



**College View Campus: Preliminary Plan No. 120200170 and Site Plan No. 820200140**

JPC Jonathan Casey, Senior Planner, Upcounty Planning, [Jonathan.Casey@Montgomeryplanning.org](mailto:Jonathan.Casey@Montgomeryplanning.org), 301-495-2162  
JMS Jeffrey Server, Planner Coordinator, Upcounty Planning, [Jeffrey.Server@Montgomeryplanning.org](mailto:Jeffrey.Server@Montgomeryplanning.org), 301-495-4513  
SP Sandra Pereira, Supervisor, Upcounty Planning, [Sandra.Pereira@Montgomeryplanning.org](mailto:Sandra.Pereira@Montgomeryplanning.org), 301-495-2186  
Carrie Sanders, Interim Chief, Upcounty Planning, [Carrie.Sanders@Montgomeryplanning.org](mailto:Carrie.Sanders@Montgomeryplanning.org), 301-495-4653

**Completed: 9/25/20**

**Description**

**A. College View Campus: Preliminary Plan No. 120200170:** An application to create three lots for up to 142 multi-family units, including 25 percent MPDUs, and up to 47,887 square feet commercial use.

**B. College View Campus: Site Plan No. 820200140:** An application to construct two residential buildings with up to 142 multi-family units, including 25 percent MPDUs, and one commercial building with up to 47,887 square feet of commercial use.

**Location:** On the east side of Frederick Road (MD 355), approximately 500 feet north of Cider Press Place; 4.98 acres, CRT-0.75, C-0.25, R-0.50, H-40 zone & R-60/TDR 12 zone; 2009 *Germantown Employment Area Sector Plan*.

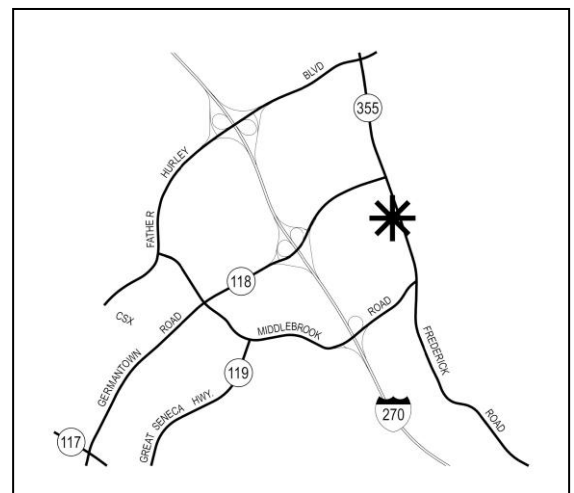
**Applicant:** Woodside Ventures & Realty Services

**Submittal Date:** March 12, 2020

**Review Basis:** Chapters 22A, 50, and 59

**Summary**

- Staff recommends **Approval with conditions** of the Preliminary Plan and Site Plan.
- The Application is using the standard method of development, but it includes a Site Plan in order to modify the Build-to Area requirements of the Zone.
- The Application is receiving a 35 percent density bonus for providing 25 percent MPDUs on-site.
- Community benefits for this project include construction of 1) two public roads that add connectivity to the existing road network, 2) an offsite trail connection to Montgomery College, and 3) approximately 330 linear feet of a 16-ft wide shared use path (breezeway).
- The Application provides several off-site transportation improvements, including signalization of an existing intersection, installation of a "pork-chop" to improve vehicle turning conditions and signal optimization.
- The Application includes a reduced right-of-way width for MD 355, which is consistent with abutting residential development. The proposed section will accommodate all planned public facilities including Bus Rapid Transit; Staff and MCDOT support the request.
- Staff supports the request for two additional years of Adequate Public Facilities validity.
- Staff has not received community correspondence on the Application.



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## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**PRELIMINARY PLAN No. 120200170:** Staff recommends approval with conditions of College View Campus, Preliminary Plan No. 120200170. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

### General Approval

#### Density

1. The Preliminary Plan is limited to three (3) lots for a total development of up to 183,596 square feet, including up to 135,709 square feet of residential uses with up to 142 multi-family dwelling units, including 25% MPDU's, and up to 47,887 square feet of non-residential uses on the Subject Property.

### Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-four (84) months from the date of mailing of this Planning Board Resolution, according to the following development schedule as show on the Certified Preliminary Plan:

Phase I – Within 60 months

Construct up to 50 multi-family units (either Building A or B).

Phase II – Within 72 months

Construct up to an additional 92 multi-family units for a cumulative total of up to 142 multi-family units (Building A or B).

Phase III – Within 84 months

Construct up to 47,887 square feet of commercial uses (Building C).

#### Outside Agencies

3. The Planning Board has reviewed and accepts the recommendations of the MCDOT in its letter dated September 25, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.

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

5. The Planning Board has reviewed and accepts the recommendations of the SHA in its letter dated August 25, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated August 7, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated June 2, 2020 and 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 amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its correspondence dated August 7, 2020, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

## **Other Approvals**

### **Concurrent Site Plan Approval**

10. Before submitting a record plat application or any demolition, clearing or grading for the Subject Property, the Applicant must receive Certification of Site Plan No. 820200140. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and bike paths are determined through site plan review and approval.
11. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

## **Environment**

### **Forest Conservation**

12. The Applicant must comply with the following conditions of approval for the Preliminary/Final Forest Conservation Plan No. 120200170, approved as part of this Preliminary Plan:

- a) Prior to Certification of the Preliminary Plan, the Applicant must revise the Preliminary/Final Forest Conservation Plan to address the outstanding comments in eplans, including showing the off-site natural surface path connection alignment.
- b) Prior to the start of any demolition, clearing, grading or construction for the development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting, and environmental buffers as specified on the approved Preliminary/Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
- c) Within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling at least 25 caliper inches as shown on the approved Preliminary/Final FCP. Mitigation must be provided in the form of planting native canopy trees. These trees are in addition to the trees planted to satisfy the landscaping requirements for the Application. The mitigation trees must be planted on the Property, in locations shown on the approved Preliminary/Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

## **Transportation**

### Existing Frontage Improvements

- 13. The Applicant must provide 98 feet of dedication from the centerline of the existing right-of-way for MD 355 to provide a 150-foot right-of-way and show it on the record plat(s).
- 14. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to construct a 6-foot wide sidewalk along the property frontage on Public Street 'A' and MD 355 and a 5-foot wide sidewalk along the property frontage on Cider Barrel Drive.
- 15. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDSHA to construct a 16-foot wide shared use path (breezeway) along the property frontage on MD 355.

### New Streets

- 16. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes. Only those roads [or portions thereof] expressly designated on the Preliminary Plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
  - a) Public Street 'A', consistent with MC -2005.01 modified to include 6-foot wide sidewalks
  - b) Cider Barrel Drive, consistent with MC-2003.12

## **Record Plats**

17. There shall be no clearing or grading of the site prior to recordation of plat(s).

## **Easements**

18. The record plat must show necessary easements.
19. The record plat must reflect the following building restriction lines (BRL) as shown on the Certified Preliminary Plan:
  - a) A tapered front BRL, 47 feet from the proposed right-of-way line for MD355 at the northern property line; and
  - b) 31 feet from the proposed right-of-way line for MD 355 at the southern property line.

## **Notes and Labels**

20. The record plat must reflect all areas under common ownership.
21. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

## **MPDU's**

22. The final number of MPDUs as required by condition 1 above will be determined at the time of site plan approval.

## **Certified Preliminary Plan**

23. The Applicant must include agency approval letters and Preliminary Plan Resolution on the approval or cover sheet(s).
24. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

25. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a) Update the 10-foot-wide shared use path along the full frontage of Frederick Road to show the master planned 16-foot wide asphalt shared use path (breezeway) with a minimum 6-ft buffer from edge of pavement.
  - b) Clearly label and delineate the area of dedication, road centerline BRL along the frontage for Frederick Road.

**SITE PLAN NO. 820200140:** Staff recommends approval of Site Plan 820200140. The development must comply with the conditions of approval for Preliminary Plan No. 120200170.

All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>2</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to three buildings with a total development of up to 183,596 square feet, including up to 135,709 square feet of residential uses with up to 142 multi-family dwelling units, including 25% MPDU's, and up to 47,887 square feet of non-residential uses on the Subject Property.

2. Height

The development is limited to a maximum height of 40 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its correspondence dated August 7, 2020 and 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 25 percent MPDUs, or MCDHCA-approved equivalent, on-site consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 35 percent density bonus for providing 25 percent MPDUs or MCDHCA-approved equivalent on-site.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

### **Open Space, Facilities and Amenities**

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 16,850 square feet of public open space (10% of site area) on-site.
- b) The Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Public Street A, Cider Barrel Drive and MD 355.
- c) Before issuance of the last Use and Occupancy certificates for each building, all public open space areas associated with that building must be completed.

5. Common Open Space Covenant

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

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<sup>2</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

6. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to paths, bicycle parking, resident lounges, an urban plaza, picnic and seating areas, and an inclusive adaptive recreation element.

**Site Plan**

8. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations as shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

9. 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 downlights 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 residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

**Environment**

10. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of approval for the Preliminary/Final Forest Conservation Plan:

- a) Prior to Certification of the Site Plan, the Applicant must revise the Preliminary/Final Forest Conservation Plan to address all the outstanding comments in eplans, including showing the off-site natural surface path connection alignment.
- b) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Preliminary/Final Forest Conservation Plan.



- d) The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- e) Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must submit financial surety, in a form approved by Staff, to the M-NCPPC Planning Department for the tree variance mitigation plantings and the new forest planting credited toward meeting the requirements of the approved Preliminary/Final Forest Conservation Plan.
- f) Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Seneca Creek watershed to satisfy the off-site reforestation requirement for a total of 0.46 acres of mitigation credit. The off-site requirement must be met by purchasing credits from a mitigation bank within the Seneca Creek watershed. The Applicant may satisfy the off-site requirement by purchasing credits from a watershed anywhere within the county, with approval, if there are no credits for sale within the Seneca Creek watershed.
- g) Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a Maintenance and Management Agreement (“MMA”) approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas credited towards meeting the requirements of the approved Preliminary/Final Forest Conservation Plan.
- h) Prior to the pre-planting inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must remove all existing unnatural debris located within the proposed Category I Conservation Easement area.
- i) Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement as shown on the approved Preliminary/Final Forest Conservation Plan or as determined by the M-NCPPC Forest Conservation Inspection Staff. The M-NCPPC Forest Conservation Inspection Staff is authorized to determine the timing of sign installation.
- j) The Applicant must provide invasive species management control measures within the proposed Category I Conservation Easement at the direction of the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible. The cost to control non-native and invasive species must be incorporated into the forest conservation financial security.
- k) The Applicant must install the on-site plantings as shown on the approved Preliminary/Final Forest Conservation Plan, within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

#### 11. Noise Attenuation

- a) Before issuance of any above grade building permit, excluding retaining walls, the Applicant must provide certification to M-NCPPC Staff from a Professional Engineer that:
  - i. The location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the areas of common outdoor activity are adequate.

- ii. The building shell for residential dwelling units in Building B that directly abut MD 355 which may be affected by exterior noise levels projected above 65 or 55 (based on map in guidelines) dBA Ldn 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 June 17, 2020 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 residents in Building B, a Professional Engineer must certify to M-NCPPC and DPS Staff that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

## **Transportation & Circulation**

### **12. Transportation and Phasing Plan**

- a) Prior to the release of the first occupancy permit for the first building, construct the extension of Cider Barrel Drive and Public Street A to the standards as modified by this application and approved by MCDOT.
- b) Prior to release of the first use and occupancy permit for the first building, the Applicant must construct a natural surface trail as approved by staff from M-NCPPC, Montgomery College, and the Montgomery County Department of Environmental Protection.
- c) Prior to release of the first use and occupancy permit for the first building, the Applicant must construct the master planned 16-ft wide asphalt shared use path with a minimum 6-ft buffer from edge of pavement along the full frontage of Frederick Road, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations.
- d) Prior to issuance of the MCDOT right-of-way permit, the Applicant must submit detailed/engineered traffic signal plans to MCDOT and M-NCPPC for review and approval for a traffic signal at the intersection of Oxbridge Drive and MD 355 and the improvements to the southern leg of the Cider Barrel Drive and MD 118 intersection to a right-in, right-out condition.
- e) Prior to the release of the first use and occupancy permit for the second building, the Applicant must install a traffic signal at the intersection of Oxbridge Drive and MD 355.
- f) Prior to the release of the first use and occupancy permit for the second building, the Applicant must conduct signal optimization to reduce the average delay at the intersections of Middlebrook Road/MD 355 and MD 118/MD 355, as approved by staff from MCDOT and SHA.
- g) Prior to the release of the first use and occupancy permit for the second building, the Applicant must improve the southern leg of the Cider Barrel Drive and MD-118 intersection to a right-in, right-out condition.

### **13. Pedestrian & Bicycle Circulation**

- a) The Applicant must provide 45 long-term (garage) and 4 short-term (exterior) bicycle parking spaces for Building A.
- b) The Applicant must provide 26 long-term (garage) and 4 short-term (exterior) bicycle parking spaces for Building B.

- c) The Applicant must provide 20 long-term (garage) and 2 short-term (exterior) bicycle parking spaces for Building C.
- d) The long-term spaces must be in a secured, well-lit bicycle room adjacent to the covered parking area, and the short-term spaces must be inverted-U racks (or approved equal) installed along each building's frontage and 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.

#### 14. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade building permit (excluding retaining walls), sediment control permit, or any 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, trash enclosures, retaining walls, fences, railings, sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, and private storm drainage facilities. The surety must be posted before issuance of any above grade 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.

#### 15. 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.

#### 16. 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) Update the 10-foot-wide shared use path along the full frontage of Frederick Road to show the master planned 16-foot-wide asphalt shared use path (breezeway) with a minimum 6-ft buffer from edge of pavement.
- b) Include the agency approval letters, development program, and Site Plan resolution and Preliminary Plan resolution on the approval or cover sheet(s).
- c) 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."
- d) Add a note to the Site Plan stating that "An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee

- who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times.”
- e) 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.”
  - f) Modify data table to reflect development standards approved by the Planning Board.
  - g) Ensure consistency of all details and layout between Site and Landscape plans.
  - h) Provide materials and specifications for all retaining walls to be located around Building A and the athletic field.

## SECTION 2 – SITE LOCATION AND DESCRIPTION

### Site Location and Vicinity

The subject property is located on the west side of Frederick Road (MD 355), 0.3 miles south of Germantown Road (MD 118), approximately 500 feet north of Cider Press Place, consisting of 4.98 acres of land comprised of three unrecorded parcels in size, and split zoned CRT-0.75, C-0.25, R-0.50, H-40 and R-60/TDR 12 (“Property” or “Subject Property”).

The Subject Property is within the Montgomery College District of the 2009 *Germantown Employment Area Sector Plan* (“Sector Plan”). Immediately to the west of the Subject Property is the Montgomery College Germantown Campus, in the Life Sciences Center (LSC) zone. There are existing townhouse developments directly north and south of the Subject Property, both which are zoned R-60/TDR-12.



Figure 1 – Vicinity Map

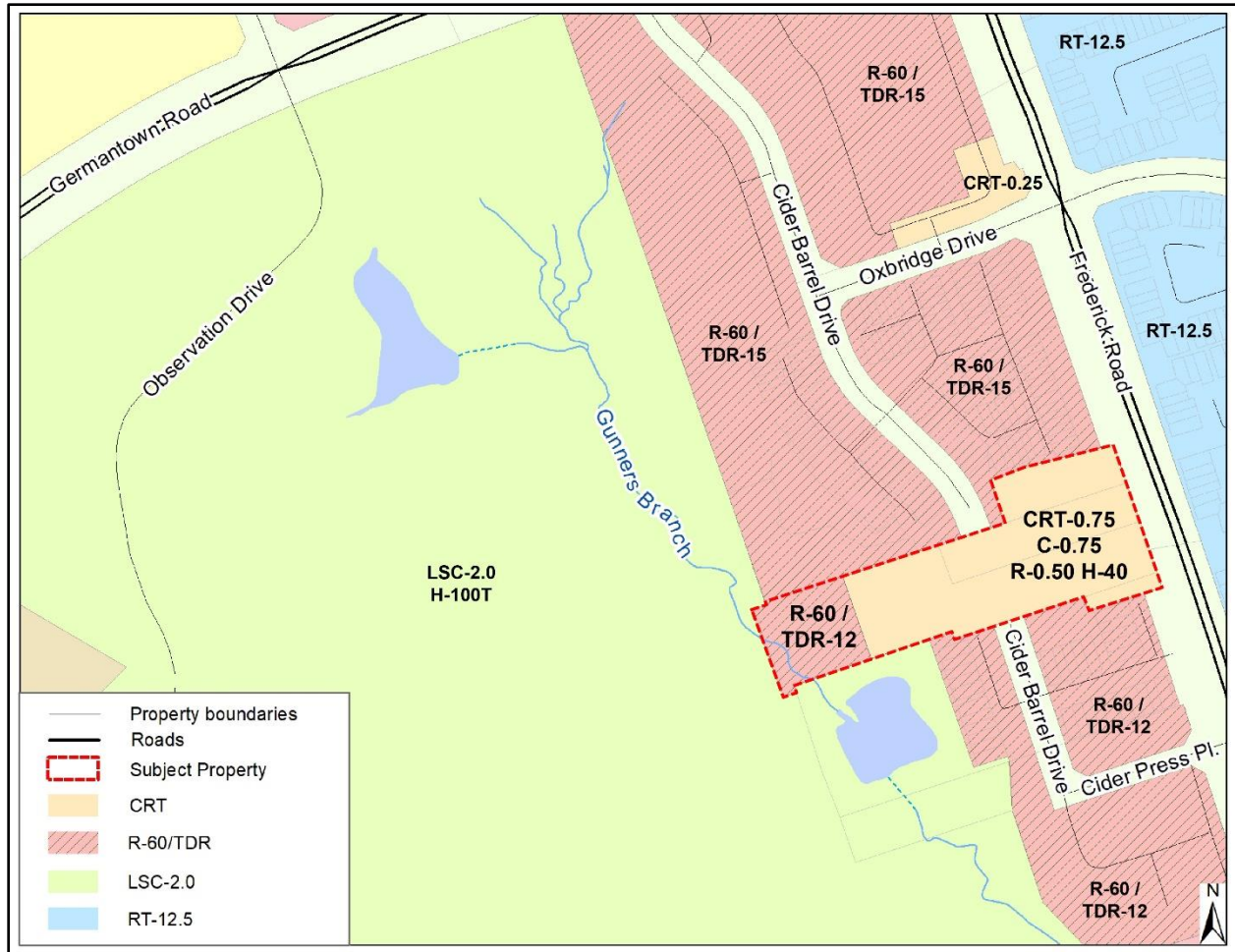


Figure 2 – Current Zoning Map

## Site Analysis

The 4.98-acre Subject Property consists of part of a lot (Lot 79 on Record Plat 276) and three Parcels (P809 and P811 on Tax Map FU13, P888 on Tax Map EU63). The easternmost portion of the Property, part of P888, is zoned R-60/TDR-12 and the remainder of the Property is zoned CRT-0.75, C-0.75, R-0.50, H-40. The Subject Property has frontage on MD 335 and Cider Barrel Drive. The Subject Property is sandwiched on the north and south by existing townhouse developments, zoned R-60/TDR-12. Both of these developments created a road network to serve their developments from MD 355 and MD 118. Cider Barrel Drive terminates directly north and south of the Property implying a future connection through the Subject Property.



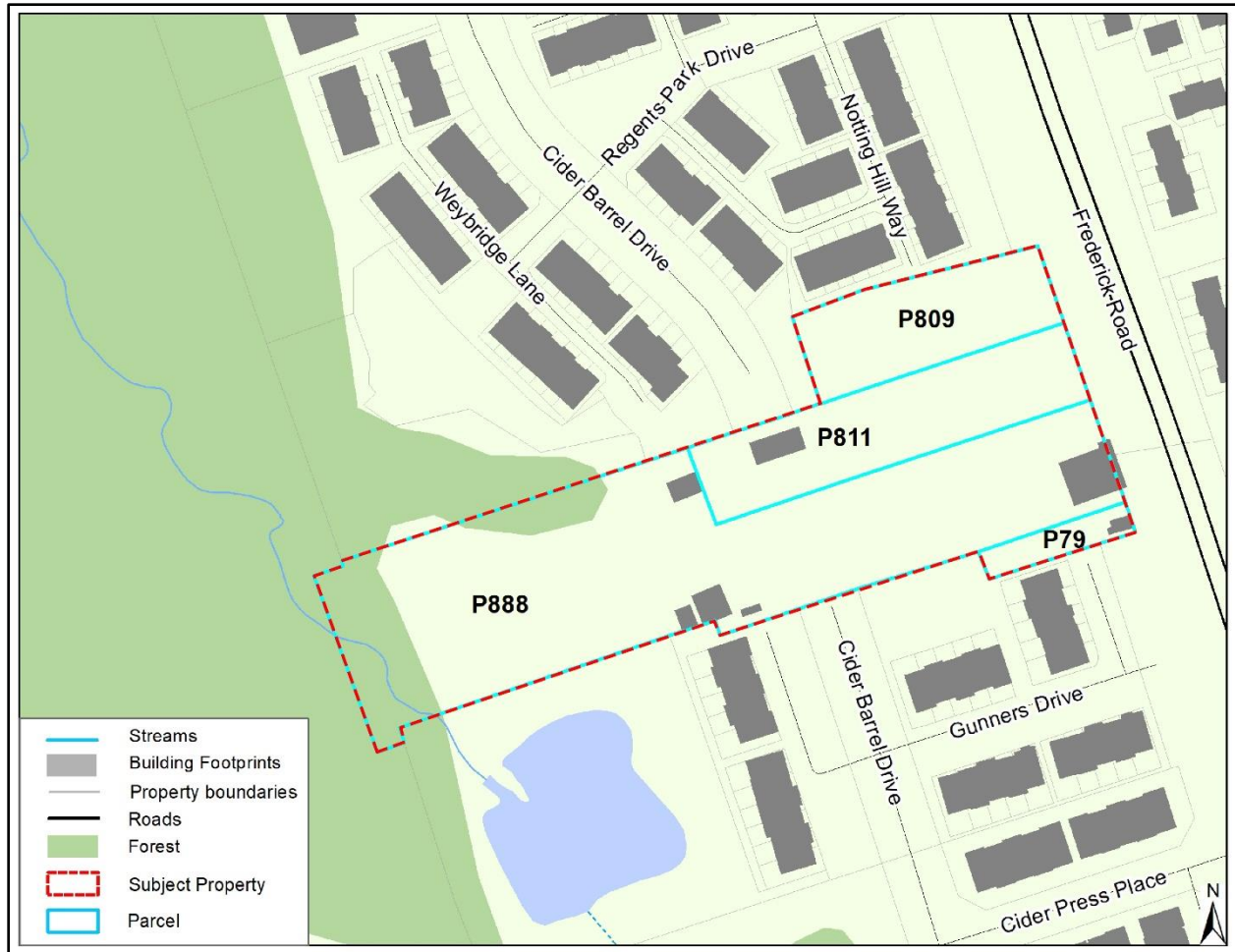


Figure 3 – Property Boundary Map

The Property is located within the Middle Great Seneca Creek watershed, which is classified by the State of Maryland as Use Class IV-P waters. There is approximately 0.79 acres of forest on the Property as well as numerous large trees, including specimen trees in and along the western perimeter of the Property. A tributary stream, part of Gunners Branch, flows in a northerly direction through the western portion of the Property. Prior to flowing onto the Subject Property, the stream is temporarily interrupted by an existing stormwater management pond abutting the southern property line, which currently serves the adjacent townhouse development. There is an associated 100-year floodplain, wetlands and environmental buffer on the Property. The remainder of the Property consists of abandoned buildings, paving materials, and assorted debris.



Figure 4 – Aerial Map

## SECTION 3 – APPLICATIONS AND PROPOSAL

### Proposal

A joint site plan application, No. 820200140, and preliminary plan application, No. 120200170, College View Campus (“Site Plan” or “Preliminary Plan” or “Application”) was submitted on March 12, 2020, for the construction of up to 142 multi-family residential dwelling units located in two buildings on two proposed lots, and one commercial building with up to 47,887 square feet on one proposed lot, along the west side of Frederick Road (MD 355) (Attachment A & B). The Application is proposing to provide a minimum of 25% of the units as MPDUs, which would exempt this development from impact taxes according to Bill 36-17.





Figure 5 – Rendered Site Plan



Figure 6 – Illustrative Rendering, View of Public Road A from MD 355 (Looking West)

### *Building Design and Layout*

The 142 multi-family dwelling units are split between two four-story tall buildings. The proposed 47,887 square feet of commercial use is allocated within a single three-story tall building.

Residential Building A is four-stories in height, plus a basement, and is configured with a rectilinear footprint (Figures 7 & 8). The east façade fronts out to connected Cider Barrel Drive, while the southern façade faces out to a parking area. Building A is the westernmost building, sitting closest to Montgomery College, and will contain 97 total dwellings, including 72 market rate and 25 MPDUs.

Residential Building B is four-stories in height, does not include a basement, and is configured with a rectangular footprint (Figures 9 & 10). The southern façade fronts on Public Street A, while the eastern façade fronts on Frederick Road. Building B is the northernmost building, sitting just south of an existing townhouse development, and will contain 45 total dwellings, including 32 market rate units and 13 MPDUs.

Commercial Building C is three-stories in height, does not include a basement, and is also configured with a rectangular-shaped footprint (Figures 10 & 11). The north façade fronts out to Public Street A, the east façade fronts out to Frederick Road, and the west façade fronts out to Cider Barrel Drive. Building C is the southernmost building, sitting just north of another existing townhouse development, and will contain up to 47,887 square feet of commercial space for research, lab, office, and commercial space.

The long façades for Buildings B and C front Public Street A, while the eastern short façades face out to Frederick Road, and the opposite west short façades face out towards Cider Barrel Drive. Building A's eastern façade is shorter but also faces out to Cider Barrel Drive. The façades of Buildings A and B both provide dwelling units on the ground floor and provide direct access to the streets, helping to activate the streetscapes of Public Street A and Cider Barrel Drive. While Building C does not include dwelling units, it provides direct access out the streets, further helping to activate the streetscapes that it fronts.

Parking is generally located at the ground level of each building with garage space allocated within each of the building footprints. Building A provides additional surface parking along the long southern façade, with garage parking at the basement/ground level. Building C has a small area of exposed garage parking along the southern façade. The facades of the buildings are articulated on all sides, with the public-facing façades receiving the highest levels of articulation. The residential buildings include balconies for upper floor units. The corners of the buildings take on a slightly different design from the middle, helping provide visual interest and reduce the appearance of mass.

The roof line for Buildings B and C is flat, except for the middle portions where it steps up to break up the massing and mark the primary entrances. Building A's roofline is equally flat, with the exception of the northeast corner where it steps to a tower-like element to provide visual interest and break up the massing at the intersection of Cider Barrel Drive and Public Street A (Figure 6). All three buildings are articulated, and the massing broken up to create an activated streetscape and entrance from Frederick Road along Public Street A. Utilities, trash areas and air conditioner compressors are located either on the roof or around the back side of the building where they are shielded from public view.





Figure 7 – South Elevation, Building A



Figure 8 – Perspective from Cider Barrel Drive, Building A



Figure 9 – South Elevation, Building B



Figure 10 – Perspective from Public Street A, Building B



Figure 11 – North Elevation, Building C





Figure 12 – Perspective from Public Street A, Building A (Looking Southwest)

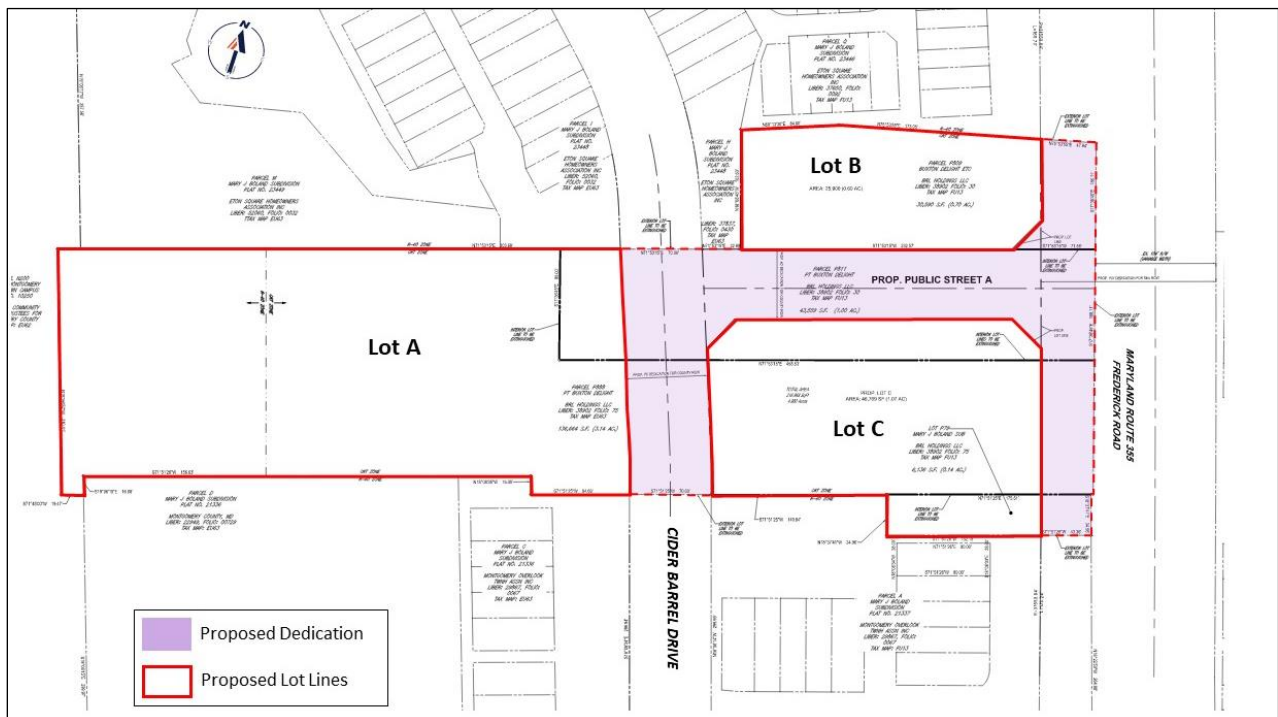


Figure 13 – Lotting Plan and Neighborhood Streets

## Access and Circulation

The parking garages for the three proposed buildings each have a single point of access.

- Building A has a full movement intersection, for access to surface and garage parking, at the southeastern corner of the building, intersecting with connected Cider Barrel Drive.
- Building B has a single garage entrance access on the south side of the building accessed from Public Street A.
- Building C also has a single garage entrance access from Public Street A, however it is located on the north side of the building.

Both buildings have on-street parking provided along Public Street A. Cider Barrel Drive is to be fully connected from the north to the south, providing improved access for existing and future residents. Public Street A will provide a right-in, right-out access to Frederick Road, along the easternmost facades of Buildings B and C. Public Street A and Cider Barrel Drive will intersect with a full movement intersection at the center of the Subject Property.

Sidewalks will wrap around the outside of all three buildings, providing access to the multiple doors, the parking, and the on-site amenities. The ground floor dwellings in Building A, on the southern and eastern façades, and Building B, on the southern façade, have hallways, doors, and lead in sidewalks extending out towards Public Street A and Cider Barrel Drive. Building C also provides direct access, on the northern façade, for occupants to access sidewalks along Public Street A. The existing sidewalks along Cider Barrel Drive and Frederick Road will connected to the new sidewalks, providing direct access to all three buildings.

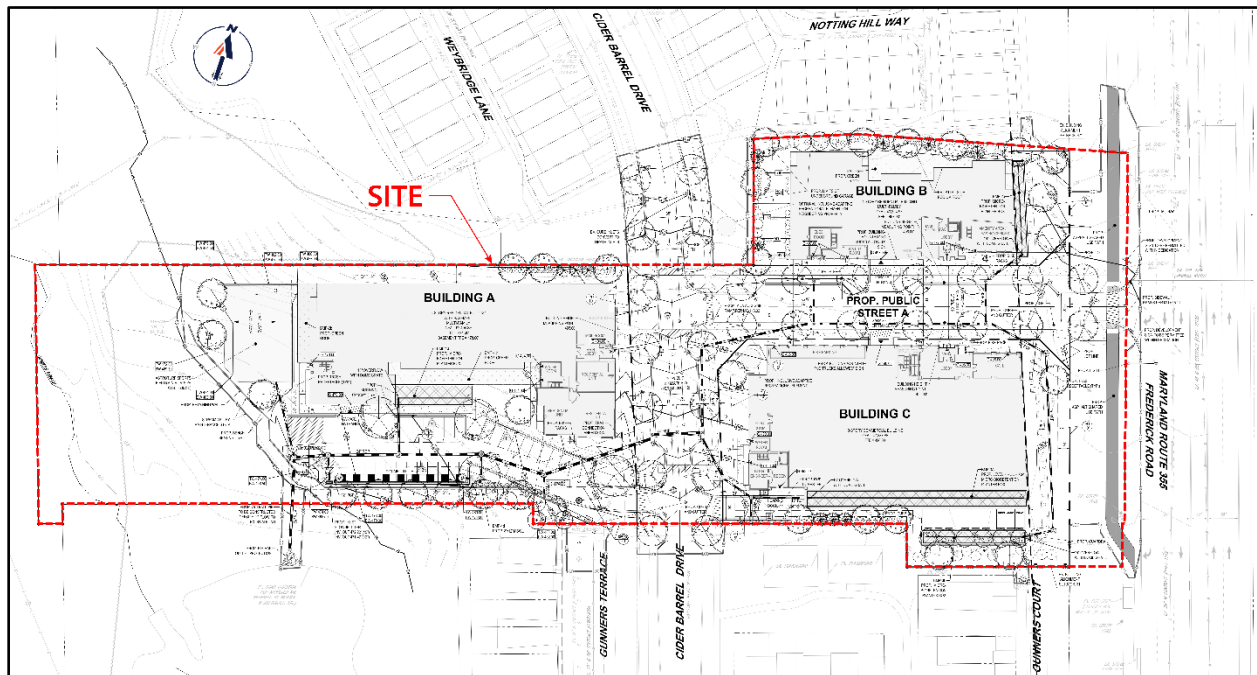


Figure 14 – Property Access and Neighborhood Streets

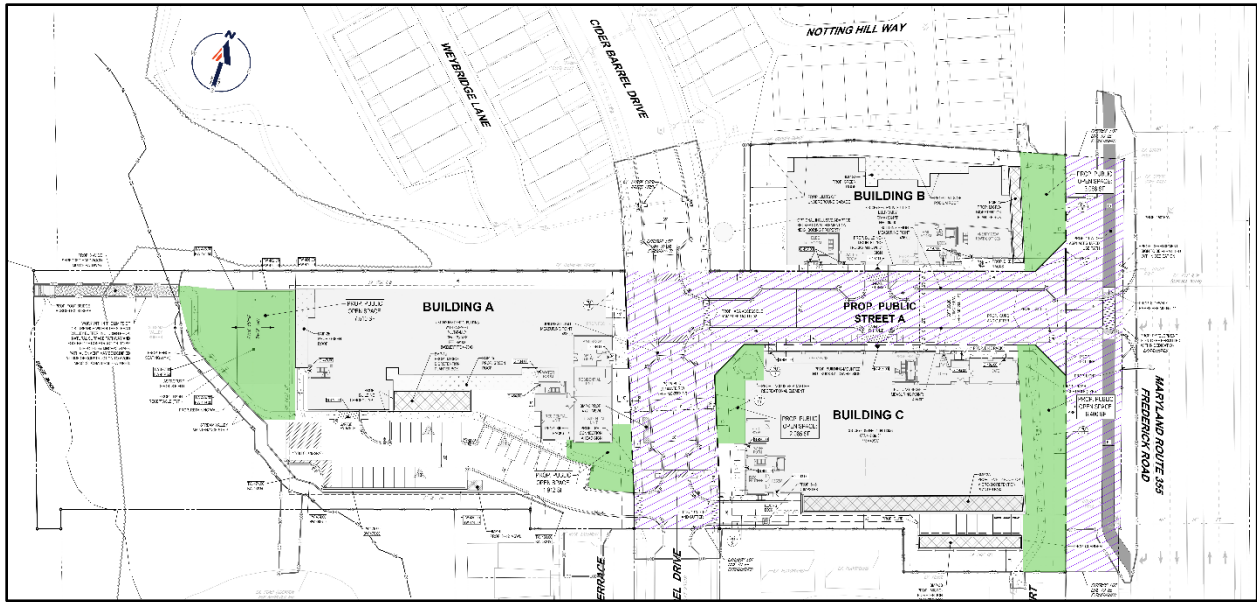


Figure 15 – Open Space and Road Dedication

### *Open Spaces, Amenities, and Environment*

The Site Plan provides open space within the boundaries of the Subject Property. The western edge of the Subject Property contains existing open space, forest, and environmental buffer. Additionally, the western edge of the site contains Gunner's Terrace, which extends to the north and south of the site.

The remainder of the Property is developable with the public open space primarily located within the portions of the site that are zoned CRT. The Applicant is proposing 12.9% public open space (20,984 square feet) that is distributed around the three proposed buildings for a mix of seating, picnic, and athletic uses. Within the Property boundaries, specifically, the Applicant is providing both indoor and outdoor amenities. Buildings A and B will provide a resident lounge, while Building C will provide a café space on the ground level along Public Street A. There is an AstroTurf sports field provided on the west side of Building A, located on top of the dividing line between the R-60 and CRT zoning transition. The sports field is intended to provide recreational opportunities for residents and visitors. There are two open space areas being provided along the connected Cider Barrel Drive, located on the southeast corner of Building A and the northwest corner of Building C. These areas are intended to provide picnic and seating areas for residents, visitors, and employees. There is also an urban plaza and bicycle parking garage being provided along Public Street A. Lastly, there are two more public open space areas provided along the east sides of Buildings B and C, along Frederick Road. These two open space areas provide seating and connectivity to the surrounding community via sidewalks and a 16'-0" wide shared-use path (SUP). Most proposed open space areas would be connected by public walkways and sidewalks. The remainder of open spaces, that is located to the west of the development, is to remain as forest.

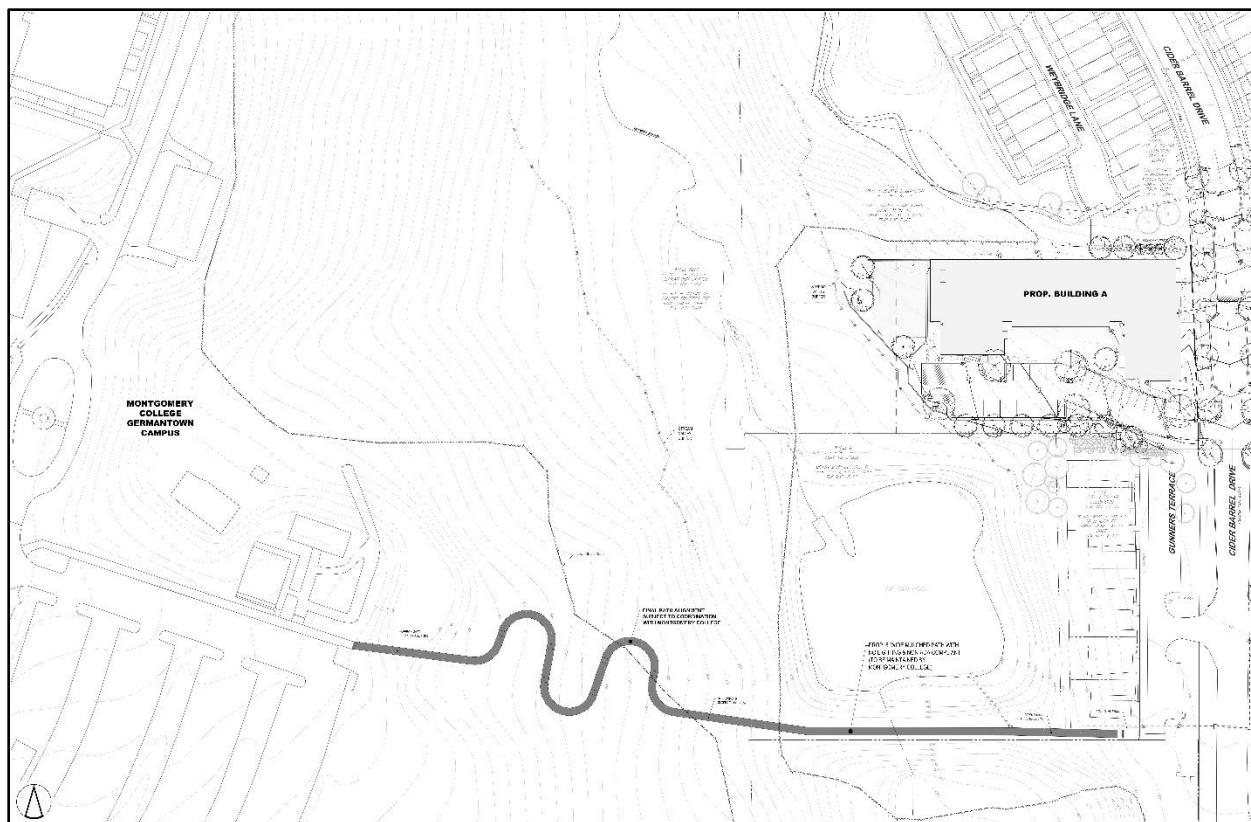


Figure 16 – Trail Configuration from Subject Property to Montgomery College

This Application includes a trail connection due south of the Subject Property to Montgomery College (Figure 16). The trail will be natural surface trail that is 8'-0" wide and begin south of the Subject Property along Cider Barrel Drive, near Gunner Terrace and some existing townhouses. The trail, as configured, would not be ADA-compliant or include any lighting, but would extend to the west, with slopes varying between 5-10%, and terminating near the existing greenhouse on Montgomery College's campus. The final alignment of the trail will be coordinated by the Applicant in conjunction with Montgomery College.

Included with this Application are Final Forest Conservation Plan drawings. These documents will include the limits of disturbance for the proposed development and designate the location of the Category I easement. The whole western edge of the Subject Property, extending to the north and south, is forested stream valley in Category I Conservation Easement.



## SECTION 4 – ANALYSIS AND FINDINGS – Preliminary Plan No. 120200140

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

- a. *The block design is appropriate for the development or use contemplated*

The block design depicted on the Preliminary Plan is appropriate for the proposed commercial (laboratory) and residential development. Connecting the two existing termini (stubs) of Cider Barrel Drive and the introduction of Public Street 'A' create a T-shaped grid, resulting in three adequately sized lots for the three proposed buildings, taking into consideration the scale of the development and the current CRT zoning.

- b. *The lot design is appropriate for the development or use contemplated*

The block design results in three separate lots with frontage on public roads. As intended by the CRT zone, each lot provides enough space for the new buildings, a pedestrian friendly street scape and adequate vehicular access.

- c. *The Preliminary Plan provides for required public sites and adequate open areas*

The lots were reviewed for compliance with Section 50.4.3.D, "Public Sites and Adequate Public Facilities," of the Subdivision Code. The Preliminary Plan provides adequate open areas for amenities, recreation, and stormwater management.

There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

- d. *The Lots and Use comply with the basic requirements of Chapter 59*

The lots were reviewed for compliance with the dimensional requirements for the CRT zone as specified in the Zoning Ordinance. This review does not include standards for the R-60/TDR-12 portion of the Property because it is predominately stream valley buffer and no buildings are proposed in that zone. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks (Figure 18) in CRT zone. A detailed summary of this review is included in Table 7 of the Site Plan portion of this Staff Report.

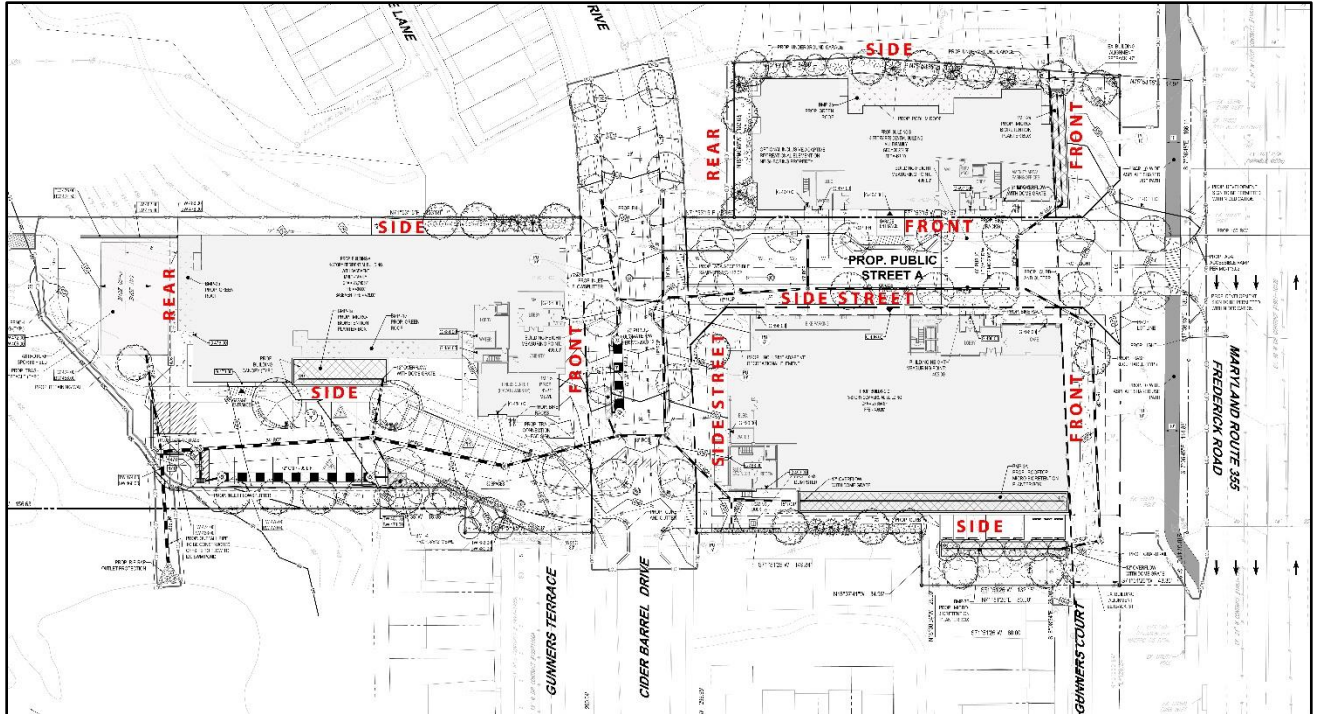


Figure 18 – Setback Diagram

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Preliminary Plan substantially conforms to the 2009 *Germantown Employment Area Sector Plan*. The Subject Property is in the Montgomery College District identified in the Sector Plan and depicted in Figure 19.

Land Use

The Sector Plan has no specific recommendations for this Property. However, the Sector Plan does provide the following general land use recommendations for properties in this District, regarding their relationship, compatibility and connectivity with Montgomery College Campus:

*Provide a network of streets with extensive pedestrian connections that create a walkable area.*

The Application completes a network of streets which included completion of Cider Barrel Drive and a new public street, connecting to MD 355, listed as public street “A”. Sidewalks are provided along Cider Barrel Drive and Public Street “A” and a 16-ft wide Shared Use Path along MD 355.

*Use building placement and site design to create smaller usable outdoor spaces characteristic of urban areas.*

The placement and orientation of the three buildings creates a smaller pedestrian scaled open space at the intersection of Cider Barrel Drive and Public Street “A”.

*Incorporate structured parking into buildings where feasible and pave surface parking areas with permeable materials.*

All three buildings provide structured parking that have been incorporated into the building design.

*Buildings must have a minimum of three stories where feasible with floorplates no greater than 25,000 square feet for non-residential uses. Medical facilities such as hospitals are exempt from this guideline.*

As envisioned by the Sector Plan, all three buildings are three stories or greater (3, 3, and 4) and the commercial building (Building “C”) has a floorplate less than 25,000 square feet.

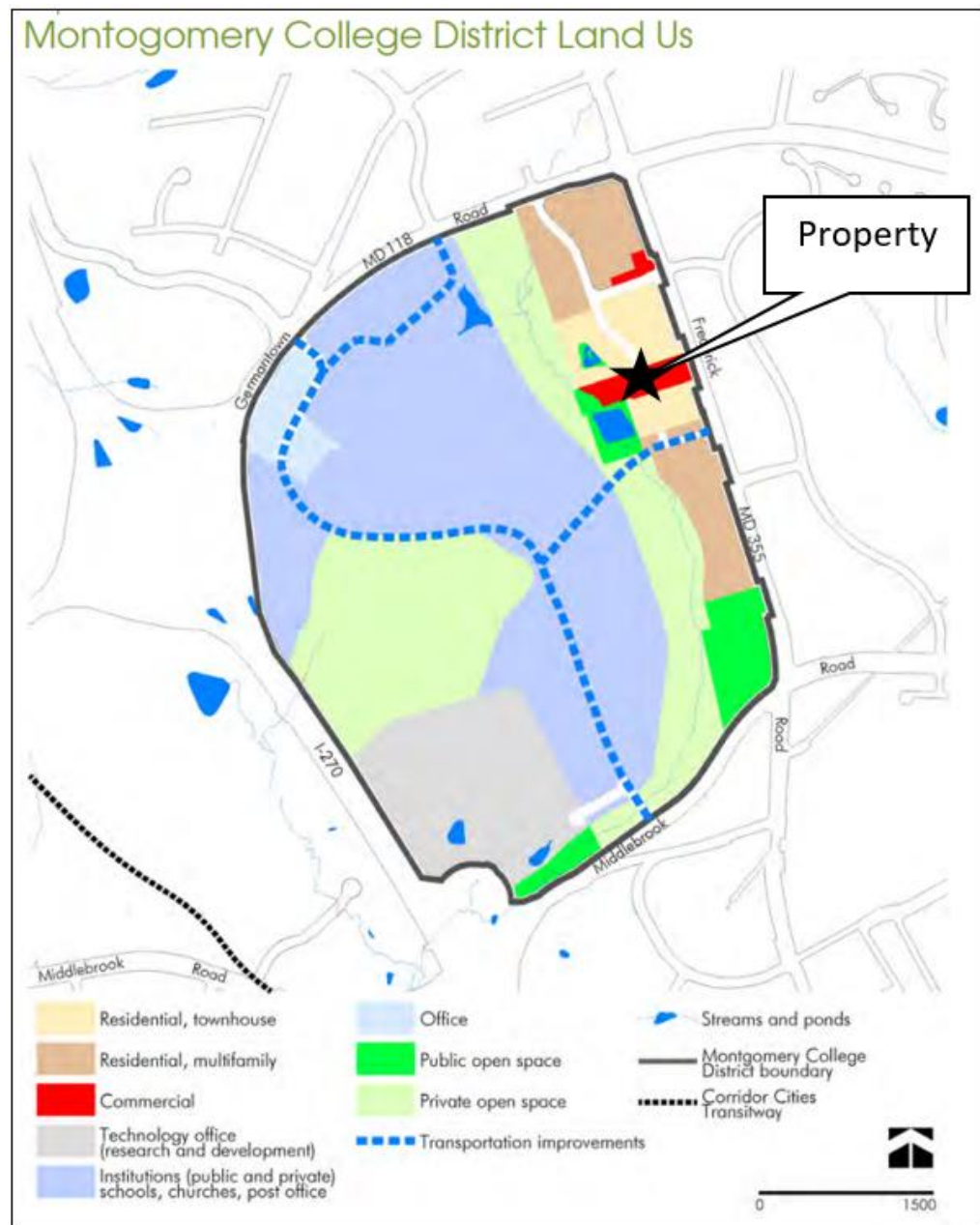


Figure 19 – Sector Plan Land Use Map, Montgomery College District (Map 26)

The commercial building (Building “C”) is envisioned as lab/research space which at some point in the future could provide ancillary lab space or be tied to the college’s programming. Given the Subject Property’s close proximity to the college, the new apartment buildings (A&B) provide additional housing opportunities for college students and faculty.

## Transportation

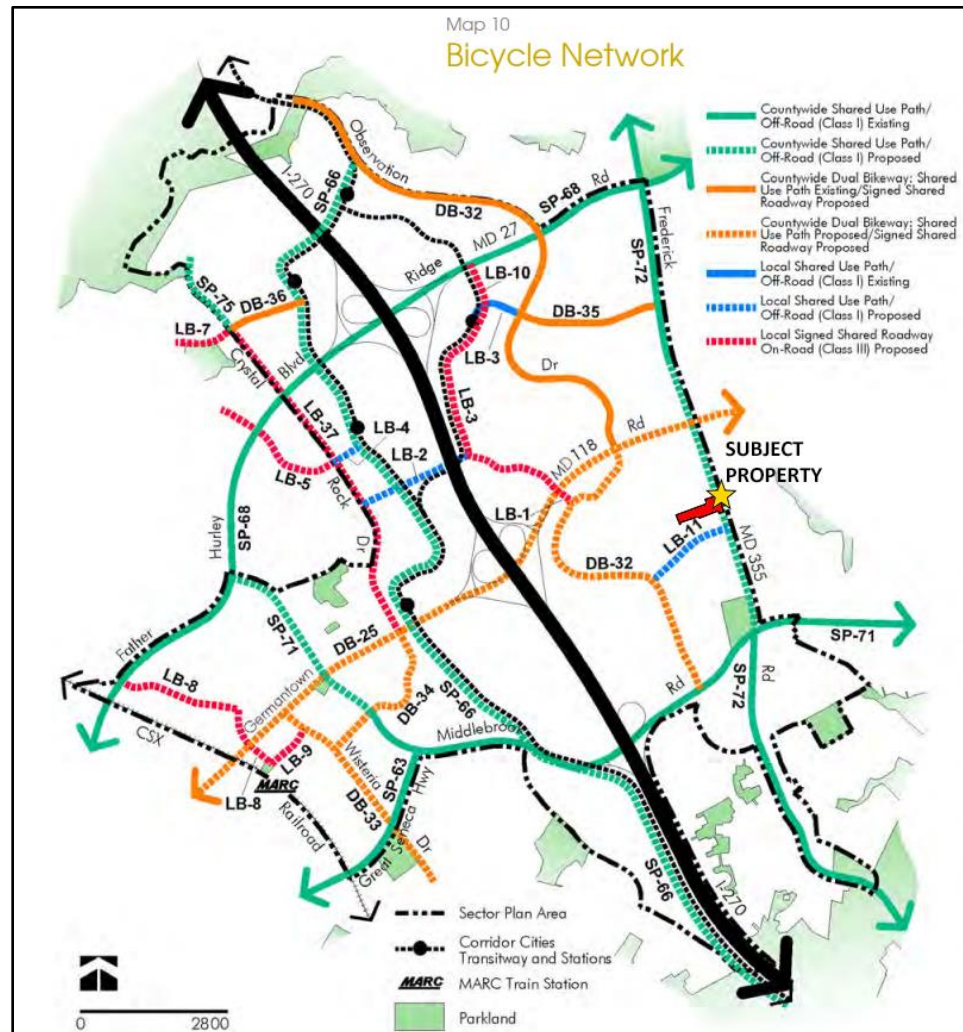


Figure 20 – Sector Plan Map 10

## *Trail Connection*

The Sector Plan envisions a connection from the Frederick Road corridor in the east to Montgomery College and Observation Drive to the west. As the last remaining property for redevelopment in this section of Frederick Road, this Application represents the best opportunity to achieve this connection in the near term. A full vehicular connection was explored but deemed infeasible due to the extensive environmentally sensitive areas and steep grades surrounding Gunners Branch creek. Additionally, concern over a full vehicular connection was expressed by Montgomery College representatives, whose approval is required to extend any connection onto the college campus. Instead, Staff has worked with the Applicant, Montgomery College, and the Montgomery



County Department of Environmental Protection (MCDEP) on a pedestrian trail alternative. As conditioned, the trail would cross Gunner's Branch via an existing earthen berm as part of a stormwater management facility under the control of the MCDEP. The trail would then connect to the pedestrian facilities affiliated with the easternmost parking lot on the Montgomery College campus. This option was preferred as opposed to a connection at the rear of the Subject Property as it avoids existing environmental easements, doesn't require a new stream crossing, and would take advantage of a reduced grade offered by the existing berm. A paved, ADA compliant alternative was explored; however, due to the abrupt 40 ft grade change west of the stormwater facility, resulting engineering challenges, and concern voiced by Montgomery College that the trail could restrict development potential and near-term programming on the campus, a natural surface for the trail is being pursued and conditioned for this Application. As conditioned, the final alignment and design of the trail will be determined prior to the use and occupancy permit for the first building and must be approved by Montgomery College and the MCDEP.

Figure 21 - Proposed Trail Connection

As proposed, this Preliminary Plan achieves the District wide goals and substantially conforms to the Sector Plan recommendations.

## Noise Guidelines

The Environmental section of the 1993 *General Plan Refinement for Montgomery County* contains multiple objectives directing Staff to protect future residents and workers from unacceptable noise levels. The 1983 Staff Guidelines for the Consideration of Transportation Noise (“Noise Guidelines”) contain strategies for mitigating the impact of transportation noise on new residential development. The Noise Guidelines map has the Subject Property in the 60 dBA Ldn guideline area.

Phoenix Noise & Vibration, LLC prepared a report on June 18, 2020 with findings from an analysis of transportation related noise impacts from MD 355 on the Property (Attachment N). Under normal circumstances, the Applicant provides a noise study that includes on-site noise

measurements taken at the Property. The noise study provided for this Application includes the results of a computer model that utilized the most recent data published by the Maryland Department of Transportation State Highway Administration (MDOT SHA) along with projected conditions on-site based on the proposed development's topography and building locations. Due to efforts to limit the spread of the Coronavirus (COVID-19) and the resulting atypical traffic volumes due to stay at home orders, business closures, limitations on non-essential travel, increased teleworking, and remote learning for schools, the provided noise analysis includes results from the computer modelling only. Measurements taken at the Property during this time would not yield realistic data for this analysis. Once the typical traffic patterns resume, on-site measurements of traffic related noise may be taken and included in this analysis.

The computer modeling indicates that two of the five proposed public outdoor spaces will be impacted by noise levels above 60 dBA Ldn. These areas are located on the east side of proposed Buildings B and C, adjacent to MD 355. Noise levels in the other three proposed outdoor open space areas will have noise levels below 60 dBA Ldn. Mitigation measures such as a berm or barrier could be constructed to alleviate the noise impacts in the two areas closest to MD 355; however, since there are three additional areas available for residents to enjoy open space that are not impacted by excessive noise levels, Staff is not recommending construction of a berm or barrier along MD 355.

The Noise Analysis identified future noise levels of 65 dBA Ldn and up to 70 dBA Ldn in some units of proposed multi-family Building B. The affected units, on the eastern, northern, and southern elevations of this building will require building construction modifications to maintain interior noise levels below the recommended 45 Ldn. Building construction modifications may include upgraded windows and/or doors. The other proposed residential building, Building A, will not be impacted by noise levels in excess of 60 dBA Ldn and will not require any mitigating measures.

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

#### a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the development proposed by this Preliminary Plan.

#### i. *Proposed public transportation infrastructure*

The Applicant is dedicating the necessary amount of right-of-way for the construction and maintenance of Cider Barrel Drive and Public Street 'A'. However, the Applicant is requesting a narrower than standard right-of-way for MD 355, as discussed in detail below.

All new roads will be dedicated for public use. Improvement of the Subject Property will complete the connection of Cider Barrel Drive from north to south, crossing the Subject Property roughly mid-way; it will be constructed to a primary residential street standard with a 70-ft ROW with 5 -foot-wide sidewalks on either side. Public Street A will add an additional link as recommended in the Master Plan of Highways and Transitways from Cider Barrel Drive to Frederick Road, expanding on the existing street grid along this corridor. Street A will be constructed as a Business District Street with 2 travel lanes with parking on the north side and

6-foot-wide sidewalks. The intersection with Frederick Road will be constructed as a restricted right-in-right-out condition.

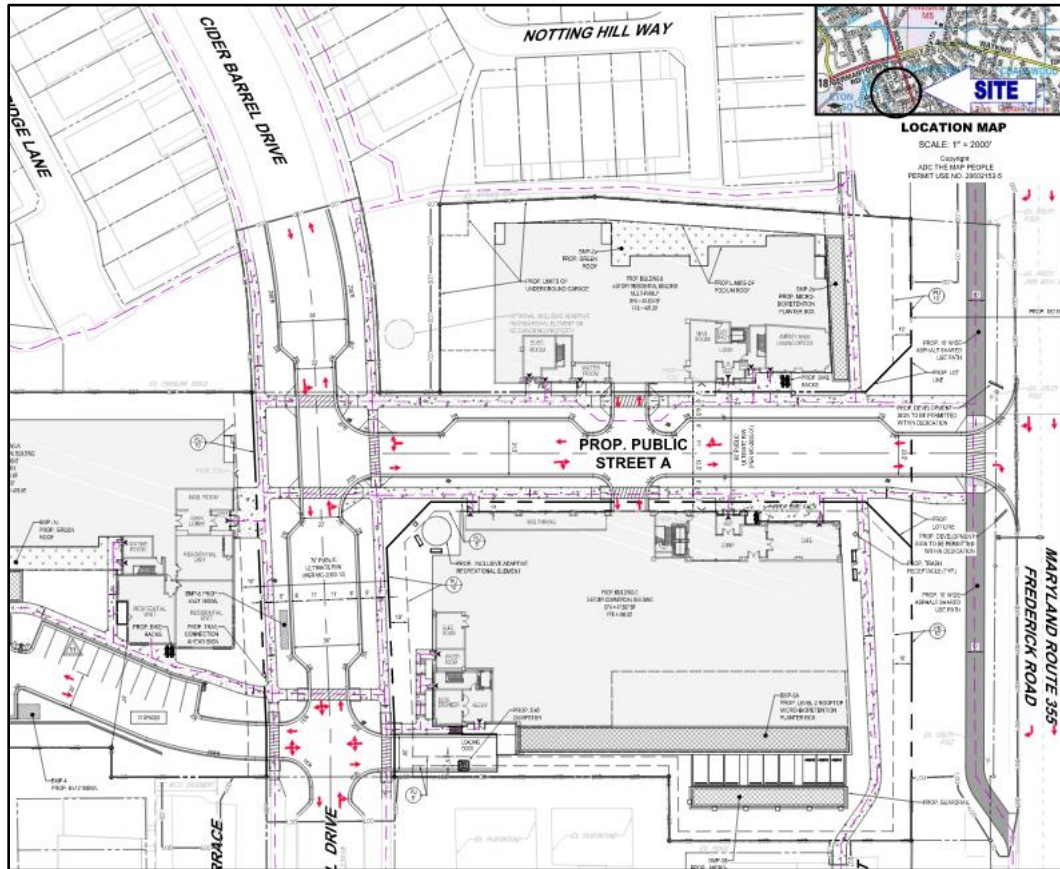


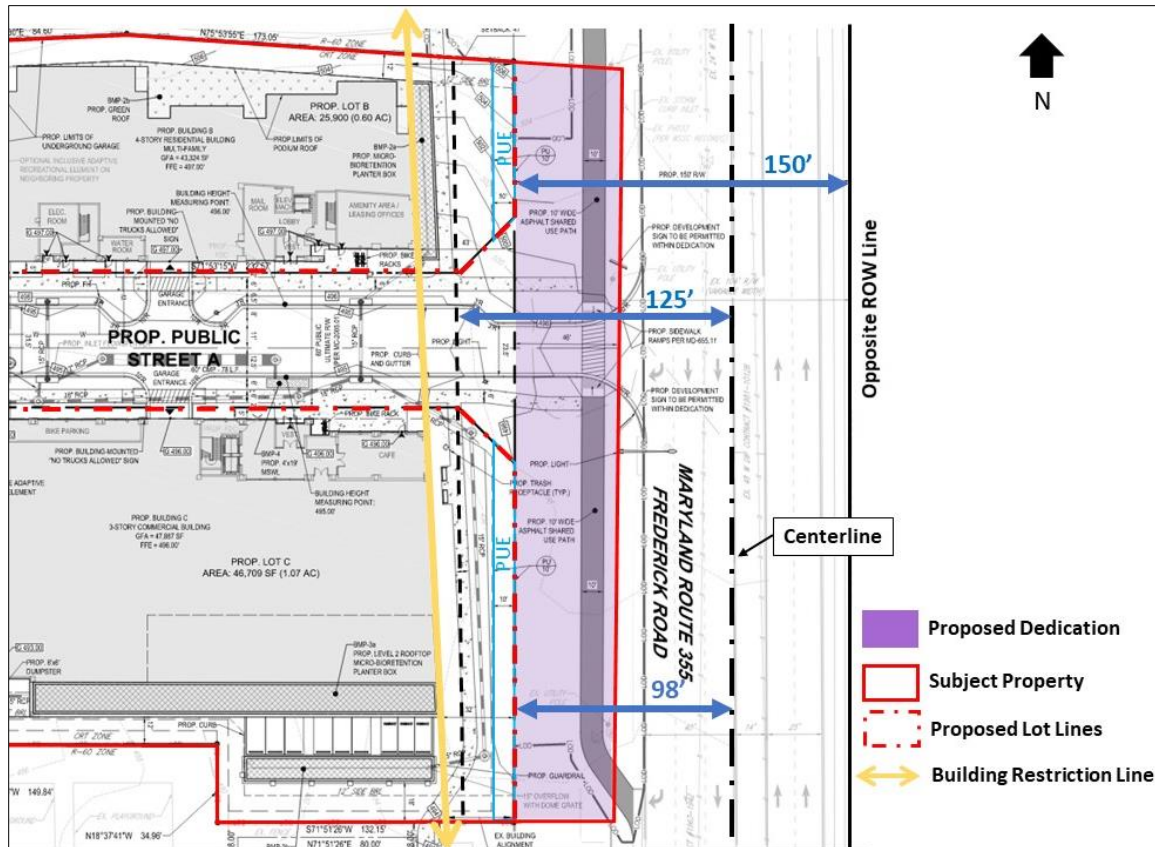
Figure 22 - Proposed Street Network

#### MD 355 Right-of-way

The Subject Property has approximately 339 feet of frontage on MD 355, which is classified by the Sector Plan and 2018 *Master Plan of Highways and Transitways* as a 6-lane Major Highway with planned Bus Rapid Transit (BRT) and an ultimate right-of-way (ROW) width of 250 feet (125 feet from the road center line). The Applicant is requesting that dedication be reduced to 98 feet from the road centerline, instead of 125 feet from the road centerline, providing for a 150 feet ultimate ROW width.

Section 50.4.3.E.2.a.i gives the Planning Board the authority to approve a narrower than standard right-of-way after making the additional findings discussed below. M-NCPPC Staff and MCDOT support the Applicant's proposal based on the existing and planned improvements in the section of the Property's frontage on MD 355.

The Applicant's request to reduce the right-of-way dedication for MD 355 improves compatibility with the adjoining existing developments and makes the best use of the Subject Property's frontage on MD 355, which is allowed per Section 50.4.3.E.2.a.i of the Subdivision Regulations.



In the Planning Board's review of a preliminary plan and record plat, Subdivision Regulation Section 50.4.3.D - *Public sites and adequate open spaces*, a preliminary plan must provide for required public sites and adequate open space areas. Section 50.4.3.D.3 instructs the Board to require dedication to public use of roads as part of the subdivision process. Section 50.4.3.E.2., Road Design Standards, states:

## 2. Design standards.

- a. *Right-of-way.* Area for a road on a subdivision plan must include the full width of all rights-of-way recommended for the applicable road classification in the adopted master plan and in the Road Design and Construction Code.
  - i. *The Board may approve a narrower than standard road right-of-way if it meets minimum fire access requirements and the Board finds that a narrower right-of-way is environmentally preferable, improves compatibility with adjoining properties, or allows better use of the tract under consideration.*
  - ii. *In determining the width of a less than standard right-of-way, the Board must consider:*
    - (a) *the recommendations of the Department of Transportation or other applicable state or municipality transportation permitting agency;*



- (b) the amount of traffic expected to use the proposed roads;*
- (c) the maximum road right-of-way or improvement required for the proposed land use; and*
- (d) the increased traffic, travel lane, and right-of-way requirements that would be created by maximum use and development of land using the road.*

The Applicant's request for a narrower than standard right-of-way (ROW) has been reviewed by Staff and MCDOT. In their letter dated September 25, 2020, MCDOT stated that, in consultation with MCDOT Transit staff, they support the requested, narrower ROW for MD 355 (Attachment E). The Application has also been reviewed by the MCDPS, Fire Department Access and Water Supply Section, which determined that access to the Property (with the reduced ROW) meets fire access requirements.

The Applicant's justification letter explains that the reduction of ROW will allow for better use of the tract under consideration and improve compatibility with the existing residential development. Following a thorough review of the Application, Planning Staff supports the Applicant's request. The buildable area of the Property is constrained due to the narrow geometry of the Subject Property, required setbacks and right-of-way dedication for two master planned street connections – Cider Barrel Drive and Public Street A. The requested reduction in ROW for MD 355 allows for the best use of the land along the frontage of the Property results in the most compatible development. The narrower right-of-way allows the Applicant to utilize a larger area of the Property's frontage to provides public open space, landscaping and stormwater management, which helps tie the new buildings into the surrounding development.

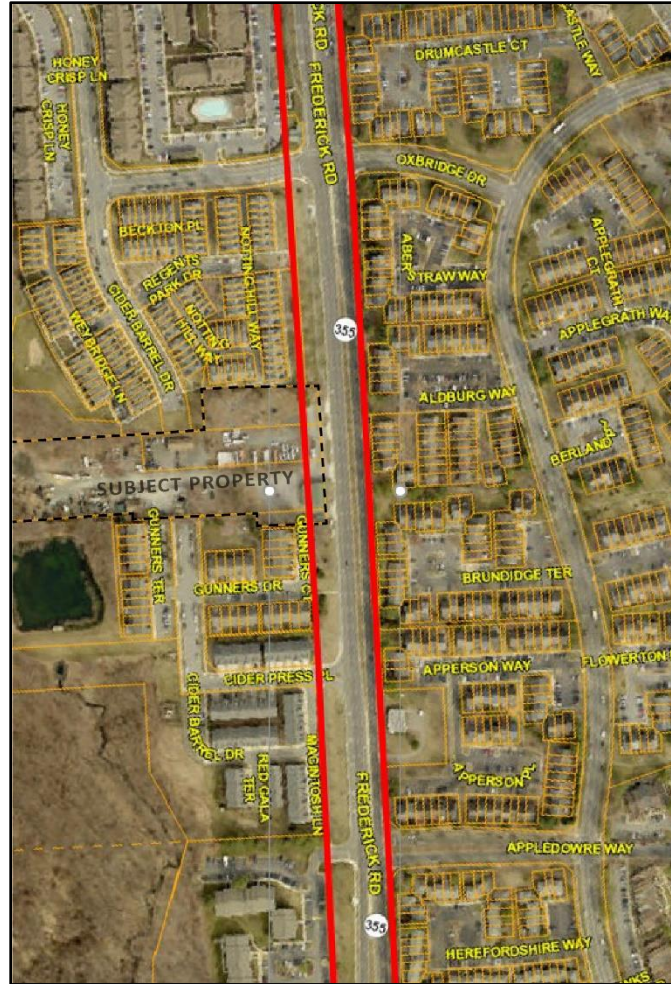


Figure 24 - Existing 150 Ft. ROW (In Red) of Frederick Road

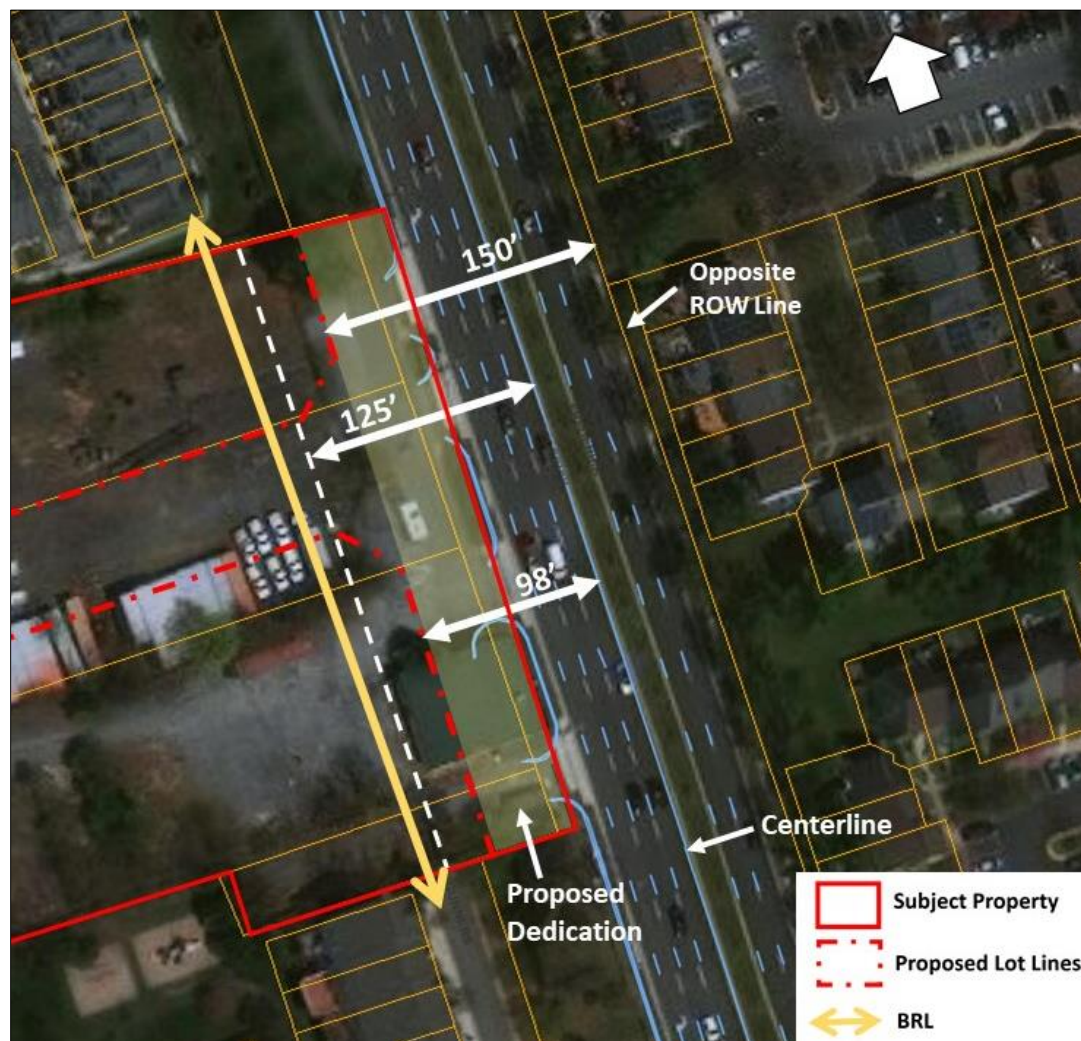
Providing the full additional dedication of 125 feet from the centerline of MD 355 would have a detrimental effect on the economic feasibility to construct buildings within the remaining buildable area. Additionally, the building faces would no longer align with the existing building face found along this stretch of road.

In lieu of full dedication, the Applicant is providing a building restriction line (BRL) along the frontage which sets back building placement from the road and aligns them with abutting structures to the north and south. The proposed BRL is located in excess of 125 feet from the centerline of the road and will provide a minimum of 182 feet of clearance between the proposed buildings (including ESD facilities) and the opposite right-of-way line. Further, clearance from the proposed buildings and the face of the existing townhouses on the opposite (east) side of MD 355 will be a minimum of 200 feet. If in the unlikely case additional ROW in excess of 150 feet is needed for temporary or permanent road improvements, the BRL provides for more available and unencumbered land than the proposed dedication alone would provide. As detailed below, all planned road and transit facilities can be accommodated in the proposed ROW area. As proposed, future ROW provides an interim open space area, with seating, landscaping (both stormwater features and ornamental planting), and a sidewalk linking the development to the existing

neighborhoods. It will also connect the development to the 16-foot-wide master-planned shared use path (referred to as breezeway) being constructed by the Applicant. The reduction in right of way will not impede fire access; all future travel lanes of MD 355 will continue to accommodate emergency vehicle movement.

#### Future MD 355 BRT Cross Section

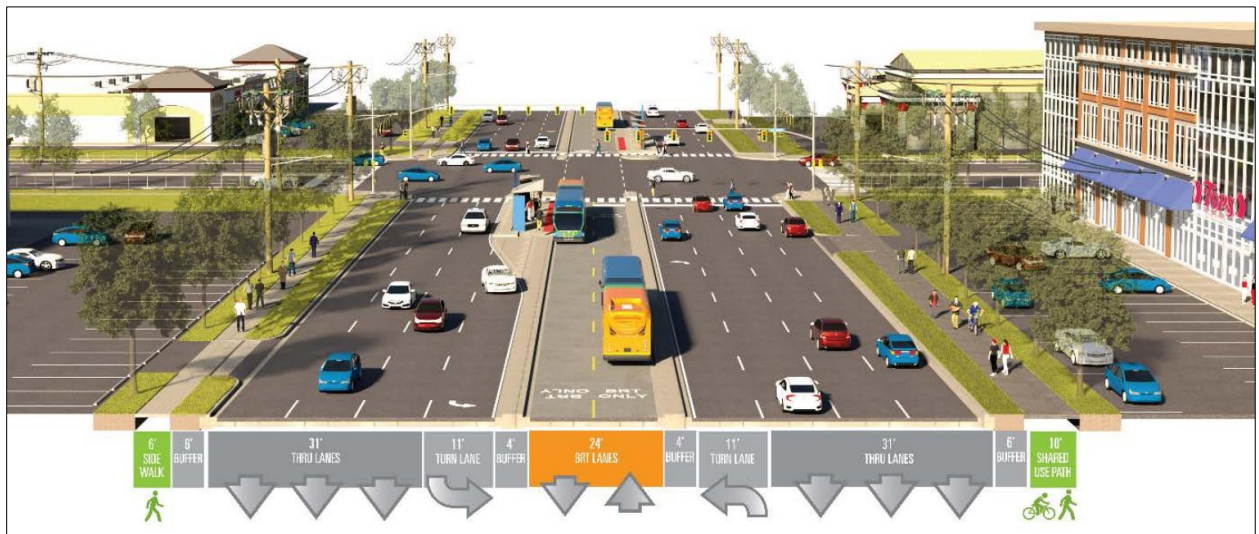
Based on the current MCDOT BRT Corridor Alternative Phase 2 Study, Alternative C for Segment 7 (Attachment O and P) is the only BRT alignment that would utilize the ROW along the Property's frontage. As depicted in Figure 23 (in light blue), the planned public improvements can be easily accommodated within the proposed 150-foot-wide ROW for a currently proposed mixed-traffic (e.g., no dedicated transit lane) operation. The proposed dedication area has been reviewed and approved by MCDOT transit planning staff.



However, the proposed ROW should nevertheless accommodate the potential for an ultimate master-planned vision for MD 355 as a 6-lane highway with median running BRT. This will require at a minimum the addition of a roughly 50-ft wide bidirectional BRT transitway and additional 11-



ft wide travel lane. As a point of comparison, similar facilities are envisioned under Alternative B of the Study can be fully accommodated within this proposed 150 ft. ROW.



\*150 ft. ROW; assumes shared use path modified from 10 to 16 ft to accommodate 'breezeway'.

Figure 26 – Preferred long-term cross section (Alternative B - Center Median BRT)

While the provided dedication is significantly less than the ultimate Master Plan recommendation for 250 feet, all potential public facilities can be accommodated without restriction – there will be no foreseeable detrimental impact to the implementation on future facilities.

While short of the full recommended ROW, this Application, by matching the existing ROW dedication and building face on Frederick Road will not preclude implementation of any planned future facilities. Taken together, this ROW dedication and building restriction line the Application substantially conforms to the goals of the Master Plan of Highways and Transitways.

#### Pedestrian and Bicycle Infrastructure

The 2018 *Bicycle Master Plan* recommends that the west side of Frederick Road carry the Clarksburg to City of Gaithersburg Breezeway, a high-capacity, high-functioning bikeway to run through this corridor. As conditioned, a 16-foot wide asphalt shared-use path will be constructed along the frontage of the Subject Property, connecting to an existing shared use path running to the north, to accommodate the breezeway to be used by both pedestrians and cyclists.

As conditioned, a signal is to be constructed by the Applicant to address safety concerns at the Oxbridge Dr. – Frederick Road intersection to the north of the Subject Property. This will additionally facilitate safe pedestrian crossing of Frederick Road, which at present lacks a marked or signalized crosswalk in the roughly one-mile stretch between Germantown Road and Middlebrook Road.

As mentioned, a natural surface trail will be constructed by the Applicant to connect the Frederick Road corridor to the east to Montgomery College to the west, with the path itself to be

constructed off-site to the south of the Subject Property. This is to accommodate the desire for a transportation connection envisioned by the Sector Plan.

b. Local Area Transportation Review (LATR)

This mixed-use plan for 142 multifamily dwelling units, 15,000 sq. ft. of office and 32,887 sq. ft. of R&D office use will generate 128 person trips during the AM weekday peak period and 163 person trips during the PM weekday peak period based on the trip generation rates as calculated using the 10th Edition ITE Trip Generation Manual and adjusted as detailed in the 2017 LATR guidelines. Because the Application generates over 50 peak hour person trips, a traffic study was required for Local Area Transportation Review. This study is summarized below in Table 1.

**Table 1 - Trip Generation**

Development	Measure	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing Misc. Use (credit)	driveway count	(4)	(3)	(7)	(3)	(3)	(6)
Multifamily	142 Units	11	35	46	36	23	59
Office	15,000 sf	33	6	39	3	15	18
R&D Office	32,887 sf	10	3	13	5	29	34
Net New Vehicle Trips	--	50	41	91	41	64	105
Net New Person Trips	--			128			163

Trip generation rates are based on the ITE Trip Generation Manual, 10th Edition and adjusted as detailed in the 2017 LATR guidelines.

Seven intersections were studied using the CLV congestion methodology, with two intersections – Frederick Road / Germantown Road and Frederick Road / Middlebrook Road (in red) exceeding the Germantown East policy area CLV standard of 1425.

**Table 2 - Intersection CLV Counts**

Intersection	Existing Conditions		Background Conditions		Total Future Conditions	
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
Germantown Road & Cider Barrel Drive	588	673	774	931	793	966
Frederick Road & Germantown Road	1221	1583	1473	1871	1483	1880

<b>Frederick Road &amp; Oxbridge Drive</b>	1010	1195	1107	1290	1137	1290
<b>Frederick Road &amp; Site Driveway</b>	672	1075	728	1170	749	1198
<b>Frederick Road &amp; Cider Press Place</b>	700	1094	756	1190	767	1205
<b>Frederick Road &amp; Middlebrook Road</b>	1087	1392	1208	1532	1213	1540
<b>Cider Barrel Drive &amp; Site Driveway</b>	--	--	--	--	65	84

These two intersections were additionally analyzed using the HCM methodology to measure delay and the efficacy of signal timing improvements. These signal timing improvements have been reviewed and approved by MCDOT and SHA. While the signal timing improvements do not reduce delay below the 51 second standard for the Germantown East policy area, they do reduce the delay to below background conditions – e.g., they fully mitigate delay caused by this Application, as acceptable according to the LATR guidelines.

**Table 3 - Intersection HCM Counts with Proposed Signal Timing Improvements**

Intersection	Existing Conditions		Background Conditions		Total Future Conditions	
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
<b>Frederick Road &amp; Germantown Road</b>	50.1	102.3	70.3	82.2	71.5	83.3
<i>With signal optimization</i>	--	--	--	--	61.7	71.0
<b>Frederick Road &amp; Middlebrook Road</b>	69.2	74.0	72.8	92.3	73.1	93.8
<i>With signal optimization</i>	--	--	--	--	68.0	90.1

#### Signal Warrant

A peak-hour signal warrant analysis was conducted on two unsignalized full-movement intersections: Germantown Road / Cider Barrel Drive and Frederick Road/ Oxbridge Drive. Both intersections meet warrants under both existing and future conditions and require mitigation to address safety concerns.

**Table 4 - Peak Hour Signal Warrant Analysis**

Intersection	Peak Hour	Existing Conditions			Total Future Conditions		
		Major Volume	Minor Volume	Warrant Met?	Major Volume	Minor Volume	Warrant Met?
	AM	2683	81	Yes	2711	100	Yes

<b>Germantown Road &amp; Cider Barrel Drive</b>	<b>PM</b>	2909	67	No	2931	105	Yes
<b>Frederick Road &amp; Oxbridge Drive</b>	<b>AM</b>	3095	91	Yes	3134	91	Yes
	<b>PM</b>	3947	66	No	3974	66	No

These warrants constitute significant safety concerns for both intersections, particularly for vehicles making through and left-turn movements from the minor streets onto multi-lane highways with 40 mph speed limits. It is recognized that these intersections are in need of improvement even under current conditions – the current vehicular flow warrants full signalization – and that vehicular trip generation from this Application only amounts to a fraction of total future trips. However, given the safety concern, improvements to these intersections have been conditioned as part of the approval of this Application and are required to meet the finding for Adequate Public Facilities. These improvements, as stated in the conditions, are a change in geometry of the Germantown Road & Cider Barrel Drive intersection to a channelized right-in, right-out condition (Figure 26) (restricting through and left-turn movements) and the signalization of the Frederick Road & Oxbridge Drive intersection.

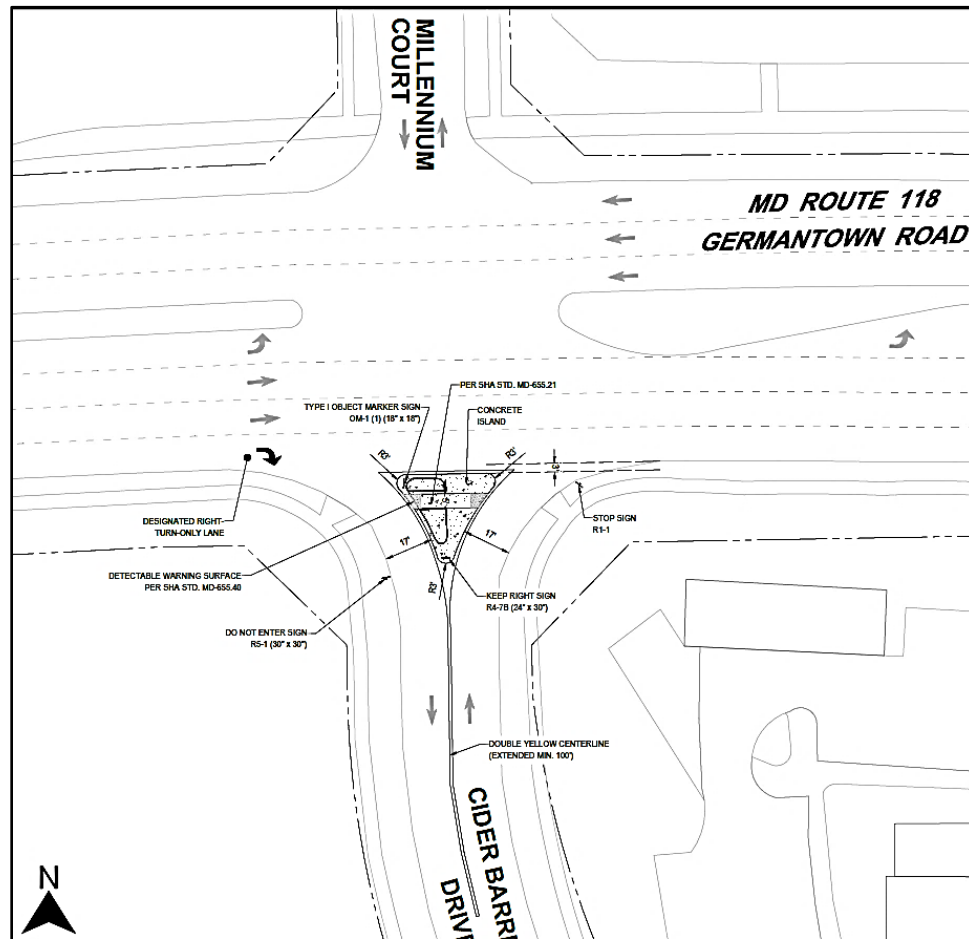


Figure 27 - Preliminary Design for Germantown Road & Cider Barrel Drive Improvement

c. School Adequacy Analysis

**Overview and Applicable School Test**

Preliminary Plan No. 120200170 and Site Plan No. 820200140 for College View Campus is scheduled to come before the Planning Board for review October 8, 2020. Therefore, the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020 is applicable. The Application proposes development of 142 multi-family low to mid-rise units.

**Calculation of Student Generation**

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

*Per Unit Student Generation Rates – Upcounty Region*

	Elementary School	Middle School	High School
<b>SF Detached</b>	0.210	0.120	0.169
<b>SF Attached</b>	0.248	0.121	0.157
<b>MF Low-Rise</b>	0.183	0.077	0.093
<b>MF High-Rise</b>	0.020	0.008	0.010

With a net of 142 multi-family low-rise units, the proposed project is estimated to generate the following number of students:

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
Multi-Family Low to Mid Rise	142	0.183	25.986	0.077	10.934	0.093	13.206
<b>TOTALS</b>	<b>142</b>		<b>25</b>		<b>10</b>		<b>13</b>

On average, this project is estimated to generate 25 new elementary school students, 10 new middle school students, and 13 new high school students.

**Cluster Adequacy Test**

The project is located in the Clarksburg High School Cluster. The student enrollment and capacity projections from the FY21 Annual School Test for the cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2025			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,857	4,056	95.1%	1,011	<b>25</b>
Middle	1,629	1,668	97.7%	372	<b>10</b>
High	2,410	2,034	118.5%	30	<b>13</b>



The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column, the estimated enrollment impacts of this Application fall **below** the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the cluster level to accommodate the estimated number of students generated by this project.

#### **Individual School Adequacy Test**

The applicable elementary and middle schools for this project are Fox Chapel ES and Rocky Hill MS, respectively. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2025				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/Deficit		
Fox Chapel ES	620	683	90.8%	+63	200	25
Rocky Hill MS	1,035	1,020	101.5%	-15	190	10

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

The Moratorium Enrollment Thresholds identified in the table above are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of this Application fall below the moratorium thresholds for both Fox Chapel ES and Rocky Hill MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of elementary and middle school students generated by this project.

#### **Analysis Conclusion**

Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Application.

#### **d. Other Public Facilities and Services**

The Subject Property is in sewer category S-1 and water category W-1, respectively, which is consistent with the Applicant's proposal to connect to public water and sewer which are available and adequate to serve the development. The Applicant is extending the existing 8" water line and 12" sewer line from the WSSC easement, south of the Subject Property at the terminus of Gunners Terrace (west of Cider Barrel Drive). The new water lines will be installed within the proposed right-of-way for Cider barrel Drive and Public Street A, with service lines connecting to each of the new buildings. The existing electrical service provided by PEPCO will be upgraded to serve the proposed buildings.

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section, which determined that the Property has adequate access for fire and rescue vehicles by

transmittal dated June 2, 2020 (Attachment G). Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2016-2020 Subdivision Staging Policy.

#### 4. Adequate Public Facility Validity Extension Request

The Applicant is requesting an extended Adequate Public Facilities Validity period for 7 years (84 months) instead of the typical 5 years (60 months).

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

The Subdivision Regulation continues under Section 50.4.3.5.b:

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

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

The phasing plan indicates that Phase I will be completed within the first 5 years, with includes construction of up to 50 dwelling units, both roads, the 16-foot breezeway, the natural surface trail connecting to Montgomery College. The second residential building, commercial building and the transportation improvements, will be completed within the next two phases, as specified below, in Table 5.

**Table 5 – Adequate Public Facilities Phasing**

<b>Phase</b>	<b>Benchmark (See Conditions of Approval for triggers)</b>	<b>Duration</b>
<b>Phase I</b>	Construct 50 Multi-family Units (Building A or B). <ul style="list-style-type: none"> <li>Construct the extension of Cider Barrel Drive and Public Street A to approved public street standards.</li> <li>Construct a natural surface trail as approved by M-NCPPC Staff, Montgomery College, and the MCDEP</li> <li>Construct a 16-ft wide asphalt shared use path with a minimum 6-ft buffer from edge of pavement along the full frontage of MD 355.</li> </ul>	60 months (5 years)
<b>Phase II</b>	Construct 92 additional multi-family units for a total of 142 units (Building A or B) <ul style="list-style-type: none"> <li>Install a traffic signal at the intersection of Oxbridge Drive and MD 355.</li> <li>Improve the southern leg of the Cider Barrel Dr. and MD-118 intersection to a right-in, right-out condition.</li> </ul>	12 month (72 months cumulative)

	<ul style="list-style-type: none"> <li>Conduct signal optimization to reduce the average delay at the intersections of Middlebrook Road/MD 355 and MD 118)/MD 355 as approved by staff from the MCDOT and SHA.</li> </ul>	
<b>Phase III</b>	Construct 47,887 square feet of Commercial (Building C).	12 month (84 months cumulative)

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

Staff is recommending approval of the Applicant's request for two additional years of APF validity, to complete construction of proposed development. Due to the scope of off-site transportation improvements, including signalization of an existing intersection, installation of a "pork-chop" to improve vehicle turning conditions and signal optimization, all of which will take detailed coordination, planning and substantial financial contributions by the Applicant. Considering the scope of the required improvements, Staff believes the two additional years of APF validity requested by the Applicant is reasonable.

5. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

a. Environmental Guidelines

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420200170 for the Property was approved on September 3, 2019. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property contains approximately 0.79 acres of forest, including approximately 0.45 acres of forested stream valley buffer. There is one perennial stream that enters the Property from the south, through an outfall of an existing stormwater management pond, flows in a northern direction through the Property and continues off-site. The Property contains approximately 0.10 acres of forested wetlands, 0.55 acres of 100-year floodplain, and there are highly erodible soils and slopes greater than 25 percent present. There are 16 trees greater than or equal to 24" Diameter at Breast Height (DBH) that were identified on or adjacent to the Subject Property, three of which are 30" DBH and greater.

Stream Buffer Encroachment

The Application is subject to the *Guidelines for Environmental Management of Development in Montgomery County* (January 2000) ("Environmental Guidelines"), which includes guidance for the protection of streams and their buffers. Section IV-A1 of the Environmental Guidelines allows for some encroachments within the stream buffer under certain circumstances, and when determined by staff that there are no reasonable alternatives and the impacts have been minimized as much as possible. The Application proposes to impact the stream buffer to install a storm drain outfall that extends off-site, out falling into an existing stormwater management pond located on the adjacent property to the south. The impacts have been minimized to the greatest

extent possible and are unavoidable due to the location of the existing stormwater management pond.

b. Forest Conservation Plan

The Application meets the requirements of the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The Preliminary Plan and Site Plan reviews occurred concurrently, so the Forest Conservation Plan was submitted and reviewed as a combined Preliminary and Final Forest Conservation Plan (Attachment C). The net tract area for forest conservation is 5.27 acres, which includes the 4.98-acre Property and 0.29 acres of offsite disturbance for required utility connections, a stormwater management outfall, and connections to Cider Barrel Drive. The FCP includes 0.79 acres of existing forest located on the west side of the Property and along the northern property line. The Application proposes to retain 0.45 acres and remove 0.34 acres of forest. The proposed forest clearing generates a reforestation requirement of 0.68 acres. The Applicant proposes to meet the planting requirement by reforesting 0.22 acres on-site within the unforested portion of the stream buffer and the remaining 0.46 acres off-site, such as at an M-NCPPC approved forest bank. The on-site retained and planted forest will be protected in a Category I conservation easement.

c. Forest Conservation Tree 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), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted, and mitigation be required.

Variance Request – The Applicant submitted a variance request in a letter dated April 15, 2020, for the impacts/removal of trees (Attachment D). The Applicant wishes to obtain a variance to remove two (2) Protected Trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. The Applicant also proposes to impact, but not remove, one (1) Protected Tree that is considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be impacted are described in detail in the Applicant's letter and shown graphically on the Forest Conservation Plan (Attachment C). A summary of the tree variance request is provided below in Table 6 and Figure 28 and 29.

**Table 6 - Tree Variance Request**



TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	%CRZ IMPACTED	Status
ST-1	Quercus alba	White Oak	37.9"	Moderate-Poor	9%	Retain
ST-5	Acer saccharinum	Silver Maple	46.7"	Poor	93%	Remove
ST-16	Quercus rubra	N. Red Oak	52.9"	Moderate-Poor	42%	Remove

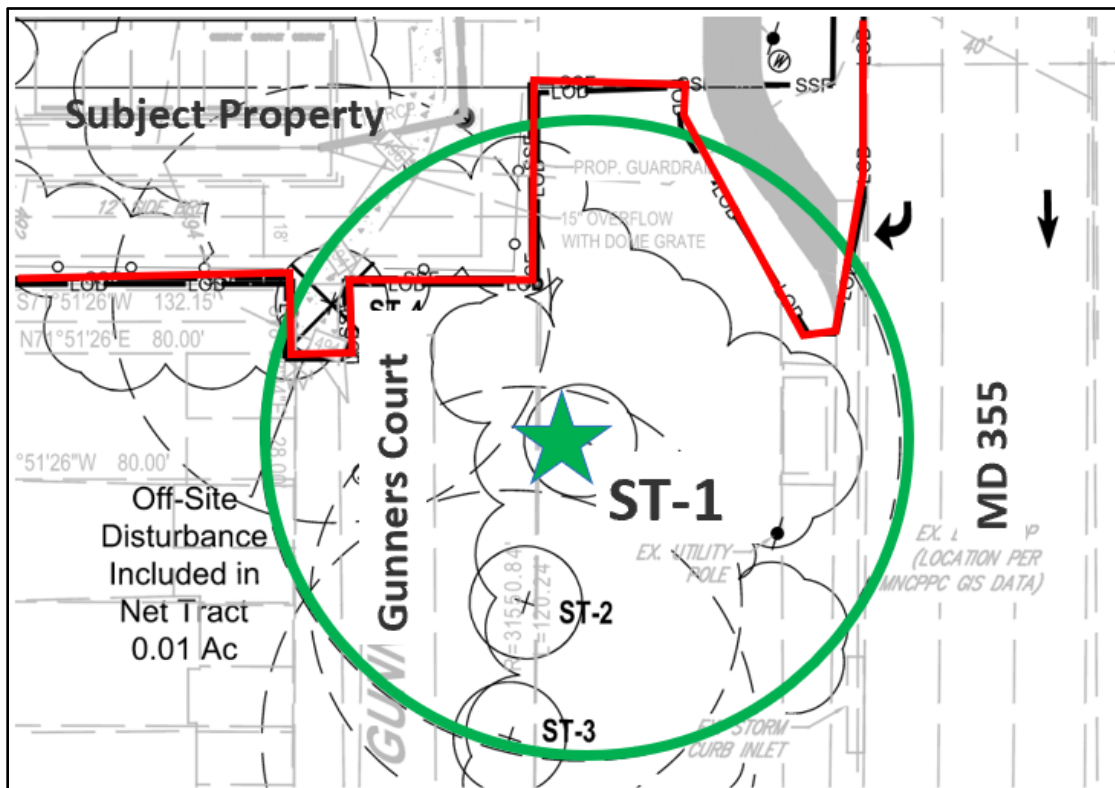


Figure 28 – Tree Variance (Impact to ST-1)

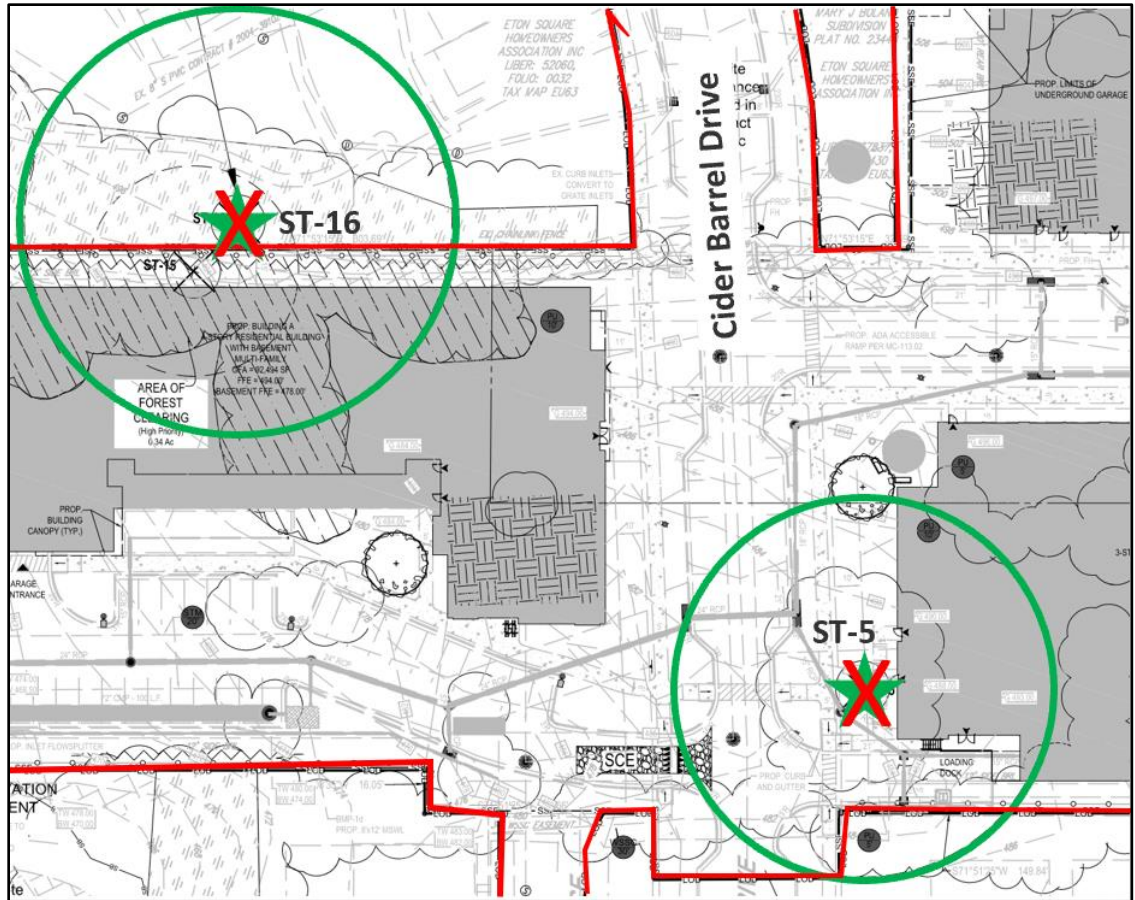


Figure 29 - Tree Variance for removal of ST-5 and ST-16

Unwarranted Hardship Basis – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on and adjacent to the Property and the zoning and development requirements for the Property.

The Protected Trees are located within and immediately adjacent to the Property. Tree ST-1 is located within the public right-of-way along Frederick Road with proposed impacts due to the required construction of a public sidewalk that connects to an existing sidewalk. If the impacts to the critical root zone of ST-1 were not permitted, the proposed sidewalk connection could not be made. Tree ST-5 is located adjacent to the planned extension of Cider Barrel Drive through the Property. Existing Cider Barrel Drive dead ends at both the northern and southern property boundaries, which has pre-determined the alignment through the Property. If the impacts to the critical root zone and resulting removal of Tree ST-5 were not permitted, the connection and completion of Cider Barrel Drive could not be accomplished. Tree ST-16 is located off-site on the adjacent property to the north. This tree will be impacted by the proposed development of a residential building. The Property is narrow in shape, with a stream buffer and the pre-determined alignment of Cider Barrel Drive through the Property dictating land available for the development envelope. If the impacts to the critical root zone and removal of Tree ST-16 were not permitted, the full development potential of this CRT-zoned property could not be achieved. These existing conditions are such that any application to develop this Property for the recommended use and

density would result in the need for a tree variance. Staff worked with the Applicant to revise the limits of disturbance to minimize the impacts to the Protected Trees as much as possible. The number and location of the Protected Trees within the developable portions of the Property, and the development requirements create an unwarranted hardship. If the variance were not considered, the development anticipated on this Property would not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the forest conservation plan:

Granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. Protected Trees are located in the developable area of the Property. The requested removal of and impacts to Protected Trees are due to required road and sidewalk connections, and disturbance within the anticipated developable area of the site that would be necessary under any application for development of the Property. Any development considered for this Property would be faced with the same considerations. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, including the location of the Protected Trees within the developable area and required infrastructure improvements.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

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

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. Onsite mitigation for the removal of the Protected Trees will ultimately replace the functions currently provided by the Protected Trees to be removed. In addition, the Montgomery County Department of Permitting Services has found the stormwater

management concept for the proposed project to be acceptable as stated in a letter dated August 7, 2020 (Attachment H).

Mitigation for Protected Trees – The two trees subject to the variance provision and proposed to be removed are located outside of the existing forest. Mitigation for the removal of these trees is recommended at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. This Application proposed to remove approximately 99.6 inches in DBH, resulting in a mitigation requirement of 25 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. The FCP includes the planting of nine 3-inch caliper, native, canopy trees on the Property as mitigation for the removal of the two variance trees. Although these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. Staff does not recommend mitigation for trees impacted, but not removed. The affected root systems of these trees will receive adequate tree protection measures allowing the roots to regenerate and the functions provided restored.

County Arborist's Recommendation on the Variance – In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist as part of the review process. As of the date of this staff report, Staff had not received any correspondence from the County Arborist regarding this variance request.

Variance Recommendation – Staff recommends that the variance be granted with mitigation as described above.

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

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on August 7<sup>th</sup>, 2020. The Application will meet stormwater management goals through a variety of techniques including a green roof, bioretention, modular wetland system – linear and structural treatment in an existing stormwater management pond.

7. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

There is no record or other evidence to suggest that a burial site is located within the boundary of the Subject Property. Therefore, this finding does not apply.



## SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 820200140

### Findings – Chapter 59.7.3.4.E

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

The Approval of the Site Plan findings will only apply to the Subject Property being reviewed as part of this Application.

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

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

The Site Plan conforms to all conditions of Preliminary Plan 120200170, which is being reviewed concurrently.

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

#### Division 4.5.3 Commercial/Residential Zones

##### *Use and Development Standards*

The Subject Property is approximately 4.98 acres and zoned CRT and R-60. The following table, Table 7, shows the Application's conformance to the development standards of the zone. The Site Plan satisfies the applicable use standards, development standards, and general requirements of the Zoning Ordinance as established below. The Subject Property must meet the development standards of the CRT and R-60 zones. Multi-family residential and commercial development are permissible under the CRT zone as Apartment and General use. The R-60 portion of the site does not have any building development and limited site construction, as it is primarily protected under a Category I Conservation Easement. The density proposed on the Subject Property is within the allowed density mapped for the CRT zone.

The Subject Property is split zoned CRT-0.75, C-0.25, R-0.50, H-40 and R-60/TDR 12. The following table, Table 7, shows the Site Plan's conformance to the development standards of the CRT zone.

**Table 7: Data Table**

<b>Zone : CRT-0.75, C-0.75, R-0.5, H-40 (Standard Method of Development)</b>		
	<b>Required</b>	<b>Proposed</b>
<b>1. Site</b>		
Public Open space, tract > 10,000 SF	10% (16,850)	12.4% (20,973 SF)
<b>2. Lot and Density</b>		
<b>Lot (min)</b>		
Total Lot area (Site Area)		<b>168,503 SF (3.87 AC)</b>

Lot A (W of Cider Barrel)	n/a	95,894 SF (2.20 AC)
Lot B (North of WW)		25,900 SF (0.60 AC)
Lot C (south of WW)		46,709 SF (1.07 AC)
Density (max)		
TRACT AREA (CRT & R-60/TDR-12)	235,835 SF (5.41 AC)	
Part of Lot 79 (Tax Map FU13)	6,136 SF (0.14 AC)	
Parcel 809 (Tax Map FU13)	30,590 SF (0.70 AC)	
Parcel 811 (Tax Map FU13)	43,559 SF (1.0 AC)	
Parcel 888 Total (Tax Map EU63)		
Parcel 888 (CRT zone)	101,878 SF (2.34 AC)	
Parcel 888 (R-60/TDR12 zone)	34,786 SF (0.80 AC)*	
Previous dedication for MD-355	18,887 SF (0.43 AC)	
TRACT AREA FOR DENSITY PURPOSES (CRT)	201,049 SF (4.62 AC)	
* 0.80 acres zoned R-60/TDR12 is not included in the tract area for density calculations		
PROPOSED DEDICATION		
Cider Barrel Drive	14,716 SF (0.338 AC)	
MD-355	15,449 SF (0.355 AC)	
Public Street 'A'	18,281 SF (0.420 AC)	
PROPOSED DEDICATION (TOTAL)	48,446 SF (1.11 AC)	
Base Density		
Commercial	0.25 FAR (50,262 SF)	0.23 FAR (47,887 SF)
Residential	0.50 FAR (100,525 SF)	0.50 FAR (100,525 SF)
Total	0.75 (150,786 SF)	0.73 (148,412 SF)
Moderately Priced Dwelling Units	12.5% Min.	25%
MPDU Bonus Density (59.4.5.2.c)		
Total Bonus Density	35% max.	35% (35,184 SF)
Providing over 12.5% MPDU'S		30% (30,157 SF)
Plus 0.1% for each 0.1% increase in MPDU's above 20%		5% (5,026 SF)
Adjusted Density with MPDU Bonus		
Commercial		0.23 FAR (47,887 SF)
Residential		0.67 FAR (135,709 SF)
Total		0.90 (183,596 SF)

3. Placement		
Building A - Principal Building Setbacks (min)		
Front setback (Cider Barrel Drive)	0'	11'
Side setback, abutting Residential Detached, or Residential Townhouse zones	1.5 x 8' (R-60)	
North	12'	15'
South	12'	57'
Rear setback, Residential Detached, or Residential Townhouse zones	1.5 * 20' (R-60)	
West	30'	34'
Building B - Principal Building Setbacks (min)		
Front setback (MD 355)	0'	43'
Front setback (Public Street A)	0'	5'
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones (North)	1.5*8' (R-60) 12'	12'
Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones (West)	1.5*8' (R-60 HOA Parcel) 20'	30'
Building C - Principal Building Setbacks (min)		
Front setback (MD 355)	0'	32'
Side street setback (Public Street A)	0'	5'
Side street setback (Cider Barrel Drive)	0'	20'
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones (South)	1.5*8 (R-60) 12'	12'
Build-to Area (BTA, max setback and min % of building façade)		
Building A (Apartment Building Type)		
Front setback	30' max.	100% within BTA
Building in front street BTA	70% min.	
Building B (Apartment Building Type)		
Front setback (MD 355)	30'	See modified BTA request (Pg. 52)
Building in front street BTA	70%	
Front setback (Public Street A)	30'	

Building in front street BTA	70%	100% within BTA
<b>Building C (General Building Type)</b>		
Front setback (MD 355)	20'	See modified BTA request (Pg. 52)
Building in front street BTA	70%	
Side Street setback (Public Street A)	20'	93% within BTA
Building in front street BTA	35%	
Side Street setback (Cider Barrel Drive)	20'	**23' Providing additional Open Space
Building in front street BTA	35%	35%
<b>Specifications for Build-to Area</b>		
<p>**The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.</p>		
<b>4. Height</b>		
<b>Height (max)</b>		
Principal building	40'	40'
<b>5. Form</b>		
<b>Building Orientation</b>		
Entrance facing street or open space	Required	Provided
Entrance spacing (max)	100'	100'
<b>Transparency, for Walls Facing a Street or Open Space</b>		
Ground story, front (min)	20%	40%
Ground story, side/rear (min)	20%	25%
Upper story (min)	20%	20%
Blank wall, front (max)	35'	35'
Blank wall, side/rear (max)	35'	35'
<b>Specification for Building Orientation and Transparency</b>		



a. Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

Unit Mix and Density Breakdown				
Maximum Standard Method - 1.0 FAR				
Residential	Market Rate Units	MPDU's	Total Units	%MPDU
Building A	72	25	97	0.258
Building B	32	13	45	0.289
Total	104	38	142	0.268
Commercial				
Building C	50,123 SF Laboratory/Commercial Space			

#### Development Standards

Residential compatibility standards are applicable to this Site Plan as per Section 59.4.1.8.A.1. Buildings A, B, and C are within a Commercial/Residential zone and directly abutting existing residential townhouse zones to the north and south. Building B is proposed as an apartment use, with two fronts along Frederick Road and Public Street A, the side located along the north façade next to the existing townhouses to the north, and the rear located along the west façade next to an existing HOA parcel along Cider Barrel Drive. The side and rear of Building B is subject to Section 59.4.1.8.A.2, where the provided side and rear setbacks must equal 1.5 times the minimum required setbacks of the abutting zone. The side and rear of Building B are both directly abutting existing residential lots. Building B meets the requirements for the side and rear setbacks by providing 12'-0" for the side (1.5 multiplied by the required 8'-0" setback in the R-60 Zone) and providing 30'-0" for the rear (1.5 multiplied by the required 20'-0" setback).

Building C is proposed as a general use, also with two fronts on Frederick Road and Public Street A, the side located along the south façade next to the existing townhouses to the south, and the rear located along the west façade on Cider Barrel Drive. The side of Building C is also subject to Section 59.4.1.8.A.2 because it is abutting an existing residential use. Building C meets the requirements for the side setback by providing 12'-0" for the side (1.5 multiplied by the required 8'-0") setback.

Lastly, Building A is proposed as an apartment use, with the front on the east façade of the building along Cider Barrel Drive, two sides on the north and south façades which face the existing townhouses to the north and south, and the rear of the building on the west façade, which faces the proposed athletic field and the existing R-60 zone. The sides and rear of Building A are subject to Section 59.4.1.8.2 based on the same criteria as Buildings B and C. Building A meets the requirements for the side setbacks by providing 15'-0" on the north façade and 57'-0" on the south façade, whereas the requirement would be for a 12'-0" minimum setback (1.5 multiplied

by the required 8'-0" setback). The rear setback also meets the requirements by providing 34'-0" on the west façade, whereas the requirement would be for a 30'-0" setback (1.5 multiplied by the required 20'-0" setback). Buildings A, B, and C meet the residential compatibility standards for applicability and required setbacks.

### Build-to Area Waiver

The Applicant is seeking to increase the Build-to Area in order to increase the setbacks along Frederick Road. Building B is classified as an apartment use with a Build-to Area of 30'-0" and Building C is classified as a general use with 20'-0". Buildings B and C are both identified as having two fronts, one along Frederick Road and the other along Public Street A. The fronts, located on Public Street A, serves as the primary entrances to the building, while the fronts, located along Frederick Road, is the façade that aligns with the townhouses (Figure 28).

The Build-to Area for Buildings B and C is compatible with the existing residential townhouse developments located to the north and south of the Subject Property along Frederick Road. The east façade of Building B is set back 47'-0" from the property line to be in alignment with the townhouses to the north. Building C's east façade is set back 31'-0" from the property line to be in alignment with the townhouses to the south (Figure 28). The alignment of Building B and the townhouses places them in direct alignment, while the alignment for Building C places it a bit forward from the townhouses. Despite Building C extending a bit beyond the townhouses to the south, the relationship between the two does not create any compatibility issues. The two proposed buildings create, as well as reinforce, the relationship of the buildings to the public realm and reinforce the edge found along Frederick Road. The building placements, massing, and architecture are fundamental to this relationship for the streetscape and public realm. Additionally, this application provides a 16'-0" shared-use path along Frederick Road and a sidewalk network that connects the fronts on Frederick Road to the fronts along Public Street A. These connections improve circulation and provide for logical connectivity.

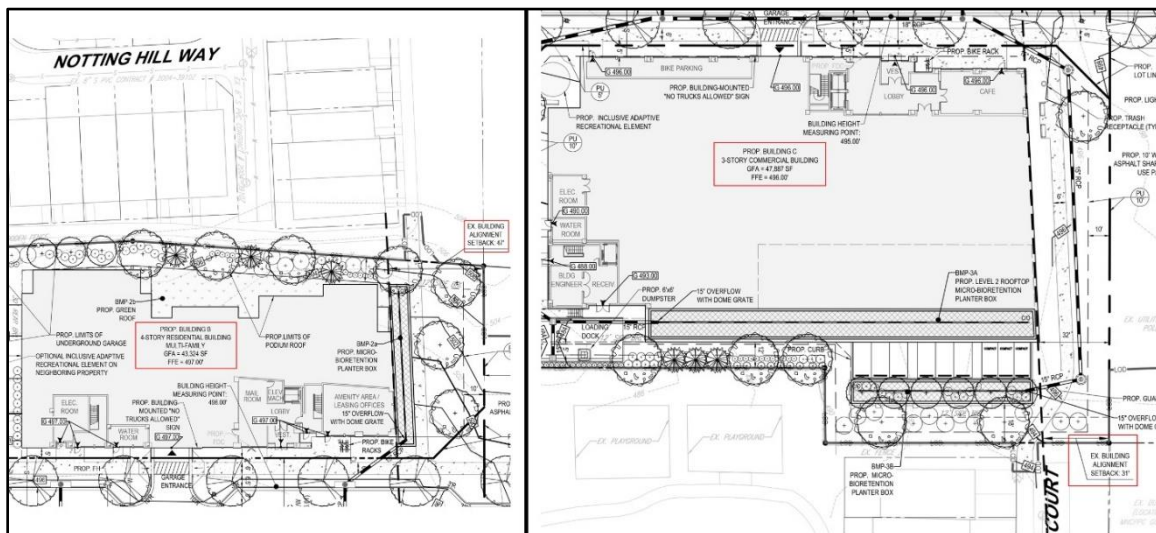


Figure 30 – Building B (left) and Building C (right) Alignment with Existing Townhouses

## Division 6 – General Development Standards

### i. *Division 6.1. Site Access*

Vehicular and pedestrian access to the Site is provided by Public Street A, off of Frederick Road/MD 355, and the connected Cider Barrel Drive. Public Street A will serve as the primary means of access to-and-from the site as it connects directly to Frederick Road and extends from east-to-west. In its current state, Cider Barrel Drive is not connected, however this Site Plan will connect the two existing sections. Cider Barrel Drive will serve as a secondary means of access and extend from north-to-south. Both streets provide safe, adequate, and efficient access to the site and Buildings A, B, and C.

The Application also proposes a trail connection from the Subject Property to Montgomery College. The trail connection will be located south of the Subject Property, along Cider Barrel Drive, near some existing townhouses and extend westward to ultimately connect with the sidewalk and parking area at Montgomery College. The trail is being provided as part of the Master Plan conformance for providing connections. The final alignment for the trail is to be coordinated between the Applicant and Montgomery College.

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

The Site Plan provides adequate parking to serve the proposed development (Table 8). Vehicle parking is located within a reduced parking area in the CRT zone and is provided by structured garage parking, within Buildings A, B, and C, and surface parking located on the south side of Building A. Bicycle parking is also included within this Site Plan. The bicycle parking is accommodated by dedicated space within the garages and exterior spaces next to the buildings. Overall, the vehicular and bicycle parking for the Site Plan is safe, adequate, and efficient and meets the required number of spaces and design standards.

**Table 8**

<b>Parking</b>		
<u>Development Standard</u>	<u>Required (min. – max.)</u>	<u>Proposed</u>
Building A - Total Residential Units (97)	88 sp. - 105 sp.	92 sp. - 61 sp. (garage) & 31 sp. (surface)
Studio Units – Market Rate (13) 1 sp./studio (min.); 1 sp./studio (max.)	13 sp.	77 sp. (Market Rate); 15 sp. (MPDU)
Studio Units – MPDU (4); 0.5 sp./studio	2 sp.	
1 BR Units – Market Rate (47) 1 sp./1BR (min.); 1.25 sp./1BR (max.)	47 sp. - 59 sp.	
1 BR Units – MPDU (17); 0.625 sp./1BR	10 sp.	
2 BR Units – Market Rate (12) 1 sp./2BR (min.); 1.50 sp./2BR (max.)	12 sp. – 18 sp.	
2 BR Units – MPDU (4); 0.75 sp./2BR	3 sp.	
Building A – Bicycle Parking	49 sp. - 100 sp.	49 sp. – 45 sp. (garage) & 4 sp. (exterior)
97 Dwelling Units - 0.50 sp./DU (min.);	49 sp. - 100 sp.	49 sp.

100 sp. (max.); 95% sp. (long-term)		
Building B - Total Residential Units (45)	40 sp. - 46 sp.	46 sp. (garage)
Studio Units – Market Rate (13) 1 sp./studio (min.); 1 sp./studio (max.)	13 sp.	38 sp. (Market Rate); 8 sp. (MPDU)
Studio Units – MPDU (5); 0.5 sp./studio	3 sp.	
1 BR Units – Market Rate (13) 1 sp./1BR (min.); 1.25 sp./1BR (max.)	13 sp. - 16 sp.	
1 BR Units – MPDU (5); 0.625 sp./1BR	3 sp.	
2 BR Units – Market Rate (6) 1 sp./2BR (min.); 1.50 sp./2BR (max.)	6 sp. - 9 sp.	
2 BR Units – MPDU (3); 0.75 sp./2BR	2 sp.	
Building B – Bicycle Parking	23 sp. - 100 sp.	30 sp. – 26 sp. (garage) & 4 sp. (exterior)
45 Dwelling Units - 0.50 sp./DU (min.); 100 sp. (max.); 95% sp. (long-term)	23 sp. - 100 sp.	30 sp.
Building C – Commercial SF	63 sp. - 144 sp.	76 sp. (garage)
Office Space – 15,000 SF 2 sp./1,000 SF (min.); 3 sp./1,000 SF (max.)	30 sp. - 45 sp.	76 sp.
Life Sciences Lab – 32,887 SF 1 sp./1,000 SF (min.); 3 sp./1,000 SF (max.)	33 sp. - 99 sp.	
Building C – Bicycle Parking	10 sp. - 100 sp.	22 sp. – 20 sp. (garage) & 2 sp. (exterior)
47,887 SF Office & Lab – 1 sp./5,000 SF (min.); 100 sp. (max.); 95% sp. (long-term)	10 sp. - 100 sp.	22 sp.

Loading for the Site Plan is safe, adequate, and efficient. The off-street loading space for Building A is a 10'-0" x 30'-0" designated space located at the far-left end of the south façade. The loading area is out of the way of vehicular and pedestrian traffic and is necessary due to Building A having greater than 50 dwelling units. Loading for Building C is accommodated by a dedicated loading dock at the rear of the building and would be directly accessed from Cider Barrel Drive. The off-street loading space is necessary for Building C as per Section 6.2.8.B.2 as the building is classified as an Office and Professional use with greater than 25,001 SF and less than 250,000 SF. The loading dock is located to the side and rear of the building, placing it out of the way of most pedestrian and vehicular traffic. A dedicated loading area for Building B is unnecessary per Section 6.2.8.B.1 as it only contains 45 total dwelling units, whereas 50 dwelling units or greater require an off-street loading space. The Site Plan meets the requirements for the number of loading spaces required and the design standards.

The Site Plan meets the requirements for Section 6.2.9 for parking lot landscaping and outdoor lighting as described in the Landscaping and Lighting sections on page 58.

iii. *Division 6.3. Open Space and Recreation*

Open Space

The location of the open spaces is safe, adequate, and efficient. The zoning code requirement for the CRT zone requires 10% Public Open Space for both residential and commercial areas. This Site Plan exceeds the required amount within the Property tract for the open space by providing 12.4% open space. The primary open spaces are located throughout the Subject Property with the inclusion of the athletic field, the pedestrian trail system, the plaza, and the picnic and seating areas. The western portion of the Subject Property is zoned as R-60 and is environmentally constrained due to existing Category I Conservation Easements. There is also available open space from the setbacks between the buildings, streets, and areas along the pedestrian walkways and sidewalks, all of which provide locations for landscaping and greenery that is consistent with the definition of Public Open Space.

Recreation

The location and quantity of provided recreation facilities is safe, adequate, and efficient. Construction of 142 new dwelling units requires the Site Plan to meet the 2017 approved and adopted Recreation Guidelines. Consistent with the Guidelines, the Site Plan supplied recreation amenities to meet the recreation demand. Table 9, below, illustrates the amount of recreation demand the Site Plan generates.

**Table 9**

<b>Proposed Residential Project - Units by Type and their Demand Points</b>								
<b>Code</b>	<b>Housing Type</b>	<b>Quantity</b>	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Young Adults</b>	<b>Adults</b>	<b>Seniors</b>
Mid-Rise	Multiple-Family, 4 stories or less	137	21.92	31.51	24.66	97.27	65.76	10.96
SFD	Single-Family Detached	0	0	0	0	0	0	0
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
TH	Townhouses and Single-Family attached	0	0	0	0	0	0	0
<b>Total Demand Points =</b>		<b>137</b>	<b>21.92</b>	<b>31.51</b>	<b>24.66</b>	<b>97.27</b>	<b>65.76</b>	<b>10.96</b>

To satisfy the recreation demand, the Applicant has proposed indoor and outdoor recreation amenities, as shown in the supply table (Table 10). The distribution of these facilities is split between the multi-family residential buildings, the commercial building, open space, and pedestrian walkways and sidewalks, providing all future residents immediate access to amenities. All residents will have access to all amenities regardless of whether they live in Building A or Building B.



Table 10

Proposed Onsite Recreation Facilities and their Supply Points								
Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Connection - Trail System	1	0%	2.19	6.30	3.70	14.59	9.86	1.10
Bicycle Parking Garage	1	0%	0	7	14	14	12	5
Resident Lounge	2	0%	0	4	10	20	16	14
Urban Plaza	1	0%	4	6	6	18	15	6
Picnic/Seating	3	0%	3	3	4.50	9	9	9
Inclusive Adaptive Recreation Elements	1	0%	4	6	6	9	9	9
<b>Total Onsite Supply Points=</b>			<b>13.19</b>	<b>32.30</b>	<b>44.20</b>	<b>84.59</b>	<b>70.86</b>	<b>44.10</b>

Table 11, below, demonstrates that the proposed table Site Plan is eligible to claim the maximum 35% of Total Demand Points from existing offsite park facilities within the surrounding area. The amenities are being counted from Montgomery College, Germantown East Local Park, Clearspring Local Park, Neelsville Middle School, Capt. James E. Daly Elementary School, Gunner's Branch watershed, and the Cider Barrel historic site.

Table 11

Existing Offsite Park Facilities and their Supply Points							
Park Facility	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
	1	0	0	0	0	0	0
	1	0	0	0	0	0	0
Amphitheater	1	2	5	4	4	6	6
Bikeways	1	1.10	3.15	3.70	14.59	9.86	1.10
Tennis Court	1	0	5	7	10	6	1
Volleyball or Badminton Court	1	2	2	3	10	6	1
Large Rectangular Field (Soccer, Football, LAX, etc.)	1	2	15	20	25	15	2
Large Decorative Garden	1	2.19	3.15	2.47	14.59	13.15	2.74
Gazebo	1	0	2	7	10	7	5
Civic Green	1	6	9	15	20	15	6
Medium Lawn	1	3	4	9	9	9	3
Memorial	1	2	3	3	7	8	5
Trail System	1	2.19	6.30	3.70	14.59	9.86	1.10
Ice Skating Rink	1	0	6	10	12	7	1
Sprayground	1	0	6	10	12	7	1
Through-Block Connection	1	3	5	5	10	8	5
Artistic Fountain	2	6	10	10	16	16	12
Community Garden	2	2.19	3.15	2.47	14.59	13.15	2.74
Small Decorative Garden	2	2.19	3.15	2.47	14.59	13.15	2.74
Small Lawn	2	4	6	10	14	16	6
Picnic Table	2	2	2	3	6	6	6
Playground, Multi-age (Teen-friendly)	2	18	22	6	4	8	4
Flexible Seating	2	10	10	10	10	10	10
Urban Woodland	2	1.10	1.58	2.47	9.73	6.58	0.55
	3	0	0	0	0	0	0
Artistic Sculpture	3	6	9	9	21	24	15
Urban Plaza	3	12	18	18	54	45	18
Preserved Historic Site (No Signage)	4	24	40	56	64	64	64
	6	0	0	0	0	0	0
Woodland	6	1.10	1.58	2.47	9.73	6.58	0.55
Pocket Green	7	21	35	35	56	56	42
	14	0	0	0	0	0	0
Pocket Plaza	20	60	100	100	160	160	120
Bench	24	0	0	0	0	0	0
<b>Total Offsite Supply Points:</b>		<b>195.06</b>	<b>336.06</b>	<b>369.73</b>	<b>626.41</b>	<b>571.34</b>	<b>344.51</b>
<b>35% of Total Offsite Supply Points:</b>		<b>68.27</b>	<b>117.62</b>	<b>129.40</b>	<b>219.24</b>	<b>199.97</b>	<b>120.58</b>
<b>Max Allowed Pts (35% of Total Demand Pts):</b>		<b>7.67</b>	<b>11.03</b>	<b>8.63</b>	<b>34.04</b>	<b>23.02</b>	<b>3.84</b>
<b>Actual Assigned Offsite Supply Pts:</b>		<b>7.67</b>	<b>11.03</b>	<b>8.63</b>	<b>34.04</b>	<b>23.02</b>	<b>3.84</b>

Table 12, below, demonstrates that the proposed recreation supply, both onsite and offsite, is adequate to meet the recreation demand, therefore the recreation facilities provided are adequate for this Site Plan.

**Table 12**

<b>Results: Demand, Supply &amp; Adequacy</b>					
<b>Age Group</b>	<b>Total Demand Points</b>	<b>Offsite Supply Points</b>	<b>Onsite Supply Points</b>	<b>Total Supply Points</b>	<b>Adequacy</b>
Tots	21.92	7.67	13.19	20.86	Adequate
Children	31.51	11.03	32.30	43.33	Adequate
Teens	24.66	8.63	44.20	52.83	Adequate
Young Adults	97.27	34.04	84.59	118.63	Adequate
Adults	65.76	23.02	70.86	93.88	Adequate
Seniors	10.96	3.84	44.10	47.94	Adequate

iv. *Division 6.4. General Landscaping and Outdoor Lighting*

General Landscaping

The location and quantity of the proposed landscaping is safe, adequate, and efficient on the Subject Property. The Site Plan is proposing landscaping to serve multiple purposes, including screening and canopy cover in-and-around streets and parking facilities, landscaping around amenity areas, and landscaping adjacent to all proposed buildings. All proposed buildings have foundation plantings, helping to soften the edges of the buildings. The Site Plan includes an urban plaza, seating areas, and athletic field that incorporate a wide palette of plant materials that are appropriate with groundcover, shrubs, ornamental trees, and shade trees to provide inviting and comfortable public open spaces, while also providing respite from public streets. Cider Barrel Drive and Public Street A are both lined with larger canopy shade trees, providing a comfortable and inviting streetscape for pedestrians, bicyclist, and motorists.

Outdoor Lighting

The lighting provided with this Application is safe, adequate, and efficient for ensuring good nighttime visibility within the parking lot and open space areas without negatively impacting surrounding residential dwellings. The proposed lighting for the Site Plan is a combination of free-standing poles and pedestrian-scale posts that provide for broad illumination for all public spaces, parking, and areas that might have security concerns. In general, the light poles are provided for all the street and parking lighting, while the pedestrian-scale light posts are provided for accenting and evenly lighting the public open spaces.

v. *Division 6.5. Screening Requirements*

The Site Plan proposes multi-family residential dwelling units and a commercial building within the CRT zone. The Applicant is required to providing screening for Buildings B and C as both lots are directly abutting existing townhouse development located within a Residential zone. Building B is screened from the existing townhouses along the north property line by

meeting the requirements of screening with Option C for a 10'-0" minimum width of planting using a variety of shrubs, and a mix of canopy, understory, and evergreen trees. The west property line of Building B abuts an existing HOA parcel for the townhouses and meets the requirements of Option C for screening. Building C provides screening along the south façade at the southwest and southeast property lines. The southwest property line has exposed parking spaces, accessed from the garage within Building C, and faces existing townhouses. The southwest property line of Building C meets the requirements for screening with Option A, by providing an 8'-0" minimum width of planting using a mix of trees, shrubs, and an existing 4'-0" high fence. The southeast property line is where the loading dock for Building C is located and faces the same existing townhouses and open space. The southeast property meets the requirements for screening with Option B by providing the appropriate mix of trees and shrubs. Lastly, there is screening provided along the northeast corner of Building A, where the building is closest to Cider Barrel Drive and the existing townhouses to the north. This helps to soften the edge of Building A as it would be visible to the public and existing residents.

*c. satisfies the applicable requirements of:*

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

The Site Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on August 7<sup>th</sup>, 2020. The Application will meet stormwater management goals through a variety of techniques including a green roof, bioretention, modular wetland system – linear and structural treatment in an existing stormwater management pond.

*ii. Chapter 22A, Forest Conservation.*

As discussed on the Preliminary Plan Findings, on page 24, of this Staff Report. The Site Plan is subject to the Chapter 22A, Montgomery County Forest Conservation Law. The Site Plan includes the Final Forest Conservation Plan No. 820200140, which Staff recommends conditional approval.

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

*i. Parking and circulation*

The Site Plan provides for safe circulation patterns with well-integrated parking on the Subject Property. The development will have one primary point of access from Frederick Road via Public Street A, which will provide a right-in, right out intersection extending from east-to-west. Public Street A is identified in the Master Plan of Highways and will be constructed as a business district street with a 60'-0" right-of-way. Cider Barrel drive, as currently configured, is not contiguous as it is bisected by the Subject Property. This Application proposes to connect the two different sections of Cider Barrel Drive, creating a continuous connection running north-to-south. The improved Cider Barrel Drive will be classified as a primary residential street with a 70'-0" right-of-way and will connect residents and visitors within the neighborhood. Access to the multi-family buildings and commercial building will

be along Public Street A and Cider Barrel Drive, which will be built to approved standards. The Application provides for adequate emergency vehicle access and turn-around locations. Both streets will be lined with sidewalks along both sides in order to connect with the existing sidewalk systems in place along Cider Barrel Drive and Frederick Road. The proposed sidewalk system will provide connectivity and access to the developed areas surrounding the Subject Property and the proposed open space areas. Additionally, the sidewalk system will provide direct access and circulation for residents and visitors to Buildings A, B, and C. Parking for Building A is accommodated by structured garage parking at the ground level and a surface parking lot located on the south façade of the building. The parking lot and garage are accessed from Cider Barrel Drive. The surface parking lot for Building A meets all the landscaping, outdoor lighting, and screening requirements. Parking for Buildings B and C is accommodated by structured garage parking at ground level, both of which are accessed from Public Street A. The parking requirements for all three buildings is met with the provided garages and surface parking. Bicycle parking is also provided for each building, with dedicated spaces within the garages and outside of the building.

ii. Building massing

As conditioned, the location of buildings and structures is adequate, safe, and efficient. The three proposed buildings are positioned to provide a high level of activation along the public streets they face. Building A is positioned with the shorter east façade running parallel to Cider Barrel Drive and the longer south façade opening out to a parking area and pedestrian plaza. The east façade of Building A is articulated with a tower-like element which helps to frame the view when looking towards it along Public Street A, creating a gateway to the development. The overall massing of Building A is articulated by breaking up the different façades using color, reveals, and changes in depth due to balconies and the overall building configuration. Buildings B and C are positioned with the long façade running parallel to Public Street A, the street both buildings front. This placement provides opportunities to frame the street, creating an articulated edge to the street, and to provide direct accessibility from grade level with access to the sidewalks. Buildings B and C also front out to Frederick road with the short eastern façade sitting far back from the street but providing ample open space. The facades for both buildings also align with the existing townhouse developments located to the north and to the south. This provides a consistent public streetscape along Frederick Road, as well as respecting the existing residential developments. The massing, articulation, and materiality of Building B is very similar to Building A, as well as both being four story multi-family residential buildings. Building C is a commercial building that includes a different material palette, while maintaining a similar building massing. Building C is proposed to be three stories and composed primarily of masonry and glass. Both Buildings B and C have tower-like elements to mark the primary building entrances along Public Street A. All three of the buildings are proposed to have flat roof systems, with articulated parapet walls, as well providing structured garage parking at the ground level. Each building is connected to the surrounding sidewalks along Public Street A, Cider Barrel Drive, and Frederick Road by lead walkways. The walkways access primary main entrances for each of the buildings. Overall, Buildings A, B, and C are well articulated on the façades and massing to provide visual interest along the streets they front.

Development of this Site Plan does require use of a retaining walls to create usable grade within the developable area while minimizing impacts to the adjacent forest and stream

buffers. The retaining walls are articulated in a manner to visually connect the retaining wall to the architecture and site design. The retaining walls range from approximately one to eight feet in overall height, depending upon the location. The retaining walls are primarily located to the south and the west of Building A. The largest retaining wall is primarily located south of the parking lot and extends to the northwest near the athletic field, which is located near the west façade of Building A. The second retaining wall is located at the north edge of the athletic field. The retaining walls and final site grading provide that the areas of the retaining with the greatest height are locations where residents and the public would not be able to easily access and are heavily landscaped. The areas of the retaining wall with shorter heights are locations closer to where they may be more visible or near seating areas. Both retaining walls have ample spaces to allow for access and maintenance. Lastly, the retaining walls are necessary because of the terrain and adjacent environmental features.

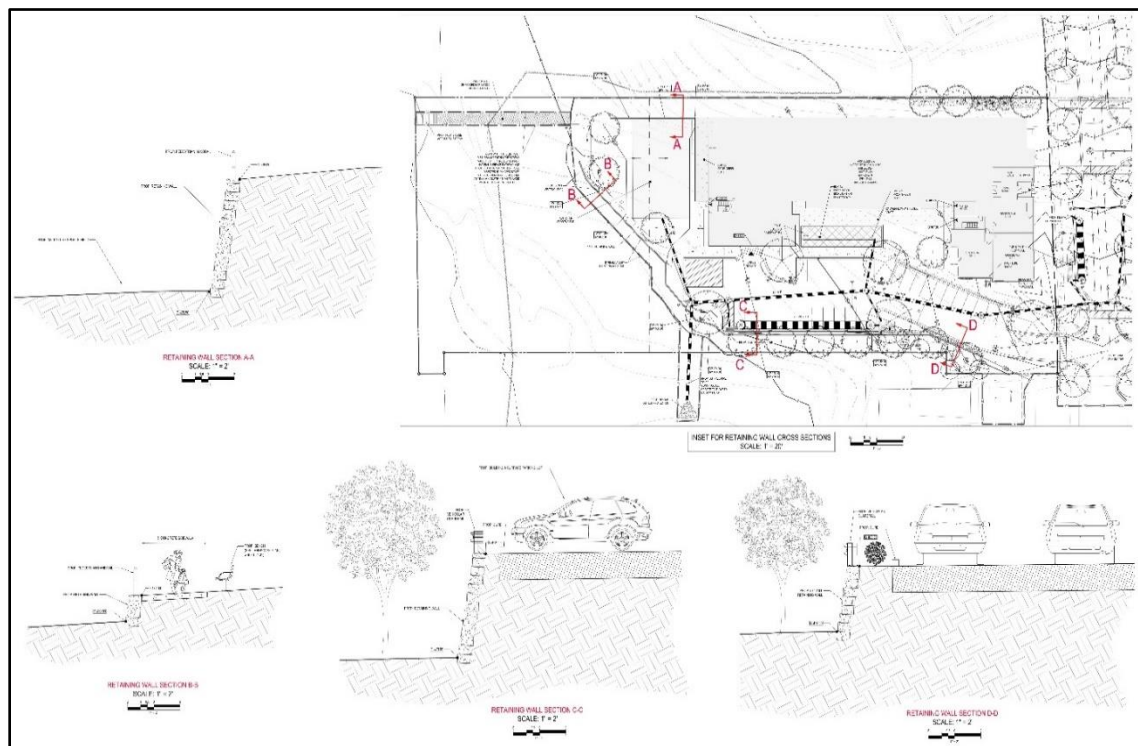


Figure 31 – Retaining Wall Location and Sections

*iii. Open space, and site amenities*

As previously discussed, the Application included Public Open Space. The Public Open Space areas provide amenities, such as seating, shade, unprogrammed open areas, and attractive landscaping. Each amenity space can be easily accessed by the public and residents from multiple points via the proposed sidewalk network. The Public Open Space areas are visible, providing “eyes on the street” and strategically placed lighting will illuminate the areas as necessary for usability and for security precautions. As proposed, the open spaces shown on the Site Plan will be safe, adequate, and efficient.

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



As discussed in the accompanying Preliminary Plan No. 120200170 findings, the proposed development will meet the Master Plan recommendations for transportation connections. The connections being provided are the trail connection, which provides a connection to Montgomery College, and Public Street A, which provides a connection to Frederick Road.

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

As discussed in the accompanying Preliminary Plan No. 120200170 findings, the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

Not applicable, the Property is not located within a Rural Residential or Residential zone.

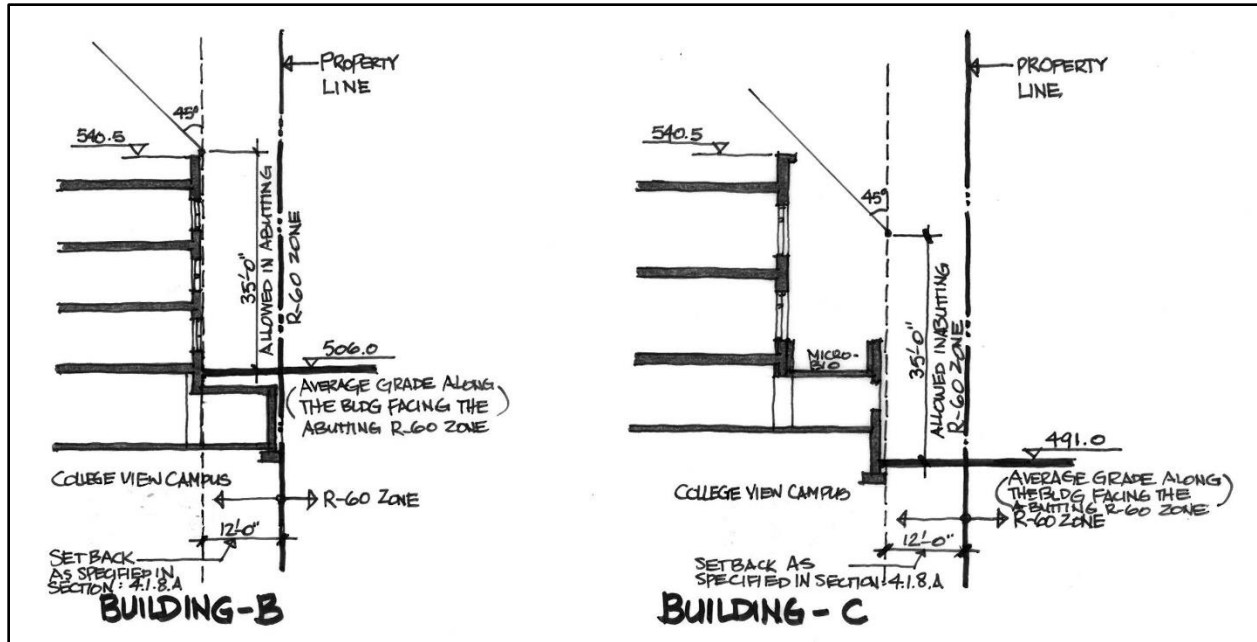
- h. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

#### *Setback Compatibility*

Section 59.4.1.8.A.1.a provides the specific guidance for setback compatibility, which is applicable because this Application is proposing a multi-family residential and commercial building type in a CRT zone, adjacent to residential that is developed with a residential use. Buildings A, B, and C, each meet the requirements necessary for setback compatibility with the adjacent existing residential developments to the north and south of the Subject Property. Furthermore, each of the proposed buildings meets the setback requirements for the CRT zone based upon the orientation of the building fronts, sides, and rear building locations (Figure 18).

#### *Height Compatibility*

Section 59.4.1.8.B.2.a is applicable to the Subject Property because it applies to any development within the CRT zone, abutting a property in a residential zoned property that is developed with a residential use. The requirement states that any structure may not protrude beyond a 45-degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the abutting zone. While the Subject Property is zoned CRT-0.75, C-0.25, R-0.50, H-40 and R-60/TDR 12, all the proposed development and density will be located within the CRT zoned portion. Buildings A, B, and C are all 40'-0" in height as measured from finished grade. The buildings meet the height limitation per the CRT zoning, as well as the height compatibility for the adjacent townhouses to the north and south (Figure 30).



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

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

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

Not applicable, the Subject Property is not zoned C-1 or C-2.

## **SECTION 6 – COMMUNITY CORRESPONDENCE AND ISSUES**

The Applicant has met all proper signage, noticing, and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan and Site Plan was held on January 8, 2020 at the Boys and Girls Club of Greater Washington, Germantown Branch. The meeting was attended by three people from the community. As of the date of this Staff Report, Staff has not received any correspondence from the community regarding this Application.

## **SECTION 7 - CONCLUSION**

The Application meets all development standards and findings established in the Subdivision Regulations and Zoning Ordinance. Access and public facilities will be adequate to serve the proposed lots, the use conforms with the Master Plan and the general requirements of Chapter 59, and the Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Preliminary Plan and Site Plan, with the conditions as enumerated in the Staff Report.

### **ATTACHMENTS**

Attachment A – Preliminary Plan Composite  
Attachment B – Site Plan Composite  
Attachment C – Forest Conservation Plan Composite  
Attachment D – Tree Variance Request  
Attachment E – MCDOT TIS and Approval Letter  
Attachment F – SHA Approval Letter  
Attachment G – MC Fire and Rescue Approval  
Attachment H – Stormwater Management Concept Approval  
Attachment I – DHCA Approval  
Attachment J – MCDPS ROW Permitting  
Attachment K – Extension Requests  
Attachment L – Statement of Justification  
Attachment M - Letter from Montgomery College  
Attachment N – Noise Analysis  
Attachment O – BRT Alternative C  
Attachment P – BRT Study Map