



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

NOV 04 2020

MCPB No. 20-108
Site Plan No. 820200140
College View Campus
Date of Hearing: October 8, 2020

RESOLUTION

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

WHEREAS, on March 12, 2020, Woodside Ventures & Realty Services ("Applicant") filed an application for approval of a site plan for 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 on 4.98 acres of CRT-0.75, C-0.25, R-0.50, H-40 and R-60/TDR 12 zoned-land, located on the east side of Frederick Road, approximately 500 feet north of Cider Press Place ("Subject Property"), in the 2009 Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820200140, College View Campus ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 25, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 8, 2020, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on October 8, 2020 the Planning Board voted to approve the Application subject to certain conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Verma, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Fani-Gonzalez, Patterson, and Verma voting in favor.

- 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 certificate 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).
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
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.

- 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

- 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.

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

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

Not applicable, this Site Plan does not include any binding elements.

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

Not applicable, this Site Plan does not include any green area requirements.

- d. *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 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 approved 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 shows the Site Plan's conformance to the development standards of the CRT zone.

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	1.5*8' (R-60) 12'	12'

Building in front street BTA	35%	35%
Specifications for Build-to Area		
**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.		
4. Height		
Height (max)		
Principal building	40'	40'
5. Form		
Building Orientation		
Entrance facing street or open space	Required	Provided
Entrance spacing (max)	100'	100'
Transparency, for Walls Facing a Street or Open Space		
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'
Specification for Building Orientation and Transparency		
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

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.

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. 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 approved 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.

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 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

Building A-Bicycle Parking	49 sp.-100 sp.	49 sp.-45 sp. (garage) & 4 sp. (exterior)
97 Dwelling Units-0.50 sp./DU (min.); 100 sp. (max.); 95% sp. (long-term)	49 sp.-100 sp.	49 sp.
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 will 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

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. The approved recreation supply, both onsite and offsite, meets the recreation demand, therefore the recreation facilities provided are adequate for the Site Plan.

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

General Landscaping

The location and quantity of the approved landscaping is safe, adequate, and efficient on the Subject Property. The Site Plan includes 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 approved buildings. All 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, bicyclists, 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.

ii. *Chapter 22A, Forest Conservation.*

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.

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

i. Parking and circulation

The Site Plan provides for safe 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 will 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 sidewalk system will provide connectivity and access to the developed areas surrounding the Subject Property and the approved 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

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 ranges 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.

iii. Open space, and site amenities

As previously discussed, the Application includes 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 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 approved, the open spaces shown on the Site Plan will be safe, adequate, and efficient.

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

There are no specific recommendations, but the Sector Plan provides general recommendations. The approved development will meet the Master Plan recommendations for transportation connections. The connections being provided are the trail connection, which provides a connection to

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 approved 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.

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.

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 04 2020 (which is the date that this resolution is mailed to all parties of record); and

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