

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 Sorensen 2/8/12

8787 Georgia Avenue, Prince Georges, Maryland 20910 Chairman's Office: 301.495.460 Fax: 301.495.1320

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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.F.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. Filtergrass 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

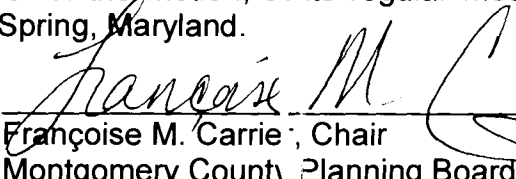
BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary 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).

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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