



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

MCPB No. 19-110
Site Plan No. 820190060
Poplar Grove Phase I
Date of Hearing: October 3, 2019

OCT 30 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 November 8, 2018, Symmetry at Cloverleaf LLC ("Applicant") filed an application for approval of a site plan for up to 460,000 square feet of residential density for 176 townhouse dwellings including 22 MPDUs on 11.4 acres of CR 2.0, C-1.75, R-1.0, H-145T and Germantown Transit Mixed Use Overlay Zone zoned-land, located on the east side of Century Boulevard between Father Hurley Boulevard and the future Dorsey Mill Road ("Subject Property"), in the Germantown West Policy Area and the 2009 Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820190060, Poplar Grove Ph I ("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 September 20, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 3, 2019, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on October 3, 2019, the Planning Board voted to approve the Application subject to certain conditions, on the motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 3-0; Chair Anderson and Commissioners Cichy and Verma voting in favor, with Commissioners Fani-Gonzalez and Patterson being absent.

Approved as to
Legal Sufficiency: 
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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820190060 for up to 460,000 square feet of residential density for 176 townhouse dwellings including 22 MPDUs on the Subject Property, subject to the following conditions:¹

1. Density

The Site Plan is limited to a maximum of 460,000 square feet (0.39 FAR) of residential development on the Subject Property, for up to 176 townhouse units including 22 (12.5%) MPDUs.

2. Height

The development is limited to a maximum height of 60 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. 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 May 16, 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 or DHCA -approved equivalent 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 between the Applicant and the DHCA must be executed.

4. Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 48,500 square feet of Common Open Space (10% of net lot area attributed to townhomes) to meet the requirements of the Zone and 15,000 square feet of Public Open Space on-site for Public Benefit points.
- b. Open Spaces and landscaping shall be completed within six months, or by the next planting season of the last use and occupancy certificate issued for any adjacent buildings.
- c. The open spaces including the Garden Street, the multi-aged play area, and the multi-purpose court must be completed prior to issuance of the use and occupancy certificate for the 158th dwelling.

¹ 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.

- d. Focal elements shall be installed as part of the completion of their respective open spaces.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines for each one.

- a. Transit Proximity – The Applicant is eligible for 10 points with the Phase I Site Plan for being within half a mile of a planned Level 2 transit facility.
- b. Connectivity between Uses, Activities, and Mobility Options
 - i. Advance Dedication – The total Subject Property is eligible for the Maximum 30 points, and the Phase I Site Plan will receive 10 points.
- c. Quality Building and Site Design
 - i. Exceptional Design – The Phase I Site Plan demonstrates meeting at least four of the criteria for exceptional design. The Site Plan receives two points for its contribution to the overall project.
 - ii. Historic Resource Protection – The Planning Board accepts the recommendations of the Historic Preservation Commission as described in their letter dated May 14, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter. The Site Plan establishes Phase I of the Waters Memorial Park around the existing cemetery including fencing, seating and signage, and the Site Plan receives five points based on the guidelines.
 - iii. Public Open Space – The Applicant must provide a minimum of 15,000 square feet of Public Open Space with Phase I to receive one point.
- d. Protection and Enhancement of the Natural Environment
 - i. Vegetated Area – The Applicant must install plantings in a minimum of 12 inches of soil, covering a minimum of 2,500 square feet of the site, in the location shown on the Certified Site plan, for 2.5 points. The Applicant must incorporate at least 2,500 more square feet of vegetated area in a future Site Plan.

6. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan. The following facilities should be installed in the Common Open Space areas no later than the following:

- a. Prior to the issuance of the 60th building permit, the Applicant must complete one of the three recreation amenities below, prior to issuance of the 110th building permit the Applicant must have installed two of the three recreation amenities below, and prior to issuance of the 158th

building permit the Applicant must have installed all three of the following recreation amenities below:

- i. Fitness trail with two outdoor fitness stations located along the eastern edge of the property;
- ii. Multi-aged play area located in Block H in the South Townhome Neighborhood and
- iii. Multi-purpose court located in Block D in the North Townhome Neighborhood.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the planter boxes, garden beds, trellises and swings along the Garden Street, retaining walls, fences and railings, the focal elements, recreation amenities, landscaping, open space lighting, private streets and sidewalks, trash receptacles and benches.

8. Site Design

a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations of the submitted architectural drawings in the Certified Site Plan, as determined by M-NCPPC Staff, establishing a modern farmhouse aesthetic. At a minimum all units shall:

- i. On the front and side facades, include elements of decorative cladding in either a shake, board-and-batten, or clapboard treatment, or be a masonry façade
- ii. All facades shall utilize brick or stone, cement plank, or a polymer product
- iii. Include a masonry water table element
- iv. Have a minimum of two unique façade designs per townhouse stick, with no more than two units in a row that are the same design without utilizing a contrasting color, cladding pattern or façade material. Unique façade designs shall be differentiated by providing at least three of the following strategies:
 1. Box or bay windows
 2. Dormers or revere gables
 3. Overhangs
 4. Stoops or awnings
 5. Varied window placement
 6. Changes in cladding orientation and treatment patterns, and changes in color.
- v. The sides of end units shall include the same materials and patterns as the front.

b. High Visibility End Units

- i. The following are high visibility end units: 9, 10, and 21 block B; 1,7,12,13,18,25,26, and 41 Block C; 1,6,7,12,17,22,23 and 27 Block D; 1 Block E; 4, 9, 10 and 14 Block H; 1, 6,7,11,12,17,18 and 22 Block J; 1, 8, 9, 16, 17, 23, 24, and 32 Block K.
- ii. High visibility end units shall include the same architectural patterns and treatment provided on the front of the units, be at least 20% high contrast using a minimum of at least 6 individual features which may include any combination of the following elements: windows, doors, bays, faux windows, banding between different types of siding, or other architectural treatments as determined by Staff.
- c. 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.
- d. Any retaining wall section higher than six feet must use a segmental wall that contains plant openings with soil cavities, spaced at no more than 8 feet apart on center, that are at least one course high and 1.5 feet wide.
- e. Landscaping in planter bed types 1, 2, 4, 5A, and 5B in the open space adjacent to the Garden Street must be planted with edible plants including annual and perennial herbs, berries, and vegetables. The planters must be managed by the future HOA or a designee and the planter beds must be maintained to be reasonably free of weeds. Any beds with annual plantings must incorporate cover crops during non-growing seasons.
- f. Final design specifications of the Focal elements shall be reviewed and approved by
M-NCPPC Staff prior to their installation.

9. Lighting

- a. Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior open space 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 or BUG-equivalent fixtures.
- c. Deflectors will be installed on all proposed 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 or residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

10. Forest Conservation

The development must comply with the Final Forest Conservation Plan and the following conditions

- a. Prior to any clearing, grading, or demolition on the property, the Applicant must obtain the M-NCPPC General Counsel approval of a Certificate of Compliance agreement for the 1.41- acre off-site forest planting requirement.
- b. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- c. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

11. Noise Attenuation

- a. Before issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
 - i. The building shell for residential dwelling units will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. If the plan changes in any manner that affects the validity of the noise analysis dated March 29, 2019 for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- c. Before issuance of any Use and Occupancy Certificate for any of the noise impacted units, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
- d. For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and should be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.
- e. Before issuance of Use and Occupancy Certificate for any units in Block B, the 20-foot tall noise wall recommended by the noise analysis must be completed, inspected, and approved by MCDPS.
- f. Before issuance of Use and Occupancy Certificate for units 1-6, 19-25, 26–33 or 34-41 in Block C either the 20-foot tall noise wall recommended by the noise

analysis must be constructed, or the building shell of lots 1-21 in Block B must be constructed but do not need to be occupied.

12. Utilities

Within all private road parcels, the Applicant must install an empty utility conduit as shown in the utility plans 19-UTIL-820190060-001 through 003 in ePlans for Ultra Montgomery, or an alternative location if approved by Ultra Montgomery in advance. Access to, use, and maintenance of this conduit shall be made available to future telecommunications companies in conjunction with Ultra Montgomery and Montgomery County.

13. Pedestrian & Bicycle Circulation

The Applicant must provide five-foot-wide sidewalks along both sides of all public and private streets except for the following locations:

- i. The east side of Private Street C may have sections of four-foot-wide sidewalk as shown on the Certified Site Plan.
- ii. The south side of Private Street C in Block D will have no sidewalk until construction of the adjacent parcel is Site Planned.
- iii. The north side of Private Street E will have no sidewalk until construction of the adjacent parcel is Site Planned.

14. Private Streets

The Applicant must provide Private Roads Street A, Street B, Street C, Street E, Alleys 1A-1C, 2A-2D, Alley 3, , Alleys 5A-B, Alleys 6A-B, Alley 7 and Alley 8 including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private and public 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. If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, 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 subjected by reference on the plat 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. Before issuance of any 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 required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, 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.

- d. Prior to Private Street C opening to the public, the Applicant must install an advisory sign warning of a sharp curve posted with a 15mph speed limit, consistent with the Maryland SHA turn advisory speed sign standard W1-1a(1)(L&R) along Private Street C in the locations shown on the certified Site Plan.

15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, or sediment control permit 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 [59-D-3.5(d)] 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, outdoor recreational facilities, site furniture, focal elements, mailbox pad sites, trash receptacles, 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.
- d. The applicant should submit three separate cost estimates, site plan surety and maintenance agreements and financial securities that cover onsite landscaping, onsite private roads/streets and alleys and infrastructure associated with the private roads/streets and alleys, and other amenities and features including the Phase I improvements to Waters Memorial Park.

16. 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.

17. Future Site Plans

All public and private roads for the development are initially approved with this Site Plan. Future Site Plans within Poplar Grove may make minor modifications to right-of-way elements within the Public or Private rights of way adjacent to the Site Plan areas subject to the review of M-NCPPC and MCDPS, including adding sidewalks to Private Streets C and E, and upgrading the connectivity and materials within the right-of-way along the Garden Street and Street A, without the need to amend the subject Site Plan.

18. 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, Site Plan resolution and all agency approval letters 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, if any tree-save areas are identified on the Final Forest Conservation Plan.”
- 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. Add a vehicle trip tracking data table to the cover sheet that includes how many peak hour peak period trips the Site Plan is projected to generate, based on the 2013 LATR guidelines trip generation rates including allowed deductions , and add the trip generation tables from the 2013 LATR guidelines to the certified Site Plan approval sheet(s).
- f. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820190060, Poplar Grove Ph I, 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 satisfies the requirements of Sketch Plan No. 320180220 and Preliminary Plan No. 120190040. The Site Plan is within the binding elements of uses, height, location of public spaces and access points, and implements the public benefit schedule as anticipated. The Site Plan also conforms to the required submittals including details of open spaces and the coordination with other agencies in their necessary reviews.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Site Plan is not subject to any binding elements of a development plan or schematic development plan.

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.*

The Site Plan is not subject to any green area requirements.

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

a. Development Standards

The Subject Property includes approximately 11.4 acres zoned CR 2.0, C-1.75, R-1.0, H-145T and the Germantown Transit Mixed Use Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

Development Standards Data Table

Development Standards	Required/Allowed	Approved Site Plan 820190060
Area		
Gross Tract		
Net Area		11.4 AC (497,933 SF)
Max. Density		
Non-Residential	2,067,707 SF (1.75 FAR)	0 SF
Residential	1,182,690 SF (1 FAR)	460,000 SF (0.39 FAR)
Total	2,365,380 SF (2 FAR)	460,000 SF (0.39 FAR)
Dwellings		
Townhomes		154 market rate units
Multi-family		0 units
MPDUs	12.5% minimum	22 units
Totals		176 units
Min. Setbacks		
Front	0 FT	0 FT
Side	0 FT	0 FT
Side Street	0 FT	0 FT
Rear	0 FT	0 FT
From Century Blvd	0 FT	10 FT
Max. Height		
	145 ft	60 feet
Min. Open Space²		
Common	10% Min area of TH (48,352 SF)	48,500 (10%)
Public	10% Min area all else (0 SF)	15,000 SF ³
Total	10% of the Site (84,328 SF)	63,500 SF
Parking		
Vehicle TH	Min 1 Max 2 spaces/unit (352 max)	337 spaces
Vehicle Street		81 spaces
Vehicle Total		418 spaces
Bicycle	62 Short/188 Long term Total	0 in Phase I
Motorcycle	2%, up to 10 per facility	0

² The area of the site associated with townhouse uses vs all other uses has changed slightly from the Sketch Plan to the Preliminary and Site Plans. The required open space amounts have adjusted accordingly.

³ No Public Open Space is required with Phase I Site Plan. The provided Public Open Space is excess and will count for public benefit points.

Development Standards	Required/Allowed	Approved Site Plan 820190060
Carshare	1%, up to 5 per facility	0
EV space	1% per facility	0

The Site Plan is required to provide public benefit points as it is part of a larger mixed-use project, receiving incentive densities under the CR zone. The following data table shows the approved public benefit categories and the amount of points awarded to each category, followed by a description of each category.

Public Benefits Table

Public Benefit	Incentive Density Points	
	Max Allowed	Awarded
59.4.7.3C: Transit Proximity		
Transit Proximity	30	10
59.4.7.3C: Connectivity and Mobility		
Advanced Dedication	30	10
Wayfinding	10	0
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design	10	2
Historic Resource Protection	20	5
Public Open Space	20	1
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Cool Roof	10	0
Vegetated Area	10	2.5
BLTs	30	0
TOTAL		30.5

Transit Proximity

Transit Proximity: The Phase I Site Plan is awarded 10 out of 30 points for the category of transit proximity. The Subject Property is in the CR zone, is adjoining a planned Corridor City Transitway stop with approximately 95% of the Property within ¼ mile of the planned facility, and the transit level of service is Level 2 (planned bus line with a dedicated path) making it eligible for the full 30 points over multiple phases.

Connectivity and Mobility

Advanced Dedication: The Site Plan is awarded 10 points for providing advanced dedication of Century Boulevard along the Subject Property's western side. The Applicant has previously dedicated 3.86 acres of land to the County for Dorsey Mill Road and for the CCT along Century Boulevard and allowed the County to advance construction of Century Boulevard on another four acres of land. While this four acres was not officially dedicated, an agreement between the County and the Applicant still allowed for construction of the roadway under easement with the requirement to dedicate once plats are required with a new Preliminary Plan which in essence is the same as a dedication resulting in a tract area of 19.41 acres. The resulting formula for calculating available points $(D/N)*100$ based on 7.74 acres dedicated (D), divided by 19.41 acres of net tract (N) multiplied by 100 results in almost 40, which is more than the maximum 30 that can be awarded for this category. The 10 points is the share this Site Plan received toward the total.

Wayfinding: No points are awarded for wayfinding with this Site Plan. Future Site plan Applications may pursue this category.

Quality of Building and Site Design

Exceptional design: The Board awards two points for providing exceptional design elements as part of this Site Plan. The Subject Property over multiple phases will meet at least four of the criteria for receiving points through the full build-out of the Property which would make the Subject Property eligible for 10 points. The Phase I Site Plan clearly demonstrates at least three of these criteria; creating a sense of place that serves as a landmark, introducing materials, building forms and methods unique to the immediate vicinity, and designing a compact infill development where living, working and shopping are more pleasurable. The Site Plan creates a unique, walkable, urban agricultural community through architecture, focal points of art, urban farming and production spaces, and the garden street.

Historic Resource Protection: The Board awards five points for historic resource protection. Up to 10 incentive density points are eligible for preserving or enhancing a historic resource designated in the Master Plan for Historic Preservation or the Locational Atlas and Index of Historic Sites by providing improvements and signage, integrating context appropriate landscaping and protecting important viewsheds. Phase I Site Plan proposes protection and access improvement to the existing Waters Family Cemetery by creating a new perimeter fence and providing interpretive signage. A later phase will finish the Waters Memorial Park with landscaping and seating. The Board split the total eligible points in half, with the later phase set to receive the remaining points.

Public Open Space: The Board awards one point for this category. The Zoning Ordinance requires a minimum of 10% Public Open space for the portion of the Property used for multi-family and commercial development. The entire Subject Property requires under 40,000 square feet of public open space to meet the requirement but proposes up to 150,000 square feet of Public Open Space in total. The Phase I Site Plan is all townhouses which do not require any Public Open Space, however the Site Plan is providing approximately 15,000 square feet of Public Open Space as part of completing the Garden Street and the Waters Memorial Park. Providing Public Open Space in excess of a project's requirement earns points based on the formula $(P/N)*100$ where P is the amount of public open space, and N is the net lot area. The formula does not work for the Site Plan alone since the N is a zero, however the entire Subject Property at 845,064 square feet, and excess Public Open Space at 110,000 square feet results in 13 points in total. Awarding one point for the Phase I Site plan is an appropriate share being contributed now.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): Staff has recommended the Applicant provide a proportional share of the total BLTs identified by the Sketch Plan with this Application, however the Board did not find a nexus for requiring BLTs with any Site Plan that has not crossed the 0.5 FAR threshold which triggers the public benefits, therefore the Board awards 0 points for BLTs.

Cool Roof: The Board does not award any points for the category Cool Roof with the Phase I Site Plan. Future site plans will implement this category.

Vegetated Area: The Board awards 2.5 points for providing vegetated area with the Phase I Site Plan. Five points are available for providing at least 5,000 square feet of area with 12 inches or more depth of soil. The Site Plan provides 2,500 square feet, with the remainder to be provided in a future site plan. The awarded points are a proportional share of the total amount eligible.

b. General Requirements

i. *Site Access*

Site Access is safe and convenient for vehicles, pedestrians and bicycles. The majority of the townhomes proposed are rear loaded units with driveways and garages oriented toward alleys, and fronts facing streets or open spaces with sidewalks. The longer alleys connect between two streets and shorter alleys are short dead ends where site constraints dictate it. The units located on street C in the easternmost portion of the Property are front loaded with driveways

onto the street, but safe, unimpeded pedestrian circulation is still provided on the other side of the street. These front load units are necessary due to the 200-foot building setback from the interstate and the desire to create a usable and contiguous farming area.

ii. *Parking, Queuing, and Loading*

The parking quantity and design is appropriate for the townhouse use approved for the Subject Property. The parking requirements are a minimum of one and maximum of two spaces per townhouse. All of the market rate townhomes are providing for two parking spaces per unit, either in a two-car garage, or a one car garage and an adequately long driveway. The MPDU units are each provided with one parking space in a garage. Additionally, another 81 street parking spaces are provided throughout the site as street parking or in designated parking facilities to provide for visitors and larger families. The parking strikes a balance with no current access to quality transit but acknowledging adjacency to a future CCT station. Bicycle parking is not a requirement of single-family housing types and is not provided with Phase I.

iii. *Open Space and Recreation*

The Site Plan provides adequate and appropriate open spaces and recreational amenities for the townhouse dwellings. The required open space for townhouse development is 10% of the site area as Common Open Space, and the Site Plan meets the common open space requirements. Design requirements state Common Open Space should be 50 feet wide except for linear parks or spaces following a trail, and at least 50% of the common open space should be contiguous. The Common Open Spaces include the two central and larger sized amenity areas. The central green in Block E provides opportunity for passive recreation, and the park space in Block H has active recreation play equipment. Along the eastern edge of the Property is the orchard trail which is a major amenity of the Site Plan and it helps connect the two primary common areas. The remaining space includes a linear muse in each townhome neighborhood connecting the east sides of the Property through to Century Boulevard, and a multi-purpose court. The Applicant is also providing Public Open Space during Phase I of the development with the creation of the Garden Street, that will receive public benefit points. The recreational amenities in the Common Open Spaces adequately supply the recreation requirements of the townhomes based on the Recreation Guidelines.

iv. *General Landscaping and Outdoor Lighting*

The landscaping and lighting provided in the Site Plan meets the standards and intent of the Zoning Code. A majority of the plantings proposed are street trees on the public or private streets or are part of the stormwater management facilities. Landscaping however is also proposed in the open spaces to provide opportunities for shade and to create a more aesthetically pleasing experience. Trees will be located around the main central green to help define the space without blocking access or views and are used in the green muse as visual relief from all the townhouses.

The submitted lighting plans show the fixtures and pole mounting heights that are compliant with the requirements. Other than street lighting, there is lighting proposed in the active recreation areas for safety and for use in the evenings, and along the mid-block pedestrian corridors for safety and guidance. None of the non-right-of-way lighting will produce illumination in excess of 0.5 footcandles which complies with the requirement to avoid excessive illumination on adjacent properties.

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 July 3, 2019. The plan will meet stormwater management requirements through the use of micro-bioretenion and underground storage structures to the extent possible, and the use of the existing stormwater pond which will be retrofitted.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. Portions of the Subject Property are already covered by Final Forest Conservation Plans No. 119881560 and 82013025B. The remainder of the Subject Property will now be covered under the new plan No. 820190060. There are no significant environmental features or Specimen trees on the Subject Property. The Applicant has a 1.41 acre forest planting requirement that will be met off-site.

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

The Site Plan provides for safe and well-integrated circulation and parking. The transportation network is based on a hierarchy of public and private interconnecting roads, short dead-end streets and alleys. The main public and private streets provide for three access points to Century Boulevard and serve as the backbone of vehicle and pedestrian circulation through the Subject Property. The street network is mostly a grid, except for the short dead-end streets which provide access to a limited number of dwellings and are adequate for emergency access. Sidewalks are provided on both sides of almost all streets, and mid-block circulation is provided for an open space muse.

Parking is provided for each residential dwelling in an either one or two car integrated garage. Except for the MPDUs all dwellings will have parking for two vehicles on site. There is ample additional street parking for visitors and extra resident parking needs.

The building massing is safe and well integrated, where building fronts frame each of the street facades and the open spaces. Breaks in the townhouse sticks have been aligned where possible to create visual green corridors and to provide for alternative pedestrian circulation. The buildings comply with the required 200 foot setback from I-270, and any necessary setbacks from the existing Washington Gas easement and the utility easements. The height of the townhomes is generally three stories which is an appropriate scale for a residential neighborhood given the street and open space widths.

The location of the open spaces and site amenities are well distributed between the two townhome neighborhoods with both districts getting a larger centrally located area of Common Open Space, a linear muse or mid-block like connection, access to the orchard trail, and access to the garden street. The recreation amenities within the open spaces are also well distributed between the two townhome neighborhoods with both having a mix of passive and active recreation opportunities.

- 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 to the recommendations of the 2009 Germantown Employment Area Sector Plan ("Sector Plan"). The Sector Plan envisions Germantown as a central employment area with a vibrant town center

with mixed-use districts, with development completing an economic core that organizes development around transit, and creates an urban form with interconnecting transit, gathering spaces and meaningful street character. The Subject Property is specifically identified as a mixed-use development adjacent to a future CCT station that should have retail near transit and Century Boulevard and should plan for future parking needs for the CCT station.

While the Site Plan does not provide for retail or employment uses, it is implementing part of a previously approved Sketch and Preliminary Plan that does create a mixed-use district on the Subject Property. The Site Plan establishes an urban street layout and character of residential townhomes which will integrate with the future phase of employment and retail. All of the public streets including the extension of Kinster Drive and the creation of the Garden Street will occur with this Site Plan. The areas not part of the Site Plan boundary are the districts most well suited to locating the retail and employment uses in the future.

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.*

Preliminary Plan No. 120190040 has been approved and contains the full adequate public facilities approval for the Subject Property. The analysis is currently valid and will remain so for over 15 additional years.

9. *The development is compatible with existing and approved or pending adjacent development.*

The development approved in the Site plan is compatible with existing and approved adjacent development. There is no development adjacent to the south as there is a stormwater pond and stream. East of the Subject Property is I-270 which is a major barrier to adjacent properties. North of the Subject Property is another mixed-use development with office and multi-family development approved, which will be adjacent to future phases of office and multi-family housing on the Subject Property. To the west is a community of existing townhouse buildings on the opposite side of Century Boulevard. The townhouses that exist are of a similar size and density to the townhomes that will be built on the Subject Property.

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 OCT 30 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 Commissioner Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, October 24, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board