



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

CORRECTED OPINION

DATE MAILED: January 28, 2003
SITE PLAN REVIEW: #8-03003
PROJECT: Fairfield @ Germantown

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson and Wellington voting for.

The date of this written opinion is January 28, 2003 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before February 28, 2003. (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On January 16, 2003, Site Plan Review #8-03003 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

- 1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
- 2. The Site Plan meets all of the requirements of the zone in which it is located;*
- 3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
- 4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan Review #8-03003 for 604 housing units, including 91 MPDUs on 62.4 gross acres with the following conditions:

1. Public Amenities

Applicant must provide the following funds in an escrow account to be established prior to issuance of any building permit: \$300,000 to the M-NCPPC for use in the Germantown Town Center Park on the former Miller property, to cover costs of park facilities.

2. Future Development

Development density is limited to 604 residential units for the 62.4-acre site. Applicant must file an amended Project Plan and a new Site Plan application for development within the commercial portion of the site, as defined by the approved Project Plan 0-02002, with the exception of the Stormwater Management (SWM) parcel; applicant must file a site plan amendment for changes to the residential portion of the site and/or the SWM facility locations addressed by this site plan.

3. Stormwater Management

Conditions of MCDPS stormwater management concept approval dated May 2, 2002.

4. Transportation Planning

- a. Provide two bus shelters along the internal public street, subject to coordination with M-NCPPC staff, DPS, and DPWT;
- b. Provide a temporary pedestrian connection from the development to Father Hurley Boulevard, subject to Maryland Department of Environment (MDE) approval and the acquisition of an easement from the adjoining property owner. The temporary connection should be provided until the streetscape improvements to Father Hurley Boulevard are complete.

Conditions of M-NCPPC Transportation Planning memo dated January 9, 2003, including:

- c. Limit the total development under Project Plan 9-02002 and Site Plan 8-03003 to 604 garden apartments.
- d. Satisfy Local Area Transportation Review requirements conditioned upon approval of the preliminary plan as related to the Phase 1 development:
 - i. Restripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the MD 118/Wisteria Drive intersection and modify the traffic signal phasing/displays as appropriate per DPWT;
 - ii. Construct a second westbound left-turn lane and modify the traffic signal to eliminate eastbound-westbound split phasing at the MD 118/Middlebrook Road intersection; design and construct the removal of the channelized (free flow) island located in the northeast quadrant of the intersection, using monies required to be escrowed pursuant to Site Plan No. 8-84011A (Northlake Commerce Center Condition 2), Site Plan No. 8-98042 (Germantown Town Center Phase I Condition 10), Preliminary Plan No. 1-99020 (North Germantown Condition 1) and Development Plan Amendment

for Euro Motorcars, to participate in the improvement as required by their approval;

- iii. Restripe the eastbound Crystal Rock Drive approach to provide a separate right-turn lane, a shared through and left-turn lane, and a separate left-turn lane at the MD 118/Crystal Rock Drive intersection;
- iv. Construct a westbound left-turn lane on Wisteria Drive, separate left and through lanes on Father Hurley Boulevard, and install a new traffic signal if warranted at the Father Hurley Boulevard/Wisteria Drive intersection;
- v. Construct two lanes of Father Hurley Boulevard from Wisteria Drive southwest to the site entrance, plus the full cross section of Father Hurley Boulevard from Wisteria Drive southwest for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley Boulevard by the Department of Public Works and Transportation (DPWT), to include a temporary transition from these five lanes to the two beyond;

5. Environmental

- a. All residential units overlooking Father Hurley Boulevard that will be subject to projected future exterior noise levels equal or exceeding 65 dBA Ldn, must be constructed to meet the 45 dBA Ldn interior noise standard.
- b. Prior to occupancy, the builder must certify that the units are constructed in accordance with the acoustical design specifications identified in a December 12, 2002 letter from Polysonics Corporation. Changes that may negatively affect acoustical performance must be approved by the acoustical engineer in advance of installation.
- c. Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s).

6. Recreation

- a. Improve and expand the outdoor porch area of each Clubhouse: provide seating and landscaping, and exterior lighting; indicated paving materials and details for furnishings and fixtures;
- b. Indicate hours of operation for recreation facilities provided;
- c. Attach the following note to the plan for each Clubhouse swimming pool: *Residents within each Phase of Fairfield at Germantown are permitted access to the community pool located within that phase only. The capacity of each community pool is posted at the entrance to each pool. Access to each community pool may be limited if the permitted capacity of the pool is reached.*

7. MPDUs

Include as part of the signature drawing set a plan diagram showing location of MPDUs for residential phases 1 and 2; provide a chart with the number of MPDUs per unit type by phase; MPDUs must be evenly distributed throughout the site; unit type allotment should reflect the proportion of unit types provided within the development as a whole.

7. Signature Set

Prior to signature approval of the site/landscape plans the following revisions shall be

made and/or information provided, subject to staff review and approval:

- a. Site Plan
 - i. Show LODs, ROWs (including the existing ROW on Waters Road), public access easements, conservation easements, HOA or public amenity areas, SWM parcels, and bus stops;
 - ii. Provide separate parcel designation for each on-site SWM facility and show maintenance access; applicant must obtain easement(s) for the off-site SWM facility and record the easement, and maintenance access in land records for Montgomery County; applicant must provide liber folio referencing the off-site SWM facility and easement;
 - iii. Provide dimensions for building setbacks along all street frontages;
 - iv. Provide a public access easement to be placed over pedestrian connections at the site plan boundaries, such as the sidewalk connections at the NE boundary and the sidewalk and pedestrian path connections and sidewalks leading at the storm water management facility located within the commercial development area; provide a public access easement for the terrace pedestrian path along the Father Hurley street frontage;
 - v. Provide details and section for all retaining walls and label top and bottom elevations; retaining walls to be constructed of masonry materials;
 - vi. Provide details for all railings and/or fixture along pedestrian/bike paths;
 - vii. Methods and locations of tree protection;
 - viii. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - ix. Provide the development program inspection schedule.
- b. Landscape Plan

Provide matching plant schedules for the site plan area and the SWM facilities;
8. Site Design
 - a. Reduce all internal driveways to 22-foot width except for the individual driveways on the west side of the property that are dimensioned at 20 feet.
 - b. Replace head-in parking south of Building 12 with parallel parking; increase the width of the green space by 10 feet and provide additional shade trees and ground plantings; provide one additional head-in parking space along the east side of Building 12 and three additional parking spaces on the north side of Building 13 or 14;
 - c. Convert standard parking spaces to compact spaces along the curved terrace at the Father Hurley street frontage; shift the terrace curb line a distance of two feet east and provide six additional shade trees;
 - d. Convert the head-in parking spaces in front of the Phase I Clubhouse to 10 parallel spaces; move curb inward by 10 feet; relocate shade trees and provide two more shade trees behind curb; provide curb indent for handicap parking space; add one parking space at cross-drive at Building 6 and Building 10 for a total of 3 spaces on each side; coordinate design prior to signature set submission, subject to review and approval by MNCPPC staff, DPS, and DPWT.
9. Landscape Design

- a. Provide additional plantings as follows:
 - i. Include three clusters of trees within the grading easement on the NE site plan boundary near each pedestrian connection;
 - ii. Install additional ground plantings along the pedestrian path leading to the SWM facility within the commercial portion of the site; provide additional six shade trees around the perimeter of the pond, placing trees at street tree spacing near the ROW; provide Willow Oaks near the street;
 - iv. Provide shade trees for the traffic circle;
 - vi. Replace Honeylocust with species providing more shade or greater screening;
 - vii. Provide screening for each trash compactor.
 - b. Provide special paving such as brick or brick-colored concrete pavers for the following areas: crosswalks across the public internal street and the traffic circle; align crosswalks at the public street to 90-degree angle;
 - c. Provide painted crosswalk at sidewalk connections across internal driveways.
10. Lighting
- a. Provide lighting levels and average max/min ratios of 2-3 in accordance with the Illuminating Engineering Society of North America, *IESNA Recommended Practice*, for public recreation space and sidewalks. Light levels should read ~~zero~~ 0.1 foot-candles at the lot lines for the residential portion of the development;
 - b. Provide light fixtures for the pedestrian path along on the terraces along Father Hurley; fixtures may be wall mounted down-lights to illuminate path at regular intervals. Provide light fixtures for the SWM pond within the commercial portion.
11. Site Plan Enforcement Agreement
- Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
- a. Development Program to include a phasing schedule as follows:
 - i. Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
 - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development;
 - iii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - iv. Coordination of each section of the development and roads;
 - v. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
 - vi. Site Plan Enforcement Agreement to include recreation facility maintenance.
 - b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 - c. No clearing or grading prior to M-NCPPC approval of signature set of plans.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SECRET

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: June 19, 2002
PROJECT PLAN REVIEW # 9-02002
PROJECT NAME: Fairfield at Germantown

Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Bryant, Holmes, Robinson and Wellington voting for. Commissioner Perdue was necessarily absent.

The date of this written opinion is June 19, 2002 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before July 19, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until July 19, 2004 as provided in Section 59-D-2.7.

On June 13, 2002 Project Plan Review #9-02002 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *As conditioned, the proposal complies with all of the intents and requirements of the zone.*
2. *As conditioned, the proposal conforms to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56. Not Applicable.*
3. *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, the proposal is compatible with and not detrimental to existing or potential development in the general neighborhood.*
4. *As conditioned, the proposal 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.*
5. *The proposal is more efficient and desirable than could be accomplished by the use of the standard method of development.*

6. *The proposal will include moderately priced dwellings units in accordance with Chapter 25A of this code, if requirements of that chapter apply.*
7. *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 based on the following findings:*
 - A. *The Project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic; and/or*
 - B. *The Project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
 - C. *The Project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

Not Applicable
8. *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*
9. *As conditioned, the proposal satisfies any applicable requirements for water quality resource protection under Chapter 19.*

Therefore the Montgomery County Planning Board APPROVES Project Plan #9-02002, which consists of 610 garden apartments including 92 MPDUs and 250,000 GSF office/retail on 62.4 acres, with the following conditions:

1. The commercial portion of this Project Plan is approved in concept only; the future commercial applicant must resubmit a complete Project Plan application for the commercial portion to the Planning Board for approval of the design, facilities and amenities later.
2. Provision of \$300,000 to the M-NCPPC for use in the Germantown Town Center Park on the former Miller property, to cover construction costs of park facilities and/or Library-site-related improvements, in an escrow account to be established prior to building permit release for the housing proposed.
3. Construction of the previously authorized removal of a free right turn from NW-bound Middlebrook to NE-bound MD #118, as part of the improvements described in the Transportation Planning staff memo which are conditions of approval of the Preliminary Plan.
4. Construction of two lanes of Father Hurley Boulevard from Wisteria SW to the site entrance, plus the full cross section of Father Hurley from Wisteria SW for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley by MCDPWT, to include a temporary transition from these six lanes to the two beyond. Final details are to be resolved as part of the Site Plan Review submission for Fairfield.
5. For Site Plan Review, conduct a noise analysis to determine the 65-db noise contour from the tracks and Father Hurley and to propose appropriate mitigation
6. Expanded NRI must be approved prior to submission of site plan. Tree #48 on NRI, a 55-inch Southern Red Oak in good condition, should be saved if possible.
7. All trails to be located outside environmental buffers
8. 610 total units approved applies to the total 62.4 acre tract, not just Phase I



Date Mailed: July 16, 2002

Action: Approved Staff Recommendation
 Motion of Comm. Wellington, seconded
 Comm. Robinson with a vote of 4-0;
 Comms. Bryant, Holmes,
 Robinson and Wellington voting
 in favor
 Commissioner Perdue absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02068

NAME OF PLAN: FAIRFIELD AT GERMANTOWN

On 11/27/01, Fairfield Residential submitted an application for the approval of a preliminary plan of subdivision of property in the RMX-2/R-200 zone. The application proposed to create 1 lot on 62.4 acres of land. The application was designated Preliminary Plan 1-02068. On 06/13/02, Preliminary Plan 1-02068 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02068 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02068.

Approval, subject to the following conditions:

- (1) Approval under this preliminary plan is limited to a maximum of six-hundred and ten (610) multi-family dwelling units and 250,000 square feet of office/retail use and provide the necessary road way improvements as outlined in the June 7, 2002 Transportation Planning Division memo which states:
 - a. The applicant shall construct a separate southbound right-turn lane, a second northbound left-turn lane, a second eastbound left-turn lane (Phase 2), and restripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right turn lane (Phase 1) at the MD 118/Wistria Drive intersection.
 - b. The applicant shall construct a second westbound left-turn lane (Phase 1), a second northbound left-turn lane (Phase 2), and modify traffic signal to eliminate eastbound-westbound split phasing at the MD 118/Middlebrook Road intersection (Phase 1). Also, the applicant shall design and construct the removal of the channelized (free flow) located in the southeast quadrant of this intersection provided monies required to be escrowed pursuant to Site Plan No. 8-84011A (Northlake Commerce Center) and Site Plan No. 8-98042 (Germantown Two Center Phase I) are available for the improvement and Preliminary plan No. 1-99020 (North

- Germantown) participate in the improvements as required by its approval (Phase I)
- c. The applicant shall restripe the eastbound Crystal Rock Drive approach to provide a separate right-turn lane, a shared through and left-turn lane, and a separate left-turn lane at the MD 118/Crystal Rock Drive intersection. (Phase 1)
 - d. The applicant shall construct a second westbound left-turn lane at (Great Seneca Highway (MD 119)/Middlebrook Road intersection. (Phase 2)
 - e. The applicant shall construct a separate northbound right-turn lane, restripe and designate existing Wisteria Center Lane for separate left-turn lanes, and install new traffic signal if warrants and spacing criteria are met at the Wisteria Drive/Waters Road intersection. (Phase 2)
 - f. The applicant shall construct a westbound left-turn lane on Wisteria Drive, a separate left and through lanes on Father Hurley Boulevard (FHB), and install new traffic signal if warranted at the Father Hurley Boulevard intersection. (Phase 1)
 - g. The applicant shall construct two lanes of Father Hurley Boulevard from Wisteria Drive SW to the site entrance, plus the full cross section of Father Hurley Boulevard from Wisteria Drive SW for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley Boulevard by the Department of Public Works and Transportation (DPW&T), to include a temporary transition from five lanes to the two beyond (Phase 1). Final details are to be resolved as of the Site Plan review submission for the project.
 - h. The applicant shall agree that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements as designated in the above conditions for the following phased development.
 - a. Phase 1 includes 610 garden apartments.
 - b. Phase 2 includes full development.
 - i. The applicant shall improve Waters Road (Locbury Drive) to meet the County two-lane roadway standards as shown on the project plan (Phase 2)
- (2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Germantown Master Plan unless otherwise designated on the preliminary plan
 - (3) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Germantown Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition
 - (4) Compliance with the conditions of MCDPS stormwater management approval Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
 - (5) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
 - (6) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan

- (7) Provide final landscape and lighting plan prior to site plan for review and approval by the Planning Board
- (8) Final number of MPDU's dependent upon condition #6 above and will be determined at the time of site plan review
- (9) The validity of the preliminary plan is dependent upon the applicant proceeding with and abiding by the conditions of approval of Project Plan No 9-02002
- (10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (11) 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
- (12) Other necessary easements
- (13) Record plat to indicate residential density of 610 units is calculated over entire 62.4 acres site and ~~no~~ additional residential density is available on any of the 62.4 acre lot **no**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 9, 2002

MEMORANDUM

TO: Mary Beth O'Quinn, Planner
Development Review Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning

FROM: Ki H. Kim, Planner
Transportation Planning

SUBJECT: Site Plan No. 8-03003
Fairfield at Germantown

This memorandum is Transportation Planning staff's review of the subject site plan for Fairfield at Germantown Phase 1 development. The proposed development under this site plan includes 604 garden apartments. The site has an approved preliminary plan for 610 garden apartments, 210,000 square feet of retail, and 40,000 square feet of general office space.

RECOMMENDATIONS

Staff recommends the following conditions related to approval of the subject site plan.

1. Total development under this project plan application is limited to the following uses and density:
 - 604 garden apartments
2. To satisfy Local Area Transportation Review requirements conditioned upon approval of the preliminary plan as related to the Phase 1 development:
 - a. The applicant shall restripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the MD 118/Wistria

Date Mailed: July 16, 2002

Action: Approved Staff Recommendation

Motion of Comm. Wellington, seconded
Comm. Robinson with a vote of 4-0;

Comms. Bryant, Holmes,
Robinson and Wellington voting
in favor

Commissioner Perdue absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02068

NAME OF PLAN: FAIRFIELD AT GERMANTOWN

On 11/27/01, Fairfield Residential submitted an application for the approval of a preliminary plan of subdivision of property in the RMX-2/R-200 zone. The application proposed to create 1 lot on 62.4 acres of land. The application was designated Preliminary Plan 1-02068. On 06/13/02, Preliminary Plan 1-02068 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02068 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02068.

Approval, subject to the following conditions:

- (1) Approval under this preliminary plan is limited to a maximum of six-hundred and ten (610) multi-family dwelling units and 250,000 square feet of office/retail use and provide the necessary road way improvements as outlined in the June 7, 2002 Transportation Planning Division memo which states:
 - a. The applicant shall construct a separate southbound right-turn lane, a second northbound left-turn lane, a second eastbound left-turn lane (**Phase 2**), and restripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right turn lane (Phase 1) at the MD 118/Wistria Drive intersection.
 - b. The applicant shall construct a second westbound left-turn lane (Phase 1), a second northbound left-turn lane (Phase 2), and modify traffic signal to eliminate eastbound-westbound split phasing at the MD 118/Middlebrook Road intersection (Phase 1). Also, the applicant shall **design and construct the removal of the channelized (free flow) located in the southeast quadrant of this intersection provided monies required to be escrowed pursuant to Site Plan No. 8-84011A (Northlake Commerce Center) and Site Plan No. 8-98042 (Germantown Two Center Phase I) are available for the improvement and Preliminary plan No. 1-99020 (North**

Germantown) participate in the improvements as required by its approval (Phase I)

- c. The applicant shall restripe the eastbound Crystal Rock Drive approach to provide a **separate** right-turn lane, a **shared** through and left-turn lane, and a separate left-turn lane at the MD 118/Crystal Rock Drive intersection. (Phase 1)
 - d. The applicant shall construct a second westbound left-turn lane at (Great Seneca Highway (MD 119)/Middlebrook Road intersection. (Phase 2)
 - e. The applicant shall construct a separate northbound right-turn lane, restripe and designate existing Wisteria Center Lane for separate left-turn lanes, and install new traffic signal if warrants and spacing criteria are met at the Wisteria Drive/Waters Road intersection. (Phase 2)
 - f. The applicant shall construct a westbound left-turn lane on Wisteria Drive, a separate left and through lanes on Father Hurley Boulevard (FHB), and install new traffic signal if warranted at the Father Hurley Boulevard intersection. (Phase 1)
 - g. The applicant shall construct two lanes of Father Hurley Boulevard **from** Wisteria Drive SW to the site entrance, plus the full cross section of Father Hurley Boulevard from Wisteria Drive SW for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley Boulevard by the Department of Public Works and Transportation (DPW&T), **to** include a temporary transition from **five** lanes to the two beyond (Phase 1). Final details are to be resolved as of the Site Plan review submission for the project.
 - h. The applicant shall agree that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements as designated in the above conditions for the following phased development.
 - a. Phase 1 includes 610 garden apartments.
 - b. Phase 2 includes full development.
 - i. The applicant shall improve Waters Road (Locbury Drive) to meet the County two-lane roadway standards as shown on the project plan **(Phase 2)**
- (2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Germantown Master Plan unless otherwise designated on the preliminary plan
 - (3) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Germantown Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition
 - (4) Compliance with the conditions of MCDPS stormwater management approval Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
 - (5) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
 - (6) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan

- (7) Provide final landscape and lighting plan prior to site plan for review and approval by the Planning Board
- (8) Final number of MPDU's dependent upon condition #6 above and will be determined at the time of site plan review
- (9) The validity of the preliminary plan is dependent upon the applicant proceeding with and abiding by the conditions of approval of Project Plan No 9-02002
- (10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (11) 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
- (12) Other necessary easements
- (13) Record plat to indicate residential density of 610 units is calculated over entire 62.4 acres site and do additional residential density is available on any of the 62.4 acre lot