



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

MCPB No. 21-052
Site Plan No. 820210080
Northpark at Montrose Phase I
Date of Hearing: June 24, 2021

JUL 08 2021

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 December 21, 2020, Wilgus-Montrose Associates, LLC ("Applicant") filed an application for approval of a Phase I Site Plan to redevelop the Wilgus Tract, 12.62-acres of land in the CR-2.0, C-1.0, R-1.5, H-200', CR-2.0, C-0.25, R-1.75, H-75', and CRN-0.75, C-0.0, R-0.75, H-50' zoning districts, generally bound by Montrose Road to the north, Towne Road to the east, Montrose Parkway to the south, and East Jefferson Street to the west ("Subject Property"), located in the Metro Station Policy Area and *2018 White Flint 2 Sector Plan* ("Sector Plan") area, with 107 townhouse units, 34 stacked two-over-two multi-family units, with associated stormwater management, landscape buffers, open spaces and public benefits, including a central park, a school and park contribution and twenty-two (22) Moderately Priced Dwelling Units (MPDUs) (5 townhouses and 17 two-over-two multi-family units).; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820210080, Northpark at Montrose Phase I ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 14, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 24, 2021, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the Phase I Site Plan No. 820210080 for a maximum of 325,924 square feet of residential development on the Subject Property for up to 107 townhouse units and up to 34 stacked two-over-two multi-family units, with associated stormwater management, landscape buffer, open spaces, and public benefits, including a central park, a school and park contribution, and twenty-two (22) MPDUs, subject to the following conditions:¹

Density, Height & Housing

1. Density

This Site Plan ("or Subject Property") is limited to a maximum of 325,924 square feet of residential development on the Subject Property for up to 107 townhouse units and up to 34 stacked two-over-two multi-family units.

2. Height

The development is limited to a maximum height of 75 feet where townhouse and two-over-two units are zoned CR-2.0, C-1.0, R-1.5, H-200; a maximum of 75 feet where parcels are zoned CR-2.0, C-0.25, R-1.75, H-75; and a maximum of 50 feet where parcels are zoned CRN-0.75, C-0.0, R-0.75, H-50, as measured from the building height measuring point(s) illustrated on the Certified Site Plan.

Open Space, Facilities and Amenities

3. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 41,959 square feet of public open space on-site.
- b. Prior to the final inspection or issuance of use and occupancy certificate for the last dwelling unit, as applicable, the Applicant must construct the streetscape improvements along the Subject Property's frontages that are consistent with the Certified Site Plan.
- c. Before the final inspection and issuance of use and occupancy certificates, as applicable, for the 106th dwelling unit on the Subject Property, the Western Park must be substantially completed.
- d. The Applicant must provide the landscaped buffer areas as shown on the Certified Site Plan.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the

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.

Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines for each one.

a) Major Public Facilities

- i. The Applicant will make a financial contribution to the Montgomery County Department of Parks (for the Mid-County Park Benefit Payments (CIP No. P872201) for up to \$427,603.60 towards a school or a park within the Sector Plan area based upon \$0.80 per square foot of non-MPDU optional method density used within the CR zone. This financial contribution is based on the overall number of dwelling units approved, phased over multiple site plan applications, and paid on a per unit basis at the time of building permit as follows.
 - a) \$209,525.76 will be paid under the Phase I Site Plan in the amount of \$1,478.63 per townhouse unit and \$1,509.19 per two-over-two multi-family unit to be assessed at the time of building permit.
 - b) Additional financial contributions will be paid under future phased site plan(s) on a per unit basis to be assessed at the time of building permit in the amount of \$361.06 per multi-family unit, or other dwelling units rates as established in 4(a)(i)(a) if amended to include those unit types.
 - c) The total amount of the financial contribution, as well as the amount of the per unit payment, is subject to change based on the number of units approved at the time of site plan and building permits issued.
- ii. Construction of a park under private ownership identified on the Site Plan as the Central Park must be substantially completed before the final inspection and issuance of use and occupancy certificates, as applicable, for the 71st dwelling unit on the Subject Property.
 - a) The Applicant must record the Public Access Easements across the Western and Central Parks prior to recording the applicable plat(s) and the recordation information included on that plat.
- b) Transit Proximity – The Applicant's requested points are achieved through the Property's location within 1/4 and 1/2 mile, and 1/2 and 1 mile of the proposed north entrance to the White Flint Metrorail Station on Rockville Pike (Level 2).
- c) Connectivity between Uses, Activities, and Mobility Options
 - i. Advance Dedication – With the initial record plat, and prior to the first building permit, the Applicant must dedicate the proposed extension of Stonehenge Place from its current terminus to Montrose Road.
 - ii. Through-Block Connection – In future Site Plan Phase(s), the Applicant must provide the pedestrian through-block connection that links homes and commercial areas to the East Urban Plaza and Towne

Road. The pedestrian connection must be located as shown on the Certified Preliminary Plan.

- d) Diversity of Uses and Activities
 - i. Affordable Housing/MPDUs
 - a) The overall development must provide 15 percent MPDUs, or MCDHCA -approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan. The MPDUs may be dispersed in Phase I as approved by DHCA among the townhouses and ground floors of the stacked two-over-two multi-family units.
 - b) Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
 - c) The Planning Board has reviewed and accepts the recommendations of MCDHCA in its letter dated May 12, 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 may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- e) Quality Building and Site Design
 - i. Structured Parking – In future Site Plan Phase(s), the Applicant will provide structured parking (either above grade or below grade spaces), with final points to be determined at the applicable future Site Plan phase.
- f) Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before the issuance of any residential building permit, the Applicant must provide proof of purchase and/or payment of 0.1215 BLT to the MCDPS and M-NCPPC staff.
 - ii. Cool Roof – In future Site Plan Phase(s), the Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
 - iii. Energy Conservation and Generation – In future Site Plan Phase(s), the Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The energy model must be submitted to DPS with the building permit application.
 - iv. Vegetated Roof – In future Site Plan Phase(s), the Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment.

5. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, public open spaces and publicly accessible pedestrian paths.

Site Plan

7. Site Design

- a) The exterior architectural character, proportion, materials, and articulation of the dwelling units must be substantially similar to the schematic elevations shown in all architectural Sheets, including Sheets A1.0 through A3.1 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

8. 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 down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on both existing and proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

Environment

9. Forest Conservation & Tree Save

The development must comply with the Final Forest Conservation Plan:

- a) Except for the demolition and clearing of the existing gas station on Parcel Q, prior to any demolition, clearing, grading or construction for this development Application, the Applicant must record a Certificate of Compliance in a form approved by the M-NCPPC Office of General Counsel for an off-site forest bank within the Cabin John watershed to satisfy the reforestation requirement for a total of 8.15 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Cabin John watershed or by making a fee-in-lieu payment if mitigation credits are not available.
- 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 Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

10. Noise Attenuation

- a) Prior to the issuance of the first residential building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
 - i. The building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, as indicated on the noise study dated September 3, 2020, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) Before the final inspection for any residential unit affected by excessive noise levels as indicated on the noise study dated September 3, 2020, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- c) If any changes occur to the Site Plan which affect the validity of the noise analysis dated September 3, 2020, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- d) Before the final inspection for the townhouses for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

- e) For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

11. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated May 5, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Underground Utilities

- 12. Before the final inspection and issuance of use and occupancy certificates for all the dwelling units, as applicable, the undergrounding of new utility poles must be completed. This does not include the replacement of utility pole(s) on Montrose Road to accommodate the construction of Street C.
- 13. Before the issuance of the final use and occupancy certificate for the first high-rise multi-family building to be included in a future site plan phase, the Applicant must underground the existing and future utility poles located along the Property's frontage on Towne Road, between Montrose Parkway and Montrose Road. The existing utility pole located at the intersection of Montrose Road and Towne Road identified as PEPCO 766444-199097 may remain.

Transportation & Circulation

14. Transportation

The Applicant must submit a Level 2 Transportation Demand Management (TDM) Action Plan (the "Plan") to the Montgomery County Department of Transportation for the portion of the Subject Property located outside the White Flint Special Taxing District. Applicant must obtain approval from the Department for the Plan prior to the issuance of any residential building permit

for the portion of the Subject Property located outside the White Flint Special Taxing District by the Montgomery County Department of Permitting Services. Level 2 TDM Action Plan requirements are: identification of a transportation coordinator; provision of notification of the coordinator's contact information (and any subsequent changes to the contact information); provision of access to the 2x2 buildings, and display of TDM information to residents. Action Plans also require: a) selection of specific TDM strategies that will contribute toward achieving commuting goals; b) a commitment to fund and implement the Plan; c) self-monitoring; d) biennial reports; e) addition and, or, substitution of strategies if those initially selected by the owner or an applicant do not result in the plan contributing toward achieving North Bethesda TMD goals by four years after final occupancy; and, f) commitment to provide additional funding if the project does not contribute toward achievement of the commuting goals by six years after final occupancy. The portion of the Subject Property located east of Stonehenge Place is subject to the White Flint Special Taxing District requirements of Chapter 68C of the County Code.

15. Bicycle/Pedestrian Facility

- a) The Applicant shall construct a twelve-foot wide Breezeway along the Site's Montrose Parkway frontage (the "Breezeway"). The Breezeway must maintain no less than six (6) feet of separation between the facility and Montrose Parkway per the *Parking Lots to Places: White Flint 2 and Rock Spring Urban Design Guidelines*. Details and specifications of the Breezeway must be provided on the certified site plan(s), acceptable to MCDOT. The timing for the construction of the Breezeway will be provided in future applicable phased Site Plan(s) as follows:
 - i. The segment of the Breezeway from East Jefferson Street to Townhouse Unit 141 aligned with Street D west of Street C must be constructed prior to the issuance of the final use and occupancy certificate for the mid-rise apartment building to be included in a future site plan phase.
 - ii. The remaining segment of the Breezeway between Street C to Towne Road must be constructed prior to the issuance of the final use and occupancy certificate for the first high-rise multi-family building to be included in a future site plan phase.
- b) Prior to the issuance of the final Use and Occupancy Certificate for a dwelling unit in the Phase I Site Plan, the Applicant must provide a fee-in-lieu to the Montgomery County Department of Transportation, in the amount of \$241,640 subject to MCDOT review and approval, for the construction of a protected bicycle intersection at Montrose Parkway and East Jefferson Street and the master-planned separated bicycle lanes along East Jefferson Street.

16. Private Roads

- a) The Applicant must provide Private Roads labelled on the Site Plan as Street A, Street B, and Street D, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by the Site Plan within the delineated private road area (collectively, the "Private Road").
- b) A separate bond shall be set aside for ongoing maintenance requirements with respect to the private roads, in an amount approved by M-NCPPC Staff.

17. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 32 long-term and 24 short-term bicycle parking spaces.
- b) The long-term spaces must be in well-lit, secure parking areas, and for townhouses, are provided in the garages of those units capable of bicycle storage. The short-term spaces must be inverted-U racks (or approved equivalent) installed in a convenient location within the Central and Western Parks (weather protected preferred) at the specific location(s) as identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station within the Central Park.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, 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, before right-of-way permit:
 - i. Stonehenge Place Extension: five-foot-wide (5 ft.) sidewalk with a green buffer from traffic that varies between six feet (6 ft.) to seventeen feet wide (17 ft.);
 - ii. E. Jefferson Street: five-foot-wide (5 ft.) sidewalk along the Subject Property's frontage.
 - iii. Street C: five-foot-wide (5 ft.) sidewalk;
 - iv. Montrose Road between Stonehenge Place Extended and Street C: five-foot-wide (5 ft.) sidewalk with green buffer from traffic that varies between nine feet (9 ft.) to eleven and a half feet wide (11.5 ft.).
 - v. Montrose Parkway: In future applicable Site Plan(s), twelve-foot-wide (12 ft.) shared-use path (the Breezeway) with a green buffer from traffic that varies between eleven and a half feet wide (11.5 ft.) to thirteen and a half feet (13.5 ft.) wide; and
 - vi. In future applicable Site Plan(s), a protected intersection where the separated bicycle lanes on Towne Road meet the sidepath on Montrose Parkway.

18. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated May 3, 2021 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade building permit or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant and may be phased in accordance with the approved development plan. 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, mailbox pad sites, trash enclosures, retaining walls, fences, railings, sidewalks, private utilities, paths and associated improvements of the development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit for the 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.

20. 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.

21. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).

- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Details and specifications of private roads and pathways.
- g) Include the final fence manufacturer, color, and style of the proposed 6-foot 6-inch high fence proposed within the landscape buffer.
- h) Revise public benefit point table including the calculation details in the summary for Phase I and future phases.
- i) Provide an exhibit that identifies the locations within the Site of residential end units that face rights-of-ways and parks which correspond with the architectural elevations shown in all architectural Sheets, including Sheets A1.0 through A3.1 of the submitted architectural drawings. The elevations must also contain corresponding architectural elevations for the 8 townhouse units facing the existing Cherington Townhomes.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Northpark at Montrose Phase I Site Plan No. 820210080, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site.*

The Phase I Application demonstrates compliance with the conditions of approval for the previously approved Sketch Plan No. 320190070 and Preliminary Plan No. 120200140 for the Property.

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

Not applicable.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

Not applicable.

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

a. Development Standards

The development was reviewed for compliance with the dimensional requirements for the CR and CRN zones as specified in the Zoning Ordinance. As shown in Table 1, the development will meet all the dimensional requirements for area, frontage, width, and setbacks in the zones and accommodate the proposed uses.

Table 1: Development Standards in the CR and CRN Zones

	Required/ Permitted			Approved
	CR-2.0, C-1.0, R-1.5, H-200	CR-2.0, C-0.25, R-1.75, H-75	CRN-0.75, C-0.0, R-0.75, H-50	
Site				
Tact Area	410,253 sf.	174,332 sf.	140,438 sf.	725,023 sf. (16.64 ac.)
Site Area (Entire Site) ¹				544,142 sf. (12.49 ac.)
Site Area (Phase I Site Plan)				371,745 sf. (8.53 ac.)
Density (acre of Site area/units)	615,380 sf.	305,082 sf.	105,328 sf.	325,924 sf. (Residential Only/ Phase I)/141 units (1,025,789 sf. Entire Site)
Public Open Space (min.) (% of Site area)	54,450 sf./ 10% (Entire Site – 1.25 acres) Central Park (32,647 sf./ 0.75 ac.) Western Park (9,302 sf./ 0.21 ac.)			41,959 sf. (Phase I – 0.96 ac.)
Lot Coverage (max.)	Set at Site Plan		n/a	90% max.
Lot Dimensions (min.)				
Lot area	n/a	n/a	800 sf.	940 sf. (townhouse) 1,300 sf. (2 over 2)
Lot width at front building line	n/a	n/a	12 ft.	16 ft. (townhouse) 150 ft. (2 over 2)
Lot width at front lot line	n/a	n/a	n/a	16 ft. (townhouse) 150 ft. (2 over 2)
Frontage on street/ open space	Required			Provided
Building Height (max.)	200 ft.	75 ft.	50 ft.	50-75 ft. max.
Principal Building Setbacks (min.)				
Front setback from public street	Set at Site Plan		5 ft.	5 ft.

Side street setback	Set at Site Plan	5 ft.	3 ft. (CR); 5 ft. (CRN)
Side Setback End Unit	Set at Site Plan	2 ft.	5 ft.
Side setback between lot and site boundary	Set at Site Plan	4 ft.	5 ft.
Side Setback abutting all other zones	Set at Site Plan	n/a	5 ft.
Rear Setback abutting all other zones	Set at Site Plan	10 ft.	4 ft. (CR); 10 ft. (CRN)
Rear setback alley	Set at Site Plan	4 ft.	4 ft.
Rear setback between lot and site boundary	Set at Site Plan	5 ft.	7 ft.
Build-to-Area (BTA)			
Max. front setback	Set at Site Plan	15 ft.	15 ft.
Bldg. in front street BTA	Set at Site Plan	70%	70%
Form			
Massing	Set at Site Plan	12 units per row (max.)	10 units per row
Building Orientation			
Entrance facing street or open space	Required		Provided
Entrance spacing	Set at Site Plan	n/a	24 ft.
Wall Transparency (max.)	Set at Site Plan	35 ft. (front, side/rear)	35 ft.

For an optional method development in the CR zone, the Project provides public benefits per Section 59.4.5.4.A.2.a of the County's Zoning Ordinance. The Project must provide a minimum of 100 public benefit points in at least four public benefit categories. Table 2 shows the Applicant's proposed public benefits across six categories that will be implemented in phases. The Application will provide public benefit points in the categories previously approved in the Sketch Plan for a total of 53 public benefit points in the Phase I Site Plan. The remaining public benefit points will be applied to future phases and reviewed and approved with the relevant site plan. The Planning Board approves the Applicant's public benefit categories and points as noted below.

Table 2: Public Benefit Points for Phase I

Public Benefit	Max Pts. Allowed	Incentive Density Points Approved		
		Phase I	Future Site Plan(s)	Total Points
59.4.7.3.A: Major Public Facility				
Central Park	70	12	---	12
School & Park Contribution	70	12.25	12.75	25
59.4.7.3.B: Transit Proximity				
Partial Site within ¼ mile of Level 2 Transit Station	20 (1/2 mi.); 15 (1/2- 1 mi.)	19.43	7.27	26.70
59.4.7.3.C: Connectivity/Mobility				
Advanced Dedication - Stonehenge Pl. Extension	30	2.33	---	2.33
Through-Block Connection	20	---	10	10
59.4.7.3.D: Diversity of Uses and Activities				
Affordable housing - 15% MPDUs	n/a	5.89	24.11	30
59.4.7.3.E: Quality of Building and Site Design				
Structured Parking	20	---	10.94	10.94
59.4.7.3.F: Protection and Enhancement of the Natural Environment				
Building Lot Termination (BLTs) - Off-Site	30	1.09	13.12	14.21
Cool Roof	10	---	5	5
Energy Conservation & Generation (on high rise building)	30	---	5	5
Vegetated Roof (on high rise building)	15	---	7.5	7.5
Total Points Approved*		52.99	95.69	148.68

**Future points to be verified at the time of future site plan(s) approval.*

b. General Requirements

i. Site Access

The intent of the site access requirements per Section 59.6.1.1 of the County's Zoning Ordinance is to ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to reduce traffic congestion. However, the requirement applies only to a proposed apartment, multi-use, or general building type. Future Site Plans (s) for the

remaining multi-family buildings on the Wilgus Property must comply with site access requirements.

ii. *Parking, Queuing, and Loading*

Vehicular Parking

The Application provides adequate parking in a safe and efficient manner and meets the on-site parking requirement of 2.0 vehicle spaces for each new dwelling unit, while also providing additional on-street parking along proposed Stonehenge Place Extension and Streets A, B, C, and D. A total of 337 spaces will be delivered in Phase I as shown in Table 3. The parking provided is appropriate for the nature of the use and intensity and is easily accessible from the various roadways. While loading spaces are not required for residential uses, the design of the Project can facilitate the safe unloading of small delivery trucks anticipated for neighborhood deliveries. Also, the proposed on-street parking will allow for visitor parking for residential units and for the two parks.

Table 3: Parking Provided in Phase I

	Required	Approved Phase I
Vehicular Parking		
<i>Townhouses & 2-over-2's (2 per unit)</i>	282 spaces	282 spaces
<i>On-street public spaces</i>	n/a	18 spaces
<i>HOA overflow parking</i>	n/a	37 spaces
Bicycle Parking		
<i>Short-term use (2-over-2's)</i>	12 spaces	34 spaces within garages
<i>Long-term use</i>	24 spaces/bike racks	24 spaces/bike racks

Bicycle Parking

The Site Plan is subject to Section 59.6.2.4.C and Section 59.6.2.6. of the County's Zoning Ordinance for bicycle parking. The Phase I Property requires at least 12 long-term bicycle parking spaces for the 34 two-over-twos, of which garage parking in all 34 units will be capable of bicycle storage. A total of 24 short-term bicycle parking spaces are required and 20 bicycle racks are proposed at the Central Park and four (4) bicycle racks are proposed at the Western Park. Future Site Plan(s) must include required bicycle parking for the proposed mid-rise and high-rise multi-family buildings.

Loading

Off-street loading is not required for the 34 multi-unit dwelling units per Section 59.6.2.8.B.1 of the County's Zoning Ordinance. Loading for the Project is proposed to occur in association with the future construction of the high-rise and mid-rise buildings with retail uses. Trucks must back into proposed Parking Garage C (the easternmost multi-family building on Montrose Parkway) from proposed Street C. However, backing movements along public streets are not acceptable. Therefore, the Preliminary Plan required the Applicant, at the time of the applicable Site Plan, to enter into a loading management plan governing the times of day trucks can enter the Site and associated operational safety requirements.

iii. *Open Space and Recreation*

Per Section 59.6.3.1 of the Zoning Code, the Applicant is providing Open Space based on requirements for building types within CR and CRN zones. The Site Plan provides two open spaces known as the Central Park and Western Park which will feature new trees that yield environmental benefits and new amenities for active and passive activities. Both parks are required to have a Public Access Easement that will provide public accessibility.

Section 59.6.3.9 of the Zoning Ordinance requires that any building containing 20 or more dwelling units offer recreational facilities in accordance with M-NCPPC's Recreation Guidelines. The provided recreation facilities meet the requirements of the Recreation Guidelines according to the Recreation Facilities Data table shown on the Certified Site Plan. The Application provides an adequate supply of facilities including lawn areas, seating, and interactive music elements in addition to the other facilities listed in the recreation tables.

iv. *General Landscaping and Outdoor Lighting*

Division 6.4 of Chapter 59 of the Zoning Code provides minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The proposed landscaping and lighting satisfy all applicable design guidelines and streetscape standards. All proposed trees and plant materials meet the minimum required caliper and height at the time of planting, and some of the site landscaping contributes to stormwater management measures (where approved by DPS). The

proposed light fixtures along the Stonehenge Place extension and Street C will be located within the public rights-of-way. The existing light poles along Montrose Parkway will be retained. Following design requirements for lighting, the shielded light fixtures are appropriately spaced and oriented away from the residential uses to reduce light glare. Overall, the proposed Phase I Site Plan meets the intent of these general development requirements and will not have adverse impacts on the existing community character but will rather enhance safety on various public and private roads within the Site.

v. *Building Massing and Architecture*

In keeping with the surrounding neighborhood, architectural plans for the Phase I Property address key residential building features such as garage placement, building fenestration, and lead walks. This residential infill development provides pedestrian-friendly streets where the proposed townhouses and two-over-two units have rear-loaded garages which maximize the presence of the homes from the sidewalks. The main entrances for the proposed dwelling units will front on streets or open spaces with lead walks to sidewalks and shared use paths to support non-motorized activity. Also, per Section 59.4.5.4.B.4 the Plan provides less than the maximum of 12 townhouse units permitted in a single row.

All end unit elevations for the proposed residential dwellings that face a roadway or park have been treated with additional masonry and ample fenestration. Additionally, the eight (8) townhomes that abut the Cherington HOA have been treated with upgraded architectural detailing and materials to enhance their viewshed alongside the landscape buffer.

Thus, with the conditions of approval, the Phase I Site Plan provides safe, well-integrated parking, vehicular and pedestrian circulation patterns, open spaces, site amenities and building massing/architecture.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on May 5, 2021. The plan will meet

stormwater management requirements through an environmental site design (ESD) plan that includes micro-bioretenention areas, bioswales, micro-bioretenention planter boxes, permeable pavement, and modular wetland systems.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Preliminary and Final Forest Conservation Plan

A Preliminary Forest Conservation Plan (PFCP) and tree variance were approved by the Planning Board as a part of the review and approval of Preliminary Plan No. 120200140. The net tract area for the PFCP is 15.21 acres. There are 11.30 acres of forest, all of which will be cleared. This results in a reforestation requirement of 8.15 acres. A variance request for the removal of specimen trees was also approved with the PFCP.

The Final Forest Conservation Plan (FFCP) is in substantial conformance with the previously approved PFCP. The Applicant will fulfill the required 8.15 acres of reforestation mitigation through the purchase of off-site banking credits equaling 8.15 acres of new forest planting, or 16.3 acres of existing forest preservation.

Noise

The Applicant submitted a noise study for the Project on December 21, 2020. The noise analysis shows that the facades of some of the dwelling units along Montrose Parkway and Montrose Road, as well as some units facing East Jefferson Street, and some interior units near the roads, will be subject to Day-Night Average Sound Levels greater than the County standard of 65 db. These units will need to be constructed using materials that keep interior sound levels below the County interior noise standard of 45 dBA Ldn.

The Noise Study also shows that exterior noise levels will exceed the County standard of 65 dBA Ldn in all of the Western Park area, and in a portion of the Eastern Park. The study indicates that achieving exterior sound levels below 65 dBA Ldn for the Western Park would require the construction of a sound wall 9 feet high along Montrose Road and 8 feet high along East Jefferson Street. Achieving the County standard in all of the Eastern Park would require the construction of a sound wall 7 feet high along Montrose Parkway. These structures would wall off the park areas from the surrounding community and defeat the purpose of

providing accessible community open space. The Applicant has submitted a letter requesting a waiver from the 65 dBA Ldn standard for the park areas per the provisions of Section 2.2.2 of the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*. The Planning Board approved this noise waiver request as part of the Site Plan approval because the exterior noise attenuation measures mentioned above, sound walls, would be infeasible due to the aesthetics and constraints of the parks.

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

Vehicular Access and Circulation

Vehicular access points for the new dwelling units are provided on driveways which are paired with a new set of alleys and roadways. The final roadway layout for the proposed homes provides efficient access to existing roads, maximizes public open areas and creates adequate separation between existing residences in the area. The minimum required parking for each proposed townhouse and two-over-two townhouses will be provided on each lot via a garage. By way of the extension of Stonehenge Place and several new private and public roads and alleys, the development will improve connectivity and access points into surrounding developments.

Pedestrian and Bike Access and Circulation

Currently, there are no pedestrian accommodations along the existing section of Stonehenge Place. The Phase I Site Plan will provide five-foot-wide public sidewalks along the proposed Stonehenge Place Extension and the four other new roadways (Streets A, B, C, and D). The new sidewalks will connect to existing sidewalks along the surrounding major roads. In addition to new sidewalks, the pedestrian experience within the Site will be further enhanced due to streetscape improvements which include pedestrian-scale lighting, landscaping, and street trees. The Site Plan also includes ADA curb ramps and new crosswalks. The provision of adequate sidewalks and crosswalks will assist in facilitating access to bus service, public open spaces within the Subject Site, and other nearby community amenities. The Applicant is also required to provide flush pedestrian and bicycle facilities over the Montrose Road driveway as well as hold the Montrose Parkway Breezeway flush over all intersections unless an intersection requires signalization.

The 2018 *White Flint 2 Sector Plan* proposes a shared-use path along Montrose Road (LB-1), a separated bike lane for Towne Road (LB-11), and either a standard bike lane or separated bike lane for East Jefferson Street (LB-4). Currently, Montrose Parkway (SP-50) has an existing 10-foot-wide shared-use

path along the southern portion of the Wilgus Property. As conditioned by the Preliminary Plan, future phases will deliver a twelve-foot-wide shared use path along Montrose Parkway and the two-way bicycle lanes on Towne Road. This Subject Application will provide a six-foot-wide sidewalk and a fee-in-lieu payment for the recommended bicycle lanes (to be constructed by others in the future) along the Property's East Jefferson Street frontage.

Overall, the proposed Phase I Site Plan complies with the Preliminary Plan for pedestrian and bicycle facilities as follows:

- Provides streetscape details that enhance pedestrian safety and walkability for all major roads surrounding the Subject Property.
- Ensures that all internal pedestrian connections are ADA compliant.
- Provides the required number and type of bicycle parking spaces.
- Provides the recommended bike-sharing station at the southern edge of the Central Park.
- Provides the recommended bicycle facilities and a fee-in-lieu payment for future facility construction as conditioned.

Transit

The furthest point of the Subject Property is located just under one mile from the Washington Metropolitan Area Transit Authority's (WMATA) White Flint Metrorail Station and Ride On Bus service is located adjacent to the Site. There are no specific transit recommendations from the Sector Plan; however, the Phase I Property provides sidewalks and bicycle facilities which make the various existing transit services more accessible.

Open Space

The placement of the proposed residential units provides for two functional public open spaces that are well landscaped and total nearly one (1) acre in Phase I. Site amenities such as benches and play equipment are included within the public open space areas which are centrally located and accessible to the broader surrounding community. Therefore, opportunities for passive and active recreation can occur throughout the Property. Other site amenities will enhance the streetscape along the Subject Property's frontage with sidewalks, pedestrian scale lighting, landscaping, and street trees.

Building Massing and Architecture

In keeping with the surrounding neighborhood, architectural plans for the Phase I Property address key residential building features such as garage placement, building fenestration, and lead walks. This residential infill development provides pedestrian-friendly streets where the proposed townhouses and two-over-two units have rear-loaded garages which maximize the presence of the homes from the sidewalks. The main entrances for the proposed townhouses and

two-over-two units will front on streets or open spaces with lead walks to sidewalks and shared use paths to support non-motorized activity. Also, per Section 59.4.5.4.B.4 the Plan provides less than the maximum of 12 townhouse units permitted in a single row.

All end unit elevations for the proposed residential dwellings that face public-rights-of-way or a park have been treated with additional masonry and ample fenestration. Additionally, the eight (8) townhomes that abut the Cherington Townhouses have been treated with upgraded architectural detailing and materials to enhance their viewshed alongside the landscape buffer.

Thus, with the conditions of approval, the Phase I Site Plan provides safe, well-integrated parking, vehicular and pedestrian circulation patterns, open spaces, site amenities and building massing/architecture.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The 2018 *White Flint 2 Sector Plan* identified the Wilgus Property, inclusive of the Subject Application, and indicated that “undeveloped portions of the Wilgus property have the greatest potential for new development. Redevelopment in this area would serve as an important link between the Executive Boulevard District and the Pike and Rose development” (p.37). The Sector Plan envisions the Wilgus properties contributing to a walkable, pedestrian-friendly environment. The Sector Plan also notes that the “land use and zoning recommendations for the Wilgus property will permit greater intensities and building heights via the CR Zone on the eastern portion, and lower heights and densities via the CRN Zone on the western portion adjacent to the existing Cherington townhouses. At least 1.25 acres of open space should be provided in the Wilgus property when it is developed, either on the area south of the existing townhouses and/or as a neighborhood green on the central or eastern portion of the Wilgus property. If the area south of the Cherington townhouses is developed with residential units, there should be appropriate transitions between the two communities, including landscaping”. The Application is compatible with the abutting residential use because the proposed townhouses will face the existing townhouses and provide a 20-foot-landscaped buffer.

Density and Building Height

The Subject Application density and building heights are consistent with the Sector Plan’s recommendations. Proposed residential townhouses west of Stonehenge Place are within the 50-foot height limit and residential townhouses and two-over-twos within the middle segment of the Site are within the 75-foot

height limit. The Project's overall density is within the Sector Plan's density recommendations.

Design and Connectivity

The Sector Plan's design and connectivity recommendations for the Wilgus Property are to:

- Establish a pattern of short blocks and internal streets to promote walkability.
- Locate maximum building heights at the eastern end of the Property along Towne Road.
- Reduce building heights toward the existing Cherington townhouse development to establish a compatible relationship with the existing residential development.
- Enhance pedestrian areas along Towne Road to improve pedestrian connectivity between northern and southern districts.
- Extend Stonehenge Place as a public street to connect between Montrose Parkway and Montrose Road.
- Create open spaces, including an area with a minimum of 1.25 acres, for public use that is connected to the overall open space network.
- Provide screening via fencing, a hedge, tree planting or other appropriate means between the existing Cherington townhouses to the north, and any new development to the immediate south (p.38).

Overall, the Site Plan achieves these design and connectivity requirements, including providing a total of 1.43 acres of public open space across all phases, including a 0.75-acres Central Park in Phase I.

Housing

The Sector Plan requires that "15% MPDUs as the highest priority public benefit for all new residential development unless the property is required to dedicate land for a school site or athletic fields that can be used by Montgomery County Public Schools (MCPS) and approximate the size of a local park." The Application provides 15 percent MPDUs for the development; therefore, it is consistent with the Sector Plan recommendations for affordable housing. The Application includes 17 of its required 22 MPDUs for Phase I be comprised of lower-level units of 2-over-2 townhomes with the remaining dispersed through the townhouses.

Master Planned Roadway

The Site Plan adequately addresses the recommendations for existing and proposed roadways associated with the development: Montrose Road, East Jefferson Street, Towne Road, and Stonehenge Place Extension.

Montrose Road: The 2018 White Flint 2 Sector Plan classifies Montrose Road as an 80-foot wide four (4) lane arterial roadway. The *Parking Lots to Places: White Flint 2 and Rock Spring Urban Design Guidelines* recommend an 82' wide section with a six-foot sidewalk and seven-foot planting strip adjacent to the Site. The Application provides a six-foot-wide sidewalk with a planting buffer of varied width (no less than seven feet near driveway entries). Additionally, the Application provides a five-foot public utility easement (PUE) adjacent to the Site.

East Jefferson Street: The White Flint 2 Sector Plan classifies East Jefferson Street as a four (4) lane 80-foot wide business street; however, the *Parking Lots to Places: White Flint 2 and Rock Spring Urban Design Guidelines* (page 122) recommends that the Site dedicate an additional ten (10) feet of ROW to provide a six (6) foot planting strip separating the bicycle and pedestrian facilities from the roadway, a ten (10) foot bidirectional separated bicycle lane, and a six (6) foot sidewalk. Per the Preliminary Plan Resolution, the Applicant will meet the intent of the Guidelines through a dedication of right-of-way to ensure no less than 25 feet is available between the roadway curb and the Applicant's Property line for the future bicycle and pedestrian facilities. However, since the Applicant's frontage along East Jefferson Street is minimal, the Applicant will pay an in-lieu fee to contribute towards the future construction of the master planned separated bicycle lanes and associated protected intersection.

Towne Road: The 2018 White Flint 2 Sector Plan classifies Towne Road as a four (4) lane divided major highway with a 120' width (exclusive of turn lanes). Currently, the portion of Towne Road adjacent to the Site is seven (7) lanes wide, including turn lanes. The *Parking Lots to Places: White Flint 2 and Rock Spring Urban Design Guidelines* do not include the segment directly adjacent to the Site, likely due to constraints by capacity needs. However, as conditioned by the Preliminary Plan, a future phase(s) will provide (from the curb to Property line) a six-foot landscaped tree panel, a ten-foot two-way separated bike lane facility, and a sidewalk no less than six feet. The separated bike lanes will be depressed between the landscaping and sidewalk with a 2-3-inch curb reveal and accompanied by a protected intersection where the separated bicycle lanes meet the sidepath on Montrose Parkway.

Stonehenge Place Extension: The 2018 White Flint 2 Sector Plan classifies the existing north-south segment of Stonehenge Place and its associated extension as a 60-foot business street. The existing right-of-way is approximately 70 feet wide, and the Applicant will maintain the dimensions of the roadway through the proposed extension to be delivered in the Phase I Project.

Master Planned Bikeway

The approved and adopted 2018 Bicycle Master Plan recommended several bicycle facilities along the Property's frontage that will connect to other facilities in the vicinity. Thus, the Proposed Phase I Site Plan addresses all recommendations and requirements to be constructed with the Subject Property.

Therefore, with the conditions above, the Site Plan is in substantial conformance with the 2018 White Flint 2 Sector Plan.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

According to the approved Preliminary Plan No. 120200140, the Project will be served by adequate public facilities (APF), including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The Planning Board previously approved the APF validity period for ten years which expires in 2030.

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

The Project is compatible with existing and approved adjacent development. As previously noted, the Phase I Property abuts the existing Cherington Townhouses which are located at the intersection of Montrose Road and E. Jefferson Street and to the north of 64 of the proposed new townhouses. As confirmed in the approved Sketch and Preliminary Plans, the proposed Site Plan continues to provide compatibility with neighboring properties. The Phase I Project conforms with height recommendations by locating the maximum building heights at the eastern end of the Subject Property along Towne Road and includes townhouse units and two-over-two units with building heights significantly less than the zone allows. There is also a reduced building height toward the existing Cherington townhouse development to establish a compatible relationship with the existing residential development.

The layout of the 64 townhouses establishes a compatible relationship with existing Cherington townhouses. In particular, the current arrangement of the 16 townhouse lots closest to the Cherington townhomes was rotated west to east so that the side facade only of a few units are exposed to the north, which addresses privacy needs and concerns. These townhomes have access to proposed Private Street B, of which a significant length of this roadway shifted south toward Montrose Parkway to create a greater degree of separation between the roadway and the Cherington townhouses. Additionally, the Project and Cherington will be separated by a proposed 20-foot-wide landscaped buffer and

the installation of a six-and-a-half-foot tall composite material fence along the length of the landscape buffer.

Finally, compatibility will be achieved via multi-modal connections between the Subject Property, future development phases, and existing adjacent development. The development will create new north/south street connections (Stonehenge Place Extension and Public Street C) and new east/west street connections (Private Street B and Private Street A) and include sidewalks. Under future Site Plan phase(s), Private Street A will continue west from its current terminus under Phase I and lead to a new through-block connection that will allow access to new high-rise buildings, the East Urban Plaza, and the nearby Pike and Rose community across Towne Road.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including testimony, 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 JUL 08 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).

* * * * *

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 Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, June 24, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board