n/a

Retail	51 ^(h) (@ 3.5sp/1000)	51 (@ 3.5sp/1000)
Residential	1,589 ^(h)	737
1-Bedroom	525 (420 units)	150 (120 units)
2-Bedroom	642 (428 units)	249 (166 units)
3-Bedroom	422 (211 units)	338 (169 units)
Total spaces		
Required	1,640 ^(h)	788
Approved/Proposed	2,119 ^(h)	1,099 ^(g)

^(a) Site Plan 82003003B approved a maximum of 604 dwelling units including 91 MPDUs (or 15%). This approval superseded the project plan residential cap, therefore the tabulations for the entire site (2nd column in the table) were calculated using the approved 82003003B and the tabulations for the amended area (3rd column in the table).

^(b) Consistent with the 2009 Approved and Adopted Germantown Employment Area Sector Plan recommendations for this site (p.53).

^(c) Includes 18.74 acres of green space provided in Phase I.

^(d) The Planning Board defers the decision to reduce the minimum building setbacks by 50% until Site Plan approval. Although the RMX-2 zone is not a typical residential zone, for the purposes of this setback requirement it is considered a residential zoning other than one-family.

^(e) Minimum building setback from streets to be determined at site plan once the final cross-section and right-of-way dimensions for Waterford Hills Boulevard and Waters Road have been finalized.

^(f) According to the Germantown Urban Design Guidelines (June 2010), page 31.

^(g) The final number of parking spaces will be determined at the time of site plan approval when the bedroom mix has been finalized.

^(h) Totals based on numbers approved with Site Plan 820030030B which superseded the earlier project plan approval.

Pursuant to 59-C-10.3, the minimum green area requirement is 15% for the commercial portions of a site and 50% for the residential portions. Since the commercial portion of this development is minimal, located within the residential buildings, and has a lower green space requirement, the entire site was considered primarily residential and thus the minimum 50% requirement was applied to the entire site. This ensured that both the commercial and residential green area requirements were met. The Project Plan meets the requirement by providing 50% (or 13.2 acres) green space on site. Collectively, both phases of the entire development satisfy the green space requirement.

The proposed development meets the density requirements of the zone and recommendations in the Sector Plan. The overall density, proposed at 0.74 FAR for the 26.48-acre site, is slightly below the maximum density of 0.8 FAR recommended by the Sector Plan for this site (p.53). The commercial density proposed is well below the maximum 0.5 FAR allowed and the gross leasable floor area is well below the maximum 600,000 SF allowed. The residential density proposed at 17.18 du/ac is below the 30 du/ac allowed by the zone.

The Planning Board defers its decision to reduce the minimum building setback requirements for residentially zoned property, other than reducing one-family by 50%, until Site Plan approval, where the Applicant will request a reduction to the building setback for the multi-family residentially zoned property located along the northwestern edge of the project by 50% from 30 feet to 15 feet.

(b) The proposed development conforms to the 2009 Approved and Adopted Germantown Employment Area Sector Plan approved under Chapter 56.

The Project Plan is consistent with and in substantial conformance with the 2009 Approved and Adopted Germantown Employment Area Sector Plan (Sector Plan). The Project Plan:

- Conforms to the overall and specific land use guidelines of the Sector Plan;
- Is consistent with the flexible density provisions of the County Council's Resolution adopting the Sector Plan (SP p.102 and p.18 of Resolution) applicable to the Martens site and contained within the West End, Land Use recommendations (SP p.53);
- Follows the Sector Plan's RMX-2 zoning designation for the site; and includes commercial retail uses at a density significantly lower than the 0.5 FAR density maximum for the RMX-2 zone; and
- Is in conformance with the Urban Form (SP p.50-51) and June 2010 Germantown Urban Design Guidelines.

Applicable Sector Plan Goals, Objectives, and Provisions for Land Use

The primary Sector Plan guidance for the Martens Application, the 26.48 acre unbuilt portion of the property, is established in the Sector Plan's Land Use and Town Center/ West End Land Use plan exhibits (SP p.44-45). The designated land use for the property is Residential, mixed use (primarily residential).

- The proposed mixed use development with the majority of the land use as residential (455 residential units) and the inclusion of supporting commercial uses (14,486 square feet) follows these Sector Plan guidelines.

One of the key recommendations of the Sector Plan is to "[c]reate Germantown as a strategic location for employment in the County. Highway access and an eventual connection to a transit network will make Germantown accessible and attractive to employers." (SP p.45).

- The proposed mixed use Project Plan will contribute to these recommendations by helping transform this undeveloped area through a mix of uses that will support future employment uses nearby.
- The Martens development will also significantly improve the roadway infrastructure in this West End area near the MARC Station and adjacent to the future Commercial, mixed use (primarily commercial) land use designation for the Waters Road Triangle properties.

The Sector Plan places an emphasis on transit oriented, employment, and mixed use development in the Study Area (SP p.8-10, and p.44-45). Specifically, the Plan's vision includes the following:

- Germantown (as) the center of business and community life in upper Montgomery County (SP p.8); and
- (An) increase (in) employment (SP p.9)

Due to the Project Plan's emphasis on employment and during the initial review phases of the Application, Staff recommended and discussed with the Applicant the potential for an increase in the employment portion of the proposed land use mix. The Applicant analyzed the development mix for the Martens site and included convincing documentation related to the specific mix of uses proposed, including opinions from two real estate firms specializing in office and retail development. This information asserts the following:

- "[T]here appears to be no economic basis that any office space development would be economically feasible" for the Property, and
- The Applicant should be strongly discouraged from providing any additional retail footage above the (approx.) 14,000 sq. ft. originally proposed.

The Applicant has increased the proposed retail area from 13,984 sq. ft. to 14,486 sq. ft.

The Planning Board has determined that the land use mix proposed is consistent with the following Sector Plan recommendations regarding employment and mixed uses:

- Balance development with infrastructure capacity (SP p.10), and
- (Create) a transit centered community (SP p.44).

Sector Plan Density and Zoning Provisions

County Council Resolution No. 16-1126 approving the Sector Plan (SP p.102 and p.18 of Resolution) and the supporting land use provisions within the Urban Form sections of the Sector Plan (SP p.53) establish development density provisions for the Martens Property (TC-22) (TC-33) with the following text addressing both the Martens and adjacent Waters Road (TC-23) (TC-34) land areas:

- Redevelop the Martens and the Waters Rd. properties with a maximum of 420,000 sq. ft. of employment and retail and 400 dwelling units;
- Density distributed to permit up to 200,000 sq. ft. of commercial uses and 300 units on the Martens property and up to 220,000 sq. ft. of commercial uses and 100 units on Waters Rd. Triangle properties;
- The residential component may be increased with an offsetting decrease in commercial density so that the maximum density does not exceed 0.8 FAR;
- The Martens property should retain its RMX-2 zoning, while the Water Rd. Triangle properties should be rezoned to RMX-2C to ensure that existing businesses are conforming uses.

The Project Plan for Martens includes:

- 26.48 acres;
- 834,207 sq. ft. including residential and clubhouse uses
 - 828,707 sq. ft. of residential
 - 5,500 sq. ft. clubhouse
- 14, 486 sq. ft. of commercial uses on the first floor of two mixed use multi-family buildings
- A total of 848,693 sq. ft. for residential and commercial development

The resulting density for the total project is 0.74 FAR and is within the total 0.8 FAR allowance for the Property as established in the Sector Plan. The allowable 0.8 FAR provision of the Sector Plan (SP p.53) establishes flexibility to increase the specified residential unit totals for both of the designated Martens and Waters Road properties.

- The proposed residential FAR and density increase allowance is consistent with the Residential, mixed use (primarily residential) Land use category designated for the Property in the Sector Plan's Land Use and Town Center/ West End Land Use plans (MP p.44-45).
- The Application meets the offsetting provision for commercial uses in the Sector Plan, although additional commercial density on the Martens property would have been preferred. The proposed commercial area is significantly less than both the 200,000 sq. ft. referenced in the Sector Plan and the allowable 0.5 FAR of commercial use allowed in the RMX-2 zoning category for the Property. The 0.5 commercial FAR maximum for RMX-2 would allow 576,734 sq. ft. of commercial uses for the 26.84 ac. Martens site.

Germantown Sector Plan Urban Form recommendations and June 2010
Germantown Urban Design Guidelines

Primary form and access Sector Plan exhibits applicable to the Martens property are included in the "Street Character, Roadway Network, West End Land Use, and Town Center Urban Form" sections of the Sector Plan, and in the Buildings diagram within the Design Guidelines.

These referenced Sector Plan exhibits include roadway access location and land use diagrams for the Martens property:

- Coordination involving the Applicant, M-NCPPC Staff, MCDOT staff, and owners of the southern section of the adjacent Waters Road triangle properties has resulted in agreements that will allow roadway plans for these adjacent properties to develop consistent with the Sector Plan locations and guidelines.

Design Guidelines / Buildings Form Diagram (SP Design Guidelines, p.31)

The following guidelines from this exhibit are described together with responses of how the Project Plan meets the guidelines:

"Building setbacks should be primarily 20 to 25 feet along most streets, 30 to 35 feet along MD 118, and 15 to 20 feet along streets with right of way of 100 feet (or) less"

- The Project Plan conforms to the Guidelines for building setbacks of 20-25 feet along most streets as measured from the curb. On Waters Road, which has a right of way of less than 100 feet, the building setbacks will be a minimum of 20 feet as measured from the curb.

"Maximum building heights should be located around the transit station, stepping down toward the edges of the district."

- The taller multifamily buildings are located along Waters Road and are a maximum of 60 ft. high. The townhouses located to the west of the multifamily buildings step down in building heights and will be a maximum of 45 ft. high.

Building heights of up to 60 feet at the subject site.

- No building will exceed 60 feet in height.

Streetscape pedestrian promenades continuous along the access roadways between the streets and the adjacent street frontage of the building forms

- The Project Plan, with buildings fronting the streets, meets this guideline.

(c) Because of its location size, intensity, design, operational characteristics and staging, the proposed development is compatible with and not detrimental to existing or potential development in the general neighborhood.

The site is located on the west end of the Germantown Town Center area abutting the CSX tracks and within a ½ mile radius of the MARC Station. The proposed mixed-use development includes four multi-family buildings with a combined total of 286 dwelling units and 170 townhouses. The 14,486 square feet of commercial uses are distributed in the ground floor of Buildings 1 and 3. Overall, this development proposes a 0.74 FAR. The residential density proposed at 17.2 du/ac is comparable to the residential density at Fairfield of Germantown at 16.8 du/ac. The location, size and intensity are compatible with existing and potential development in the general neighborhood.

The project is oriented along a principal east-west axis – Waterford Hills Boulevard – providing a connection between Father Hurley Boulevard and Waters Road. Several north/south internal connections complete the grid network of streets around which the residential units are proposed. The grid network facilitates vehicular and pedestrian movement through and within the project and the general neighborhood.

Buildings along the central boulevard provide a strong street edge and are oriented towards the street with rear-loaded garages. Buildings along the north/south internal connector streets are mostly front loaded with rear yards and green space in the rear. The 4-story multi-family buildings with a maximum height of 60 feet are oriented to Waters Road as recommended in the Sector Plan. The design, orientation, and intensity of uses provide a desirable and compatible transition between the existing residential development to the west and the more commercial uses to the east of Waters Road and along MD 118.

Compatibility with the CSX tracks and mitigation of the effects caused by this proximity is achieved through the design and locations of the various buildings and amenities on site. The SWM pond is proposed to be moved to the southeast corner of the site abutting the tracks, which effectively increases the separation between the townhouses (north of the pond) and the tracks. Noise mitigation measures will be implemented to buffer noise from the townhouse buildings at the far south of the project. A parking structure is proposed against the CSX tracks to help buffer noise for the multi-family buildings.

The operational characteristics are compatible with, if not improved, for the existing residential community at Fairfield at Germantown. Waterford Hills Boulevard will be extended through the Subject Property and connect to Waters Road. This will provide more direct access to MD 118 (via Wisteria Drive). The development will also provide a sidewalk/path system to the MARC Station. This development will add

more residential at the edges of the town center which will enhance the viability of nearby retail, restaurant, and service-oriented businesses.

The staging of the project will be compatible with and not detrimental to existing or potential development in the general neighborhood. The project will be developed in five phases, which will be defined in greater detail at the time of site plan. Conceptually, the projected phases are as follows:

- Phase I: Pre-construction activities and road infrastructure, including:
 - Removal of contaminated soils from the Property;
 - Relocation of the existing stormwater management pond;
 - Relocation of existing utilities;
 - Construction of Waterford Hills Boulevard extension through the Property;
 - Widening and construction of Waters Road between Wisteria Drive and Waterford Hills Boulevard.
- Phase II: Construction of Buildings 1-3 (multi-family residential) and their associated parking
- Phase III: Construction of townhouses located in the southwestern portion of the Property and associated parking
- Phase IV: Construction of Building 4 (multi-family residential) and its associated parking
- Phase V: Construction of the remainder of the townhouses located in the northeastern portion of the Property and associated parking

(d) The proposed development does not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.

The Project Plan will not overburden existing public facilities and services nor those programmed for availability concurrently with each stage of construction. The proposed staging program provides a timely provision of services. The Project Plan satisfies the LATR/PAMR requirements of the Adequate Public Facilities (APF) review. The Property is not located within a transportation management district.

Local Area Transportation Review (LATR)

Ten intersections, identified as critical intersections affected by the proposed development, were examined in the traffic study to determine whether they meet the applicable congestion standards for this area. The congestion standards in the Germantown West and Germantown Town Center Policy Areas are 1,425 and 1,600 Critical Lane Volumes (CLV), respectively. The traffic analysis indicated that all examined intersections in the study area are currently operating at acceptable CLV

standards during the weekday morning and afternoon peak hours and will continue to operate satisfactorily with the proposed development. Therefore, the Application meets the LATR requirements of the APF review. The result of the CLV analysis is summarized in Table 1.

Table 1: Calculated Critical Lane Volume Values at Studied Intersections

Intersections Analyzed	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Father Hurley Blvd/ Middelbrook Rd	812	977	1318	1276	1329	1291
Father Hurley Blvd/ Wisteria Dr	833	789	864	1086	856	814
Father Hurley Blvd/ Dawson Farm Rd	452	537	459	612	462	614
Father Hurley Blvd/ Hopkins Rd	330	427	548	741	549	743
MD 118/ Father Hurley Blvd Extension	N/A	N/A	545	777	551	784
MD 118/ Dawson Farm Rd	779	844	665	696	668	704
MD 118/ Wisteria Dr	911	1312	717	952	804	1074
MD 118/ Middlebrook Rd	969	1210	953	1247	1025	1316
MD 119/ Wisteria Dr	641	966	713	973	715	984
Waters Rd/ Wisteria Dr	463	468	293	360	595	663

Policy Area Mobility Review (PAMR)

A PAMR study is not required for the project because the project is located in the Germantown Town Center Policy Area, which does not require trip mitigation according to the current Growth Policy.

Adequacy of rights-of-way

The Applicant proposes a reduction of rights-of-way for Waterford Hill Boulevard from 112 to 104 feet and for Waters Road from 80 to 70 feet. The Applicant submitted a technical analysis justifying the proposed right-of-way reduction. Based on the technical analysis, even with the proposed right-of-way reduction on both Waterford Hills Boulevard and Waters Road, the roads would continue to provide adequate levels of service and traffic operation with the full development of the Martens property and buildout of the Sector Plan roadways. The right-of-way for

Waters Road in the Germantown Sector Plan is 70 feet according to the referred cross-section of the Sector Plan's right-of-way table. Therefore, the Planning Board conceptually supports the proposed reduction of the rights-of-way for Waterford Hills Boulevard and Waters Road with the final cross-section and right-of-way dimensions to be finalized in coordination with MCDOT using the new Context Sensitive Design standards at the time of preliminary plan approval.

Pedestrian and vehicular circulation

The road network within the project and in the area surrounding the Property will be adequate to meet the traffic generated by the Project Plan. The proposed access points on Father Hurley Boulevard and Waters Road are adequate to accommodate the site-generated traffic. The proposed vehicular and pedestrian circulation systems are adequate, safe and efficient.

Other Public Facilities and Services

There is adequate public water and sewer capacity to serve the project. The Project Plan has been reviewed by the Montgomery County Fire and Rescue Service who have preliminarily determined that the Property has appropriate access for fire and rescue vehicles, subject to further refinement at the time of preliminary plan and site plan approvals.

The Subject Property is located in the Northwest School Cluster, which currently has adequate school capacity at the high school level. Although the Northwest School Cluster has inadequate school capacity at the elementary and middle school levels, the Northwest School Cluster permits new residential development subject to a school facility payment, which the Applicant is willing to provide. The Annual School Test effective July 1, 2011 indicates that the Northwest Cluster will have inadequate school capacity at the elementary and high school levels. Thus after July 1, 2011, a School Facility Payment is required for residential development at the elementary and high school levels. A future preliminary plan application seeking Planning Board approval after July 1, 2011 will be subject to the Annual School Test results effective for FY12, as noted above.

(e) The proposed development is more efficient and desirable than could be accomplished by the use of the standard method of development.

The proposal to develop under the optional method of development is more efficient and desirable than the standard method of development. The standard method for RMX-2 zones must comply with the standards and requirements of the R-200 zone. The standard method yields lower density, greater setbacks, larger lots, no public amenities or open space, and a single-family housing type, all in stark contrast to the recommendations of the Sector Plan. The average density for R-200 is no more than 2.0 du/ac versus the density recommended in the Sector Plan. A density of 2.0 du/ac

is insufficient to reach the critical mass and density envisioned for the west end of the Town Center and areas within ½ mile radius of the MARC Station. The Project Plan proposes residential development at more than 17 du/ac.

Additionally, under the standard method of development the requirement for public facilities and amenities would be removed. The Project Plan is providing several public facilities and amenities divided into three main areas: (1) the Green Commons with a tot lot, open play area II, and seating areas; (2) the southeast amenity area, which is enclosed by the multi-family buildings, and includes a clubhouse with an indoor exercise room and an indoor community space, a swimming pool, a wading pool, a tot lot, open play area II, and seating areas; and (3) the southwest amenity area, which surrounds a SWM dry pond and includes a dog park, seating areas, and a pedestrian path. In addition, the Applicant has also proffered to reconstruct Waters Road with 31-foot wide pavement, curb and gutter, and street trees within the existing 51-foot right-of-way. Alternatively if the full 70-foot right-of-way becomes available, Waters Road will be reconstructed with 38-foot wide pavement, curb and gutter, and street trees on both sides. Overall, these public facilities and amenities will support the mixture of uses at the increased densities proposed. Given the recommendations of the Sector Plan and the site's proximity to transit, employment and services, the optional method of development is much more desirable and efficient for this particular site.

(f) The proposed development includes moderately priced dwelling units in accordance with Chapter 25A of this Code.

The Project Plan provides 12.5% of the total density as moderately priced dwelling units (MPDUs) onsite, consistent with the requirements of Chapter 25A. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review.

The original project plan approved 15% of the base density as MPDUs onsite. This allowed a 22% density bonus above the base density of 500 dwelling units for the site as established by the 1989 Germantown Master Plan. Thus, the original project plan approved 610 dwellings units including 92 MPDUs. Phase I of the project plan was built according to Site Plan No. 82003003B, which limited the residential density to 604 dwelling units including 91 MPDUs (or 15%). The MPDU requirement of the original approval was fulfilled by having 15% MPDUs consistently applied to Phase I. The current Application for Phase II is consistent with the density cap in the 2009 Sector Plan for the Germantown Employment Area. The Application does not request a density bonus and therefore is not required to provide MPDUs beyond the 12.5% requirement of Chapter 25A.

- (g) When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board.**

The Application does not propose any transfers of public open space or development density from one lot to another.

- (h) The proposed development satisfies any applicable requirements for forest conservation under Chapter 22A.**

As conditioned, the Project Plan satisfies the applicable requirements for forest conservation under Chapter 22A. The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420111000 for the 26.48-acre site (Phase II) was approved on January 25, 2011. The proposed Forest Conservation Plan (FCP) does not propose to clear, retain, or afforest any area on-site. The forest conservation worksheet generates a 2.37-acre afforestation requirement. As conditioned, the afforestation requirement should be met by using either on-site or off-site methods rather than through fee-in-lieu. In addition, the Planning Board recommends that the 0.34 acres of Stream Valley Buffer ("SVB") on site should not be placed into a Category I conservation easement. This small and isolated section of SVB will not provide any additional protection to the stream since the stream is on the opposite side of the CSX railroad tracks.

Forest Conservation Variance

Section 22A-12(b)(3) of the County Code requires applicants to identify certain trees, shrubs, plants, and specific areas as priority for retention and protection. This section of the code requires those areas to be left in an undisturbed condition unless the Applicant obtains a variance in accordance with Chapter 22A-21 of the County Code. The law prohibits impact to and requires the retention and protection to the greatest extent possible of all trees that measure 30 inches diameter at DBH or greater; any tree designated as the county champion tree; trees with a DBH 75% or greater than the diameter of the current State champion for that species; and rare, threatened and endangered species.

Under Chapter 22A-21 of the County Code a person may request in writing a variance from this Chapter if the person demonstrates that enforcement would result in unwarranted hardship to the person. The Applicant for a variance must:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) Verify that State water quality standards will not be avoided or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provide any other information appropriate to support the request.

Because this project will require impact to one tree and the removal of five trees 30 inches and greater DBH, the Applicant must obtain a variance. The Applicant is providing some tree preservation measures to help ensure that the impacted tree will survive construction.

County Arborist's Recommendation

In accordance with Montgomery County Code, Section 22A-21(c), the Planning Department referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a written recommendation prior to acting on the request. The request was forwarded to the County Arborist on April 25, 2011. On May 7, 2011, the County Arborist issued her recommendations on the variance request. The County Arborist's recommendation for the variance request was favorable, but included a recommendation for mitigation of the impacts.

Unwarranted Hardship Basis

The residential and commercial development proposed on this Property is a permitted use in the RMX-2 zone and recommended by the Sector Plan. Previously, the Board approved a forest conservation plan for this site with development encompassing the entire site. While the approved plan for this portion of the site expired, the development pattern proposed was always envisioned. Protecting the trees subject to the variance provision, by either not allowing impacts or removal, would cause major changes to the proposed plan and would be detrimental to the overall development of the multi-family units and commercial area within ¼ mile of the MARC Station.

Variance Findings

The Planning Board must make findings that the Applicant has met all requirements of Chapter 22A-21 before granting the variance. The Planning Board has made the following determination on the required findings:

1. *Will not confer on the Applicant a special privilege that would be denied to other applicants;*

Granting the variance will not confer a special privilege on the Applicant as the disturbance and removal of the specimen trees noted above are the minimum necessary in order to develop the Property as illustrated on the Project Plan.

2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant;*

The requested variance is not based on conditions or circumstances which are the result of actions of the Applicant. The variance is based on the topography of the site and the proposed density as recommended in the Sector Plan, and only impacted and/or removed as much as necessary to achieve the goals for the site.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property;*

The requested variance is a result of the proposed development and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being disturbed and/or removed are not within a stream buffer, wetland, or a special protection area. The Applicant proposes to use sediment and erosion control methods as part of a Stormwater Management Concept Plan, which has been submitted to and is under review by the Montgomery County Department of Permitting Services.

Forest Conservation Variance mitigation

Although there will be some disturbance within the critical root zone (CRZ) of Tree 9 on-site, this tree is a good candidate for safe retention. Therefore, this tree should be retained. Trees 5 and 10 are in very poor condition and in declining health even if no development was proposed. For this reason, the Planning Board recommends removal of trees 5 and 10 with no mitigation. Trees 2, 3, and 4 are in fair to good health, not within existing forest, and are only being removed as a result of the development of the site. The development of this site will significantly alter the hydrology that presently supports the survival of these three trees. Because of the

change in hydrology and the limited potential for long term survival of these trees, the Planning Board recommends mitigation.

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, the Planning Board recommends that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are 2" to 3" DBH. This means that for the 102 caliper inches of trees removed, the Applicant will mitigate with nine 3" DBH native canopy trees on the site. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage and eventually fill in open areas of the forest where the large trees have been removed. All mitigation plantings should be specifically labeled and detailed on the revised Forest Conservation Plan.

(i) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19.

The Applicant submitted a stormwater management concept for the Project to the Montgomery County Department of Permitting Services, Water Resources Section, on October 21, 2010, which is currently under review and will need to be approved prior to preliminary plan approval.

(j) Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.

The Project Plan will significantly improve the proposed areas within the future right-of-way for Waters Road and Waterford Hills Boulevard. On Waterford Hills Road, the project will provide a landscaped median, closely spaced street trees, pedestrian oriented street lighting, and a wide sidewalk. On Waters Road, the Project Plan will also provide closely spaced street trees, pedestrian oriented street lighting, and a wide sidewalk on the west side and partial treatment of the east side depending on the available right-of-way. If the full right-of-way becomes available, full streetscaping will also be provided on the east side of Waters Road.

The proposed improvements to the public-of-way are consistent with the recommendations in the Germantown Sector Plan and the Design Guidelines. The landscape median, sidewalks, bikeway and the streetscaping are all recommended in the Germantown Sector Plan (pages 32, 33, 36 and 38).

The enhanced landscaping in the median along Waterford Hills Road, and the streetscaping along both sides of Waterford Hills Road and Waters Road are public facilities and amenities in addition to the minimum requirements in the Road Code. These improvements will be included in a maintenance agreement with Montgomery County.

The improvements within the public-right of way are necessary to provide access to the existing MARC Rail Station and the commercial area of the Germantown Town Center. They also significantly enhance pedestrian connections between dwelling units within the project and improve the character of the Germantown area. These improvements will foster the creation of a pedestrian oriented environment in the public interest for the Germantown area.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 92002002B, Martens Property stamped received by M-NCPPC on April 22, 2011 are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that the date of this Resolution is SEP 19 2011 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

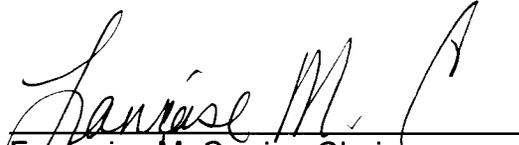
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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair

MCPB No. 11-53
Project Plan No. 92002002B
Martens Property
Page 22

Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, September 8, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

FEB 22 2012



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-131
Preliminary Plan No. 120110090
Martens Property
Date of Hearing: December 1, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on June 21, 2011, Buchanan Acquisitions, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one hundred and sixty-six (166) lots for 166 one-family attached units; one parcel for one multi-family structure; and one parcel to include three multi-family structures (of which one has ground floor commercial space) and a clubhouse structure, on 26.48 acres of land in the RMX-2 zone, located near the intersection of Wisteria Drive and Waters Road ("Property" or "Subject Property"), in the Germantown Employment Area Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120110090, Martens Property ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 17, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on December 1, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

Christina Senechal 2/8/12
MNCPPC Legal Department

8787 Georgia Avenue, Prince Georges, Maryland 20910 Chairman's Office: 301.495.4600 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on December 1, 2011, the Planning Board approved the Application subject to certain conditions on the motion of Commissioner Presley; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120110090 to create 166 lots and two parcels on the Subject Property, subject to the following conditions:

1. Total development under this Preliminary Plan is limited to 14,426 square feet of commercial uses, and a maximum of 455 residential units, including a minimum 12.5% Moderately Priced Dwelling Units ("MPDU's"), for 163 one-family attached units and 289 multiple-family units.
2. The Applicant must reconstruct Waters Road to include a minimum 31-foot-wide pavement with curb and gutter and street trees within a minimum 51-foot-wide right-of-way as shown on the Preliminary Plan as Option 2; and with addition of street trees on the east side of the road. Alternatively, if the full 70-foot right-of-way becomes available through dedication by others before the Applicant commences reconstruction of Waters Road, the Applicant must reconstruct Waters Road to include a 38-foot-wide pavement with curb and gutter and street trees as shown on the Preliminary Plan as Option 1. Construction of either Option must be completed prior to issuance of the 350th building permit.
3. Prior to issuance of the 350th building permit, the Applicant must install the required traffic control devices at the following intersections if the Montgomery County Department of Transportation ("MCDOT") finds that the signal is warranted based on their review of the Applicant's submitted traffic signal warrant analysis.
 - Waters Road/Wisteria Drive
 - Waterford Hills Boulevard/Father Hurley Boulevard
4. Comply with the conditions of approval of the Final Forest Conservation Plan prior to recording of plat(s) or the Montgomery County Department of Permitting Services ("MCDPS") issuance of sediment and erosion control permits, as applicable.
5. Dedicate all road rights-of-way as shown on the approved Preliminary Plan. At the intersection of Waterford Hills Boulevard and Waters Road, the 25-foot corner lot truncation shall be reduced to 12.5-foot, subject to final approval by MCDOT.
6. Comply with the conditions of the MCDOT letter dated November 14, 2011 and revised on November 30, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. Construct all road improvements within the rights-of-way shown on the approved Preliminary Plan and to the design standards imposed by the MCDOT.
8. Comply with the conditions of the MCDPS stormwater management approval dated October 12, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Prior to issuance of any building permit for a residential structure, the Applicant must make a school facilities payments to MCDPS at the appropriate school level(s). Because of the status of school operating capacities in the Northwest High School Cluster, the Applicant is encouraged to consult with MNCPPC Staff prior to submittal of building permits.
10. No plats may be recorded prior to certification of the Site Plan.
11. Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
12. The record plat(s) must show necessary easements.
13. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Germantown Employment Area Sector Plan.*

The Preliminary Plan is consistent with and in substantial conformance to the recommendations in the 2009 Approved and Adopted Germantown Employment Area Sector Plan.

The primary Sector Plan guidance for the Martens site, the 26.48 acre unbuilt portion of the larger tract known as Fairfield at Germantown, is established in the Sector Plan's Land Use and Town Center/ West End Land Use plan exhibits. The designated land use for the Property is Residential, mixed use (primarily

residential). The Preliminary Plan conforms to the land use and density provisions of the Sector Plan by providing a mixed use residential and commercial development with a maximum density of 0.8 F.A.R.

The Preliminary Plan conforms to the Sector Plan's recommendations to provide for future area wide vehicular, pedestrian, and bikeway access and circulation by extending Waterford Hills Boulevard towards Waters Road consistent with alignments shown in the Sector Plan. The Applicant submitted a technical analysis and justification for ROW reductions from the recommended 112 feet to 110 feet on the applicable project segment of Waterford Hills Boulevard, and from the recommended 80 feet to 70 feet on the applicable project segment of Waters Road. As further discussed in finding no. 2 below, the Planning Board has determined that these ROW's and the respective roadway cross-sections are appropriate. In addition, the Preliminary Plan also included several options to accommodate a future offsite roadway connection from Waters Road across the Waters Road Triangle properties to MD 118, consistent with Sector Plan provisions. These future onsite and offsite roadway connections will provide alternative routes for vehicles, pedestrians and bicyclists so that they are not overly dependent upon MD 118. The full implementation of the recommended Local Signed Shared (Class III) Roadway bikepath cannot be realized until the road is built to full width standards, which will be achieved when confronting properties develop.

The Sector Plan includes quality of place objectives for mixed use neighborhoods to "enhance existing communities and shape new ones", and states "[a]dding residential and commercial uses with an emphasis on cultural, entertainment, and street level retail uses will create synergy among diverse uses" (p.46). The Preliminary Plan will contribute to these objectives with attractive streetscapes designed with residential units fronting Waterford Hills Boulevard. Along Waters Road, street activation will be accomplished with a series of buildings minimally setback from the street and with a mix of uses, including residential units with direct access onto the street and retail uses at the first floor of the southernmost building.

The Preliminary Plan is in conformance with the Sector Plan Urban Form recommendations and the June 2010 Germantown Design Guidelines. The roadway and building lines for the extension of Waterford Hills Boulevard and the alignment of Waters Road is consistent with the Urban Form diagram. The typical building setbacks and maximum building heights also comply with the Buildings Diagram in the Design Guidelines.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Local Area Transportation Review (LATR)

All examined intersections in the study area are currently operating at an acceptable Critical Lane Volume (CLV) standard during the weekday morning and afternoon peak hours and will continue to operate satisfactorily with the proposed development. Therefore, the Preliminary Plan meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The site is located within the Germantown West Policy Area where there is no PAMR trip mitigation requirement according to the Subdivision Staging Policy.

Site Access, Vehicular/Pedestrian Circulation and Rights-of-way

The site fronts onto Waterford Hills Boulevard extended and reconstructed Waters Road, via access from Father Hurley Boulevard and Wisteria Road, respectively. The access points are adequate to accommodate the site-generated traffic. The internal traffic/pedestrian circulation system shown on the Preliminary Plan is also adequate. The Applicant proposed reduction of rights-of-way of Waterford Hill Boulevard from 112 feet to 110 feet and Waters Road from 80 feet to 70 feet. Based on the technical analysis submitted by the Applicant, even with the right-of-way reduction on both Waterford Hills Boulevard and Waters Road, the roads would continue to provide for adequate levels of service and traffic operation with full development of the Property and buildout of the Sector Plan roadways. The right-of-way of Waters Road in the Sector Plan is 70 feet according to the referred cross-section of the Sector Plan's right-of-way table. Therefore, the Planning Board approves the reduction of the rights-of-way for Waterford Hills Boulevard and Waters Road.

Truncation

Section 50-26(c)(3) of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections that ensures that adequate sight distance is available and creates space for traffic channelization. But the regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and channelization needs at the intersections adjacent to the Subject Property.

In this case, the Applicant is proposing to provide an approximately 12.5-foot truncation at the intersection of Waterford Hills Boulevard and Waters Road. Full truncation at this intersection is not necessary because adequate sight distance exists and the PUE behind the truncated ROW is also clear, providing for

additional visibility. Providing full truncation would negatively impact the design of the proposed project and the relationship of the proposed buildings and entrance signs to the public street. The Maryland State Highway Administration and MCDOT have expressed no objection to approval of the Preliminary Plan without full truncation. For these reasons, the Planning Board approves the proposed truncation in this location.

Waters Road Connection to MD 118 – Study of Options

As per a condition of the Project Plan approval granted for this project on June 23, 2011, the Applicant designed a suitable alignment for the future connection of Waters Road to MD 118, including the acquisition impacts to other private properties which will be required for the construction of that road connection. The proposed alignment is in conformance with the Sector Plan recommendations to provide through movement between Waters Road and MD 118 and to enable vehicular and pedestrian linkages to the MARC station. The Planning Board received various proposed revisions to the alignment from the affected property owners. Since the road connection is located outside the boundaries of the Subject Property and is not being constructed with this Application, the Applicant's proposed alignment may be revised when a Preliminary and Site Plan for the affected properties is submitted. The Planning Board finds that the Applicant has complied with the Project Plan condition by designing a final alignment and identifying future dedications for the connection of Waters Road to MD 118.

The entire roadway network for the Martens Subdivision has been evaluated by Staff, MCDOT, and the Montgomery County Department of Fire and Rescue Services (MCFRS). All agencies support the road system as shown on the Preliminary Plan, including Option 1 and Option 2 for improvement of the Waters Road typical section. The road network provides for an efficient, continuous through movement of traffic with sufficient access to the larger roads in the area. Sidewalks are provided along all public streets for adequate pedestrian access.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Property will be served by public water and sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service, and they have determined that the property has appropriate access for fire and rescue vehicles. Electrical and telecommunications services are also available to serve the Property. Washington Suburban Sanitary Commission recommends approval of the Preliminary Plan, finding that local lines exist, and they are of adequate size to serve the proposed number of homes. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

The project is located in the Northwest School Cluster. Residential development in the Northwest school cluster currently requires a School Facility Payment at the elementary and high school level as a condition of approval for each unit of residential development.

On October 6, 2011, the Planning Board received a briefing on a potential change in the school facility payment and moratorium status of the Northwest school cluster. Three projects in the queue for residential development in the Northwest School Cluster propose enough development that at the middle school level, a School Facility Payment will now be required as a condition of approval on at least some of the proposed development.

In terms of dwelling units, 24 detached units, or 29 attached units, or 44 garden units, or 77 high-rise units could be approved without requiring a School Facility Payment at the middle school level. Depending on which units proceed to building permit first, every unit over the above stated limits will require a School Facility Payment at the middle school level, in addition to the current requirement of a School Facility Payment at the elementary and high school level on all units.

For the Martens Property project, this means that if the High-Rise/Mid-Rise with Structured Parking units proceed to building permit first, 77 of these units will be required to make a School Facility Payment at the elementary and high school level, and all additional units will be required to make a School Facility Payment at all three school levels. If the townhouse units proceed to building permit first, a school facility payment will be required at the elementary and high school level for 29 units, and at all three school levels for the remaining units.

In addition to the change in School Facility Payment status, there is insufficient capacity at the elementary school level to approve all of the proposed development currently in the school queue. Any project requesting approval for units generating more than 62 elementary students will be required to cap the units requested such that the number of students generated does not exceed the available elementary level capacity. Once that capacity is used, the cluster will enter moratorium.

For the Martens project, the number and type of units requested will generate 57 elementary students as shown in the table below.

Unit Type	Number of Units	Student Generation Rate Elementary Level	Potential Student Yield Elementary Level
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Townhouse	166	0.188	31
Garden Apt			
Building #2 (4 floors, surface parked)	35		
Building #3 (4 floors, surface parked)	75		
Building #4 (4 floor wing, surface parked)	43		
Total	153	0.142	21
High-Rise/Mid-Rise Structured Parking			
Building #1 (5 floors)	52		
Building #2 (4 floors, structure parked)*	49		
Building #4 (5 floor wing)	35		
Total	136	0.042	5
Total	455	n/a	57

* See Table 2 below

Therefore, the Martens project will not be restricted by the pending moratorium. However, if all units, given the unit type requested, are approved, the Northwest Cluster will have a remaining development capacity that allows no more than five elementary level students to be generated.

Table 2: Units with structured parking

Proposed Development	Unit Types	Parking Ratio	Parking Spaces Required	Spaces Allocated to the Building by Unit Type	Units with Structured Parking
Building 1					
One bedroom	32	1.25	40	40	32
Two Bedroom	20	1.5	30	30	20
Three bedroom	0	2	0	0	0
Building 2					
One Bedroom	48	1.25	60	39	31
Two Bedroom	32	1.5	48	24	16
Three Bedroom	4	2	8	4	2

- The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and meets all applicable sections. The size, width, shape and orientation of the lots are appropriate for the location of the subdivision, given the recommendations of the Sector Plan. The lot pattern is comparable to that approved as part of the Fairfield Subdivision to the west. The Fairfield development included one family attached lots with a lot and block pattern that is similar to that proposed under the Martens project. The Fairfield Subdivision also was approved with multi-family lots, again, in a similar pattern with respect to layout as that proposed under the Martens project. The Planning Board finds that the size, shape, width and orientation of lots on the Martens project is appropriate and will provide a seamless continuation of the Fairfield Subdivision to the west.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The site is subject to the Montgomery County Forest Conservation Law. The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420111000 was approved on January 25, 2011. The NRI/FSD identifies the environmental constraints and forest resources on the Property. The Property contains no forest. There are six trees 30 inches and greater diameter at breast height (DBH) and four trees between 24" and 30" DBH on the Property. There is a stream on the adjacent properties to the southwest of the Subject Property. The Property contains no wetlands and 0.34 acres of environmental buffers.

The Final Forest Conservation Plan (FFCP) was approved by the Planning Board in conjunction with Project Plan No. 92002002B on June 23, 2011. Per Section 22A-21 of the Montgomery County Forest Conservation Law, a variance was granted as part of the FFCP approval with a mitigation planting requirement, to occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are 2" to 3" DBH. For the 102 caliper inches of trees removed, the Applicant will mitigate with nine 3" DBH native canopy trees on the site. All mitigation plantings should be specifically labeled and detailed on the revised FFCP. As conditioned in Site Plan No. 820110130, the FFCP must identify the methods (on-site or off-site) to meet the afforestation requirement and identify the location of the on-site mitigation plantings as required by the variance approval.

The Planning Board finds this Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site*

This finding is based on the determination by MCDPS that the Stormwater Management Concept Plan, approved on October 12, 2011, meets MCDPS' standards. The concept meets the required stormwater management goals by the use of Environmental Site Design (ESD) for one inch of the required volume including microbiofilters, bioswales and porous paving. The existing dry stormwater pond will be used for the remaining volume that cannot be provided in the ESD facilities. Filterrass and a volume based Stormfilter will be used for the Waters Road improvements. The Preliminary Plan complies with Section 50-24(j) which requires that stormwater requirements be satisfied as part of the Preliminary Plan review.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval; and

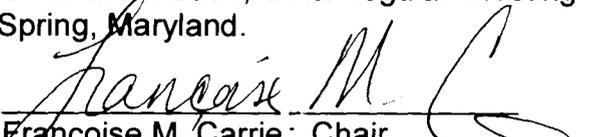
BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is FEB 22 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, February 16, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board



FEB 22 2012

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

MCPB No. 11-123
Site Plan No. 820110130
Project Name: Martens Property
Date of Hearing: December 1, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on June 13, 2002, the Planning Board approved with conditions Project Plan No. 920020020 (Planning Board Resolution dated June 19, 2002) for 610 garden apartments (including 92 MPDUs) and 250,000 GSF office/retail on 62.4 acres;

WHEREAS, on June 13, 2002, the Planning Board approved with conditions Preliminary Plan No. 120020680 (Planning Board Resolution dated July 16, 2002) for a maximum of 610 multi-family dwelling units and 250,000 GSF office/retail use on 62.4 acres;

WHEREAS, on January 16, 2003, the Planning Board approved with conditions Site Plan No. 820030030 (Planning Board Resolution dated January 28, 2003) for 604 housing units, including 91 MPDUs on 62.4 gross acres;

WHEREAS, on March 17, 2005, the Planning Board approved with conditions Site Plan Amendment No. 82003003A (Planning Board Resolution dated December 16, 2005) to change the unit type of the 200 residential units south of Waterford Hills Boulevard from multi-family rental apartments to multi-family condominium units;

WHEREAS, on March 13, 2008, the Planning Board approved with conditions Site Plan Amendment No. 82003003B (MCPB Resolution No. 08-63) for revisions to playground equipment, mailboxes, lighting, landscape, sidewalks; addition of recycling container locations; adjustment of Building 12 location; and updates to the Forest Conservation Plan;

WHEREAS, Project Plan Amendment No. 92002002A was originally filed in 2006 to amend Phase II of Fairfield at Germantown by proposing 205,922 square feet of commercial retail development on 26.40 gross acres. This application was withdrawn in April 2007; and

WHEREAS, on June 23, 2011, the Planning Board approved with conditions Project Plan Amendment No. 92002002B (MCPB Resolution No. 11-53) for 455 residential dwelling units (including 12.5% MPDUs) and 14,486 SF of retail on 26.48 acres;

WHEREAS, on June 23, 2011, the Planning Board approved with conditions Site Plan Amendment No. 82003003C (MCPB Resolution No. 11-47) to clarify condition of approval no. 2 by specifying 604 housing units on 36.1 acres rather than 62.4 acres;

WHEREAS, on December 1, 2011, the Planning Board approved with conditions Preliminary Plan No. 120110090 (Resolution pending) for 455 residential dwelling units (including 12.5% MPDUs) and 14,426 SF of retail; and

WHEREAS, on June 21, 2011, Buchanan Acquisitions, LLC ("Applicant"), filed an application for approval of a Site Plan for 455 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial ("Site Plan" or "Plan") on 26.48 acres of RMX-2-zoned land, located near the intersection of Wisteria Drive and Waters Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820110130, Martens Property (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 17, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 1, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 1, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley; seconded by Commissioner Anderson; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820110130 for 455 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial, on 26.48 gross acres in the RMX-2 zone, subject to the following conditions:

Conformance with Previous Approvals

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan No. 92002002B, as listed in MCPB Resolution No. 11-53, unless amended.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120110090, or as amended.

Environment

3. Forest Conservation

The development must comply with the conditions of approval for the Final Forest Conservation Plan approved on June 23, 2011. The Applicant must meet all conditions prior to the recording of a plat(s) or the issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services.

a) Submit revised Final Forest Conservation Plan, prior to Certified Site Plan, showing how the afforestation requirement will be met and where the on-site mitigation plantings as required by the variance approval will be located.

4. Noise Attenuation

a) Prior to issuance of the first building permit, the Applicant must provide certification from an acoustical engineer that:

- The location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes and areas of common outdoor activity are adequate.
- The building shell for residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

b) Prior to issuance of the final use and occupancy permit, the Applicant must certify that interior noise levels do not exceed 45 dBA Ldn for the affected units.

c) For all residential dwelling units constructed within identified noise impact areas, the Applicant/developer/builder shall disclose in writing to all prospective purchasers that they are located within an area impacted by current or future highway or railway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association

Documents, and by inclusion on all Subdivision and Site Plans, and within all Deeds of Conveyance.

- d) All noise walls must be clearly identified and labeled on the Landscape and Lighting Plan prior to Certified Site Plan.

5. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated October 12, 2011 unless amended and approved by the Montgomery County Department of Permitting Services.

Parks, Open Space, and Recreation

6. Common Open Space Covenant

Record Plat of Subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to the M-NCPPC Staff prior to issuance of the 350th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

7. Recreation Facilities

- a) Meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) Provide the following recreation facilities: two play lots, two tot lots, an open play area II, an open play area I, a volleyball court, a swimming pool, a wading pool, eleven seating areas (including a picnic pavilion), a pedestrian system, and five outdoor fitness stations.

Transportation & Circulation

8. Transportation

The development is limited to a 0.74 FAR including 14,426 SF of commercial uses and 455 residential units (289 multi-family units and 166 one-family attached units), unless amended.

9. Right-of-way

Address DPS right-of-way comments in the correspondence dated November 9, 2011, prior to Certified Site Plan.

10. Reciprocal Access Easement

The Applicant must reserve an area from the edge of Private Road A to the northern property line to allow for a future connection to the adjacent property. The Applicant shall enter into a reciprocal access easement with the owner of the

adjacent property upon the redevelopment of the adjacent property when and if the Planning Board deems it necessary to have reciprocal access through both properties. The easement shall be for the sole purpose of reciprocal access, must be compatible with the overall site layout of the Applicant's property and the adjacent property, and may be reasonably relocated by the Applicant in the event of any future redevelopment of the Applicant's property or by the adjoining properties in the event of their redevelopment.

11. Public Access Easement

The Applicant must provide a public access easement over the Green Commons area at the time of Record Plat.

Density & Housing

12. Moderately Priced Dwelling Units (MPDUs)

- a) The development must provide a minimum of 12.5% of the total number of units as MPDUs on-site, consistent with the requirements of Chapter 25A.
- b) The MPDU agreement to build shall be executed prior to the release of any building permits.
- c) All of the required MPDUs shall be provided on-site.

Site Plan

13. Compatibility/Architecture

- a) The exterior architectural character, proportion, materials, and articulation of the multi-family buildings must be substantially similar to the conceptual elevations shown on Sheet A.01-A.02 of the submitted architectural drawings (date stamped October 19, 2011), as determined by M-NCPPC Staff.
- b) The fronts of the MPDUs townhouses must be designed and finished with architectural elements, including masonry materials, comparable to those found on other similar market rate units within the site.
- c) Townhouse Units 1, 16, 30, and 76 on the north side of Waterford Hills Blvd, and Townhouse Units 1, 32, 49, 66, and 86 on the south side shall be designated Elevation A units. Elevation A consists of a 3-story brick façade, and a minimum of 5 windows or window features.
- d) Townhouse Units 31, 39, 60, 67 and 68 and 80 on the north side of Waterford Hills Blvd, and Townhouse Units 16, 17, 23, 24, 31, 38, 48, 65 and 78 on the south side shall be designated Elevation B units. Elevation B consists of a minimum 1-story brick façade, and a minimum of 4 windows or window features.
- e) Townhouse Unit 75 on the north side of Waterford Hills Blvd, and Townhouse Units 44 and 61 on the south side shall be designated either Elevation B or

Elevation C units. Elevation C consists of a siding façade and a minimum of 5 windows or window features.

14. Landscaping

Eliminate the row of shrubs north of the retaining wall in the Green Commons area.

15. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All on-site down-light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e) The height of the light poles above grade must not exceed 12 feet including the mounting base on all private streets and amenity areas.
- f) The height of the light poles above grade must not exceed 14 feet including the mounting base on Waterford Hills Boulevard and Waters Road, subject to final approval by MCDOT.
- g) The height of the light poles must not exceed 12 feet including the mounting base on the garage top, as measured from the surface of the parking level to the top of the light pole.

16. Performance Bond

Provide a performance bond(s) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) The amount of the Performance Bond shall include plant material, on-site lighting, recreational facilities, bicycle facilities and site furniture (including picnic pavilion) within the relevant phase of development. Bond to be posted prior to issuance of the first residential building permit within each relevant phase of development and shall be tied to the development program.
- b) Provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial bond amount.
- c) Completion of plantings by phase to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d) Provide a Site Plan Surety and Maintenance Agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first residential building permit.

17. Development Program

Construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan with the exception of a Rough Grading Sediment Control Plan which, as noted in the Project Plan Resolution dated September 19, 2011, may be approved and performed in advance of Preliminary Plan or Site Plan approval. The development program must include the following items in its phasing schedule:

- a) Clearing and grading must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b) The development program must provide phasing for installation of on-site landscaping and lighting.
- c) Community-wide pedestrian pathways and recreation facilities must be completed prior to the following thresholds:

North of Waterford Hills Boulevard:

- i. The Green Commons abutting the Boulevard and the asphalt path along the northern property boundary must be completed prior to issuance of the 60th townhouse building permit, which represents 75 percent of the 80 townhouse units north of Waterford Hills Boulevard.

South of Waterford Hills Boulevard:

- ii. The pedestrian system, five outdoor fitness stations, and associated seating surrounding the dry stormwater management pond, together with the picnic pavilion, including picnic tables and grills, and tot lot immediately north of the pond must be completed prior to the release of the final use and occupancy permit for units 32-43.

- d) Local recreational facilities and site elements must be completed prior to the following thresholds:

North of Waterford Hills Boulevard:

- i. The play lot north of Building 4 must be installed prior to the release of the final use and occupancy permit for Building 4.

South of Waterford Hills Boulevard:

- ii. The Clubhouse, swimming pool, wading pool, volleyball court and open play area II must be completed prior to the release of the final residential use and occupancy permit for the third multi-family building constructed in this cluster (either Buildings 1, 2, or 3).
- iii. The recreation area, including multi-age playground and tot lot, located between units 48-49 and 65-66 must be installed prior to issuance of the 65th townhouse building permit, which represents 75 percent of the 86 townhouse units south of Waterford Hills Boulevard.

- e) On-site amenities including, but not limited to, sidewalks, benches, picnic tables, trash receptacles, and bicycle facilities must be installed as construction of each recreational facility is completed.

- f) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- g) Provide each section of the development with necessary roads.
- h) Waters Road must be completed, fully improved, and open to traffic prior to the release of the 350th residential building permit.
- i) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- j) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

18. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b) Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Modify data table to reflect development standards enumerated in the Staff Report.
- d) Provide maximum building height for the Clubhouse and cabana.
- e) Update architectural floor plans to reflect the proposed unit mix.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Martens Property drawings stamped by the M-NCPPC on October 10, 2011, and October 19, 2011, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board **FINDS**, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan nor a schematic development plan were required for the Subject Property.

The Site Plan is consistent with the approved Project Plan No. 92002002B for the Martens Property (MCPB Resolution No. 11-53) in terms of design layout, development standards, and conditions of approval. As set forth on the Data Table below, the Site Plan is consistent with the development standards approved by the Project Plan including density, green area, building setbacks, and building height.

2. *The Site Plan meets all of the requirements of the RMX-2 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Board finds, based on the data table below, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the RMX-2 Zone under the optional method of development. The data table below sets forth the development standards approved by the Planning Board and binding on the Applicant.

The proposed uses are allowed in the RMX-2 Zone and the Site Plan meets the purpose of the zone by providing a mixed-use development with primarily residential uses (455 units including one-family attached and multi-family units) and some commercial uses (14,426 square feet).

The development meets the density requirements of the zone and recommendations in the Sector Plan. The overall density, approved at 0.74 FAR for the 26.48-acre site, is slightly below the maximum density of 0.8 FAR recommended by the Sector Plan for this site. The commercial density is well below the maximum 0.5 FAR allowed and the gross leasable floor area is well below the maximum 600,000 square feet allowed. The residential density approved at 17.18 du/ac is below the 30 du/ac allowed by the zone.

The Site Plan meets the minimum building setback requirements, except for the 30-foot setback requirement from residential zoning other than one-family. Although the RMX-2 zone is not a typical residential zone, for the purposes of this setback requirement, it is considered 'residential zoning other than one-family.' The Applicant requests a reduction to 15 feet (50% reduction) from the multi-family residentially zoned property located along the northwestern edge of the project.

Section 59-C-10.3.8 of the Zoning Ordinance specifically allows the Planning Board to reduce this setback by no more than 50% "upon a finding that trees or

other features on the site permit a lesser setback without adversely affecting development on an abutting property.” The Planning Board finds that the 50% setback reduction will not adversely affect the adjacent multi-family residential properties at Kildale Hills Terrace (to the northwest of the Property) for several reasons. First, the existing multi-family residential properties are setback from the property line a minimum of 60 feet. This setback accommodates parking areas, open space and landscaping surrounding the existing buildings and contributes to an adequate physical separation from the project. Second, building heights for the existing multi-family buildings range between 47 to 51 feet, which are higher than the projected buildings heights of 30 to 40 feet for the townhouse buildings. Thus, the adjoining residential properties will retain adequate ventilation, light and air without the need for a larger, mitigating setback along the Property’s northeastern boundary. Third, the proposed townhouses will be oriented with their fronts towards the property line and multi-family buildings beyond, which also supports a reduced setback.

As demonstrated in the Data Table below, the project meets all of the applicable requirements of the RMX-2 Zone under the optional method of development.

Data Table

Development Standard	Approved with 92002002B for Phase II of the original approval	Approved by the Planning Board and Binding on the Applicant
Site Area (Acres)		
Gross Tract Area	26.48	26.48 (1,153,469 SF)
Less Dedication for Public ROW Water’s Road Waterford Hills Blvd	3.12 (0.77) (2.35)	3.12
Net Lot Area	23.36	23.36
Density		
Max. Commercial (FAR) [59-C-10.3.4]	0.01	0.01
Max. gross leasable (non-residential) floor area (SF) [59-C-10.3.5]	14,486	14,426
Residential D.U.s (> 30 acres site area) [59-C-10.3.6]	455	455
Max. Residential Density (du/acre) [59-C-10.3.7]	17.18	17.18
MPDUs [Chapter 25A] One-family attached	12.5% (57 MPDUs)	12.5% (57 MPDUs) (21)

Multi-family		(36)
Max. Total FAR	<u>0.74 (848,693 SF)</u>	<u>0.74 (854,000 SF)</u>
- residential	(828,707 SF)	(834,019 SF)
- commercial	(14,486 SF)	(14,426 SF)
- clubhouse & cabana	(5,500 SF)	(5,555 SF)
Unit Mix		
One-family attached	169	166
Multi-family	286	<u>289</u>
1-Bedroom		(143)
2-Bedroom		(138)
3-Bedroom		(8)
Min. Green Area or outside amenity area [59-C-10.3.3]		
Residential	50.0% (13.2 ac.)	50.0% (13.2 ac.)
Commercial		
Min. Building Setbacks (ft) [59-C-10.3.8]		
From one-family residential zoning	n/a	n/a
From residential zoning other than one-family (RMX-2/TS/RMX-2C)	To be determined at Site Plan	
- Residential buildings		15 ^(a)
- Commercial bldgs		n/a
From Any Street ^(b)	To be determined at Site Plan	
- Residential buildings		
One-family		0
Multi-family		0
- Commercial bldgs		n/a
From abutting commercial or industrial zoning (I-3/PD-15 Zone)	n/a	n/a
- Residential buildings		
- Commercial bldgs		
Max. Building Height (ft)		
Overall		
One-family attached	45	45
Multi-family	60	60
Min. Lot (Parcel) Area (SF)		
One-family attached	n/a	1,250
Multi-family	n/a	15,000
Min. Lot Width at Street Front (ft)		
One-family attached	n/a	20
Max. Building Coverage		
One-family attached	n/a	90%

Multi-family	n/a	90%
Vehicle Parking (number of spaces)		
Retail auxiliary		51
One-family attached (166 units)		535
Multi-family		<u>460</u>
1-Bedroom (143 units)		200
2-Bedroom (138 units)		242
3-Bedroom (8 units)		18
Total spaces	1,099	1,046
Bicycle Parking (number of spaces)		
Racks		25
Covered storage		40
Total	n/a	65
Motorcycle Parking		
Number of spaces	n/a	11

^(a) The Planning Board may reduce the minimum setbacks, no greater than 50% upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property. The applicant requests a reduction of the minimum setback from 30 to 15 feet for the front facing units (Units 17-27 on the north side of Waterford Hills Blvd). The required 30-foot setback is met for the rear facing units. Although the RMX-2 zone is not a typical residential zone, for the purposes of this setback requirement, it is considered a residential zoning other than one-family.

^(b) No minimum setback required if in accordance with master plan.

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The locations of the buildings and structures are adequate, safe, and efficient. The Site Plan consists of a mixed-use development with 455 residential dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial, yielding a 0.74 FAR on 26.48 gross acres.

The project includes four multi-family buildings with a combined total of 289 dwelling units (including 36 MPDUs), and 166 one-family attached (including 21 MPDUs). The commercial uses are primarily consolidated in the ground floor of Building 1 (11,980 SF). In addition, some commercial space is located in the ground floor of the Clubhouse building (1,250 SF) and at the southeast corner of Building 3 (1,196 SF).

The project is oriented along a principal east-west axis – Waterford Hills Boulevard – providing a connection between Father Hurley Boulevard and

Waters Road. Several north/south internal connections complete the grid network of streets around which the residential units are proposed. The grid network facilitates vehicular and pedestrian movement through and within the project.

Buildings along the Waterford Hills Boulevard provide a strong street edge and are oriented towards the street with rear-loaded garages. Buildings along the north/south internal connector streets are mostly front loaded with rear yards and green space in the rear. The multi-family buildings with a maximum height of 60 feet are oriented to Waters Road as recommended in the Sector Plan.

The activation of Waters Road is a direct result of building orientation, minimal setbacks, and the mix of uses proposed. Both commercial uses and residential units in the ground floor of the multi-family buildings along Waters Road have direct access to the street via separate ingress/egress points. The mix of uses include retail space covering the ground floor of Building 1, a commercial business center and leasing office in the multi-family Clubhouse building fronting on Waters Road, a meeting/function room in the southeast corner of Building 3, and residential units lining Buildings 3 and 4 at street level.

Parking requirements for the 455 units are met on private lots, in surface parking areas, and in a 2-level parking structure. The project exceeds the parking requirement of 332 spaces for the townhouse units (2 per unit) by providing 535 spaces. This is accommodated on-site for all units via garages (1-car and 2-car) and driveway spaces. The project also exceeds the parking requirement of 402 spaces for the multi-family units by providing 460 spaces. Parking for the multi-family buildings is accommodated in surface parking areas and a 2-level parking structure located along the southern property boundary adjacent to the CSX tracks. The parking structure with 137 spaces will serve Buildings 1 and 2 due to its proximity to these buildings. The 51 parking spaces reserved for the commercial uses are located in surface parking areas immediately outside of Building 1, where the bulk of the commercial uses are located. Visitor parking is accommodated in the surface parking areas and via on-street parking on Waters Road and on-street parking during off-peak hours on Waterford Hills Boulevard. These parking spaces are subject to MCDOT and Fire Marshall's final approval. While the final determination of on-street parking in a public right-of-way is dependent on the Department of Permitting Services during permitting and ultimate site conditions, the Planning Board recommends continued coordination with the necessary agencies to accommodate on-street parking.

The location of the surface parking areas within the site and behind the multi-family buildings allows for an adequate orientation of the project towards Waters Road and Waterford Hills Boulevard. The 2-level parking structure abutting the

CSX tracks adequately deals with noise impacts at this location and takes advantage of the grade drop to avoid the need for internal ramps.

Bicycle parking facilities are efficiently located in proximity to residential units, amenity areas and circulation paths, which collectively encourage bicycle usage. A 5-bike rack is provided at each multi-family building and at the entrance to the Clubhouse amenity area. In addition, 2 different facilities provide the option for covered long-term storage of bicycles. A covered bike cage is located on the first level of the parking structure with capacity for 30 bicycles, and a bike storage shed is located on the north side of Building 4 with capacity for 10 bicycles.

b. Open Spaces

The open spaces provided are adequate, safe, and efficient. The RMX-2 Zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the gross tract area. The Site Plan meets the green area requirements by providing a total of 50 percent (or 13.2 acres) of green space. All green areas (including the active/passive areas) will be accessible to all residents of the development.

Diverse open spaces are adequately dispersed throughout the development to provide safe and convenient access to all residents while efficiently providing relief from the density being proposed. Three main areas of open space are visually connected to each other and linked by smaller open spaces, sidewalks, and landscaping. (1) The green commons, located north of Waterford Hills Boulevard, consists of approximately 0.3 acres of open lawn framed by a row of townhouse facades on the north side and a 2.5-foot tall seating wall on the south side. The location and layout of this open space efficiently improves its visibility and accessibility by the general public. The Applicant is providing a public access easement over the green commons, however, this will ultimately be maintained and managed by the subsequent homeowner's association. Stipulations on the use and function of the space are up to the homeowner's association. (2) The southeast open space/amenity area enclosed by multi-family buildings 1, 2, and 3 contains a clubhouse and cabana, a swimming pool, a wading pool, a volleyball court, open play area II and seating areas. (3) The southwest open space area consists primarily of a heavily landscaped stormwater management dry pond, which will serve mainly as a visual amenity, surrounded by a pedestrian path with fitness stations dispersed throughout.

An important open space corridor connects the stormwater management dry pond area to the multi-family amenity area, and to the MARC station beyond. The corridor originates at Waterford Hills Boulevard along the western property boundary, where a picnic pavilion with picnic tables and a tot lot are proposed.

The corridor extends past the stormwater management dry pond through the rows of townhouses, where a tot lot and a play lot are located, to the multi-family building amenity area. This open space corridor efficiently allows for pedestrian movement and connectivity while creating safe opportunities for recreation and leisure.

c. Landscaping and Lighting

The landscaping with an emphasis on native species is adequate, safe, and efficient. The landscape plan achieves several objectives. It provides canopy coverage and shade for parking areas, roads, and open spaces. A variety of street trees line all the private roads and public streets. Waterford Hills Boulevard will be lined with willow oaks on both sides and in the median, which establishes continuity of the landscaping in the built portion of the Boulevard. Waters Road will be lined with honey locust trees in planting areas of approximately 5 by 24 feet.

In addition to canopy coverage and shade, the landscaping also defines open spaces and amenity areas by creating an edge or boundary, and adding interest. In the play lots and tot lots, the plant material delineates the perimeter of the play area which helps creating a safe environment for children. In the Green Commons area, Staff recommends eliminating the row of shrubs north of the retaining wall in order to allow seating on the 2.5-foot tall wall. Smaller plant material, such as herbaceous plants, evergreen and deciduous shrubs, and ornamental trees, emphasizes the entrance to the development and adds interest.

The landscaping provides screening and buffering within the project as well as between the project and adjacent properties. Within the project, a mix of evergreen shrubs adequately screens the pool area, the loading area behind the multi-family Building 1, the parking structure, and the noise wall. A similar treatment is used along the northern and northwestern property boundary, which contributes to an adequate visual separation between the proposed rear yards and the adjacent uses. Larger evergreen shrubs and trees along the southern property behind the parking structure and the noise wall adequately screen and create visual interest as viewed from the abutting CSX tracks.

As originally proposed, the lighting consisted of pole mounted light fixtures with a maximum height of 14 feet located on Waters Road, and 12 feet located on private streets and within the Property. On Waterford Hills Boulevard, the lighting consists of high pressure sodium light fixtures with a maximum height of 30 feet and 20 feet on top of the parking structure. However, the Planning Board approved the lighting on Waterford Hills Boulevard to be replaced with a similar

fixture as Waters Road with a maximum height of 14 feet, which is more residential in character. Similarly, the lighting on the top of the parking structure will be reduced in height to 12 feet (as measured from the surface of the parking level to the top of the light pole), which reduces visibility from the nearby multi-family units overlooking the parking structure and improves compatibility. Wall mounted light fixtures are provided at the entrances to the multi-family buildings. As conditioned, the lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The lighting is adequate, safe and efficient.

d. Recreation Facilities

The recreation facilities provided are safe, adequate, and efficient. They include two play lots, two tot lots, an open play area II, an open play area I, a volleyball court, a swimming pool, a wading pool, eleven seating areas (including a picnic pavilion), a pedestrian system, and five outdoor fitness stations. This development meets all the recreation requirements on-site through these facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. The facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups.

Although credit for off-site facilities was not requested with this Application, several facilities in the immediate vicinity of the site provide additional opportunities for recreation and leisure of the future residents. The site is within half mile distance from the Up-County Regional Services Center, the Germantown Commons Shopping Center, and Sugarloaf Shopping Center, and the Germantown Elementary School. The site is within $\frac{3}{4}$ of a mile distance from Seneca Valley High School, Lake Seneca Elementary School, and M L King Jr. Middle School.

e. Vehicular and Pedestrian Circulation

The pedestrian and vehicular circulation systems are safe, adequate, and efficient.

Access to the site will be provided via an entrance on Waters Road on the eastern property boundary and an extension of Waterford Hills Boulevard as a central corridor through the site connecting to Father Hurley Boulevard to the west. Waterford Hills Boulevard is also part of a future extension of the Town Center 'Main Street,' which is envisioned as a pedestrian-friendly thoroughfare through the community. Sidewalks are proposed on both sides of the boulevard

and a center median with a continuous row of street trees divides opposite travel lanes.

Vehicular circulation is efficiently directed through the site through a grid of private streets that originate on Waterford Hills Boulevard. These streets provide adequate access to rear-loaded townhouse units, private alleys serving front-loaded units, and surface parking areas serving the multi-family buildings.

The vehicular circulation system adequately integrates this site in the surrounding area. The Site Plan shows an internal connection between proposed Private Alley A and the existing private street at the Ashmore at Germantown community. Additionally, the Applicant will reserve an area from the edge of Private Road A to the northern property line to allow for a future connection to the adjacent property. The Applicant will enter into a reciprocal access easement with the owner of the adjacent property upon the redevelopment of the adjacent property when and if the Planning Board deems it necessary to have reciprocal access through both properties. These inter-parcel connections facilitate vehicular and pedestrian movement and provide alternative routes for circulation.

As per the Project Plan approval condition, the Applicant designed a suitable alignment for the future connection of Waters Road to MD 118 including the acquisition impacts to other private properties which will be required for the construction of that road connection. The proposed alignment is in conformance with the Sector Plan recommendations to provide through movement between Waters Road and MD 118 and to enable vehicular and pedestrian linkages to the MARC station. The Planning Board received various revisions to the alignment from the affected property owners. Since the road connection is located outside the boundaries of the Subject Property and is not being constructed with this Application, the Applicant's proposed alignment may be revised when a Preliminary and Site Plan for the affected properties is submitted. The Planning Board finds that the Applicant has complied with the Project Plan condition by designing a final alignment and identifying future dedications for the connection of Waters Road to MD 118.

Pedestrians will access the site via sidewalks on all public and private streets. In addition, pedestrians will be able to access the site from MD 118 (and the MARC Station beyond) via an 8-foot wide pathway connecting the cul-de-sac on existing Waters Road to the sidewalk along MD 118. This pedestrian connection combined with the sidewalk system onsite, effectively accommodates pedestrian traffic from the residential neighborhoods to the west, through the site to the MARC Station. Within the site, the sidewalk system provides access to all the public spaces and amenities including a meandering pathway around the

periphery of the stormwater management dry pond. Seating areas will be provided at selected nodes.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structures and uses proposed are compatible with other uses and site plans, and with existing and proposed adjacent development. The proposed mixed-use development includes four multi-family buildings with a combined total of 289 dwelling units and 166 one-family attached units, and 14,426 square feet of commercial uses, yielding a 0.74 FAR. The residential density proposed at 17.2 du/ac is comparable to the residential density at Fairfield of Germantown at 16.8 du/ac. The density and uses proposed are compatible with the location of the site on the west end of the Germantown Town Center area abutting the CSX tracks and within a ½ mile radius of the MARC Station. Locating the proposed commercial uses along Waters Road is compatible with the existing confronting uses on this road, which are more commercial in nature.

Compatibility with the CSX tracks and mitigation of the effects caused by this proximity is achieved through the design and location of the various buildings and amenities on site. The SWM pond will be relocated to the southeast corner of the site abutting the tracks, which effectively increases the separation between the townhouses (north of the pond) and the tracks. Noise mitigation measures, including a noise barrier, will be constructed between the rail tracks and the impacted townhouse buildings at the far south of the project resulting in interior noise levels below 45 dBA using standard construction materials, according to the Polysonics Railway Noise Impact Analysis dated April 21, 2011. A parking structure is proposed against the CSX tracks, which will help to buffer noise for the multi-family buildings.

Within the site, compatibility will be achieved through architectural treatments on the side façades of corner units and MPDUs front façades. As conditioned, the side façades of certain corner units will include materials and architectural design treatment comparable to the fronts of those units. The fronts of the MPDUs will be designed and finished with architectural elements comparable to those found on other attached units within the site.

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

The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection. This site is

subject to the County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420111000 for this Property was approved on January 25, 2011. The Property contains no forest. There are six trees 30 inches and greater diameter at breast height (DBH) and four trees between 24" and 30" DBH on the Property. The Final Forest Conservation Plan (FFCP) was approved by the Planning Board in conjunction with Project Plan No. 92002002B on June 23, 2011.

Per Section 22A-21 of the Montgomery County Forest Conservation Law, a variance was granted as part of the FFCP approval with the mitigation planting requirement to occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are 2" to 3" DBH. For the 102 caliper inches of trees removed, the Applicant will mitigate with nine 3" DBH native canopy trees on the site. All mitigation plantings should be specifically labeled and detailed on the revised FFCP. As conditioned, the FFCP must identify the methods (on-site or off-site) to meet the afforestation requirement and identify the location of the on-site mitigation plantings as required by the variance approval.

The stormwater management concept approved on October 12, 2011, meets the required stormwater management goals by the use of Environmental Site Design (ESD) for one inch of the required volume including microbiofilters, bioswales and porous paving. The existing dry stormwater pond will be used for the remaining volume that cannot be provided in the ESD facilities. Filterras and a volume based Stormfilter will be used for the Waters Road improvements.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is **FEB 22 2012** (which is the date that this Resolution is mailed to all parties of record); and

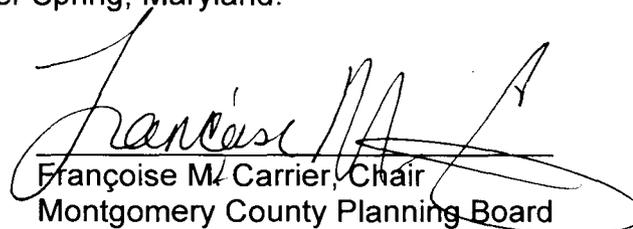
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, February 16, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

Appendix B



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

November 14, 2012

Diane R. Schwartz Jones
Director

Ms. Lori Hirz
Loiederman Soltesz Associates
2 Research Place
Rockville, MD 20850

Re: Revised Stormwater Management **CONCEPT**
Request for Martens Property
Preliminary Plan #: 1-02068
SM File #: 239006
Tract Size/Zone: 26.47 acres/RMX-2
Total Concept Area: 25.26 acres
Lots/Block: NA
Parcel(s): P780
Watershed: Little Seneca Creek

Dear Ms. Hirz:

Based on a review by the Department of Permitting Services Review Staff, the revised stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of Environmental Site Design for one inch of the required volume including microbiofilters, bioswales and porous paving. The existing dry stormwater pond will be used for the remaining volume that cannot be provided in the ESD facilities. Filterrass and a volume based Stormfilter will be used for the Waters Road improvements

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. The landscaping shown on the approved Landscape Plan (as part of the approved Site Plan) is for illustrative purposes only. It may be changed at the time of detailed review of the Sediment Control/Storm Water Management plans by the Department of Permitting Services, Water Resources Section.
6. The storm drain system design must include the existing culvert under Waters Road.
7. The design for the existing pond relocation is shown for illustrative purposes only and may change during the detailed review.
8. The relocation of the existing pond must be done prior to any other site work.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

9. The review and approval of the design of the relocated existing pond will be done by MDE since this is classified as a High Hazard dam. Montgomery County DPS will review the sediment control for the relocation.
10. No permanent or temporary structures may be located on the dam embankment without specific written approval from this Department.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: jpb 11/14/12

cc: C. Conlon
SM File # 239006

ESD Acres:	25.6
STRUCTURAL Acres:	25.6
WAIVED Acres:	0

Pereira, Sandra

From: Campbell, William <William.Campbell@montgomerycountymd.gov>
Sent: Tuesday, November 27, 2012 3:58 PM
To: Pereira, Sandra
Subject: Village West at Germantown Center, formerly known as Martens Property

Sandra

Item #5 on the Storm Water concept approval letter pertains to landscaping within the Storm Water management easements only.

Bill Campbell

William Campbell CPESC, CPSWQ
Senior Permitting Specialist

240-777-6345



FIRE MARSHAL COMMENTS

DATE: 28-Nov-12
TO: Keely Laretti
Loiederman Soltesz Associates, Inc
FROM: Marie LaBaw
RE: Martens Property (Fairfield at Germantown) (Village West at Germantown Town Cent
82003003A 92002002B 92002002C 120110090 12011009A 820110130 82011013A

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **28-Nov-12**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Conditional approval of Amended Project Plan 92002002C, Amended Preliminary Plan 12011009A, and Amended Site Plan 82011013A *****



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

September 19, 2012

Ms. Sandra Pereira
The Maryland-National Capital Park
And Planning Commission
6611 Kenilworth Ave
Riverdale, Maryland 20737

RE: Montgomery County
MD 118
Martens Property
SHA Tracking No: 11APMO007xx
County Tracking No: 1896-00-00
Mile Post: 2.06

Dear Ms. Pereira:

Thank you for the opportunity to review the site plan, dated August 24, 2012, for the proposed Martens Property in Montgomery County. The State Highway Administration (SHA) offers the following comments:

As previously noted in the attached letter dated November 2, 2011, the SHA has no objection to approval of the preliminary plans for the Waters Road to MD 118 Connection and the amended Site plans (File No. 82011013A) for the proposed Martens Property development in Montgomery County.

Please reference the SHA tracking number on future submissions. Future submissions should be made directly to Mr. Steven Foster attention of Mr. Erich Florence. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Erich Florence at 410-545-0447, by using our toll free number in Maryland only at 1-800-876-4742 (x0447) or via email at eflorence@sha.state.md.us.

Sincerely,

A handwritten signature in cursive script that reads 'Erich Florence'.

For Steven D. Foster, Chief
Access Management Division

SDF/JWR/emf

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Page 95
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Attachment

cc: Mr. Russell Gestl, Village West, LLC, and Buchanan Pinkard Germantown, LLC/
9841 Washington Blvd. Suite 300 Gaithersburg, Maryland 20878
Ms. Keely Laretti, Loiederman Soltesz Associates/
2 Research Place Rockville, Maryland 20850
Mr. Greg Leck, Montgomery County Department of Transportation
Mr. Scott Newill, SHA – Access Management Division Regional Engineer
Mr. Mark McKenzie, SHA – AMD Assistant Regional Engineer
Ms. Kelly Kosino, SHA – AMD
Mr. Brian Young, SHA – District 3 District Engineer



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

November 16, 2012

Richard Y. Nelson, Jr.
Director

Ms. Sandra Pereira
Area 3 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Village West at Germantown Town Center
(AKA Martens Property)
Site Plan Amendment No. 82011013A

Dear Ms. Pereira:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Site Plan amendment, and finds it to be acceptable. The MPDUs are proportionately distributed between the single-family and multi-family sections of the site, and therefore either section may begin construction first while still complying with the MPDU phasing requirements of Section 25A-5(i) of the County Code.

The applicant has not provided a bedroom distribution for the MPDUs and market rate units in the multi-family buildings. DHCA will need to review this distribution as soon as it is available for compliance with the MPDU bedroom distribution requirements of Section 25A-5(b)(3) of the County Code.

Sincerely,

A handwritten signature in black ink that reads "Lisa S. Schwartz".

Lisa S. Schwartz
Senior Planning Specialist

cc: Keely Lauretti, Loiderman Soltesz Associates
Charlie Turner, Buchanan Partners LLC
Christopher J. Anderson, Manager, Single Family Housing Programs, DHCA

S:\Files\FY2013\Housing\MPDU\Lisa Schwartz\Village West Martens Property DHCA Letter 11-16-2012.doc

Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca

Pereira, Sandra

From: Beall, Mark <Mark.Beall@montgomerycountymd.gov>
Sent: Tuesday, November 27, 2012 9:49 AM
To: Pereira, Sandra
Subject: RE: Village West at Germantown Center (formerly Martens Property), schedule

Sandra,

Sorry for the delay in getting this to you, but I thought I had already sent my approval. I do not have any issues with the new layout for this project.

Thank you,
Mark Beall
Permitting Services Specialist II
Site Plan Enforcement
Division of Building Construction
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850
(240)777-6298
mark.beall@montgomerycountymd.gov
<http://permittingservices.montgomerycountymd.gov/DPS/general/Home.aspx>

-----Original Message-----

From: Pereira, Sandra [<mailto:Sandra.Pereira@montgomeryplanning.org>]
Sent: Tuesday, November 27, 2012 9:36 AM
To: Farhadi, Sam; Campbell, William; LaBaw, Marie; Leck, Gregory; Beall, Mark
Subject: RE: Village West at Germantown Center (formerly Martens Property), schedule

Hi everyone,

I'm checking in on the status of your reviews. I was hoping to have your comments/conditions of approval by now so that I can finalize my staff report. Please let me know.

Hope you had a great holiday weekend.

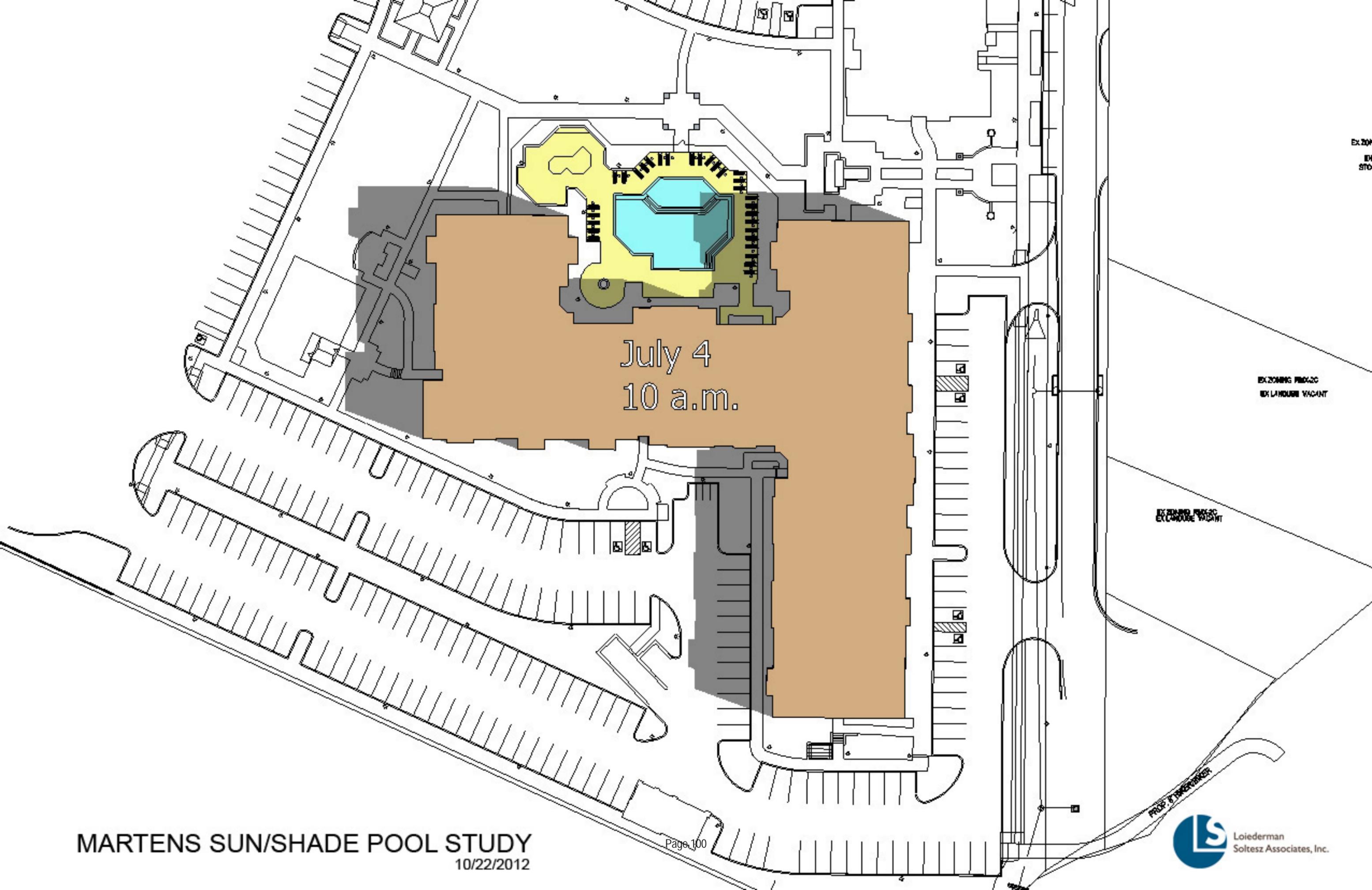
Thanks,
Sandra

From: Pereira, Sandra
Sent: Wednesday, October 31, 2012 10:16 AM
To: Bossi, Andrew; Farhadi, Sam; Campbell, William; LaBaw, Marie; Gregory Leck; 'Beall, Mark'; Demler, Scott; 'Kornhauser, Monika'
Subject: Village West at Germantown Center (formerly Martens Property), schedule

Good morning reviewers,

Hope you made it OK through the storm with minimal damage!

Appendix C

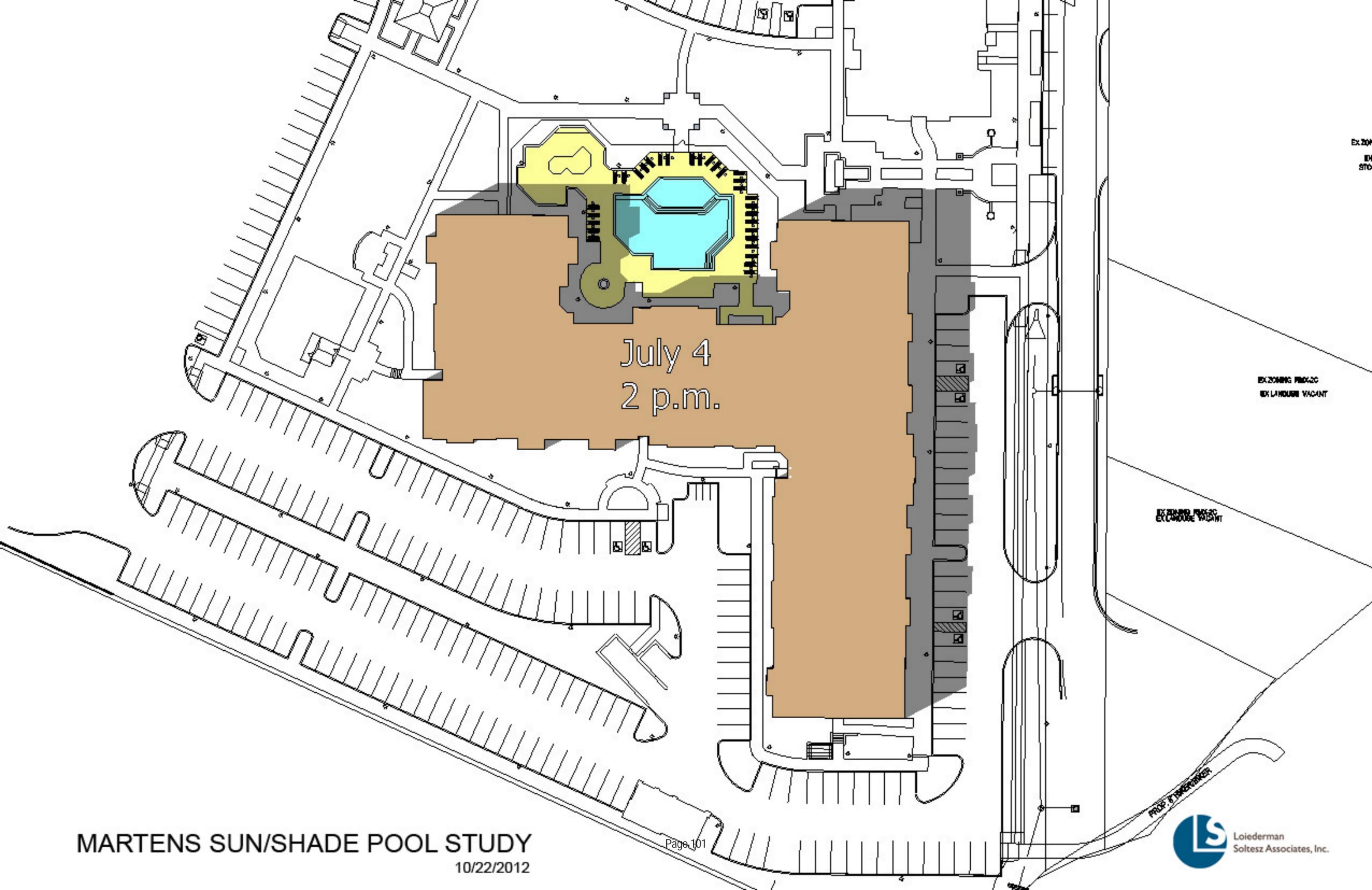


July 4
10 a.m.

EX ZONING PDG20
EX LANDUSE VACANT

EX ZONING PDG20
EX LANDUSE VACANT

PROJ # 100000000

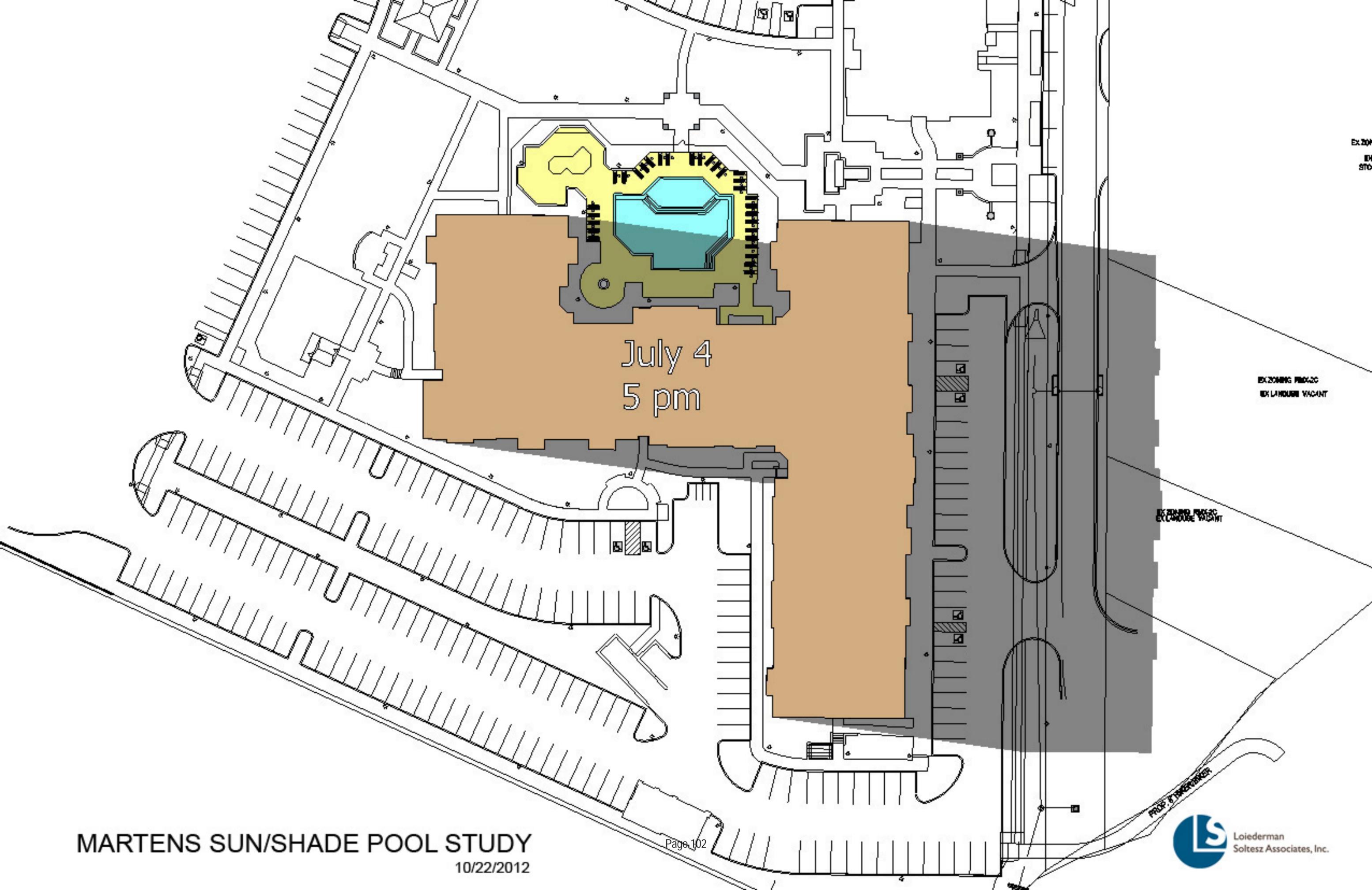


July 4
2 p.m.

EX ZONING PDG20
EX LANDUSE VACANT

EX ZONING PDG20
EX LANDUSE VACANT

PROJ. S. HANCOCK



July 4
5 pm

EX ZONING PD62C
EX LANDUSE VACANT

EX ZONING PD62C
EX LANDUSE VACANT

PROJ # 1000000000

Appendix D

September 10, 2012

Mr. Charlie Turner
Buchanan Partners
9841 Washington Boulevard
Gaithersburg, Maryland 20878

Subject: Marten's Property Single Family Attached Homes

Dear Mr. Charlie Turner,

Polysonics has reviewed the latest site plan for Marten's Property, located within Montgomery County, Maryland. The site plan was sent in a file named Sit_Master_12_0709.dwg from Loiederman Soltesz Associates on July 9, 2012.

In our initial study, report #5423, we performed a measurement of the site and calculated the locations of the 60 dBA L_{dn} ground level contour and the 65 dBA L_{dn} upper level contour. We determined that the 60 dBA L_{dn} ground level contour will be located 241 feet from the railway tracks and the 65 dBA L_{dn} upper level contour will be located 170 feet from the railway tracks.

From this analysis we determined that the homes on lots 39 to 43, 57 to 61, and 76 to 80 will be impacted by sound levels of 60 dBA L_{dn} and higher. In our report #5427, we determined that two 8 foot barriers along lots 42 and 43 were sufficient to reduce the outdoor areas to the Montgomery County noise guideline of 60 dBA L_{dn} for all properties.

All of our analyses and recommendations from our previous reports are still valid. This includes the results of our analysis, the 8 foot barrier along lots 42 and 43, and the 8 foot barrier between the proposed homes and railroad tracks. This letter only addresses the multi-family residential buildings proposed for the site.

Our initial analysis and report did not include the several multi-family residential buildings to the east and northeast of the townhomes. Polysonics has taken the noise contour information determined in the #5423 report and has overlaid it on the updated site plan, which includes the multi-family residential buildings.

The mitigated contours from report #5427 were not used in order to show the maximum noise level at the site. If the multi-family residential buildings were constructed before the proposed barriers, there would not be a mitigated noise contour.

The unmitigated noise contour shown on the most recent site plan can be seen in Figure 1 below. The multi-family residential buildings can be seen in purple.



FIGURE 1: GROUND AND UPPER LEVEL UNMITIGATED NOISE CONTOURS

As can be seen in Figure 1, the unmitigated 60 dBA L_{dn} ground level contour does not reach the locations of the multi-family residential buildings. The contour is approximately 2.5 feet from the façade corner of the nearest building. Therefore, no outdoor activity area for the multi-family residential buildings will be impacted by the railway noise and the Montgomery County code of 60 dBA L_{dn} is met.

Also seen in Figure 1 is that the unmitigated 65 dBA L_{dn} upper level contour does not reach the locations of the multi-family residential buildings. As stated in our previous reports, a residence of standard construction can provide 20 dBA of noise level reduction. This means that any house outside of the 65 dBA L_{dn} contour is expected to meet an interior noise level of 45 dBA L_{dn} with standard construction. Therefore, standard construction materials can be used for the multi-family residential buildings to meet the Montgomery County code of 45 dBA L_{dn} for indoor areas.

Please let me know if you would like any further information.

Sincerely,
Polysonics Corp.



Christopher Karner
Staff Consultant
Direct line: 540-341-4988 x-2102

Appendix E

Project Data Table for the RMX-2 Zone (Optional Method of Development)

Development Standards	Zoning Ordinance Permitted/ Required	Approved with 92002002B (entire site)	Approved with 92002002B (amended area)	Proposed for Approval with 92002002C (entire site)	Proposed for Approval with 92002002C (amended area)
Site Area (acres)					
Gross Tract Area	n/a	<u>62.58</u>		<u>62.58</u>	
Phase I		(36.10)		(36.10)	
Phase II		(26.48)	26.48	(26.48)	26.48
Less Dedication for Public ROW	n/a	<u>7.06</u>	<u>3.12</u>	<u>7.06</u>	<u>3.12</u>
Water's Road		(0.77)	(0.77)	(0.77)	(0.77)
Waterford Hills Blvd		(5.39)	(2.35)	(5.39)	(2.35)
Father Hurley Blvd		(0.90)	(0.00)	(0.90)	(0.00)
Net Lot Area	n/a	<u>55.52</u>		<u>55.52</u>	
Phase I		(32.16)		(32.16)	
Phase II		(23.36)	(23.36)	(23.36)	(23.36)
Density					
Max. Commercial (FAR) [59-C-10.3.4]	0.5	0.005	0.01	0.005	0.01
Max. gross leasable (non-residential) floor area (SF) [59-C-10.3.5]	600,000	14,486	14,486	14,426	14,426
Residential D.U.s (> 30 acres site area) [59-C-10.3.6]	150 min.	1,059	455	1,074	470
Max. Residential Density (du/acre) [59-C-10.3.7]	30 residential areas 40 commercial areas	16.9	17.18	17.2	17.75
MPDUs [Chapter 25A]	12.5%	14% (148 MPDUs)	12.5% (57 MPDUs)	14% (150 MPDUs)	12.5% (59 MPDUs)
Max. Total FAR	0.8 ^(a)	<u>0.53 (1,435,229 SF)</u>		<u>0.54 (1,455,429 SF)</u>	
Phase I		0.22 (586,536 SF)		0.22 (586,536 SF)	
Phase II		0.31 (848,693 SF)	<u>0.74 (848,693 SF)</u>	0.32 (868,893 SF)	<u>0.75 (868,893 SF)</u>
- residential			(828,707 SF)		(849,122 SF)
- commercial			(14,486 SF)		(14,426 SF)
- clubhouse			(5,500 SF)		(5,345 SF)
Min. Green Area or outside amenity area [59-C-10.3.3]					

Residential Commercial	50% 15%	51.0% (31.9 ac.) ^(b)	50.0% (13.2 ac.)	51.0% (31.9 ac.) ^(b)	50.0% (13.2 ac.)
Min. Building Setbacks (ft) [59-C-10.3.8]					
From one-family residential zoning	100	n/a	n/a	n/a	n/a
From residential zoning other than one-family (RMX-2/TS/RMX-2C) - Residential buildings - Commercial bldgs	30 50	To be determined at Site Plan	To be determined at Site Plan	To be determined at Site Plan	To be determined at Site Plan
From Any Street - Residential buildings - Commercial bldgs		To be determined at Site Plan	To be determined at Site Plan	To be determined at Site Plan	To be determined at Site Plan
From abutting commercial or industrial zoning (I-3/PD-15 Zone) - Residential buildings - Commercial bldgs		n/a	n/a	n/a	n/a
Max. Building Height (ft.) ^(c)					
Overall	60 ^(c)	60		65	
Townhouse	n/a		45		45
Multi-family	n/a		60		65
Parking (number of spaces) ^(d)					
Retail auxiliary	3.5 sp/1000 SF	51 (@ 3.5sp/1000)	51 (@ 3.5sp/1000)	51 (@ 3.5sp/1000)	51 (@ 3.5sp/1000)
One-family attached	2 sp/unit	338 (169 units)	338 (169 units)	535 (166 units)	535 (166 units)
Multi-family		<u>1,251</u> ^(e)	<u>399</u>	<u>1,463</u>	<u>443</u>
1-Bedroom	1.25 sp/unit	525 (420 units)	150 (120 units)	(441 units)	(141 units)
2-Bedroom	1.5 sp/unit	642 (428 units)	249 (166 units)	(420 units)	(158 units)
3-Bedroom	2 sp/unit	84 (42 units)	n/a	(47 units)	(5 units)
Total spaces					
Required		1,640 ^(e)	788	1,659 ^(e)	807
Approved		2,119 ^(e)	1,099		
Proposed				2,049 ^(e)	1,029

^(a) Per the 2009 Approved and Adopted Germantown Employment Area Sector Plan recommendations for this site (p.53).

^(b) Includes 18.74 acres of green space provided in Phase I.

^(c) According to the Germantown Employment Area Sector Plan (p. 54) and the Germantown Urban Design Guidelines (June 2010) (p. 31).

^(d) The final number of parking spaces will be determined at the time of site plan approval when the bedroom mix has been finalized.

^(e) Tabulations for the overall site were derived from the approved Site Plan 82003003B which superseded the earlier project plan approval.

Supplemental Attachment

Additional correspondence



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 6, 2012

Ms. Sandra Pereira, Lead Reviewer
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Village West at Germantown Center
(formerly Martens Property)
Preliminary Plan No. 1-2011009A
Site Plan No. 8-2011013A
Project Plan No. 9-2002002C

Dear Ms. Pereira:

We have completed our review of the plans dated October 18, 2012. These plans reflect the following changes from previous plans:

1. Addition of 15 multifamily units through increasing a proposed building from 4 to 5 stories, deleting 1 level from a parking deck, and changing 4 multifamily buildings to 3 multifamily buildings.
2. Modification of the southwest corner of Waters Road and Wisteria Drive to normalize the curb radius (currently varies in curvature) and construct sidewalk entirely within public right-of-way. DPS has already concurred with this modification.
3. No other changes to access or roadways apart from as per the Chestnut Ridge development where Waters Road terminates into a cul-de-sac.
4. M-NCPPC found that there was no significant increase in trip generation as to justify revision to Local Area Transportation Review or Policy Area Mobility Review submissions.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Ms. Sandra Pereira
Site Plan No. 8-2011013A
December 06, 2012
Page 2

We support Planning Board approval of these revisions. Comments contained in our previous letters – including our review of the preliminary plan dated November 14, 2011, and our amended letter dated November 30, 2011 – remain applicable unless amended below.

It is recognized that the off-site sidewalk being constructed in the vicinity of Waters Road and Wisteria Drive does not comply with Context Sensitive Road Design (CSRD) standards. This off-site sidewalk provides a critical connection between the sidewalk along the site frontage & Wisteria Drive. At this time we require that sidewalk be constructed to provide a minimum of 5 ft continuous width. Should the adjacent property redevelop, that property will be required to reconstruct according to CSRD standards.

Thank you for the opportunity to review this modification. If you have any questions or comments regarding this letter, please contact Andrew Bossi, our Development Review Area Engineer for this project, at andrew.bossi@montgomerycountymd.gov or (240) 777-2197.

Sincerely,


Gregory M. Leck, Manager
Development Review Team

Andrew Bossi for

m:\correspondence\fy13\traffic\active\82011013a, village west, site plan mod ltr.doc

cc: Russ Gestl Buchanan Acquisitions
Charlie Turner Buchanan Acquisitions
Robby Brewer Lerch, Early, Brewer
Phil Isaja Loiederman Soltesz
Keely Lauretti Loiederman Soltesz
John Carter M-NCPPC Area 3
Rich Weaver M-NCPPC Area 3
Ki Kim M-NCPPC Area 3
Catherine Conlon M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri DPS RWPR
Sam Farhadi DPS RWPR
Fred Lees MCDOT DTEO
Mark Terry MCDOT DTEO
Andrew Bossi MCDOT DTE

Pereira, Sandra

From: Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>
Sent: Tuesday, December 11, 2012 10:52 AM
To: Weaver, Richard; Pereira, Sandra
Subject: FW: Village West at Germantown Town center 8-2011013A

Hi Rich and Sandra,

As we discussed earlier, the receiving handicap ramp across from Wisteria Drive at intersection with Waters Road is a bit far. Considering the wide 5 lane pavement of the Wisteria Drive we decided to just have one ramp aligned with the existing pedestrian crossings and handicap ramps at the median island across Waters Road (the applicant to show these existing features on the plan). The proper setback for the sidewalk should be provided as mentioned below.

Please let me know if you have any question.

Sam

-----Original Message-----

From: Farhadi, Sam
Sent: Monday, December 10, 2012 11:33 AM
To: 'Pereira, Sandra'
Cc: Bossi, Andrew; Phil Isaja; Keely Laretti
Subject: RE: Village West at Germantown Town center 8-2011013A

Hi Sandra,

We are fine with the entrance at the Waters Road cul-de-sac as it is currently shown.

Sam

-----Original Message-----

From: Pereira, Sandra [<mailto:Sandra.Pereira@montgomeryplanning.org>]
Sent: Monday, December 10, 2012 11:06 AM
To: Farhadi, Sam
Cc: Bossi, Andrew; Phil Isaja; Keely Laretti
Subject: RE: Village West at Germantown Town center 8-2011013A

Hi Sam,

As discussed over the phone, the access to the retail parking on the southern portion of Waters Road has been shifted south and labeled "Entrance location may be shifted north or south to coordinate with adjacent future potential development." The PDF document that Keely sent of Friday (12/7) shows this condition. Please confirm that this is acceptable to you.

Keely/Phil,

Let me know if you have any comments or concerns pertaining to the sidewalk setback & dual ramp requested below.

Thanks,
Sandra

From: Farhadi, Sam [<mailto:Sam.Farhadi@montgomerycountymd.gov>]
Sent: Monday, December 10, 2012 9:41 AM
To: Pereira, Sandra

Cc: Bossi, Andrew; Phil Isaja; Keely Lauretti

Subject: Village West at Germantown Town center 8-2011013A

Hi Sandra,

I have discussed this site plan with Andrew over at MCDOT and it seems the sidewalk and curb extensions at the intersection of Waters Road and Wisteria Drive are the only changes in the public R/W as part of this revision. Please advise us if this is not the case.

As such, we would like to ask for sidewalk setback (as much as it provides 1' of maintenance strip between the back of the proposed sidewalk and R/W line) and dual ramp at that location to meet the ADA standards.

Thank you,

Sam

Pereira, Sandra

From: tim.coulson@verizon.net
Sent: Monday, December 10, 2012 5:41 PM
To: Pereira, Sandra
Subject: Re: Village West at Germantown Center (formerly Martens Property)

Ms. Pereira,

Thank you for your quick and thorough response.

Do you have access to the parking requirements for Buckingham Station according to the Zoning Ordinance and what the actuals are? If so I would love to see that. Seems like there is a shortage to me.

Thank you,
Tim Coulson
240-506-6031

On 12/10/12, Pereira, Sandra<Sandra.Pereira@montgomeryplanning.org> wrote:

Mr. Coulson,

Thank you for sharing your concerns. Your email correspondence will be distributed to the Planning Board members as supplemental documentation for the Village West at Germantown Center Public Hearing scheduled for December 20, 2012.

At the last Project Plan (No. 92002002B) Hearing in 2011, the Planning Board members recommended providing more usable open space and amenities for the future residents. The applicant addressed this recommendation by revising the unit mix to eliminate 3 townhouses and add 3 multi-family units and by adjusting the footprint of some multi-family buildings. At that time, the applicant also expressed a clear intent to file a subsequent amendment to add a few more multi-family units in order to fully make up for the loss of the three townhouses.

The current Amendments propose to add 15 multi-family units to the overall mix while increasing the amenities provided and improving the multi-family amenity area layout. This is accomplished by increasing the building height from 60 to 65 feet, revising the multi-family unit mix, consolidating the multi-family buildings into 3 buildings (rather than 4), and adjusting the building footprints.

We understand that parking in your community is a concern. However, for the Village West at Germantown Center project, the parking provided exceeds the parking requirements as established by the Zoning Ordinance. The project provides a total of 1,029 spaces, without counting on-street parking along Waters Road and Waterford Hills Boulevard, and the Zoning Ordinance requires 785 spaces. In addition, the project provides townhouses with 4 parking spaces on average adjacent to your community. The additional units are located in the multi-family buildings, which are sited along Waters Road and the closest to transit. Lastly, because this site is located within ¼-mile radius of the Germantown

MARC station, and within one mile of the proposed Corridor-Cities Transitway, a portion of the future residents are likely not to own a vehicle and rely on transit.

Thank you again for your correspondence. We hope to have addressed your concerns. Please let us know if you have any additional comments or would like to discuss further. I can be reached via email or phone at 301-495-2186.

Sincerely yours,

Sandra Pereira, RLA

Area 3 Lead Reviewer

M-NCPPC Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@montgomeryplanning.org

From: tim.coulson@verizon.net [<mailto:tim.coulson@verizon.net>]
Sent: Saturday, December 08, 2012 6:19 PM
To: Pereira, Sandra; Weaver, Richard
Subject: Village West at Germantown Center (formerly Martens Property)

Ms. Pereira and Mr. Weaver,

The purposed of this email is to express concern over the amendments to the Village West at Germantown Center (formerly Martens Property) project plan. My community and my home borders the property in question.

I have been in attendance at the majority of the planning meetings that I was aware of, including the one that took place in the fall of 2011 where the "final" plan was approved. Since then I've received two notifications of amendments to the existing approved plan, and both of them read as if they are making the buildings on the property more dense. If I recall correctly, the meeting I attended where the plan was approved the developer had actually been requested to make the buildings LESS dense before the plan would be approved.

I believe that a higher density is a bad idea for several reasons, but primarily we already have a parking problem in the area. The developer/builder of Buckingham Station did not factor enough parking spaces into the plan, and consequently residents and visitors routinely park in areas marked with no parking signs on Waterford Hills Boulevard, and fire lanes within the community. I believe that a plan that makes the buildings in Village West at Germantown Center (formerly Martens Property) will just exacerbate this parking problem.

I don't think I will be able to attend the meeting on Thursday, December 20, 2012.

Thank you,
Tim Coulson
19487 Dover Cliffs Circle
Germantown, MD 20874