



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

MCPB No. 19-047  
Site Plan No. 820190020  
Cabin John Village  
Date of Hearing: April 25, 2019

**MAY 02 2019**

**RESOLUTION**

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

WHEREAS, on August 28, 2018, Cabin John (EDENS), LLC ("Applicant") filed an application for approval of a site plan for the construction of 45,000 square feet (29,000 net new square feet) of commercial uses and 48 single-family attached units including 12.5% MPDU's on 13.39 acres of CRT-0.75, C-0.5, R-0.25, H-35 and R-90 zoned-land, located at the northeast corner of Seven Locks Road and Tuckerman Lane ("Subject Property"), in the Potomac Policy Area and *2002 Potomac Subregion Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820190020, Cabin John Village ("Site 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 April 12, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 25, 2019, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820190020 for the construction of 45,000 square feet (29,000 net new square

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Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
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feet) of commercial uses and 48 single-family attached units including 12.5% MPDU's, on the Subject Property, subject to 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 per 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

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<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.

Resources Section may amend if the amendments do not conflict with other conditions of Site 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 townhouse 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. Electrical 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 meetings 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 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 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 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 MNCPPC 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 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-OSPUB-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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Cabin John Village, Site Plan No. 820190020, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that 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 development 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.

2. *The development satisfies 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.

3. *The development satisfies 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.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Use Standards

#### 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 1, 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 will not 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.

The Planning Board grants all of the modifications based on the findings described below:

##### **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 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 the shopping center, it drives the building orientation and design of the 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 Seven Locks Road 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.

*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 these buildings to have "back to house" functions such as restrooms, storage, and kitchen space, the building elevation facing the drive entrance is reduced transparency from 25% to 15% along the side and rear facades while enhancing these facades with murals and landscaping to help breakup the façade with elements creating visual interest.

b. Development Standards

The Subject Property includes approximately 13.39 acres zoned CRT-0.75, C-0.5, R-0.25, H-35 and R-90 Zone. The Application satisfies the applicable development standards as shown in the following data table:

<b>TABLE 1 - Section 4.5 Zoning Data Table: CRT-0.75, C-0.5, R-0.25, H-35</b>		
<u>Standard Method</u> <u>Development Standards</u>	<u>Required</u>	<u>Provided</u>
<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	Residential = 0.12 FAR Commercial = 0.26 FAR

<b>TABLE 1 - Section 4.5 Zoning Data Table: CRT-0.75, C-0.5, R-0.25, H-35</b>		
<u>Standard Method</u> <u>Development Standards</u>	<u>Required</u>	<u>Provided</u>
	Total FAR = 0.75 FAR	Total FAR = 0.49 FAR
<b>Coverage</b>		
Lot	N/A	N/A
<b>3. Placement</b>		
<b>Principal Building Setbacks</b> <b>(min)</b>		
Front setback	Townhouse = 5 feet General = 0 feet	Townhouse = 5 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</b> <b>(min)</b>		
No accessory structures are proposed. Any future accessory structures will have to meet current zoning requirements		

<b>TABLE 1 - Section 4.5 Zoning Data Table: CRT-0.75, C-0.5, R-0.25, H-35</b>		
<u>Standard Method</u> <u>Development Standards</u>	<u>Required</u>	<u>Provided</u>
<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
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>1. 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>2</sup>
Building in side street BTA	Townhouse = N/A General = 35% min.	Townhouse = N/A General = 35% <sup>3</sup>
<b>2. Height</b>		
Principal Building	35 feet	35 feet max <sup>4</sup>

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

<b>TABLE 1 - 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>
Accessory structure	Townhouse = 25 feet General = Mapped and Section 4.1.8.B	N/A
<b>3. 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>5</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 General = 40% (See Arch. Plans)
Ground story, side/rear (min)	Townhouse = N/A General = 25%	Townhouse = N/A General = 25% <sup>6</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 approved commercial square footage - Retail (18,830 SF)	66-113 Spaces	

<sup>4</sup> Building Height Averaging, per Section 4.5.2.D.2.d

<sup>5</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

<sup>6</sup> Per Section 59.4.5.3.B.2, the Applicant requests a modification to transparency for Bldg. A-1, A-3 & A-4



<b>TABLE 1 - Section 4.5 Zoning Data Table: CRT-0.75, C-0.5, R-0.25, H-35</b>		
<u>Standard Method</u> <u>Development Standards</u>	<u>Required</u>	<u>Provided</u>
- Restaurant (25,764 SF) - Total	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 Approved Commercial	403-824 Sp.	425 Sp.
Total Vehicle Parking for Approved Residential	48-96 Sp.	96 sp.
Total Vehicle Parking (Approved 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

c. General Requirements

i. *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. *Parking, Queuing, and Loading*

The Site Plan provides adequate parking to serve the Application. The Subject Property is located in a Reduced Parking Area because it is zoned CRT and 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 approved development within the limits of the Site Plan area, which is 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.

#### 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. 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.

#### 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. 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.

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. The Planning Board hereby grants 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. 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. 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 will help activate the space.

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.

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

This area of Public Open Space 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 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 Building E-1. This open space efficiently responds to the existing grade drop by integrating a series of landscaped terraces, 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.

The third Public Open Space primarily consists of outdoor dining areas surrounding Buildings A-3 and A-4 and associated sidewalk space to provide adequate pedestrian connectivity. 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.

#### 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.

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 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.

iv. *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. 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.

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.

v. *Screening*

The Site Plan is not required to provide 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 General building types (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.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

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

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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. 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 acres 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 the natural surface trail within the easement that connects to the trail system on the adjacent Cabin John Regional Park. The 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 stormwater management pond ingress/egress easement with the 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 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. 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 to be cleared for the construction of a private road with parallel parking spaces designed to serve visitors to the park and the residences, and a storm drain system, including stormwater management facilities. The road is the minimum width necessary to meet fire access requirements. The Planning Board 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, The Planning Board approved a condition of approval as part of the Preliminary Forest Conservation Plan requiring further evaluation of the 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 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.

#### *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 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-270, roadway noise impact on the residences in Phase I will be below 65 dBA Ldn. No further analysis or additional mitigation is required.

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

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 will 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 pedestrians 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. 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 required by the Planning Board. 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 slow turning movements, and improve pedestrian safety. All legs of the intersection utilize stop signs.

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. However, these stairs are not passable by individuals with disabilities. Individuals with disabilities and/or pedestrians traveling to 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.

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

*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 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 and two pieces of playground equipment. This playground area also features flexible seating for gathering space.

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

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.

Finally, the Application will create a new connection to the Cabin John Regional Park on the Subject Property's east side. 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.

7. *The development substantially conforms to 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.

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 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 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 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 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 in the resolution requiring a final agreement on transportation mitigation measures prior to site plan approval. Because the Subject Property is not located in a Transportation Management District, The Planning Board has not required a Transportation Mitigation

Agreement (TMAg). Therefore, in order to meet the intent of the Master Plan, the Planning Board has included specific conditions, rather than a TMAg or other alternative agreement, to promote traffic mitigation alternatives such as the implementation of a 15-dock 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.

8. *The 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.*

As discussed in previously approved Preliminary Plan No. 120180120 findings, the 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.

9. *The development is compatible with the character of the residential neighborhood.*

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.

10. *The development 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 is able to account for the sloping grade of the Subject Property while maintaining consistent building massing. 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 setbacks to ensure compatibility with the neighborhood. This compatibility is heightened due to the relative similarity in building height throughout the neighborhood.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 02 2019 (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 Vice Chair Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, April 25, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board