



**Cabin John Village: Site Plan 820190020**

RS

Ryan Sigworth AICP, Senior Planner, Area 3, [Ryan.Sigworth@Montgomeryplanning.org](mailto:Ryan.Sigworth@Montgomeryplanning.org) 301-495-2112

SP

Sandra Pereira, Supervisor, Area 3, [Sandra.Pereira@Montgomeryplanning.org](mailto:Sandra.Pereira@Montgomeryplanning.org) 301-495-2186

RAW

Richard Weaver, Chief, Area 3, [Richard.Weaver@Montgomeryplanning.org](mailto:Richard.Weaver@Montgomeryplanning.org) 301-495-4544

**Completed:** 4-12-19

**Description**

**Cabin John Village: Site Plan No. 820190020**

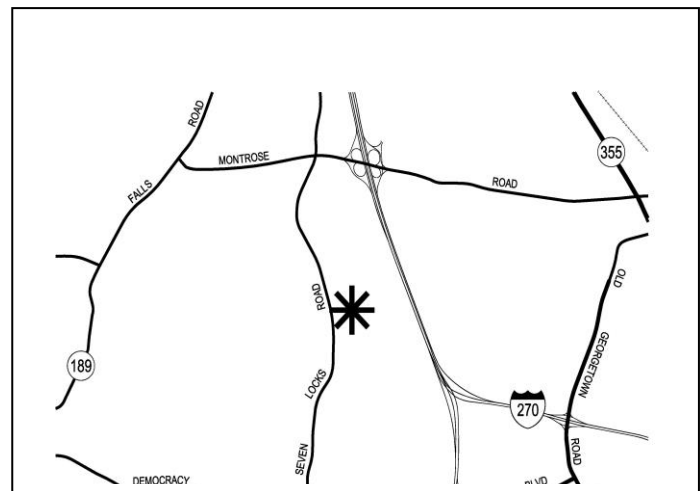
Proposal to construct 45,000 square feet (29,000 net new square feet) of commercial uses and 48 single-family attached units including 12.5% MPDU's, located at the northeast corner of Seven Locks Road and Tuckerman Lane; 13.39 acres, CRT-0.75, C-0.5, R-0.25, H-35 and R-90 Zone, 2002 *Potomac Master Plan*.

*Recommendation – Approval with conditions*

**Applicant:** Cabin John (EDENS), LLC

**Acceptance Date:** August 28, 2018

**Review Basis:** Chapter 22A, Chapter 59



**Summary**

- Staff recommends **Approval with conditions**.
- The Applicant will make a financial contribution to M-NCPPC Parks for offsite improvements at the Cabin John Regional Park.
- The Site Plan will extend a sidewalk and bike lane offsite along the north side of Tuckerman Lane down to the northern entrance of Cabin John Regional Park.
- The application is demolishing part of the existing shopping center to enhance the street grid and connectivity.
- As conditioned, the Applicant has offered several traffic mitigation measures, such as bike sharing, promotion of transit information, to address Master Plan guidance.
- The Applicant is requesting an exception to allow a narrower Common Open Space under Section 6.3.5.B.2.
- Staff has received one letter from a citizen pertaining to this Application.

## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan No. 820190020. The development must comply with the conditions of approval for Preliminary Plan No. 120180120 as listed in the MCPB Resolution No. 18-098 dated November 5, 2018.

All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

### Density, Height & Housing

1) Density

The Site Plan is limited to a maximum of 45,000 net square feet of commercial uses and forty-eight (48) attached one-family units on the Subject Property.

2) Height

The development is limited to a maximum height of 35 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan. Townhouses may utilize Building Height Averaging in Section 59.4.5.2.D.2.d of the Zoning Ordinance as determined by the Montgomery County Department of Permitting Services.

### Environment

3) The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820190020, approved as part of this Site Plan:

- a) The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120180120, approved as part of Preliminary Plan No. 120180120.
- b) The Applicant must include M-NCPPC Department of Parks' staff at the pre-construction meeting for impacted trees located on M-NCPPC park property.

4) Cemeteries

If the Applicant encounters a funerary object or human remains at any time prior to issuance of the Use and Occupancy Certificate of any commercial or residential structure, the Applicant must immediately contact law enforcement to determine whether the remains are associated with a crime scene and contact the Historic Preservation Section of the Montgomery County Planning Department.

5) Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated December 31, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site

---

<sup>1</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

### **Public Use Space, Facilities and Amenities**

6) Common Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 11,657 square feet of Common Open Space (11.7% of net lot area allocated for the townhouse portion of the development) on-site.
- b) The Applicant must provide a minimum of 48,352 square feet of Public Open Space (12.9% of the net lot area allocated for the commercial portion of the development) on-site.
- c) Prior to the issuance of the 41<sup>st</sup> building permit for the townhouses portion of the Application, all Common Open Space areas for the townhomes on the Subject Property must be completed.
- d) Prior to the issuance of a Use and Occupancy Certificate for Building E-1 or E-3, the Public Open Space between existing Building A and Building E-1 must be complete.
- e) Prior to the issuance of a Use and Occupancy Certificate for Building A-3 or A-4, the Public Open Space between Building A-3 and Building A-4 must be complete.
- f) Prior to the issuance of a Use and Occupancy Certificate for Building A-4, the Public Open Space between Building A-4, existing Building A, and existing Building B must be complete.

7) Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities within the limits of the Site Plan area constructed as part of this Site Plan including, but not limited to benches, tables, chairs, bike maintenance station, long-term bicycle parking lockers, playground equipment, pergolas, and landscaping.

8) Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

- 9) Prior to issuance of the 16<sup>th</sup> residential building permit, the Applicant must provide a payment of \$12,020 to M-NCPPC Parks to provide improvements at the Cabin John Park Regional Park, located adjacent to the Subject Property.

### **Transportation & Circulation**

10) Pedestrian & Bicycle Circulation

- a) All internal sidewalks and pedestrian paths must be a minimum of five feet wide unless specifically noted on the Certified Site Plan.
- b) Sidewalks along Private Road 'A' and Private Alley 'A' which are located directly adjacent to the townhouses can be 4-feet in width subject to meeting requirements of the Americans with Disabilities Act for passing spaces in Section 405.5.3 of the 2010 ADA Standards for Accessible Design. These 4-foot wide sidewalks may be expanded to 5-feet without the need for a site plan amendment.
- c) The Applicant must provide eight (8) long-term and sixteen (16) short-term bicycle parking spaces.
- d) The long-term spaces must be in a secured, well-lit bicycle locker adjacent to the parking area, and the short-term spaces must be inverted-U racks (or approved equal) installed [along the

building's retail frontage/in a location convenient to the main entrance] (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

**11) Transportation Mitigation**

- a) Prior to certification of the Site Plan, the Applicant must revise the Site Plan to show the locations of permanent static displays containing commuter and general transportation information and promotional material on transportation management programs in the lobby of the two-story "Mall" building and the lobby of the two-story professional building on the Subject Property. This information must be updated semi-annually. The Applicant should coordinate with MCDOT in order to obtain transportation information materials for the display. The static displays must be installed prior to issuance of the first Use and Occupancy certificate for the new commercial buildings.
- b) Prior to certification of the Site Plan, the Applicant must revise the Site Plan to show the location of a space suitable for a 15-dock bikeshare station, as determined by Staff in coordination with MCDOT. Applicant must allow MCDOT or its contractors access to the Project to install, service and maintain the bikeshare station, to be facilitated through an easement agreement if required by MCDOT. Conduit must be provided in the event of insufficient solar access.
- c) Prior to issuance of any Commercial Use and Occupancy Certificate, the Applicant must pay MCDOT for the construction cost of a 15-dock Capital Bikeshare Station.
- d) Prior to issuance of the first Commercial Use and Occupancy Certificate, the Applicant must appoint and provide MCDOT with the contact information for a Transportation Benefits Coordinator (TBC) to assist residents and employees working on site in exercising commuting options and serve as a point of contact. The Applicant must arrange for an initial meeting between the TBC and MCDOT as well as provide the opportunity for subsequent meetings as needed. The Applicant must maintain a TBC in perpetuity, unless MCDOT states in writing that a TBC is no longer necessary, and must notify MCDOT if the TBC's contact information changes. The Applicant, through the TBC, agrees to provide MCDOT staff with access to the Property, and to facilitate access to commercial tenants/employers and employees, for purposes of informing and educating about programs and services available in the vicinity of the Property; and distribute paper and/or electronic "Welcome Packets" with information about commuting alternatives, commuter surveys, or other materials to be provided by MCDOT to tenants, employers, and employees. The Applicant agrees to ensure that the TBC attends periodic meeting and training held by MCDOT or other local or regional agencies which are related to performing these duties.

**Density & Housing**

**12) Moderately Priced Dwelling Units (MPDUs)**

The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated February 28, 2019, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 12.5% percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.



- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build must be executed between the Applicant and the DHCA.

## Site Plan

### 13) Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Architectural Sheets A-1.01 – A-2.03 of the submitted architectural drawings, as determined by M-NCPPC Staff, with the following specific conditions:
  - i. Building A-1
    - a) A minimum of one primary or secondary entrance on the east (front) elevation.
    - b) A minimum of one primary or secondary entrance on the south (front) elevation.
    - c) Awning or canopy to be provided at all entrances
    - d) A mural or art feature (wrapping) the right side of the north (side) elevation and the left side of the west (rear) elevation.
    - e) Materials limited to brick, stucco or wood-look elements along facades.
  - ii. Building A-3
    - a) A minimum of one primary entrance on north (front) elevation.
    - b) Awning or canopy to be provided at all entrances.
    - c) A mural or art feature (wrapping) the right side of the west (side) elevation and the left side of the south (rear) elevation.
    - d) Bricked-in faux windows with framing detail to match adjacent real windows along the south (rear) elevation and east (side) elevation.
    - e) Materials limited to brick or wood-look elements along facades.
  - iii. Building A-4
    - a) A minimum of one primary entrance on north (front) elevation.
    - b) A minimum of one primary or secondary entrance on the side (east) elevation.
    - c) Materials limited to brick, stucco or tile along facades.
  - iv. Building E-1
    - a) A minimum of two primary and/or secondary entrances on the north (front) elevation.
    - b) A minimum of one primary or secondary entrance on the west (front) elevation.
    - c) A minimum of one primary and/or secondary entrance on the east (front) elevation.
    - d) A mural or art feature located on the left side of south (rear) elevation.
    - e) Materials limited to brick, stucco, or wood-look elements along facades.
    - f) Bio-retention boxes (concrete and/or metal) with visible plantings to break up the height of the south (rear) elevation relative to the adjacent sidewalk and parking elevation.
    - g) A variation in height and/or materials to break up the length of the building.

- v. Building E-2
  - a) A minimum of one primary entrance on west (front) elevation.
  - b) A mural or art feature on the east (rear) elevation and wrapping around to the left side on the north (side) elevation and the right side of the south (side) elevation.
  - c) Materials limited to brick, stucco or wood-look elements along facades.
  - d) A bio-retention box (concrete and/or metal) with visible plantings to break up the height of the south (side) elevation relative to the adjacent sidewalk and parking elevations.
  - e) Screening of rooftop units from the adjacent residential units through use of extended parapets and/or rooftop screening systems.
- vi. Building E-3
  - a) A primary entrance on either the west, east, or south elevation.
  - b) Materials limited to brick or wood-look elements along facades.
  - c) Retaining wall materials limited to concrete or other masonry elements along facades.
- vii. Building C-3
  - a) A minimum of two primary entrances on west (front) elevation.
  - b) Awning or canopy to be provided at all entrances.
  - c) Materials limited to brick, stucco, tile or wood-look elements along facades.
- viii. Building B-4
  - a) A minimum of two primary entrances on east (front) elevation.
  - b) Awning or canopy to be provided at all entrances.
  - c) Materials limited to brick, stucco, tile or wood-look elements along facades.
- ix. Townhouses
  - a) On Lot 8, this townhouse must have windows on the side elevation (north) substantially similar to Detail #3 on Sheet Architectural Sheet A-2.02. No side entry door is required for this unit.
  - b) On Lots 9, 24, 25, 40, and 41, these townhouses must have windows and side entry doors on the side elevation (north) substantially similar to Detail #3 on Sheet Architectural Sheet A-2.02.
  - c) On Lots 1, 16, 17, 32, 33, and 48, these townhouses must have windows on the side elevation (south) substantially similar to Detail #2 on Sheet Architectural Sheet A-2.02.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

#### 14) Landscaping

- a) The Applicant must install the site elements as shown on the landscape plans submitted to M-NCPPC or an equivalent as determined by Staff.

- b) The Applicant must install the plantings shown on the landscape plans submitted to M-NCPPC. Any variation in plant species or quantity needs approval of M-NCPPC Staff.

15) Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

16) Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

17) Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated July 13, 2017 and amended on March 11, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

18) Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site

plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

19) Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

20) Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Include the Recreation sheets as part of the Certified Site Plan.
- g) Clarify entry door location for the townhouse on Lot 8 on Sheet A-2.02.
- h) Remove the artificial turf within all Common Open Space and Public Open Space and replace with grass.
- i) Modify all 4-foot wide sidewalks to meet the requirements of the 2010 ADA Standards for Accessible Design. The Certified Site Plan needs to specifically address the lack of passing spaces required in Section 405.5.3 of ADA standards referenced above.
- j) Modify Public Open Space Sheet 32-OSPUBLC-820190020 to confirm that the percentage of Public Open Space utilized for outdoor café space required by Section 59.6.3.6.A.3.b is 5% or less of total required Public Open Space.
- k) Indicate an access easement on Lot 41 to address where the sidewalk crosses over the property line.
- l) Include plan sheets for Common Open Space and Public Open Space with the Certified Site Plan.

## SECTION 2 – SITE LOCATION & DESCRIPTION

### Site Location

The property is described on Plat No. 11341, Plat No. No. 12383, a portion of Plat No. 25344, and Liber 53660 Folio 431, all recorded among the Land Records of Montgomery County. The Subject Property is located on the northeast corner of Tuckerman Lane and Seven Locks Road, approximately a half mile west of I-270. It is about one mile north of Westfield Montgomery Mall; one mile south of Park Potomac and the Rockville City limits; and approximately one mile east from Herbert Hoover Middle School and Winston Churchill High School (“Subject Property” or “Property”) (Figure 1).

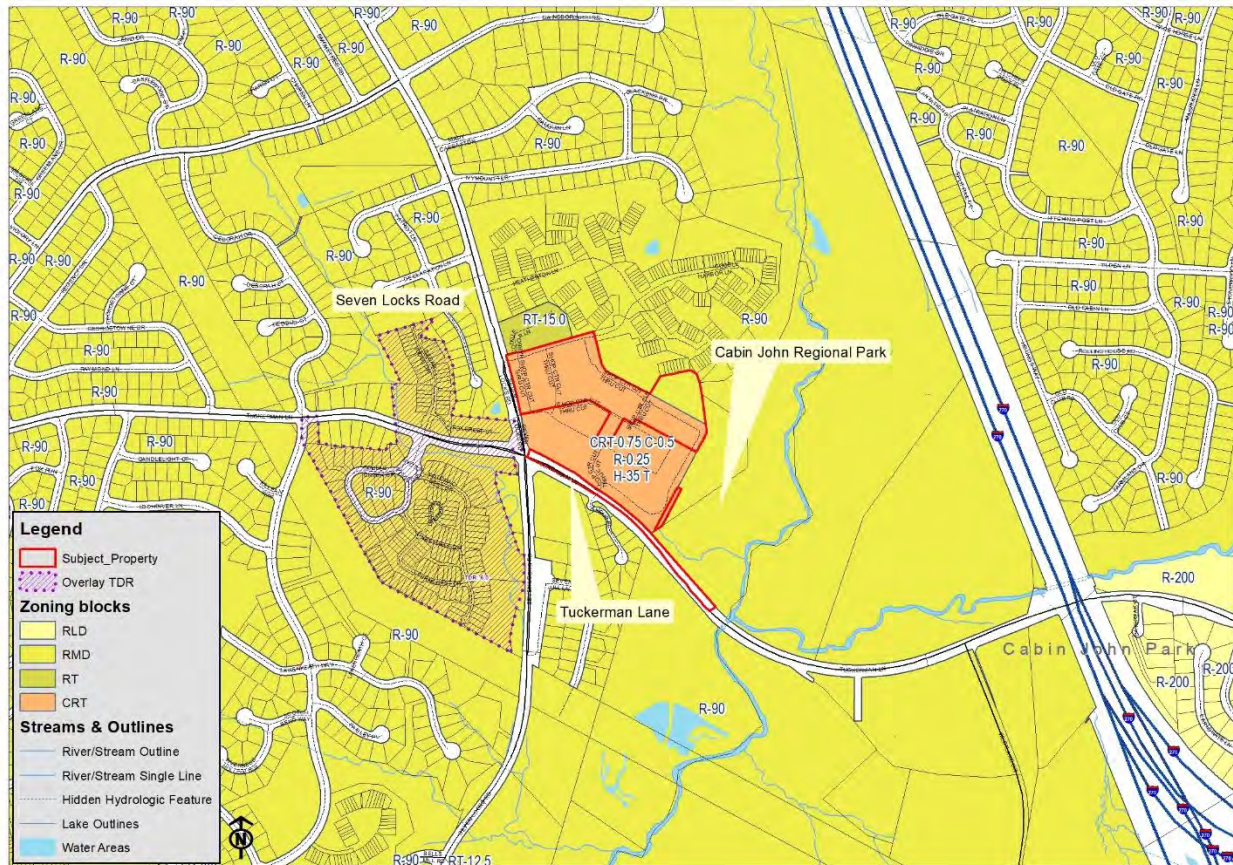


Figure 1 – Vicinity

### Site Vicinity

The Property abuts the Cabin John Regional Park to the east. The northeast corner of Subject Property has multiple natural surface (users choice) trails which connect the Property to the Cabin John Park and the Inverness subdivision directly to the north. The Brookdale Potomac assisted living facility is located to the south directly across Tuckerman Lane in the R-90 zone. Properties to the north, west, southwest, and south are dominated by townhouses in the RT-15 and R-90 zones with some single family detached housing as well.

### Site Analysis

The Subject Property is 13.39 acres and consists of approximately half of the property which encompasses the Cabin John Shopping Center totaling 25.32 acres (Figure 1 & 2). The Property is located within the



Cabin John Creek watershed, classified by the State of Maryland as Use Class I-P waters. There are approximately 1.86 acres of forest on the Property as well as numerous large trees, including specimen trees. The remainder of the Property consists of a developed shopping center with associated surface parking and a stormwater management pond. The Property generally slopes upward from Tuckerman Lane approximately 25-30 feet in elevation as the gradient moves northward. From the Subject Property's eastern boundary, the land drops off considerably down to the Cabin John Regional Park.



Figure 2 - Aerial

The Property is currently improved with approximately 15,600 square feet of commercial square footage. The rest of the Subject Property is made up of parking facilities to serve the remaining 225,000 (approx.) commercial square footage of the Cabin John Shopping Center located just outside of the Site Plan area. Construction recently completed on an additional 9,997 square feet of commercial uses (pad sites) near the front corner of the Property at Tuckerman Lane and Seven Locks Road. The portion of the Subject Property which encompasses the entire shopping center is zoned CRT-0.75, C-0.5, R-0.25, H-35. In the northeast corner of the Property is a forested area and stormwater management facility which is zoned R-90. Some of the major tenants include: Giant (grocery store), CVS, SunTrust Bank, Starbucks, and PNC Bank. The Property has a signalized access point on Tuckerman Lane at the mid-point of the Tuckerman frontage, opposite Angus Place. The Property has two, non-signalized access points on Seven Locks Road. One access point at the mid-point of the Seven Locks Road frontage is an unsignalized driveway access. At the northern end of the Subject Property is another unsignalized access point known as Coddle Harbor Lane. Coddle Harbor Lane acts as a private street which provides access to not only the Cabin John Shopping Center but also to over 200 housing units abutting the Property.

### Cemetery Assessment

Historical references<sup>2</sup> indicate the possibility of an unmarked African American cemetery somewhere in the vicinity of the Property. Although not required by Montgomery County Code, the Applicant has conducted a cemetery assessment of the Property. The assessment indicates that no historical or cultural features are identified in any deeds associated with the Property. A summary of the vicinity's history and the Applicant's cemetery assessment are attached to this report as Attachment 15. Given the Property's history, Staff recommends a condition of approval requiring the Applicant to notify the Planning Department's, Historic Preservation office if any human remains or funerary objects are discovered, which are not associated with a crime scene as determined by law enforcement. This will allow the historic preservation staff to catalogue the location of the remains and consider whether the site is appropriate for listing in the County's Cemetery Inventory. The Applicant will also be required to comply with all applicable laws governing the disturbance of human remains, including but not limited to Md. Code, Criminal Law Article, Title 10, Subtitle 4 – Crimes Relating to Human Remains.<sup>3</sup>

## **SECTION 3 – APPLICATIONS AND PROPOSAL**

### **Previous Regulatory Approvals**

#### Administrative Subdivision Plan No. 620170050

Administrative Subdivision Plan No. 620170050 was approved to create Parcel 'D' by consolidating parts of platted parcels into one lot of approximately 13.10 acres in size to develop two retail pad sites. The Administrative Subdivision included approval of a Final Forest Conservation Plan for the 13.10 acres; therefore, this area was deducted from the Forest Conservation Plan for this Application. The Final Forest Conservation Plan for the Administrative Subdivision included retention of 0.03 acres of forest existing within that portion of the Property, and a forest planting requirement of 1.93 acres to be satisfied at an off-site location.

#### Preliminary Plan 120180120

Preliminary Plan No. 120180120, approved by the Planning Board on November 5, 2018 in Resolution No. 18-098, subdivided three (3) platted parcels and one (1) unplatted parcel in order to create 59 lots for 59 attached single family units (townhouses) and two lots for 300,000 square feet of commercial/retail uses in the CRT-0.75, C-0.5, R-0.25, H-35 zone (MCPB Resolution No. 18-198, (Attachment 6). The preliminary plan laid the groundwork to transform the aging shopping center into a more walkable mixed-use shopping center with a residential component. The shopping center currently contains approximately 240,000 square feet of commercial uses. The preliminary plan approved approximately 60,000 additional square feet of commercial uses (including 18,255 square feet of demolition). The preliminary plan complied with the right-of-way requirements for both Seven Locks Road and Tuckerman Lane according to the *2002 Potomac Subregion Master Plan*. The preliminary plan is required to dedicate up to an additional 7 feet on Tuckerman Lane to ensure that the pedestrian and bicycle frontage upgrades are within the future right-of-way. All internal streets, parking areas, and driveways are private including Coddle Harbor Lane. Coddle Harbor Lane will be reconstructed and placed in a private street parcel from Seven Locks Road to the existing townhouse community adjacent to this Application.

The preliminary plan required frontage improvements along Tuckerman Lane to provide bike and pedestrian infrastructure consistent with the 2018 *Bicycle Master Plan*. Furthermore, the preliminary plan extends frontage improvements beyond the Subject Property frontage in conformance with Section

---

<sup>2</sup> Information is from the 12/1/2005 recollection of a Mr. Snowden, a funeral director in the area

<sup>3</sup> See Attachment 15 for historical preservation background

50.4.3.E.5.b which allows for off-site sidewalks and bikeways to connect to a public facility, such as a park, for residents or users of a development. The Applicant will extend a 5-foot sidewalk and extend a 5.5-foot bike lane, which will connect to the bike lane as part of the frontage improvements along the Subject Property, down to the parking lot entrance of Cabin John Park on the north side of Tuckerman Lane.

#### **Current Applications**

##### Site Plan No. 820190020

Site Plan No. 820190020 (“Application” or “Site Plan”) is the first phase of a three-phase redevelopment of the Cabin John Shopping Center.

**Table 1 – Phasing Schedule**

<b>Phase</b>	<b>Benchmark</b>	<b>Duration</b>
Phase I	Building permits for 48 residential units and up to 45,000 sq. ft. (net increase of approx. 29,000 square feet) of commercial uses	60 months
Phase II	Building permits for 32,000 sq. ft. of new commercial uses and structured parking facility	48 months (108 months cumulative)
Phase III	Building permits for 11 residential units and 3,000 sq. ft. of new commercial uses (345 sq. ft. of net new commercial uses)	12 months (120 months (10 years) cumulative)

The Application follows the first phase of development approved under Preliminary Plan 1201800120 as shown below in Figure 3.





Figure 3 – Approved First Phase -Phasing Plan from Preliminary Plan 120180120

The Application for the first phase of development proposes approximately 45,000 square feet of new commercial development (shown in blue in Figure 3). To achieve this increase in square footage, the Application proposes the demolition of approximately 16,000 square feet of existing commercial building space in order to construct a new private street through the existing building. The Application also proposes 48 attached one-family dwelling units (townhouses, shown in yellow in Figure 3) on the northeast corner of the Property. This new development will be integrated into the existing shopping center. The Application provides parking in accordance with the requirements of the Zoning Ordinance to accommodate the existing square footage as well as the new commercial and residential square footage on the Subject Property.



Figure 4 – Overall Site Plan

The cluster of attached one-family units provides redesigned open space and recreational opportunities via on-site amenities and improved connections to the Cabin John Regional Park. The commercial portion of the Subject Property provides additional open spaces designed to create gathering areas to facilitate community interaction. The Site Plan proposes new landscaping and lighting while preserving the berms and trees along Seven Locks Road desired by the Master Plan. Finally, the Phase I Site Plan implements the frontage improvements along Tuckerman Lane which were approved at part of Preliminary Plan No. 120180120.

The majority of the commercial buildings are one story in height with some going up to two stories. All facades are articulated with a combination of windows, doors, and/or artwork. Examples are shown on the images below. The townhouses are a maximum of four stories and oriented towards open space mews or open spaces. All townhouses are rear loaded from alleys.

After approval of Preliminary Plan No. 120180120, Staff reached out to MCDOT regarding the most appropriate way to address the guidance from the Master Plan on transportation mitigation measures. During discussions with stakeholders, it was evident that MCDOT would only accept a Traffic Mitigation Agreement (TMAg) as a means of transportation mitigation. Since the Subject Property isn't located in a Transportation Management District, M-NCPPC staff did not believe such an agreement was supported by County Code. As a result, the proposal, as conditioned, includes three approaches to encourage transportation mitigation that can be utilized by employees and visitors and is more fully discussed in the Master Plan section of this report.



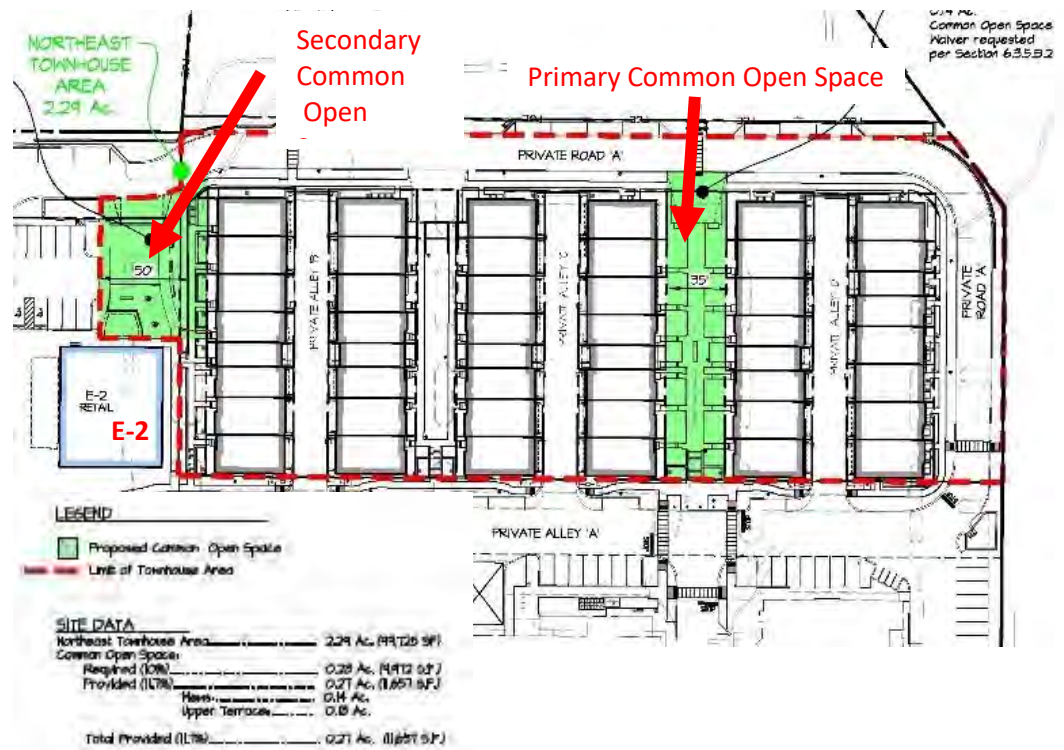


Figure 5 – Common Open for Townhouses

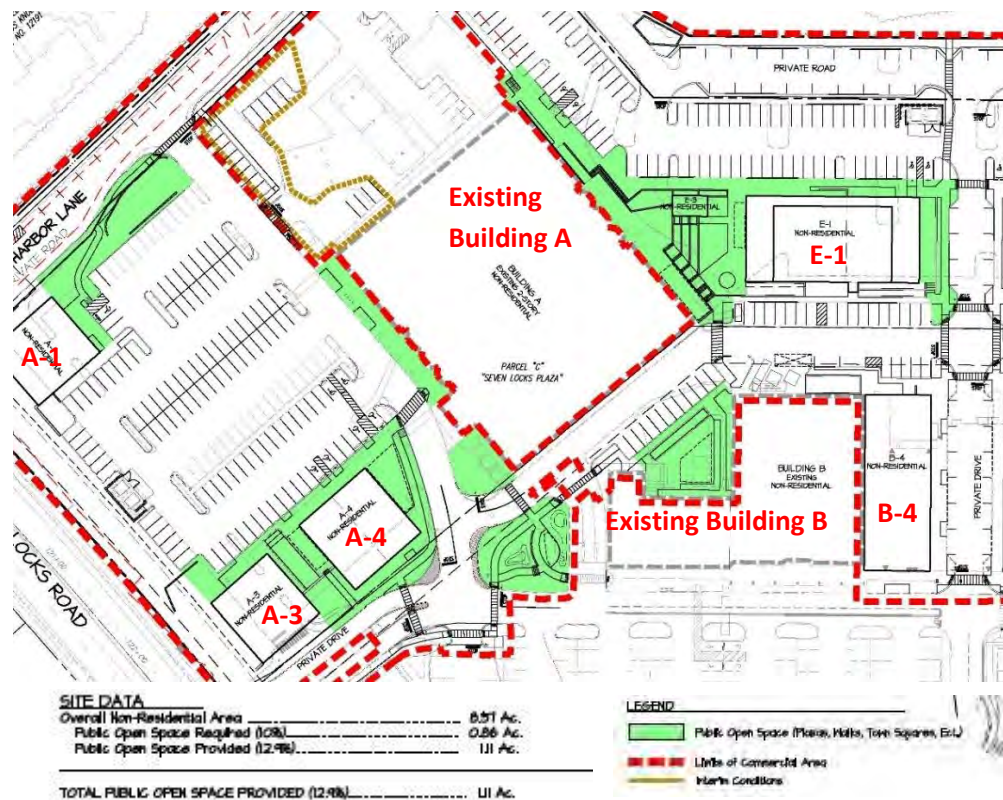


Figure 6 – Public Open Space for Commercial Area



Figure 7 – Building A-1 Elevations

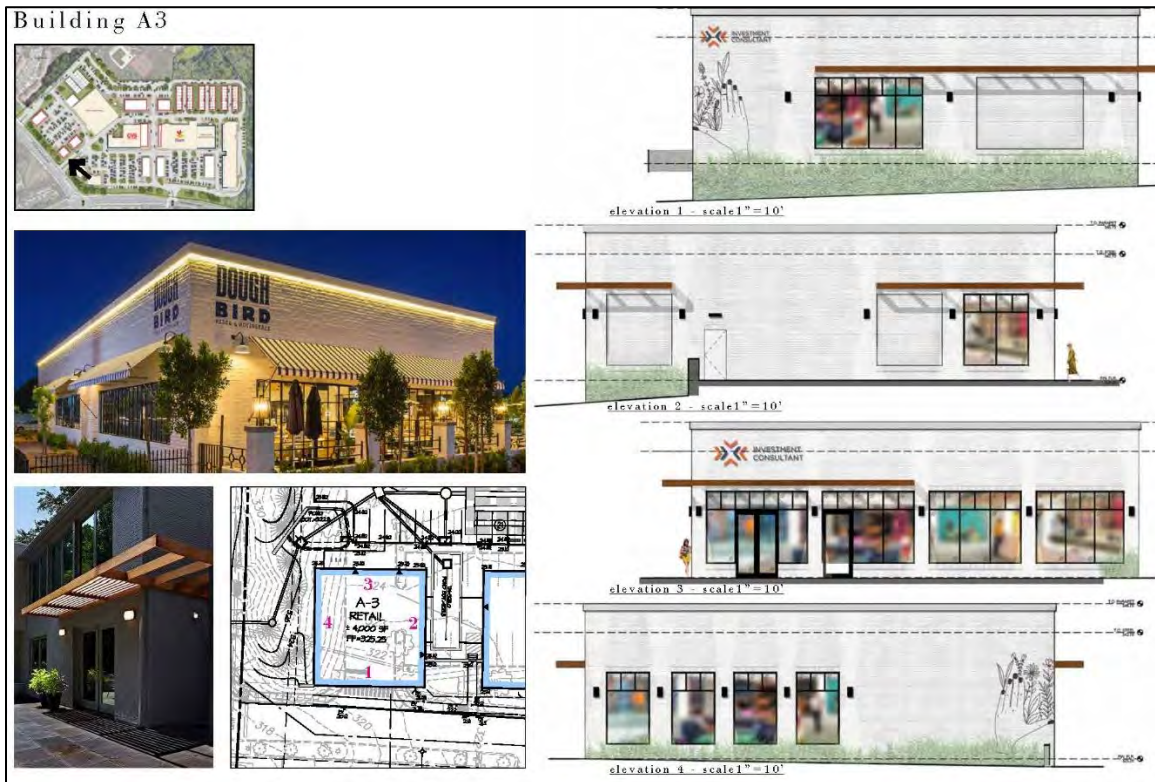


Figure 8 – Building A-3 Elevations





Figure 9 – Building A-4 Elevations

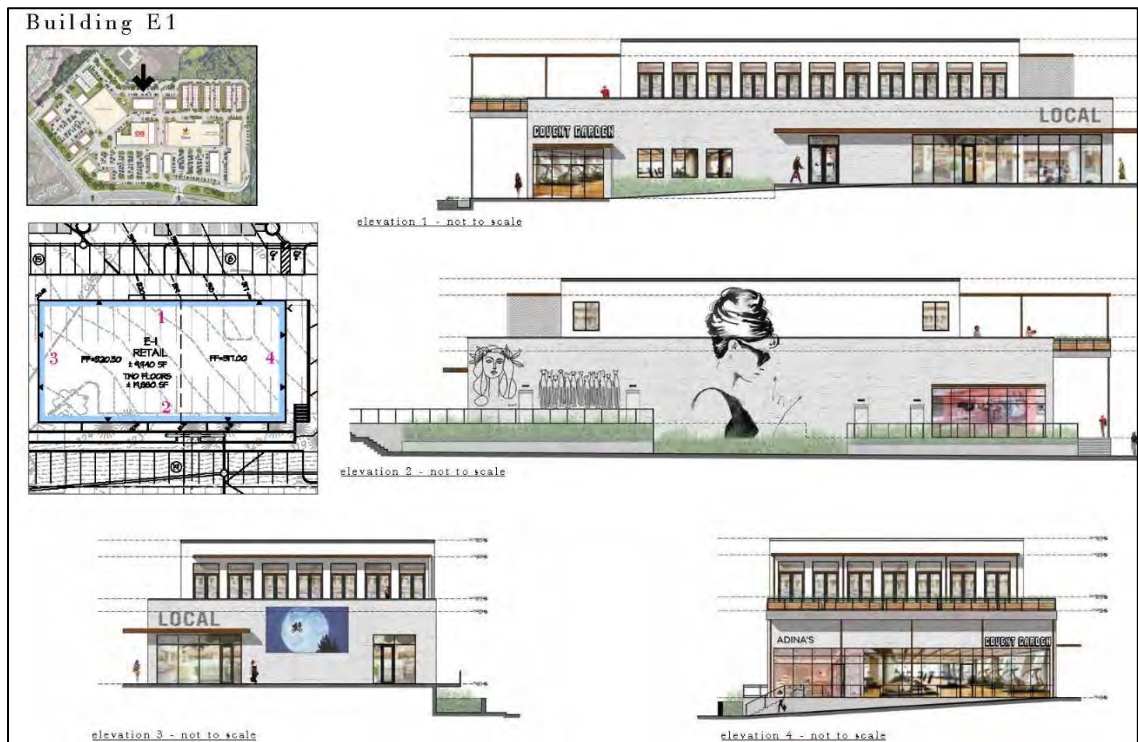


Figure 10 – Building E-1 Elevations



Figure 11 – Building E-2 Elevations



Figure 12 – Building E-3 Elevations



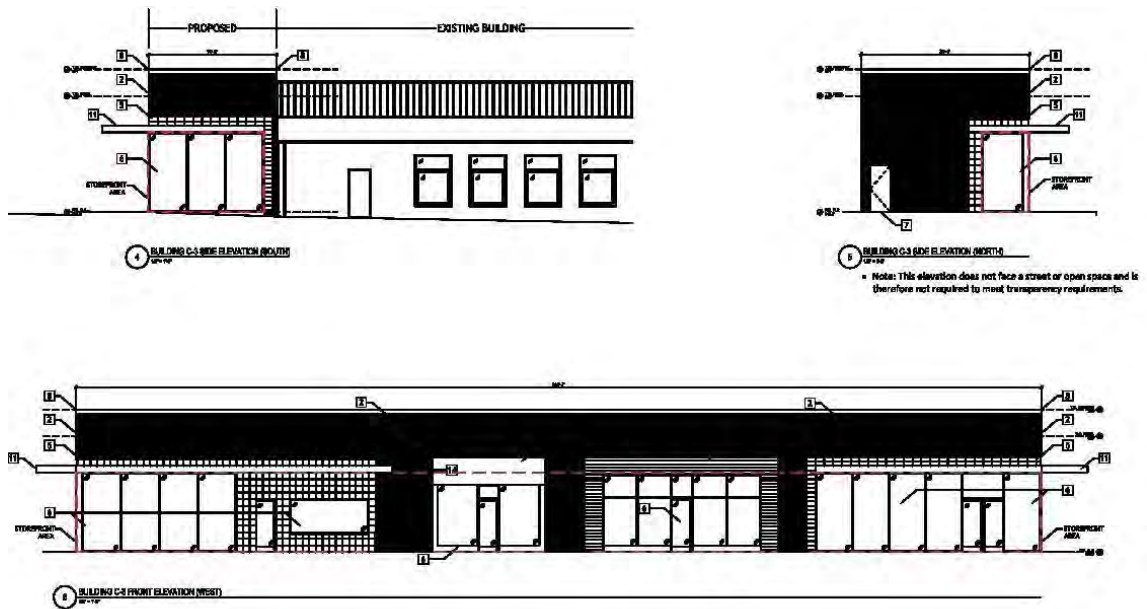


Figure 13 – Building C-3 Elevation

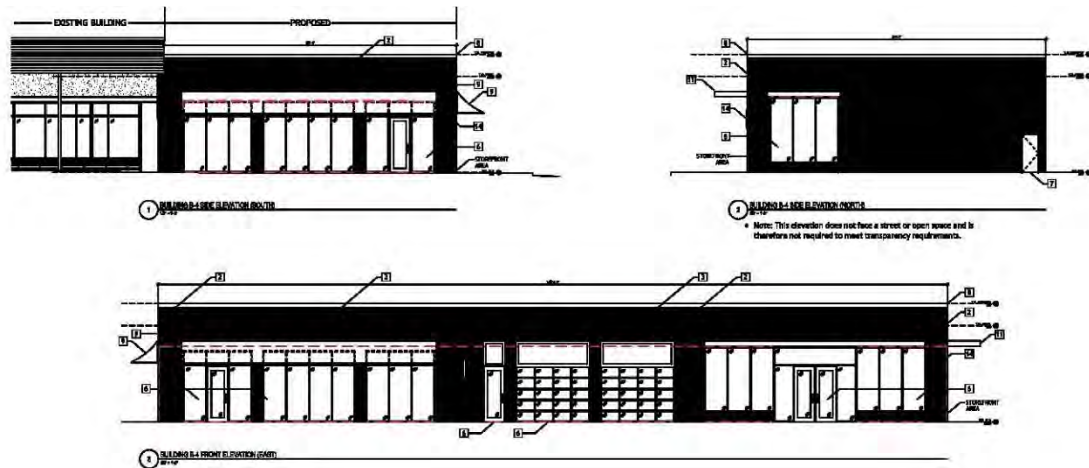


Figure 14 – Building B-4 Elevation



3 SIDE ELEVATION

Scale: 1/8" = 1'-0"  
TYPICAL AT LOTS 9, 24, 25, 40 & 41  
(LOT 8 SIMILAR w/OUT SIDE ENTRY)



2 SIDE ELEVATION

Scale: 1/8" = 1'-0"  
TYPICAL AT LOTS 1, 16, 17, 32, 33 & 48



1 FRONT ELEVATION

Scale: 1/8" = 1'-0"  
(LOT 8 SIMILAR w/OUT FRONT ENTRY)

Figure 15 – Typical Townhouse Elevation (Front and Sides)



1 FRONT ELEVATION

Scale: 1/8" = 1'-0"  
LOTS 41-48

Figure 16 – Front Elevations for Lots 41-48



## SECTION 4 – ANALYSIS AND FINDINGS - Site Plan No. 820190020

### Findings – Chapter 59

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

The approval findings only apply to the Subject Property (i.e. Site Plan area) being reviewed as part of this Application. Future phases within the Cabin John Village are not being reviewed as part of this Application, and the approval findings do not apply to them.

2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all conditions of Preliminary Plan No. 120180120 and Preliminary Forest Conservation Plan No. 120180120.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Site's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

#### Division 4.5. Commercial/Residential Zones

##### *Use and Development Standards*

The Subject Property is approximately 13.39 acres (of the 25.32 acres of total property) and zoned CRT-0.75, C-0.5, R-0.25, H-35 and R-90. The following table, Table 2, shows the project's conformance to the development standards of the zone including the development standards of Section 4.4 Residential Zones, Section 4.5. Commercial/Residential Zones, and Section 6.2 Parking. The portion of the Property zoned R-90 is not proposed to be developed and will be protected with a Category I Conservation Easement, therefore, the development standards are not applicable.

Pursuant to Section 59.4.5.3.B.2, the Applicant is requesting modifications to the Build-to-Area, Building Orientation, and Transparency requirements under Section 59.4.5.3.C. The Planning Board may modify the Build-to-Area, Building Orientation, and Transparency when the Board finds that (1) the Application deviates from the Build-to-Area only to the extent

necessary to accommodate the physical constraints of the site or proposed land use; and (2) incorporates design elements that engage the surrounding publicly assessable spaces such as streets, sidewalks, and parks.

### **Build-to-Area**

The Zoning Ordinance specifies that in the CRT zone a general building type must have a maximum side street setback of 20 feet with a minimum of 35% of the building façade in that setback.

#### *Building A-1*

Because of the Master Plan's desire to maintain the existing landscape buffer and berms along Seven Locks Road, the Build-to-Area setback from Seven Locks exceeds 20 feet to better conform to the Master Plan. The Build-to-Area setback also exceeds 20 feet along Seven Locks Road to accommodate a future 11-foot right-of-way dedication and utility easement.

#### *Building A-3*

Building A-3 is designed with an entrance which faces Building A-1 and the internal circulation of the shopping center. The Master Plan envisioned the existing landscape buffer and berm between the Property and Seven Locks Road. In order to conform to the Master Plan and accommodate future right-of-way dedication the proposed side street Build-to-Area setback exceeds the required 20 feet to accommodate the physical constraints of the Property originally implemented by the Master Plan.

### **Building Orientation**

The Zoning Ordinance requires buildings to face a public open space or street in the CRT zone.

#### *Building A-1*

Because the Master Plan vision for the Property along Sevens Locks Road desires to preserve the landscape buffers and berms between Seven Locks Road and shopping center, it drives the building orientation and design of the proposed buildings to turn inwards toward the internal sidewalks and activity of the shopping center rather than the frontage of the street blocked off by a berm and landscaping.

#### *Buildings A-3 and A-4*

These buildings are located along the entrance drive from Seven Locks Road where significant grades drive design realities. Because of the grades and physical constraints along the entrance drive, the front doors of the commercial buildings must face the parking area which serves Buildings A-1, A-3, and A-4. Orienting these buildings as shown will allow universal access to these buildings.

#### *Buildings B-4 and C-3*

Building B-4 and C-3 are located along the central private drive created as part of this Application. The front doors of these buildings face the private drive aisle which does not meet the technical standards to be classified as a street. However, in terms of form and function, this private drive aisle is a street which meets the intent the building orientation requirements. This private drive aisle includes parallel parking, landscaping, and sidewalks to create a mixed-use pedestrian oriented streetscape environment with the front doors of Building B-4 and C-3 opening directly onto it.

### **Transparency**

The Zoning Ordinance requires a general building type must meet a minimum of 25% transparency when facing a street or open space in the CRT zone.

#### ***Building A-1***

Because of the Master Plan guidance effecting the Build-to-Area and building orientation discussed above, the buildings aren't oriented to face the Seven Locks or Coddle Harbor Lane. In order to allow this building to have space for "back of house" functions, the Applicant is requesting a minimum of 15% transparency rather than 25%. While the transparency will be reduced, Building A-1 will still have a design with four-sided architecture with murals and landscaping to break up the façade (Figure 7).

#### ***Buildings A-3 and A-4***

Similar to constraints facing Building A-1 discussed above, the modifications to the Build-to-Area and building orientation, the necessity for this buildings to have "back to house" functions such as restrooms, storage, and kitchen space, the building elevation facing the drive entrance is proposed to reduce transparency from 25% to 15% along the side and rear facades while enhancing these facades with murals and landscaping to help breakup the façade will elements creating visual interest (Figures 8 and 9).

<b>TABLE 2 - Section 4.5 Zoning Data Table: CRT-0.75, C-0.5, R-0.25, H-35</b>		
<b><u>Standard Method Development Standards</u></b>	<b><u>Required</u></b>	<b><u>Provided</u></b>
<b>1. Site</b>		
<b>Open Space (min)</b>		
Open Space, tract > 10,000 sq. ft.	Townhouse = 10% General = 10%	Townhouse = 11.7% General = 12.9% or greater
<b>2. Lot and Density</b>		
<b>Lot (min)</b>		
Lot Area	Townhouse = 800 sq. ft. General = N/A	Townhouse = 800 sq. ft. General = N/A
Lot width at front building line	Townhouse = 12 feet General = N/A	Townhouse = 12 feet General = N/A
Lot width at front lot line	Townhouse = N/A General = N/A	Townhouse = N/A General = N/A
<b>Density (max)</b>		
CRT Density, FAR	Residential = 0.25 FAR Commercial = 0.5 FAR Total FAR = 0.75 FAR	Residential = 0.12 FAR Commercial = 0.26 FAR Total FAR = 0.49 FAR
<b>Coverage</b>		
Lot	N/A	N/A
<b>3. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback	Townhouse = 5 feet	Townhouse = 5 feet

<b>TABLE 2 - Section 4.5 Zoning Data Table: CRT-0.75, C-0.5, R-0.25, H-35</b>		
<u>Standard Method Development Standards</u>	<u>Required</u>	<u>Provided</u>
	General = 0 feet	General = 0 feet
Side street sideback	Townhouse = 5 feet General = 0 feet	Townhouse = 5 feet General = 0 feet
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	Townhouse = 4 feet General = 12 feet	Townhouse = N/A General = 12 feet
Side sideback, abutting all other zones	Townhouse = N/A General = 0 feet	Townhouse = N/A General = 0 feet
Side setback, end unit	Townhouse = 2 feet General = N/A	Townhouse = 2 feet General = N/A
Side setback between lot and site boundary	Townhouse = 4 feet General = N/A	Townhouse = 4 feet General = N/A
Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone	Townhouse = 10 feet General = 30 feet	Townhouse = N/A General = N/A
Rear setback, abutting all other zones	Townhouse = 10 feet General = 0 feet	Townhouse = N/A General = 0 feet
Rear setback alley	Townhouse = 4 feet General = 4 feet	Townhouse = 4 feet General = 4 feet
Rear setback between lot and site boundary	Townhouse = 5 feet General = N/A	Townhouse = 5 feet General = N/A
<b>Accessory Structure Setbacks (min)</b>		
No accessory structures are proposed. Any future accessory structures will have to meet current zoning requirements		
<b>Parking Setbacks for Surface Parking Lots (min)</b>		
Front setback	Townhouse = 0 feet General = must be behind front building line of the building in the BTA	Townhouse = N/A
Side street setback	Townhouse = 0 feet General = must be behind front building line of the building in the BTA	Townhouse = N/A General = shall be behind the BTA
Side setback	Townhouse = 0 feet General = must be behind front building line of the building in the BTA	Townhouse = N/A General = shall be behind the BTA

<b>TABLE 2 - Section 4.5 Zoning Data Table: CRT-0.75, C-0.5, R-0.25, H-35</b>		
<u>Standard Method Development Standards</u>	<u>Required</u>	<u>Provided</u>
Rear setback	Townhouse = 0 feet General = must be behind front building line of the building in the BTA	Townhouse = N/A General = shall be behind the BTA
Rear setback, alley	Townhouse = N/A General = 0 feet	Townhouse = N/A General = 0 feet
<b>3. Placement</b>	Entrance Facing Street or Open Space	Provided
<b>Building-to-Area (BTA, max setback and min % or building façade)</b>		
Front setback	Townhouse = 15 feet max. General = 20 feet max.	Townhouse = 15 feet General = N/A
Building in front street BTA	Townhouse = 70% min. General = N/A	Townhouse = 70% min. General = N/A
Side street setback	Townhouse = N/A General = 20 feet max.	Townhouse = N/A General = 20 feet <sup>4</sup>
Building in side street BTA	Townhouse = N/A General = 35% min.	Townhouse = N/A General = 35% <sup>5</sup>
<b>4. Height</b>		
Principal Building	35 feet	35 feet max <sup>6</sup>
Accessory structure	Townhouse = 25 feet General = Mapped and Section 4.1.8.B	N/A
<b>5. Form</b>		
<b>Massing</b>		
Units Permitted in one row	Townhouse = 12 General = N/A	Townhouse = 8 General = N/A
<b>Building Orientation</b>		
Entrance facing street or open space	Townhouse = Required General = Required	Provided – As shown <sup>7</sup>
Entrance spacing (max)	Townhouse = N/A General = 100 feet	Townhouse = N/A General = 100-foot min.
<b>Transparency, for Walls Facing a Street or Open Street</b>		
Ground story, front (min)	Townhouse = N/A General = 40%	Townhouse = N/A

<sup>4</sup> Per Section 59.4.5.3.B.2, the Applicant requests a modification to Build-to-Area for Bldg. A-1 & A-3

<sup>5</sup> Per Section 59.4.5.3.B.2, the Applicant requests a modification to Build-to-Area for Bldg. A-1 & A-3

<sup>6</sup> Building Height Averaging, per Section 4.5.2.D.2.d

<sup>7</sup> Per Section 59.4.5.3.B.2, the Applicant requests a modification to building orientation for Bldg. A-1, A-3, A-4, B-4 & C-3

<b>TABLE 2 - Section 4.5 Zoning Data Table: CRT-0.75, C-0.5, R-0.25, H-35</b>		
<u>Standard Method Development Standards</u>	<u>Required</u>	<u>Provided</u>
		General = 40% (See Arch. Plans)
Ground story, side/rear (min)	Townhouse = N/A General = 25%	Townhouse = N/A General = 25% <sup>8</sup>
Upper story (min)	Townhouse = N/A General = 20%	Townhouse = N/A General = 20% (See Arch. Plans)
Blank wall, front (max)	Townhouse = 35 feet General = 35 feet	Townhouse = 35 feet General = 35 feet (See Arch. Plans)
Blank wall, side/rear (max)	Townhouse = 35 feet General = 35 feet	Townhouse = 35 feet General = 35 feet (See Arch. Plans)
<b>Section 6.2 Parking</b>		
Vehicle Spaces for <i>proposed</i> commercial square footage - Retail (18,830 SF) - Restaurant (25,764 SF) - Total	66-113 Spaces 62-186 Spaces 128 – 299 Spaces	128 – 299 space range
Vehicle Parking for <i>existing</i> commercial square footage - Retail (54,345 SF) - Restaurant (20,000 SF) - Office (18,000 SF) - Total Parking	191-327 Spaces 48-144 Spaces 36-54 Spaces 275-525 Spaces	275 – 525 space range
Total Vehicle Parking for Existing and Proposed Commercial	403-824 Sp.	425 Sp.
Total Vehicle Parking for Proposed Residential	48-96 Sp.	96 sp.
Total Vehicle Parking (Proposed and Existing)	451-920 Sp.	521 Sp.
Bicycle Parking	Long Term = 8 Short Term 9	Long Term = 8 Short Term = 16
Motorcycle Parking	10	10
Car Share Parking	5	5

*Use Standards 59.3.5.11.B*

The proposed use of a Retail/Service Establishment (120,001 SF and Over) is identified as a limited use in the CRT zone and is subject to the following specific use standards.

<sup>8</sup> Per Section 59.4.5.3.B.2, the Applicant requests a modification to transparency for Bldg. A-1, A-3 & A-4

*Section 59.3.5.11.B.2.a.iii - In the CRT, GR, and NR zones, if the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.*

The Subject Property is located in the CRT and does abut or confront a property zoned Residential Detached (R-90) to the northwest and northeast. This Application meets the requirements of this section in the review of a site plan.

*Use Standards 59.3.5.3.B*

The proposed use of Restaurant is identified as a permitted use in the CRT zone, and is subject to no specific use standards in the zone.

*Use Standard 59.3.3.1.D*

The proposed use of Townhouse Living is identified as a permitted use in the CRT zone, and is not subject to any specific use standards in the zone.

Division 6 – General Development Standards

*i. Division 6.1. Site Access*

Access to the development is adequate for 48 attached one-family dwelling units and a 28,994 net increase in commercial square footage (44,594 new square footage and 15,600 square feet of commercial square footage to be demolished). Access will remain adequate when combined with the existing 240,915 square feet of commercial development. Vehicle, bicycle and pedestrian access to the Subject Property is provided at two locations within the Site Plan limits and one point outside the Site Plan limits but still within the existing shopping center. The primary access within the Site Plan for commercial use is located on Seven Locks Road. This access point brings visitors to the Subject Property into the central portion of the commercial area on the Property. The second access point in the Site Plan area is also located on Seven Locks Road to the north of the primary commercial access point, also known as Coddle Harbor Lane. This access point is the primary access for the Inverness Community and the future one-family attached dwelling units but also provides access to the commercial use via internal circulation systems. A secondary access point is located outside of the Site Plan area on Tuckerman Lane which is signalized. This access point provides the central north-south access to the Subject Property.

All three access points include sidewalks which connect to existing and, to be enhanced pedestrian infrastructure, in the public right-of-way along Seven Locks Road and Tuckerman Lane. These sidewalks allow pedestrians and bicyclists to safely access all portions of the Subject Property.

None of the access points are specifically reserved for a specific land use. Once any user accesses the Property, the internal circulation will enable access to the residential or commercial areas.

ii. *Division 6.2. Parking, Queuing, and Loading*

Vehicle Parking

The Site Plan provides adequate parking to serve the proposed Application. The Subject Property is located in a Reduced Parking Area because it is zoned CRT based on the definition of a Reduced Parking Area in Section 59.1.4.2. Vehicle parking in the CRT Zone, based on a minimum and a maximum for a Reduced Parking Area, is adequate as demonstrated in Table 2.

The Application provides 521 vehicle spaces to accommodate the existing and proposed development within the limits of the Site Plan area, which are within the range of required vehicle parking established by the Zoning Ordinance for a property located a Reduced Parking Area. The Application also meets the requirements for electric vehicle charging stations, car share parking, motorcycle parking, and handicapped parking.

Bicycle Parking

The Application provides the required amount of short and long-term parking for bicycles. The Application is required to provide a minimum of eight long-term bicycle parking spaces and 9 short-term bicycle parking spaces. The Application provides eight long-term spaces and 16 short-term spaces. The long-term bicycle parking spaces utilize bike lockers located between the existing two-story retail/office building and the townhouses. A second set of lockers is located adjacent to the existing Mall building on the northwest corner. Short-term bicycle parking spaces are spread throughout the Subject Property.



Figure 17 – Bike Locker Detail



Figure 18 – Bike Shelter Detail

Queuing

There is no drive-thru within the limits of the Site Plan which requires queuing. Therefore, this finding does not apply.

Loading

Section 6.2.8.B.3 of the Zoning Ordinance requires that retail areas with more than 15,001 square feet and less than 50,000 square feet, provide one loading space with a minimum dimension of 10' wide x 30' long. With a net increase of approximately 29,000 square feet of retail development, the Applicant is required to provide one loading space. This



loading space will be provided south of Building E-1, near the current loading and trash area for the existing CVS. The Applicant proposes that this loading area be signed to allow two parallel parking spaces during non-loading hours. In light of the fact that deliveries will not be scheduled during peak retail hours, this arrangement is acceptable. The Applicant is also proposing to sign various parallel and perpendicular spaces with loading zone signs for certain times of the day to allow for deliveries because the Application includes multiple retail buildings in at least two distinct areas of the project.

iii. Division 6.3. Open Space and Recreation

The Site Plan meets the requirements of Division 6.3, Open Space and Recreation. The Site Plan requires two types of Open Space: Common Open Space and Public Open Space. Based on building type in Division 6.3 of the Zoning Ordinance, the attached one-family residential dwelling units require 10% Common Open Space to be provided in the CRT zone. The General building type utilized in the commercial sections of the Site Plan requires 10% of Public Open Space in the CRT zone.

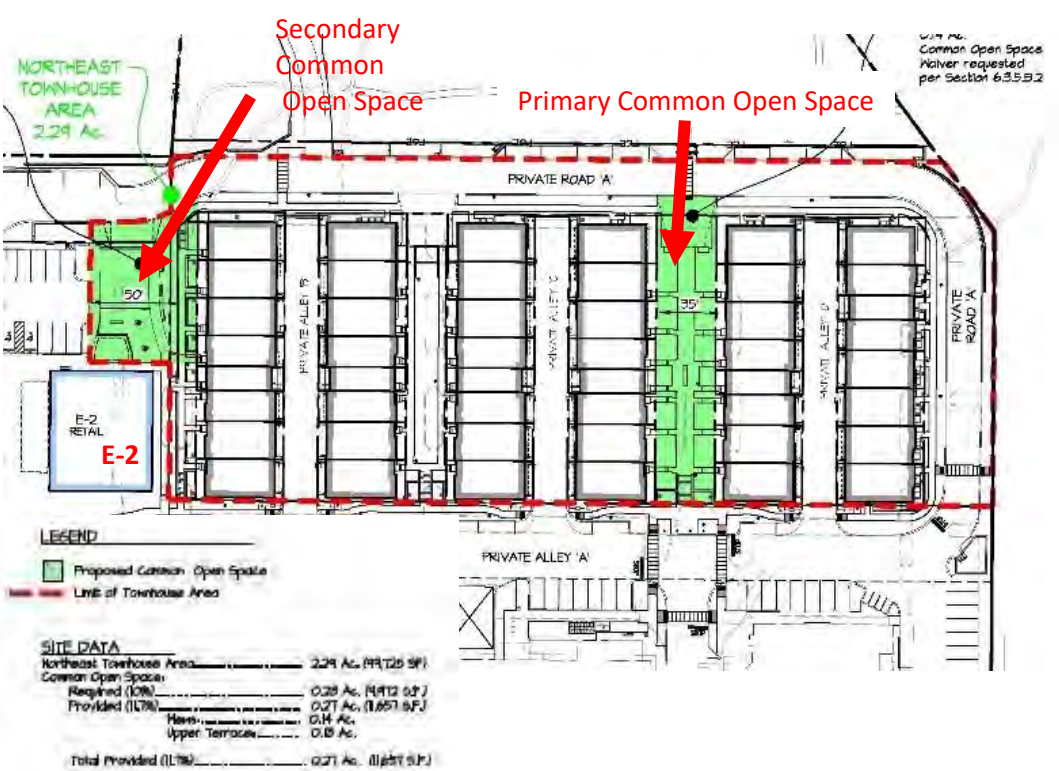


Figure 19 – Common Open Space - Townhouse Area

Common Open Space

Common Open Space is intended for recreational use by residents of the townhouse portion of the Application and should be located in a centralized location bordered by buildings or roads, or located to take advantage of existing natural features. Applicants must provide a minimum of 10% of the Subject Property as Common Open Space. Because the Subject Property is a designed as a mixed-use development, the calculation

for Common Open Space is based on delineating the residential area vs commercial area (Figure 19). In this case, the residential area encompasses 2.29 acres (99,725 sq. ft.). Based on this size residential area, the Site Plan identifies 11.7% (11,657 sq. ft.) of the total residential area as Common Open Space, which is located in two areas. First, the main Common Open Space (shown below) is a centralized Mews which provides a mid-block pedestrian connection between the commercial portion of the Subject Property and a natural area adjacent to Cabin John Regional Park. In addition, this Common Open Space provides a gathering space for neighbors with landscaping, outdoor seating, and shade.

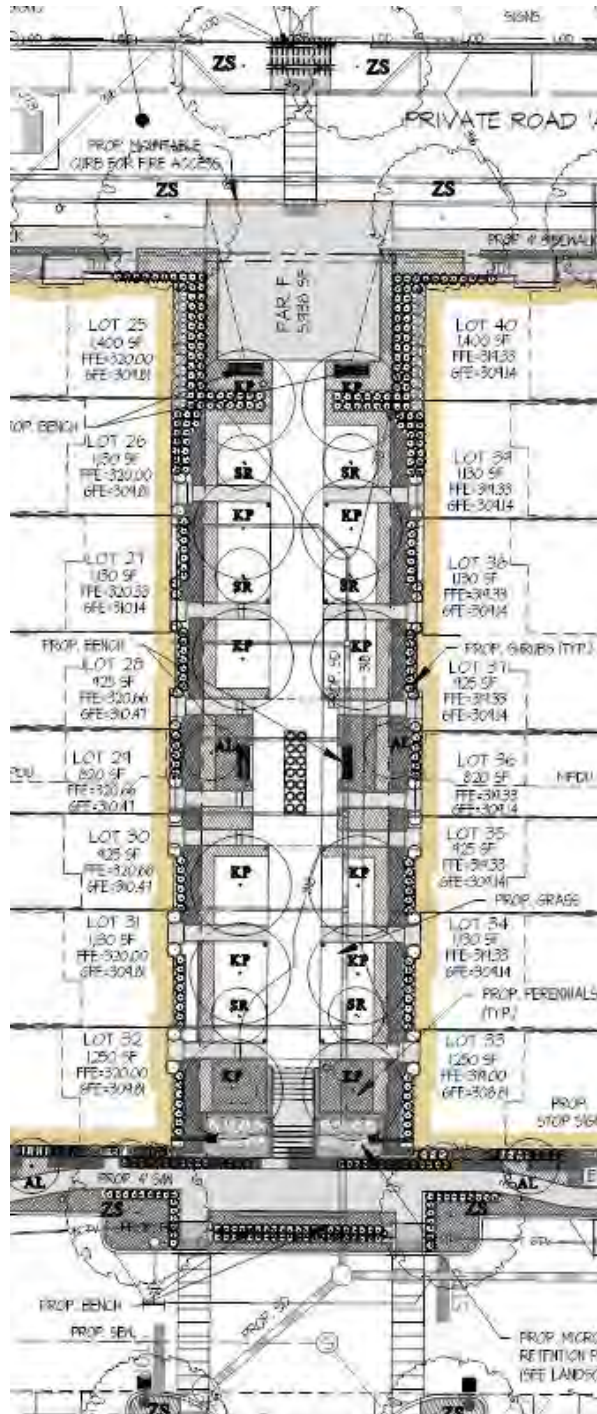


Figure 20 – Common Open Space – Mews

#### Common Open Space Width Exception under Section 6.3.5.B.2

The minimum width for any Common Open Space is 50 feet according to Section 6.3.5.B.2. The centralized Mews is 35 feet in width and, thus, does not meet the minimum standard. However, Section 6.3.5.B.2 of the Zoning Ordinance allows the Planning Board to grant an exception for a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3. This Mews area qualifies for this exception because it provides an important mid-block crossing that links the commercial and residential land uses with recreational opportunities. Staff supports the granting of this exception based on the intent of Common Open Space and the functionality that the Mews provides.

The second area of Common Open Space (shown below) is located on the west side of the attached one-family residential area (Figure 20). This area meets the minimum width requirements to be considered Common Open Space. This space features a flexible seating area, a lawn area, benches, and playground equipment such as a balance beam

and other pieces of playground equipment. In addition, due to the location of this Common Open Space, it acts as a transitional gathering space between commercial uses, especially Building E-2, and the attached one-family residential housing. Furthermore, the mural which will wrap around the portions of the north, east, and south facades of Building E-2 (Figure 11) will help activate the space.

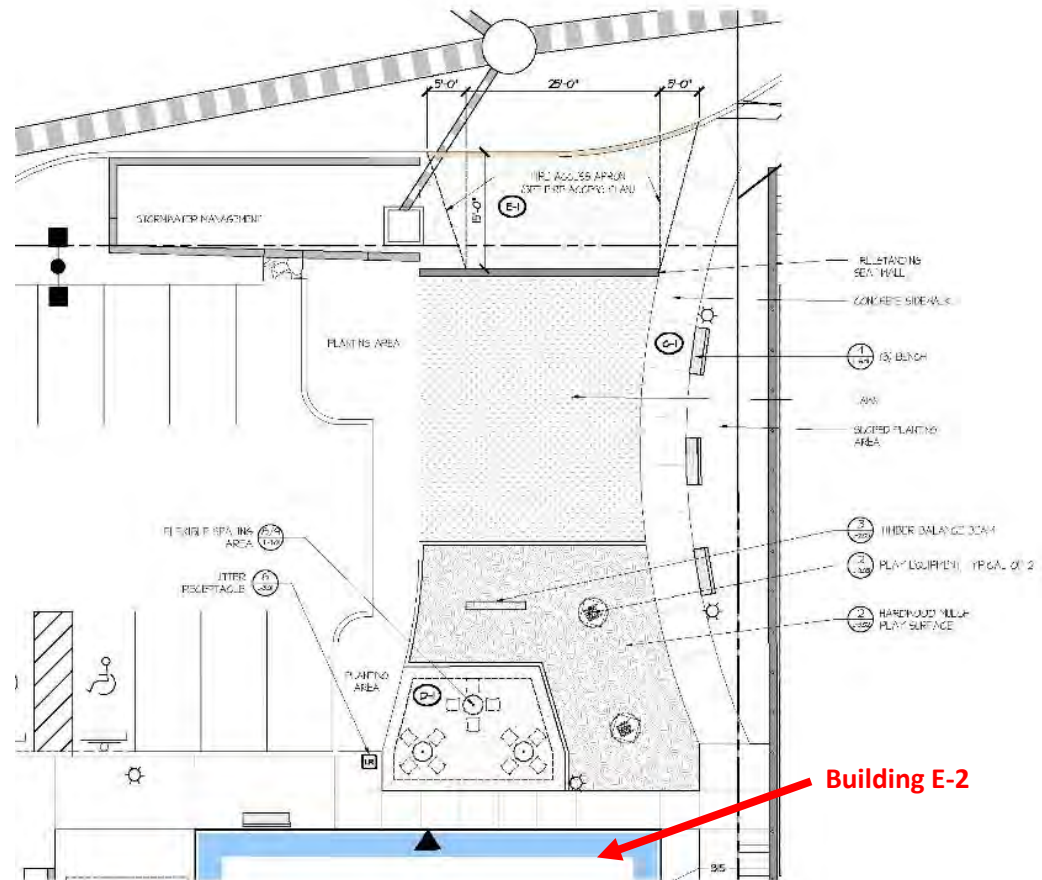


Figure 21 – Common Open Space – Playground Area

#### Public Open Space

The Site Plan provides the required amount of Public Open Space for the General building type in the CRT zone. Public Open Space is intended to be space “devoted to public use or enjoyment that attracts public appreciation due to its location and amenities” per Section 6.3.5.A.2. The Public Open Space primarily consists of multiple small gathering spaces throughout the commercial portion of the Site Plan.



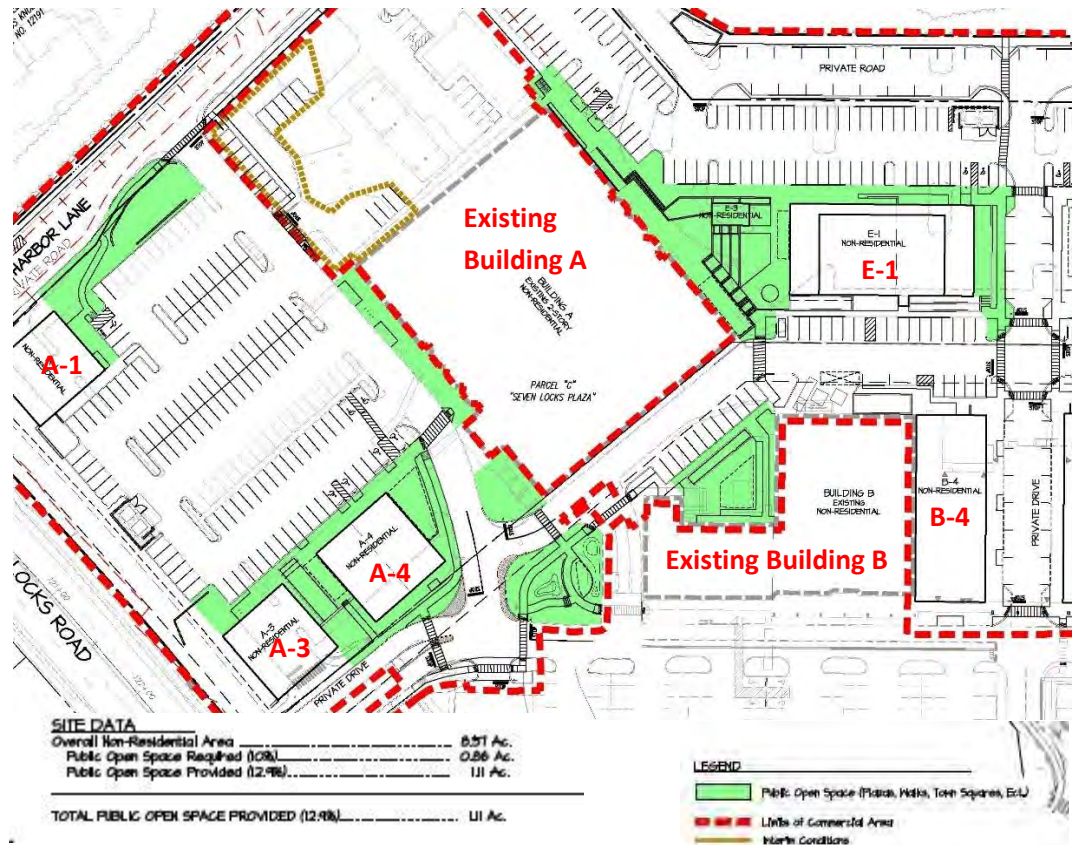


Figure 22 – Overall Public Open Space

The first and most centralized space is located at the main intersection of the Site Plan between existing Building A (“Mall”), Building B, and proposed Building A-4 (Figure 22).

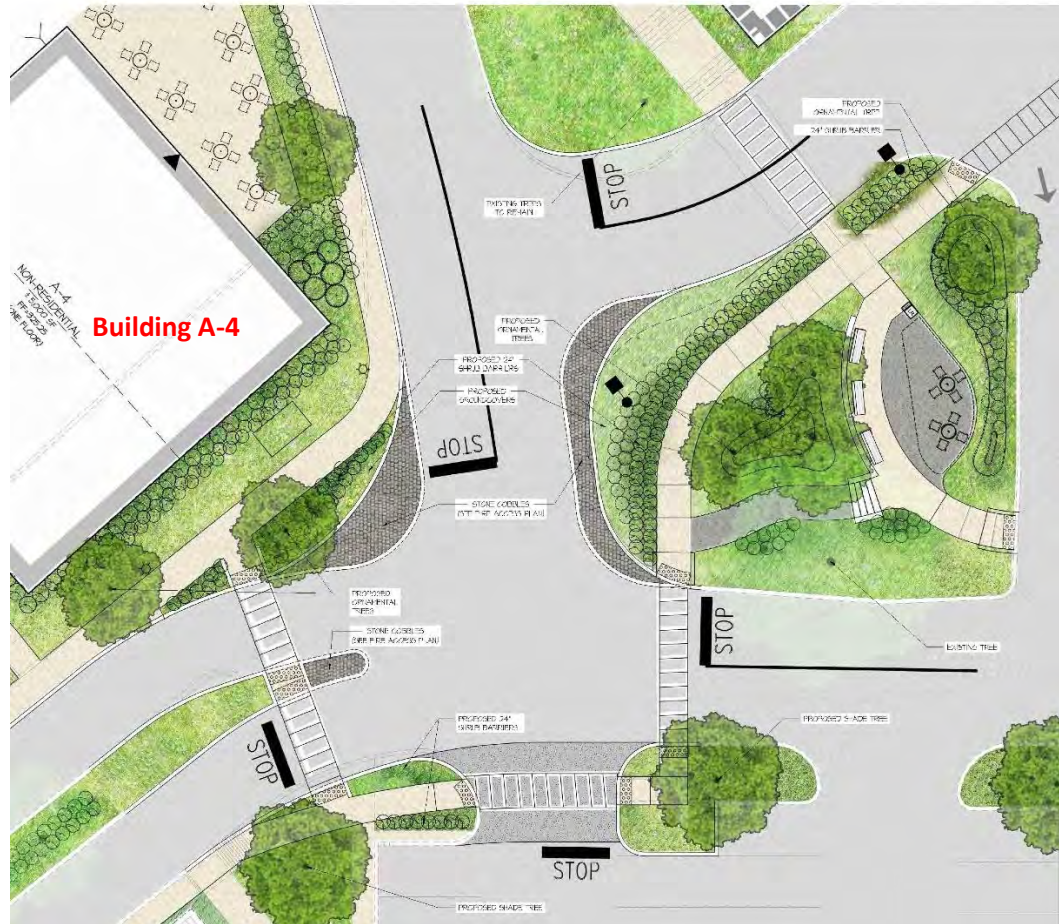


Figure 23 – Public Open Space – Centralized Open Space

This area of Public Open Space, depicted above in the Figure 23, is prominently located at the intersection of the main access roads to the shopping center and safely accommodates pedestrian circulation between the existing buildings in the shopping center (Building A, Building B, and Building C) and the new buildings proposed in this Site Plan (Building A-1, Building A-3, and Building A-4 near Seven Locks Road). The Public Open Space also includes a seating area with tables, chairs, and benches, which is adequately buffered from the surrounding access roads with landscaping.

The second Public Open Space is located between the existing Mall building (Building A) and proposed building E-1. This open space efficiently responds to the existing grade drop by integrating a series of landscaped terraces (Figure 24), a grand staircase, and an overlook with outdoor dining on the existing Mall building. The open space is adequately framed with Building E-3 on the northern edge. Throughout, the space features benches and flexible seating areas.

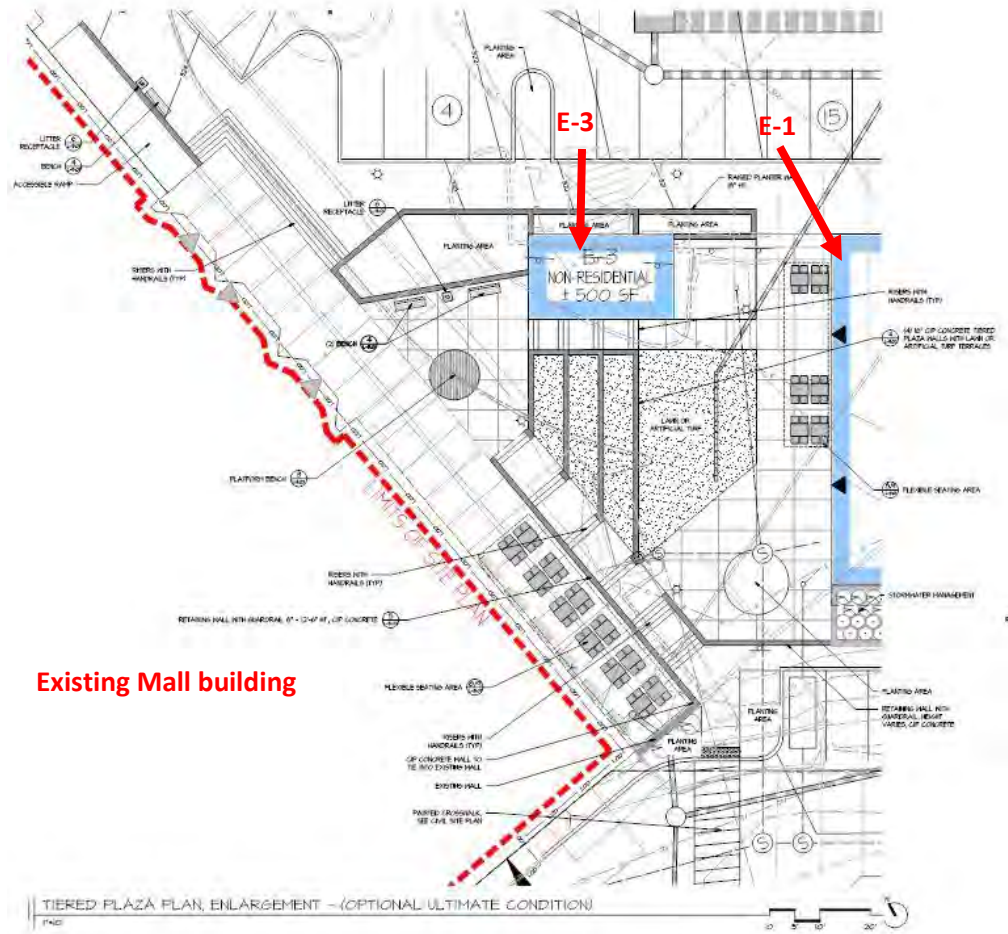


Figure 24 – Public Open Space – Between Mall Building and Building E-1





Figure 25 – Tiered Plaza Example

The third Public Open Space (Figure 26) primarily consists of outdoor dining areas surrounding Buildings A-3 and A-4 and associated sidewalk space to provide adequate pedestrian connectivity. Under Section 6.3.6.A.3.b of the Zoning Ordinance allows for up to 5% of the Public Open Space to be utilized for outdoor café areas.

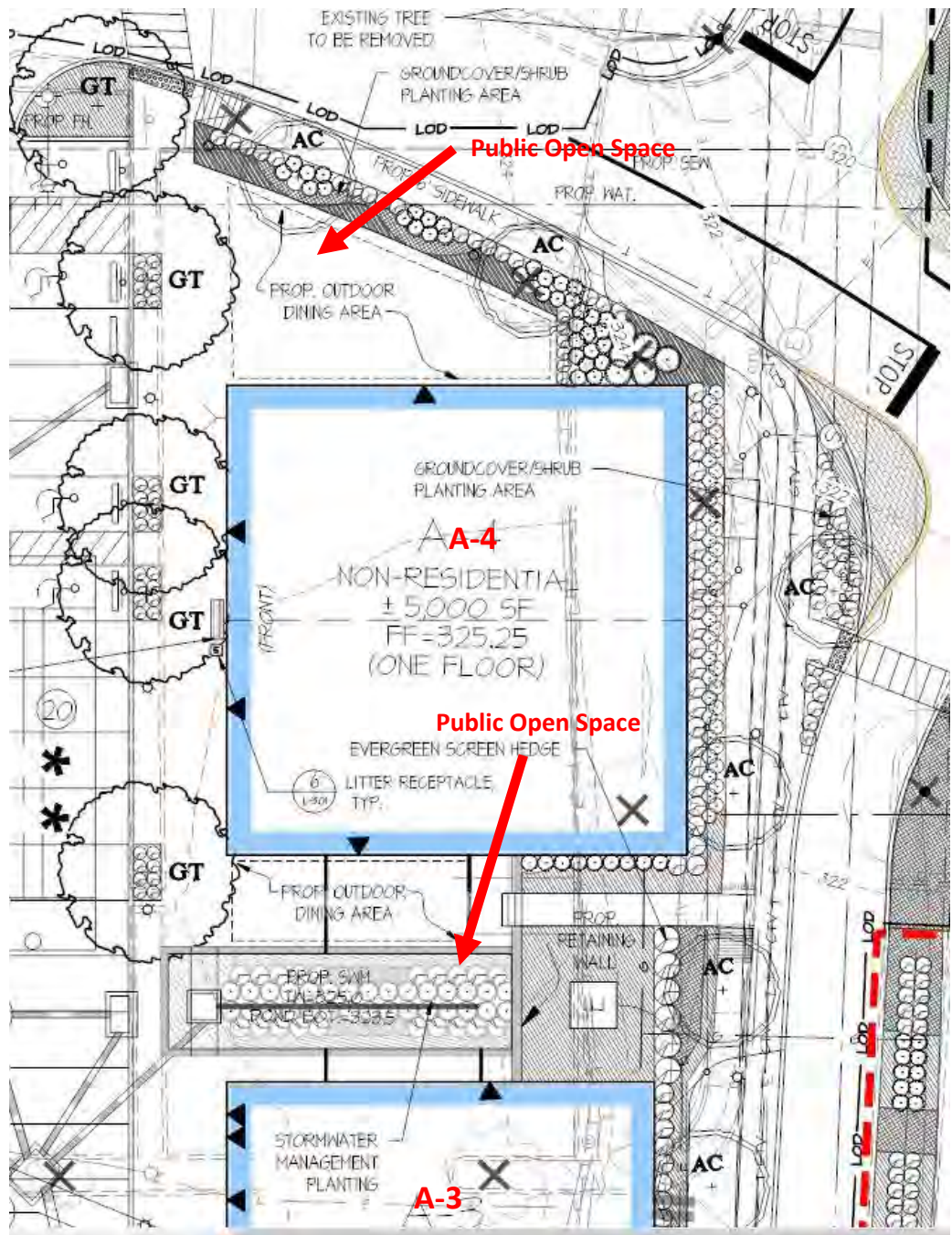


Figure 26 – Public Open Space – Public Open Space between Building A-3 and A-4

#### Recreation Guidelines

The Montgomery County Zoning Ordinance requires the development of property with more than 19 residential units to meet the point-measurements established in the 2017 Montgomery County Recreation Guidelines. As a Site Plan proposing 48 attached one-family dwelling units, the Application is subject to the Recreation Guidelines.

As shown in Attachment 5, the Demand, Supply, and Adequacy Report for recreation is adequate at all six age levels. The Applicant proposes to create a trail system in the



forested area on the north side of the Property as well as connecting this system to the trail system in Cabin John Regional Park. Other recreation points proposed include bikeways, natural area, through-block connection, picnic/seating areas, and a bicycle maintenance station located next to long-term bicycle parking lockers.

The Subject Property is directly adjacent to the Cabin John Regional Park. As such, the Application is getting off-site credit for the trail system and signification natural areas within the park.



Figure 27 – Recreation

iv. Division 6.4. General Landscaping and Outdoor Lighting

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The landscaping provided serves a range of different functions. Most significantly, it reinforces the new grid of inter-connected streets by including large canopy shade trees as part of the new streetscape treatment. The landscaping adequately reinforces the pedestrian scale and promotes walkability. Also, landscaping is included in parking lots as “tree islands” between every dozen parking spaces along the driving aisle (Figure 29). This landscaping efficiently provides canopy coverage and shade, breaks up the parking areas visually, and reduces the perception that the parking lots are a vehicle dominated environment.

The open spaces have a variety of trees and shrubs planted throughout to enhance livability, attractiveness, and promote pedestrian scale. Additional trees and shrubs will be planted along the perimeter of the Site Plan area abutting adjunct properties to enhance buffering, screen, and compatibility.

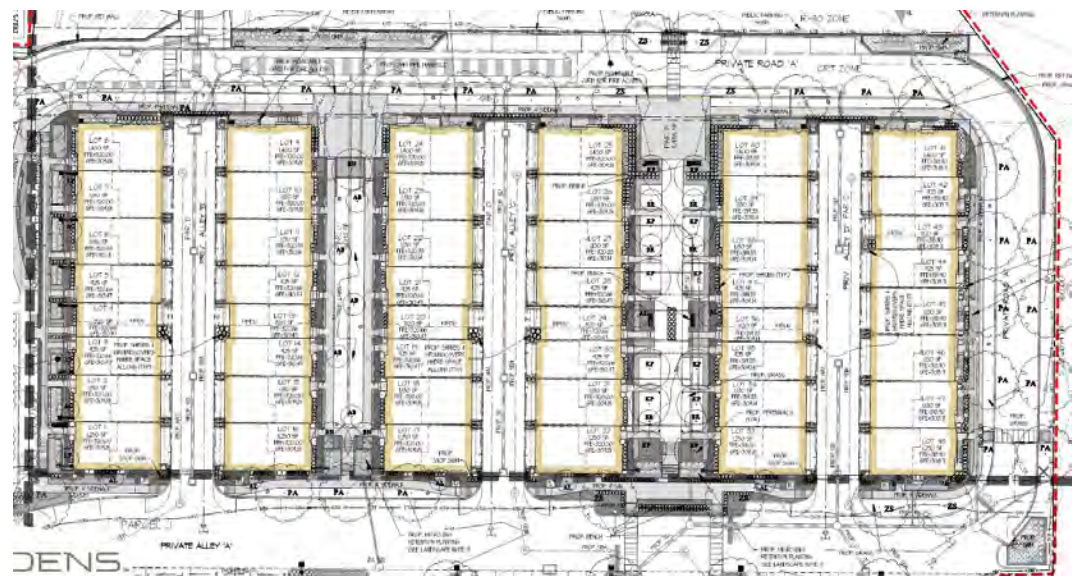


Figure 28 – Landscaping Around Townhouses



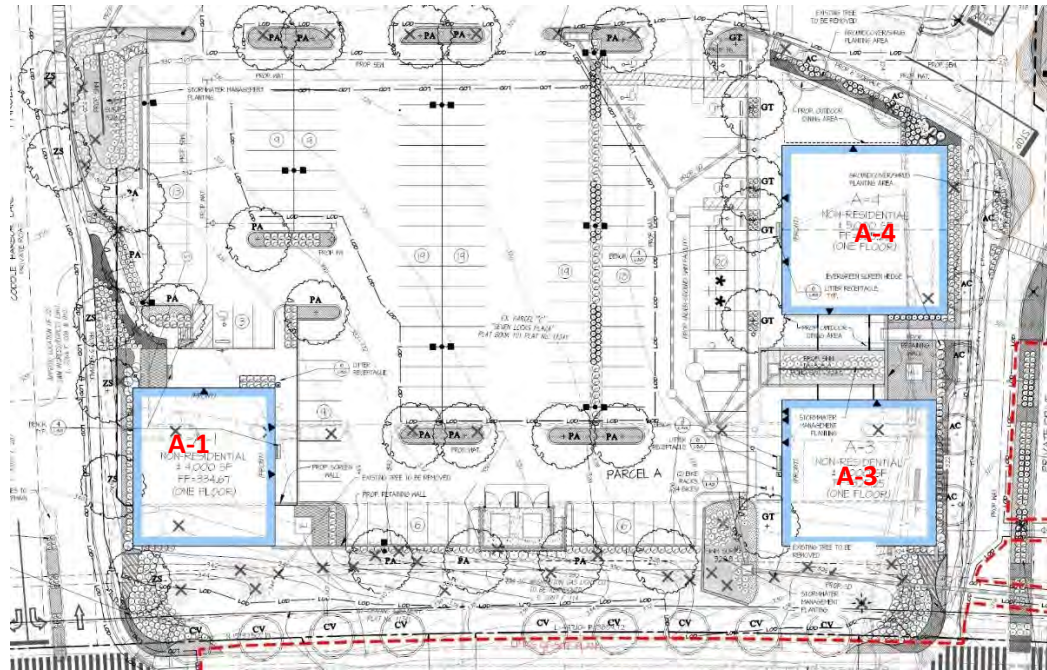


Figure 29 – Landscaping for “A” Buildings and Associated Parking Areas

The lighting plan provides adequate illumination to ensure safety for visitors and residents. Lighting is provided primarily with 12 to 14-foot-tall pole mounted flood lights along private streets, driving aisles, parking areas, and walkways to illuminate the vehicle and primary pedestrian environment. In the parking area along Seven Locks Road 25-foot tall pole mounted flood lights are used to light the parking lot between buildings A-1, A-3, and A-4. Lighting in the Common Open Space, Public Open Space and the pathways around the building are designed at a more pedestrian scale with 2 to 6-foot-tall LED bollards. These bollards are included in the Mews connecting the commercial portion through the townhouses. Where necessary, especially in the playground area, some 12-foot tall pole lighting is used to augment lighting in these high use areas. Alleyways within the townhouses are lit using wall mounted lights. The light levels at the Subject Property boundary adjacent to residential areas are at or under the 0.5 footcandle maximum allowed.

#### *Division 6.5. Screening Requirements*

The Site Plan is not required to provided screening due to the types of abutting building types on surrounding properties. The Application proposes Retail/Service Establishments and Restaurant uses in the CRT Zone, and the abutting building type is Residential Multi-Unit (northwest corner of Subject Property) in the RT-15.0 zone. On the north property boundary, the Application proposes Retail/Service Establishments and Restaurant uses in the CRT zone which abuts properties in the R-90 with abutting building types of General (Inverness Clubhouse, swimming pool, and tennis courts). All surrounding properties are buffered by private streets on the Subject Property. Based on the table of screening requirements for abutting zones in Division 6.5.2.C.2, screening is not required in the northwest corner of the Subject Property between a General building type and adjacent residential dwellings in a Residential Multi-Unit building in the RT-15.0 zone. On the north boundary, screening is not required between the Inverness Clubhouse as a General

Building abutting another General building. The townhouses in the Inverness community to the north are already screened and buffered by the forested area on the Subject Property in the R-90 zone.

*e. satisfies the applicable requirements of:*

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on December 31, 2018 (Attachment 9). The Application will meet stormwater management goals through the use of ESD and structural methods.

ii. Chapter 22A, Forest Conservation.

**Forest Conservation Plan**

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420171210 for the Property was approved on December 13, 2017. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property contains approximately 1.86 acres of forest, including approximately 0.39 acres of forested stream valley buffer. There is one tributary stream to Cabin John Creek that originates below the on-site stormwater management pond in the northeastern corner of the Property. This stream flows off-site onto the adjacent Cabin John Regional Park. An off-site stream exists east of the southeastern corner of the Property, and the buffer associated with this stream is on-site. A total of 1.13 acres of stream buffer exists on the Property, 0.39 acres of which is forested. The remainder of the stream buffer includes an existing stormwater management pond in the northeast corner and existing development and related slope and storm drain easements in the southeastern corner of the Property. Approximately 0.02 acres of non-forested wetlands were identified around the perimeter of the existing stormwater management pond in the northeastern portion of the Property. The Property does not contain any 100-year floodplain or highly erodible soils. Steep slopes ( $\geq 25\%$ ) are located within the slope easement adjacent to Tuckerman Lane and in the southeastern corner of the Property. There are 97 trees greater than or equal to 24" Diameter at Breast Height (DBH) that were identified on or adjacent to the Subject Property, 17 of which are 30" DBH and greater. The Property is not located within a Special Protection Area.

Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law, including the tree variance. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary Forest Conservation Plan for the project was approved with the Preliminary Plan, and a Final Forest Conservation Plan ("FCP"), consistent with the approved Preliminary Forest Conservation Plan, was submitted with the Site Plan (Attachment 3). The net tract area for forest conservation is 12.76 acres, which excludes 13.10 acres previously covered under the approved Forest Conservation Plan for

Parcel 'D' as part of Administrative Subdivision Plan 62017050, and 0.07 of land located within existing storm drain, slope and stormwater management easements. Approximately 0.61 acres that will be disturbed to construct required off-site improvements along Tuckerman Lane is included in the net tract area. After deducting the forest located on the 13.17 acres of land deducted from the net tract area, the FCP includes 1.66 acres of existing forest located within and adjacent to the stream valley buffers. The Application proposes to retain 1.21 acres and remove 0.45 acres of forest. The retained forest will be protected in a Category I conservation easement but will allow for a proposed natural surface trail within the easement that connects to the trail system on the adjacent Cabin John Regional Park. The proposed forest clearing generates a reforestation requirement of 0.90 acres, and there is an additional afforestation requirement of 0.25 acres, for a total of 1.15 acres of forest mitigation planting required. The Applicant proposes to meet the planting requirement through a combination of 0.02 acres of forest planting on the Property and the remaining 1.13 acres to be met at an off-site location.

The Applicant has proposed to remove portions of the existing stormwater management easement and convert these areas to Category I conservation easement, and to consolidate the location of the proposed stormwater management pond ingress/egress easement with the proposed storm drain outfall to the pond. These efforts have increased the amount of existing forest that will be protected in a Category I conservation easement.

The proposed 0.45 acres of forest clearing is along the edge of the existing forest in the northeastern corner of the Property. This forest is contiguous with the forest in the adjacent Cabin John Regional Park. Staff worked with the Applicant to try to preserve all of this forest. Given the various constraints on the Property, including preserving much of the existing development and buildings, and the limited area available for residential development, it was determined that there was not a layout that allowed the preservation of the forest and the Applicant's desired number of residential units. The forest is proposed to be cleared for the construction of a private road with parallel parking spaces designed to serve visitors to the park and the proposed residences, and a storm drain system, including stormwater management facilities. The road is the minimum width necessary to meet fire access requirements. Staff has concerns that the removal of the existing forest edge will result in additional forest loss and potential hazards due to dieback experienced by exposing interior forest to these altered conditions. To alleviate these concerns, Staff recommended and the Planning Board approved a condition of approval as part of the Preliminary Forest Conservation Plan, requiring further evaluation of proposed tree protection measures to minimize the stress to the trees during and after construction and to maintain and enhance the forest that will now include a natural surface path system connecting to the Cabin John Regional Park. This new forest edge will be located along a private road, parallel parking spaces, and a newly defined access point to a trail system that connects to the adjacent park. Additional measures may include pruning, removal of dead, dying or hazardous limbs and trees, and replanting of native trees if necessary to maintain a healthy, intact and continuous forest edge. These proposed requirements have been incorporated into the Final Forest Conservation Plan.

#### *Forest Conservation Variance*

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and

protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection (Protected Trees) and the Applicant was granted the variance as part of the approval of the Preliminary Forest Conservation approval.

iii. Noise Attenuation

The Applicant provided a Phase I Transportation Noise Analysis for this Application, dated April 27, 2018 to assess the potential for transportation noise related impacts to the proposed residential homes. This study did not include the proposed residences associated with Phase III of the development, as described on the phasing plan portion of the approved Preliminary Plan 120180120. Therefore, at the time of a site plan application for Phase III, the Applicant will need to submit an amendment to the *Cabin John Shopping Center Phase I Transportation Noise Analysis* report dated April 27, 2018 to include an analysis and recommendations for the proposed residential homes in Phase III, utilizing the most current *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*, or equivalent guidelines in effect at the time of application.

The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” stipulate a 65 dBA Ldn maximum noise level for exterior recreation areas and 45 dBA Ldn for interior areas for this Application. The provided noise analysis indicates that due to the distance from Tuckerman Lane, Seven Locks Road and I-279, roadway noise impact on the proposed residences in Phase I will be below 65 dBA Ldn. No further analysis or additional mitigation is required.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

i. Parking and circulation

The Site Plan provides for safe and well-integrated parking and circulation patterns on the Subject Property. The Subject Property will have two points of access within the Site Plan area and a third off-site access which contributes to the overall circulation on the Subject Property. The primary, and most direct, access is on Seven Locks Road in the existing location. This access point provides vehicle and pedestrian access to the central portion of the commercial area. The primary access for the residential townhouses is also on Seven Locks Road at Coddle Harbor Lane, which is a private street. This access point parallels the boundary of the Property in order to access recreation amenities and townhouses. The off-site access is a signalized access point on Tuckerman Lane. This access point feeds into the new private street between Building B-3 and Building C-4 which is proposed to go through part of the existing building to help create improved access and circulation by implementing more of a grid system. This

access point connection provides users the ability to loop through the Property via internal circulation.

The Site Plan provides sidewalks in front of every structure and creates an interconnected system of pedestrian access. The pedestrian circulation patterns provide safe and redundant circulation to all buildings and open spaces across the Property. The Application also improves pedestrian circulation to adjacent properties. The Application formalizes a trailhead on the north side of the townhouse area to access the forest area on the Subject Property. This internal trail system connects to the existing trail system within the Cabin John Regional Park. In addition, on the east side of the townhouse area, a secondary access to Cabin John Regional Park is included on the Subject Property. The Applicant has agreed to provide funding to M-NCPPC Parks to add amenities at this access point on the M-NCPPC side of the property line.

Bicycles can circulate through the Subject Property via the private street and drive aisle network. Because of the low vehicle speeds anticipated within the circulation system, bicyclists sharing the same space as vehicles and pedestrian will be adequate and safe for all users.

Particular attention has been focused at the intersection between Building A-4 and existing Building A and B (Figure 30). This intersection has multiple complex vehicular and pedestrian movements with existing infrastructure, buildings, and grade changes which would be affected by major modifications to the intersection. The existing condition does not provide the safety or efficiency desired by Staff. As a result, the intersection will be modified with cobble stones on two corners to tighten the intersection for vehicles but maintain turning movements necessary for delivery and fire trucks. The intersection itself will be reduced in size in all directions. This will reduce speed, emphasize the need to slower turning movements, and improve pedestrian safety. All legs of the intersection utilize stop signs.



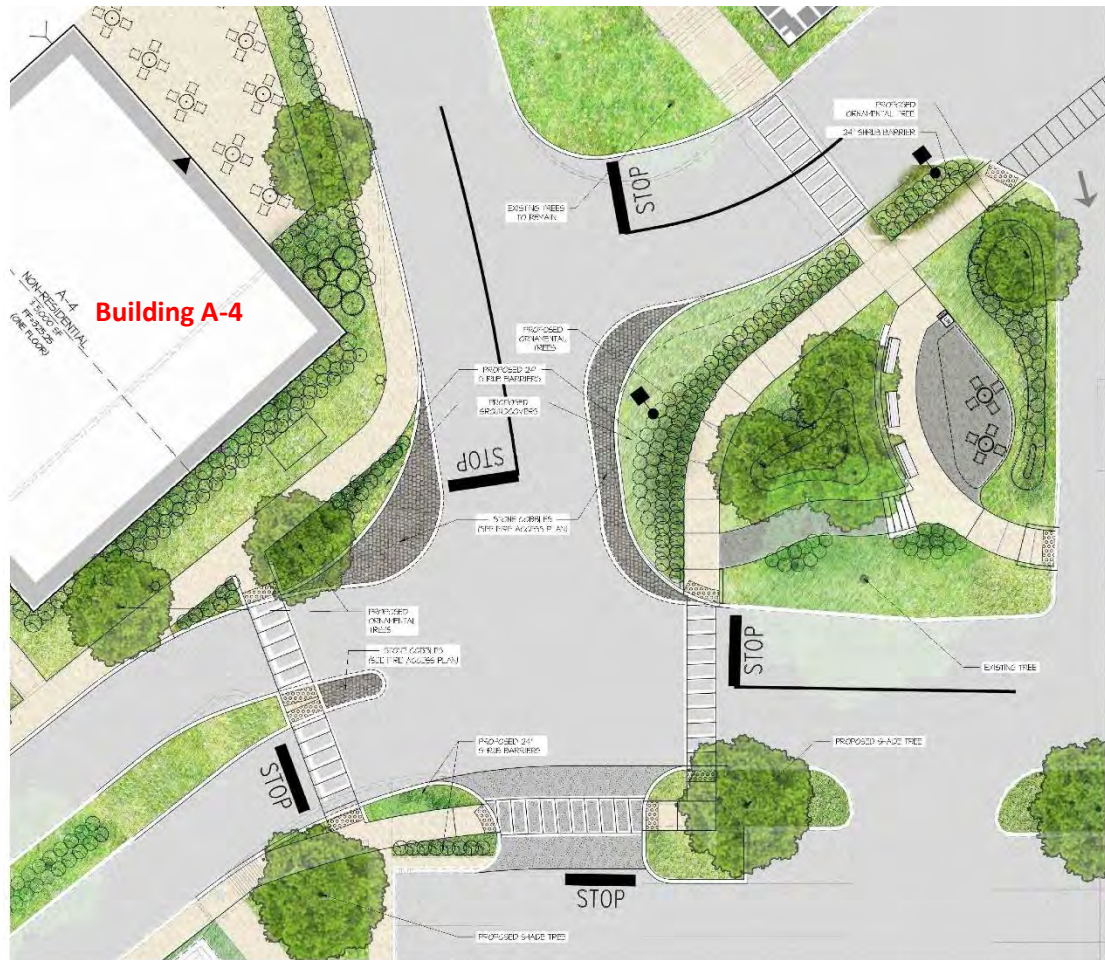


Figure 30 – Intersection Improvements

Pedestrian movements have also been improved with the modification of this intersection. The northern leg of the intersection has no pedestrian crosswalk to avoid conflicts. Furthermore, the landscaping around the northern parts of the intersection are designed to discourage pedestrian crossing in a manner for which the intersection isn't designed and would be unsafe. Another consideration is the grades in this part of the Property. Pedestrians traveling amongst the existing buildings can still traverse the existing stairs (Figure 31). However, these stairs are not passable by individuals with disabilities. Individuals with disabilities and/or pedestrians traveling to proposed Buildings A-1, A-3, and A-4 must make three crossings around the southern loop of the intersection. While not the most efficient, the existing grades limit available options. Overall this intersection will be greatly improved over the existing conditions.





Figure 31 – Existing Condition in Open Space and Stair to Existing Mall Building

Parking is well integrated throughout the Property in reasonable proximity to all existing and proposed buildings.

The Application has safe and adequate internal circulation for both passenger vehicles and pedestrians by providing access to every area of the Subject Property while providing multiple pathways to travel across the Property.

#### Building massing, open space, and site amenities

##### *Building Massing*

The Site Plan proposes well integrated building massing. The building massing provides a consistent scale largely due to the 35-foot maximum building height allowed by the zone. The improved street grid design, especially where the existing building will be demolished, helps breakup the building massing for more pedestrian-friendly blocks. In turn, this building massing helps the open spaces feel more integrated because the dimensions of the open spaces closely match the massing of the surrounding buildings. Because the grade of the Property slopes upward from south to north, it creates a more varied architectural feel than the relatively consistent building mass would provide on flat grades.



Figure 32 – Overall Site Plan

##### *Open Spaces and Site Amenities*

The open spaces on the Subject Property are designed to serve two different needs. First, the Common Open Space is designed to serve and act as an amenity for townhouse residents. The open spaces which serve the townhouses provide a mid-block connection that links the commercial portion of the Property to the natural areas while integrating into the residential uses. The playground area on the west side of the townhouses provides a gathering space for residents but also integrates with the adjacent commercial use while providing a buffer between the differing land uses.



The Public Open Space is designed to serve the general public visiting the shopping center. The open spaces are strategically located in centralized areas spread throughout the Subject Property. Each open space is located along significant pedestrian travel paths in order to encourage visitors to linger whether they are waiting for someone, dining, enjoying the day, or participating in an event. The Public Open Space is well integrated with the surrounding buildings to serve as an extension of the indoor uses, with outdoor dining areas, or with programming and activation, such as outdoor movies, that use the facades of the surrounding buildings as the wall of the public open space.

*Site Amenities*

The Site Plan identifies two areas of Common Open Space; (1) the Mews, and (2) the playground/gathering area on the west side of the townhouses. Both of these spaces are accessible to all proposed townhouse units on the Subject Property, and are accessible to the general public through sidewalk connections throughout the Property. The Common Open Space for the townhouses features a balance beam (Figure 33) and two pieces of playground equipment (Figure 34). This playground area also features flexible seating for gathering space.



Figure 33 – Balance Beam



Figure 34 – Play Equipment



Figure 35 – Flexible Seating



Figure 36 – Bench Detail

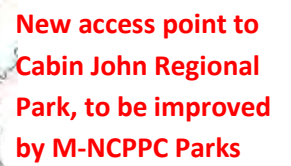
The Mews in the townhouse features landscaping, hardscape surface treatments, and benches to help promote resident enjoyment of the open space (Figure 36).

The Public Open Space also in the shopping center has seating for gathering spaces and dining areas coupled with landscaping and surface treatments to create attractive amenities. The shopping center includes a bicycle maintenance station to serve residents, visitors and employees (Figure 37).



Figure 37 – Bicycle Maintenance Station

Finally, the Application will create a new connection to the Cabin John Regional Park on the Subject Property's east side (Figure 38). The Applicant has made an agreement with M-NCPPC Parks to provide funding allowing Parks to improve this entrance point on the M-NCPPC side of the property line. This will provide a second direct access point to Cabin John Regional Park which is closer to the commercial portion of the shopping center allowing users to bypass the residential area if desired.



49



- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Site Plan substantially conforms with the recommendations of the 2002 *Potomac Subregion Master Plan*. The Master Plan specifically identifies the Subject Property and makes specific recommendations starting on Page 43. However, it should be understood that the Master Plan envisioned the Subject Property to be completely razed to achieve the Master Plan vision. The Application proposes to retain all but 18,255 square feet of the existing buildings and strives to substantially conform to the Master Plan by adapting the Subject Property and its existing buildings to meet the Master Plan vision.

At the time the Master Plan was approved, optional method development in the RMX zones was explicitly identified as an appropriate tool for mixed use development. Because the optional method language in the old zoning code explicitly allowed increases in uses and densities if they were in accord with “density, numerical limitations and other guidelines” in the applicable master plan, the optional method was deemed the most suitable way to achieve the Master Plan’s recommendations. It also reflects an effort to increase the ability of the Master Plan to control development on this site, in response to concerns from local residents. The optional method also enabled the provision of townhouses, which would not have been allowed under the standard method.

The optional method specification was intended to be used to facilitate the total number of units (135) proposed in the Master Plan and the mix (75 units of elderly housing and 60 units of townhouses and housing over retail). The Master Plan’s guidelines also specified building heights, townhouse locations along Coddle Harbor Lane, removal of the gas station, and provision of structured parking. The Master Plan’s assumption was that subsequent site plan review would offer the opportunity to achieve development that followed its recommendations.

Establishment of the CR family of zones in the 2014 Zoning Ordinance allowed mixed use development while providing more defined development standards. Site plan review for a broader array of development projects provides the opportunity for detailed review of standard method as well as optional method projects. Since the Master Plan’s mixed-use development goals can be achieved in standard method projects, the Master Plan’s requirement for optional method development when housing is proposed can be considered obsolete.



Figure 39 – Cabin John Center Concept, Page 47 of the 2002  
*Potomac Subregion Master Plan*

Other requirements in the Master Plan—for store types and sizes, structured parking and detailed height requirements—should be viewed similarly. The Master Plan’s intent is that housing be provided as part of any redevelopment of the Subject Property, enabling creation of a mixed-use village center, so the Master Plan’s limit of 40 townhouses need not be a hard and fast ceiling. The Applicant may apply currently allowed measuring techniques to determine appropriate heights in the context of the Master Plan recommendations. To maximize compatibility with the existing Inverness Knolls community, residential uses along Coddle Harbor Lane remain an important component of appropriate development of the center. Redevelopment proposals should include a commitment, through phasing of development, to residential uses in that portion

of the Subject Property. With that commitment, housing in the northeast portion of the site complies with Master Plan's intent.

### *Setbacks*

The Master Plan set out the original Cabin John Village setbacks because the recommended RMX zone deferred to applicable master plans for densities and development standards. The pre-rewrite ordinance included a provision in that zone requiring substantial compliance with the Master Plan as a condition of approving a site plan for the Subject Property. The Master Plan recommended a setback of 100 feet along the northeastern property line but provided an acceptable alternative setback for optional method projects (which the Master Plan assumed would be any new project that included housing). An optional method project could propose a 50-foot setback along the zoning boundary (RMX to R-90 at the time the Master Plan was approved), to achieve "a more compatible site layout that accommodates a significant residential component." (p 49)

The comprehensive revision of the Zoning Ordinance replaced the RMX Zone on this Property with the CRT Zone, which provides specific setbacks for standard method projects and defers optional method setback determinations to the site plan process. The applicable standard method setback for townhouses in the CRT Zone is 10 feet, considerably less than the 100-foot recommendation in the Master Plan or the 50-foot optional method alternative. The Master Plan's intent for this part of the Property is to provide separation between any new mixed-use development and the existing Inverness Knolls community. More broadly, the Master Plan intends to create a mixed-use center with a neighborhood focus—a "walkable village center compatible with adjacent neighborhoods"—from the existing entirely non-residential strip shopping center.

The 10-foot setback permitted under the CRT Zone in standard method development is unlikely to achieve either objective; it is insufficient to achieve clear natural separation from Inverness Knolls, which in turn would fail to achieve compatibility with the adjacent neighborhood. The 37-foot setback proposed is less than the 50-foot optional method setback set out in the Master Plan guidelines, but clearly more than the 10 feet permitted in the zone. It should be noted that the zoning boundary in the portion of the Property proposed for townhouses does not entirely follow a property line; it bisects a single parcel owned by the Applicant and is included in its entirety in the Application. In this portion of the Property the proposed setback is augmented by existing open space also owned by the Applicant. An illustrative drawing in the Master Plan shows a stormwater facility in this area, but current aerial photography shows forest in this area. The proposed setback, combined with existing open space on the R-90 side of the zoning boundary, does comply with the Master Plan's intent for this portion of Cabin John Village.

### *Transportation*

The Master Plan recommends "a bus shelter and shuttle service to Metro or acceptable traffic mitigation alternatives must be provided with any increase in density." During the public hearing for Preliminary Plan No. 120180120 the Planning Board included a condition draft an agreement on transportation mitigation measure prior to site plan approval. Because the Subject Property is not located in a Transportation Management District, Staff has not required a Transportation Mitigation Agreement (TMAg). Furthermore, the Montgomery County Department of Transportation would only agree to a TMAg agreement if it's role in monitoring the future program was necessary. Therefore, in order to meet the intent of the Master Plan, Staff has included conditions, rather than a TMAg or other alternative agreement, to promote traffic

mitigation alternatives such as the implementation of a 15-docket Capital Bikeshare Station, the appointment of the Transportation Benefits Coordinator, and implementation of static displays to provide transportation schedules and information. These conditions will help promote alternative transportation options for residents and employees while remaining consistent with the condition of approval for Preliminary Plan No. 120180120, Cabin John Village and the Master Plan.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in previously approved Preliminary Plan No. 120180120 findings, the proposed development in this Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Subject Property contains a forested area located in the R-90 zone. Preliminary Plan No. 120180120 places this Property under a Category I Forest Conservation easement. Furthermore, the Application enhances this R-90 zoned area with new and improvements to existing natural surface trails and a formalized trailhead. These improvements and forest conservation will enhance the recreation experience for the surrounding residential neighborhood. In addition, the Site Plan protects, in perpetuity, the buffer the surrounding neighborhood enjoys from the activity of the Cabin John Shopping Center.



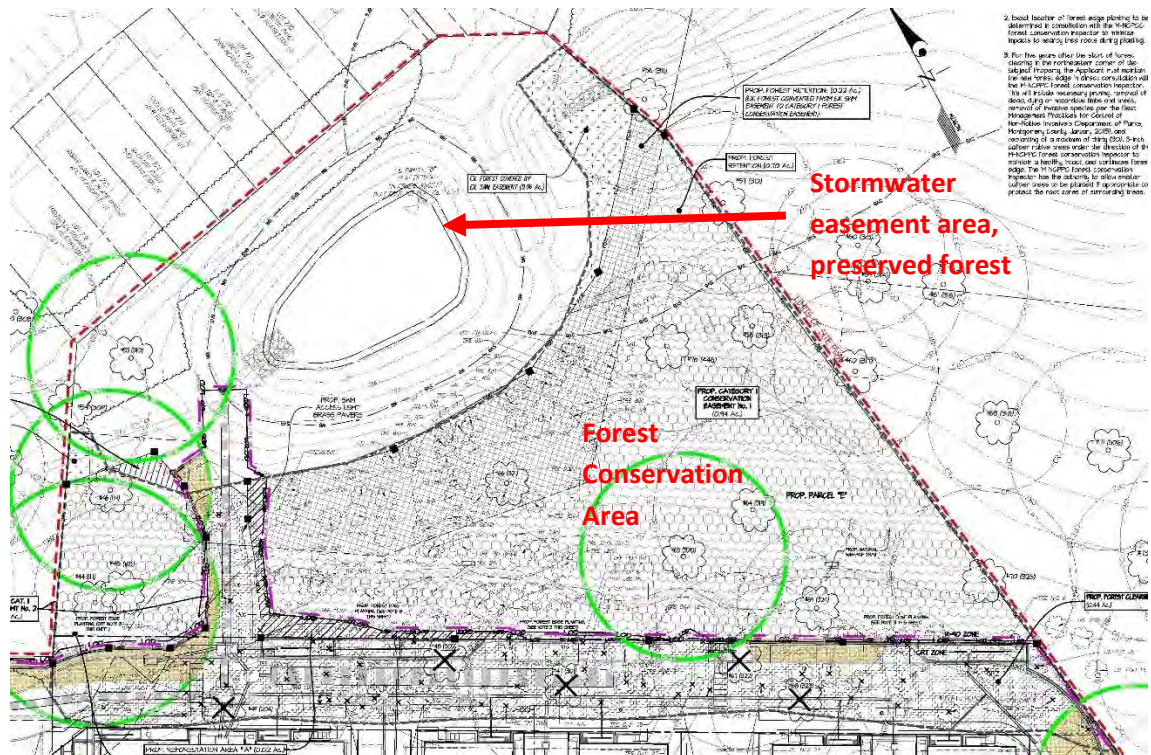


Figure 40 – Forest Preservation in Residential Zone abutting neighborhood

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

The neighborhood surrounding the Subject Property is a mix of attached residential, multi-family residential (condominium), single detached, one institutional use and a park owned by the Maryland-National Capital Park and Planning Commission. To the north is the Inverness townhouse community and to the northwest bordered by Coddle Harbor Lane are some multi-family condominiums. Across Seven Locks Road to the west are detached single-family residential. To the south across Tuckerman Lane is an institutional use (Assisted Living) in the R-90 zone. These land uses have co-existed with the existing iteration of the Cabin John Shopping Center for decades. The adjacent multi-family units along Coddle Harbor Lane in the RT-15.0 zone are three stories tall while the townhouses to the north (R-90 zone) in the Inverness Community are two stories for the most part. The institutional use to the south is a three-story structure but the grade is below the existing Tuckerman Lane road grade making it appear shorter than three stories from the Subject Property. The park to the east has no structures near the Subject Property and it is heavily forested. No single structure in the neighborhood or on the Subject Property is significantly taller than any other structure. Any noticeable difference is generally because of grade than the height of the building itself.

The Subject Property contains the existing Cabin John Shopping Center with no building being more than two stories. The Subject Property is limited to 35 feet in height per the mapped CRT zoning designation. The townhouse section will utilize building height averaging allowed under Section 59.4.5.2.D.2.d of the Zoning Ordinance. By using building height averaging, each stick of townhouses are able to account for the sloping grade of the Subject Property while maintaining consistent building massing. (Figure 16). Given that the neighborhood is a mix of two and three-story structures and the Application consists of one, two, and three-story structures limited to a maximum of 35 feet in height,

the Application will not significantly change the compatibility or scale comparable to the existing conditions.

The location of buildings are buffered by a network of private streets providing adequate setback to ensure compatibility with the neighborhood. This compatibility is heightened due to the relative similarity in building height throughout the neighborhood.

- k. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- l. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

The Subject Property was zoned RMX-2C on October 29, 2014. Therefore, this finding does not apply.

## **SECTION 5: CITIZEN CORRESPONDENCE AND ISSUES**

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Application. A pre-submission meeting was held on May 16, 2018 at Churchill High School cafeteria located at 8810 Post Oak Road in Potomac, MD.

As of the posting of this Staff Report, Staff has received one letter in regards to this Application which was generally supportive of the Application but asked a few questions and made suggestions. Staff has responded with some clarification regarding the Application elements and the explained why a walkable mixed-use project such as this Application doesn't typically have amenities usually done in suburban neighborhoods. (Attachment 11).

## **SECTION 6: CONCLUSION**

The Application substantially conform to the recommendations of the *2002 Potomac Subregion Master Plan* and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application. Staff recommends approval of the Application subject to the conditions cited in the Staff Report.

### **ATTACHMENTS**

Attachment 1 – Statement of Justification

Attachment 2 – Site Plan Composite

Attachment 3 – Final Forest Conservation Easement Plan No. 120180120, Sheet 1

Attachment 4 – Final Forest Conservation Easement Plan No. 120180120, Sheet 2

Attachment 5 – Recreation Guidelines

Attachment 6 – MCPB Resolution 18-098, November 5, 2018

Attachment 7 – MCDPS, Right-of-Way, Conditions of Approval, February 7, 2019

Attachment 8 – MCDPS, Fire Department Access and Water Supply Section Approval,  
Amended March 11, 2019

Attachment 9 – MCDPS Stormwater Management Concept Approval, December 31, 2018

Attachment 10 – Department of Housing and Community Affairs Approval Letter, February 28, 2019

Attachment 11 – Citizen Correspondence

**CABIN JOHN VILLAGE JUSTIFICATION STATEMENT  
SITE PLAN NO. 820190020**

**I. INTRODUCTION**

The Applicant, Cabin John (Edens), LLC (the “Applicant”), by its attorneys, Linowes and Blocher LLP, submits this Site Plan Justification Statement to demonstrate conformance of the proposed development with all applicable review requirements and criteria. The subject property, known in the community as the Cabin John Shopping Center, contains a gross tract area of approximately 25.32 acres and is generally located at 7817 Tuckerman Lane and 11325 Seven Locks Road in the northeast corner of the intersection of Tuckerman Lane and Seven Locks Road, in Potomac, Maryland (the “Property”). More specifically, the Property is comprised of recorded lots known as Parcel D of the Seven Locks Plaza Subdivision, as shown on a Record Plat recorded among the Land Records of Montgomery County, Maryland (the “Land Records”) at Plat No. 25334 on November 16, 2017, Parcel C of the Seven Locks Plaza Subdivision, as shown on a Record Plat recorded among the Land Records at Plat No. 11341 on September 27, 1976, Parcel O of the Inverness Knolls Subdivision, as shown on a Record Plat recorded among the Land Records at Plat No. 12383 on April 9, 1979, and unrecorded Parcel 328. The Property is currently improved with a commercial strip shopping center, a two-story mall building, and surface parking.

The majority of the Property is zoned CRT-0.75, C-0.5, R-0.25, H-35T pursuant to the Countywide District Map Amendment effective on October 30, 2014,<sup>1</sup> although the northern

---

<sup>1</sup> The Countywide District Map Amendment comprehensively rezoned the Property from the RMX-2C (Residential Mixed Use Development, Specialty Center, Commercial Base) to the existing CRT Zone.



portion of Parcel O is zoned R-90. The Property is located within the planning boundaries of the Potomac Subregion Master Plan, approved and adopted in April 2002 (the “Master Plan”).

Pursuant to the applicable provisions of Chapter 59 of the Montgomery County Code, (“Zoning Ordinance”), Applicant is submitting this site plan application (“Application”) to allow for the proposed development on the Property of an additional 45,000 (29,000 net new square footage) square feet of commercial development and up to 131,000 square feet of new residential uses comprised of approximately 48 new single-family attached units (collectively, the “Project”).

As discussed more fully below, the Project will revitalize the existing aging strip shopping center and enhance community connectivity, creating a more vibrant, pedestrian friendly, mixed-use village center, as envisioned by the Master Plan. Applicant therefore respectfully requests that the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission (“Planning Board”) grant approval of the Application.

## **II. BACKGROUND AND PRIOR APPROVALS**

Administrative Subdivision Plan No. 620170050 was approved on September 4, 2017 to facilitate the construction of 9,997 square feet of new commercial uses at the corner of Seven Locks Road and Tuckerman Lane, which construction is currently nearing completion. The Property was also the subject of a Concept Plan that went to the Development Review Committee on September 19, 2018.

Preliminary Plan No. 120180120 (“Preliminary Plan”), encompassing the Property, was approved by the Planning Board on November 5, 2018. The Preliminary Plan approved a total of 300,000 square feet of retail/ commercial development and approximately 59 townhouses on the

Property, to be developed in three phases. The Application represents Phase I of the Preliminary Plan approval.

### **III. EXISTING CONDITIONS AND SURROUNDING AREA**

The Property is currently improved with approximately 240,915 square feet of commercial uses, the majority of which was developed in the 1960s, in the form of a retail strip shopping center and a two-story “mall” building.<sup>2</sup> The Property also contains approximately 1,229 surface parking spaces. The existing improvements include an anchor grocery store and drug store, a variety of restaurants, retail/service establishments, offices, and one gas station.

As noted by the Master Plan, the “shopping center can be described as a community center, smaller than a regional mall, but larger than a neighborhood shopping center.” Master Plan, p. 43. The Master Plan further observes that “[t]he site’s configuration and resulting circulation patterns are inefficient. While the uses in the center serve the needs of the surrounding community, pedestrian and bicycle access and circulation are unsafe.” *Id.*

The Property is bordered on the north by the residential townhouse community of Inverness, zoned RT-15 and R-90, and on the east by the Cabin John Regional Park, zoned R-90. Confronting the Property across Tuckerman Lane to the south is a senior housing facility operating pursuant to a Conditional Use in the R-90 zone and confronting the Property to the southwest across Seven Locks Road is a townhouse community in the R-90/TDR 6.0 zone. To the west is the predominantly single-family community known as Regency Estates, located in the R-90 zone.

---

<sup>2</sup> Although the Application itself only includes approximately 13.39 acres of the Property, for simplicity the references to the Property herein include all of that area included in the associated Preliminary Plan.

#### IV. THE PROJECT

As noted above, the Application consists of Phase I of the Preliminary Plan and encompasses approximately 13.39 acres of the Property. The Project is proposed under the standard method of development in the CRT Zone in accordance with Section 59.4.5.3 of the Zoning Ordinance. Specifically, as shown on the plans included with the Application, the Applicant seeks to construct up to 131,000 square feet of residential uses, comprised of 48 new single-family attached dwelling units, of which 12.5% would be MPDUs, and approximately 29,000 square feet of net new commercial uses, for a total of approximately 270,000 square feet of commercial uses on the site. While the exact nature and mix of the commercial uses has not yet been identified, the Application contemplates that in addition to all the permitted uses in the CRT zone, a number of uses that are limited and require site plan approval, such as breweries, veterinary clinics/ hospitals, and daycare uses are also included for purposes of allowing them in the commercial areas of the Project.

The Project is anticipated to be constructed in two phases: Phase I is comprised of the residential portion of the development located in the northeast corner of the Property, and Phase II is comprised of approximately 29,000 square feet of net new commercial uses. The phases may be done together or in any order and a phase need not be completed before another is started.

##### A. Access and Circulation

Vehicular access to the Property will continue to be provided from the existing signalized full movement intersection along Tuckerman Lane and the two curb cuts along Seven Locks Road, the southern of which is full movement except for AM and PM peak hours, and the northern of which, at Coddle Harbor Lane, is full movement.

As noted above, the Master Plan identified concerns with the on-site circulation at the center and the Project will address those issues by enhancing vehicular circulation, pedestrian connectivity and traffic efficiency to and through the site. Drive aisles and internal intersections are proposed to be realigned to aid in traffic calming and create more rational patterns of circulation within the center. Additionally, to improve both pedestrian and vehicular circulation within the site, approximately 15,600 square feet of existing retail space will be demolished and reconfigured in the center of the existing shopping center. Under existing conditions, the shopping center has a long, uninterrupted frontage of almost 700 linear feet. Urban design principles dictate that the best environments are short, walkable blocks. The bifurcation of the existing retail strip to create shorter blocks with a through connection is therefore intended to create new paths of travel and enhanced circulation across the entire 25-acre Property. The Applicant plans to reconstruct the majority of the displaced retail along the new drive aisle, creating space in a configuration that will activate the central shopping center spine. This new space and street reconfiguration will create nodes of activity rather than a linear experience with limited interaction. In this regard, the Applicant notes that, in order to accommodate the proposed layout and the orientation of the buildings to this new internal drive, as well as the orientation of other buildings on the site to central nodes and drive aisles, approval of the proposed building placements, pursuant to Section 59.4.5.3.C.3 of the Zoning Ordinance, is required as part of the Application, as further detailed below.

Additionally, in accordance with Master Plan guidance, connections to the surrounding community will be enhanced through the addition of sidewalks connecting the retail blocks to Seven Locks Road, Tuckerman Lane, the adjacent Inverness community and the Cabin John Regional Park. Sidewalks and crosswalks will also be added, enhanced and/or modified



throughout the Project to connect buildings and promote the flow of pedestrians throughout the site in a safe and clear pattern.

The Project also includes significant improvements to bicycle storage and circulation on and around the Property, including a new bike path along Tuckerman Lane from Seven Locks Road to Angus Place, as well as the incorporation of new bicycle lockers and racks within the Project.

B. Open Space and Amenity Areas

As shown on the open space exhibit included with the Application, significant new public open space will be included on the Property as part of the redevelopment. In total, approximately 1.38 acres of public open space and common open space will be provided. These public open spaces will include both hardscape plazas, smaller parks and walks that will be designed for communal gathering, including areas for children, adults and teenagers. As is the hallmark of most great mixed-use centers, the Project will also be programmed so as to put an emphasis on bringing private activities into the public realm including outdoor dining, physical fitness classes, community events, markets and children's activities.

The residential areas of the Project will also contain private common open spaces for residents' use and enjoyment, as discussed more fully below.

C. Green Features and Stormwater Management

As much of the site currently drains untreated directly into Cabin John Regional Park, the redevelopment plans will significantly improve the current stormwater management treatment for the Property. Stormwater management goals will be achieved through the installation of new Environmental Site Design (ESD) facilities to the maximum extent practicable, the installation of

structural practices, and the preservation of an existing stormwater management pond located in the northern portion of the site, in the R-90 zone.

Additionally, the existing Property is largely impervious, with large expanses of asphalt parking areas with little to no vegetation. The Project will significantly increase the amount of tree coverage and landscaping on the Property, providing the additional benefits of a reduction of the heat island effect and interception of rainfall.

## **V. FINDINGS REQUIRED FOR APPROVAL OF THE SITE PLAN APPLICATION**

Section 59.7.3.4.E.2 of the Zoning Ordinance sets forth the findings that the Planning Board must make in approving a site plan application. The following statements describe how the proposed Project fulfills these findings:

1. *The proposed development satisfies any previous approval that applies to the site.*

The Application is consistent with approved Administrative Subdivision Plan No. 620170050, as well as the approved Preliminary Plan and will comply with the conditions of approval thereof.

2. *The proposed development satisfies under Section 59.7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

There is no approved development plan or schematic development plan for the Property; therefore, this requirement is inapplicable.

3. *The proposed development satisfies under Section 59.7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

The zoning of the Property on October 29, 2014 was the result of a comprehensive rezoning undertaken subsequent to the approval of the Master Plan in 2002, and was not the result of a Local Map Amendment. Therefore, this requirement is inapplicable to the Property.

4. *The proposed development satisfies applicable use standards, development standards, and general requirements under this Chapter.*

The Project satisfies the applicable use standards, development standards, and general requirements of the Zoning Ordinance, as explained more fully below:

*A. Use Standards*

Section 59.3.1.6 of the Zoning Ordinance lists the uses that are permitted in the CRT Zone. The Project proposes both townhouse units and non-residential (retail/commercial) uses, both of which are permitted in the CRT Zone.

*B. Compatibility Standards*

Section 59.4.1.8.A of the Zoning Ordinance identifies setback compatibility standards that apply to properties in the CRT zone that propose development of an apartment, multi-use or general building type and abut a property in an Agricultural, Rural Residential, or Residential Zone that is vacant or improved with an agricultural or residential use. Since the Property abuts properties in a Residential Detached and Residential Townhouse zone that are vacant and/or improved with a residential use, the setback compatibility standards apply to the proposed general commercial/retail buildings. As reflected on the site plan drawing included with the Application, the proposed non-commercial buildings will be set back a minimum of 1.5 times the minimum side and rear setback required for a detached house on these abutting properties, as required.

Section 59.4.1.8.B of the Zoning Ordinance contains height compatibility standards that apply to a project that proposes any building type in the CRT zone and abuts or confronts a property in an Agricultural, Rural Residential, or Residential Zone that is vacant or improved with an agricultural or residential use. As noted above, the Property abuts and confronts properties in a Residential zone; therefore, the height compatibility standards apply to the Project. However, the maximum height allowed by the Property's zoning (35 feet) is equal to the maximum height allowed for a detached house on these abutting and confronting properties in the R-90 and RT-15.0 zones (35 feet). Therefore, the Project will comply with the height compatibility restrictions identified in Section 59.4.1.8.B.2 due to the height limitations under the Property's zoning classification.

*C. Development Standards for Standard Method Development in the CRT Zone*

Section 59.4.5.3.C of the Zoning Ordinance lists the development standards for development under the standard method in the CRT Zone. The Application meets all of these development standards, as described below and delineated on the development standards table included on the Site Plan, with the exception of certain placement, form, and transparency standards, for which modifications are requested, as explained more fully below:

*1. Open space.*

Section 59.4.5.3.C.1 of the Zoning Ordinance requires that 10% open space be provided by the Project since the Application proposes general and townhouse buildings and the Property as comprised of greater than 10,000 square feet of tract area. As a result, the Application will include a minimum of 10% public open space for the portion of the site that includes commercial uses, and a minimum of 10% common open space for the portion of the site that includes the



townhouse dwelling units, all as shown on the Open Space Exhibits included with the Application. As noted in Section C(iii) below, the Applicant is seeking an exception to the minimum dimensions for the proposed common open space.

2. *Lot, density, and height.*

Applicant seeks to construct approximately 131,000 square feet of residential uses, comprised of 48 new single-family attached dwelling units, of which 12.5% will be MPDUs, and approximately 45,000 square feet of new (29,000 square feet net new) commercial uses as permitted by the CRT Zone. The Project proposes a building height of 35 feet, which is the maximum height allowed by the zoning for the Property. The maximum building height for the Project is measured pursuant to the averaging provision contained in Section 59.4.5.2.D.2.d of the Zoning Ordinance. Pursuant to Section 59.4.5.3.C.2 of the Zoning Ordinance, there is no maximum lot coverage for townhouse and general buildings in the CRT Zone.

3. *Placement.*

Section 59.4.5.3.C.3 of the Zoning Ordinance sets forth the required setbacks for principal buildings, accessory structures, and parking, as well as requirements regarding placement and transparency. As illustrated by the plan submittals included with this Application, the Project will satisfy all required setbacks for townhouse dwelling units and general commercial/retail buildings.

With regard to Build-to-Area maximum setbacks and associated minimum percentages of building façade in that Build-to-Area, as noted above, given the need to orient the buildings to the internal drives and proposed open spaces, the Applicant is requesting certain modifications to these requirements pursuant to the provisions of Section 59.4.5.3.C.3.b and 59.7.3.4 of the

Zoning Ordinance. Specifically, the Applicant is seeking a modification to the side street setback and associated build-to-area for Buildings A-1 and A-3.

a. Building A-1

Section 59.4.5.3.C.3 of the Zoning Ordinance specifies that a general building type should have a maximum side street setback of 20 feet, and that a minimum of 35% of the building façade should be within that setback. Building A-1 is designed with two (2) entrances such that Coddle Harbor Lane and Seven Locks Road each serve as a side street. Significantly, the entire façade of Building A-1 is set back less than 20 feet from Coddle Harbor Lane; thus, this aspect of the building design adheres to Section 59.4.5.3.C.3 of the Zoning Ordinance. However, to the extent that Seven Locks Road is also considered a side street, the entire façade of Building A-1 is set back greater than 20 feet from Seven Locks Road in order to substantially conform with the Master Plan. The Master Plan envisions a landscape buffer between new development at the Property and Seven Locks Road; thus, the Application includes a greater setback from Seven Locks Road to accommodate the Master Plan recommendations for the Property. The plan is also set up to accommodate the potential future eleven foot dedication along Seven Locks Road and the Public Utility Easement dedication if cooperation with the utility companies is not achieved.

The Planning Board is authorized to approve an Application that deviates from the Build-to-Area requirements where it is necessary to accommodate the physical constraints of the site and proposed land use. The proposed side street set back from Seven Locks Road is necessary to accommodate a buffer from Seven Locks Road as highlighted in the Master Plan, as well as to allow for a vibrant mixed-use retail environment at the Property. Additionally, the Planning Board must find that the Application incorporates design elements that engage the surrounding

publicly accessible spaces such as streets, sidewalks and parks. As noted above, Building A-1 is currently designed with two (2) entrances that will front on sidewalks as well as public open space. Moreover, the design of Building A-1 satisfies the side street setback relative to Coddle Harbor Lane, which will help to engage this private right-of-way, along with the publicly accessible pedestrian connectivity improvements that are adjacent to the building's entrances. Based upon the foregoing, the Applicant is seeking Planning Board approval to modify the requirement identified in Section 59.4.5.3.C.3 of the Zoning Ordinance to allow for Building A-1 to be set back from Seven Locks by greater than 20 feet.

a. Building A-3

Section 59.4.5.3.C.3 of the Zoning Ordinance specifies that a commercial/retail building should have a maximum side street setback of 20 feet, and that a minimum of 35% of the building façade should be within that setback. Building A-3 is designed with an entrance that faces proposed Building A-1, such that Seven Locks Road serves as the side street to the proposed development. As noted above, the Master Plan envisions a landscape buffer between new development at the Property and Seven Locks Road; thus, the Applicant proposes to set back Building A-3 by greater than 20 feet. The plan is also set up to accommodate the potential future eleven foot dedication along Seven Locks Road and the Public Utility Easement dedication if cooperation with the utility companies is not achieved. The proposed side street setback from Seven Locks Road is necessary to accommodate a buffer from Seven Locks Road as highlighted in the Master Plan, as well as to allow for a vibrant mixed-use retail environment at the Property. In this respect, the placement of Building A-3 deviates from the Build-to-Area requirements in order to accommodate the physical constraints of the site and proposed land use. Significantly, the Application incorporates design elements for Building A-3 in the form of a

wide pedestrian-friendly sidewalk with connections to other non-residential uses and open spaces at the Property that that engage the surrounding publicly accessible streets, sidewalks, and parks. Therefore, the Applicant is seeking Planning Board approval to allow for Building A-3 to be set back from Seven Locks by greater than 20 feet.

4. *Form.*

Section 59.4.5.3.C.5 of the Zoning Ordinance provides form standards under the standard method of development in the CRT Zone. While there are no massing standards applicable to the commercial/retail uses proposed, this provision does state that a maximum of 12 townhouse dwelling units are permitted in a row. The Application is consistent with this standard as a maximum of eight (8) townhouse dwelling units are proposed in a row within the Project. With respect to building orientation standards, all townhouse dwelling unit entrances face either a street or open space, in conformance with the requirements. Additionally, the maximum entrance spacing between commercial/retail uses is no greater than 100 feet in accordance with Section 59.4.5.3.C.5.

As noted above, the Applicant is, however, seeking certain modifications to the building orientation and transparency requirements for the commercial/retail buildings pursuant to Section 59.4.5.3.C.5 of the Zoning Ordinance. As reflected on the plan submittals included with this Application, Buildings A-1, B-4, and C-3 include entrances that do not face a street or open space, and Buildings A-1, A-3 and A-4 will require modifications to the ground story side/ rear transparency minimums.

a. Building A-1

Building A-1 is located to the southeast of Coddle Harbor Lane and adjacent to Seven Locks Road. Two (2) entrances are currently proposed for Building A-1, both of which will



front on pedestrian sidewalks that are adjacent to the existing surface parking lot. Significantly, the proposed entrance that will face the existing Building A will have frontage on public open space. However, the other proposed entrance that will face proposed Buildings A-3 and A-4 does not front on public open space or a street. While the sidewalk along this entrance is not wide enough to constitute open space, this entrance will be activated by pedestrian activity and landscape features. To the extent that Section 59.4.5.3.C.5 requires that all entrances to Building A-1 face open space or a street, this additional entrance for Building A-1 deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site and proposed land use. The physical constraints of the Property and proposed retail uses dictate that only one entrance can face a sidewalk that constitutes public open space, with a reduced sidewalk adjacent to the other frontage to meet parking demands for the proposed uses. Additionally, the secondary entrance facing Buildings A-3 and A-4 incorporates design elements that engage the surrounding publicly accessible places in the form of a sidewalk that allows for safe and efficient pedestrian access to the open space that is adjacent to the other proposed entrance to Building A-1. Based upon the foregoing, the Applicant is seeking Planning Board approval to modify the requirements contained in Section 59.4.5.3.C.5 to allow for an additional entrance to building A-1 that faces an area that does not constitute a street or open space.

Building A-1 also requires a modification of the minimum transparency requirement. Section 59.4.5.3.C.5 of the Zoning Ordinance requires that the combined side and rear facades of

a general building must have a minimum of 25% transparency<sup>3</sup> when facing a street or open space. In the case of Building A-1, as a result of the grading on the site, the landscape buffer, and the building layout, the western elevation will be the rear and the northern elevation the side, which together must meet the 25% minimum requirement. In smaller buildings such as A-1, however, some space needs to be reserved for “back of house” elements that need to be shielded from view. To accommodate this necessity, the Applicant is requesting a modification to the standard to allow for a minimum 15% transparency. Despite this reduction, the building will still achieve four-sided architecture, as blank walls will be masked with murals and significant landscaping to break up the façade and achieve the intent of the transparency requirements that façades be visually interesting.

b. Buildings A-3 and A-4

Buildings A-3 and A-4 are located along the entrance drive from Seven Locks Road, where there are significant grading considerations. As a result of the grading, the front entrances of these buildings are proposed to face the parking area to the north and/ or on the open space between the two buildings. Due to the need for “back of house” areas, which generally include bathrooms, storage and kitchens, the transparency of these buildings along the combined side/rear facades also cannot achieve the 25% minimum standard. The Applicant is therefore requesting a modification to a 15% minimum transparency requirement to allow for the required back of house elements to be located along the side and rear facades. To maintain the intent of the transparency requirements and create visual interest along the drive aisle, the Applicant is proposing glass elements along the southern facades, as well as murals and landscaping. Along

---

<sup>3</sup> The interpretation that the percentage stated applies to the side and rear facades collectively, rather than individually, has been confirmed by the Montgomery County Department of Permitting Services.

the common side of both buildings there will also be outdoor dining that will activate the space and break up the area visually, in achievement of the Zoning Ordinance's intent.

c. Buildings B-4 and C-3

Buildings B-4 and C-3 are located along the central private drive that connects to Tuckerman Lane and incorporate entrances that face each other. The entrances for Building B-4 and C-3 both face the private drive aisle, which does not meet the technical standards necessary to constitute a street. While not technically recognized as a street under the Zoning Ordinance, the private drive aisle serves the same function in that it allows for vehicular access to the existing and proposed commercial/retail and residential uses.

The sidewalks that Buildings B-4 and C-3 face are not wide enough to constitute open space. This streetscape design is necessary to allow for parallel parking spaces along these buildings, which will support the economic vitality of future tenants, as well as create a more urban-like setting. As a result, Buildings B-4 and C-3 are proposed with entrances that do not face a street or open space. However, the proposed entrances deviate from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site and proposed land uses. The width of the proposed private drive aisle that separates Buildings B-4 and C-3 is limited due to the retention of the existing buildings and tenant spaces adjacent to it. Due to the site constraints, the Applicant is unable to upgrade and convert the private drive aisle to the standards and specifications necessary for designation as a private road. Additionally, in order to implement a vibrant mixed-use retail environment at the Property, parallel parking spaces are proposed along the entrances to Building B-4 and C-3, which eliminates the possibility of identifying the adjacent sidewalks as open space. The Application also incorporates design elements that will engage the surrounding publicly

accessible spaces by providing a pedestrian connection from Buildings B-4 and C-3 to public open space that is located along the private drive aisle to the south and north. Finally, the entrances to these buildings will engage the adjacent sidewalks for pedestrians accessing the Property. Based upon the foregoing, the Applicant is seeking Planning Board approval to allow for entrances on Buildings B-4 and C-3 that face a sidewalk adjacent to the private drive aisle, which does not constitute a street or open space.

*C. General Development Requirements*

Article 59.6 of the Zoning Ordinance sets forth general development requirements. The Site Plan meets all of these requirements, as follows:

*(i) Site Access (Division 6.1)*

Division 6.1 of the Zoning Ordinance applies to development in the Commercial/Residential zones if it includes a general building type and a site plan is required. As a result, the general commercial/retail buildings proposed are subject to the site access standards. As noted above, vehicular access to the Property will remain from the existing signalized full movement intersection along Tuckerman Lane and the two curb cuts along Seven Locks Road, the southern of which is full movement but limited to left-in and right-in right-out movements during peak hours, and the northern of which, at Coddle Harbor Lane, is full movement. All site driveways will meet the standards identified for properties in the CRT Zone pursuant to Section 59.6.1.4.A of the Zoning Ordinance.

The Application will allow for safe and efficient vehicular, pedestrian, and bicycle circulation to and from the Property through demolition of approximately 15,600 square feet of existing retail space and reconfiguration of such retail space in the center of the existing shopping center. The bifurcation of the existing retail strip to create shorter blocks with a



through connection will create new paths of travel and enhanced circulation across the entire 25-acre Property. Connections to the surrounding community will also be enhanced through the addition of sidewalks connecting the retail blocks to Seven Locks Road, Tuckerman Lane, the adjacent Inverness community and the Cabin John Regional Park. Sidewalks and crosswalks will also be added, enhanced and/or modified throughout the Project to connect buildings and promote the flow of pedestrians throughout the site in a safe and clear pattern.

(ii) *Parking, Queuing, and Loading (Division 6.2)*

The Project will include approximately 521 parking spaces to meet the Zoning Ordinance requirements for all existing uses and the development proposed in this Application. The Applicant is also proposing to provide a total of 13 handicap parking spaces in Phase I, which is 2 additional spaces over the minimum required by the Zoning Ordinance.

In addition to the general parking requirements, the Project includes up to 6 electric car charging stations with space for an additional 4 as demand increases, as well as 5 car-sharing spaces, to be located adjacent to the existing mall building where the majority of the office space is located. Finally, the Project includes a total of 24 bicycle parking spaces that will be accessible from the enhanced bike paths along Seven Locks Road and Tuckerman Lane provided in accordance with the Master Plan. The Applicant is also proposing to incorporate a bikeshare or a dockless biking system into the Project to help encourage alternative transportation options, in consultation with the Montgomery County Department of Transportation.

Section 6.2.8.B of the Zoning Ordinance requires that retail areas with more than 15,001 square feet, and less than 50,000 square feet, provide one loading space with a minimum dimension of 10 w x 30 l x 14 h. While Building E-1 does provide a loading area that can accommodate a 30 foot long delivery vehicle, it will only be available for loading at certain

hours of the day and signed for parallel employee parking outside of typical delivery times. The Applicant believes this meets the objective of the ordinance with regard to loading for this building. Should Staff or the Planning Board disagree with this interpretation, however, the Applicant requests the appropriate waiver of this section to allow for such dual use. All other loading areas on the Property to comply with the Zoning Ordinance's loading requirements.

*(iii) Open Space and Recreation (Division 6.3)*

As noted above, the Site Plan proposes a total of approximately 1.38 acres of open space. More specifically, approximately 1.11 acres of public open space are proposed for the commercial areas of the Project, which amounts to approximately 12.9% of the commercial portion of the Property, and a total of 0.27 acres of common open space is proposed for the townhouse area portion of the Property, which amounts to approximately 11.7% of the residential portion of the Property.

Pursuant to Section 59.6.3.5.B.2 of the Zoning Ordinance, "the minimum width for any required common space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3." As noted above, the Applicant is seeking approval of an exception to allow for the linear park within the townhouse development that forms a connection between the retail paseo and the formalized trail entrance to Cabin John Park. While the dimension of this area is 35 feet wide instead of the standard 50 feet, the area clearly meets the objective of this section by providing an enhanced pedestrian avenue to connect the two points of interest while allowing residents and guests to gather in the landscaped seating and lawn areas. The front yards of the homes are differentiated from the common open space by the use of low decorative iron fencing and more privatized landscaping.

In all, the proposed common open spaces, along with the additional 1.11 acres of nearby public open space in the commercial areas, will provide adequate light, air, circulation, and recreation for residents of the Project.

*(iv) General Landscaping and Outdoor Lighting (Division 6.4)*

Adequate landscaping and lighting will be provided to ensure that the Property will be safe and attractive for residents, customers, employees, and visitors of the Project, as shown on the landscape and lighting plans included with the Application.

*(v) Screening Requirements (Division 6.5)*

Screening will be provided in accordance with the requirements for general buildings (with non-industrial uses) that abut properties in both a Residential Detached and Residential Townhouse zone. In the northeast corner of the Property in particular, more than sufficient screening exists between the townhouse dwelling units and the adjacent Residential Detached zone by virtue of the existing wooded area to be preserved.

*(vi) Outdoor Display and Storage (Division 6.6)*

This Division is inapplicable because the Project does not propose any outside display or storage.

*(vii) Signs (Division 6.7)*

The Applicant will obtain all necessary approvals for signage at the Project from the Montgomery County Department of Permitting Services. Such signage will be compliance with the previously approved Sign Concept Plan #362735, as such may be amended from time to time.

5. *The proposed development satisfies the applicable requirements of: (i) Chapter 19, Erosion, Sediment Control, and Stormwater Management; and (ii) Chapter 22A, Forest Conservation.*

In connection with the proposed redevelopment of the Property, which currently is almost entirely impervious, stormwater management will be significantly improved with on-site stormwater management facilities meeting current standards, the introduction of more green elements in parking areas, the disconnection of impervious cover, and enhanced landscaping. Various ESD facilities including micro bioretention will also be evaluated to manage stormwater alongside structural practices. A Site Development stormwater management plan has been submitted with the Application, which complies with Chapter 19 of the County Code. No water quality plan is required for the Property.

The Project will also significantly increase the amount of tree coverage and landscaping on the Property, providing the additional benefits of a reduction of the heat island effect and interception of rainfall. The Application also proposes the preservation of approximately 1.2 acres of forest in the northeast corner of the site as well as the southeastern border along Cabin John Park with a forest conservation easement to maintain the existing forest area in perpetuity. Applicant will comply with all applicable requirements of Chapter 22A of the Montgomery County Code as detailed in the Forest Conservation Plan included with the Application.

6. *The proposed development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The relationships of building massing, public and common open spaces, and pedestrian and bicycle improvements will help to create a vibrant, neighborhood serving, mixed-use redevelopment that is entirely consistent with the Master Plan's objectives for the Property. The proposed townhouse units and new commercial/retail buildings will be set back and buffered



from the adjacent single-family residential community. The replacement of existing surface parking facilities with a mix of commercial buildings, townhouse dwelling units and associated streetscape and open space improvements will significantly improve the current condition and atmosphere of the Property. The Application also proposes the implementation of on-site pedestrian and bicycle pathways, as well as bike racks throughout the center, that allow for safe and efficient access to Seven Locks Road, Tuckerman Lane and the surrounding community. The addition of up to 1.38 acres of public and common open space at the Property, in addition to the introduction of significant new plantings, will also create a critical mass of tree canopy and green space that does not presently exist at the shopping center.

7. *The proposed development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Application substantially conforms to the Master Plan's specific guidance for the Property, as well as its area-wide planning goals. It must be noted that at the time of the adoption of the Master Plan in 2002, certain assumptions were made regarding market conditions, construction costs, the applicable zoning, best planning practices, environmental conditions and the means by which the Property would be developed that are no longer applicable in 2018. More specifically, the Master Plan envisioned both a RMX-2C zoning for the Property, a zone which no longer exists, and a wholesale redevelopment of the Property to facilitate new development, which is no longer a feasible option.<sup>4</sup> See Master Plan p. 47. Therefore, while the Application substantially conforms with the recommendations of the Master

---

<sup>4</sup> Existing leases on the property, as well as economic realities, prohibit any redevelopment that would demolish all of the existing structures and create an entirely new development.

Plan, as discussed in more detail below, certain recommendations and guidelines need to be more liberally interpreted to address current-day realities.<sup>5</sup>

Prior to the adoption of the Master Plan in 2002, the Property was split zoned C-1 and R-90. The Master Plan recommended the rezoning of the majority of the Property (with the exception of the portion of Parcel O containing stormwater management facilities, which remained R-90) to the RMX-2C (Residential Mixed Use Development, Specialty Center, Commercial Base) zone. The RMX-2C zone was first established in 1993 to “allow commercial developments under the base standards and mixed use development under an optional procedure.” *See* January 11, 1993 Technical Staff Memorandum on ZTA No. 92019, p. 1. The zone largely relied on specific master plan recommendations to set development parameters and ensure compatibility of mixed-use developments with adjacent areas. *See* October 29, 2014 Zoning Ordinance Section 59-C-10.3.1 (“This method of development is a means to encourage development in accordance with the recommendations and guidelines of approved and adopted master plans”). As referenced above, the Property was subsequently rezoned to the CRT Zone (Commercial Residential Town) pursuant to the 2014 Countywide District Map Amendment. As a result of this rezoning, many of the recommendations of the Master Plan that clearly anticipated and related to the previous zone need to be “translated” to the current CRT zone.

For example, the Master Plan distinguishes between the “standard method” and “optional method” of development as such were then defined under the RMX-2C zone. In the RMX-2C zone, any development above a 0.3 FAR triggered the optional method. Under the current CRT zoning, however, development on the Property, up to the maximum 0.75 FAR allowed by the

---

<sup>5</sup> It is important to note that the relevant criteria for site plan approval requires substantial conformance, not strict conformance.

zone,<sup>6</sup> is permitted under the standard method of development. Additionally, the CRT zone's standard method is more akin in form and function to the optional method of development in the RMX-2C zone. For example, the RMX-2C optional method was typically used for mixed-use developments, the details of which were set forth in a master plan, whereas CRT standard method encourages such mixed-use developments and requires a finding of master plan compliance. The RMX-2C optional method also established such requirements as minimum outside amenity areas and minimum building setbacks, which are now established under the standard method in the CRT zone. Therefore, references in the Master Plan to the "optional method" of development should be properly applied to the CRT standard method as the current equivalent.

The Master Plan identifies a number of zoning and land use recommendations specific to the Property that largely echo the more general area-wide recommendations of the Master Plan regarding environmental protection, including improved stormwater controls, increased tree canopy, and enhancements to pedestrian and bicycle facilities. *See* Master Plan, pp. 1-2, 29, 33-35. With regard to the Property-specific recommendations, the Master Plan notes that such recommendations "are intended to provide redevelopment flexibility while ensuring that such redevelopment will create a walkable village center compatible with adjacent neighborhoods."<sup>7</sup> *See* Master Plan, p. 46. These recommendations and the design guidelines relating thereto are

---

<sup>6</sup> Pursuant to Section 59.4.5.3.A of the Zoning Ordinance, projects in the CRT zone may develop to "[t]he greater of 1.0 FAR or 10,000 SF of gross floor area" under the standard method of development.

<sup>7</sup> The flexibility embraced by this Master Plan language is consistent with well-established case law in Maryland that stands for the principle that master plans "are continually subject to modification in light of actual land use development and serve as guide rather than a strait jacket." *Montgomery County v. Woodward & Lothrop, Inc.*, 280 Md. 686, 704 (1977).

reviewed below, along with a brief description of how the Application substantially conforms to each:

- *Provide a pedestrian-friendly, mixed-use village center consisting primarily of retail uses and also including offices, housing, open space, and small scale entertainment/recreational activities. Retail uses must be neighborhood-serving; regional and big box uses must be avoided. Stores must not exceed 8,000 square feet with the following exceptions: a grocery store limited to 50,000 square feet and one additional anchor limited to 30,000 square feet. If the gas station is relocated within the property, compatibility with housing must be maintained by adequate separation, efficient vehicular access and circulation, and reduction of visual impact by attractive landscaping. (p. 46).*

The Application proposes to transform the existing retail strip center and surface parking facilities into a vibrant mixed-use center with primarily retail uses. As noted above, in addition to new commercial uses and the retention of approximately 30,000 square feet of existing office space, the Applicant proposes the introduction of residential uses on the Property in the form of 48 townhouse dwelling units to establish a broader mix of complementary uses. The Application will also provide a series of open spaces that will serve as gathering spots, and which will be programmed for entertaining and recreational activities.

With regard to the specific nature and sizes of the retail, all of the proposed retail uses will be neighborhood-serving. As noted above, the Property currently has an anchor grocery store with a long-term lease, as well as an additional anchor of approximately 15,000 square feet. Because these tenants were in place at the time of the adoption of the Master Plan and are expected to remain for the foreseeable future, the Applicant does not believe the stated limitations should apply to those uses. Additionally, some flexibility in the stated floor areas is necessary in light of the fact that retail norms have changed significantly since the adoption of the Master Plan in 2002. Current highly desirable tenants who are not typically considered “big

box” uses, such as Terrain, West Elm, Anthropologie or Equinox<sup>8</sup> have typical floor plates in excess of 8,000 square feet. Slight modifications to the stated limits are therefore appropriate and can be accommodated while preserving the overall intent of, and ensuring substantial compliance with, the Master Plan language.

As illustrated on the Site Plan, the Application proposes a number of new smaller commercial buildings throughout the Property, the vast majority of which are proposed to range between 1,000 square feet to 6,000 square feet. One or two retailers and/or fitness users may have footprints up to approximately 10,000-16,000 square feet, however, which are reflective of updated business models whereby select retailers have fewer, larger footprint stores. Examples of these users might include home wares, fitness concepts, bookstores, music venues, outdoor retailers and food operators. The intent in bringing these retailers to the center is to create a synergistic retail experience while diversifying the options and depth of retail available to the community. In addition, the Project could potentially include one additional user of up to 21,000 square feet, as prescribed in the Master Plan, which would most likely be a fitness user. As with the adjusting retail footprints, what and how we shop is shifting. The ability of retailers to both make, distribute and sell is essential to a multichannel strategy. There are therefore also a variety of tenants that may not have historically been found in a traditional center, but will operate in second story or deeper space that become great community aggregators. Examples of such users include a brewery/ distillery, a veterinary office/ hospital, and daycare space, all of which are limited uses requiring site plan approval, and are intended to be include with this site plan application.

---

<sup>8</sup> It is unclear in the Master Plan whether a fitness use would be included or exempt from the stated retail caps.



- *Commercial development is limited to 300,000 square feet of gross floor area. (p. 46).*

Although the existing zoning for the Property would permit over 500,000 square feet of commercial uses, the Preliminary Plan proposes a maximum of 300,000 square feet of commercial development as recommended by the Master Plan, and the Application includes 270,000 square feet of this area.

- *Housing is not permitted under the standard method. Under the optional method, the following residential components are permitted up to a total of 135 dwelling units (MPDUs): 75 units of elderly or affordable housing, to be generally located at the northeast section of the site; (135 units will only be permitted if 75 units are elderly or affordable); up to 40 townhouses located to provide a transition to the adjacent residential community and to enhance the residential character of Coddle Harbor Drive; and up to 40 dwelling units in a single story above retail, located to enliven the street environment. The combination of housing units in the latter two categories shall not exceed 60 units. (p. 46).*

As noted above, the Master Plan recommendations regarding residential uses were reflective of the then proposed RMX-2C zoning for the Property. Residential uses were restricted under standard method RMX-2C zoning and, as a result, the Master Plan tied housing to the optional method of development. With the change to the current CRT zone, however, the Applicant believes that housing is properly permitted under the standard method.

As illustrated on the Site Plan included with the Application, 48 townhouse dwelling units, composed of 42 market-rate units and 6 (12.5%) moderately priced dwelling units, are proposed along the northeast portion of the Property. These townhouse units will replace existing surface parking facilities near the stormwater management facilities on Parcel O and will provide the transition envisioned by the Master Plan between the existing and proposed retail buildings to the south and the adjacent residential community to the north.

The Application does not exceed the maximum of 60 units within “the latter categories,” as specified in the Master Plan, but rather proposes that all of these units be townhouse dwelling units as opposed to some being dwelling units in a single story above retail, which product type is not feasible today given the complexity of ownership, building type, height constraints, and costs associated with that form of development. Additionally, as was recognized by Planning Staff as part of the Concept Plan for the Project, the Master Plan’s limit of 40 townhouses was not intended to be a hard and fast ceiling; rather, the Master Plan’s intent was that housing be provided as part of any redevelopment of the Property to create a mixed-use village center, which objective the Application achieves.

- *Provide sidewalk improvements at the confronting quadrants of Tuckerman Lane and Seven Locks Road to facilitate pedestrian access to center. (p. 46).*

The confronting quadrants of Tuckerman Lane and Seven Locks Road have already been improved with sidewalks to accommodate pedestrian access to Cabin John Village.

- *A bus shelter or shuttle service to Metro or acceptable traffic mitigation alternative must be provided with any increase in density. (p. 46).*

A bus shelter has already been constructed along Seven Locks Road in compliance with this recommendation. Additionally, as noted above, the Applicant is proposing to provide 5 car-sharing spaces within the center, static information signs in both the mall and office components of the Project, a bikeshare or dockless bikeshare accommodation on the Property, and significant bicycle parking to provide these traffic mitigation alternatives on-site as well.

- *Any new auxiliary lanes at the intersection will require the installation of a tree lined median and clearly marked pedestrian crosswalk to provide pedestrian refuge when crossing Seven Locks and Tuckerman Roads. (p. 48).*

The clearly marked pedestrian crosswalks have already been constructed at this location. MCDOT recently completed auxiliary lanes on Seven Locks Road as part of an ongoing CIP project.

- *Provide intersection improvements on Tuckerman Lane and Seven Locks Road to facilitate pedestrian crossing, subject to DPW&T and M-NCPPC approval, prior to any new construction. (p. 48).*

The pedestrian intersection improvements, including new pedestrian signals and clearly delineated crosswalks, have already been instituted at the intersection of Tuckerman Lane and Seven Locks Road.

- *Link the on-site pedestrian street and path system to intersection improvements at Tuckerman Lane and Seven Locks Road to draw pedestrians and bikers to the site from confronting properties. (p. 48).*

This Application will improve the functionality of the on-site street and pedestrian pathway systems by introducing additional retail buildings and streetscape improvements including sidewalks and crosswalks that make the Property more readily and safely accessible for pedestrians and bikers. The Project will also connect this enhanced internal street and sidewalk system to the various intersection improvements along the Property's frontages. To this end, the Application is also consistent with the Master Plan's area-wide recommendation to "provide pedestrian and bike links to surrounding streets and neighborhoods." (p. 34).

- *Provide a tree-lined hiker/biker path along the site perimeter on Tuckerman Lane and Seven Locks Road. The path should be eight to ten feet wide and separated from the road by a landscaped panel extensively planted with shade trees.*

As part of the Project, the Applicant has agreed to construct a ten foot wide shared use path along Tuckerman Lane site frontage. The Applicant will also create a five foot path connecting the Project to the Cabin John Regional Park. Bike lanes are being provided along Seven Locks Road as part of an ongoing County CIP project.

- *Landscaped medians to provide pedestrian refuge when crossing Seven Locks and Tuckerman Roads.*

An earlier recommendation, discussed above, contemplates the construction of such medians with the installation of any new auxiliary lanes at the intersection. As noted above, such lanes are the subject of an ongoing CIP project that is beyond the control of the Applicant.

- *Heights of buildings, including combination of housing and structured parking, shall not exceed 35 feet to ensure a scale compatible with the surrounding neighborhoods. (p. 48).*

During the 2014 rezoning of the Property from the RMX-2C to the CRT zone, the height allowed under the standard conversion to the new CRT zoning was dropped from 65 feet to 35 feet to reflect this recommendation. None of the existing or new commercial buildings on the Property will exceed 35 feet in height. Because a 35-foot height limit is especially restrictive for current townhouse products, the proposed townhouse units will utilize the provisions of Section 59.4.5.2.C.2.f of the Zoning Ordinance<sup>9</sup> to average the height of all the units to ensure an average of 35 feet is maintained.

---

<sup>9</sup> Section 59.4.5.2.C.2.f states, "Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by a mapped zone. Average building height is calculated as the sum of the area of each section of the roof having a different height multiplied

- *Maintain the existing berms and wide margin of trees along the perimeter of the site, especially adjacent to the Cabin John Stream Valley Park. (p. 48).*

The Application proposes to largely maintain existing berms and the wide margin of trees along the perimeter of the Property, with only minor modifications that will be remediated with new plantings. The additional retail buildings, residential uses and associated streetscape improvements will be sited and designed to be compatible with the adjacent Cabin John Stream Valley Park.

- *Meet a significant portion of the parking requirements in structured parking. Place as large a proportion as possible below grade. Any parking structure above grade must be located in the northeast corner of the site and be limited in height to 20 feet. Housing may be placed on top of garage, however, the combined above-grade height shall not exceed 35 feet. A parking structure must be designed with compatibility features that minimize its bulk such as landscaped building elevations, wall offsets and architectural articulation. The structure shall be designed to shelter grocery store shoppers from inclement weather.*

Current market conditions and the density proposed by the Project do not support the costs associated with structured parking at this time. Structured parking is, however, contemplated in Phase III of the Preliminary Plan, in the form of underground parking in the southeast corner of the site.

- *Provide a 100-foot building setback along the northeastern property line of which 50 feet is continuous landscaped buffer between any development and adjacent residential neighborhoods. (p. 48) .... In optional method projects, "[t]o achieve a more compatible site layout that accommodates a significant residential component, the required building setbacks may be reduced to 50 feet with appropriate landscaping in the following locations: along Cabin John Park, along the R-90 zoning boundary line at the stormwater management pond, and along Coddle Harbor Lane if residential townhouses are provided."*

---

by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage."



As discussed above, the Application was designed to comply with the practical equivalent of the RMX-2C optional method, which is the CRT standard method. Therefore, the reduced setbacks under the Master Plan's "optional method" are understood to be the applicable ones. Additionally, there is a discrepancy in the Master Plan regarding from where the referenced setback line is to be drawn. While the clear language of the guideline on page 48 refers to the "property line," the diagram on page 47 of the Master Plan shows the setback starting from mid-property (which is the approximate location of the zoning line), and the language on page 49 refers to a "zoning boundary line." The only logic of measuring from the zoning boundary line is if single-family homes were proposed to be constructed in that R-90 zoned area, which they are not; therefore, a measurement from the Property line is the most logical in this case and could easily be complied with given the existing open space in this location.

Given the ambiguity of the provision, however, assuming *arguendo* that the setback is measured from the zoning line, strict adherence to the 50-foot setback would create substantial issues for residential development on the Property, mainly due to the fact that the existing center is proposed to remain essentially intact, and such a significant setback is not necessary to achieve the objectives of the Master Plan, as viewed from current realities and zoning. As noted above, the Master Plan contemplated any RMX-2C zone for the property, the standard setback for which was 100' (which could be reduced to 50' with Planning Board approval). The language of the plan therefore reflects the RMX-2C development standards of that time. As noted above, however, the property has now been rezoned to CRT, which would only require a setback of 10 feet from the property line, which the proposed setbacks on the Property would significantly exceed.

Additionally, the Master Plan recommended a more significant redevelopment of the site, which would have allowed for larger setbacks. The current plan proposes the retention of the existing retail strip, which limits the available space for residential uses in the northeast corner, especially given the need for drive aisles, fire department access, etc. Therefore, to accommodate the Master Plan's vision for residential development in the northeast corner of the site,<sup>10</sup> a reduction in the recommended setback to allow for desired redevelopment is appropriate.

The Application therefore reflects an approximately 37-foot setback from the zoning line along Parcel O in one location and a 33-foot setback in another location, but the majority of the proposed residential units are located over 100 feet from the property line. This substantially complies with the setback recommendation and objectives of the Master Plan considering the fact that the area between the zoning line and the Property line will remain as a wooded area subject to a forest conservation easement and containing a stormwater pond, with townhouses beyond. This setback was also explicitly considered and approved by the Planning Board as part of the Preliminary Plan.

- *Enhance the residential character of Coddle Harbor Lane by removing the gas station, providing townhouses along Coddle Harbor Lane, and relocating access to the center away from the adjacent neighborhood.*

The portion of the Property that includes the gas station is not subject to this Application. The Applicant notes, however, that Phase III of the Preliminary Plan contemplates the removal of the gas station and its replacement with residential uses along Coddle Harbor Lane in accordance with this recommendation. In light of the fact that much of the existing commercial uses on the Property will remain, it is not feasible to relocate the existing access points for the

---

<sup>10</sup>It should also be noted that the Master Plan specifically called for multi-family development in this area, the massing of which would have been much greater than the townhouses proposed by the Application.

center. Keeping the current entrance to the mini-Mall structure allows consumers to more quickly access the commercial portion of the center, allowing residential traffic to continue to the Inverness Knolls neighborhood. The Project does, however, contemplate eliminating one of the entrances to the gas station in order to control traffic flow along Coddle Harbor Lane and maintain a more residential feel.

- *Provide streetscaping along Coddle Harbor Lane that is consistent with its residential character. (p. 48).*

The Applicant intends to make modifications that enhance the residential character of Coddle Harbor Lane through the addition of a sidewalk and additional landscaping, as reflected on the Site Plan and Landscape Plan included with the Application.

- *Explore with DPW&T whether a traffic light is warranted at Seven Locks Road and Coddle Harbor Lane to enhance vehicular and pedestrian safety and accommodate the traffic volume. (p. 48).*

The Applicant's traffic consultant performed a traffic signal warrant analysis for this intersection that concluded that no signal was warranted. A copy of the study is included with the Application materials.

- *Provide public facilities and amenities, such as a green park.*

As noted above, the Project will include a number of open spaces throughout the Property that provide gathering spaces, open parks and landscaped areas as amenities to the retail customers, residents and office workers in the site. The applicant also intends to work with the Parks Department to create a more formalized entrance to the trails system along and within Parcel O that connect to the adjacent Cabin John Park in order to offer better accessibility, safety and usability to this important amenity for the public.

- *Provide storm water management according to current standards and retrofit projects for currently untreated sites. Incorporate alternative*

*techniques that increase filtration and enhance natural hydrology, such as small bioretention areas, rooftop gardens, disconnection of impervious cover, alternative pavers, soil amendments and conditioning, or other landscaping techniques. (p. 34).*

In connection with the proposed redevelopment of the Property, which currently is almost entirely impervious, stormwater management will be significantly improved with on-site stormwater management facilities meeting current standards, the introduction of more green elements in parking areas, the disconnection of impervious cover, and enhanced landscaping. Various ESD facilities including micro bioretention facilities will also be evaluated to manage stormwater along with structural practices.

8. *The proposed development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.*

The Planning Board found the proposed development to be served by adequate public facilities as part of its approval of the Preliminary Plan associated with the Project.

Vehicular circulation to the Property is proposed to remain from the existing access points along Tuckerman Lane and Seven Locks Road, as discussed above. These existing roadways and access points currently provide efficient and adequate circulation to the Property. As more fully described in the Traffic Study submitted in connection with the Preliminary Plan, with the provision of a turn lane along Coddle Harbor Drive within the existing right-of-way, implementation of the Project will not result in any of the study intersections operating in excess of the applicable standards.

Additionally, the Property is served by an existing bus stop that provides access to Ride On Bus Routes 37 and 47, Ride On Bus 47 runs between the Bethesda and Rockville Metro Stations, providing service every 25-30 minutes on weekdays, and Ride On Bus 37 runs between the Potomac Community Center and the Grosvenor/Wheaton Metro Station, providing service approximately every 30 minutes on weekdays.

Other available public facilities and services are similarly adequate to serve the proposed Project. As the Property is located in the S-1 and W-1 sewer and water categories, there is adequate on-site sewer and water service to serve the Project. With regard to schools, the Property is situated in the Churchill School Cluster. Per the FY 2019 Schools Test, the Churchill Cluster, including Beverly Farms Elementary School and Herbert Hoover Middle School, is adequate under applicable capacity criterion.<sup>11</sup> Police stations, firehouses, and health clinics are considered adequate under the 2016-2020 Subdivision Staging Policy unless there is evidence that a local area problem will be generated. There are no circumstances present that would rebut this presumption of adequacy.

9. *On a property in a Rural Residential or Residential zone, the proposed development is compatible with the character of the residential neighborhood.*

The proposed development is only located on the CRT zoned portion of the Property; thus, this requirement is not applicable to the Application.

10. *On a property in all other zones, the proposed development is compatible with existing and approved or pending adjacent development.*

The Project is compatible with the adjacent single-family residential communities, including the residential townhouse community of Inverness, as well as the senior housing

---

<sup>11</sup>Per this test, Churchill High School is projected to be at 102.3% capacity, while Beverly Farms is at 75.1% (with a projected surplus of 172 seats in 2023-2024) and Hoover Middle School is at 66.7% (with a projected surplus of 379 seats in 2023-2024).

facility confronting the Property to the south that is operating pursuant to a Conditional Use in the R-90 zone. The maximum building height proposed for the Project is 35 feet, which is the equivalent of the allowable building height for residential structures on adjacent properties. As discussed above, the Project will revitalize the existing aging strip shopping center and enhance community connectivity, creating a more vibrant, pedestrian friendly, mixed-use village center, as envisioned by the Master Plan. The proposed pedestrian and bicycle connectivity improvements will allow for safe and efficient access to and from the Property for those residing in the adjacent residential communities. The Project meets all of the minimum setbacks established by the Zoning Ordinance and will implement landscaping that enhances the screening of the Property from the adjacent communities. The introduction of significant open space in the Property will also serve as an additional outdoor amenity area for residents, customers, employees, and visitors of the Property.


## **VI. CONCLUSION**

The Application proposes a vibrant, neighborhood serving, mixed-use redevelopment of the Property that will accomplish the Master Plan's objectives, while also being cognizant of current market realities. More specifically, the Applicant intends to replace existing surface parking facilities with a mix of commercial buildings, townhouse dwelling units and associated streetscape and open space improvements. The Application also proposes the implementation of on-site pedestrian and bicycle pathways that allow for safe and efficient access to Seven Locks Road, Tuckerman Lane and the surrounding community. In summary, the Application establishes a framework for transforming the Property into a pedestrian friendly, mixed-use village center with high quality retail, office, housing and open spaces.



Respectfully submitted,

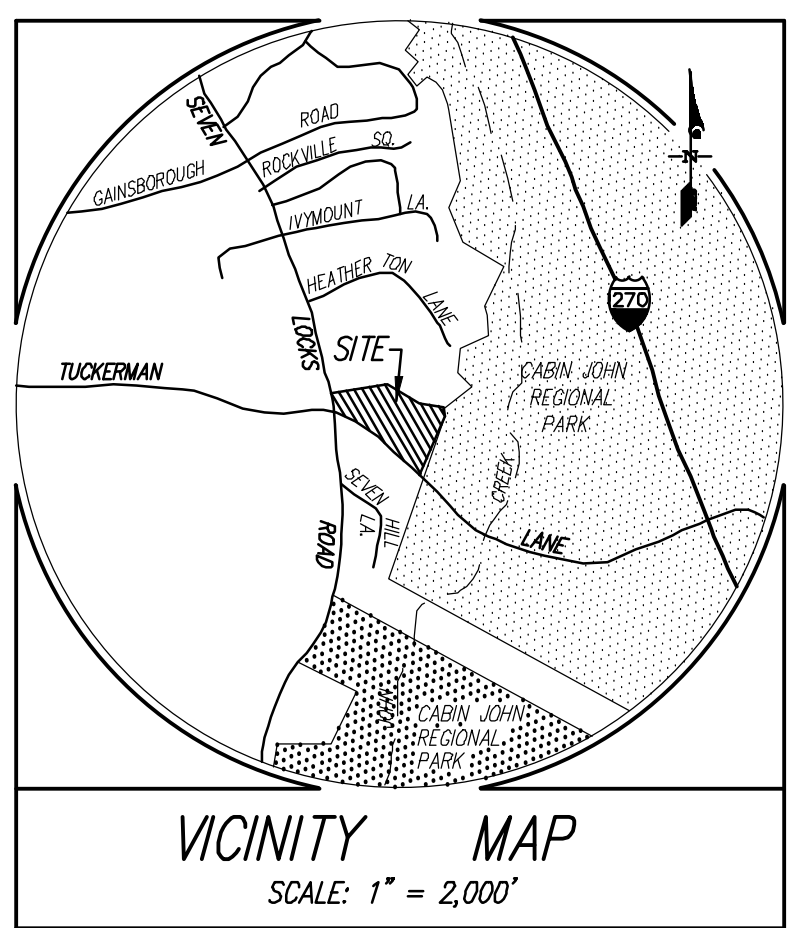
**LINOWES AND BLOCHER LLP**

By:   
Erin E. Girard

7200 Wisconsin Avenue, Suite 800  
Bethesda, Maryland 20814  
(301) 961-5153

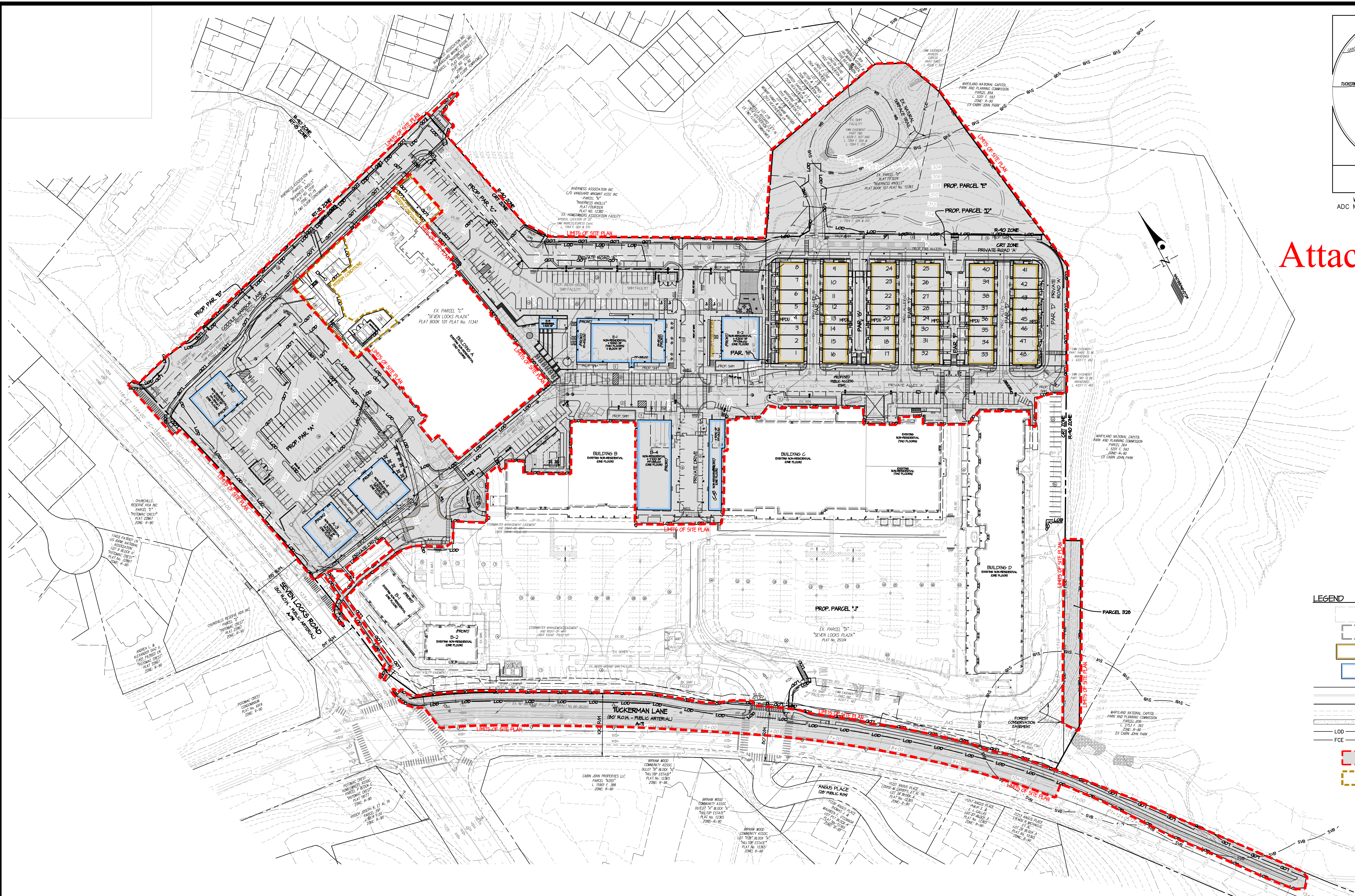
Attorney for Applicant



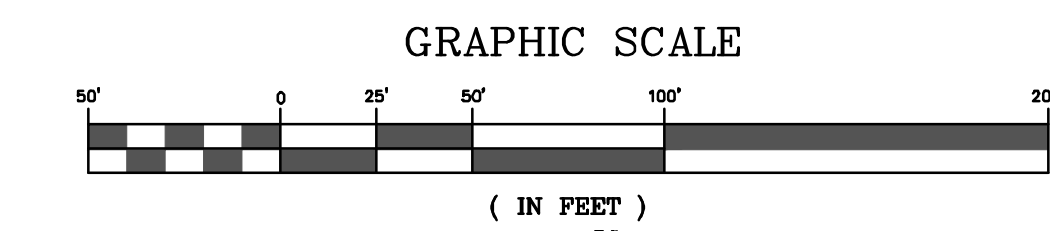


WSSC GRID: 214NW08 & 214NW07  
ADC MAP BOOK GRID: 35-A1-MC & 35-B1-MC

# Attachment 2



- LEGEND**
- EX BUILDING (TO BE REMOVED)
  - EX BUILDING (TO REMAIN)
  - PROP. BUILDING (RESIDENTIAL)
  - PROP. BUILDING (NON-RESIDENTIAL)
  - EX STREAM
  - EX CURB
  - PROP. CURB
  - EX SIDEWALK
  - PROP. SIDEWALK
  - LOD
  - FCE
  - LIMITS OF SITE PLAN
  - LIMITS OF INTERIM CONDITIONS



**PROFESSIONAL ENGINEER'S CERTIFICATION**  
THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE SITE PLANS HEREIN CONFORM TO THE STANDARDS OF THE ZONE, AND THE PLANNING BOARD SITE PLAN OPINION. IN ADDITION, THE SITE PLANS ARE CONSISTENT WITH THE DATA TABLE PROVIDED ON THE COVER SHEET. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 24914 EXPIRATION DATE: JANUARY 20, 2020.

**DEVELOPER'S CERTIFICATE**  
The undersigned agrees to execute all the features of the Site Plan Approval No. 820190020, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: CABIN JOHN (EDENS) LLC  
Address: 1272 5th Street NE, Suite 200, Washington, DC 20002  
Phone: (202) 902-2600  
Signature: William Caldwell, Managing Director

THE NEIGHBORHOODS OF  
**EYA**  
life within walking distance®  
4800 Hampden Lane, Suite 300 Bethesda, MD 20814  
1-800-634-8600 F 301-634-8601 W EYA.COM

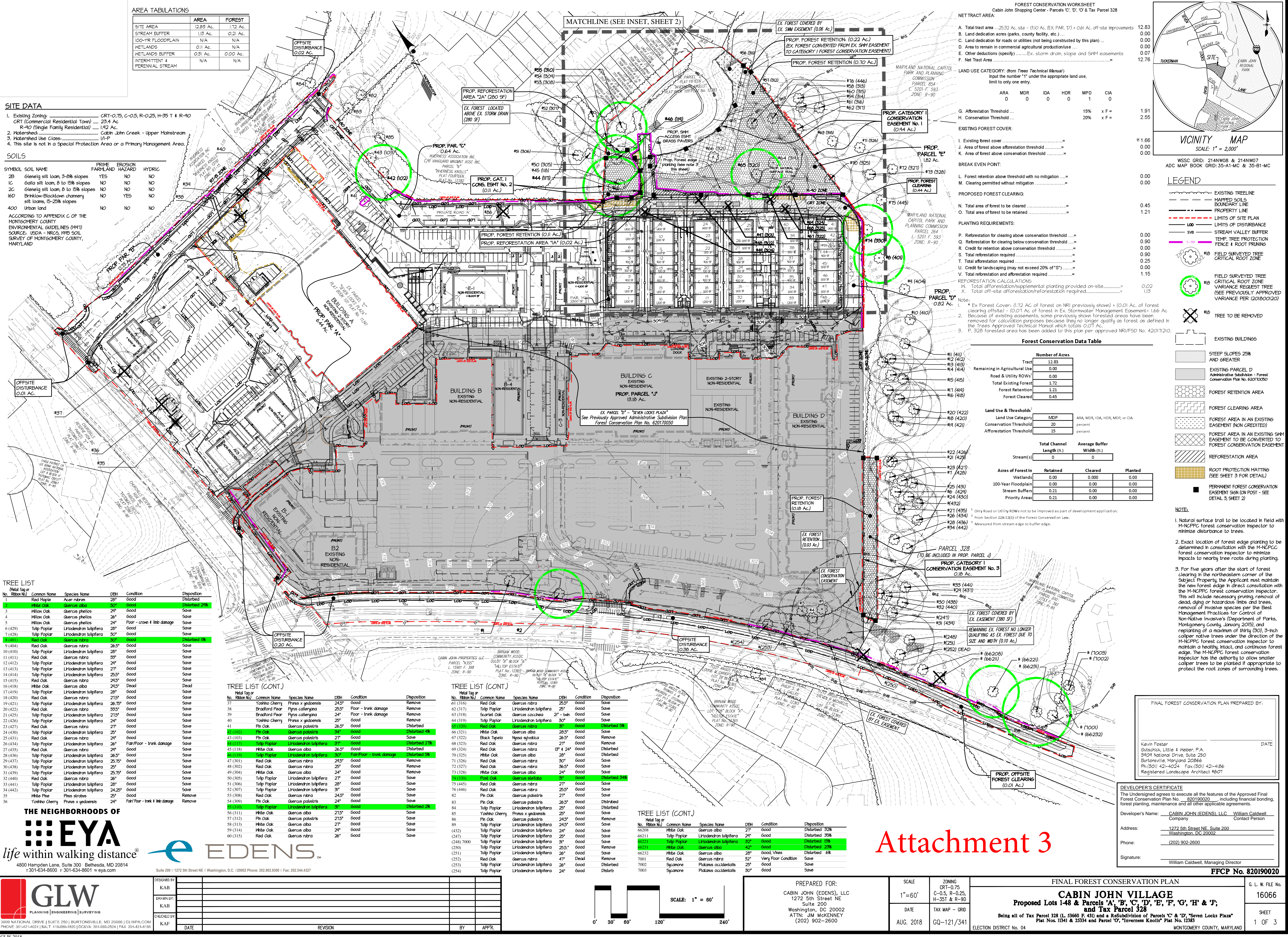
**EDENS**  
Suite 200 • 1272 5th Street NE • Washington, D.C. 20002 Phone: 202.902.9300 • Fax: 202.544.4327

**GLW**  
PLANNING | ENGINEERING | SURVEYING  
3909 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM  
PHONE: 301-424-0204 | FAX: 301-424-0205 | TOLL FREE: 800-451-2525 | FAX: 301-424-1438

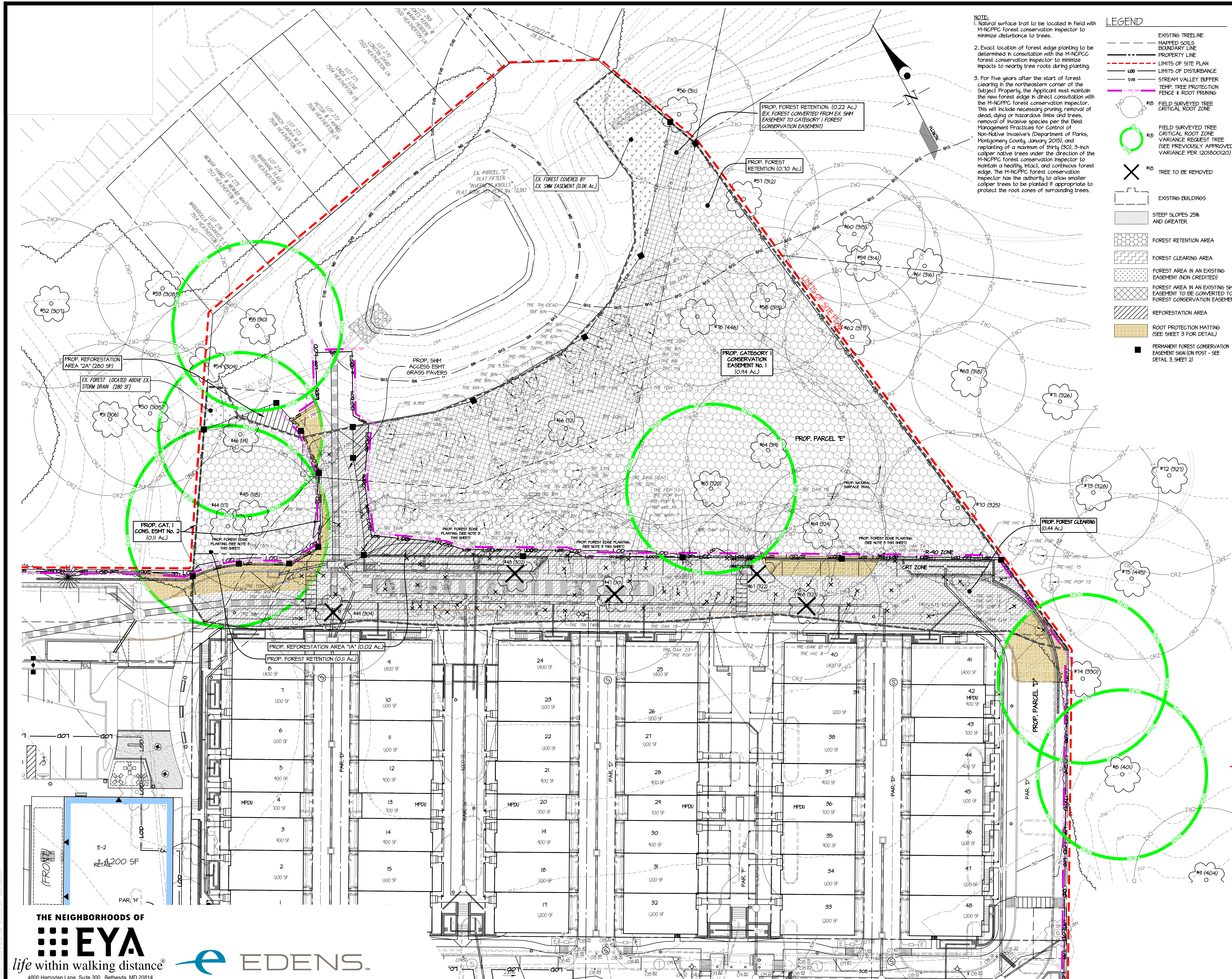
DESIGNED BY					
DRAWN BY	KAB				
CHECKED BY	KAF				
DATE		REVISION		BY	APPR.

PREPARED FOR: CABIN JOHN (EDENS) LLC 1272 5th Street NE Suite 200 Washington, DC 20002 ATTN: JIM MCKENNEY (202) 902-2600	SCALE 1" = 50' DATE AUG. 2018	ZONING CR-0.75 C-0.5, R-0.25, H-351 & R-90 TAX MAP - GRID GQ-121/341	COMPOSITE SITE PLAN <b>CABIN JOHN VILLAGE</b> Proposed Lots 1-48 & Parcels 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' & 'J', and Tax Parcel 328 Being all of Tax Parcel 328 (L. 53660 F. 431) and a ReSubdivision of Parcels 'C' & 'D', "Seven Looks Plaza" Plat Nos. 11341 & 25334 and Parcel 'O', "Inverness Knolls" Plat No. 13383 ELECTION DISTRICT No. 04 MONTGOMERY COUNTY, MARYLAND	G. L. W. FILE No. 16066 SHEET SP-1.00
--	--	---	---	--



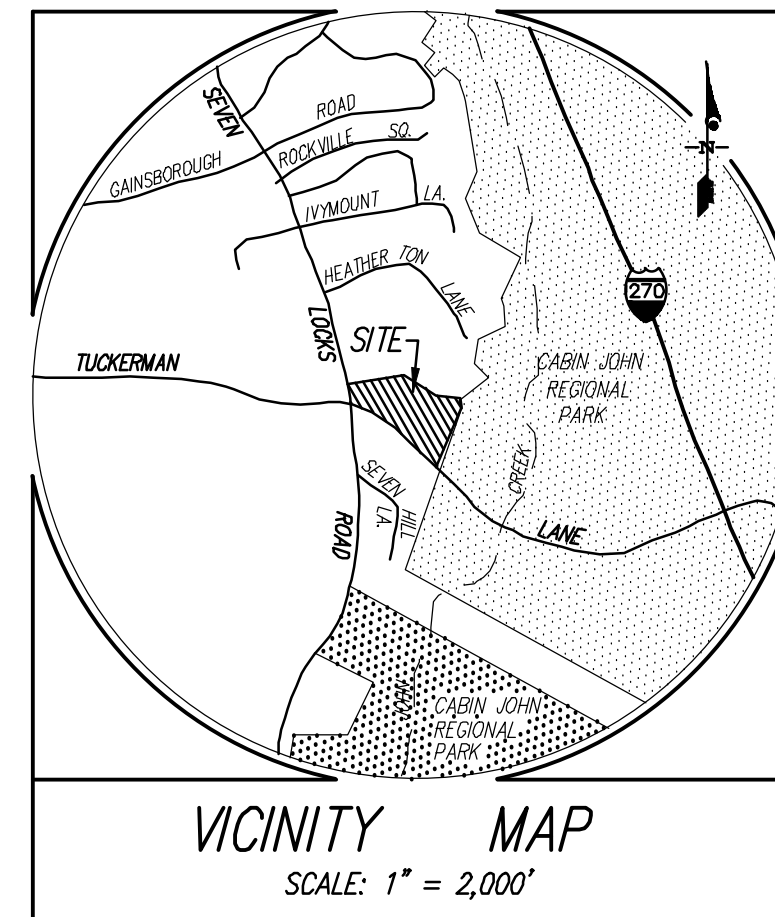






NOTE:  
1. Natural surface trail to be located in field with M-NCPPC forest conservation inspector to minimize disturbance to trees.  
2. Exact location of forest edge planning to be determined in consultation with the M-NCPPC forest conservation inspector to minimize impacts to nearby tree roots during planting.  
3. For five years after the start of forest clearing in the northeastern corner of the Subject Property, the Applicant must maintain the new forest edge in direct consultation with the M-NCPPC forest conservation inspector. This will include necessary pruning, removal of dead, dying or hazardous limbs and trees, removal of invasive species per the Best Management Practices for Control of Non-Native Invasive's (Department of Parks, Montgomery County, January 2015), and replanting of a maximum of thirty (30) 3-inch caliper native trees under the direction of the M-NCPPC forest conservation inspector to maintain a healthy, intact, and continuous forest edge. The M-NCPPC forest conservation inspector has the authority to allow smaller caliper trees to be planted if appropriate to protect the root zones of surrounding trees.

- LEGEND**
- EXISTING TREELINE
  - HAPPED SOILS BOUNDARY LINE
  - PROPERTY LINE
  - LIMITS OF SITE PLAN
  - LIMITS OF DISTURBANCE
  - STREAM VALLEY BUFFER
  - TEMP. TREE PROTECTION FENCE & ROOT PRUNING
  - FIELD SURVEYED TREE CRITICAL ROOT ZONE
  - FIELD SURVEYED TREE CRITICAL ROOT ZONE VARIANCE REQUEST TREE (SEE PREVIOUSLY APPROVED VARIANCE PER 1201800120)
  - TREE TO BE REMOVED
  - EXISTING BUILDINGS
  - STEEP SLOPES 25% AND GREATER
  - FOREST RETENTION AREA
  - FOREST CLEARING AREA
  - FOREST AREA IN AN EXISTING EASEMENT (NON CREDITED)
  - FOREST AREA IN AN EXISTING SWM EASEMENT TO BE CONVERTED TO FOREST CONSERVATION EASEMENT
  - REFORESTATION AREA
  - ROOT PROTECTION MATTING (SEE SHEET 3 FOR DETAIL)
  - PERMANENT FOREST CONSERVATION EASEMENT SIGN (ON POST - SEE DETAIL 3, SHEET 2)



WSSC GRID: 214NW08 & 214NW07  
ADC MAP BOOK GRID: 35-A1-MC & 35-B1-MC

September 10, 2018  
Mr. Matt Thorne  
EYA, LLC  
4800 Hampden Lane, Ste. 300  
Bethesda, MD 20814  
Re: Cabin John Shopping Center, Final Forest Conservation Plan comments  
Dear Matt:  
This report will review our discussions from last week, along with Kevin Foster from GLW, Inc. We men to discuss the M-NCPPC and comments provided by the M-NCPPC reviewer.  
1. Along the northeastern edge of the project, there are several trees whose critical root zones (CRZ) will be bisected by the limits of disturbance (LOD).  
• Tree #74 is a Southern red oak (*Quercus falcata*) in good condition. This tree measures 32.5" of diameter. The impact to this tree's CRZ will be minimal, and should not result in short-term or long-term decline in tree health. The tree should receive root pruning along the LOD and within the tree's CRZ.  
• Tree #8 is a Southern red oak in fair to poor condition. This is not a preservation candidate. It is almost dead now, and will be completely dead soon. No preservation efforts are required.  
• Tree #324 is a Northern red oak (*Quercus rubra*), which measures 31.5" of diameter at breast height. It is in good condition. The proposed curb cut is 15' from the base. Root pruning should occur along the LOD at the proposed curb cut. This cut should be far enough from the tree base to avoid severing the supporting roots within the root plate. The percentage of the CRZ loss appears to be roughly 35%, which is high. However, the impact is to just one side of the tree which is the least impactful scenario. My recommendation is to work to retain this tree, but to monitor for signs of decline in the 3 years following the installation of the curb adjacent to the tree. A tree growth regulator (such as 'Cambistar') could be applied to this tree in the spring of 2019. This could help the tree mitigate the stresses of this root loss. I am not sure if the County would approve of this application in a forest setting, but it would be a good idea if approved.  
2. Root pruning shall occur along the entire LOD as it bisects this forest stand. This will necessitate the removal of smaller diameter trees to avoid interference with the root pruning machine progress. The recommended for this job is a rock saw. A trenching machine can be used but this would necessitate hand pruning of the severed roots and the refilling of the trench with dirt, also by hand.  
3. In the northern portion of the lot, there is a portion of the forest that has been invaded by invasive plant material. I noted the presence of Japanese honeysuckle, greenbrier, multi-flora rose, Japanese stilt grass and porcelain berry. These invasive plants should be controlled as described here:  
• Japanese honeysuckle - treat foliage with a glyphosate herbicide as a 2% solution in water. Application can be made during the warmer weather of July to October.  
• Greenbrier - this is a native vine, and as such is not generally eradicated.  
• Multi-flora rose - thoroughly wet foliage with a glyphosate solution in water as a 2% solution from May to October.  
• Japanese stilt grass - apply a glyphosate herbicide mix of 2% in water to the green shoots. Because seeds can persist in the soil for up to 5 years, repeated applications are likely necessary. Apply during active growing season of May to October.  
• Porcelain berry - mechanically remove larger plants by pulling them from the ground before fruits ripen. Larger stems may be cut by hand with the remaining stems sprayed with a glyphosate product. A foliar spray of glyphosate at 2% solution in water may be applied at the end of the growing season (September/October).  
• Mechanical and chemical control will be necessary for at least two years following the initial applications.  
4. The planting of thirty (30) 3" caliper trees is recommended by the County. My recommendation is to plant thirty (30) 1.0-1.5" caliper trees under the direction of the M-NCPPC forest conservation inspector. Smaller caliper trees will have a far greater chance of long-term survival and have less impact on surrounding trees when planted. Genus and species shall be of a type that is consistent with the forest stand including Northern red oak, red maple (*Acer rubrum*), hickory (*Carya sp.*), tulip poplar (*Liriodendron tulipifera*) and American beech (*Fagus grandifolia*).  
5. New trees shall receive one year of supplemental watering through either a water tank, or systems like a 'Gator Bag' device. Water shall be delivered during wet weeks when there is less than 1" of natural rainfall.  
6. No other tree care measures are required as a result of this FCR.  
7. The project architect shall be notified of any changes to the health or structural integrity of any trees identified for preservation, and for a period of three (3) years post the installation of the retaining walls and b-e-retention facilities along the proposed forest edge.  
Sincerely,  
Kevin Foster  
Kevin C. Fiedel  
ISA Certified Arborist, MA-0178  
ISA Certified Tree Risk Assessor  
MD Licensed Tree Inspector #689  
MD Licensed Forester #675  
2219 401 place, NW, Suite 1 - Washington, DC 20007-2303 301 (P) info@pilotforrest.com, www.pilotforrest.com

Attachment 4

FINAL FOREST CONSERVATION PLAN PREPARED BY:  
Kevin Foster  
Guttschick, Little & Weber, P.A.  
3404 National Drive, Suite 250  
Baltimore, Maryland 20866  
Ph: (301) 421-1301, 421-4186  
Registered Landscape Architect #607  
DATE

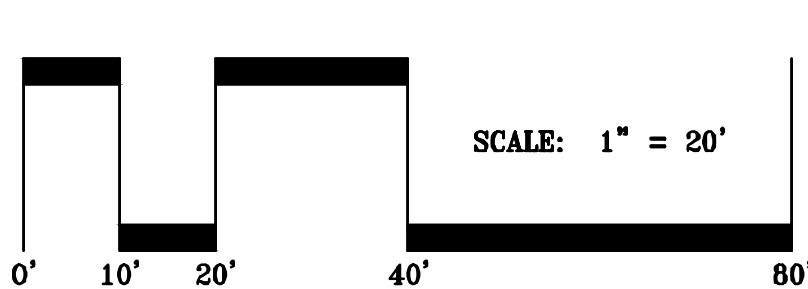
**DEVELOPER'S CERTIFICATE**  
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 820190020, including financial bonding, forest planning, maintenance and all other applicable agreements.  
Developer's Name: CABIN JOHN (EDENS), LLC William Caldwell  
Company Contact Person  
Address: 1272 5th Street NE, Suite 200  
Washington, DC 20002  
Phone: (202) 902-2600  
Signature: William Caldwell, Managing Director

FFCP No. 820190020

**THE NEIGHBORHOODS OF EYA**  
life within walking distance®  
4800 Hampden Lane, Suite 300 Bethesda, MD 20814  
T 301-634-8600 F 301-634-8601 w.eya.com  
EDENS  
Suite 200 | 1272 5th Street NE | Washington, D.C. | 20002 Phone: 202.902.8300 | Fax: 202.544.4327

**GLW**  
PLANNING | ENGINEERING | SURVEYING  
3800 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MI 48066 | GLWPA.COM  
PHONE: 313-427-4051 | FAX: 313-427-4051 | TOLL FREE: 1-800-333-3333 | FAX: 313-427-4186  
© GLW 2018

DESIGNED BY	KAB				
DRAWN BY	KAB				
CHECKED BY	KAF				
DATE		REVISION	BY	APPR.	



PREPARED FOR:  
CABIN JOHN (EDENS), LLC  
1272 5th Street NE  
Suite 200  
Washington, DC 20002  
ATTN: JIM MCKENNEY  
(202) 902-2600

SCALE  
1"=20'  
DATE  
AUG. 2018  
ZONING  
CR-0.75  
C-0.5, R-0.25,  
H-3ST & R-90  
TAX MAP - GRID  
GQ-121/341

**FINAL FOREST CONSERVATION PLAN**  
**CABIN JOHN VILLAGE**  
**Proposed Lots 1-48 & Parcels 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' & 'I',**  
**and Tax Parcel 328**  
Being all of Tax Parcel 328 (L. 53660 F. 431) and a ReSubdivision of Parcels 'C' & 'D', "Seven Looks Plaza"  
Plat Nos. 11341 & 25334 and Parcel 'O', "Inverness Knolls" Plat No. 12383  
ELECTION DISTRICT No. 04  
G. L. W. FILE No.  
16066  
SHEET  
2 OF 3  
MONTGOMERY COUNTY, MARYLAND



# SITE PLAN (PHASE 1)

## CABIN JOHN VILLAGE

### SITE PLAN No. 820190020

Attachment 5

#### DEVELOPMENT STANDARDS - CRT ZONE

Development Standards	Allowed (Preliminary Plan)	Proposed - Phase 1
FAR (Floor Area Ratio)		
Non-residential:	0.24 FAR (300,000 SF)	0.26 FAR (210,000 SF)
Ex. Non-residential		240,915 SF
Non-residential - Removed		-15,600 SF
Non-residential - Proposed		44,544 SF
Bldgs. A-1, A-3 & A-4		13,000 SF
Bldg. B-4		1,700 SF
Bldgs. C-3		3,140 SF
Bldgs. E-1 thru E-3		20,104 SF
Total		264,104 SF

Residential:	0.20 FAR (200,000 SF)	0.12 FAR (131,000 SF)	48 DU
TOTAL FAR:	0.44 FAR (500,000 SF)	0.38 FAR (401,000 SF)	

MPDU's	12.5% (6 DU)	6 DU
--------	--------------	------

Building Height:	35' max.	35' max. (Building Height Averaging, per Section 4.5.2.D.2.d)
------------------	----------	---

Open Space:	10% min.	10% min. - 1.38 Ac. (CRT Zone) (Commercial Area-12.9% Public Open Space) (Townhouse Area - 11.7% Common Open Space)
-------------	----------	---

Lot Coverage:	N/A	N/A
---------------	-----	-----

Principal Building Setbacks (min.):		
Commercial		
Front:	0' min.	0'
Side (abutting R-40 Zone):	12' min. (1.5 X 8')	12'
Rear (abutting R-40 Zone):	31.5' min. (1.5 X 25')	N/A
Side (abutting RT-15 Zone):	12' min. (1.5 X 8')	N/A
Rear (abutting RT-15 Zone):	30' min. (1.5 X 20')	N/A
Side (all other):	0' min.	0'
Rear (all other):	0' min.	0'
Rear (alley):	4' min.	4'

Townhouse Residential		
Front:	5' min.	5'
Side Street:	5' min.	5'
Side:	2' min.	2'
Side (abutting R-40/RT-15 Zone):	4' min.	N/A
Rear (abutting R-40/RT-15 Zone):	10' min.	N/A
Rear:	10' min.	N/A
Rear (alley):	4' min.	4'

Parking Setbacks for Surface Parking Lots:		
Front:	Must be behind Front Building Line	Behind Front Building Line

Building Orientation:		
Entrance Facing Street or Open Space:	Required	Provided - As Shown (PB Modification Bldg. A-1, B-4 & C-3)
Build-to-Area* (Max. setback & min. % of building facade. Not required if building faces open space):		
Commercial		
Front:	20' max.	N/A - Buildings do not front on street
Side Street:	20' max.	20' (PB Mod. Bldg. A-1 & A-3)
Building in Side Street BTA:	35% min.	35% (PB Mod. Bldg. A-1 & A-3)

Townhouse Residential		
Front:	15' max.	15'
Building Front in BTA:	10% min.	10% min.

Transparency*		
For Wall Facing a Street or Open Space		
Commercial		
Ground Story Front:	40% min.	40% min. (See Arch. Plans)
Ground Story Side/rear:	25% min.	25% min. (PB Mod. Bldg. A-1, A-3 & A-4)
Upper Story:	20% min.	20% min. (See Arch. Plans)
Blank Wall - Front (max.):	35' max.	35' max. (See Arch. Plans)
Blank Wall - Side/rear (max.):	35' max.	35' max. (See Arch. Plans)
Townhouse Residential		
Blank Wall - Front (max.):	35' max.	35' max. (See Arch. Plans)
Blank Wall - Side/rear (max.):	35' max.	35' max. (See Arch. Plans)

Mossing:		
TH Units permitted in one row:	12 Units	8 Units

\*Building Orientation, Build-to-area and Transparency requirements may be modified by the Planning Board as part of this Site Plan approval.

Parking	Required by Zone Ordinance	Proposed
Phase I-Proposed Development	(Min.-Max.)	
Residential: (48 DU)	48-46 sp.	
Retail: (18,330 SF)	66-113 sp.	
Restaurant: (25,764 SF)	62-166 sp.	

Phase I-Existing Development	(Min.-Max.)	
Retail: (54,345 SF)	141-321 sp.	
Restaurant: (20,000 SF)	48-144 sp.	
Office: (18,000 SF)	36-54 sp.	

Total Residential Parking Provided:	46 Sp.	
Total Commercial Parking Provided:	425 Sp.	

Total Phase I (Existing & Proposed)	451-420 Sp.	521 Sp.
-------------------------------------	-------------	---------

Handicap Parking:		
(2% of total parking provided)	11 Sp.	13 Sp.

Van Accessible Handicap Parking:		
(1 Sp./ 6 H.C. Sp.)	3 Sp.	5 Sp.

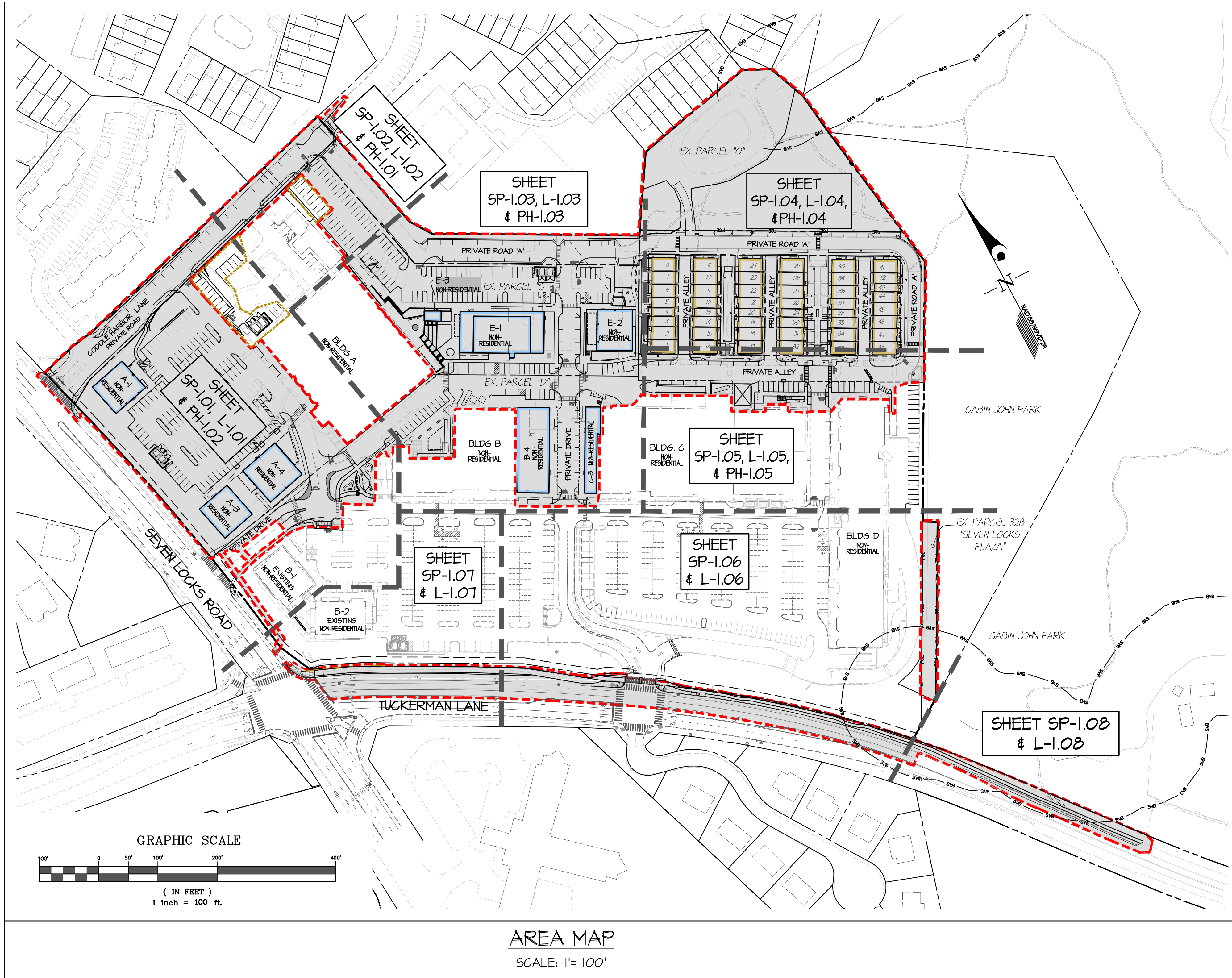
Motorcycle Parking:		
(2% of total, up to max of 10 Sp.)	10 Sp.	10 Sp.
(52 x 0.022 = therefore 10 Sp. are required)		

Car Share Spaces:		
(1 Sp./ 50-144 Sp. + 1 Sp. per 100 Sp. above 144 Sp. with a max. of 5 Sp.)	5 Sp.	5 Sp.
(52/144 = 3.12 x 1 Sp./100 = 4.1 = 5 Sp.)		

Electric Vehicle Parking:		
(to be available for conversion)	6 Sp.	6 Sp.
(1 Sp./100) (52 Sp./100 = 6 Sp.)		

Bicycle Parking:		
Long Term	17 Sp.	24 Sp.
	8 Sp.	8 Sp.

Area	Requirements	Req. Minimum (Maximum)	Total Provided:	% Long Term Provided:	% Long Term Provided
Retail: 13,715 SF	(1 Sp. per 10,000 SF FFA)	8 (60 max.)	15	15% = 3	3
Office: 18,000 SF	(1 Sp. per 5,000 SF FFA)	4 (100 max.)	4	65% = 4	4
Restaurant: 45,764 SF	(1 Sp. per 10,000 SF FFA)	5 (10 max.)	5	15% = 1	1
Residential: 48 DU	None required	0	0	N/A	0
Total:		17 Sp.	24 Sp.	8 Sp.	8 Sp.



#### Demand, Supply & Adequacy Report

##### Project Location Master Plan:

##### Proposed Residential Project - Units by Type and their Demand Points

Code	Housing Type	Quantity	Totals	Children	Teens	Young Adults	Adults	Seniors
H-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
SFD	Single-Family Detached	0	0	0	0	0	0	0
TH	Townhouses and Single-Family attached	48	6,72	10,56	7,68	25,44	35,04	5,28
Total (Current Plan) =		48	6,72	10,56	7,68	25,44	35,04	5,28

##### Existing Offsite Park Facilities and their Supply Points

Park Facility	Quantity	Totals	Children	Teens	Young Adults	Adults	Seniors
Trail System	1	0.67	2.11	1.15	3.82	5.26	0.53
Natural Area	2	2	10	20	14	14	10
Natural Area	2	6.34	8.53	6.77	2.54	3.50	0.26
Total Offsite Supply Points:		5.01	12.64	21.92	20.36	23.76	16.79
30% of Total Offsite Supply Points:		1.50	4.42	7.67	7.13	7.97	3.78
Max Allowed (30% of Total Demand Pts):		2.25	3.70	2.69	4.80	12.34	1.85
Actual Assigned Offsite Supply Pts:		1.50	3.70	2.69	7.13	7.97	1.85



Suite 200 • 1272 5th Street NE • Washington, D.C. • 20002 Phone: 202.902.5300 • Fax: 202.344.4327

#### Proposed Onsite Recreation Facilities and their Supply Points

Recreation Facility	Quantity	% Base Points	Totals	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Connection - Trail System	1	10.00%	0.74	2.32	1.27	4.20	5.78	0.58
Bikeways	1	10.00%	0.37	1.16	1.27	4.20	5.78	0.58
Natural Area	1	20.00%	0.40	0.63	0.92	3.06	4.20	0.32
Through-Block Connection	1	10.00%	3.30	5.50	5.50	11	8.60	5.30
Picnic/Seating	3	10.00%	3.30	3.30	4.95	9.90	9.90	9.90
Bicycle Support Station	1	10.00%	0	0	3.30	3.30	3.30	3.30
Total (Current Plan) =		6.11	13.53	17.21	25.65	27.76	26.56	16.24

Montgomery County Planning Department  
Neighborhood National Capital Park and Planning Commission (NNPC)

Scenario: 9000  
Page 1 of 3

#### Results: Demand, Supply & Adequacy

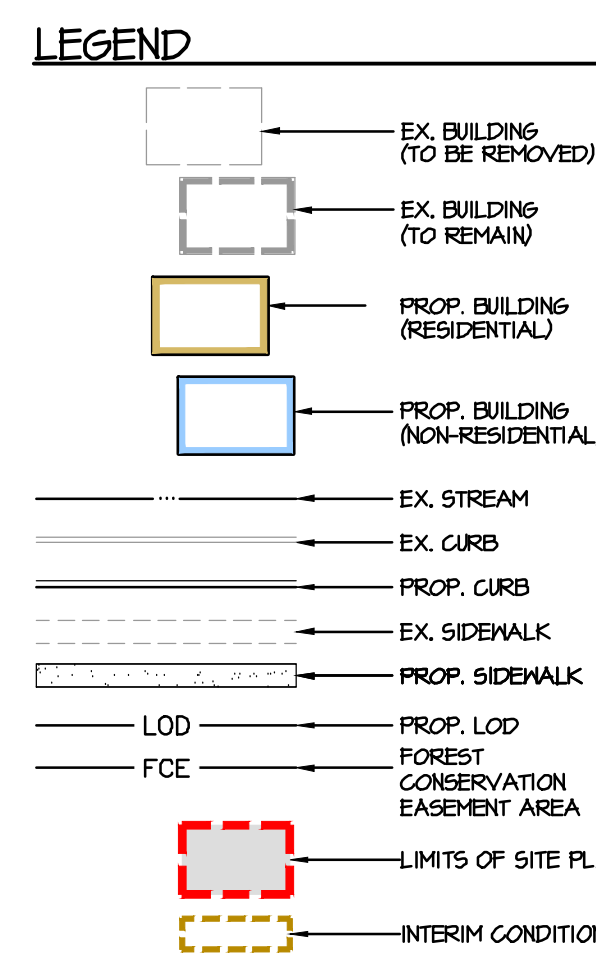
Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Totals	6.72	1.05	8.11	9.16	Adequate
Children	10.56	3.70	12.91	16.61	Adequate
Teens	7.68	2.69	17.21	19.90	Adequate
Young Adults	25.44	7.13	35.65	42.78	Adequate
Adults	35.04	7.97	37.76	45.73	Adequate
Seniors	5.28	1.85	20.18	22.03	Adequate

#### SHEET INDEX

SHEET No.	TITLE
SP-0.01	COVER SHEET
SP-0.02	APPROVAL SHEET
SP-0.03	EXISTING CONDITIONS PLAN
SP-0.04	ROAD SECTIONS
SP-1.00	COMPOSITE PLAN
SP-1.01 to SP-1.08	SITE PLANS
SP-2.01	SITE DETAILS
SP-2.02 to SP-2.03	SITE SECTIONS
L-1.01 to L-1.06	LANDSCAPE PLANS
L-1.04	PLANTING SCHEDULES & DETAILS
L-2.01 to L-2.03	RETAIL ENLARGEMENT PLAN
L-2.04	RESIDENTIAL HARDSCAPE PLAN
L-3.01 to L-3.03	DETAIL SHEETS
PH-1.00	COMPOSITE LIGHTING PLAN
PH-1.01 to PH-1.06	LIGHTING PLANS
A-1.01 to A-1.04	RETAIL ARCHITECTURE ELEVATIONS
A-1.05 to A-1.06	RETAIL ARCHITECTURE STOREFRONTS AND CANOPIES
A-2.01 to A-2.02	RESIDENTIAL ARCHITECTURE FLOOR PLANS
A-2.03 to A-2.04	RESIDENTIAL ARCHITECTURE ELEVATIONS
FFCP-01	FINAL FOREST CON. PLAN
FFCP-02	FINAL FOREST CON. PLAN DETAIL SHEET
FFCP-03	FINAL FOREST CON. PLAN DETAIL SHEET

**PROFESSIONAL ENGINEER'S CERTIFICATION**  
The undersigned, licensed Professional Engineer, certifies that the SITE PLANS HEREIN CONFORM TO THE STANDARDS OF THE ZONE AND THE PLANNING BOARD SITE PLAN OPINION. IN ADDITION, THE SITE PLANS ARE CONSISTENT WITH THE DATA TABLE PROVIDED ON THE COVER SHEET. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE No. 24914 EXPIRATION DATE: January 20, 2020.

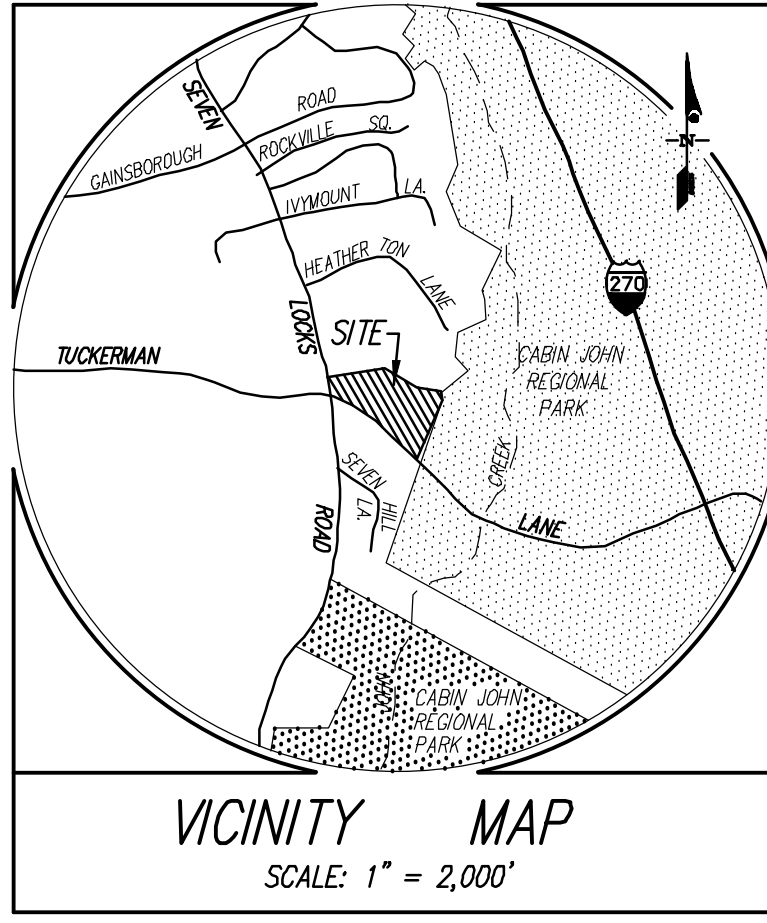
Date \_\_\_\_\_  
Tim M. Longfellow  
Professional Engineer  
Gutschick, Little & Meier, P.A.



48 Hours  
Before You Dig  
Call  
"MISS UTILITY"  
Service Protection Center

MEMBER  
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE  
1-800-257-7777



WSSC GRID: 214NW08 & 214NW07  
ADC MAP BOOK GRID: 35-A1-MC & 35-B1-MC

#### APPLICANT/DESIGN TEAM

<b>Owner/Applicant:</b> Cabin John (EDENS), LLC c/o EDENS L.P. 1212 5th Street NE, Suite 200 Bethesda, MD 20814	<b>Civil Engineer:</b> GLN 3404 National Drive, Suite 250 Bartonsville, Maryland 20866	<b>Architect:</b> Keith C. Pitzford, ISA MA-0178 Pitzford Associates, LLC 2215 40th Place, NW, Suite 1 Washington, DC 20001
<b>Developers:</b> Cabin John (EDENS), LLC c/o EDENS L.P. 1212 5th Street NE, Suite 200 Bethesda, MD 20814	<b>Landscape Architect:</b> GLN 3404 National Drive, Suite 250 Bartonsville, Maryland 20866	<b>Architects:</b> Cabin John (EDENS), LLC c/o EDENS L.P. 1212 5th Street NE, Suite 200 Bethesda, MD 20814
<b>EYA LLC</b> 4800 Hampden Lane, Suite 300 Bethesda, MD 20814	<b>Lighting Consultant:</b> Dejen Engineering 552 Fort Evans Road, NE, Suite 200 Leesburg, VA 20176	<b>EYA LLC</b> 4800 Hampden Lane, Suite 300 Bethesda, MD 20814
<b>Attorney:</b> Llano and Blocher LLP 1200 Wisconsin Avenue, Suite 800 Bethesda, Maryland 20814 P: 301.654.0504		

#### GENERAL NOTES

- Boundary Survey By: VIKI January 16, 2017
- Topography By: GLN - 2016
- Legal Description:  
Parcel O Parcel P Parcel Q Parcel R  
"Inverness Knolls" "Seven Locks Plaza" "Seven Locks Plaza" "Seven Locks Plaza"  
Tax ID: 04-46141 Tax ID: 04-46645 Tax ID: 04-46101 Tax ID: 04-46811
- Master Plan:  
2002 Potomac Subregion Master Plan  
Approved: 12/19/2017  
GLN - NRI/FSD No. 42011210
- Stormwater Concept By:  
GLN - SHM Concept No. 283567  
Approved: 6/20/2016  
GLN - Preliminary Plan No. 120180120
- Preliminary Plan By:  
Lentort Traffic Consulting, Inc.  
January 10, 2018  
Cabin John Creek I/I-P
- Watershed Use Class:  
W-1
- Existing Water Service Category:  
W-1
- Existing Sewer Service Category:  
S-1
- There is no Floodplain in site per FEMA Map # 2403C0361D.
- There are no known rare, threatened, endangered species or critical habitats on site.
- There are no known county champion trees as per the 2011 publication of Champion Trees in Montgomery County, Maryland.
- All utilities are conceptual and subject to change. See appropriate approved final utility drawings. (PEPCO, Verizon, Comcast, & Washington Gas).
- Utility Companies:  
Gas - Washington Gas  
Electric - PEPCO  
Water & Sewer - KESG  
Telephone - Comcast  
Cable - Comcast & Verizon
- M-NCPP staff must inspect all tree-save areas and protection devices prior to clearing and grading.
- Final Mailbox locations to be approved by Local Postmaster prior to installation.
- This plan is subject to a Forest Conservation Plan.
- Street trees and street lights will be reviewed and approved by MCDPS-ROW section at the time of ROW permit.
- All items in SHM facilities will be reviewed, approved and inspected by DPS Water Resource Section.
- KESG rights-of-way, public utility easements, stormwater management easements and stormwater management parcels may change in configuration, size and quantity per final utility, KESG and Montgomery County SHM Technical plan approvals.
- The building footprints shown including a/c units, driveways, stoops, stairs and leadwalks on the site plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as setback, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the planning board's approval.

#### SITE DATA

Overall Site Area:	25.32 Ac.
Phase I Site Plan Area:	13.39 Ac.
Residential (CRT & R-40):	4.21 Ac.
Non-residential (CRT):	0.51 Ac.
Off-site:	0.61 Ac.
Existing Zoning:	CRT
R-40:	23.4 Ac.
Existing Use:	Shopping Center - Non-residential
Proposed Development Type:	Shopping Center - Non-residential & Residential Standard Method

<b>DEVELOPER'S CERTIFICATE</b> The undersigned agrees to execute all the features of the Site Plan Approval No. 820190020, including Approval Conditions, Development Program, and Certified Site Plan.	
Developer's Name:	CABIN JOHN (EDENS), LLC Company Contact Person
Address:	1212 5th Street NE, Suite 200 Bethesda, MD 20814
Phone:	(202) 902-2600
Signature:	William Caldwell, Managing Director

#### SITE PLAN No. 820190020

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: KAF  
CHECKED BY: KAF  
DATE: \_\_\_\_\_  
REVISION: \_\_\_\_\_  
BY: \_\_\_\_\_  
APPR: \_\_\_\_\_

THE NEIGHBORHOODS OF  
  
life within walking distance®

4800 Hampden Lane, Suite 300 Bethesda, MD 20814  
1-800-654-0500 • 301-654-0501 • eya.com

PREPARED FOR:  
CABIN JOHN (EDENS), LLC  
1272 5th Street NE  
Suite 200  
Washington, DC 20002  
ATTN: JIM MCKENNEY  
(202) 902-2600

SCALE  
1"=100'

ZONING  
CRT-0.75  
C-0.5, R-0.25,  
H-351 & R-90

TAX MAP - GRID  
GQ-121/341

DATE  
AUG. 2018

COVER SHEET

**CABIN JOHN VILLAGE**  
**Proposed Lots 1-48 & Parcels 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' & 'I',**  
**and Tax Parcel 328**  
Being all of Tax Parcel 328 (L. 53660 F. 431) and a ReSubdivision of Parcels 'C' & 'D', "Seven Locks Plaza"  
Plat Nos. 11341 & 25334 and Parcel 'O', "Inverness Knolls" Plat No. 1338  
MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No.  
16066

SHEET  
SP-0.01





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

MCPB No. 18-098  
Preliminary Plan No. 120180120  
Cabin John Village  
Date of Hearing: October 4, 2018

NOV 05 2018

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on February 20, 2018, Cabin John (EDENS), LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create fifty-nine (59) lots for 59 townhouses and two (2) platted parcels for 300,000 square feet of retail/office uses, one parcel for forest conservation/stormwater management, and three (3) parcels for private streets lots on 25.32 acres of land in the CRT-0.75, C-0.5, R-0.25, H-35 and R-90 zone, located on the northeast corner of Seven Locks Road and Tuckerman Lane ("Property" or "Subject Property"), in the Potomac Policy Area and *2002 Potomac Subregion Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120180120, Cabin John Village ("Preliminary Plan" or "Application"); 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 September 21, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 4, 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, on October 4, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor, and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES

Approved as to  
Legal Sufficiency:

  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org



Preliminary Plan No. 120180120, subject to the following conditions:<sup>1</sup>

1. This Application is limited to fifty-nine (59) lots for attached single family houses (townhouses) including a minimum of 12.5% MPDUs, two (2) lots for up to 300,000 square feet of commercial/retail uses, one (1) parcel for stormwater management/forest conservation, and three (3) parcels for private roads.
2. The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan No. 120180120, approved as part of this Preliminary Plan:
  - a. Prior to Certification of the Preliminary Plan, the Applicant must revise the Preliminary Forest Conservation Plan to correct the forest retention and Category I Conservation Easement acreage labels so that they are consistent.
  - b. Prior to Certification of the Site Plan, the Applicant must obtain M-NCPPC approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan.
  - c. The Final Forest Conservation Plan associated with the Site Plan No. 820190020 must include a report from an International Society of Arboriculture (ISA) certified arborist and Maryland Licensed Tree Expert (LTE) with a minimum of 10 years of experience. The report must include an evaluation and recommendations for tree protection measures including necessary methods and details to appropriately protect the trees along the proposed limits of disturbance and edge of the forest retention area in the northeastern corner of the Property. The report will also address invasive species management and provide any necessary recommendations. The purpose of the evaluation is to minimize the stress to the trees along the proposed forest edge during and after construction, and to maintain and enhance the forest that will now include a natural surface path system connecting to the adjacent Cabin John Regional Park.
  - d. For five years after the start of forest clearing in the northeastern corner of the Subject Property, the Applicant must maintain the new forest edge in direct consultation with the M-NCPPC forest conservation inspector. This will include necessary pruning, removal of dead, dying or hazardous limbs and trees, removal of invasive species per the *Best Management Practices for Control of Non-Native Invasives* (Department of Parks, Montgomery County, January 2015), and replanting of a maximum of thirty (30), 3-inch caliper native trees under the direction of the M-NCPPC forest conservation inspector to maintain a healthy, intact, and

---

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

continuous forest edge. The M-NCPPC forest conservation inspector has the authority to allow smaller caliper trees to be planted if appropriate to protect the root zones of surrounding trees.

- e. The Applicant must locate the proposed natural surface trail to minimize impacts to trees and their roots, in direct consultation with the M-NCPPC forest conservation inspector.
  - f. Prior to record plat, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting, and stream valley buffers, as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded among the Montgomery County Land Records by deed prior to the start of any demolition, clearing or grading on the Subject Property. The Liber Folio of the Category I Conservation Easement must be referenced on the record plat(s).
  - g. Prior to any clearing, grading, or demolition on the Subject Property, the Applicant must provide financial surety to guarantee the forest planting on the Subject Property, as specified on the approved Final Forest Conservation Plan, in a form acceptable to the M-NCPPC Office of the General Counsel.
  - h. Prior to any clearing, grading or demolition on the Subject Property, the Applicant must submit a Maintenance and Management Agreement to Staff for the required forest planting on the Subject Property as shown on the approved Final Forest Conservation Plan. The Agreement must be in a form approved by the M-NCPPC Office of the General Counsel.
  - i. The Final Sediment and Erosion Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
  - j. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
  - k. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or at the discretion of the M-NCPPC forest conservation inspector. The M-NCPPC forest conservation inspector is authorized to determine the timing of sign installation.
3. Prior to the submittal of a site plan application for Phase III, as shown on the phasing plan in this Preliminary Plan, the Applicant must submit an amendment to the *Cabin John Shopping Center Phase I Transportation Noise Analysis* report dated April 27, 2018 to include an analysis and

recommendations for the proposed residential homes in the northwest portion of the Property, utilizing the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*.

4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 21, 2018, except Condition No. 11 (Bikeshare), Condition No. 12 (TMAg), Condition No. 13 (Real Time Transit Information) and hereby incorporates the remaining conditions as part of the Preliminary Plan approval. The Applicant must comply with each of the remaining recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated July 23, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 21, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Applicant must dedicate and show on the record plat(s) the following dedications:
  - a. Up to 7 feet from the existing property line on Tuckerman Lane where the Applicant and opposite property owners have already dedicated the Master Plan required dedication of 80 feet east of Angus Place and 100 feet west of Angus Place. Final dedication will be determined in coordination with MCDOT and Planning Staff prior to record plat. In addition, where needed at the intersection of Tuckerman Lane and the access drive on Tuckerman Lane (at Angus Drive), any additional right-of-way dedication needed to accommodate the sidepath and sidewalk frontage upgrades required of this project should be dedicated in a Public Improvement Easement (PIE) to be shown on the Certified Preliminary Plan.

- b. Up to 11 feet from the existing property line on Seven Locks Road where the Applicant and opposite property owners have already dedicated the Master Plan required dedication of 80 feet. Final dedication will be determined in coordination with the Montgomery Department of Permitting Services and M-NCPPC Staff prior to the record plat. This additional dedication is to accommodate the necessary right-of-way requirements for the Seven Locks Bikeway & Safety Improvements project (CIP 501303).
8. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
9. The Applicant must construct the following frontage improvements along Tuckerman Lane:
  - a. A 5.5-foot-wide westbound bike lane between Seven Locks Road and the entrance to the Cabin John Regional Park Picnic Area parking lot on the north side of Tuckerman Lane, approximately 450 feet east of the southeast corner of the Subject Property.
  - b. A 10-foot wide sidepath with 2-foot wide buffer between the curb and the sidepath between Seven Locks Road and Angus Place.
  - c. A 5-foot wide sidewalk with minimum 5-foot wide tree panel, except where there are utility poles, between Angus Place and the entrance to the Cabin John Regional Park Picnic Area parking lot on the north side of Tuckerman Lane, approximately 450 feet east of the southeast corner of the Subject Property.
  - d. Prior to certification of Site Plan No. 820190020, the Applicant must finalize the design for the currently proposed sidewalk/path at Angus Place to bring bikes and pedestrians closer to the intersection.
10. The Applicant must include a structured parking facility in the construction of Building C-1 and/or C-2, as shown on the Preliminary Plan.
11. If the Applicant encounters a funerary object or human remains at any time prior to issuance of the Use and Occupancy Certificate of any commercial or residential structure, the Applicant must immediately contact law enforcement to determine whether the remains are associated with a crime scene and contact the Historic Preservation Section of the Montgomery County Planning Department.
12. Record plat must show all necessary easements, including a public access easement on Lot 41 where the sidewalk overlaps the lot boundary.
13. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.

14. The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
15. Applicant must replace the existing one westbound (outbound) lane on Coddle Harbor Lane at Seven Locks Road with two westbound lanes (one left lane and one right turn lane) to mitigate for the intersection congestion delay which exceeds the Potomac Policy Area standard.
16. The Applicant must provide private road(s) on Coddle Harbor Lane and Private Road "A", including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
  - a. The record plat must show the Private Road in a separate parcel(s). The record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
  - b. The Private Road must be referenced on the plat and subject to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
  - c. Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications as shown on the Preliminary Plan or as required by the Montgomery County Road Code, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal subject to any approved modifications. Coddle Harbor Lane must be built to the structural standards of a Primary Residential Street (MC-2003.11) and Private Road 'A' must be built or upgraded to the structural standards of a Tertiary Residential Street (MC-2001.02) according to Montgomery County Design Standards.

17. The Applicant must provide Private Alleys 'A' through 'D', including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems, and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated area (collectively, the "Private Alleys"), subject to the following conditions:
  - a. The Private Alleys must be shown on their own parcels on the record plat and built to the structural standards of a public tertiary road standard (MC-2001.01) or residential alley (MC-200.01) as required by the Montgomery County Road Code, with the exception of Private Alley 'A' which must be built to the structural standards of a commercial alley (MC-201.01). Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Alleys have been designed and the applicable permits will provide for construction in accordance with the structural standards noted above and the cross-section specifications included on the plans.
  - b. The record plat must reflect common ingress/egress and utility easements over all alleys.
18. Prior to approval of Site Plan No. 820190020, the Applicant must demonstrate acceptable traffic mitigation alternatives as required by the Master Plan. These traffic mitigation alternatives must be addressed through an agreement between the Applicant and appropriate agencies as determined by Staff.
19. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for one hundred and twenty (120) months from the date of mailing of the Planning Board resolution.
20. The Preliminary Plan Validity will remain valid for up to 108 months (9 years) from the date of mailing of the Resolution. The Applicant must record plats for at least 48 residential lots, three private road parcels, one stormwater management parcel, and one commercial lot in the first 36 months (3 years) from the date of the Resolution, an additional one commercial lot within the 72 months (6 years) from the date of the Resolution, and must complete record plats for 11 residential lots and rerecord one commercial lot within 108 months (9 years) from the date of the Resolution.
21. Prior to recordation of any plat, Site Plan No. 820190020 must be certified by M-NCPPC Staff.
22. The final number of MPDU's to be determined at site plan.



23. Final approval of the size and location of building and open space amenities will be determined at site plan.
24. The Certified Preliminary Plan must contain the following note:  
  
*“Unless specifically noted on this plan set or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of approval of a Site Plan. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*
25. Certified Preliminary Plan  
Prior to approval of the Certified Preliminary Plan, the following revisions must be made and/or information provided subject to M-NCPPC Staff review and approval:
  - a. Applicant must remove reference to ‘Alley E’ on sheets 003 and 004.
  - b. Applicant must note on sheet 004 which pavement section applies to which cross section.
26. Prior to approval of any site plan for Phase 2, as shown on the Phasing Plan in the Certified Preliminary Plan, the Applicant will prepare and submit a signal warrant analysis for the Coddle Harbor Lane and Seven Locks Road intersection for MCDOT/Traffic Engineering and Staff review and approval to determine if the Applicant must construct a signalized intersection.

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

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision, taking into account the

recommendations of the Master Plan, and for the building type (townhouses and commercial retail) contemplated for the Property.

The lots intended for townhouses provide an orientation allowing the rear of each lot to face the rear of another lot. This allows for each lot to be rear loaded with a garage space. Conversely, the lot orientation of the townhouses allows the front yard of each lot to face the front of another lot. As a result, the front of each townhouse lot looks at either a central muse, common open space, or forest area on adjacent property.

The Applicant will reconstruct Coddle Harbor Lane to modified Primary Residential Street standards as a private street, as this road is currently not designated public or private. The Applicant will also create private streets to connect from Coddle Harbor Lane back to the townhouse units. Alleys and private streets will be placed in their own parcels adjacent to the townhouse development to provide access to the townhouses and another alley will provide access to the alleys serving the 48 townhouses in the eastern corner of the site, while also serving the back of the retail (behind the existing Giant). For the alley that serves both townhouses and retail, the Applicant will build the alley to commercial alley standards as it will serve as the loading and access for trucks serving the commercial development. The remainder of the Property will consist of the existing commercial driveways that currently serve the shopping center.

As described in the Staff Report, the two parcels are of appropriate size, shape and orientation to provide a floor area ratio in compliance with the CRT zone and accommodate the required parking within the minimum and maximum range outlined in the Zoning Ordinance. The final number and design of parking spaces will be determined through future site plan approvals.

The lots were reviewed for compliance with the dimensional requirements for the CRT-0.75, C-0.5, R-0.25, H-35 and R-90 zones as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area and frontage and can accommodate the residential and commercial (both existing and proposed) buildings, which can reasonably meet the width and setbacks requirements in that zone.

*2. The Preliminary Plan substantially conforms to the Master Plan.*

The Preliminary Plan substantially conforms with the recommendations of the 2002 Potomac Subregion Master Plan. The Master Plan identifies the Subject Property and makes specific recommendations. However, the Master Plan envisioned the Subject Property be completely razed to achieve the Master Plan vision. The Application proposes to retain all but 18,255 square feet of the

existing buildings and substantially conforms to the Master by adapting the Subject Property and its existing buildings to meet the Master Plan vision.

At the time the Master Plan was approved, optional method development in the RMX zones was identified as an appropriate tool for mixed use development. The optional method specification was intended to be used to facilitate the total number of units (135) proposed in the Master Plan and the mix (75 units of elderly housing and 60 units of townhouses and housing over retail). The Master Plan's guidelines also specified building heights, townhouse location along Coddle Harbor Lane, removal of the gas station, and provision of structured parking. The Master Plan's assumption was that subsequent site plan review would offer the opportunity to achieve development that followed its recommendations.

Establishment of the CR family of zones in the 2014 Zoning Ordinance and the rezoning of the Subject Property allowed mixed use development while providing more defined development standards. Site plan review for a broader array of development projects provides the opportunity for detailed review of standard method as well as optional method projects. Since the Master Plan's mixed-use development goals can be achieved in standard method projects under the Subject Property's current zoning, the Master Plan's requirement for optional method development when housing is proposed can be considered obsolete.

Other recommendations in the Master Plan—for store types and sizes, structured parking, detailed height requirements, and limits to housing types—should also be viewed as guidance, rather than strict requirements, particularly in light of the subsequent change in the Property's zoning. The Master Plan's intent is that housing be provided as part of any redevelopment of the Subject Property, enabling creation of a mixed-use village center, and the Application substantially conforms to that goal. The Application also addresses the more specific recommendations. For example, to maximize compatibility with the existing Inverness Knolls community, residential uses along Coddle Harbor Lane remain an important component of appropriate development of the Subject Property.

#### *Setbacks*

The Master Plan set out the original Cabin John Village setbacks because the recommended RMX zone deferred to applicable master plans for densities and development standards. The pre-rewrite ordinance included a provision in that zone requiring substantial compliance with the Master Plan as a condition of approving a site plan for the Subject Property. The Master Plan recommended a setback of 100 feet along the northeastern property line but provided an acceptable alternative setback for optional method projects (which the Master Plan assumed would be any new project that included housing). An optional

method project could propose a 50-foot setback along the zoning boundary (RMX to R-90 at the time the Master Plan was approved), to achieve “a more compatible site layout that accommodates a significant residential component.” (p 49)

The comprehensive revision of the Zoning Ordinance replaced the RMX Zone on the Subject Property with the CRT Zone, which provides specific setbacks for standard method projects and defers optional method setback determinations to the site plan process. The applicable standard method setback for townhouses in the CRT Zone is 10 feet, considerably less than the 100-foot recommendation in the Master Plan or the 50-foot optional method alternative. The Master Plan’s intent for this part of the Subject Property is to provide separation between any new mixed-use development and the existing Inverness Knolls community. More broadly, the Master Plan intends to create a mixed-use center with a neighborhood focus—a “walkable village center compatible with adjacent neighborhoods”—from the existing entirely non-residential strip shopping center.

The 10-foot setback permitted under the CRT Zone in standard method development would not achieve either objective; it is insufficient to achieve clear natural separation from Inverness Knolls, which in turn would fail to achieve compatibility with the adjacent neighborhood. While the 37-foot setback included in the Application is less than the 50-foot optional method setback set out in the Master Plan recommendations, when combined with existing open space on the R-90 side of the zoning boundary, it complies with the Master Plan’s intent for this portion of Cabin John Village.

#### *Traffic Mitigation*

The Master Plan includes the following recommendation for the Subject Property: “a bus shelter and shuttle service to Metro or acceptable traffic mitigation alternatives must be provided with any increase in density.” As conditioned, prior to approval of Site Plan No. 820190020, the Applicant must demonstrate acceptable traffic mitigation alternatives as required by the Master Plan. These traffic mitigation alternatives must be addressed through an agreement between the Applicant and appropriate agencies as determined by Staff.

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

#### *Roads and Other Transportation Facilities*

Transportation access is adequate to serve the development proposed by this Preliminary Plan. The Subject Property has frontage on two public roads (Seven Locks Road and Tuckerman Lane), and the Application includes a network of

private streets, alleys, and commercial driveways to serve the interior of the project.

*Master Planned Improvements*

Seven Locks Road is a Master Planned Arterial Road (A-79) with two lanes, except at intersections where localized improvements are allowed. It is master planned with a minimum 80-foot right-of-way. In both the 2005 Countywide Bikeways Functional Master Plan and the Draft 2018 Bicycle Master Plan, Seven Locks Road is designated to have a sidepath on the west side and signed shared roadway (2005) or bikeable shoulders (2018). The minimum required right-of-way already exists on Seven Locks Road. However, the MCDOT Seven Locks Bikeway & Safety Improvements Project (P501303) will implement an 8-foot wide shared use path on the west side of Seven Locks Road and bikeable shoulders (5-foot bike lanes) per the Master Plan and require up to 11 feet of additional right-of-way along the Subject Property that is conditioned. This MCDOT project has started design, land acquisition will start in fiscal year (FY) 2019, and according to the County's website will be completed by FY 25. Sidewalks already exist along the Property frontage along Seven Locks Road.

Tuckerman Lane is a Master Planned Arterial Road (A-71) with two lanes, except at intersections where localized improvements are allowed. It is master planned with a minimum 80-foot right-of-way. The 2005 Countywide Bikeways Functional Master Plan recommends bike lanes and the Draft 2018 Bicycle Master Plan recommends one-way separated bike lanes on both sides. However, there is an ongoing MCDOT capital improvement project to design bicycle and pedestrian improvements on Tuckerman Lane. The Tuckerman Lane facilities proposed by the Draft 2018 Bicycle Master Plan include conventional bike lanes (approximately 5-foot wide bike lanes with no buffer) and a shared use path which would run on the north side of Tuckerman Lane from Seven Locks Road to Angus Place then switch to the south side of the road. The Applicant will dedicate the additional right-of-way necessary to implement the ultimate bicycle and pedestrian improvements on Tuckerman Lane as outlined in the Staff Report. Additional right-of-way may be required at the entrance drive of the project and Tuckerman Lane (at Angus Place) to avoid recently implemented signal and utility poles. In this area, additional right-of-way will be acquired in the form of a Public Improvement Easement (PIE) and will be determined prior to approval of the certified preliminary plan. The Applicant will construct these improvements east of Angus Place while working around the constraints of existing utility poles, but given excessive grading and physical constraints, the Applicant will construct an interim solution west of Angus Place. The interim solution west of Angus Place includes a 5.5-foot bike lane, 2-foot grass panel, 10-foot sidepath, and a retaining wall where needed.

In addition to the frontage improvements on Tuckerman Lane, the Applicant must construct bicycle and pedestrian improvements off-site to connect the project to the Cabin John Picnic Area parking lot to the east, including a westbound 5-foot bike lane, 5-foot buffer, and 5-foot sidewalk from the southeast corner of the Subject Property to the vehicular entrance of the Cabin John Picnic Area parking lot approximately 450 feet to the east.

#### *Transit*

Two Ride-On bus routes serve the Subject Property: Routes 47 and 37. Ride-On Route 47 serves the bus stop near the Seven Locks Road access drive aisle to the project. Route 47 runs between Bethesda and Rockville Metro stations, providing service every 25-30 minutes on weekdays and weekends. Ride-On Route 37 serves the bus stop near the Tuckerman Lane access drive aisle (at Angus Place) and runs between the Potomac Community Center and the Grosvenor Metro Station, with certain trips extending to the Wheaton Metro Station. Route 37 runs on weekdays only approximately every 30 minutes and only during peak morning and evening periods.

#### *Private Roads*

Coddle Harbor Lane and a private street (Private Road 'A') that will connect off Coddle Harbor Lane to serve the 48 townhomes in the back part of the Subject Property will be built as private roads. As conditioned, the private roads will be constructed or reconstructed to the proper structural depth with subgrade and will function properly for safe vehicular and pedestrian traffic and emergency access. In addition, the Application includes four private alleys serving townhouse Lots 1 through 48 that will also be constructed to the appropriate standards.

#### *Signal Warrant Analysis*

The Potomac Subregion Master Plan also includes a recommendation to explore with MCDOT whether a traffic signal is warranted at the intersection of Seven Locks Road and Coddle Harbor Lane "to enhance vehicular and pedestrian safety and accommodate the traffic volume." Therefore, the Applicant completed a signal warrant analysis. The Planning Board defers to MCDOT with regard to operational improvements such as traffic signals. MCDOT, in its letter dated September 21, 2018, concurred with the Applicant's traffic consultant that a traffic signal was not warranted at the intersection of Coddle Harbor Lane and Seven Locks Road.

However, based on testimony received at the October 4<sup>th</sup> hearing, the Planning Board has conditioned this approval on the Applicant preparing and submitting a second signal warrant analysis for the Coddle Harbor Lane and Seven Locks Road intersection prior to approval of any site plan for Phase 2 of the proposed development.



*Local Area Transportation Review (LATR)*

The Preliminary Plan was reviewed using the 2016-2020 Subdivision Staging Policy and associated 2017 Local Area Transportation Review (LATR) Guidelines. The project will generate 74-person trips during the AM weekday peak hour and 294-person trips during the PM weekday peak period based on the *ITE Trip Generation Manual*, 10<sup>th</sup> Edition and adjusted for the Potomac policy area. Because the project generates 50 or more-person trips during a peak hour, a full traffic study was required to satisfy the LATR Guidelines. The project would not generate enough transit, bicycle, or pedestrian person trips to require additional analysis for any of those transportation modes. Because the project will generate 49 AM and 202 PM peak hour auto driver trips (excluding pass-by trips), only one tier of intersections was analyzed in the traffic study.

The traffic study was completed on July 24, 2018 and studied two local intersections in addition to the three access points of the project. All study area intersections were located within the Potomac policy area, where the Critical Lane Volume (CLV) standard for intersections is 1450. The traffic study looked at existing conditions, background conditions which include approved but unbuilt projects that may send trips through the study area intersections, and total future traffic which adds the projected impact of the Application to the background traffic. The traffic study also analyzed the study area intersections both with and without the planned MCDOT improvements associated with the Seven Locks Bikeway & Safety Improvements Project. This project includes the addition of northbound and eastbound auxiliary lanes, as well as on-road bike lanes, at the intersection of Seven Locks Road and Tuckerman Lane, in addition to minor changes to lane use at other study intersections. This project is funded for design in FY 18, but construction funding is programmed beyond the six-year horizon of the Capital Improvements Program (CIP). Given that construction funding is not allocated within the six-year CIP, the project improvements were not considered in the analysis by the Planning Board.

Two of the five studied intersections in the future condition would have CLV values under the CLV threshold of 1350 and, therefore are considered adequate based on the LATR Guidelines. Three of the five studied intersections in the future traffic condition would have a CLV standard that exceeds 1350, the LATR threshold at which additional Highway Capacity Manual (HCM) delay-based level of service analysis is required. These three intersections (Seven Locks Road and Coddle Harbor, Site Access, and Tuckerman Lane) were evaluated using the HCM methodology and evaluated against the Potomac policy area HCM average vehicle delay standard of 55 seconds. Two of these three intersections were found to have average delays that did not meet or exceed 55 seconds and, therefore are considered adequate. The intersection of Coddle Harbor Lane and Seven Locks Road did exceed the 55 second average delay threshold in the PM peak hour

without the MCDOT intersection improvements (66.5 seconds) and, therefore, would require mitigation. The Applicant will mitigate the delay at this intersection by providing separate left and right turn lanes for the westbound Coddle Harbor Lane approach. This improvement would cause the intersection to operate better than the 55 second delay threshold, thereby meeting the requirements of the LATR Guidelines.

**Preliminary Plan Validity and Adequate Public Facilities Validity Extension**

**Preliminary Plan Validity**

Under Section 50.4.2.G.2.b, multi-phase projects are subject to the following standards:

- i. *An approved preliminary plan for a multi-phase project remains valid for the period of time allowed in the phased schedule approved by the Board*

The Applicant provided the following phasing schedule:

**Preliminary Plan Validation Phasing**

<b>Phase</b>	<b>Benchmark</b>	<b>Duration</b>
Phase I	Recording of plats for 48 residential lots, three private road parcels, one stormwater management parcel, and rerecording of plat for one commercial lot	36 months
Phase II	Rerecord one commercial lot	36 months (72 months cumulative)
Phase III	Recording plats for 11 residential lots and recording of one commercial lot	36 months (108 months (9 years) cumulative)

- ii. *The applicant must propose a phasing schedule and the duration of the validity period for each phase as part of an application for preliminary plan approval or amendment. The Board must assign each phase a validity period after considering the size, type, and location of the project.*

The Planning Board approves a validity period of 36 months for each phase, as shown above.

- iii. *The time allocated to any phase must be 60 months or less after the initiation date for that particular phase for any preliminary plan approved after March 31, 2009, but before April 1, 2017, and 36 months after the initiation date for that particular phase for any preliminary phase for any preliminary plan approved after March 31, 2017.*

This Application is being approved after March 31, 2017. As such, each preliminary plan phase conforms with the 36-month requirement for each phase.

- iv. *The cumulative validity of all phases must be shorter than or equal to the APFO validity period which begins on the initiation date of the first preliminary plan approval, including any extension granted under Section 4.3.J.7.*

The approved APFO validity period is 10 years. The approved preliminary plan validity period is 9 years. This allows the Applicant to obtain the final building permits in the final year of the project. The Application meets this finding.

#### **Adequate Public Facilities Validity**

The Applicant has requested an extended validity of the Adequate Public Facilities finding for 10 years (121 months) instead of the typical 5 years (61 months).

Under Section 50.4.3.J.5.iv, an Adequate Public Facilities finding shall be “for no less than 5 and no more than 10 years after the preliminary plan is approved, as determined by the Board when it approved the plan, for any plan approved after July 31, 2007, and before April 1, 2009, or after March 31, 2017.” As such, the Applicant’s request is for the maximum allowable time period under the Subdivision Regulations.

The Subdivision Regulation continues under Section 50.4.3.5.b:

*“If an applicant requests a longer validity period than the minimum specified in 5.a, the applicant must submit a development schedule or phasing plan for completion of the project in the Board for its approval.*

- i. *At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, where is the applicable minimum, after the preliminary plan is approved.*

The phasing plan indicates that the Phase I will take approximately 5 years to complete. This includes the 48 townhouse units and 45,000 square feet of commercial square footage. This phase is the most intensive phase of the three comprising over 50% of the overall project.

#### **Adequate Public Facilities Phasing**

Phase	Benchmark	Duration
-------	-----------	----------

Phase I	Building permits for 48 residential units and up to 45,000 sq. ft. (net increase of approx. 29,000 square feet) of commercial uses	60 months
Phase II	Building permits for 32,000 sq. ft. of new commercial uses and structured parking facility	48 months (108 months cumulative)
Phase III	Building permits for 11 residential units and 3,000 sq. ft. of new commercial uses (345 sq. ft. of net new commercial uses)	12 months (120 months (10 years) cumulative)

- ii. *To allow a validity period longer than the specified minimum, the Board must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. The Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan and may impose other improvements or mitigation conditions if those conditions are needed to assure adequate levels of transportation or school service during the validity period.*

Upon reviewing the Applicant's request for 10 years of APF validity, the Planning Board approves the increased validity period as requested. The Board finds that the size and complexity of this project warrants the extended validity period due to the amount of new residential and commercial square footage to be built while keeping the shopping center open for existing tenants, retrofitting new open spaces into an existing shopping center, implementing construction around long-term leases of existing tenants, and responding to market forces during the life span of the project. This increase in APF validity is not adverse to the public interest. In fact, by increasing the APF validity period, it gives the Applicant more flexibility to reduce disruption and improve the public experience during implementation.

#### Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on July 23, 2018. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are

currently operating within the standards set by the Subdivision Staging Policy in effect at that time that the Application was submitted.

#### **Applicable School Test**

Preliminary Plan #120180120 for Cabin John Village is scheduled for Planning Board review after June 30, 2018, therefore the applicable annual school test is the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

#### **Calculation of Student Generation**

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

#### **Per Unit Student Generation Rates - Southwest Region**

	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>SF Detached</b>	0.193	0.111	0.147
<b>SF Attached</b>	0.191	0.094	0.124
<b>MF Low- to Mid-Rise</b>	0.146	0.063	0.083
<b>MF High-Rise</b>	0.055	0.022	0.031

With a net of 59 single family attached units, the proposed project is estimated to generate the following number of students:

#### **Student Generation Rate**

<b>Type of Unit</b>	<b>Net Number of Units</b>	<b>ES Generation Rates</b>	<b>ES Students Generated</b>	<b>MS Generation Rates</b>	<b>MS Students Generated</b>	<b>HS Generation Rates</b>	<b>HS Students Generated</b>
<b>SF Attached</b>	59	0.191	11.269	0.094	5.546	0.124	7.316
<b>TOTAL</b>	<b>59</b>		<b>11</b>		<b>5</b>		<b>7</b>

This project is estimated to generate 11 new elementary school students, 5 new middle school students, and 7 new high school students.

#### **Cluster Adequacy Test**

The project is located in the Winston Churchill High School Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the Churchill Cluster are noted in Table 6:

#### Cluster Adequacy Test

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,396	2,849	84.1%	3,419	2,407
Middle	1,358	1,794	75.7%	2,153	1,363
High	2,031	1,986	102.3%	2,384	2,038

The Moratorium Enrollment Threshold identified in Table 6 is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

#### Individual School Adequacy Test

The applicable elementary school and middle school serving this project's property are Beverly Farms ES and Herbert Hoover MS, respectively. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 7:

#### Individual School Adequacy

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Seat Deficit	120% Utilization	Seat Deficit	
Beverly Farms ES	518	690	75.1%	+172	829	800	529
Herbert Hoover MS	760	1,139	66.7%	+379	1,367	1,319	765

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected



enrollment plus the estimated impact of this Application falls below both applicable moratorium thresholds for both Beverly Farms ES and Herbert Hoover MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

#### **Analysis Conclusion**

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

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

#### **A. Forest Conservation**

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary Forest Conservation Plan ("FCP") for the project was submitted with the Preliminary Plan. The net tract area for forest conservation is 12.84 acres, which excludes 13.10 acres previously covered under the approved Forest Conservation Plan for Parcel 'D' as part of Administrative Subdivision Plan 62017050, and 0.07 of land located within existing storm drain, slope and stormwater management easements. Approximately 0.69 acres that will be disturbed to construct required off-site improvements along Tuckerman Lane is included in the net tract area. After deducting the forest located on the 13.17 acres of land deducted from the net tract area, the FCP includes 1.70 acres of existing forest located within and adjacent to the stream valley buffers. The Application proposes to retain 1.21 acres and remove 0.49 acres of forest. The retained forest will be protected in a Category I conservation easement but will allow for a natural surface trail within the easement that connects to the trail system on the adjacent Cabin John Regional Park. The proposed forest clearing generates a reforestation requirement of 0.98 acres, and there is an additional afforestation requirement of 0.23 acres, for a total of 1.21 acres of forest mitigation planting required. The Applicant will meet the planting requirement through a combination of forest planting on the Property and at an off-site location to be determined at time of Final Forest Conservation review.

The Applicant has proposed to remove portions of the existing stormwater management easement and convert these areas to Category I conservation easement, and to consolidate the location of the proposed stormwater management pond ingress/egress easement with the proposed

storm drain outfall to the pond. These efforts have increased the amount of existing forest that will be protected in a Category I conservation easement.

Approximately 0.44 acres of the proposed 0.49 acres of forest clearing is along the edge of the existing forest in the northeastern corner of the Property. This forest is contiguous with the forest on the adjacent Cabin John Regional Park. Given the various constraints on the Property, including preserving much of the existing development and buildings, and the limited area available for residential development, it was determined that there was not a layout that allowed the preservation of the forest and the Applicant's desired number of residential units. The forest is proposed to be cleared for the construction of a private road with parallel parking spaces designed to serve visitors to the park and the proposed residences, and a storm drain system, including stormwater management facilities. The road is the minimum width necessary to meet fire access requirements.

To address concerns raised by Staff regarding the removal of the existing forest edge, the Applicant is required to conduct further evaluation of proposed tree protection measures to minimize the stress to the trees during and after construction and to maintain and enhance the forest that will now include a natural surface path system connecting to the Cabin John Regional Park. This new forest edge will be located along a private road, parallel parking spaces, and a newly defined access point to a trail system that connects to the adjacent park. Additional measures may include pruning, removal of dead, dying or hazardous limbs and trees, and replanting of native trees if necessary to maintain a healthy, intact and continuous forest edge. These proposed requirements will be incorporated into the Final Forest Conservation Plan. The remaining 0.05 acres of forest clearing is located off-site, along Tuckerman Lane. This clearing is a result of improvements within the right-of-way of Tuckerman Lane.

#### B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to ten Protected Trees as identified in the Staff Report. In accordance with Section 22A-

21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Protected Trees are located adjacent to existing development on the Property and an existing stormwater management pond. To redevelop the Property, improvements to the existing infrastructure, including roads, drive aisles, and a stormwater management pond, are required. As described in the Staff Report, these existing conditions are such that any application to redevelop this Property for the recommended use and density would result in the need for a tree variance. If the variance were not considered, the development anticipated on this Property would not occur.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. Protected Trees are located in the developable area of the Property, including adjacent to Tuckerman Lane, and along the existing access to the Property from Coddle Harbor Lane. In order to utilize this existing access, improvements are required to meet the requirements for a private road and to provide stormwater management resulting in impacts to Protected Trees. Additional impacts to Protected Trees will occur due to requirements to construct a path along Tuckerman Lane. The requested impacts to Protected Trees are due to required road improvements and storm drain connections that would be necessary under any application for development of the Property, and disturbance within the anticipated developable area of the site. Any redevelopment considered for this Property would be faced with the same considerations. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The need for the variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is based

upon existing Property conditions, including the location of the Protected Trees within the developable area.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. None of the Protected Trees are proposed to be removed, adequate tree protection measures are proposed during construction and the severed roots will be allowed to regenerate and continue to function as they do today.

No mitigation is required for trees affected but not removed.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The Preliminary Plan received an approved water quality inventory from the Montgomery County Department of Permitting Services, Water Resources Section on June 21, 2018. The Application will meet stormwater management goals with microbio retention and structural methods.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 05 2018 (which is the date that this Resolution is mailed to all parties of record); and

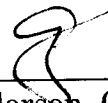
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

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

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioner Cichy voting in favor, and Commissioners Fani-González and Patterson absent at its regular meeting held on Thursday, October 25, 2018, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER  
MCDPS-WATER RES. PLAN REVIEW  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [rick.brush@montgomerycountymd.gov](mailto:rick.brush@montgomerycountymd.gov)

MS. LISA SCHWARTZ  
DHCA  
100 MARYLAND AENUE  
4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [lisa.schwartz@montgomerycountymd.gov](mailto:lisa.schwartz@montgomerycountymd.gov)

MR. MARK BEALL  
MCDPS-ZONING  
255 ROCKVILLE PIKE, 2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [mark.beall@montgomerycountymd.gov](mailto:mark.beall@montgomerycountymd.gov)

MR. CHRISTOPHER ANDERSON  
MPDU MANAGER, DHCA  
100 MARYLAND AVENUE, 4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [Christopher.anderson@montgomerycountymd.gov](mailto:Christopher.anderson@montgomerycountymd.gov)

Tim Longfellow  
GLW  
3909 National Drive, Suite 250  
Burtonsville, MD 20866

Michael Lenhart  
Lehart Traffic Consulting  
645 Baltimore Annapolis Boulevard  
Suite 214  
Severna Park, MD 21146

William Wydro  
Regency Estates Citizens Association  
11822 Charen Lane  
Potomac, MD 20854

Linda Rich Wanerman  
Inverness Association  
7530 Coddle Harbor Lane  
Potomac, MD 20854

Ronald J. Stern  
11061 Seven Hill Lane  
Potomac, MD 20854

Caryn Wechsler  
6520 Bradley Boulevard  
Bethesda, MD 20817

MR. GREG LECK  
MCDOT  
101 MONROE ST  
10<sup>th</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [greg.leck@montgomerycountymd.oov](mailto:greg.leck@montgomerycountymd.oov)

MR. ATIQ PANJSHIRI  
MCDPS-RIGHT-OF-WAY  
PERMITTING  
255 ROCKVILLE PIKE, 2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [atiq.panishiri@montgomerycountymd.gov](mailto:atiq.panishiri@montgomerycountymd.gov)  
MS. CHRISTINA CONTRERAS  
MCDPS-LAND DEVELOPMENT  
255 ROCKVILLE PIKE, 2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [christina.contreras@montgomerycountymd.gov](mailto:christina.contreras@montgomerycountymd.gov)

MR. ALAN SOUKUP  
MCDDEP-WATER & WASTEWATER POLICY  
255 ROCKVILLE PIKE, SUITE 120  
ROCKVILLE, MD 20850  
By email [alan.soukup@montgomerycountymd.gov](mailto:alan.soukup@montgomerycountymd.gov)

Isaac Abraham  
7810 Ivymount Terrace  
Potomac, MD 20854

Norman Leventhal  
Potomac Crest Homeowner's Association  
11213 Potomac Crest Drive  
Potomac, MD 20854

Natalie Fishman  
8204 Lochinver Lane  
Rockville, MD 20854

Debra Ackerman  
6 Redbud Court  
Potomac, MD 20854

Beth Dennard  
101 Monroe Street  
Rockville, MD 20850

Norman I Gelman  
7904 Turncrest Drive  
Potomac MD 20854

MR. MARK ETHERIDGE, MANAGER  
MCDPS-SEDIMENT/STORMWATER  
INSPECTION & ENFORCEMENT  
255 ROCKVILLE PIKE, 2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [mark.etheridge@montgomerycountymd.gov](mailto:mark.etheridge@montgomerycountymd.gov)

MR. EHSAN MOTAZEDI  
MCDPS-SITE PLAN ENFORCEMENT  
255 ROCKVILLE PIKE, 2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [ehsan.motazedi@montgomerycountymd.gov](mailto:ehsan.motazedi@montgomerycountymd.gov)

MR. GENE VON GUNTEN  
MCDPS-WELL & SEPTIC  
255 ROCKVILLE PIKE, 2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850  
By email [gene.vongunten@montgomerycountymd.gov](mailto:gene.vongunten@montgomerycountymd.gov)

Katie Bucklew  
Cabin John (EDENS), LLC  
c/o EDENS, L.P.  
7200 Wisconsin Avenue, Suite 400  
Bethesda, MD 20814

Erin Girard  
Linowes and Blocher LLP  
7200 Wisconsin Avenue, Suite 800  
Bethesda, MD 20814

Jerry Garson  
Seven Locks Civic Association, Inc  
8308 Raymond Lane  
Potomac, MD 20854

Debra Ornstein Jacobs  
Inverness Association  
7517 Coddle Harbor Lane  
Potomac, MD 20854

Howard Troffkin  
7808 Ivymount Terrace  
Potomac, MD 20854

Rebecca Torma  
101 Monroe Street  
Rockville, MD 20850

Jesse Sadikman MD  
7825 Mary Cassatt Dr  
Potomac MD 20854



**Caren Sadikman MD**  
121 Congressional Lane  
Suite 204  
Rockville MD 20852

**Chris Holmes**  
7849 Coddles Harbor Lane  
Potomac MD 20854

**Gil Winbaum**  
11207 Potomac Crest Drive  
Potomac MD 20854

**Bernard Rod**  
8228 Inverness Hollow Terrace  
Potomac MD 20854

**Jeremy Stark**

**Debra Jacobs**  
7517 Coddle Harbor Lane  
Potomac MD 20854

**Fred Kranz**  
7921 Ivymount Terrace  
Potomac MD 20854

**Issac Abraham**  
7810 Ivymount Terrace  
Potomac MD 20854

**7530 Coddle Harbnor Lane**  
Potomac MD 20854

**Robert Warnerman**  
1227 25<sup>th</sup> Street NW  
Washington DC 20037

**Howard Troffkin**  
7808 Ivymount Terrace  
Potomac MD 20854

**Orit Almagor**  
7855 Heatherton Lane  
Potomac MD 20854

**Joseph Murphy**  
10 Farsta Court  
Rockville MD 20850

**Miles Grody**  
7549 Coddle Harbor Lane  
Potomac, MD 20854

**Norman Gelman**  
7904 Turncrest Dr.  
Potomac, MD 20854

**Mike Northridge**  
8210 Postoak Road,  
Potomac MD 20854.

**120180120 – Cabin John Village**

**DPS-ROW CONDITIONS OF APPROVAL****February 7, 2019****820190020 Cabin John Village**

Contact: Sam Farhadi at 240 777-6333

We have reviewed corresponding site and landscape plans files that were uploaded on/dated “2/1/2019”.

The followings need to be addressed prior to the certification of site plan:  
(please note as per general note 19 on the cover sheet, street trees will be reviewed and approved at the ROW permit stage)

1. Remove the street sections and provide a note indicating compliance of the site plan with the certified preliminary plan instead.
2. Curb radii/ turning movements for all access points:
  - a. Label the curb radii.
  - b. Provide the minimum curb radii that will accommodate the site traffic.
  - c. Provide truck turning for all (especially right turn) movements;
3. Provide public sidewalk:
  - a. to ADA standards (minimum five feet wide) and label it accordingly;
  - b. ensure all handicap ramps have receiving ramps and are aligned with them;
  - c. Provide adequate pedestrian refuge island at the access points as needed.
4. Provide and label PUE along the site frontages.
5. Private streets to be built to tertiary roadway structural standards at minimum.
6. Driveway apron should not cross the frontage; please clarify if this has been worked out with the adjacent property.
7. Please follow up with MCDOT Commuter Services Section about traffic mitigation agreement (TMAg) per meeting dated December 14, 2018.



---

---

Department of Permitting Services  
Fire Department Access and Water Supply Comments

---

---

**DATE:** 13-Jul-17  
**TO:** Tim Longfellow  
Gutschick Little & Weber, PA  
**FROM:** Marie LaBaw  
**RE:** Cabin John Shopping Center  
620170050

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **13-Jul-17**. 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.

**\*\*\* 3/11/2019 Amendment: see plan for Areas 1 - 7 \*\*\***



## Attachment 9

### DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Diane R. Schwartz Jones  
Director

December 31, 2018

Mark Johnston, P.E.  
Gutschick, Little & Weber, P.A.  
3909 National Drive, Suite 250  
Burtonsville, MD 20866

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Cabin John Shopping Center  
Preliminary Plan #: 520180030  
SM File #: 283567  
Tract Size/Zone: 25.32 Acres  
Total Concept Area: 25.32 Acres  
Lots/Block: N/A  
Parcel(s): Parcel C, D Seven Locks Plaza  
Watershed: Cabin John Creek

Dear: Mr. Johnston, P.E.

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD and Structural Methods.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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

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

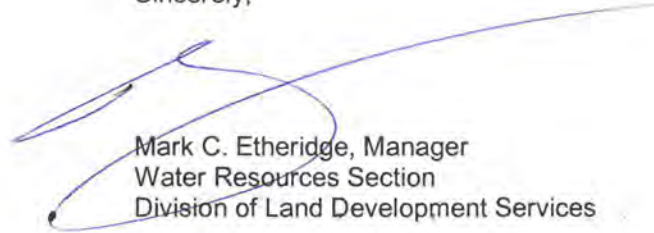


255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

Page 2 of 2  
December 4, 2018

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: AK

cc: N. Braunstein  
SM File # 283567



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

February 28, 2019

Mr. Ryan Sigworth  
Area 3 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Cabin John Village  
Site Plan No. 820190020

Dear Mr. Sigworth:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval.

Sincerely,

Lisa S. Schwartz, Acting Manager  
Affordable Housing Section

cc: Tim Longfellow, GLW

S:\Files\recurring\Housing\MPDU\Developments\Cabin John Village\Cabin John Village DHCA Letter\_2-28-2019.docx

**Division of Housing**

Affordable Housing    Common Ownership Communities    Landlord-Tenant Affairs    Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

**From:** [Sigworth, Ryan](#)  
**To:** "Sarah Rubin"  
**Cc:** [Pereira, Sandra](#); [Weaver, Richard](#)  
**Subject:** RE: Cabin John Development  
**Date:** Monday, February 11, 2019 2:14:10 PM

---

Mrs. Rubin,

Thank you for contacting the Montgomery County Planning Department. Our staff is happy to hear that you are excited for the rejuvenation of the Cabin John Shopping Center proposed by Edens (the applicant). Just to clarify a couple of things from your email. 1.) there is no elderly housing proposed, it is all market rate townhouses. 2.) there is no housing over retail stores, one portion of the existing shopping center does have office space over the retail stores.

In regards to your comments about a picnic area and community center, there are requirements under the law to provide common open space and recreation opportunities to serve the residential component. The plans provide a couple of gathering spaces with seating and playground equipment. In addition, the applicant also owns the wooded property to the north which will be enhanced with natural surface trails and new connections to the Cabin John Park. The commercial portion requires public open spaces to provide attractive gathering areas where people will naturally come together. In a urban designed and walkable environment such as this, a community center is not particularly common. These type of facilities are common in more suburban neighborhoods. This design, in essence, makes the shopping center and it's gathering spaces its own community center.

I know the County has programs to promote local businesses but for our role as a land use agency, we don't have the authority to regulate type of businesses whether they be local or national. However, as the project proceeds, I know the developer plans to start having farmers markets and popup retail opportunities in the future.

Again, thanks for writing us.

Ryan Sigworth, AICP  
Senior Planner – Area 3  
Maryland National Capital Parks and Planning Commission

Address:  
8787 Georgia Avenue  
Silver Spring, MD 20910

Telephone: (301) 495-2112  
Fax: (301) 495-1304  
Email: [ryan.sigworth@montgomeryplanning.org](mailto:ryan.sigworth@montgomeryplanning.org)  
Website: [MontgomeryPlanning.org](http://MontgomeryPlanning.org)



---

**From:** Sarah Rubin <[sarah.rubin@mail.mcgill.ca](mailto:sarah.rubin@mail.mcgill.ca)>  
**Sent:** Tuesday, February 5, 2019 6:21 PM



**To:** Sigworth, Ryan <Ryan.Sigworth@montgomeryplanning.org>; Pereira, Sandra <Sandra.Pereira@montgomeryplanning.org>; Weaver, Richard <Richard.Weaver@montgomeryplanning.org>

**Subject:** Cabin John Development

Hello Developers,

I am writing you from McGill but I have spent my entire life before this in Potomac Maryland right off Seven Locks road, a 5 minute drive to Cabin John Mall (and my family still lives there). I was really excited to see that Cabin John Mall is being revamped. I always thought it was silly there was so much parking in front when there was a ton of parking in back. I love that you are incorporating green edges, housing for the elderly, and housing over the retail stores.

I was looking at your plans and was somewhat puzzled though why there doesn't seem to be more non-retail, non housing space. A picnic area and community center would be lovely! I remember growing up the main places we would hang out was the mall. But it was so extremely boring especially when you don't have a ton of spending money. There are a lot of amazing initiatives going on creating creative public spaces and it would be great to see more of that in the plan.

Also I went home recently and saw the beginning of the new development, it looks lovely but I was wondering if there is an effort to get more local businesses involved. Would be lovely for this new market feel yall are going for had more mom' and pop shops. Maybe even one store that was left vacant so that people could have a pop up store or gallery? Or a place for a farmers market?

Thanks for all your work.

Best,  
Sarah