



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

**Staff Report: Site Plan 820090090, Germantown Estates**

ITEM #: \_\_\_\_\_

MCPB HEARING DATE: October 15, 2009

REPORT DATE: October 5, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*  
Robert Kronenberg, Supervisor *RK*  
Development Review Division

FROM: Molline Smith, Senior Planner *MCS*  
Development Review Division  
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**APPLICATION**

**DESCRIPTION:** Located at the northeast quadrant of the intersection at Germantown Road (MD 118) and Clopper Road (MD 117). A 2-story office building; 15,600 square feet with a parking waiver on one (1) lot; 0.96 Acres; in the C-T Zone; within the Germantown Master Plan.

**APPLICANT:** Cornerstone Land LLC.

**FILING DATE:** March 17, 2009

**RECOMMENDATION:** Approval with conditions

**EXECUTIVE**

**SUMMARY:** The Applicant proposes a 2-story office building (15,600 square feet) on 1 lot at the major intersection of Germantown Road and Clopper Road. Vehicular access was denied by SHA from either roadway. Therefore the site has one access point off of Liberty Mill Road. A parking waiver is needed to reduce the parking by 8.5% (4 out of 47 required parking spaces).

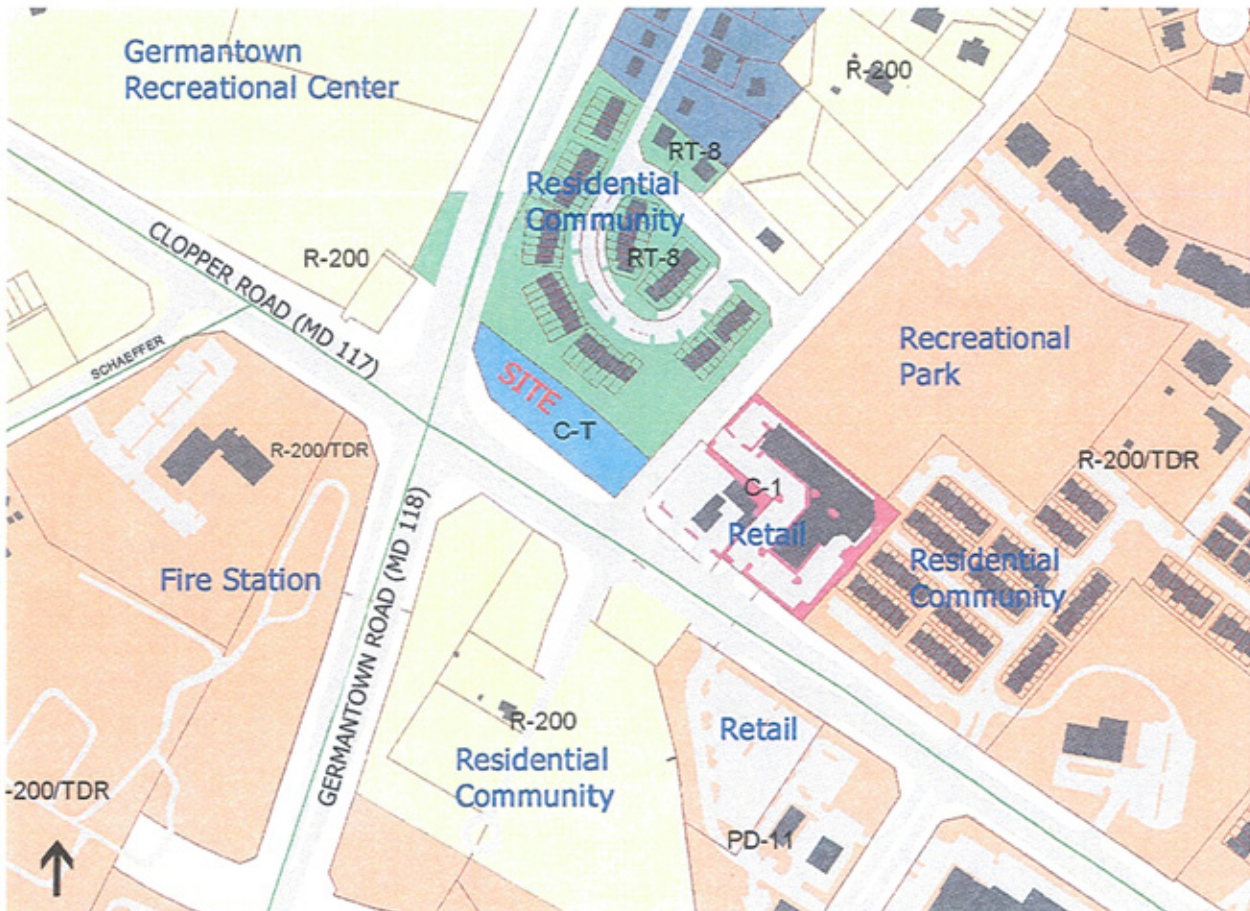
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## SITE DESCRIPTION

### Vicinity

The subject site is bound on three sides by roadways. Germantown Road (MD 118) is located to the west, Clopper Road (MD 117) to the south, and Liberty Mill Road to the east. Germantown Estates (the neighboring townhouse subdivision; zoned RT-8) directly abuts the northern property boundary.



*Vicinity Map*

### Site Analysis

This site was recommended by the Master Plan to be rezoned from R-200 to the C-T zone. The property was subdivided into one (1) recorded parcel for construction of an office building. In accordance with the recorded plat, access to the site is limited to Liberty Mill Road due to the existing easements along MD 117 and MD 118. The subject site currently functions as a landscaped buffer between the adjacent townhouse subdivision and Clopper Road. The surrounding uses consist of a gas station and retail shops (to the east), the Germantown Recreational Center (to the west), and residential communities (directly north and south).

The C-T (Commercial Transitional) zone requires the proposed use to also function as a buffer and transition from the major roadways to the residential communities. Considering the office use, the vehicular and pedestrian circulation systems will primarily be activated during the



weekday (business hours). The activation of the subject site will therefore stimulate a more sustainable network for the local retail shops during the weekday.



*Aerial Photo*

## **PROJECT DESCRIPTION**

### **Previous Approvals**

Zoning Case G-717 was approved by the district Council on November 14, 1995. The Schematic Plan of Development (SPD) was also approved as part of the rezoning case.

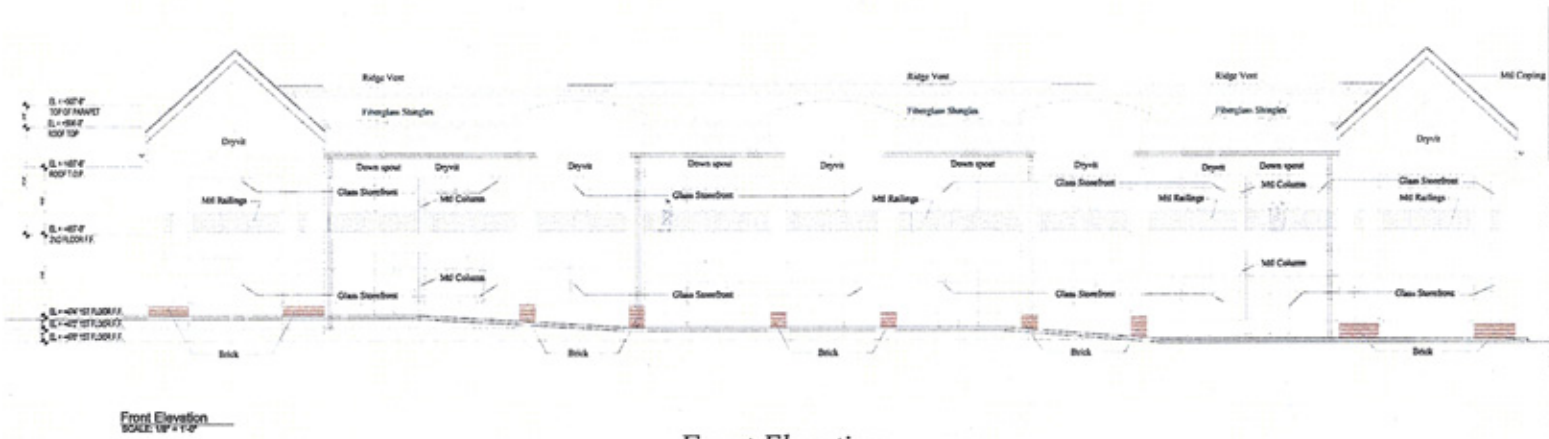
Schematic Development Plan Amendment 06-3 was approved April 6, 2006. It deleted the 3<sup>rd</sup> story of the office building, and restaurant /retail development totaling 4,600 square feet.

Preliminary Plan #120060970 was approved April 26, 2007 for one (1) lot on 0.96 acres.

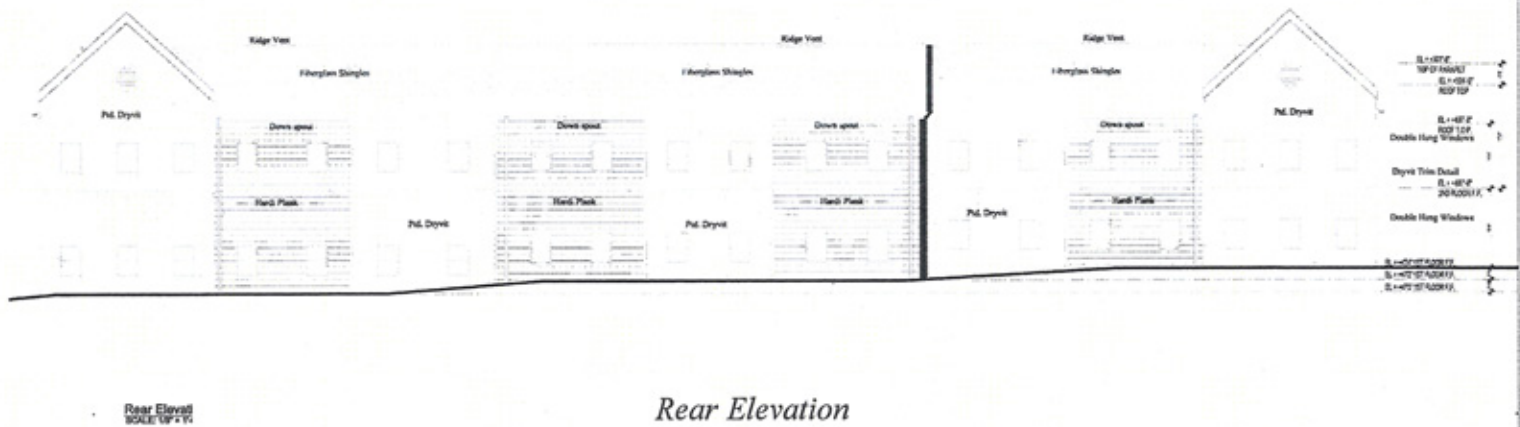
### **Proposal**

The Applicant proposes to construct a 2-story office building totaling 15, 600 square feet. The existing conditions (major views into the site) require active facades on all four sides of the building. The proposed architecture is sensitive to these conditions, while also incorporating the existing character from the surrounding communities. The office building will have a

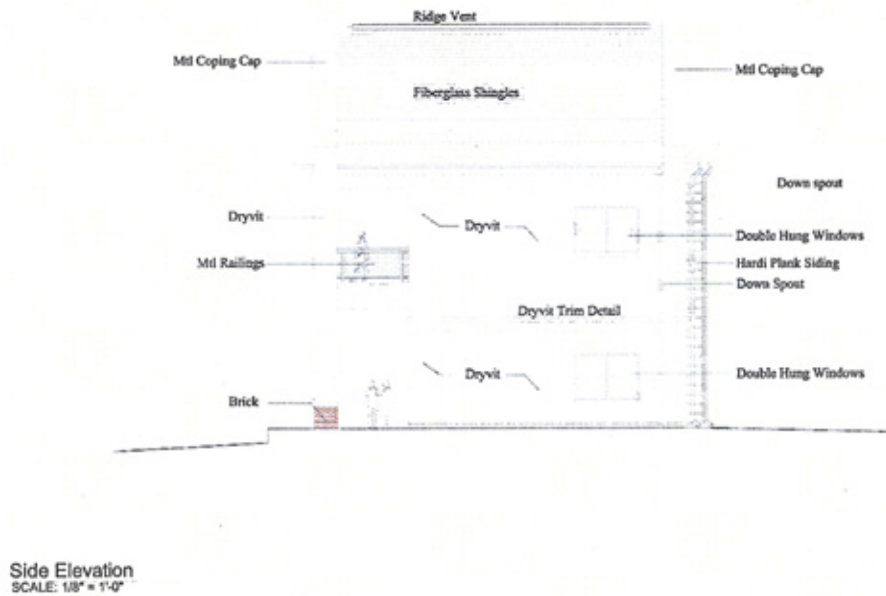
“townhouse” configuration; and will also be LEED certified (in accordance with the Montgomery County Green Building Ordinance).



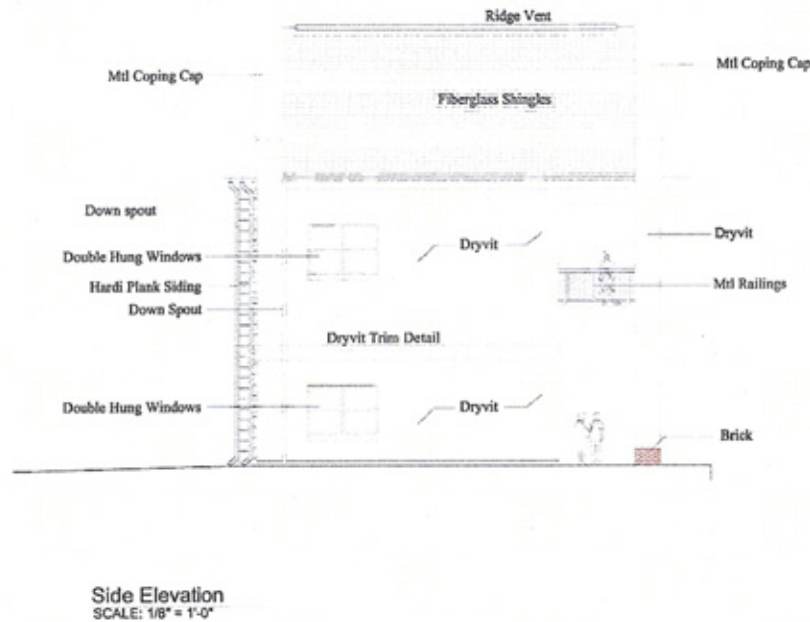
*Front Elevation*



*Rear Elevation*

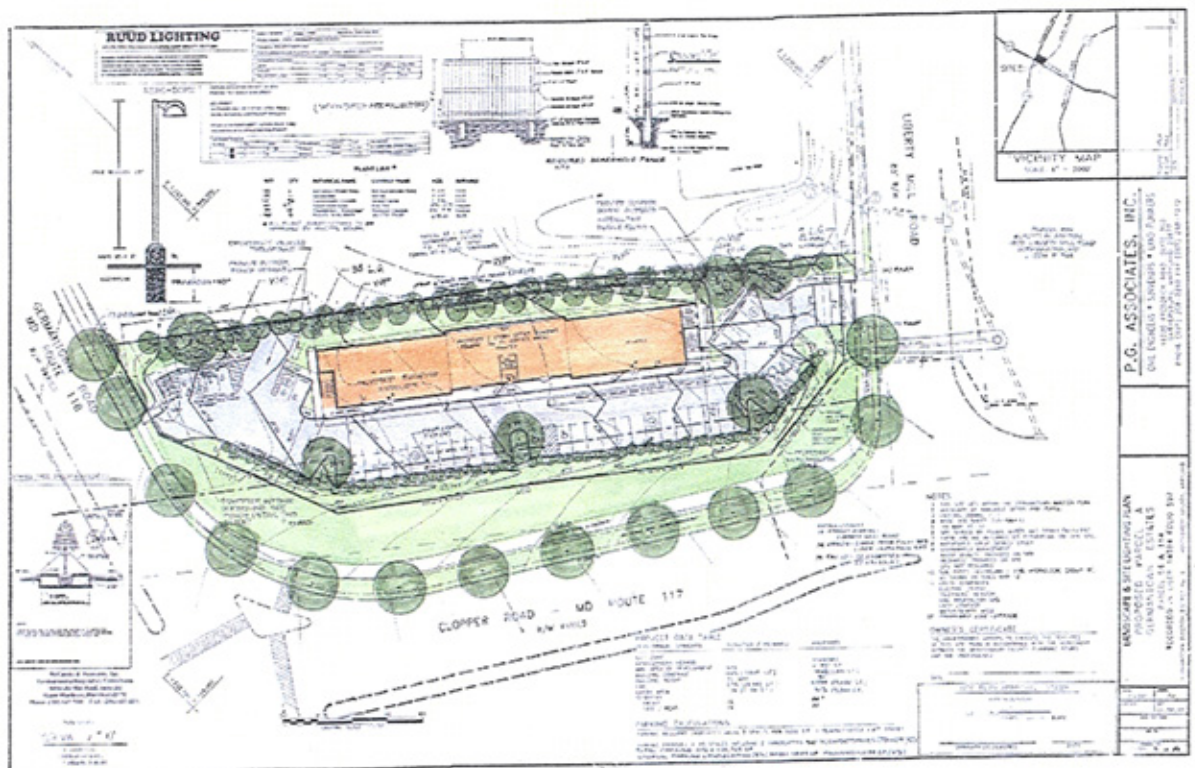






### Building Elevations/ Sections

A 6-foot fence and a densely planted landscape buffer are proposed along the rear property line, abutting the residential community to the north. An evergreen hedge with large shade trees will help screen major views into the parking facility directly adjacent to the major roadways. The grass lawn panel and street trees being provided along Clopper Road and Germantown Road will act as a physical division between moving vehicles and pedestrians.



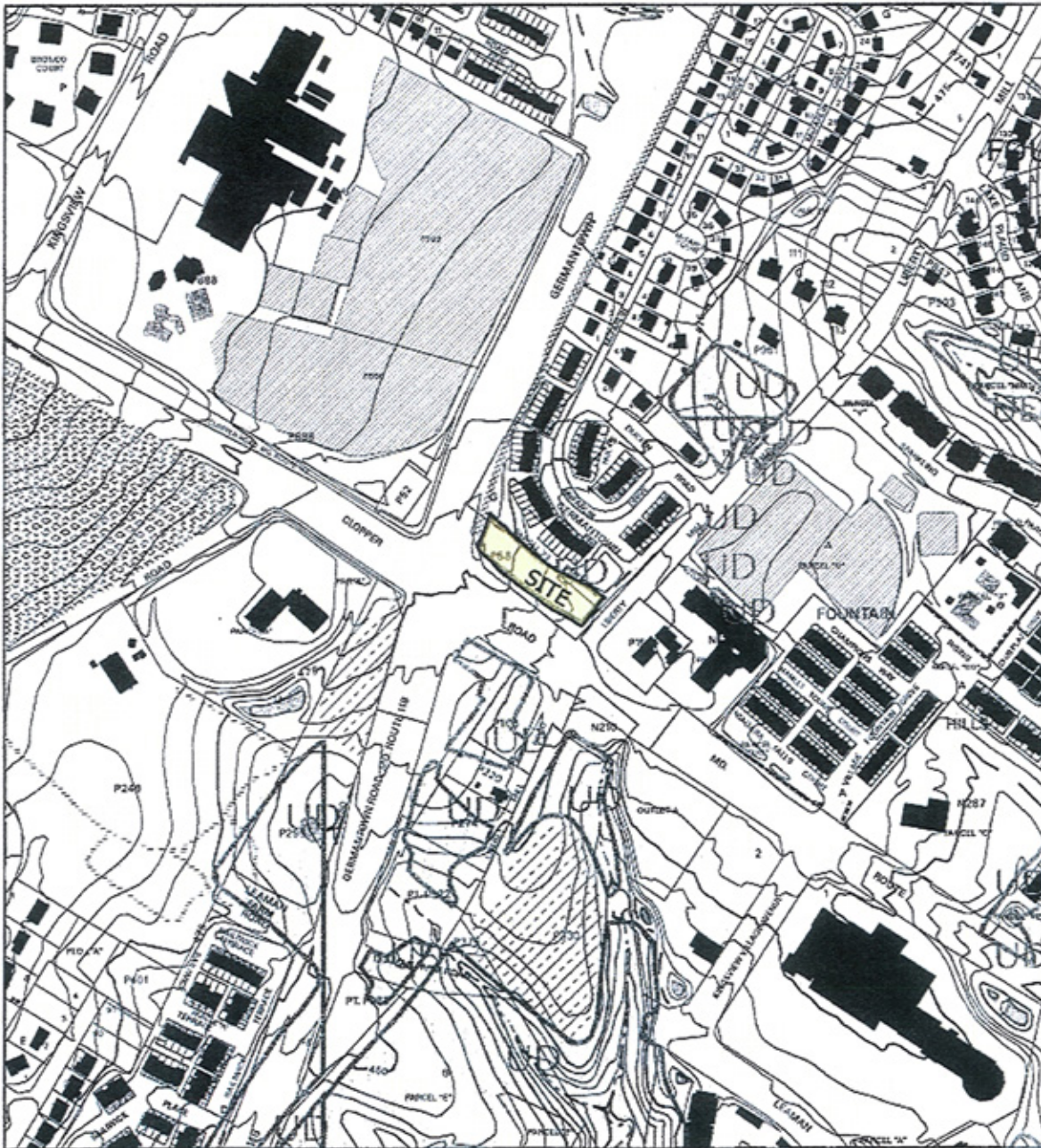
### Illustrative Plan



## PROJECT ANALYSIS

### Master Plan

The Germantown Master Plan identifies the subject property within the Clopper Village analysis area (CL-A, page 67). The Plan confirms that the area is appropriate for transitional uses permitted under the CT zone. In accordance with the goals of the Master Plan, the proposed density of the office building establishes a transitional use directly adjacent to one-family attached dwellings.



*Master Plan Map*

The general goals of the Master Plan, relevant to the subject site, include:

- The implementation of low-intensity transitional commercial development that is compatible with the neighboring properties;
- The provision of employment opportunities for a variety of businesses;
- The establishment of visual buffering for parking areas and limitation of building heights for CT zones (within the Clopper Village Analysis Areas); and
- The development of comprehensive pedestrian systems.

Specific recommendations for this site include....

- The total building height is compatible with neighboring uses;
- The location of the building provides an adequate setback from the existing roadway; and
- The surface parking lot is buffered from the adjacent roadway.

The proposed development addresses these recommendations in a number of ways. The 2-story building mass has a low horizontal character that is compatible with the neighboring uses and properties. The surface parking lot is buffered by landscaping from the major roads and provides an adequate visual buffer at a major intersection. Lastly, the proposed use provides additional commercial and employment opportunities within the Clopper Village Analysis Area.

### **Transportation and Circulation**

The Applicant submitted a traffic study required as part of the Local Area Transportation Review (LATR) at the time of Preliminary Plan review. Three local signalized intersections were identified as critical intersections that would be affected by the proposed development. These intersections were examined to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Germantown West Policy Area. The morning and evening peak hour traffic conditions were analyzed for the impact of the proposed development, and were determined acceptable for the total future development conditions during the weekday AM and PM peak hours. More specific to the site all vehicular circulation will enter/exit from Liberty Mill Road only. Emergency vehicles will access the site from Liberty Mill Road and use the 20 foot by 40 foot space on the western side of the property to make a complete turnaround.

Onsite parking will be provided between the front façade of the building and Clopper Road. As a result of the overall total length (approximately 426.5 feet) and total width (approximately 110.5 feet) of the site, 43 parking spaces have been accommodated. The applicant is requesting a parking waiver for 4 required parking spaces, due to the lack of additional space.

Sidewalks are provided along the building façade and within the surface parking areas, tying back into the existing sidewalks along Liberty Mill Road and Germantown Road. The Applicant is also proposing to relocate the 8-foot sidewalk along Clopper Road, adding a 10 foot landscape buffer between the vehicular circulation and the pedestrian connection. This will further enhance the pedestrian safety in the area.



## Environment

The site was determined to be in compliance with Chapter 22A of the Montgomery County Code (Forest Conservation Law). This property is exempt from a Forest Conservation Plan because 1) the property is less than one acre in size; 2) the proposal would not result in the clearing of more than 30,000 square feet of forest; 3) the forest proposed for removal is not located in a high priority area, and 4) the reforestation requirements would not exceed 10,000 square feet.

On December 21, 2006, the MCDPS Stormwater Management Section approved the project's stormwater management computations and an engineered sediment control plan for water quality control. An infiltration trench is located to the rear of the building. The property will be served by public water and sewer.

## Development Standards

The subject site is zoned C-T. The purpose of the C-T Zone is to provide sites with low-intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited widths at the border between a commercial area and a one-family residential area. The proposed office use is permitted within this zone. The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report (page 10, No. 2).

The following data table indicates the proposed development's compliance with the Zoning Ordinance.

*Project Data Table for the C-T Zone*

Development Standard	Permitted/Required	Proposed for Approval
<b>Building Height (feet)</b>	35 feet	31 feet
<b>Building Setbacks (feet)</b>		
Front	10 feet	44 feet
Rear	15 feet	18 feet
<b>Green Area (% of lot, S.F.)</b>	10% (4,186 S.F.)	31% (13,500 S.F.)
<b>Floor Area Ratio (FAR)</b>	0.5% (20,940 S.F.)	0.4% (15,600 S.F.)
<b>Building Coverage (square feet)</b>	<sup>1</sup> 18.6% (7,800 S.F.)	18.6% (7,800 S.F.)
<b>Parking Facility Internal Landscaping (%)</b>	5%	6% (1,034 S.F.)
<b>Parking Spaces</b>	47 spaces	<sup>2</sup> 43 spaces

<sup>1</sup> This number is in compliance with the Schematic Development Plan Amendment (DPA No.06-3).

<sup>2</sup> The Applicant is requesting a parking waiver for the 4 required spaces.

## COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has received correspondence on this matter. The community has expressed concerns mainly regarding the traffic flow at the intersection of Clopper Road and Gremantown Road. The original Site Plan submitted introduced an emergency entrance accessed from Germantown Road. Neither MNCPPC-MC Staff, Department of Permitting Services (DPS), State Highway Administration (SHA), nor Fire and Rescue were in favor of this access point, due to the conflict with SHA requirements, pedestrian circulation, and vehicular turning movements. Therefore the Applicant removed this access point (See Attachment C).

## 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.*

The Schematic Development Plan Amendment 06-3 was approved in order to delete two (2) of the binding elements, specifically restaurant/retail (4,600 square feet) use and the deletion of the third floor of the office building. As proposed in the current site plan, a two-story office structure is positioned at the rear of the property resembling a “townhouse” configuration. The Applicant is in compliance with all the binding elements of the DPA.

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.*

The proposed use is allowed in the C-T zone and the site plan fulfills the purposes of the zone by providing a low-intensity development that acts as a transitional buffer between the major roadway intersection (to the south) and the residential community (to the north).

As the project data on page 9 indicates, the site plan meets all of the development standards of the zone except for the parking, which the Applicant is seeking a waiver. With respect to building height, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to the green space, the proposed development is providing an adequate amount required by the DPA. The green spaces surrounding the development will allow for greater amounts of permeable surface and landscaped areas.

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



The office building of the proposed development is located at the center of the site, approximately 160 feet from the centerline of Clopper Road, and 109 feet from the western property line, adjacent to Germantown Road. This location works well given the existing easements along the roadway, the existing sidewalk connections, and the proposed parking facility. Staff had recommended that the parking spaces be relocated directly adjacent to the office building; however this would further reduce onsite parking spaces. The location of the building is adequate and efficient, while meeting the aesthetic concerns of the area.

The proposed landscape helps to screen the building from the adjacent uses and parking facility from the right-of-way. Shade trees and lighting fixtures are provided within the parking facility. The lighting fixtures will create enough visibility to provide safety, but will not to cause glare on the adjacent roads or properties. The street trees proposed along Clopper and Germantown Road will enhance the pedestrian environment. Within the open spaces located on the right and left sides of the building, a bike rack and two (2) benches have been provided. An infiltration trench (SWM facility) is located within the rear open space. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

The pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Pedestrian safety will be enhanced by several improvements to the handicap ramps and the relocation of an existing sidewalk along Clopper Road. The main access for vehicular traffic is limited to Liberty Mill Road, due the roadway safety requirements and the existing easements. The required vehicular and pedestrian circulation systems within the site have been met through the efficient and adequate use of the limited buildable space.

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

The proposed office building will be activated primarily during the weekdays, thereby creating opportunities for office partnerships in order to reenergizing the local retail/commercial shops. The architecture of the proposed building was designed to be cohesive with the townhouse development directly adjacent to the site. The massing of the building is broken up by the recession and progression of the front and rear panels. The use of similar building materials helps to emphasize the horizontal and vertical articulations of the structure. In character with the surrounding uses, the building is setback off the main road to allow for adequate buffering of major views and efficient pedestrian circulation systems. The location and scale of the building is consistent with the neighboring properties, and should not adversely impact existing or proposed adjacent uses. The proposed use is compatible with the existing conditions.

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 proposed development is subject to water quality control but is exempt from the forest conservation law. The stormwater management concept consists of on-site water quality control via a volume based Stormfilter with a Vortsentry for pretreatment, and onsite recharge via an infiltration trench. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

## **RECOMMENDATION AND CONDITIONS**

Staff recommends approval of site plan 820090090, Germantown Estates, for a two-story office building (15,600 square feet) on 0.96 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on August 13, 2009 are required except as modified by the following conditions.

### **Conformance with Previous Approvals**

1. Development Plan Conformance

The proposed development must comply with the binding elements of development plan G-717 and the SDA 06-3.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 120060970 as listed in the Planning Board Resolution dated November 19, 2007 unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

### **Environment**

3. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated March 12, 2009 unless amended and approved by the Montgomery County Department of Permitting Services.

4. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include a report from a LEED-



## **Transportation & Circulation**

### **5. Transportation and Pedestrian Circulation:**

- a. All curb returns shall be designed to comply with primary intersection style design standards.
- b. The curb return radii should be a minimum of 15 feet.
- c. All sidewalks and crosswalks shall be in full compliance with the current ADA Standards.

## **Site Plan**

### **6. Site Design**

- a. Propose site elements (i.e. trash cans, signage, and benches) shall be setback so as not to impede the normal pedestrian circulation and/or not to obstruct major sight lines distances.
- b. The proposed building materials shall be coordinated with Site Development and Urban Design Staff for final review and approval of critical profiles.
- c. The exterior architectural character, proportions, materials, and articulations must be substantially similar to the schematic elevations shown on Sheets AT-1 and AT-2 of the submitted architectural drawings, as determined by M-NCPPC Development Review and Urban Design staff.

### **7. Landscaping**

- a. The proposed plant materials shall be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan (sheet 4 of 5).
- b. An alternate plant list may be provided on the Landscape and Lighting plan to accommodate plant substitutions.
- c. The proposed plantings shall be properly installed and maintained so as not to damage the growth life of the plant, conflict with the public right of way, and/or cause damage to any existing public utilities.

### **8. Lighting**

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite 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 shall not exceed 22 feet including the mounting base.

9. Landscape Surety

The Applicant shall provide a surety (letter of credit, performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first the building permit and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings must be followed by an inspection and appropriate bond reduction. Inspection approval starts after or at the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

10. Development Program

The Applicant must 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. The development program must include the following items in its phasing schedule:

- a. Sidewalks must be installed upon completion of the parking facility. Street tree plantings may wait until the next growing season.
- b. On-site elements including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Community-wide pedestrian pathways including the 8-foot sidewalk along Clopper Road must be completed prior to issuance of the building permit.
- f. Landscaping associated with the parking areas shall be completed as the parking facility is completed.
- g. Pedestrian pathways and seating areas associated with each facility must be completed as construction of the building and parking is completed.
- h. Provide each section of the development with the necessary drive aisles.
- i. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.



#### 11. Certified Site Plan

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

- a. 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 protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between site plan, landscape plan and lighting plan.
- e. Provide a diagram delineating the location of the on-site internal Green Area.

#### **APPENDICES**

- A. Preliminary Plan Resolution
- B. LEED Credits (written explanation)
- C. Agency Letters/ Correspondence

## APPENDIX A



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MONTGOMERY COUNTY PARK AND PLANNING COMMISSION

APV 19 2007

**MCPB No. 07- 51**  
**Preliminary Plan No. 120060970**  
**Germantown Estates**  
**Date of Hearing: April 26, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

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 03/24/06, Cornerstone Land, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 0.96 acres of land located at the southeast quadrant of the intersection of Germantown Road (MD 118) and Clopper Road (MD 117) ("Property" or "Subject Property"), in the Germantown master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060970, Germantown Estates ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 12, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 26, 2007, 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 April 26, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Wellington; seconded by Commissioner Robinson; with a vote of 5-0, Commissioners Bryant, Hanson, Perdue, Robinson, and Wellington voting in favor.

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency

M-NCPPC Legal Department  
www.MCParkandPlanning.org

Chairman's Office: 301.195.1605 Fax: 301.195.1320  
E-Mail: mcp-chairman@mncppc.org



NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060970 to create 1 lot on 0.96 acres of land located at the southeast quadrant of the intersection of Germantown Road (MD 118) and Clopper Road (MD 117) ("Property" or "Subject Property"), in the Germantown master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 15,600 square feet of office use.
- 2) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated December 21, 2006.
- 3) The Applicant must comply with conditions of MCDPWT letter dated May 18, 2006, unless otherwise amended.
- 4) Access and improvements as required must be approved by MDSHA prior to issuance of access permits.
- 5) A landscape and lighting plan must be submitted as part of the site plan Application for review and approval by technical staff. The landscaping plan will show planting between the proposed building and property line in the 20 foot strip on the north side of the site and also on the adjacent Parcel 73, McFarlin South HOA property. A minimum 6-foot wood fence shall also be constructed as a barrier between the subject property and the adjacent Parcel 73, McFarlin South HOA property.
- 6) Final approval of the location of building, on-site parking, site circulation, screening and sidewalks, will be determined at site plan.
- 7) No clearing, grading or recording of plats prior to certified site plan approval.
- 8) The Applicant shall dedicate all road rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan unless otherwise designated on the Preliminary Plan.
- 9) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 10) Other necessary easements must be shown on the plats.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, 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 master plan.*

The Germantown Master Plan identified the Subject Property in the Clopper Village (CL-A) Analysis Area. The plan confirms that the area is appropriate for transitional uses under the C-T (Commercial Transition) Zone. The Preliminary Plan complies with the goals of the master plan in that it proposes a low intensity office use that is appropriate as a transitional use with the adjacent one-family attached dwellings.

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

**Site Access and Vehicular/Pedestrian Circulation**

Access to the site is proposed from Liberty Mill Road. Liberty Road is a secondary residential roadway. A five-foot sidewalk exists along Liberty Mill Road and the plan proposes sidewalks within the site.

**Local Area Transportation Area Review**

The Applicant submitted a traffic study required as part of the Local Area Transportation Review. Three local intersections were identified as critical intersections that would be affected by the proposed development. These were examined to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Germantown West Policy Area. The morning and evening peak hour traffic condition was analyzed for impact of the proposed development. All existing intersections analyzed are currently operating at acceptable CLVs (below 1,450) and this acceptable level will continue for the total future development condition (the background traffic plus traffic from the site) during the weekday AM and PM peak hours.

*3. 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. The Application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and use. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the C-T zone as specified in the Zoning Ordinance. The lot as proposed will meet the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The Application has been reviewed by other applicable county agencies, all of who have recommended approval of the plan.

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

The property contains no environmentally sensitive features and is exempt from forest conservation plan requirements.

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 the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

On December 21, 2006, the MCDPS Stormwater Management Section approved the project's stormwater management concept which includes vegetation stabilization, the submission of stormwater management computations and an engineered sediment control plan for water quality control.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 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 Montgomery County Land Records or a request for an extension must be filed; and

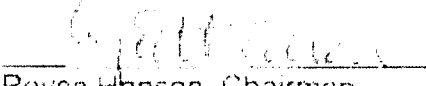
BE IT FURTHER RESOLVED, that the date of this Resolution is 07-09-2007 (which is the date that this Resolution is mailed to all parties of record); and



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).

\* \* \* \* \*

At its regular meeting held on Thursday November 1, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060970, Germantown Estates.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board





Maryland Nation Park and Planning Commission  
 Attn.: Ms. Molline Smith, Senior Planner  
 8787 Georgia Ave  
 Silver Spring, MD 20910

Date: Sept 3, 2009

RE: Germantown Estates – 920090090  
 Green Building Ordinance – Written Explanation of how the proposed building  
 will obtain the required LEED Credits

Dear Ms. Smith,

Pursuant to your comments of July 309, 2009 please find below the written explanation  
 of how the proposed building will obtain the required LEED credits for “Certified 40-49”  
 Level

Please find attached the required checklist

#### **Sustainable Sites**

Credit #1	Site Selection	1 Point
Credit # 4.1	There are 2 bus stops within ¼ Mile of the property	6 Point
Credit # 4.4	Provide signage / provide car/van pool use	2 Point
Credit # 5.2	More then 25% green Space	1 Point
Credit # 6.1	Providing onsite quality control	1 Point
Credit # 6.2	Providing onsite quality control	1 Point
Credit # 8	Cut off Light fixtures. Less than the required limit leaving the property to the rear	1 Point
<hr/> Subtotal		13 Points

#### **Water Efficiency**

No Credit



**Energy and Atmosphere**

Credit # 1	New Building – 22% Improvement	6 Points
Credit # 4	Option #2 – Equipment to have minimum emissions	2 Points
Credit # 5.2	Option #2 – Measure Isolation – Tenant Sub meter	3 Points
Subtotal		11 Points

**Material and Resources**

Credit # 2	Will implement a construction waste management plan	2 Points
Credit # 4	Will use 20% recycled content	2 points
Credit # 5	Will use products manufactured within 500 Miles -20%	2 Points
Credit # 7	Will use 50% FSC wood based materials	1 Point
Subtotal		7 Points

**Indoor Environmental Quality**

Credit # 1	Ventilation system monitoring not determined at this time	1 Point
Credit # 2	Outdoor air ventilation – case and option not determined at this time	1 Point
Credit # 3.1	implement an IAQ Management plan- During Const.	1 Point
Credit # 3.2	Implement an IAQ Management plan- Before Occupancy	1 Point
Credit # 4.1	Use of low emitting materials – Adhesives and Sealants	1 Point
Credit # 4.2	Use of low emitting materials – Paints and Coatings	1 Point
Credit # 4.3	Use of low emitting materials – Flooring Systems	1 Point
Credit # 4.4	Use of low emitting materials – Composite wood and Agrifiber products	1 Point
Credit # 5	Will minimize occupant exposure to particulates Method undetermined	1 Point
Credit # 6.1	Provide high level of control of lighting by occupants	1 Point
Credit # 6.2	Controllability of Thermal comfort	1 Point
Credit # 7.1	Will provide Thermal Comfort – Design	1 Point
Credit # 7.2	Will provide a monitoring system and survey	1 Point
Credit # 8.2	Provide Site lines to exterior	1 Point
Subtotal		14 Points

**Regional Priority Credits**

No Credit

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Grand Total	45 Points
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## APPENDIX C



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

January 7, 2009

Dean Packard  
PG Associates, Inc.  
16220 Frederick Road, Suite 300  
Rockville, MD 20877

Re: Forest Conservation Plan Exemption Request  
Germantown Estates  
NRI/FSD # 42009107E

Sent via fax to: 301-208-1270

Dear Mr. Packard:

The Montgomery County Planning Department has reviewed the above mentioned plan to determine its compliance with Chapter 22A of the Montgomery County Code (Forest Conservation Law). The Environmental Planning Division confirms the exemption from submitting a forest conservation plan. The plan submitted on December 11, 2008 qualifies for an exemption from submitting a forest conservation plan as small property because: 1) the property is less than 1 acre in size; 2) the proposal would not result in the clearing of more than 30,000 square feet of forest; 3) the forest proposed for removal is not located in a high priority area; and 4) the reforestation requirements would not exceed 10,000 square feet.

A tree save plan is not required. If you have any questions please contact me at 301 495-4730, or [mark.pfefferle@mncppc-mc.org](mailto:mark.pfefferle@mncppc-mc.org).

Sincerely,

Mark Pfefferle  
Forest Conservation Program Manager

Cc: Plan 42009107E





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## FIRE MARSHAL COMMENTS

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**DATE:** 23-Jul-09  
**TO:** Dean Packard  
P.G. Associates, Inc  
**FROM:** Marie LaBaw  
**RE:** Germantown Estates  
120060970 820090090

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### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **22-Jul-09** .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.



PG ASSOCIATES, INC.  
ENGINEERS • LAND PLANNERS • SURVEYORS

---

Dean Packard, P.E.

March 9, 2009

Ms. Angela ~~Clark~~ *Brown*  
MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Germantown Estates  
Site Plan  
Traffic Statement Information  
#820090090

Dear Angela:

Attached is a copy of the traffic statement submitted and accepted for the preliminary plan. Also attached is a copy of page three of the preliminary plan staff report indicating that a traffic report was filed for the property and approved.

Sincerely,  
PG ASSOCIATES, INC.

A handwritten signature in cursive script that reads 'Dean Packard'.

Dean Packard, PE  
President



PG ASSOCIATES, INC.  
ENGINEERS \* LAND PLANNERS \* SURVEYORS

Dean Packard, P.E.

PG Associates, Inc.  
932 Hungerford Drive, Suite 4B  
Rockville, MD 20850

Ms. Catherine Conlon  
MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Germantown Estates  
Preliminary Plan  
Traffic Statement

The proposed commercial office building subdivision shall create traffic trips as follows:

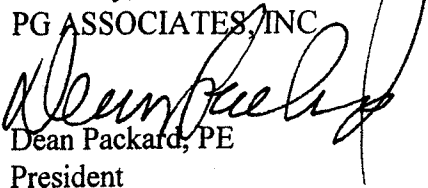
AM PEAK

1.38 trips/1000 s.f.  
 $1.38 \times 15.6 = 21.53$  trips

PM PEAK

2.24 trips/1000 s.f.  
 $2.24 \times 15.6 = 34.94$  trips

Sincerely,  
PG ASSOCIATES, INC.



Dean Packard, PE  
President

## ANALYSIS AND FINDINGS

### Master Plan Compliance

The Germantown Master Plan identified the Subject Property in the Clopper Village (CL-A) Analysis Area. The plan confirms that the area is appropriate for transitional uses under the C-T (Commercial Transition) Zone. The preliminary plan complies with the goals of the master plan in that it proposes a low intensity office use that is appropriate as a transitional use with the adjacent one-family attached dwellings.

### Transportation

#### Site Access and Vehicular/Pedestrian Circulation

Access to the site is proposed from Liberty Mill Road. Liberty Road is a secondary residential roadway. A five-foot sidewalk exists along Liberty Mill Road and the plan proposes sidewalks within the site.

#### Local Area Transportation Area Review

The Applicant submitted a traffic study required as part of the Local Area Transportation Review. Three local intersections were identified as critical intersections that would be affected by the proposed development. These were examined to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Germantown West Policy Area. The morning and evening peak hour traffic condition was analyzed for impact of the proposed development. The result of CLV calculation is shown in the following table.

<b>Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour</b>						
	<b>Existing</b>		<b>Background</b>		<b>Total</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
MD 117/MD 118	1,044	1,361	1,093	1,387	1,094	1,389
MD 117/Liberty Mill Road	851	637	922	700	924	719
MD 117/Kingsview Village Avenue	944	943	1,018	1,018	1,019	1,020

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (below 1,450) and this acceptable level will continue for the total future development condition (the background traffic plus traffic from the site) during the weekday AM and PM peak hours.

**PG ASSOCIATES, INC.**

16220 Frederick Road, Suite 300

Gaithersburg, MD 20877

(301) 208-0250

(301) 208-1270 fax

RECEIVED

DEVELOPMENT REVIEW

September 22, 2008

Mr. David Cookson

MNCPPC

8787 Georgia Avenue

Silver Spring, MD 20910

Re: Germantown Estates  
Site plan meeting minutes

Dear David,

Despite posting the sign at the property and mailing a letter to all of the included recipients, there was only myself, the owner's representative and one person at the meeting. Mr. Tom McDowell, represented the Sunoco gas station across the street and happens to live in the neighborhood. We sat for one hour and a half at the Germantown Community Recreation Center and talked about the design of the plan, square footage and potential tenants. Mr. McDowell was most interested in how many potential employees and clients would be visiting the office building. This would add trips to the Sunoco station for use of the facility. No one else showed up and that sums up the entire meeting.

Sincerely,

PG ASSOCIATES, INC.

Dean Packard, PE

President



## Smith, Molline

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**From:** Myers, Sheila R [Sheila\_R\_Myers@mcpsmd.org]  
**Sent:** Thursday, April 02, 2009 8:06 PM  
**To:** Smith, Molline  
**Subject:** Concern for Plan 820090090

April 2, 2009

Dear Ms. Molline Smith, Planner MNCPPC

I am writing to share with you the concern of our community after our conversation of 3/31/09, Germantown Village HOA, for the plan # 820090090 submitted for the parcel of land bordered by Clopper Rd., Liberty Mill Rd. and Rt. 118 (Germantown Rd.).

Our association is within the Germantown Estates Development. Most of us drive past that intersection daily and know only too well the congestion and back up at that intersection when coming off Clopper Road to turn right onto Rt. 118. The plan we received shows two entrances/exits, one on Liberty Mill and one on Rt. 118. It is the one on Rt. 118 that causes our concern. That piece of property is quite shallow from Clopper Rd, and therefore the entrance shown is very close to the corner of that intersection where there is a cross walk and a corner turn lane. Due to the amount of traffic on Rt. 118 that line of right turning traffic backs up and there have been many accidents due to the drivers trying to look left at oncoming traffic and navigating the right turn. Putting the opening to the parking lot there on Rt. 118 near that corner will only contribute to the complication of navigating that corner and possible accidents. Some one turning into that lot will cause sudden back up not leaving enough warning to the cars looking at oncoming traffic and turning onto Rt. 118. To add more concern there is a cross walk at that corner of the intersection also.

Now, I know that you, when we spoke on March 31st mentioned to me that right now, it appears that what looks like an entrance is actually not completely open to traffic, but will be only for emergency use. It still presents a problem depending on how well it is closed off and whether people will still attempt to turn there or think they can and cause back ups. We also can not help but wonder if this is only a foot in the door for the developers, who hope that with time they will be able to open that entrance, so they are more assessable to a larger well traveled road vs the side street of Liberty Mill Rd..

We suggest that the entrance on Liberty Mill Rd. be planned and constructed to handle any emergencies.

We do not think that the Planning Board should allow this possible 'LOOP HOLE' to eventually change, considering the size of the parking lot, one entrance should be required and the side street is very appropriate is constructed for the needs of the property. After all, I am sure the Planning Board and Developers, having the public community's safety at the top of their list, will want to consider these concerns for opening a possible 'Pandora's box' to safety, rather than having to look back on lives put in jeopardy after the fact.

Sincerely,

Sheila Myers, President

Germantown Village HOA

Sheila Myers, DESC 2 Secretary  
Developmental Evaluation Services for Children  
301-230-5455  
Fax: 301-230-5402

## Smith, Molline

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**From:** Corren Giles [CGiles@sha.state.md.us]  
**Sent:** Tuesday, September 15, 2009 4:47 PM  
**To:** Smith, Molline  
**Subject:** 820090090 Germantown Estates

Hi Molline,

I'm just following up. I'm not sure if you received my approval or not...

PG Associates has sent me revised plans and no longer proposes access onto MD 118. Based on this revision, an access permit will not be required however a District 3 Utility Permit will be required for the sidewalk and ADA ramp construction. Please include this permit requirement in their site plan approval.

I have no further comments and approve this project to move forward in the MNCPPC process.

*Corren V. Giles*

Montgomery County Area Engineer  
Engineering Access Permits Division  
State Highway Administration  
707 N. Calvert Street C-302  
Baltimore, MD 21202  
(410) 545-5595 phone (410) 209-5026 fax

*"Most of the mistakes in thinking are inadequacies of perception rather than mistakes of logic."*

Edward de Bono



Please consider the environment before printing this email

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**Smith, Molline**

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**From:** Navid, Sarah [Sarah.Navid@montgomerycountymd.gov]  
**Sent:** Thursday, September 10, 2009 11:58 AM  
**To:** Smith, Molline  
**Cc:** pgai@verizon.net  
**Subject:** Germantown Estates Site Plan # 800902009

Hi Molline,

I have reviewed the site plan for the subject project. We would prefer that the driveway on Liberty Mill Road be designed as an "intersection" style with curb returns. This is in keeping with the other driveways in the vicinity of this project and will allow for a better accommodation of handicapped ramps in alignment with the existing sidewalk on Liberty Mill Road. The curb return radii should be a minimum of 15 feet. These are my only comments regarding this plan.

**Sarah R. Navid**

**Department of Permitting Services  
Right of Way Permitting and Plan Review Section  
255 Rockville Pike, Rockville, MD 20850**

**240-777-6304**

## Smith, Molline

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**From:** Pfefferle, Mark  
**Sent:** Wednesday, September 30, 2009 8:39 AM  
**To:** Smith, Molline  
**Cc:** Johnsen, Douglas  
**Subject:** RE: Germantown Estates (820090090)

Molline,

The requirement for a variance for when trees are greater than 30 inches and diameter are to be removed only applies to properties that are to submit and receive approval of a forest conservation plan. This particular project is exempt from submitting a forest conservation plan and therefore a variance is not needed.

Mark

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**From:** Smith, Molline  
**Sent:** Monday, September 21, 2009 11:04 AM  
**To:** Pfefferle, Mark  
**Subject:** Germantown Estates (820090090)

Per my voice message (09-21-09),

I just wanted to check with you regarding existing trees onsite that are 30" or greater. The Forest conservation exemption (42009107E) was approved. This project will be presented to the planning board 10-15-09. Please advise.

Thanks in advance!



Molline C. Smith, ASLA  
(Senior Planner)  
Development Review Department  
MNCPPC-MC  
8787 Georgia Avenue  
Silver Spring, MD 20910  
(301) 495-4573 Office  
(301) 495-1306 Fax  
[www.montgomeryplanning.org](http://www.montgomeryplanning.org)