



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

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

NOV 04 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200140 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, the Subject Property, subject to the following conditions:¹

The development must comply with the conditions of approval for Preliminary Plan No. 120200170.

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.

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.

- 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.

- 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of College View Campus, Site Plan No. 820200140, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *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 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.

Zoning Data Table

| Zone: CRT-0.75, C-0.75, R-0.5, H-40 (Standard Method of Development) | | |
|--|----------------------|----------------------|
| | Required | Approved |
| 1. Site | | |
| Public Open space, tract > 10,000 SF | 10% (16,850) | 12.4% (20,973 SF) |
| 2. Lot and Density | | |
| Lot (min) | | |
| Total Lot area (Site Area) | | 168,503 SF (3.87 AC) |
| 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 | | |
| | | |
| APPROVED 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) | |
| 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 | 1.5*8' (R-60) 12' | 12' |

| | | |
|--|------------------------------------|--|
| Detached, or Residential Townhouse zones (North) | | |
| 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' | 47' max. |
| Building in front street BTA | 70% | See modified BTA request (Pg. 14) |
| Front setback (Public Street A) | 30' | 100% within BTA |
| Building in front street BTA | 70% | |
| Building C (General Building Type) | | |
| Front setback (MD 355) | 20' | 31' max. |
| Building in front street BTA | 70% | See modified BTA request (Pg. 14) |
| 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% |
| 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 |

| | | | | |
|-------------------|---------------------------------------|----|-----|-------|
| 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 approved 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 approved 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 approved 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 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.

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

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 will include 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 approved development. 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.

Parking Data Table

| Development Standard | <u>Required</u> (min.-max.) | <u>Approved</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.); 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

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.

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. To satisfy the recreation demand, the Applicant has included indoor and outdoor recreation amenities. The distribution of these facilities is split between the multi-family residential buildings, the commercial building, open space, and pedestrian walkways and sidewalks, ultimately 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. The approved 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. 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.

v. *Division 6.5. Screening Requirements*

The Site Plan includes 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.

e. *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 7th, 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.*

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

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 approved 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 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 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 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

Montgomery College, and Public Street A, which provides a connection to Frederick Road.

- h. 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;*

The approved 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.

- i. 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.

- j. 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 includes 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 approved buildings meets the setback requirements for the CRT zone based upon the orientation of the building fronts, sides, and rear building locations.

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 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

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by 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, October 15, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board