



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

MCPB No. 21-008
Preliminary Plan No. 12019004A
Poplar Grove
Date of Hearing: January 21, 2021

FEB 16 2021

RESOLUTION

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

WHEREAS, on December 5, 2019, the Planning Board, by Corrected Resolution MCPB No. 19-109, approved Preliminary Plan No. 120190040, creating 176 lots and 45 parcels on 19.4 acres of land in the CR-2.0, C-1.75, R-1.0, H-145T and Germantown Transit Mixed Use Overlay Zone, located on the east side of Century Boulevard between Father Hurley Boulevard and the future Dorsey Mill Road ("Subject Property"), in the Germantown West Policy Area and the 2009 Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, on November 3, 2020, Symmetry at Cloverleaf, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to amend conditions 2, 4, and 26 to update the phased APF validity period as modified by County Council legislation and to clarify that rough grading, stockpiling, sediment and erosion control, re-grading for stockpiling, and interim uses are allowed on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12019004A, Poplar Grove – Phase 1 ("Preliminary Plan," "Amendment," 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 January 8, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 21, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 21, 2021, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12019004A to update the phased APF validity period as modified by County Council legislation and to clarify that rough grading, stockpiling, sediment and erosion control, re-grading for stockpiling, and interim uses are allowed by modifying the following conditions:¹

2. The Preliminary Plan will remain valid for up to 168 months (14 years) from the date of mailing of the Corrected Preliminary Plan Resolution, MCP No. 19-109 dated Dec. 16, 2019 ("Corrected Resolution"). This validity period and phasing schedule accounts for the extension granted by Montgomery County Council Ordinance No. 19-12 (Subdivision Regulation Amendment No. 20-01 – the "SRA") as approved on July 28, 2020. The Phases may occur in any order. Following an initial 24-month (2 year) extension period as provided by the SRA, the Applicant must meet at least one of the following four development triggers every three years (36 months) for the Preliminary Plan to remain valid:
 - a. Record plats for at least 70 townhouse units (Phase IA).
 - b. Record plats for at least 106 additional (176 total) townhouse units (Phase IB).
 - c. Record plats for parcels E4, E6, F2, and G2 in the Maker and Multi-Family District (Phase II).
 - d. Record plats for parcels A1—A4 in the Mixed-Use Transit Oriented District (Phase III).
4. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for two hundred and ten (210) months (17.5 years) from the date of mailing of the Corrected Resolution, including the 12-year extension granted as part of this Preliminary Plan. This updated validity period and phasing schedule accounts for the extension granted by Montgomery County Council Ordinance No. 19-12 (Subdivision Regulation Amendment No. 20-01 – the "SRA") as approved on

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

July 28, 2020. The Applicant must comply with the following cumulative development triggers for the APF to remain valid:

- a. Within seven years (84 months) from the date of the mailing of the Corrected Resolution, building permits for at least 70 townhouse units are issued by Montgomery County or equivalent generating at least 34 AM and 58 PM peak hour trips.
- b. Within ten years (120 months) from the date of the mailing of the Corrected Resolution, building permits for 176 total townhouse units are issued by Montgomery County or equivalent generating at least 88 total AM and 119 total PM peak hour trips.
- c. Within 13 years (156 months) from the date of the mailing of the Corrected Resolution, building permits are issued by Montgomery County for an equivalent generating at least 222 total AM and 449 total PM peak hour trips.
- d. By 17.5 years (210 months) from the date of the mailing of the Corrected Resolution, all building permits associated with the Preliminary Plan are issued by Montgomery County totaling up to 1,015 total AM and 1,203 total PM peak hour trips.

26. Rough grading, sediment & erosion control, stockpiling, and/or any re-grading related to stockpiling may be allowed in areas of the Preliminary Plan not yet regulated by a Site Plan, subject to any temporary use permits required by MCDPS. Interim uses including but not limited to farmers markets, festivals, community farming or gardens, food or vendor carts, outdoor shows, play spaces, gravel parking for pop-up events, or interactive art installations may be allowed in areas of the Preliminary Plan not yet regulated by a Site Plan, subject to any necessary temporary use permits required by MCDPS. Any block or parcel not yet regulated by a Site Plan may be rough graded and/or used as delineated herein consistent with the FFCP without Site Plan approval. Block A may be developed as a paved Park & Ride lot in coordination with MCDOT without Site Plan approval.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and all findings not specifically addressed remain in effect.

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

Public facilities continue to be adequate to support the Application and valid under the Adequate Public Facilities (APF) approval of Preliminary Plan 120190040, as approved by Corrected Resolution MCPB No. 19-109, dated Dec. 16, 2019. This Application accounts for the automatic two-year extension for valid APF validity periods provided by Montgomery County Council Ordinance No. 19-12 (Subdivision Regulation Amendment No. 20-01 – the “SRA”) as approved on July 28, 2020. This Amendment incorporates the revised phasing schedule in Condition 4 and does not otherwise alter the previous APF findings. This Application in-itself does not extend the APF Validity; as conditioned, the Application will instead provide an explicit accounting of the 2-year validity extension as approved under the SRA by modifying the phasing schedule to the following (reflected in revised Condition 4):

Table 1 - Development Scale and Trip Generation by Phase

Phases	Development	Discrete Peak Hour Trips ²		Cumulative Peak Hour Trips ²		Timing	
		AM	PM	AM	PM	Phase Length	Cumulative
Phase IA	70 townhouses	34	58	34	58	84 months (7 years)	84 months (7 years)
Phase IB	106 townhouses	54	61	88	119	36 months (3 years)	120 months (10 years)
Phase II	75 multi-family & 50,000 sq. ft. retail	134	330	222	449	36 months (3 years)	156 months (13 years)
Phase III	290 multi-family, 35,000 sq. ft. retail, & 435,000 sq. ft. office	793	754	1,015	1,203	54 months (4.5 years)	210 months (17.5 years)

The above phasing schedule only accounts for the approved extension provided by the SRA as of July 28, 2020. Any subsequent extension(s), should one or more be approved, shall be applied as applicable by law.

² Trip generation rates are based on the 2013 LATR guidelines. Phase trip generation reflect a proportional representation of the total trips at full build out.

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

The Preliminary Plan Amendment continues to meet the stormwater management requirements of Chapter 19 of the County Code. The Amendment clarifies that rough grading, sediment & erosion control, stockpiling, and/or any re-grading related to stockpiling may be allowed in areas of the Preliminary Plan not yet regulated by a Site Plan, subject to any temporary use permits required by MCDPS.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~FEB 16 2021~~ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor, at its regular meeting held on Thursday, February 4, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board