

PRESTON PLACE & LAKE APARTMENTS PRELIMINARY PLAN 120220130 & SITE PLAN 820220180



Description

Request to create a two-phase development comprising a maximum 147 lots and 16 parcels for the construction of 147 townhouse units with 15 percent MPDUs and associated site features, and an extended Preliminary Plan Validity period of six years and Adequate Public Facility Validity period of nine years.

No. 120220130 & 820220180
Completed: 02-13-2023

MCPB
Item No. 7
02-23-2023

Montgomery County
Planning Board
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Summary:

- Preliminary Plan 120220130 requests to subdivide one parcel and four lots to create 147 lots and 16 parcels for single-family-attached (townhouse) uses. The Applicant requests an extended Preliminary Plan Validity period of 6 years and Adequate Public Facility Validity period of 9 years, and a waiver from Section 50.4.3.E.1.f for residential roads paralleling railroad tracks.
- Site Plan 820220180 requests to develop 147 townhouse units under Optional Method MPDU Development, including 15 percent MPDUs, and associated site features.
- Development would be in two phases. Phase 1 is the development of 63 townhouses and associated site features on the Lake Tract. Phase 2 is the development of 84 townhouses and associated site features on the Preston Tract.
- On July 28, 2022, the Planning Board granted a 90-day extension of the review period for the Preliminary and Site Plans from September 15, 2022 to December 15, 2022. On December 1, 2022, the Planning Board granted a second extension of the review period for both applications from December 15, 2022 to February 23, 2023.
- Correspondence was received from two residents noting concerns with the proposed development.

LOCATION/ADDRESS

On Manor Road, 75 feet west of Jones Bridge Road

MASTER PLAN

2013 *Chevy Chase Lake Sector Plan*

ZONE

R-30 & R-60

PROPERTY SIZE

12.61 acres

APPLICANT

Toll Mid-Atlantic LP Company, Inc.

ACCEPTANCE DATE

May 19, 2022

REVIEW BASIS

Chapters 50 & 59

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SECTION 1: EXECUTIVE SUMMARY

The Project proposes 147 townhouse units in two phases on two non-contiguous tracts of land on Manor Road in Chevy Chase Lake. The Site is adjacent to the Capital Crescent Trail and within walking distance of the future Chevy Chase Lake Purple Line Station. As shown below, Phase 1 will replace an existing vacant garden apartment complex with 63 new townhouse units on the western “Lake Tract”. Phase 2 will replace an existing, aging townhouse complex with 84 new townhouse units on the eastern “Preston Tract”. In total the development will create more housing units than currently exist and include dedicated affordable housing where none currently exists. Both phases of development propose new pedestrian connections between Manor Road and the Capital Crescent Trail.



Figure 1 – Proposal with Phasing

Staff reviewed the applications for conformance with the applicable requirements of Montgomery County Code Chapter 50 Subdivision of Land and Chapter 59 Zoning Ordinance. The subject site is in the R-30 and R-60 Zones and within the boundaries of the 2013 *Chevy Chase Lake Sector Plan*. Subject to the conditions recommended herein, the proposal conforms with the applicable requirements of Chapter 50 and Chapter 59. Staff recommends the Planning Board approve the two applications with the conditions provided in this report.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120220130

Staff recommends approval with conditions of the Preliminary Plan to subdivide one parcel and four lots to create 147 lots and 16 parcels for 147 single-family attached (townhouse) units. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120220130 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Preliminary Plan is limited to 147 lots for 147 Townhouse Living dwelling units, and 16 parcels for associated site infrastructure.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for nine (9) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5), phased in the following manner, as illustrated on the Certified Preliminary Plan:
 - a) Phase 1 – five (5) years from the initiation date as defined in Section 50.4.3.J.5 of the County Code. The Applicant must obtain all building permits for all townhouses within Phase 1.
 - b) Phase 2 – nine (9) years from the initiation date as defined in Section 50.4.3.J.5 of the County Code. The Applicant must obtain all building permits for all townhouses within Phase 2.
 - c) Phases may be constructed in any order subject to the time restrictions above.

PLAN VALIDITY PERIOD

3. The Preliminary Plan for Phase 1 (the Lake Tract), as shown on the Certified Preliminary Plan, containing 63 lots and 8 parcels, will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, the Applicant must record a final record plat for all property delineated on the approved Preliminary Plan within Phase 1 in the Montgomery County Land Records or file a request for an extension.
4. The Preliminary Plan for Phase 2 (the Preston Tract), as shown on the Certified Preliminary Plan, containing 84 lots and 8 parcels, will remain valid for six (6) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, the Applicant must record a final record plat for all property delineated on

the approved Preliminary Plan within Phase 2 in the Montgomery County Land Records or file a request for an extension.

OUTSIDE AGENCIES

5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated January 20, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
7. 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 December 7, 2022 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. 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 January 31, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated January 9, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

10. Except clearing and grading associated with the demolition of the existing paving and buildings, the Applicant must receive Staff certification of Site Plan No. 820220180 and the accompanying Final Forest Conservation Plan before submitting a record plat application or any clearing or grading on the Subject Property. The number and location of site elements including but not limited to buildings, on-site parking, site circulation, sidewalks and shared pathway is determined through Site Plan review and approval. The record plat application may be filed concurrent with the first submission of the Certified Site Plan.

11. The Applicant may not perform clearing or grading beyond the allowances of Condition 10 on any site before recordation of plat(s) for each site.
12. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

ENVIRONMENT AND NOISE

13. Before certification of the Preliminary Plan, the noise analysis must be updated to incorporate the supplemental information provided by the noise consultant in their October 18, 2022, email.
14. Before recordation of the plat and the start of any demolition, clearing, grading, or construction (including removal of the existing buildings and paving), whichever comes first, for each phase of development, the Applicant must record a Category I Conservation Easement over all onsite areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. Category I Conservation Easements 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. The Book/Page for the easements must be referenced on the record plat.
15. Before the certification of the Preliminary Forest Conservation Plan (PFCP), the Applicant must correct the following items:
 - a) Update all FCP sheet for consistency regarding phasing, tree removals, variance tables, mitigation plantings afforestation/reforestation plantings, and associated plan elements as shown in the staff report and/or approved by the Planning Board.
 - b) The net tract area for the forest conservation worksheet and associated plans/notes/figures must be revised to clearly reflect the net tract area as being the area contained within the current property boundaries plus the offsite LOD. Any deductions which are not applicable must be removed from the worksheet.
 - c) Update LOD to include all applicable work and grading.
 - d) Clarify/correct notes and graphics to the satisfaction of staff.
 - e) Remove the sediment control specifications, notes and details from the plans, or clarify as for informational purposes and defer to DPS as the lead agency on Sediment Control.
16. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of three caliper-inches totaling at least 305 caliper-inches and consist of canopy-tree species which are native to the Piedmont Region of Maryland. Planting locations to be shown on the Final Forest Conservation Plan ("FFCP").
17. Update overall plans as applicable so that all the credited mitigation plantings are at least five (5) feet away from any structures, paving, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements. However, mitigation trees along Manor

Road may be planted adjacent to the ROW, provided they are planted within the Subject Property.

18. Applicant must submit a Final Forest Conservation Plan (“FFCP”) for review and approval before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property.
19. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.

TRANSPORTATION

Existing Frontage Improvements

20. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate 35 feet from the existing pavement centerline along the Subject Property frontage for Manor Road.
21. Before the recordation of plat(s) for each phase, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a six-foot-wide sidewalk along the Property frontage on Manor Road as follows:
 - a) Phase 1: The Applicant must construct buffered sidewalks on the south side of Manor Road along the Lake Tract and along the Chevy Chase Mews on Manor Road Parcel (off-site).
 - b) Phase 2: The Applicant must construct buffered sidewalks on the south side of Manor Road along the Preston Tract and continue all the way eastward to Jones Bridge Road.

Private Roads

22. The Applicant must provide Private Roads Road A, Road B, Road C, Alley B, Alley C, and Alley F, as shown on the Certified Preliminary Plan, including any sidewalks, bikeways including paths/trails, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
 - a) Private Road A, and Alleys A, B, and C will be constructed during Phase 1.
 - b) Private Roads B and C, and Alleys, D, E, and F will be constructed during Phase 2.
 - c) If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
 - d) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the

Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:

- i) The Applicant, at its expense, must design, construct and maintain the Private Road.
 - ii) The Applicant, at its sole cost and expense, must properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.
 - iii) The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
- e) Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

Easements

23. The record plat must show necessary easements, including ingress/egress and utility easements.

Notes and Labels

24. The record plat must reflect all areas under common ownership.
25. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant"), or as may be amended.

DEVELOPMENTS WITH MPDUS

26. The final number of MPDUs will be determined at the time of site plan approval.

CERTIFIED PRELIMINARY PLAN

27. The certified Preliminary Plan must contain the following notes:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

28. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions, phasing plan, and approval letters on the certified set.

SITE PLAN 820220180

Staff recommends approval of Site Plan No. 820220180 for the construction of 147 single-family-attached (townhouse) units and associated site features. The development must comply with the conditions of approval for Preliminary Plan No. 120220130. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of up to 147 townhouse units.

2. Height

The development is limited to a maximum height of 40 feet for Principal Buildings and 25 feet for Accessory Structures, as specified in Section 59.4.1.7.C.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated January

¹ For the purposes 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.

9, 2023 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- b) The development must provide 15 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) 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. Common Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 164,911 square feet of common open space (30% of net lot area) for the entire Project. Phase 1 must include a minimum of 47,519 square feet and Phase 2 must include a minimum of 117,392 square feet of common open space, as illustrated on the Certified Site Plan.
- b) Before the issuance of final Use and Occupancy Certificate for each phase of development, all common space areas on the Subject Property must be completed, as shown on the Certified Site Plan.

5. 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 required recreation facilities as shown on the Certified Site Plan. The Certified Site Plan must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.
- c) Recreation Facilities for each phase must be completed before issuance of the final Use and Occupancy Certificate for each phase.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the pedestrian pathway linking Manor Road and Capital Crescent Trail within Phase 1 (Lake Tract), and the pedestrian and bicyclist pathway linking Manor Road and Capital Crescent Trail within Phase 2 (Preston Tract).

ENVIRONMENT

7. Forest Conservation

The Applicant must comply with the following conditions of the Final Forest Conservation Plan ("FFCP"):

- a) 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.
- b) 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.
- c) As part of the preconstruction meeting with the Planning Department Forest Conservation Inspector and prior to any staging, clearing, grading, or demolition necessary to construct the project (including demolition of the existing buildings and paving), the Applicant (or builder as applicable) must obtain the services of a tree care firm having the following minimum qualifications: International Society of Arboriculture (ISA) Certified, Tree Risk Assessment Qualification (TRAQ) Certified, Maryland Licensed Tree Care Expert, and ISA Board Certified Master Arborist. The tree care firm must also demonstrate successful experience of completing a minimum of three projects similar in scope to the Chevy Chase Crossing Tree Save Plan. Alternate qualifications/experience may also be considered, subject to approval by MNCPPC Staff. The tree care firm must perform or directly oversee all the necessary tree care work for this project including pre and post construction maintenance and monitoring.
- 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.
- e) Before recordation of the plat or the start of any demolition, clearing, grading, or construction, whichever comes first, for each phase of development, the Applicant must:
 - i) Install permanent conservation easement fencing and signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - ii) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the 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 as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
 - iii) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for any new forest planting and for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP. The final amounts and extents will be determined as part of the certified FFCP.
- f) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed to satisfy the reforestation requirement for an approximate total of 1.40 acres of mitigation credit (the final amount to be determined

as part of the certified FFCP). 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 Rock Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.

- g) Before certification of the FFCP, the Applicant must correct/address the following items:
 - i) The net tract area for the forest conservation worksheet and associated notes must be revised to clearly reflect the net tract area as being the area contained within the current property boundaries plus the offsite LOD.
 - ii) Any disturbance or clearing associated with the slope stabilization and storm drain outfall work on the east side of the new trail alignment (including the offsite portions) must be reforested or otherwise naturalized with plantings as shown on the Forest Conservation Plan.
 - iii) The tree save plan addressing impacted trees must be prepared by a Maryland-licensed tree care expert who is also an ISA-certified arborist having at least 5 years of related plan preparation experience.
 - iv) The plans must address phasing and tree preservation details to adequately protect the trees to remain and the trees declared as removal with intent to save. The tree save plan must also include a program to communicate the tree preservation details to construction personnel prior their site entry.
 - v) Specifications for soil restoration and soil amendments associated with the landscape and lawn areas must be provided on the plans for review and approval by MNCPPC Staff.
 - vi) The tree protection fence and root pruning must be revised to be located within the LOD.
 - vii) The final scope, locations and details for the environmental enhancement plantings and invasive control work must be shown on the Final Forest Conservation Plan and approved by M-NCPPC Staff prior to certification of the FFCP. The scope of work must include phasing as follows:
 - a. Phase 1: One acre of invasives control in with the overall stream valley buffer area (which may include work within portions of the unbuilt ROW if permission is granted); and
 - b. Phase 2: Stabilization of the exposed sewer lines/utilities near the proposed stream work areas.
 - viii) The Applicant must coordinate with Staff to address any necessary corrections and clarifications prior to certification of the FFCP.
- 8. The Applicant must install the Afforestation/Reforestation plantings, as shown on the certified FFCP, in the first planting season following stabilization of the applicable disturbed area.
- 9. 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 applicable phase of 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 approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling at least 305 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff provided that the changes do not affect the related Site Plans.

TRANSPORTATION & CIRCULATION

10. 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 January 3, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

11. Pedestrian & Bicycle Circulation

- a) The Applicant must construct the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations.
 - i) Before issuance of the final use and occupancy permit for the first 63 units constructed in Phase 1, the Applicant must construct the following:
 - a. a six-foot-wide sidewalk with five and-one-half-foot-wide buffer (except around trees to be saved, where the typical buffer width will be less as shown on the Certified Site Plan), from traffic on the south side of Manor Road along the Phase 1 (frontage of the Lake Tract) and continuing across the Chevy Chase Mews on Manor Road as shown on the Certified Site Plan.
 - ii) Before issuance of the final use and occupancy permit for the units to be constructed in Phase 2, the Applicant must construct the following:
 - a. a six-foot-wide sidewalk with five and-one-half-foot-wide buffer (except around trees to be saved, where the typical buffer width will be less as shown on the Certified Site Plan), from traffic on the south side of Manor Road along Phase 2 (frontage of the Preston Tract) continuing to the intersection with Jones Bridge Road as shown on the Certified Site Plan.

12. Shared Use Path Connections

- a) Phase 1: In the event the Purple Line work in the vicinity of the Project is not completed, before issuance of the final use and occupancy permit for the 63rd unit in Phase 1, the Applicant must construct a publicly accessible shared use path located on the eastern side of the Lake Tract that connects Manor Road to the southern property line with a minimum width of seven feet to the southern Property line. If the Purple Line is completed before the issuance of the final Use and Occupancy certificate for the 63rd unit, the entire trail, including the portion located within the right-of-way of the Capital Crescent Trail shall be fully constructed to intersect with the Capital Crescent trail prior to the issuance of the final use and occupancy permit for the 63rd unit. The exact location, design, and

construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, in coordination with the construction of the Purple Line Light Rail bi-county transit project.

- b) Phase 2: In the event the Purple Line work in the vicinity of the Project is not completed, before issuance of the final Use and Occupancy Certificate for the 84th unit to be constructed in Phase 2, the Applicant must construct a publicly accessible shared use path located adjacent to the Coquelin Run right-of way, with a minimum width of 12 feet to the southern Property line. If the Purple Line is completed before the issuance of the final Use and Occupancy Certificate for the 84th unit, the Applicant must construct the following prior to the issuance of the final Use and Occupancy Certificate for the 84th unit:
- i) The entire Coquelin Run trail including the remaining portion of the trail located within the right-of-way to intersect with the Capital Crescent trail with the exact location, design, and construction to comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, in coordination with the construction of the Purple Line Light Rail bi-county transit project; and
 - ii) Subject to final approval by the Chevy Chase Mews Homeowner's Association ("HOA"), the Applicant shall construct a trail connecting both phases of the Project, oriented east/west, across the Chevy Chase Mews on Manor Road property, with a minimum width of seven feet.
 - iii) The Applicant shall make good faith efforts to receive final approval from the Chevy Chase Mews HOA for the east-west trail on the Chevy Chase Mews property. However, if the Chevy Chase Mews HOA fails to approve the east-west trail on the Chevy Chase Mews' property, it will not preclude issuance of the final Use and Occupancy Certificate for Phase 2 and will not be a violation of the Site Plan.

13. 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 January 31, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

14. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, 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, as determined by M-NCPPC Staff.
- c) Provide “Type E high-visibility architectural treatment” for the townhouse end-units on Lot 43 and Lot 54.
- d) Five Units in Phase 1 and 12 Units in Phase 2 are subject to the “high visibility architectural treatment” as shown on the Certified Site Plan.
- e) Five Units in Phase 1 and eight Units in Phase 2 are subject to the “specialty architectural treatment” as shown on the Certified Site Plan.
- f) Provide architectural elevations illustrating the enhanced design for the rear of units to face the new pedestrian and bicyclist path along Coquelin Run (Lots 25-38).

15. Landscape and Lighting

- a) Before 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 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) The Applicant must utilize pervious pavement in areas not encumbered by conflicting utilities to construct the trail at the eastern side of the Property.
- f) Update the canopy exhibit to include a table of the corresponding tree plantings using proposed tree species and their 20-year projected canopy sizes found in the Trees Technical Manual. The revised canopy exhibit must demonstrate that the overall canopy cover level will be retained or improved. The exhibit must be included in the certified Site Plans and all associated plans are to be updated for consistency.
- g) Update all planting lists/specifications to follow American Standard for Nursery Stock (ANSI Z60.1), as applicable.

16. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate for each phase, whichever comes first, 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 for each phase. The Agreement for each phase 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 trees and plant material, site and street lighting, recreational facilities, site furniture, retaining walls, fences, railings, private roads and sidewalks, private utilities, onsite shared use paths, and storm drainage facilities. 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.
- d) The Applicant shall provide separate bonds for each of the off-site portions of the shared use paths as follows:
 - i) Phase 1: that portion of the trail located within the off-site right-of-way that connects Manor Road to the Capital Crescent trail on the eastern side of the Lake Tract.
 - ii) Phase 2: one bond for that portion of the trail located within off-site right-of-way that connects Manor Road to the Capital Crescent Trail adjacent to the Coquelin Run, and a second bond for the east-west trail located on the Chevy Chase Mews Property.

17. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

18. 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 and Preliminary Plan resolution, and phasing plan on the approval or cover sheet(s).
- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “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.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and

before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”

- c) Clarify notes regarding overall phasing and work within the Purple Line ROW.
- d) Fire and Rescue Access plan must be included in the Certified Site Plan.
- e) Modify the data table to reflect development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Revise photometric plans to show pedestrian-scale lighting provided in active common open space areas.
- h) Update sheets to delineate Phase 1 and Phase 2 and include notes as necessary for extents of frontage improvements.

SECTION 3: SITE DESCRIPTION

VICINITY

The 12.61-acre Property (“Subject Property” or “Property” or “Site”), shown in Figure 2, consists of two non-contiguous tracts of land located on the south side of Manor Road in Chevy Chase. The “Lake tract”, referred to as Phase 1 in this staff report, is centrally located on Manor Road, approximately 875 feet southwest of the intersection of Manor Road and Jones Bridge Road and 540 feet east of the intersection of Manor Road and Connecticut Avenue. The “Preston tract”, referred to as Phase 2 in this staff report is located on the east end of Manor Road, approximately 75 feet southwest of its intersection with Jones Bridge Road. Located between Phase 1 and Phase 2 is the Chevy Chase Mews condominium community. The Capital Crescent Trail and Purple Line corridor border the Site to the south. Coquelin Run, which includes a forested stream corridor, is located directly east of the of the Subject Property with a neighborhood of single-family detached dwellings beyond. North of the Property is the North Chevy Chase Elementary School and a neighborhood of single-family detached dwellings. West of the Property is the Chevy Chase Lake Block B development, a mixed-use, high-rise development, which will include the new Chevy Chase Lake Purple Line Station. The new station will be located approximately 800 feet from the western property line. The Chevy Chase Lake Block B development was nearing completion of construction at the time of writing of this staff report.

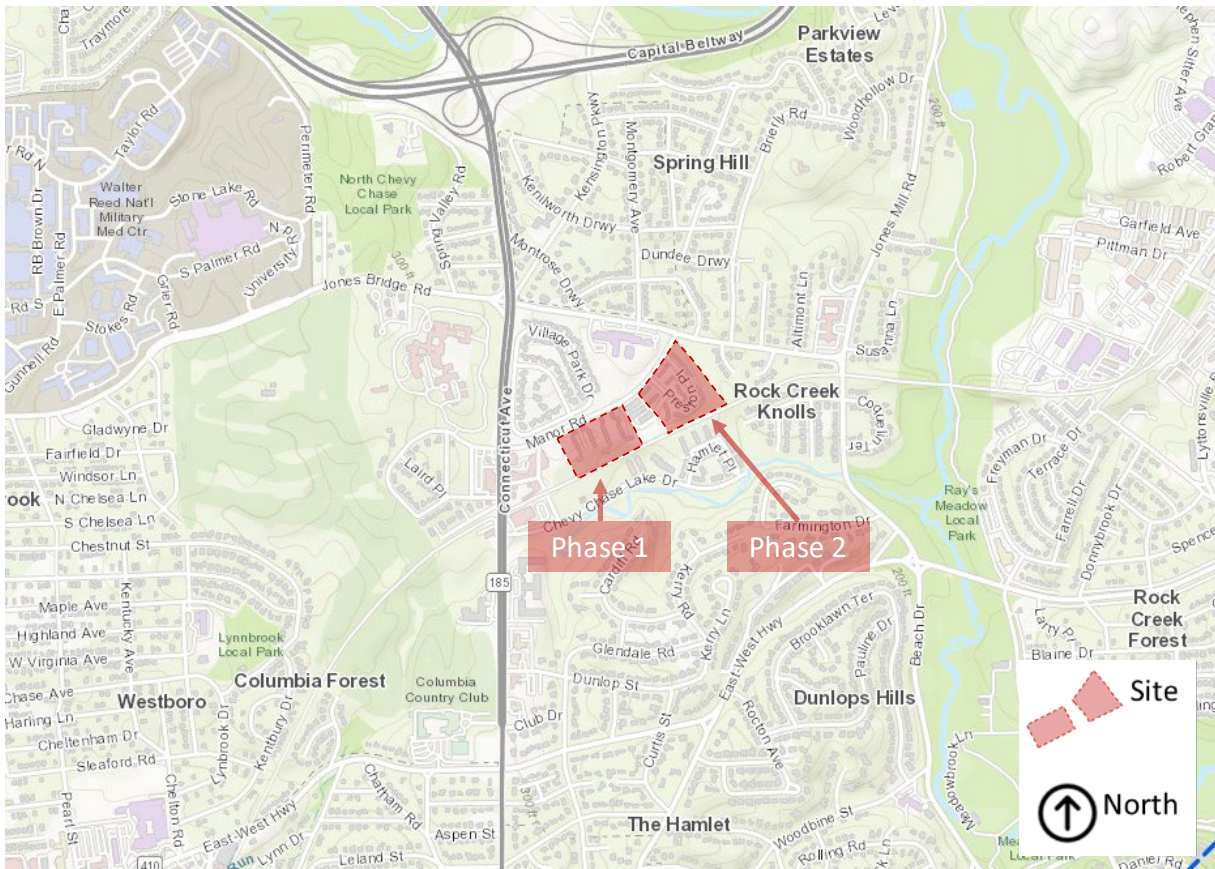


Figure 2 – Vicinity Map

PROPERTY DESCRIPTION

The Property is comprised of four lots and one parcel on two non-contiguous tracts of land on the south side of Manor Road, totaling 12.61 acres. Phase 1 is approximately 4.87 acres in area and comprised of four lots, described as a Lots 1, 2, 3, and part of Lot 4, Block 2 “Blocks 1 and 2 Chevy Chase Section 5-C”. Phase 2 is approximately 7.74 acres in area and comprised of a single parcel described as Parcel B, Block 2 “Blocks 1 and 2 Chevy Chase Section 5-C”. Most of the land area of the two tracts is in the R-30 zone illustrated in Figure 3. Approximately 1.6 acres in the eastern most section of Phase 2 is in the R-60 zone.

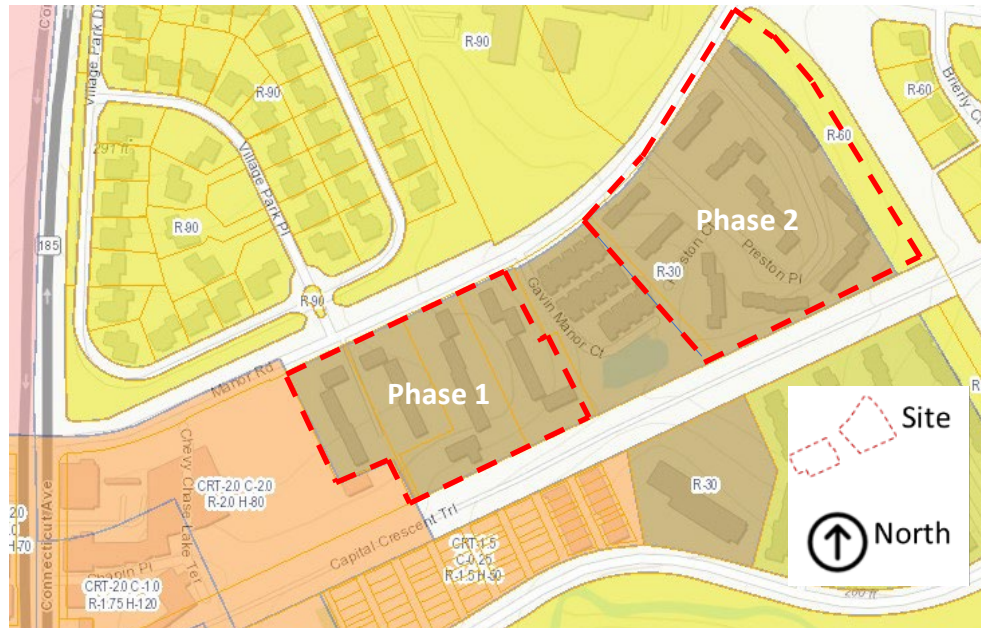


Figure 3 – Zoning Map

The Subject Property is currently developed with low-rise apartments and townhomes. Phase 1 of the Subject Property was developed in 1949 and includes 66 apartment units with associated surface parking and two access points from Manor Road. Phase 2 of the Subject Property was developed in 1959 and includes 67 townhouse units with associated surface parking and two access points from Manor Road. The Application describes the general condition of the existing development as “aging housing stock in need of significant repairs and investment”, and further notes releasing of the Lake Apartments has already ceased. Both tracts include a number of mature trees, landscaped areas, and grass lawn.



Figure 4- Subject Property

There are considerable impervious areas surrounding the existing buildings on the Subject Property with little or no stormwater management. Numerous significant and specimen trees occur throughout the Subject Property. The topography is generally flat however there is a large area of steep slopes within the forested stream valley buffer (SVB) along the northeast property line. The adjacent Purple Line right-of-way contains groves of trees and some minor areas of steep slopes.

An unnamed tributary to Coquelin Run is located near the eastern edge of the Site. The tributary runs southwards and drains through a culvert underneath the Purple Line/Capital Crescent Trail corridor. The Coquelin Run stream is located several hundred feet away from the Subject Property. The unnamed tributary to Coquelin Run and Coquelin Run itself drain to Rock Creek, which is a Use I Watershed. There is stream valley buffer associated with the tributary to Coquelin Run, which extends into the Subject Property along the northeastern property line. The area of onsite stream valley buffer is approximately 1.28 acres and is almost entirely forested (the onsite forest area measures 1.21

acres). No wetlands, floodplains, or rare, threatened and endangered plant species are known to be associated with the Property.

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

There have been no previous approvals issued by the Planning Board associated with the Subject Property.

PROPOSAL

The Applicant proposes a two-phase redevelopment of two non-contiguous tracts of land with a total of 147 new townhouse units, inclusive of 23 MPDUs. The two phases are shown together in Figure 5, and individually in Figure 6 and Figure 7. Each phase of development is anticipated to be approximately three years and will provide frontage improvements to Manor Road, sidewalks, private roads and alleys, community open spaces, landscaping and a north-south pedestrian connections between Manor Road and the Capital Crescent Trail.



Figure 5- Overall Phasing Plan

Preliminary Plan No. 120220130 proposes to subdivide the four lots and one parcel that comprise the Site to create 147 lots and 16 parcels for Townhouse Living. Phase 1 will include 63 lots and Phase 2 include 84 lots. An extended validity period of six (6) years is requested for the Preliminary Plan in accordance with Section 50.4.2.G.2 and an extended validity period of nine (9) years is requested for the determination of adequate public facilities in accordance with Section 50.4.3.J.5.d.

Site Plan No. 820220180 will cover both phases of development and proposes to construct 147 townhouse units, including 15 percent MPDUs. The proposed development will include outdoor amenity spaces for residents, landscaping, and new pedestrian and bicyclist connections between Manor Road and Capital Crescent Trail; as illustratively shown in Figure 6. The development proposal is made under Optional Method MPDU Development for Residential Zones in accordance with Section 59.4.4.2.A of the Zoning Ordinance, with the development being limited to the R-30 zoned portion of the Subject Property.

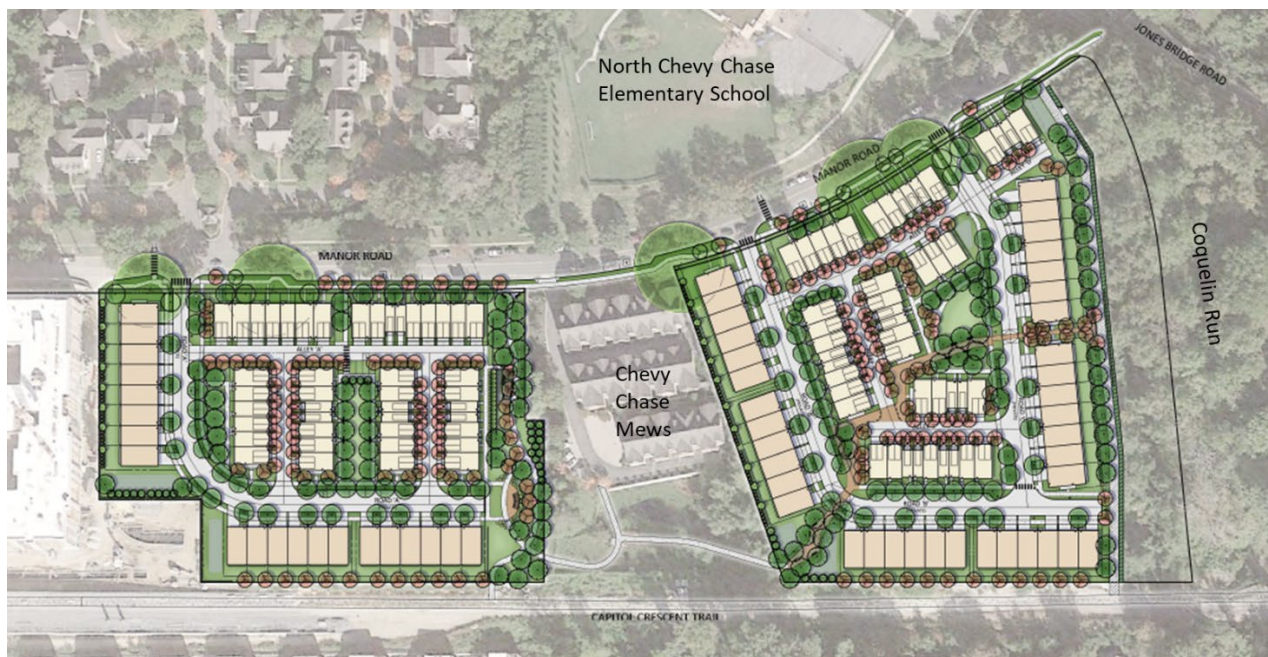


Figure 6- Overall Site Plan w/ Mews Path

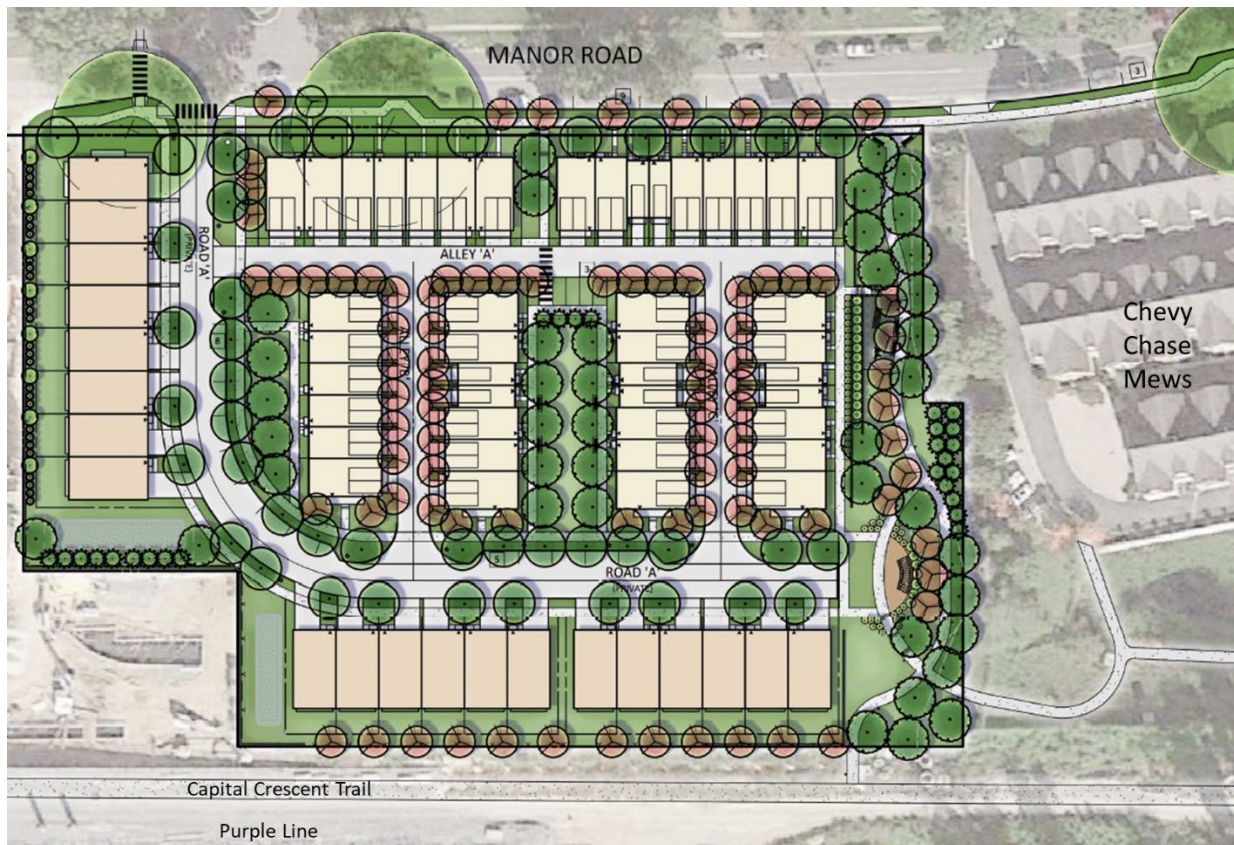


Figure 7- Phase 1 - Lake Tract

Phase 1:

The Lake Tract on the western portion of the Site is proposed as Phase 1 which includes the development of 63 lots for townhouse style development with 8 MPDUs, as illustrated in Figure 7. The development will consolidate two existing vehicular access points to one main entrance from Manor Road at the western portion of the Site, with frontage improvements extending along the entirety of the Site, continuing offsite to the east across the neighboring Chevy Chase Mews. The interior of the Site will be served by Private Road A featuring tree lined sidewalks, and private alleys. Phase 1 will also include two additional pedestrian entrances from Manor Road, one in the middle of the Tract that leads to an internal open space lawn, and the second being a shared use path leading to common open space and ultimately connecting to the Capital Crescent Trail to the south.

Phase 2:

Development of the Preston Tract on the eastern portion of the Site is proposed as Phase 2 of the project and is illustrated in Figure 8. Construction on this phase is anticipated after completion and occupation of the development of Phase 1 (Lake Tract). Phase 2 includes 84 new townhouse units, including 15 MPDUs, sidewalks, private roads and alleys, community open spaces, landscaping and a north-south pedestrian and bicyclist connection between Manor Road and the Capital Crescent Trail.

This phase also includes a connection from the southwestern portion of the Preston Tract, through the rear of the Chevy Chase Mews, to the shared use path located in Phase 1 at the southeastern portion of the Lake Tract. This new inter-parcel connection will link sidewalks in both phases and provide an easy means for residents of the Chevy Chase Mews to access the new connections to the Capital Crescent Trail. As part of the development of the Purple Line, the existing stormwater pond on the Chevy Chase Mews property is to be removed and area planted with trees. The new path is envisioned to be created subsequent to the pond's removal, in coordination with the Purple Line and Chevy Chase Mews.



Figure 8 – Phase 2 - Preston Tract

SITE DESIGN

During the review process, Staff and the Applicant worked closely to coordinate the design of the open space, internal street layout, pedestrian connectivity, building design, and environmental features. Each of these components relate heavily to one another, with an ultimate Project layout that fronts townhouses along well designed, pedestrian scale and walkable streets, provides logical pedestrian connections from Manor Road into the Site and through both Phases of development with north / south and east / west connectivity, and achieves many of the environmental goals of the Chevy Chase Lake Sector Plan. This includes the retention of some of the existing mature trees and expansion of the tree canopy proximate to Manor Road in lieu of undergrounding of utilities in the Site's frontage. The excavation required to underground existing utilities in this area would disturb a significant portion of these trees critical root zones and necessitate their removal. Retention of some of the existing trees and planting of additional trees along the Site's frontage will help preserve the character of the neighborhood in furtherance of the Sector Plan's goals.

BUILDING/ARCHITECTURE

The building architecture responds to the proposed open space and pedestrian connections, with elevations tailored for high visibility units and specialty corner units. The Applicant proposes 6 types of townhouse units as shown in the figures below. Townhouse units fronting Manor Road are rear-loaded. Units wrapping the eastern, western, and southern sides of each tract are front-loaded. The units proposed are up to 40 feet tall and designed with a contemporary style, including flat roofs with private outdoor terraces. Units are laid out in a grid on each tract with three to eight units attached per grouping of townhouses. The façades of the townhouses will be clad in brick materials in neutral tones of tan and gray and accented with dark colored trim and doors, as illustrated in Figures 9 and 10. Figure 11 shows the location of 28 high visibility/specialty units, and a condition is included for two additional end units to receive high visibility treatment in Phase 2. The exposed end walls of these units will receive additional architectural treatments to enhance their visual presence as illustrated in Figure 12 and Figure 13.

Additionally, as the rear of units along the Coquelin Run pathway will face this new publicly accessible space, those facades are to be designed with the same degree of visual interest as front-facing facades and include more windows and architectural details than the rear of units facing private spaces. The units along the Coquelin Run pathway will also include 4-foot-tall iron fencing, and grade separation along the rear property lines to provide a visual and physical separation between the publicly accessible path space and private yard spaces for each unit.



Figure 9: Standard Front-Loaded Townhouse Stick




Figure 10: Standard Rear- Loaded Townhouse Stick



Figure 11: Townhouse Architecture



 TYPE A - FRONT LOAD - SPECIALTY UNIT




 TYPE B - FRONT LOAD - HIGH VISIBILITY UNIT

Figure 12: Specialty and High Visibility End Unit Treatments – Front-Loaded Townhouses



 TYPE D - REAR LOAD - SPECIALTY UNIT



 TYPE E - REAR LOAD - HIGH VISIBILITY UNIT

Figure 13: Specialty and High Visibility End Unit Treatments – Rear-Loaded Townhouses

OPEN SPACE

Common Open Space is required for any optional method development in a residential zone in accordance with Section 59.6.3.5.A.1. Common Open Space is defined as an outdoor area that is intended for recreational use by residents and their visitors and does not include private individual lots.

Common Open Space is provided for the proposed townhouse development in accordance with Optional Method Development Standards for the R-30 Zone (Section 59.4.4.14.C) and R-60 Zone (Section 59.4.4.9.C). Given the Subject Property spans both zones, the determination of total Common Open Space is a combination of requirements for each zone, but may be located anywhere within the Site². In total, the Proposal exceeds the requirement by providing approximately three and three-quarter acres (164,911 square feet) of Common Open Space.

Common Open Space areas are illustrated in Figure 14 within both Phases of development on both tracts and are designed to be easily accessible from planned dwellings, include space for pedestrian circulation, landscaping, seating and recreational elements, and are generally located to be contiguous with other open spaces, sidewalks or natural features. Recreational amenities as required by the Zoning Code will also be located throughout these spaces.



Figure 14: Open Space Exhibit

² Per Section 59.4.4.2.A.2.d, MPDU Development Across Different Zones, the required open space may be located without regard to the limits in the underlying zone. A total of approximately three acres (133,866 square feet) of the Site is required to be provided as Common Open Space. The Common Open Space area requirement for the R-30 Zone is 25 percent of the Site area in that zone (119,827 square feet), and in the R-60 Zone it is 20 percent (14,039 square feet).

TRANSPORTATION

The proposed site access and circulation has been evaluated for safety, adequacy, and efficiency. As conditioned, the Applicant will be constructing several improvements that will increase pedestrian safety, comfort, and connectivity along the Site frontage as well as off-site. Vehicular access to the Site meets the requirements for passenger vehicles, delivery trucks, and fire and rescue access. A summary of key transportation improvements to be constructed by the Applicant as part of the Subject Application is included below.

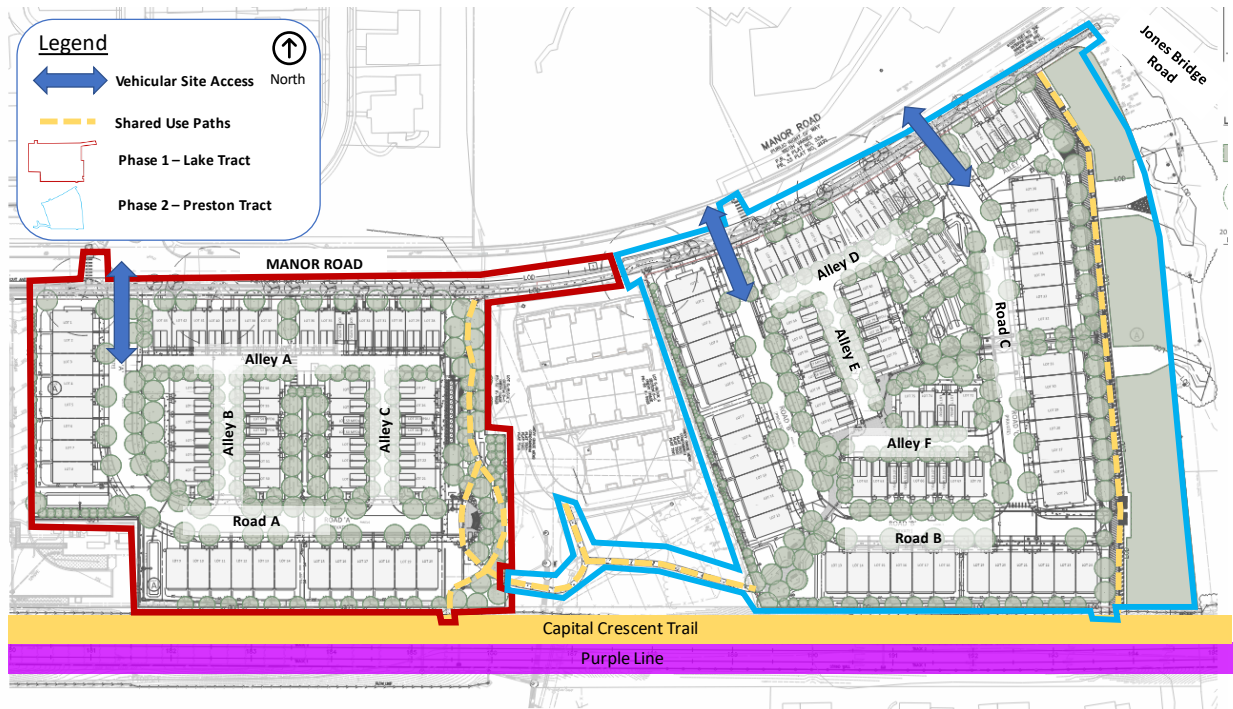


Figure 15- Site Access and Circulation

As previously described, the Project will be completed in two phases, beginning with the Lake Tract Phase 1 and the Preston Tract in Phase 2.

Pedestrian and Bicycle Access and Connectivity

Pedestrian access along the south side of Manor Road (Site frontage) will be enhanced with a wider sidewalk (six feet) and a five-and-one-half-foot vegetated street buffer between the parallel parking and the sidewalk. The 2021 *Complete Streets Design Guide* recommends a six-foot minimum street buffer, but it was determined that to save as many mature trees as possible, a slightly narrower buffer (narrower by six inches) meets the intent of the Guide.

In Phase 1, the sidewalk improvements will span across the Site frontage and the Chevy Chase Mews at Manor Road site (offsite). The remaining frontage improvements along the Site frontage of Phase 2 and beyond to Jones Bridge Road (offsite) will be completed in Phase 2. The Applicant will also

construct two publicly accessible pathways to and through the Site. One that is six-feet (6) in width, located at the center of the Site leading to an open space. The other is a seven-foot-wide publicly accessible, paved shared use path that will run north/south, connecting Manor Road to the Capital Crescent Trail. All proposed connections to the Capital Crescent Trail will be challenging given existing grades, drainage issues and the retaining walls proposed as part of the Purple Line and will require significant coordination and planning with the Purple Line. To improve access across the Site, the Applicant will be constructing the master-planned asphalt shared use path along the eastern edge of Phase 2 (adjacent to the Coquelin Run right-of-way) that will provide an ADA-accessible connection from Manor Road to the Capital Crescent Trail. From this point, pedestrians and bicyclists can access the Purple Line Station to the east or head west toward Silver Spring. Connecting both parcels, across the rear of the Chevy Chase Mews, the Applicant will construct a third, seven-foot-wide shared use path. This east/west connection will be located across what is currently a stormwater management pond, which will be removed by MTA as part of the Purple Line light rail transit project and its associated stormwater management mitigation.

The 2013 *Chevy Chase Master Plan* envisions a grade-separated connection between Manor Road and Chevy Chase Drive that will cross under the Purple Line transit line. The Applicant was asked to provide a conceptual exhibit to show one potential design alternative for the connection, and to demonstrate that the Subject Application will not preclude its implementation in the future by the County. An exhibit was included with the Subject Application and will be kept in Planning Department Records in the Development Activity Information Center for future reference.

Vehicular Access and Connectivity

Vehicular access to Phase 2 will be provided at two entry points and will be located proximate to the existing two access drives. Vehicular access to both Phases of the Project will continue to be provided from Manor Road. For Phase 1, the existing western vehicular access will shift approximately 20 (twenty) feet to the west and the existing eastern access drive will be eliminated.

Internal circulation within both phases will be provided via private roads and alleys. The private roadways will have tree-lined sidewalks on both sides of the road, with parallel parking for visitors where feasible. The alleys allow for slow, vehicular access to the garages of the homes, to emphasize the internal open space and reduce pedestrian exposure. All roadways and streetscapes internal to the Site will be owned and maintained by the Applicant.

Per Section 59-6.2.4.B. the minimum parking requirements is two spaces per residential unit. The Applicant is proposing two off-street parking for all of the homes, including the Moderately Priced Dwelling Units (MPDU). In addition to the parking provided on each individual townhome lot, Phase 1 will provide an additional 16 surface parking spaces and Phase 2 will provide 22 additional surface parking spaces. Parallel parking will continue to be provided on Manor Road. Given the proximity to the future Purple Line light rail station, the Applicant is providing sufficient parking for residents and visitors.

ENVIRONMENT

Master Plan

The 2013 *Chevy Chase Lake Sector Plan* has numerous recommendations to support stream and forest restoration projects to stabilize banks, remove invasive species, restore native forest structure, and prevent further stream erosion. Environmental enhancements are recommended by the Sector Plan, even if there are no direct stream valley buffer or forest impacts associated with a given project. Therefore, the direct impacts to the resources which are to be protected and enhanced per the Sector Plan require that an increased scope of environmental enhancements is necessary.

Environmental Enhancement

The Applicant proposes to stabilize two areas of active erosion within the Stream Valley Buffer which are associated with storm drainage from the current development (Figure 16). Both areas will be replanted and naturalized to the extent possible, however portions of the northern area will be placed within a new WSSC Easement to accommodate utilities and infrastructure associated with the proposed development. Tree plantings would generally not be allowed within conflicting WSSC easement although plantings of shrubs and groundcover are expected to be permissible. Areas outside of the existing/proposed utility easements and Right-of-Ways will be placed in a Category I Conservation Easement.

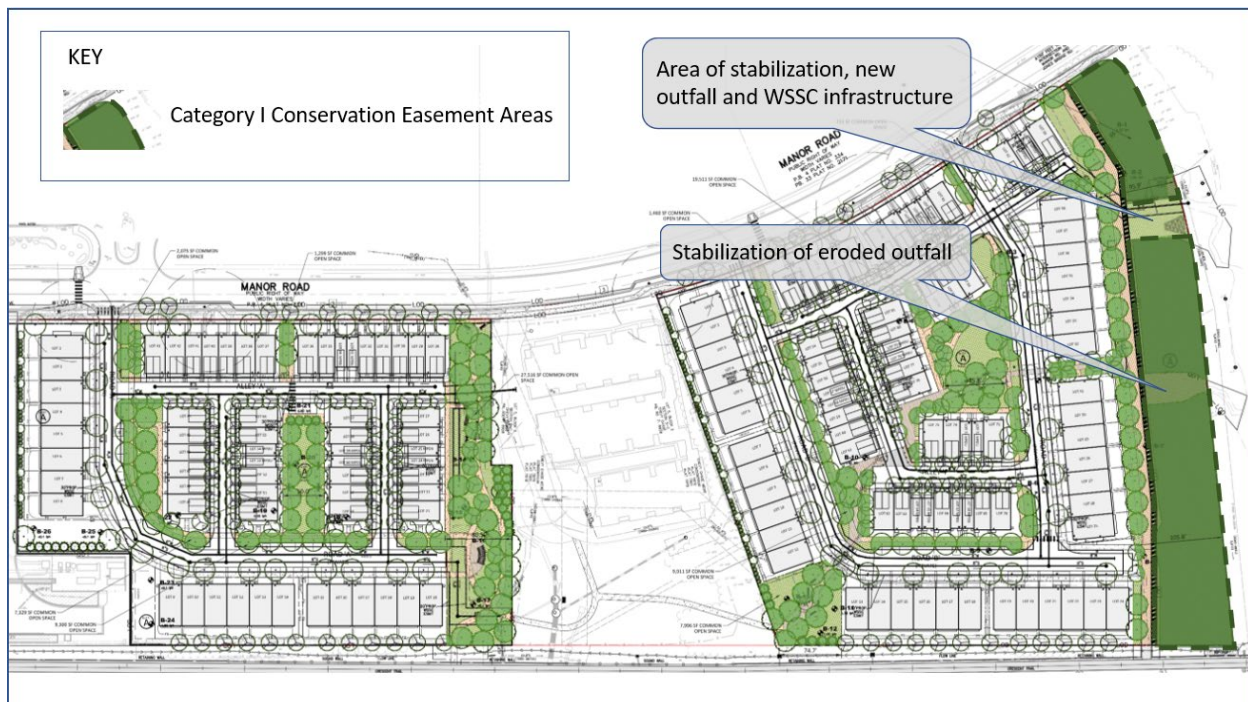


Figure 16–Conservation Easement and Stabilization Work Areas

Forest Conservation

Natural Resource Inventory Forest Stand Delineation 420160610 was approved for the Subject Property on February 3, 2022. It identifies existing man-made and natural features associated with the subject property and the surrounding area. The onsite setting contains existing residential buildings and associated lawns, landscape and parking.

The Site contains 1.21 acres of forest, most of which (approximately 0.91 acres) will be retained within a Category I Conservation Easement. There is approximately 0.30 acres of forest removal resulting in a reforestation requirement of approximately 0.60 acres and an afforestation requirement of approximately 0.80 acres. The total reforestation and afforestation requirement is approximately 1.40 acres. The applicant proposes to address the reforestation/afforestation requirements by payment of a fee-in-lieu or an offsite bank. The disturbed areas of stream valley buffer will be replanted to the extents possible but with the use of variance mitigation trees and supplemental native plantings rather than traditional reforestation plantings. The mitigation tree plantings associated with the Forest Conservation Variance are discussed further below.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The proposed project includes disturbance within the CRZs of trees which are subject to a variance due to their size measuring 30 inches DBH or greater.

The Applicant requests to remove 34 trees (including 11 trees that may be potentially removed but with intent to save) and to impact, but not remove, 11 other trees, affecting a total of 45 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. This is highlighted in Figure 17 and Figure 18. The Subject Property is located near a planned mass transit station where increased density is generally recommended in the Sector Plan and by overarching county policies. Furthermore, the Sector Plan recommends the proposed trail connection and environmental enhancement work. During review of the Applications, staff and the Applicant worked through several iterations and considerable efforts were made to avoid and minimize the overall impacts. The Applicant will provide mitigation for the removals³ of 1220 diameter-inches of subject trees, of at least 305 caliper-inches of replacements. In this case, the

³ Two of the subject trees proposed for removal are not included in the total as they are located within areas of forest clearing that are addressed by the overall reforestation/afforestation worksheet requirements and therefore do not also warrant individual replacement plantings.

Applicant proposes to plant approximately 80 trees with a combination of 3" and 4" caliper sizes, however the final locations, quantities and sizes will be determined as part of the Certified FFCP review.

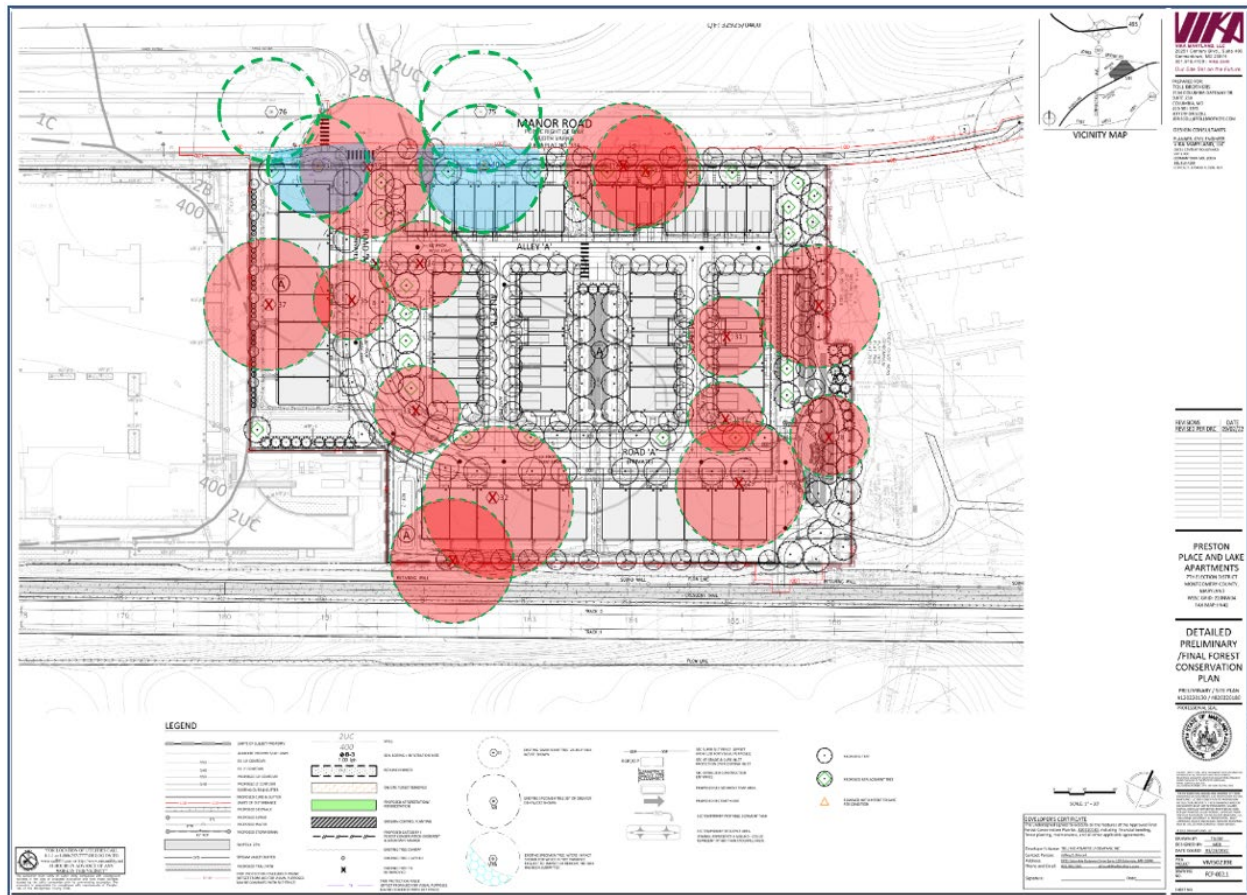


Figure 17- Phase 1 - Variance Tree Removal and Impacts



Figure 18- Phase 2 - Variance Tree Removal and Impacts

Noise

The application proposes residential units in a noise-impacted area near an arterial roadway (Jones Bridge Road) and a rail corridor (Purple Line), and therefore is subject to the noise guidelines for residential development. However, per the October 22, 2022, Transportation Noise Analysis prepared by Phoenix Noise & Vibration, LLC, future transportation noise impact upon all residences within the Lake Apartments & Preston Place development will be below the applicable noise level threshold of 65 dBA Ldn. As a result, no further analysis or mitigation techniques are required for the residential units to comply with Montgomery County's residential interior noise guidelines. Additionally, noise levels in the open space areas within the development will be below 65 dBA Ldn; therefore, additional mitigation for these outdoor activity areas will not be required.

SECTION 5: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on February 8, 2022 related to the Preliminary Plan and Site Plan applications. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. In addition to the required public meeting, the Applicant has conducted additional outreach consisting of a virtual meeting with the North Chevy Chase Connections neighborhood group on January 19, 2022, a virtual meeting with representatives of Chevy Chase Mews on February 8, 2022 and additional in-person meetings with representatives of Chevy Chase Mews.

Staff received correspondence from two residents during the review of the Applications, which are included as Attachment C. Resident concerns and Staffs' responses are summarized below. The first correspondence notes concern with existing traffic and parking on Manor Road, and concern with preserving green space and trees. The second correspondence asks questions regarding tree preservation and undergrounding of existing utilities along the Site's Manor Road frontage. Staff exchanged emails and spoke with the first concerned resident by phone. Staff exchanged emails with the second concerned resident. A summary of the residents' concerns and staff responses are as follows:

Trees:

Both correspondence expressed concerns with the potential loss of trees and tree canopy as a result of the proposed development, and noted a desire for retainment of mature trees, especially along Manor Road. Staff explained how the Project would remove some existing trees, retain others, and overall, add more trees to the Site than currently exist.

Undergrounding of Utilities on Manor Road:

Staff explained that undergrounding of existing utilities is not recommended as it would necessitate removal of all existing mature trees along the Site's Manor Road frontage. The Proposal makes efforts to retain mature trees and supplement tree canopy proximate to Manor Road.

Traffic concerns:

The first correspondence noted concern with existing and future traffic on Manor Road. Staff explained that the Applicant has complied with the 2020-2024 *Growth and Infrastructure Policy*, and how their analysis shows the adjacent public transportation network is sufficient to absorb vehicle trips generated by the Project.

Parking:

The first correspondence noted concern with an existing lack of availability of on-street parking on Manor Road and that the Proposal could make this situation worse. Staff explained the Proposal is exceeding minimum parking requirements and provides parking spaces for each unit as well as

additional visitor parking spaces internal to the Site. Staff also noted the Proposal will increase pedestrian connectivity to a nearby existing bus stop and future Purple Line Station. On-street parking will continue to be permitted on Manor Road.

No additional correspondence was received.

SECTION 6: PRELIMINARY PLAN 120220130 FINDINGS AND ANALYSIS

The Preliminary Plan would create 147 lots and 16 parcels, measuring approximately 543,621 square feet or 12.48 acres of Site area. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The proposed subdivision has been reviewed for compliance with Chapter 50, Subdivision of Land. The layout of the subdivision, including its size, shape, orientation, density of lots, and location and design of roads is appropriate for the residential use and townhouse development contemplated in the R-30 and R-60 Zones.

a) The block design is appropriate for the development or use contemplated

The block design is existing and appropriate for the proposed development and use. The length, width and shape of the block are compatible with the development patterns on Manor Road and in close proximity to the future Purple Line's Chevy Chase Lake Station.

b) The lot design is appropriate for the development or use contemplated

The Preliminary Plan proposes 147 lots with a minimum lot area of 854 square feet in the R-30 Zone for the development of townhouse units. No lots are proposed in the R-60 Zone. All proposed lots are rectangular in shape and minimum of width of 14 feet at the front building line. The size of the proposed lots exceeds the minimum required lot size of 800 square feet and minimum width of 14 feet is consistent with the requirement of the R-30 Zone. All lots will have access to public or private roads and/or alleys. The size and dimensions of lots proposed are appropriate for the Project location and proposed townhouse development. The Preliminary Plan does not propose any flag lots.

c) The Preliminary Plan provides for required public sites and adequate open areas

i. Master Planned Sites

The 2013 *Chevy Chase Lake Sector Plan* does not include any site-specific recommendations for the Property.

ii. ***Local Recreation***

The proposed subdivision does not include dedication of land for public recreation purposes. As detailed in the concurrent Site Plan, Site Plan No. 820220180, adequate, private, on-site recreational facilities for residents of the development are proposed.

iii. ***Transportation and Utilities***

The Sector Plan includes general recommendations for enhancing pedestrian and bicyclist circulation in the Plan area, and along the Capital Crescent Trail. The Sector Plan specifically recommends improved pedestrian and bicycle access along Coquelin Run (Page 36), a portion of which abuts the east side of Phase 2. This area is an unbuilt, dedicated right-of-way that includes the forested Coquelin Run stream valley. The proposed Project provides a 12-foot-wide asphalt path on the subject Site in Phase 2, outside of the unbuilt right-of-way, that parallels Coquelin Run. This path will run north-south in between Manor Road and the Capital Crescent Trail and when constructed, will fulfill the vision of the Sector Plan for improving pedestrian and bicycle connectivity along Coquelin Run.

d) The Lot(s) and Use comply with the basic requirements of Chapter 59

The Project spans both the R-60 Zone and the R-30 Zone. The Applicant proposes to create 147 lots for entirely Townhouse Living, within the R-30 Zoned portion of the Site, which is a permitted within the R-30 Zone. As demonstrated in Analysis and Findings Section, Section 6 (Finding 2.d, Table 6) of the concurrent Site Plan No. 820220180, the Project satisfies the development standards for the R-30 Zone MPDU Optional Method of development and any applicable standards of the R-60 Zone.

2. The Preliminary Plan substantially conforms to the Master Plan.

a) Land Use

The Preliminary Plan substantially conforms with the 2013 *Chevy Chase Lake Sector Plan*. The Sector Plan affirmed the residential zoning of the Site and the Proposal for residential development is consistent with the Plan's general recommendation for preserving the residential character of the neighborhood. The Plan includes no specific Land Use recommendations for the Site. However, the Sector Plan recommends a shared-use path be developed within the existing dedicated right-of-way associated with Coquelin Run, directly east of Phase 2. The Application provides this shared use path on the subject site adjacent to Coquelin Run.

b) Environment

The Project addresses several of the environmental recommendations contained in the 2013 *Chevy Chase Lake Sector Plan*.

Coquelin Run & Environmental Enhancements

The Sector Plan recommendations encourage support stream and forest restoration projects to stabilize banks, remove invasive species, restore native forest structure, and prevent further stream erosion. Environmental enhancements are recommended by the Sector Plan, even if there are no direct stream valley buffer or forest impacts associated with a given project. Therefore, the direct impacts to the resources which are to be protected and enhanced per the Sector Plan require that an increased scope of environmental enhancements is necessary.

The Applicant proposes to stabilize two areas of active erosion within the Stream Valley Buffer (SVB) which are associated with storm drainage from the current development, which is located entirely within Phase 2 of the proposal. Both areas will be replanted and naturalized to the extent possible, areas outside of the existing/proposed utility easements and Right-of-ways will be reforested and the onsite areas will be placed in a Category I Conservation Easement.

As part of Phase 1, the Project has been conditioned to require the Applicant to implement a program to control invasive species within the SVB. The control invasive species can occur regardless of the timing of the Phase 2 construction, and the environmental enhancements will achieve the vision of the Sector Plan regarding forest restoration projects. A standard 5-year maintenance and management agreement will also be implemented to ensure the success of the overall environmental enhancements.

In Phase 2, the proposed work includes an LOD, which partially overlaps two locations of exposed utilities which have been undermined by stream erosion. One or both of the exposed conduits are believed to be sewer lines. As conditioned, the Applicant will be required to expand the scope of work to stabilize the exposed utilities which could otherwise have an adverse impact on the Coquelin Run Stream.

Tree Canopy

Page 49 of the Sector Plan recommends:

“the expansive tree cover in Chevy Chase Lake - 50 percent of the Plan Area - is an important part of the community’s character, as well as its ecological health...New development should also retain or improved canopy cover throughout the Plan Area, within street medians, along new and existing streets, and in surface parking areas.”

The submitted Canopy Exhibit generally shows the proposed conditions will result in a modest increase in the overall canopy cover associated with the site. As conditioned, the Applicant will update the Canopy Exhibit to include a table of the corresponding tree plantings using proposed tree species and their 20-year projected canopy sizes found in the Trees Technical Manual. Furthermore, as conditioned the Canopy Exhibit will be updated to reflect the replanting efforts within the SVB.

Sustainable Sites

The Sector Plan recommends (on Page 22) to “*Promote sustainable site and building design to mitigate negative environmental impacts.*” In response to this recommendation the Applicant proposes pervious pavement for the exercise equipment pads located along the Coquelin Run on the eastern portion of the Site and indicated that buildings are subject to the residential green construction code. In addition to the proposed exercise equipment pads, Staff is recommending a condition to require the utilization of pervious pavement for the construction of the entire trail at eastern side of the Property, where it does not conflict with subsurface utilities. As conditioned, the pervious paving will help address the Sector Plan recommendation on sustainable sites and mitigates some of the environmental impacts of the development, particularly for the proposed trail located in the stream valley buffer.

c) Transportation

According to the 2018 *Master Plan of Highways and Transitways*, Manor Road is Minor Arterial Road, further classified as an Arterial Connector by the 2021 *Complete Streets Design Guide*, with a master-planned right-of-way width of 70 feet. The existing, platted right-of-way width of Manor Road along the Site frontage is 60 feet. As conditioned the Applicant will dedicate an additional five feet of right-of-way between the Manor roadway centerline and the property line as part of Phase 1. The Applicant will also widen the sidewalks on the south side of Manor Road to six-feet-wide and ensure a buffer width of five-and-one-half-feet. The sidewalk improvements will be split into two projects across two phases. Phase 1 will include the construction of the sidewalks along the Lake Tract and across the Chevy Chase Mews on Manor Road property (offsite). Phase 2 will continue the sidewalk reconstruction along the south side of Manor Road along the Preston Tract (east) all the way to the intersection with Jones Bridge Road.

The 2018 *Bicycle Master Plan* envisioned a sidepath along the south (Site) side of Manor Road. However, during review of the Chevy Chase Lake Block B Project (Site Plan No. 82016019B) the Planning Board determined that the shared use path would be better suited on the north side of Manor Road. Reasons included the presence of the North Chevy Chase Elementary School on the north side of Manor Road, steep grades on the south side of Manor Road that were approved as part of the Chevy Chase Lake B project that would make it impossible to install along the site’s frontage, and the presence of utility poles and guy wires along the south side that were not present on the north side. The Chevy Chase Lake B plans were certified with a note that a future 12-foot sidepath would be installed by others on the north side. For these reasons, the Applicant of the Subject Application is not required to participate in the sidepath on Manor Road.

As conditioned, the Applicant is required to construct the master-planned shared use path that will connect Manor Road to the Capital Crescent Trail, adjacent to the Coquelin Run public right-of-way prior to the final use and occupancy permit of the Phase 2. The Applicant also proposes a shared use

path with Phase 1 connecting Manor Road and the Capital Crescent Trail, and a third that will connect the two phases as part of Phase 2 of the Project.

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

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

As conditioned the Applicant will dedicate an additional five feet of right-of-way between the centerline of Manor Road and the property line. The Applicant will also widen the sidewalks to six-foot-wide and ensure a buffer width of five-and-on-half-width between the roadway and sidewalk. In Phase 1 this will span across the Lake Tract and the Chevy Chase Mews. In Phase 2 the sidewalk will continue across the Place Tract and continue to the intersection with Jones Bridge Road.

ii. *Proposed public transportation infrastructure*

The Applicant will improve the sidewalks along the south side of Manor Road between the Property's westernmost edge to the intersection with Jones Bridge Road. This includes the portion along Manor Road that stretches across the Gavin Road Court, and the segment east of the Site frontage. The Applicant will also construct shared use paths that will provide public connections between Manor Road and the Capital Crescent Trail. The shared use path located along the eastern side of Phase 1 will be provided in Phase 1, as conditioned by the associated Site Plan (Site Plan No. 820220180 Condition 12a. Similarly, the shared use path located along the eastern side of Phase 2 will be provided, as conditioned by Site Plan No. 820220180 Condition No. 12b. A third shared use path connecting the phases (across the rear of the Chevy Chase Mews property) will also be installed by the Applicant as part of Phase 2 for improved public access between Phase 1 and 2, as conditioned by Preliminary Plan Condition No. 12b.

iii. *Proposed private transportation infrastructure*

The Applicant will construct three private roads (Roads A, B, and C) and six alleys (Alleys A, B, C, D, E, and F) to facilitate internal Site circulation. Private Road A and Private Alleys A, B, and C will be constructed as part of Phase 1 and Private Road B and C and Private Alleys D, E, and F will be constructed as part of Phase 2. These roads will be built to public standard for residential streets and alleys. The roads will have tree-lined sidewalks on both sides of the street, and parallel parking for portions of the roadways.

Residential Roads Paralleling Railroads

Portions of Private Roads A and B parallel the Purple Line corridor and are within 160 feet of the future track location. Per Section 50.4.3.E.1.f "a residential road paralleling a railroad must be located at 160 feet from the track to provide lots with sufficient depth back to the railroad right-of-way".

The southern portions of Private Roads A and B are approximately 90 feet from the future Purple Line track location. As such, the Applicant has requested a waiver, in accordance with Section 50.9, from this requirement to allow for portions of Private Roads A and B to be parallel to, and within 160 feet of, the Purple Line track location. In accordance with Section 50.9.3.A. to grant a waiver, the Planning Board must find that:

1) *Due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;*

Due the size and orientation of the Site, it is not feasible to provide the full 160-foot separation between the location of future Purple Line tracks and southern portions of Private Roads A and B that run parallel to them, without a significant reduction in the scale of development proposed. The scope and scale of the development are in-line with the vision of the Sector Plan. Additionally, the Applicant contends that the 160-foot setback is intended to buffer development from a traditional, heavy railroad. The Purple Line will be light rail and generate significantly lower levels of noise, vibration or other potential undesirable impacts typically associated with heavy rail operations. Additionally, there will be a sound barrier wall constructed between the proposed lots and Purple Line corridor. The wall will dampen sound and reduce the visual obtrusiveness of the light rail trains from within the development. Given these factors, the full setback is not necessary to ensure public health, safety, and general welfare are maintained.

2) *The intent of the requirement is still met;*

The 160-foot setback is intended to provide lots with sufficient depth backing to the railroad right-of-way along roadways that parallel railroad tracks. The nature of the Purple Line, being light rail, and inclusion of the sound barrier will help to limit any negative impacts of rail operations on the residential neighborhood and fulfill the intent of the requirement.

3) *The waiver is:*

a) *The minimum necessary to provide relief from the requirements; and*

The waiver requests to reduce the required 160-foot setback by approximately 70 feet and allow for Roads A and B to be set approximately 90 feet from the future location of the Purple Line tracks. This is the minimum reduction necessary to ensure an appropriate setback is provided, while also ensuring other development requirements can be satisfied.

b) *Consistent with the purposes and objectives of the General Plan.*

The waiver request to allow Private Roads A and B to be parallel to future Purple Line tracks at a distance of approximately 90 feet in lieu of 160 feet. The General Plan recommends increasing housing in the Bethesda/Chevy Chase area and focusing that growth near existing and planned public

transportation options. The proposed project is consistent with, and supportive of, the purposes and objectives of the General Plan and allow for the creation of a new townhouse community within walking distance of a future Purple Line Station, and with physical connections to the Capital Crescent Trail to further enhance walkability in the area.

b) Local Area Transportation Review (LATR)

A transportation exemption statement was submitted for the Subject Application, dated December 21, 2021. The difference between the number of peak hour person trips estimated to be generated by the proposed 147 townhomes, compared to the 133 existing residential units, is 23 in the morning peak hour and nine in the evening peak hour. In both peak hours the delta is fewer than 50 peak hour person trips. Therefore, a transportation impact study is not required for the Local Area Transportation Review. The trip generation analysis is summarized the table below:

Table 1: Parking Data Table

	ITE Trip Generation		Adjusted Vehicle Rates		Person Trips	
Existing	AM	PM	AM	PM	AM	PM
133 Residential Units	53	78	46	68	82	121
Proposed						
147 Residential Units	68	84	59	73	105	130
Total					23	9

Source: Transportation Exemption Statement prepared by Lenhart Traffic Consulting, Inc., dated Dec 21, 2021, modified by staff

c) Other Public Facilities and Services

General

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the Growth and Infrastructure Policy resolution currently in effect and will be adequate to serve the Property.

Schools

The FY23 Annual School Test, approved by the Planning Board on June 16, 2022 and effective July 1, 2022 is applicable to this Application. This plan proposes 147 single-family attached (townhouse) units in a location served by the Rosemary Hills/North Chevy Chase Elementary School, Silver Creek

Middle School, and Bethesda-Chevy Chase High School. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2: Applicable FY2023 School Adequacy Test Results

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Rosemary Hills/North Chevy Chase ES	946	810	85.6%	+136	No UPP	221	326	468
Silver Creek MS	935	858	91.8%	+77	No UPP	203	264	405
Bethesda-Chevy Chase HS	2,457	2,356	95.9%	+101	No UPP	281	593	961

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. Under the FY23 Annual School Test, Rosemary Hills/North Chevy Chase Elementary School, Silver Creek Middle School, and Bethesda-Chevy Chase High School do not require any UPP. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

To calculate the number of students generated by the proposed plan, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 147 single-family attached (townhouse) units that are not age-restricted, the project is estimated to generate the following number of students based on the Subject Property's location within an Infill Impact Area:

Table 3: Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	147	0.166	24.402	0.091	13.377	0.116	17.052
MF Low-rise	0	0.059	0.000	0.023	0.000	0.032	0.000
MF High-rise	0	0.034	0.000	0.015	0.000	0.016	0.000
TOTALS	147		24		13		17

As shown in Table 3, on average, this project is estimated to generate 24 elementary school students, 13 middle school students and 17 high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 2. Therefore, no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

Adequate Public Facility Validity Period

In accordance with Section 50.4.3.J.5.d. the Applicant requests a longer validity period than the minimum specified in Subsection 4.3.J.5.a. and provided a phasing plan demonstrating when each phase of development is to be completed. As conditioned, the Adequate Public Facility review for the Preliminary Plan will remain valid for 9 years (108 months), phased in the following manner:

- a. Phase 1 – six (6) years (72 months) from the 30th day after the Resolution is mailed; or if an administrative appeal is timely noted by any party authorized to take an appeal, the date upon which the court having final jurisdiction acts, including the running of any further applicable appeal periods.
- b. Phase 2 – three (3) years (36 months) from the expiration of the date of the validity period of for first phase.

To allow an Adequate Public Facilities Review validity period longer than the specified minimum, the Planning Board must make the following required finding of Section 50.4.3.J.5.d.ii:

- ii. To allow a validity period longer than the specified minimum, the Board must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. The Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan and may impose other improvements or mitigation conditions if those conditions are needed to assure adequate levels of transportation and school service during the validity period.***

The project is proposed to be developed in two phases as provided in the Applicant's phasing plan and further discussion in Section 4 of this report. Phase 1 includes 63 townhouse units, associated infrastructure and site features. Upon sale of those units, the Applicant proposes to begin development of the second phase. Phase 2 is anticipated to be completed in three years.

The Application contends that current market conditions and increasing mortgage interest rates add complexity to the proposed subdivision, which warrant the longer than minimum validity time frame for the adequate public facility review. Further, the Applicant contends that the extended validity period would not be adverse to the public interest. Staff also notes that retention of the existing townhouses located in Phase 2 during the six-year Phase 1 allows for those units to remain available for housing until Phase 2 of the project is ready to advance. Additionally, the development's location adjacent to the future Purple Line and its Chevy Chase Lake station, as well as the Capital Crescent Trail. These pieces of infrastructure remain under construction proximate to the Site, with an expected completion date that is several years away, and subject to change. The applicant's ability to market these units is somewhat dependent upon the completion of the Purple Line and reopening of the Capital Crescent Trail.

The extended validity period allows the Applicant flexibility to complete both phases of the project over a longer time period than the minimum. Conditions are recommended herein to assure adequate

levels of transportation are provided during the validity period. The School adequacy analysis above indicates that full built-out of the project will not require the Applicant to provide UPPs.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

a) Forest Conservation Plan

As discussed in the Environment Section of the report, the application is in compliance with the Environmental Guidelines and Forest Conservation Law. The Project is subject to a forest conservation plan that has been submitted with the application. The Subject Property contains 1.21 acres of forest of which approximately 0.91 acres will be retained within a Category I Conservation Easement. There is approximately 0.30 acres of forest removal resulting in a reforestation requirement of approximately 0.60 acres and an afforestation requirement of approximately 0.80 acres. The total reforestation and afforestation requirement is approximately 1.40 acres. The Applicant proposes to address the reforestation/afforestation requirements by payment of a fee-in-lieu or an offsite bank. The disturbed areas of SVB will replanted to the extents possible but with the use variance mitigation trees and supplemental native plantings rather than traditional reforestation plantings. As conditioned, Preliminary/Final Forest Conservation Plan meets the standards of Chapter 22A.

b) Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The proposed project includes disturbance within the CRZs of trees which are subject to a variance due to their size measuring 30 inches DBH or greater.

The Applicant submitted a variance request in a letter dated January 30, 2023 (Attachment D). The Applicants' request is to remove 34 trees (including 11 trees that may be potentially removed but with intent to save) and to impact, but not remove, 11 other trees, affecting a total of 45 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 4: Trees to be removed or potentially removed

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	RECOMMENDATION
2	<i>Acer rubrum</i>	Red maple	34	Fair	REMOVE: 100% CRZ IMPACT
4	<i>Liquidambar styraciflua</i>	Sweetgum	32	Good	REMOVE: 100% CRZ IMPACT
7	<i>Liriodendron tulipifera</i>	Tuliptree	44	Good	REMOVE: 100% CRZ IMPACT
8	<i>Acer rubrum</i>	Red maple	30	Good	REMOVE: 100% CRZ IMPACT
9	<i>Acer rubrum</i>	Red maple	34	Good	REMOVE: 100% CRZ IMPACT
13	<i>Acer rubrum</i>	Red maple	33	Fair	REMOVE: 100% CRZ IMPACT
18	<i>Quercus rubra</i>	Northern red oak	43	Good	REMOVE: 100% CRZ IMPACT
19	<i>Liquidambar styraciflua</i>	Sweetgum	31	Good	REMOVE: 100% CRZ IMPACT
20	<i>Quercus palustris</i>	Pin oak	32	Fair	REMOVE: 100% CRZ IMPACT
21	<i>Quercus palustris</i>	Pin oak	36	Fair/Poor	REMOVE: 100% CRZ IMPACT
22	<i>Quercus palustris</i>	Pin oak	35	Fair	REMOVE: 97% IMPACT*
23	<i>Quercus rubra</i>	Northern red oak	30	Fair/Poor	REMOVE: 100% CRZ IMPACT
24	<i>Quercus rubra</i>	Northern red oak	45	Fair	REMOVE: 98% IMPACT*
26	<i>Quercus rubra</i>	Northern red oak	40	Fair	REMOVE: 98% IMPACT*
27	<i>Acer rubrum</i>	Red maple	40	Fair/Good	REMOVE: 100% CRZ IMPACT
29	<i>Acer rubrum</i>	Red maple	42	Poor	REMOVE: 100% CRZ IMPACT
32	<i>Quercus palustris</i>	Pin oak	50	Good	REMOVE: 100% CRZ IMPACT
35	<i>Acer rubrum</i>	Red maple	39	Good	REMOVE: 100% CRZ IMPACT
37	<i>Quercus rubra</i>	Northern red oak	43	Fair	REMOVE: 100% CRZ IMPACT
38	<i>Quercus palustris</i>	Pin oak	33	Fair/Good	REMOVE: 97% IMPACT*
39	<i>Quercus palustris</i>	Pin oak	46	Fair	REMOVE: 100% CRZ IMPACT
40	<i>Quercus montana</i>	Chestnut oak	41	Fair	REMOVE: 98% CRZ IMPACT*
41	<i>Quercus palustris</i>	Pin oak	41	Fair/Poor	REMOVE: 100% CRZ IMPACT
42	<i>Platanus occidentalis</i>	American sycamore	36	Fair	REMOVE: 100% CRZ IMPACT
44	<i>Liquidambar styraciflua</i>	Sweetgum	35	Fair/Good	REMOVE: 44% CRZ IMPACT*
45	<i>Pinus strobus</i>	Eastern white pine	42	Fair	REMOVE: 39% IMPACT*
46	<i>Acer rubrum</i>	Red maple	32	Fair/Poor	REMOVE: 100% CRZ IMPACT**
48	<i>Pinus strobus</i>	Eastern white pine	34	Fair	REMOVE: 100% CRZ IMPACT**
50	<i>Pinus strobus</i>	Eastern white pine	46	Fair	REMOVE: 52% CRZ IMPACT
54	<i>Quercus rubra</i>	Northern red oak	32	Fair	REMOVE: 51% IMPACT*
68	<i>Liriodendron tulipifera</i>	Tuliptree	41	Good	REMOVE 36% CRZ IMPACT*
69	<i>Liriodendron tulipifera</i>	Tuliptree	37	Fair	REMOVE 41% CRZ IMPACT*
70	<i>Liriodendron tulipifera</i>	Tuliptree	37	Good	REMOVE 59% CRZ IMPACT*
77	<i>Liriodendron tulipefera</i>	Tuliptree	40	Good/Fair	REMOVE: 100% IMPACT

* Removal with intent to save.

**Removal from cleared forest.

Table 5 - Subject Trees to be Impacted but Retained

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)	CONDITION	RECOMMENDATION
53	<i>Liriodendron tulipifera</i>	Tuliptree	34	Fair	SAVE: 28% CRZ IMPACT
55	<i>Liriodendron tulipifera</i>	Tuliptree	31	Good	SAVE: 2% CRZ IMPACT
60	<i>Liriodendron tulipifera</i>	Tuliptree	36	Good	SAVE: 28% IMPACT
62	<i>Liriodendron tulipifera</i>	Tuliptree	34	Fair	SAVE: 40% CRZ IMPACT
65	<i>Liriodendron tulipifera</i>	Tuliptree	54	Good	SAVE: 46% CRZ IMPACT
66	<i>Liriodendron tulipifera</i>	Tuliptree	44	Good	SAVE: 6% CRZ IMPACT
72	<i>Quercus palustris</i>	Pin oak	35.5	Fair	SAVE 7% CRZ IMPACT
73	<i>Quercus palustris</i>	Pin oak	32.5	Fair	SAVE: 15% CRZ IMPACT
74	<i>Quercus palustris</i>	Pin oak	30.5	Fair	SAVE: 11% CRZ IMPACT
75	<i>Quercus rubra</i>	Northern red oak	38	Poor	SAVE: 16% CRZ IMPACT
76	<i>Quercus palustris</i>	Pin oak	33.6	Fair	SAVE: 12% CRZ IMPACT

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is related to the Sector Plan Recommendations for the trail connection and environmental enhancement work (such as stream bank stabilization) which results in removals and impacts of subject trees, despite considerable efforts to avoid and minimize the overall impacts. Not granting the variance would among other things prevent the Sector Plan recommendations from being implemented. Therefore, Staff agrees that the Applicant has a sufficient unwarranted hardship to justify a variance request.

c) Variance Findings:

The following determinations are based on the required findings for granting of the requested variance:

- i. ***Will not confer on the applicant a special privilege that would be denied to other applicants.***

The Subject Property is located near a planned mass transit station where increased density is generally recommended in the Sector Plan and by overarching county policies. Furthermore, the Sector Plan recommends the proposed trail connection and environmental enhancement work associated with some of the impacts and removals. Additionally, considerable efforts were made to avoid and minimize the overall impacts and the Applicant will provide mitigation for the removals of subject trees. The variance request would be granted to any applicant in a similar situation. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

- ii. ***Is not based on conditions or circumstances which are the result of the actions by the applicant.***

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this project.

- iii. ***Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.***

The requested variance is a result of the current application on the Subject Property and is not related to land or building use on a neighboring property.

- iv. ***Will not violate State water quality standards or cause measurable degradation in water quality.***

The existing site conditions include considerable impervious areas with very little or no stormwater management. Therefore, a redevelopment that provides appropriate stormwater management will help to improve the associated water quality. MCDPS approved the stormwater management concept for the project on December 7, 2022. The stormwater management concept plan proposes to meet required stormwater management goals via the use of 6 Microbioretention, 7 Storm Filters with Underground Pipe Storage. Additionally, the Project will control existing drainage, which is causing active erosion within the Stream Valley Buffer, and then generally restore the affected areas to a natural condition. The soil restoration techniques to be implemented as conditioned will maximize the permeability of the soil helping to further reduce runoff while also enhancing the setting for the associated plantings. The replanting of mitigation trees will also help water quality goals by providing shading and water retention and uptake. Collectively these efforts are anticipated to ultimately have an improvement on water quality. Therefore, the Project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There are 34 trees proposed for removal or potential removal in association with the application. There will also be disturbance to CRZs of another 11 trees that will be retained. Planting mitigation for the removals should be at a rate that approximates the form and function of the trees removed. Replacement should occur at a ratio of approximately one inch caliper for every four inches DBH of removal, using onsite trees that are a minimum of three inches caliper overstory trees native to the Piedmont Region of Maryland on the Property. For the 1220 diameter-inches of subject trees to be removed⁴, the applicant must provide mitigation of at least 305 caliper-inches of replacements. In this case, the Applicant proposes to plant approximately 80 trees with a combination of 3" and 4"

⁴ Two of the subject trees proposed for removal are not included in the total as they are located within areas of forest clearing that are addressed by the overall reforestation/afforestation worksheet requirements and therefore do not also warrant individual replacement plantings.

caliper sizes and the final locations, quantities and sizes will be determined as part of the Certified FFCP review.

Recommendation on Variance

As a result of the above findings, Staff recommends that the Planning Board approve with conditions the Applicant's request for a variance from Forest Conservation Law to remove or 34 subject trees, 11 of which are potential removals, and to impact, but retain, 11 other subject trees associated with the site (affecting a total of 45 subject trees).

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

The Montgomery County Department of Permitting Services (MCDPS) approved a Stormwater Concept Plan on December 7, 2022. The Stormwater Concept Plan proposes to meet required stormwater management goals via the use of 6 Microbioretention cells, 7 Storm Filters, and Underground Pipe Storage.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

The Applicant does not have any notice, actual or constructive, of the existence of a burial site on the Property and none are included in the Montgomery County Cemetery inventory.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

No other provisions apply to the Subdivision.

SECTION 7: SITE PLAN 820220180 FINDINGS AND ANALYSIS

Section 59.4.4.2 requires that Optional Method MPDU projects in the R-30 and R-60 zone receive an approved Site Plan under Section 59.7.3.4.

1. When reviewing an application, the approval findings apply only to the site covered by the application.

The findings herein apply only to the Subject Property.

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;

This section is not applicable as there are no previous approvals that apply to the Site.

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 section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

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 section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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

i. Division 4.4.9 R-60 & Division 4.4.14 R-30 Zone

The Project spans both the R-60 Zone and the R-30 Zone. The Applicant proposes entirely Townhouse Living, within the R-30 zoned portion of the Site, which is a permitted use. The R-60 zone is located on the most eastern portion of the Site (Phase 2) abutting the Coquelin Run and will be improved with a shared use path connection, landscaping, stormwater, and other recreational amenities. As demonstrated in Table 6 below, the Project satisfies the development standards for the R-30 Zone MPDU optional method of development and any applicable standards of the R-60 Zone.

Table 6: Chevy Chase Crossing Site Plan Data Table

Development Standard	Permitted/ Required	Proposed
Tract Area (Usable Area) R-60 Zone	3 acres	70,194.94 sf (1.61 acres)
Prior Dedication	n/a	0
Proposed Dedication	n/a	423.15 sf (0.01 acres)
Tract Area (Usable Area) R-30 Zone	11,700 square feet	479,309.52 sf (11.00 acres)
Prior Dedication	n/a	0
Proposed Dedication	n/a	5,460.52 sf (0.13 acres)
Total Tract Area		549,504.46 sf (12.61 acres)
Site		
R-30 Zone Usable Area	479,309.52 sf	
Base Density (DU/AC)	14.50 (max)	13.36
R-60 Zone Usable Area	70,194.94 sf	
Base Density	7.26 (max)	0
Total Usable Area	142,380 (min)	549,504.46 sf
Density (DU/AC)	171 units (max)	147 units
MPDU requirement	15% (22 units)	15.65% (23 units)
MPDU Bonus Density	0	0
Common Open Space (min sf)^{1, 3}		
R-30 Zone	25% min/119,827 sf	164,911 sf

R-60 Zone	20% min/14,039 sf	
Coverage (max) ¹		
R-30 Zone	30% max/143,793 sf	156,132 sf
R-60 Zone	40% max/28,078 sf	
R-30 MPDU Optional Method Placement and Height ²		
Lot		
Lot Area (min)		
Townhouse	800 sf	854 sf
Lot Width at front building line (min)		
Townhouse	14 ft	14 ft
Placement – Principal building ⁴		
Front setback from public street	10 ft	10 ft
Front setback from private street	4 ft	4 ft
Side street setback		
Townhouse	5 ft	5 ft
Side or rear setback (internal)	Determined at site plan	0 ft
Side or rear setback (Purple Line)	Determined at site plan	10 ft
Side or rear setback abutting property not in application (western)	Equal to required setback for detached house in abutting zone	10 ft
Rear setback, alley	4 ft	4 ft
Placement – Accessory Structures ⁴		
Front setback	5 ft behind front building line	5 ft
Side street setback	Same as principal building	5 ft
Side or rear setback	Determined at site plan	0 ft
Side or rear setback abutting property not in application (western)	Equal to required setback for detached house in abutting zone	4 ft
Rear setback, Alley	4 ft	4 ft
Height ⁵		
Principal Building	40 ft	40 ft
Accessory Structure	25 ft	25 ft

¹ Optional Method MPDU Development may occur across different zones per the limitations contained in Section 59.4.4.2.A.2

² No units are proposed within the R-60 Zoned portion of the Site

³ Common Open Space subject to requirements of Section 59.6.3.5

⁴ Notwithstanding any setback encroachments allowed Per Section 59.4.1.7.B.5

⁵ Notwithstanding any setback encroachments allowed Per Section 59.4.1.7.C.3

Table 7: Parking Data Table

Parking	Minimum Required	Provided
Residential	2 per unit (market rate) 1 per unit (MPDU)	

Phase 1 (63 total units)		
Market Rate	110	110
MPDU	8	16
Visitor Parking	0	16
Subtotal	128	142
Phase 2 Parcel (84 total units)		
Market Rate	138	138
MPDU	15	30
Visitor Parking	0	22
Subtotal	153	190
Total	281	332

ii. ***Division 59-6 General Development Standards***

(1) Division 6.1 Site Access

All vehicular access to the Sites two parcels will continue to be provided by Manor Road. The existing eastern access point within Phase 1 will be eliminated, and all vehicles will access the Site at the proposed new intersection of Private Road A and Manor Road. Access to Phase 2 will be provided by two new roads intersecting with Manor Road, located in approximately the same location of the existing driveway entrances. The Site access points have been evaluated by MCDOT staff and were approved during review of the subject Preliminary Plan.

Pedestrian and bicycle access will be increased to the Site and to the Capital Crescent trail by the construction of three new shared use paths that will be open for public use as well. Two of the shared use paths will connect Manor Road to the Capital Crescent Trail through the Site, and the third will connect the two phases to each other.

(2) Division 6.2 Parking, Queuing and Loading

As required by section 59-6.2.4.B, single-family residential units outside of a reduced parking area are required to provide two off-street parking spaces per unit.

The Project proposes 2 vehicular parking spaces for each market rate townhouse unit and 2 parking spaces for each MPDU, in conformance with the parking requirements of Section 59-6.2.4.B. The Applicant is choosing not to apply the reduced parking rates for the MPDU units. Additionally, the Application includes 38 visitor spaces across both parcels, available as parallel parking on the internal private streets. Public on-street parking will continue to be available on Manor Road. Given the proximity of the future Chevy Chase Lake Purple Line station just west of the Site, the parking program

provided exceeds the minimum requirements and will provide sufficient parking for the proposed development.

All loading will occur on the private roads, alleys, and on private driveways.

The Zoning Ordinance does not require dedicated spaces for vehicle queuing or loading for the Townhouse Living use proposed.

(3) Division 6.3 Open Space and Recreation

In accordance with Section 59.4.4.2.A.2.c., the open space requirement for the project must be calculated as if the R-30 and R-60 areas were developed individually. As shown in Table 6 in Finding 2.d. above, cumulatively a minimum of 133,866 square feet of Common Open Space is required and Site Plan exceeds the requirement by providing 164,911 square feet of Common Open Space. As conditioned, the common open space will be delivered with each phase, with Phase 1 providing 47,519 square feet and Phase 2 providing 117,392 square feet.

Recreational amenities for the townhouse community are proposed within both phases. These consist of pedestrian trails including two new future connections between Manor Road and the Capital Crescent Trail, fitness stations along a trail, natural area, open lawn spaces, seating, and picnic areas. The recreation supply and demand adequacy evaluation shows the proposed recreational elements are adequate to serve the proposed development.

(4) Division 6.4 General Landscaping and Outdoor lighting

Landscaping and outdoor lighting is proposed as part of the Project. Streetlights are located along private roads and pedestrian-scale bollard lights are to be provided to illuminate trail corridors and some of the common open space areas. As conditioned herein, appropriate levels of outdoor lighting will be provided to ensure safe and attractive nighttime illumination. Landscaping is provided throughout the development and includes a mix of canopy and ornamental trees as well as a variety of shrubs.

e) Satisfies the applicable requirements of:

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

The Montgomery County Department of Permitting Services (MCDPS) approved a Stormwater Concept Plan on December 7, 2022. The Stormwater Concept Plan proposes to meet required stormwater management goals via the use of 6 Microbioretention cells, 7 Storm Filters, and Underground Pipe Storage.

ii. Chapter 22A, Forest Conservation.

As discussed in Preliminary Plan No. 120220130 Finding 4, the Forest Conservation Plan will meet the requirements of Chapter 22A, as conditioned. The Final Forest Conservation Plan complies with the

Environmental Guidelines and Forest Conservation Law. The Project is subject to a forest conservation plan that has been submitted with the application. The Subject Property contains 1.21 acres of forest of which approximately 0.91 acres will be retained within a Category I Conservation Easement. There is approximately 0.30 acres of forest removal resulting in a reforestation requirement of approximately 0.60 acres and an afforestation requirement of approximately 0.80 acres. The total reforestation and afforestation requirement is approximately 1.40 acres. The Applicant proposes to address the reforestation/afforestation requirements by payment of a fee-in-lieu or an offsite bank. The disturbed areas of SVB will be replanted to the extent possible but with the use variance mitigation trees and supplemental native plantings rather than traditional reforestation plantings. As conditioned, Preliminary/Final Forest Conservation Plan meets the standards of Chapter 22A.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Project will provide a total of three vehicular access points from Manor Road into the Site with a well-integrated sidewalk network on all proposed private streets interior to the Site. In addition to the sidewalk network, the Applicant proposes two shared use paths from Manor Road and an additional pedestrian sidewalk from Phase 1. The shared use paths, one in each phase, will connect to the Capital Crescent Trail to the south, with amenities such as seating, landscaping, and lighting along the paths. The shared use path in Phase 1 will also connect through the Mews property between the Lake Tract and the Place Tract, to a wandering east/west trail through the Lake Tract for ultimate connection to the shared use path along the Coquelin Run.

The pedestrian circulation system has been well integrated into the townhouse layout, providing a pedestrian scale massing that is appropriate for the R-30 and R-60 zone and tying into proposed common open space throughout the entire Project Site.

Parking will be provided along various portions of the private streets and each individual lot. As proposed, the Project provides safe, well-integrated parking, circulation patterns, building massing, open spaces and site amenities.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

As discussed in Preliminary Plan No. 120220130 Finding 2, the Project substantially conforms with the recommendations of the 2013 Chevy Chase Lake Sector Plan.

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;

As discussed in Preliminary Plan No. 120220130 Finding 3, adequate public facilities exist to support the Project. The Applicant has requested, and the Findings support an extended APF period of 9 years with the proposed phasing. Public facilities including schools, police and fire protection, water, sanitary sewer, public roads and storm drainage are adequate to serve the development as proposed.

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

The Property is in the R-30 and R-60 zones and the proposed townhouse development is compatible with the character of its residential neighborhood. The height and density of the development will serve as an appropriate transition in between the mixed-use, high-rise development to the west currently under construction (Chevy Chase Lake Block B), which will include the future Purple Line station, existing single-family detached residential neighborhood to the north and east, and the existing townhouse development located between Phase 1 and 2.

j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.

As noted in the previous finding, the Property is residentially zoned and is compatible with the character of its residential neighborhood.

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.

This requirement is not applicable as the Site Plan does not include a restaurant with a drive-through.

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.

This requirement is not applicable as the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

SECTION 8: CONCLUSION

As conditioned, the Preliminary Plan and Site Plan applications each satisfy the findings under Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2013 *Chevy Chase Lake Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Preliminary Plan and Site Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan

Attachment B: Site Plan

Attachment C: Forest Conservation Plan

Attachment D: Forest Conservation Variance Request

Attachment E: Phasing Plan

Attachment F: Agency Letters

Attachment G: Community Correspondence