



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

MCPB No. 21-134  
Site Plan No. 820210100  
MEADOWVALE  
Date of Hearing: December 16, 2021

**DEC 28 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 June 1, 2021, Zhijie Jiang, CK Technologies, LLC ("Applicant") filed an application for approval of a site plan for the construction eleven townhouses and seven single-family detached houses, with one existing single-family dwelling to remain; including landscaping for common open space, finalizing the streetscape design for Bell Tower Drive, and providing the hardscape details for the pedestrian connection to Nike Missile Park on 5.17 acres of R-200/TDR 5.0 and R-90 zoned-land, located at 18857 Cross Country Lane, Gaithersburg, MD, 20879 ("Subject Property"), in the *1985 Gaithersburg Vicinity Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820210100, MEADOWVALE ("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 December 6, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 16, 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/ Matthew T. Mills  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820210100 for the construction eleven townhouses and seven single-family detached houses, with one existing single-family dwelling to remain; including landscaping for common open space, finalizing the streetscape design for Bell Tower Drive, and providing the hardscape details for the pedestrian connection to Nike Missile Park, the Subject Property, subject to the following conditions:<sup>1</sup>

**Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of eight (8) single family homes and eleven (11) townhomes on the Subject Property.

2. Height

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

3. Transfer of Development Rights (TDRs)

The Applicant must purchase nine (9) TDRs for the development.

**Open Space, Streetscape Improvements, Facilities and Amenities**

4. Common Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 43,986 square feet of common open space (20% of the Site Area) on-site.
- b. The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).
- c. Prior to final building permit for the final residential unit, the Applicant must construct the streetscape improvements, including the 5-foot sidewalk along Bell Tower Drive consistent with the streetscape standards determined by MCDOT.
- d. Prior to final building permit for the final residential unit, all public use and amenity space areas on the Subject Property must be completed.
- e. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the access path to Nike Missile Park and common open space uses.

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<sup>1</sup> 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.

5. M-NCPPC Department of Parks

The Applicant must participate in the implementation of the master planned bikeway connection on Calypso Lane by either constructing and/or providing a fee-in-lieu financial contribution for the master planned bikeway connection in Nike Missile Park. The final scope of work and/ or financial contribution will be determined by Staff.

- a. Prior to Certification of the Site Plan, the Applicant will submit for Parks Department staff approval, an engineering cost estimate for the bikeway.
  - b. Prior to the final inspection for the 7th residential dwelling unit, the Applicant must construct or make the fee-in-lieu payment to the Parks Department, the final amount and/ or limits of which will be determined by Parks Staff at the time of either payment or construction.
  - c. If the Parks Department does not accept the fee-in-lieu financial contribution or the Applicant is unable to construct the master planned bikeway, the Applicant must obtain a Site Plan Amendment to address the master plan bikeway requirement.
6. Prior to the final inspection for the 7th residential dwelling unit, Applicant must obtain a Park Permit for the connection from the Subject Property to the adjacent park access road into Nike Missile Local Park. The connection includes, but it not limited to painting and striping, and placements of bollards for a five-foot wide pedestrian path and a crosswalk.

**Environmental**

7. 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.
8. 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.
9. Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record a Category II Conservation Easement over all areas of forest retention and forest planting as specified on the approved Final Forest Conservation Plan. The Category II Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed.

10. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 0.85 acres of new forest planting and variance mitigation trees, and for maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
11. Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage and fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
12. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year (5) Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures.
13. The Applicant must install the Afforestation/Reforestation plantings for the two Category II Forest Conservation Easement areas as shown on the approved FCP, within the first planting season following the release of the first 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.
14. Prior to Certification of the Site Plan including the Final Forest Conservation Plan, the Applicant must show the planting locations of 12 native shade trees of at least 3 inches caliper, each, in mitigation for the removal of variance trees numbers 1, 2, 4, and 15. These plantings are in addition to the required afforestation plantings and must be located outside of public rights-of-way or easements.
15. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the FCP.

16. 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.
17. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated August 11, 2021 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 MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Site Plan approval.

### **Transportation**

#### **18. Transportation**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated July 20, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in its memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

### **Site Plan**

#### **19. Site Design**

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A 1.0 of the submitted architectural drawings, as determined by M-NCPPC Staff.

#### **20. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit, sediment control permit, or 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, mailbox pad sites, fences, railings, private alleys and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, private storm

drainage facilities, private street trees and private street lights. The surety must be posted before issuance of any 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.

#### 21. 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.

#### 22. 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. Relocate all non-standard structures out of public ROW.
- g. Provide public sidewalk to ADA standards (minimum five feet wide) and label it accordingly.
- h. Provide dual sidewalk ramps for crossing at both directions at the intersection of Cross Country Lane at Bell Tower Drive.
- i. Ensure all handicap sidewalks/ramps have receiving counterparts and are aligned with them.
- j. Show storm drain easements.
- k. On the landscaping plan, provide street trees per approved major tree species list at the required spacing.
- l. Applicant must provide the Parks Department with an engineering cost estimate for the master planned bikeway on Nike Missile Park.



- m. Provide a note stating *“Existing fence to remain or new fence provided”* on the northern property boundary between Bell Tower Drive and Nike Missile Access Road.
- n. Provide a Fencing detail for a potential new fence on the northern property boundary between Bell Tower Drive and Nike Missile Access Road.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of MEADOWVALE Site Plan No. 820210100, submitted via ePlans to the M-NCPPC as of the date of the Staff Report ***[or other date]***, 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.***

***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 Applicant satisfies and complies with all aspects of approved Preliminary Plan No 12006028A.

***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;***

This finding is not applicable.

***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;***

This finding is not applicable.

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

The development area of the property is zoned R-200/TDR 5.0 Property and is 5.05 acres. Per section 4.9.17.2.c, the TDR 5.0 “may utilize the R-60 optional method MPDU Development standards”. The application is being reviewed per section 59.4.4.9 of the Zoning Ordinance, and applicable development standards for a MPDU Optional Method Development Standards of the Property in the R-60 Zone are shown in Table 1.

**Table 1- Data Table**

Table 1: R-200/TDR 5.0 which allows use of R-60 Zone, Optional Method Development Standards						
			REQUIRED/ALLOWED		PROPOSED	
			DETACHED HOUSE	TOWNHOUSE	DETACHED HOUSE	TOWNHOUSE
	SITE (59.4.4.9.C.1.)					
	DIMENSION (MIN)	USABLE AREA	3 AC		5.05 AC 1.	
		Specification for Site under MPDU Development (max)		60%		58%
	DENSITY (MAX)	DENSITY (UNITS/ACRE OF USABLE AREA)	5		3.8	
	OPEN SPACE (MIN)	COMMON OPEN SPACE (% OF USABLE AREA)	20%		Not required	
	SITE COVERAGE (MAX)	SITE COVERAGE	60%	N/A	40 %	8.08%
	LOT (59.4.4.9.C.2.)					
	DIMENSION (MIN)	LOT AREA	3,000 SF	1,000 SF	74 SF	7,5 SF 1,140
		LOT WIDTH AT FRONT BUILDING LINE	DETERMINED AT SITE PLAN		60'	20'
		LOT WIDTH AT FRONT LOT LINE	25'	14'	60'	20'
		FRONTAGE ON STREET OR OPEN SPACE	REQUIRED		PROVIDED	PROVIDED
	PLACEMENT (59.4.4.9.C.3.)					
	PRINCIPAL BUILDING SETBACKS (MIN)	FRONT SETBACK FROM STREET	20'	20'	20'	20'
		FRONT SETBACK FROM STREET OR OPEN SPACE	10'	10'	N/A	N/A



	SIDE STREET SETBACK, ABUTTING LOT FRONTS ON THE SIDE STREET AND IS IN A RESIDENTIAL DETACHED ZONE	20'	20'	A	N/ N/A
	SIDE STREET SETBACK, ABUTTING LOT FRONTS DOES NOT FRONT ON THE SIDE STREET AND IS NOT IN A RESIDENTIAL DETACHED ZONE	15'	15'	A	N/ N/A
	SIDE OR REAR SETBACK	DETERMINED AT SITE PLAN	DETERMINED AT SITE PLAN	Side 8'	Side 0
	SIDE SETBACK, ABUTTING PROPERTY NOT INCLUDED IN APPLICATION	EQUAL TO REQUIRED SETBACK FOR A DETACHED HOUSE BUILDING TYPE IN THE ABUTTING ZONE UNDER STANDARD METHOD			
	REAR SETBACK, ABUTTING PROPERTY NOT INCLUDED IN APPLICATION	EQUAL TO REQUIRED SETBACK FOR A DETACHED HOUSE BUILDING TYPE IN THE ABUTTING ZONE UNDER STANDARD METHOD		35'	35'
	REAR SETBACK, ALLEY	4'	4'	N/A	4'
Height (in feet) (59.4.4.9.C.4.)					
HEIGHT (MAX)	PRINCIPAL BUILDING	40'	40'	40'	40'
	ACCESSORY STRUCTURE	25'	25'	25'	25'

<sup>1</sup> Density is only being calculated from the R-200/TDR 5.0 zoned portion of the Subject Property which is 5.05 acres.

**Table 2- Transfer of Development Rights Summary**

Transfer of Development Rights	
Zone	R-200/TDR 5.0 <sup>2</sup>
Area	5.05 Acres
Base Density	2 Units Per Acre (per 59.4.9.17.B.2)
Total Base Units	10 Units
TDRs	9

	<u>Total Units</u>	<u>19</u>
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<sup>2</sup> Per Section 4.9.17.2.b, the development includes "at least 2/3 of the maximum number of development rights" by providing a total of 19 Units. The total unit yield for the Subject Property is 25 units.

*e. satisfies the applicable requirements of:*

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

**Environmental Guidelines**

Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 420060010 for this Property was approved in July 2005. The Property contains no streams or stream buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known locations of Rare, Threatened or Endangered species. There is no forest existing on the site. The Subject Property is located within the Great Seneca Creek watershed, which is a State Use Class I-P stream. This site does not lie within a Special Protection Area.

The Applicant received approval of its stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on August 11, 2021. The concept meets required stormwater management goals using a combination of ESD approaches including drywells and micro-bioretenention areas. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

***ii. Chapter 22A, Forest Conservation.***

**Forest Conservation Plan**

Preliminary Forest Conservation Plan No. 12006028A was approved by Planning Board Resolution No. 20-003 dated February 20, 2020. Proposed impacts to trees subject to Section 22A-12(b)(3) of the Montgomery County Code were approved as part of the Planning Board approval of the Preliminary Forest Conservation Plan. A Final Forest Conservation Plan was submitted as part of the Subject Application.

The FCP Net Tract Area for the Site is 5.37 acres. This figure includes 0.32 acres of off-site disturbance. Based on the zoning for the Property, the afforestation requirement is 0.81 acres. This requirement is being met through the planting of approximately 0.85 acres of forest on-site. The forest will be protected in a Category II Forest Conservation Easement.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines.

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

**Building Massing**

The proposed homes are single family detached units and attached townhouses with a maximum height of 40 feet. The building massing is consistent with other residential homes in the area.

**Open Spaces and Site Amenities**

The area inside the private alley, townhouse courtyard, and areas along Bell Tower Drive serve as a proposed common open space area, which provides a useable area for future residents and surrounding residential neighborhoods. The Project will provide a total of 22% common open space, which is above the minimum required (20%) per Chapter 59.

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

The 1985 *Gaithersburg and Vicinity Master Plan* ("Master Plan") recommends a unit yield of 18 to 25 units on the Subject Property. This Project complies with the Master Plan by providing 19 total units for the Subject Property. The proposed building types are comparable to the surrounding neighborhood by providing a mix of single-family houses and townhouses, and the design and orientation of the proposed development allows for the density envisioned by the

Master Plan and allowed by the zone, while clustering the proposed lots around open spaces and preserving the maximum amount of open space.

### **Master-Planned Roadway and Master-Planned Bikeways**

The Applicant proposes a “natural trail” connection from the private alley on the eastern side of the site to the access road to Nike Missile Local Park. The Applicant is currently required to provide a pedestrian connection through the site and outside of the alley. The 2018 *Bicycle Master Plan* recommends a “neighborhood connector” southeast of the site where Calypso Lane dead ends adjacent to the Nike Missile Local Park. Neighborhood connectors are short bicycle and pedestrian paths that provide critical connections in the residential walking and bicycling network. This proposed connection creates a shortcut into Nike Missile Local Park and increases neighborhood access. The connector as proposed by the Applicant should be widened and paved and meet the requirements of the Americans with Disabilities Act (ADA) and the *Bicycle Master Plan* recommendation.

***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 estimated enrollment impacts of this application fall below the moratorium thresholds for both Strawberry Knoll ES and Gaithersburg MS. There is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project, as determined through the Annual Schools Test evaluated through Preliminary Plan No. 12006028A. The proposed development will be served by public water and sewer systems. The Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. The Board has reviewed this determination and concurs. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the project. Electric, gas and telecommunications services are available and adequate.

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

The Subject Application is being reviewed under R-60 Zone, MPDU Optional Method Development Standards, due to utilization of TDRs, per section 59.4.9.17.2.c. The application represents infill development in an appropriate location near existing residential subdivisions with detached houses and townhouses. The proposal is consistent with the intent of the R-60 Zone that reads as follows:

“...provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. A limited number of other building types may be allowed under the optional method of development.”

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 DEC 28 2021 (which is the date that this resolution is mailed to all parties of record); and

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

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#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Commissioner Rubin absent at its regular meeting held on Thursday, December 16, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board