



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

MCPB No. 18-078
Sketch Plan No. 320180130
Fairchild Apartments
Date of Hearing: July 26, 2018

JUL 31 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on February 13, 2018, GTTCE Owner LLC ("Applicant") filed an application for approval of a sketch plan for the construction of new buildings of up to 206,102 square feet in size with up to 206,102 square feet of residential use and up to 5,900 square feet of commercial use, including 12.5% MPDUs, while retaining 29,915 square feet of existing commercial restaurant use in three buildings, on 5.49 acres of CR 2.0, C-1.5 R-1.5 H-145T and Germantown Transit Mixed Use Overlay zoned-land, located at the south side of Century Blvd, approximately 150 feet east of the intersection with Aircraft Drive, identified as parcel V on Plat No. 22590 ("Subject Property") in the Germantown Town Center Policy Area and Germantown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180130, Fairchild Apartments ("Sketch Plan"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 13, 2018, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 26, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below.

Approved as to
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180130, Fairchild Apartments, for construction of new buildings of up to 206,102 square feet in size with up to 206,102 square feet of residential use and up to 5,900 square feet of commercial use, including 12.5% MPDUs, while retaining 29,915 square feet of existing commercial restaurant use in three buildings on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 236,017 square feet of total development including:

- up to 29,915 square feet of existing commercial/restaurant use in three buildings; and
- up to 206,102 square feet of new construction in one building

The final square footage of residential and commercial uses in the new building will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 80 feet, as shown on the Sketch Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit.

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Final points will be established at Site Plan approval. If the Sketch Plan is amended to increase density, the incentive density points and categories must be re-evaluated. No points received during the current phase for Major Public Facilities may be considered for the new density, and the new density will need to prove it can reach the same 100 points from at least four categories. The categories approved for refinement at site plan are the following:

- a. Major Public Facility, achieved through the previous reconstruction of Century Boulevard;
- b. Transit Proximity, achieved from the future Germantown Town Center Corridor Cities Transitway ("CCT") station;
- c. Connectivity and Mobility, achieved through wayfinding;
- d. Diversity of Uses and Activities, achieved through adaptive buildings and enhanced accessibility for the disabled;
- e. Quality Building and Site Design, achieved with structured parking; and
- f. Protection of the Natural Environment, achieved through building lot termination, and cool roof.

4. Building and Site Design

- a. At the time of Site Plan approval, the ground floor on the Century Boulevard façade must be designed to have a commercial appearance through a combination of elements such as increased transparency (large windows), awnings, special detailing, and façade finishes different from the upper floors.
- b. Floor to floor elevations on the ground floor along the Century Boulevard frontage must be a minimum of 15 feet high.
- c. The garage entrances and loading dock must be screened from view with retractable doors. The doors shall either feature a high level of transparency (glass) or be covered with artwork. The final details are to be determined at Site Plan.

5. Public Open Space

The Applicant must provide a minimum of 23,955 square feet (10 percent of the net tract area) of public open space on-site per section 59.6.3.6.C of the Zoning Ordinance. The final location, design and sizes of the open spaces will be finalized at Site Plan.

6. Streetscape

The drive aisle adjacent to the east side of the multi-family building must have a brick, paver, or decorative concrete finish sidewalk, and include a tree panel for street trees along the Subject Property frontage, and be a minimum five-foot wide free and clear walkway at all points.

7. Master Plan Transportation

Prior to certification of the future Site Plan, the Applicant must coordinate with the Montgomery County Department of Transportation and/or the Montgomery County Department of Permitting Services to secure a minimum of one additional foot of right-of-way or public improvement easement along the Century Boulevard frontage.

8. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

9. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide on the Subject Property a minimum of 12.5% of the total units as Moderately Priced Dwelling Units. The development must provide MPDUs in accordance with Chapter 25A.

10. Future Coordination for Site Plan

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed when filing a Site Plan, as appropriate:

- a. Fire and Rescue access and facility details, including complying with all of the comments provided in the Fire Marshal Comment memo dated June 8, 2018;
- b. Public Open Space details;
- c. Pedestrian access through the site from the sidewalk on Century Boulevard to the sidewalk on MD 118 connecting the two areas of Public Open Space;
- d. Coordination with MDSHA regarding removing the existing chain link fence along the southern property boundary on MD 118;
- e. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- f. Noise analysis from transportation noise;
- g. Transportation Impact Statement or Study;
- h. SWM concept approval (and subsequent plan);
- i. Coordination with MCDOT in accordance with that agency's letter, dated March 22, 2018;
- j. An amendment to Site Plan No. 81999001H will be needed prior to a new site plan application being approved in order to remove Parcel V's area and density from Site Plan No. 81999001H.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the

necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 5.49 acres zoned CR 2.0, C-1.5 R-1.5 H-145T. The data table below demonstrates the Application’s conformance to the applicable development standards of the zone.

Data Table

Sketch Plan Data Table		
Development Standard	Permitted/ Required	Approved
Net Lot Area	n/a	5.49 acres (239,198 sq ft)
Density (GFA/ FAR)*		
Residential Density	1.5 FAR (358,797 sq ft)	Up to 0.86 FAR (206,102 sq ft) *
Commercial Density	1.5 FAR (358,797 sq ft)	Up to 0.150 FAR (35,815 sq ft)*
Total FAR/GFA	2 FAR (478,396 sq ft)	Up to 1.0 FAR (236,017 sq ft)*
Max. Building Height	145 ft	80 ft
Min. Public Open Space	10% (23,914 square feet)	10% (23,955 square feet)
Parking**		
Residential - cars	212 Min/276 Max	261
Residential - bicycle	100 (0.5 x 212), Max 100	100 long term
Commercial - cars	120 Min/359 Max	204

*Total density may not exceed 206,102 sq. ft. in the new building, final mix of residential and commercial will be determined at site plan

**Parking based on 212 residential units and existing restaurant use. Final parking will be determined at site plan

b. Intent of the Zone

i. *Implement the recommendations of applicable master plans.*

The Project substantially conforms to the recommendations of the 2009 Germantown Employment Area Sector Plan (“Sector Plan”). The Sector Plan’s vision statement states “This Plan establishes a vision that will transform Germantown’s central employment corridor into a vibrant town center and mixed-use uptown districts. The Germantown of the future will be the center of business and

community life in upper Montgomery County". The Sector Plan further envisions Germantown completing an economic core, increasing employment, and organizing development around transit. Further areawide recommendations include a zoning strategy for mixed use development and a vision for establishing an urban form which includes interconnecting transportation options, creating gathering spaces, establishing centers, and creating meaningful street character. The Subject Property is specifically located in the Town Center district of Germantown which provides district specific recommendations including to "have a mix of uses such as offices, restaurants, hotels, housing and civic facilities close to shopping, transit and jobs". The Sector Plan's Land Use map and accompanying text on page 50 identifies the Subject Property and surrounding block as appropriate for a commercial mixed-use area. The Sector Plan places emphasis on creating a continuous building line along Century Boulevard, and public open space should not be located in front of the buildings without a tie to pedestrian circulation. Century Boulevard should be a promenade street with wide sidewalks and the median running transitway.

The Sketch Plan Application substantially conforms to the goals and recommendations mentioned above. The new building location will be set back approximately 13 feet from the right-of-way, similar to the setback of the existing hotel immediately east of the residential building, establishing a building line. Public Open Space is proposed in front of the building, and while the Sector Plan generally discourages this placement, the proposed space has the potential to enhance pedestrian and bicycle circulation by helping accommodate wider sidewalks and a separated bicycle facility. The final designs for the Public Open Space will be refined at the time of site plan.

The Subject Property is part of a larger block identified as commercial mixed use, and all of the existing uses within this larger block are 100% commercial or hotel use. Therefore, adding some residential development is essential for achieving the overarching goals of creating a mixed-use district, a complete economic core, and for providing housing close to transit and jobs. The ground floor of the multi-family building will be designed with 15-foot floor-to-floor heights, and an interior configuration that would allow the dwelling units proposed along Century Boulevard to convert to retail space once the surrounding properties also redevelop. The design of the ground floor will be reviewed in detail during site plan to ensure a design that activates the street with the currently proposed residential uses. The

reconstruction of Century Boulevard to accommodate the future transitway was already completed by the Applicant during the previous site plan process and needs no further upgrade at this time.

- ii. *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Application will partially redevelop an area of lawn and surface parking into a new building that will contain multi-family apartments, resulting in new housing opportunities in a previously all-commercial block, while retaining the existing restaurant uses, resulting in a mix of uses.

- iii. *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Sketch Plan allows for a new multi-family residential building that will accommodate a range of studio, one and two-bedroom apartments, a minimum of 12.5% MPDUs, and 7% of units with enhanced accessibility. The Application also enhances mobility by providing improved on-site and through-site pedestrian circulation with new sidewalks and areas of open space, and also retains three existing stand-alone restaurants. While the existing restaurants continue to be surrounded by parking, the new multi-family building provides parking in a garage, that is wrapped with the residential uses, therefore there is no parking provided between the new building and the street.

- iv. *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Sector Plan provides the framework for this area of Germantown to undergo major changes in land use and urban form, with higher densities and taller building heights included as desirable outcomes. Most of the existing development in the area is one to three story tall retail, entertainment and office use, with the proposed multi-family building representing the first five-story tall multi-family project in this part of Germantown. The placement of the new building starts to establish the urban form desired, while still maintaining viability and compatibility with the existing restaurants. Development of the

proposed multi-family building should encourage additional redevelopment in the vicinity in a similar form. The proposed 15-foot ground floor ceiling heights also promotes flexibility in the future to convert a portion of the multi-family building to commercial uses.

- v. *Integrate an appropriate balance of employment and housing opportunities.*

The Sketch Plan will integrate an appropriate balance of employment and housing in the Germantown Town Center. The Sector Plan identified the block the Property is located on as a commercial mixed-use area that should be predominantly commercial uses while allowing for residential and entertainment opportunities. Currently, the Property and the surrounding properties are completely developed as commercial restaurant, entertainment and office uses, and this multi-family building provides an opportunity to create more of a mix of uses.

- vi. *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit. A more detailed analysis of these public benefits is described in finding 6 of this Resolution. Final determination of public benefit points will be determined at the time of Site Plan.

c. General Requirements

- i. *Site Access*

Access to the Subject Property is adequate as provided for. There is existing access to Century Boulevard which will remain, and there will be one primary, and one backup garage entrance from the rear side of the building.

- ii. *Parking, Queuing, and Loading*

The Applicant demonstrated that parking will be adequate for the mix of uses on the Subject Property. Existing surface parking will remain for the retail uses, and a new parking structure will be constructed for the new building.

iii. *Open Space and Recreation*

The Sketch Plan demonstrated adequate space to meet the requirements for recreation at the time of Site Plan. The Sketch Plan also identified where the minimum 10% of Public Open Space will be located, with final design to be determined at site plan.

iv. *General Landscaping and Outdoor Lighting*

The Sketch Plan meets the general intent of the landscaping division. The new building is infill in an existing parking lot. New trees will be provided along the main access drive, while most of the building will be wrapped in sidewalk. Existing lighting on the Subject Property will remain where not directly impacted by the building location.

v. *Screening*

Screening is not required for the approved use considering the adjacent zoning and use.

2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

As discussed in the intent section *i* above, the Sketch Plan substantially conforms to the recommendations of the Sector Plan.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to any binding elements of a development plan or schematic development plan that was in effect on October 29, 2014.

4. *The Sketch Plan satisfies the green area requirement in effect on October 29, 2014.*

The Subject Property zoning on October 29, 2014 was not the result of a Local Map Amendment with a green area requirement.

5. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The new building design is compatible in height and scale with the existing and pending nearby development in this portion of the Germantown Town Center, and with the building height and scale that can be achieved on other nearby properties based on zoning and Sector Plan recommendations. The

adjacent hotel is a similar height, and the commercial restaurant uses both on the Subject Property and adjacent to the Property are set away from the new building, providing adequate room for parking and circulation. The new building is also set back 10-feet from the western Subject Property line, providing a buffer with the adjacent building.

6. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Subject Property is accessed from an existing location on Century Boulevard and the new building will be located west of this access point. Vehicles will continue to utilize the existing drive aisle to access the surface parking for the restaurant uses, and will also have access to the new parking garage from a new drive aisle encircling part of the remaining surface parking lot. The new building provides a loading area next the garage access, co-locating these uses away from the primary pedestrian routes. The existing restaurant uses also have loading access from the same drive aisle on the southern part of the parking lot. Pedestrian and bicycle circulation will be improved with the Sketch Plan by including a new sidewalk along the entire east side of the multi-family building leading pedestrians from Century Boulevard into the Property, and ultimately connecting to existing sidewalks in front of the restaurant uses. Bicycle circulation is envisioned on the parking lot drive aisles, which are starting to function more like private streets, with fewer curb cuts increasing bicycling safety.

7. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

Public Benefits Points		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested and Approved in Concept
59.4.7.3A: Major Public Facilities		
Major Public Facility	70	51.28
59.4.7.3C: Transit Proximity		
Transit Proximity	25	25
59.4.7.3C: Connectivity and Mobility		
Wayfinding	10	5
59.4.7.3D: Diversity of Uses and Activities		
Adaptive Buildings	15	10
Enhanced Accessibility for the Disabled	20	20
59.4.7.3E: Quality of Building and Site Design		
Structured Parking	20	13.1
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Cool Roof	10	5
BLTs	30	10.3
TOTAL		139.68

Major Public Facility

Major Public Facility: The Applicant requests 51.28 points for providing a major public facility. The Zoning Ordinance defines a major public facility as including but not limited to schools, libraries, recreation centers, parks, service centers, bike share stations, public transportation or utility upgrades, or other resources delineated in a Master Plan. The Applicant is requesting credit for the reconstruction of Century Boulevard across the Property frontage, including the 50-foot wide median for the Corridor Cities Transitway, that was previously required by and completed as part of Site Plan No. 819990010. Because the Sketch Plan and future Site Plan are relying on Adequate Public Facilities (“APF”) that were approved at building permit for the density approved by Site Plan No. 819990010, and is also utilizing unbuilt density from the previous Site Plan, the Board supports this request. The available points are calculated based on a formula using net lot area of the Property, land (or floor area) conveyed, and land (or floor area) constructed. Because the improvements to Century Boulevard were done as part of a larger site plan application, only a proportionate number of points resulting from the calculations may be considered for the Sketch Plan as incentive density points. The proportion of total vehicle trips the Sketch Plan is using from the original APF and site plan approval is the proportion of points that should be

awarded and will be determined at future site plan when the final mix of uses is determined. If future amendments occur to the Sketch Plan adding density, the reconstruction of Century Boulevard as a Major Public Amenity cannot be included in the incentive density points calculations for the additional density. Final points will be determined at Site Plan but the Board supports the request at this time.

Transit Proximity

Transit Proximity: The Applicant requests 25 points for the category of transit proximity. Transit proximity points are available based on the existing or planned transit level of service, the property zoning, and proximity to the transit facility. The Subject Property is in a CR zone, is within ¼ mile of a planned Corridor City Transitway stop, and the transit level of service is Level 2 (planned bus line with a dedicated path). The points available for transit proximity are 25 based on the table in the Zoning Ordinance, and the Board supports the request at this time.

Connectivity and Mobility

Wayfinding: The Applicant requests five points for providing wayfinding that helps orient pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities within the Germantown Town Center. Five points are available for wayfinding signs that provide basic signage and information for the surrounding points of interest. The Applicant is proposing wayfinding within the Subject Property and along Century Boulevard. Because there is limited existing wayfinding in Germantown and a number of public amenities exist within the Town Center. The Board supports the request at this time. Final details on the wayfinding design and points of interest will be determined at Site Plan.

Diversity of Uses and Activities

Adaptive Buildings: The Applicant requests 10 points for providing adaptive building heights. Up to 15 total points are available with the first 7.5 points available for meeting the basic code requirements for adaptive buildings, and an additional 7.5 points are available if the structure is designed to accommodate additional density and height in the future, and has an internal layout that allows changes between use with only minor modifications. The ground floor facing Century Boulevard has 15-foot ceiling heights and will be designed to only require minimal plumbing changes to convert between residential and retail use. Additionally, the Applicant has designed the garage with 12-foot ceilings to be convertible to future residential use, and has explained how the side of the building could be added upon if the adjacent property becomes available. The Board supports the request for points at this time.

Enhanced Accessibility for the Disabled: The Applicant requests 20 points for providing at least 7% of the Project's units in accordance with ANSI A117.1 Residential Type A standards. The final percentage of accessible units will be determined at Site Plan. The Board supports the Applicant's request at this time.

Quality of Building and Site Design

Structured Parking: The Applicant requests 13.1 points for providing structured parking. The points available for structured parking are based on a formula accounting for the number of spaces in a garage versus the total parking. While the new building provides all its parking in a garage, there is existing surface parking remaining for the restaurant uses, which keeps the Applicant from achieving more points. The final calculation will be updated at the time of site plan based on the final parking numbers and locations. The Board supports the request for points for structured parking at this time.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 10.3 points for the purchase of BLT easements or equivalent payment. BLTs are required for every 31,500 square feet of gross floor area comprising the 50% incentive density floor area because this application is in the Germantown Transit Mixed Use Overlay Zone. The Board supports the Applicant's request at this time for providing BLTs.

Cool Roof: The Applicant has requested five points for providing a cool roof. A cool roof must not be vegetated and have a minimum solar reflectance index of 75 on roof slopes below a ratio of 2:12. The Zoning Ordinance suggests a maximum of five points for providing a cool roof on properties greater than one acre in size. Final roof details will be determined at Site Plan and the Board supports the current request at this time.

8. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

The Sketch Plan shows one phase of development for construction of the new building.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review

the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 320180130, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is 'JUL 31 2018' (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, July 26, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board