

Montgomery Planning  
**KINGSVIEW STATION**  
**PRELIMINARY PLAN NO. 120210210 &**  
**SITE PLAN NO. 820210130**



**Description**

Request to create sixty-one (61) lots for single-family attached dwelling units and two (2) lots for up to 12,000 square feet of Retail/Service Establishment and to construct sixty-one (61) single family attached dwelling units including 12.5% MPDUs, with associated public streets, open spaces, and recreational amenities.

No. 120210210 and 820210130

Completed: 6-30-2023

MCPB

Item No. 13

7-13-2023

2425 Reddie Drive

Floor 14

Wheaton, MD 20902



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**LOCATION**

Southeastern quadrant of the intersection of Clopper Road/MD117 and Germantown Road/MD 118

**MASTER PLAN/ZONE**

1989 Germantown Master Plan

CRNF-1.00 C-0.25, R-0.75, H-55

**PROPERTY SIZE**

9.94 acres (gross tract area) Preliminary Plan Area, 7.45 acres (Site Plan Area)

**APPLICANT**

Kingsview Station, A Joint Venture c/o Pleasant Development

**ACCEPTANCE DATE**

July 28, 2021

**REVIEW BASIS**

Chapters 50, 59, 22A and 19

**Summary:**

- Staff recommends **approval with conditions**
- Limited Map Amendment H-131 approved rezoning from R-200/TDR 6.0 to CRNF CRNF-1.00 C-0.25, R-0.75, H-55 in February 2022.
- As conditioned, the Applicant will:
  - Construct a sidepath along Germantown Road and upgrade existing bike and pedestrian facilities on Clopper Road and Leaman Farm Road.
  - Remove an existing slip lane on Germantown Road.
  - Relocate existing overhead utilities bisecting the Property to allow for undergrounding within the right-of-way for Liberty Mill Drive.
  - Extend Liberty Mill Road as a public street to Leaman Farm Road.
- The Applicant will provide amenities for residents and visitors including open space for an open lawn area, seating and picnicking, a play area, a bike station, and landscaping.
- Staff has received no community correspondence on this Application.

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## SECTION 1 – EXECUTIVE SUMMARY

The area covered by the Preliminary Plan and Site Plan was subject to a Limited Map Amendment (“LMA”) (H-131) which rezoned this property from R-200/TDR-6.0 to Commercial/Residential Neighborhood Floating Zone (CRNF) 1.00 C-0.25, R-0.75, H-55. The LMA applied the following binding elements as part of any development of the property:

- No more than 12,000 square feet of commercial building area;
- No more than 61 townhouse dwelling units;
- A maximum building height of 50 feet.

The Applicant proposes to create sixty-one (61) lots for single-family attached dwelling units and two (2) lots for up to 12,000 square feet of Retail/Service Establishment and to construct sixty-one (61) single family attached dwelling units including 12.5% MPDUs, with associated public streets, open spaces, and recreational amenities. The project will be developed into 2 phases with the residential portions in Phase 1 and the non-residential portions in Phase 2. The Preliminary Plan application covers both phases, and the Site Plan application only covers Phase 1.

Throughout the review, the Applicant worked closely with staff and other agencies to address a number of issues. However, the following three issues remain unresolved:

### 1)Frontage Improvements

This Application has frontage on three existing roads: Germantown Road/MD 118, Clopper Road/MD 117 and Leaman Farm Road. The Bicycle Master Plan recommends a sidepath on all three of these roads (Labeled A, B and C respectively in Figure 4). Current policy for subdivision applications is for applicants to provide Master Plan recommended frontage improvements to meet existing standards. The Bicycle Master Plan provides additional design guidance for all facilities to be constructed whenever feasible to a final design as opposed to interim condition, with the best practices for all facilities provided in both the plan’s Facility Design Toolkit and supplemented and amended by the Complete Streets Design Guide.

#### *Germantown Road/MD 118 – Bike Lanes and removal of slip lane*

The Applicant must replace the existing sidewalk with an 11-foot wide asphalt sidepath. The proximity and access provided to dense housing, retail, schools, transit and other public amenities make this segment a vital link for cyclists and pedestrians.

The implementation of the sidepath is constrained by the steep slopes immediately to the east of the existing guardrail for the road and presence of a large wetland area. These environmental features limit the available space for construction without imposing significant impacts to the wetland and existing grade. Planning Staff is recommending removing and replacing the existing 11 to 15-foot wide

northbound right turn lane and slip lane on MD 118 with the sidepath. The lane would be removed, a new curb constructed approximately in the location of the existing lane striping, and a 6-foot wide street buffer installed to the right side of the curb. The 11-foot wide sidepath would be installed to the right of the buffer. The improvement will enhance bike and pedestrian safety by removing a hazardous and uncomfortable conflict point between crossing pedestrians and vehicles moving at high speed.

#### *Clopper Road/MD 117 Sidepath*

As conditioned, the Applicant will upgrade the existing 8-foot wide concrete sidewalk into an 11-foot wide asphalt sidepath along the Application frontage with Clopper Road. The improvement will meet the current recommended width to accommodate side-by-side bike riding as well as the minimum space to allow passing.

#### *Leaman Farm Road Sidepath*

As conditioned, the Applicant will upgrade the existing 8-foot wide asphalt sidepath into an 11-foot wide sidepath along the application frontage with Leaman Farm Road to match current width standards. The existing street buffer (6+ feet) remains adequate and provides enough separation for existing street trees.

## 2) Off-site transportation improvements

The Transportation Impact Study submitted as part of this Application found extensive bike, pedestrian and bus transit deficiencies (Attachment H). As conditioned, the Applicant will improve the west side of Germantown Road opposite from the property. These improvements will address the current High Level of Traffic Stress rating for cyclists and result in an acceptable low to very low rating of traffic stress.

The Applicant alternatively suggests that the previously mentioned slip lane improvement is an off-site, LATR-related improvement that should be credited against the overall proportionality cap and should only have to construct a portion of the southern segment of off-site sidepath. Staff disagrees with this assessment as the slip lane runs along the property line and is not offsite. As conditioned, the slip lane is to be provided as a standard frontage improvement.

Additionally, as conditioned, the Applicant must construct approximately 1,000 feet of off-site bike and pedestrian improvements to mitigate the Application's trip generation. This mitigation is split in two 500 foot sections along Germantown Road immediately to the north of the Preliminary Plan Area across Clopper Road as well as immediately south across Leaman Farm Road. In combination with the previously described frontage improvements, this would provide a continuous nearly ½ mile segment of sidepath that would be constructed to meet both comfort and low stress criteria for pedestrians and cyclists.

### 3)Undergrounding of utilities

When the zoning case went before the Planning Board, the undergrounding of utilities was specifically noted as an item to be determined at the time of preliminary plan. The Applicant contends that the relocation and undergrounding of utilities is prohibitively expensive to make this Application viable. Section 50.I.1.b of the Subdivision Regulations gives the Planning Board authority to require the undergrounding of existing utilities when it “determines it is necessary based upon the size and density of a proposed subdivision.” Staff has determined that given that the Montgomery County Council rezoned both the commercial and residential portions of this Application to a mixed-use floating zone to allow a mixture uses within a walkable urban design, it is inappropriate from a safety, resilience, and Design Excellence perspective to allow overhead power to remain within this design context, density and proximity to the proposed residential units. In addition, PEPCO also supports and prefers these utilities to be relocated underground to improve access, reliability, and potential downtime in the event of service outages.

## SECTION 2 – RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120210210 and Site Plan No. 820210130 for the creation of 61 lots for single-family attached dwelling units and two lots for Retail/Service Establishment uses as well as the construction of 61 single-family attached dwelling units with associated open space and amenities. The development must comply with the binding elements for Local Map Amendment (“LMA”) H-131 dated February 19, 2020. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

### **PRELIMINARY PLAN NO. 120210210:**

1. This Preliminary Plan is limited to 61 lots for single-family attached dwelling units including a minimum of 12.5% MPDUs and two (2) lots for up to a total of 12,000 square feet of commercial uses on 9.94 acres.
2. The Applicant must comply with binding elements of Local Map Amendment H-131 specified in County Council Resolution No. 19-402.
3. The Applicant must comply with all conditions of approval of the Preliminary Forest Conservation Plan No. H-131 specified in MCPB Resolution 19-130 approved February 3, 2020.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 1, 2023, and hereby incorporates them as conditions of Preliminary Plan approval. The Applicant must comply with

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<sup>1</sup> 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.



each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

5. 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 June 29, 2021, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated September 16, 2019 and reconfirmed on January 18, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
7. Before the submittal of a record plat, the Montgomery County Council must take action on the Abandonment Application No. AB 774. Before approval of any record plat, the Applicant must have gained fee simple title to the abandoned right-of-way associated with the Montgomery County Council action.
8. The Applicant must relocate the existing overhead power and any other overhead utilities along Liberty Mill Road and underground those utilities within the right-of-way to be dedicated as part of the Application for Liberty Mill Road and/or within a Public Utilities Easement (“PUE”) running parallel to the Liberty Mill Road right-of-way line.
9. The Applicant must remove the existing channelized right turn “slip lane” serving northbound Germantown Road from the southern corner of the Germantown Road / Clopper Road intersection.
10. The Applicant must construct the following master planned pedestrian and bicycle facilities. The exact location, design and construction of which must comply with the requirements set forth by the Maryland State Highway Administration (“SHA”):
  - a. The Applicant must construct an eleven-foot-wide sidepath path along the property frontage on MD 118 (Germantown Road) from Leaman Farm Road to Clopper Road to include a minimum six-foot-wide street buffer. All road crossings must include ADA accessible ramps with a minimum width of eleven (11) feet.
  - b. The Applicant must construct an 11-foot-wide sidepath along the property frontage on MD 117 (Clopper Road) to include a minimum six-foot street buffer, subject to final adjustments at Site Plan approval for Phase 2. All road crossings must include ADA accessible ramps with a minimum width of 11 feet.

- c. The Applicant must construct an 11-foot-wide sidepath along the property frontage on Leaman Farm to include a minimum 6 feet tree panel. All road crossings must include ADA accessible ramps with a minimum width of 11 feet.
11. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes.
  - a) Public Street “A” consistent with MC-2001.02 within a 48-foot right-of-way as modified by MCDOT.
  - b) Liberty Mill Road, consistent with MC-2002.02 within a 60-foot right-of-way as modified by MCDOT.
  - c) Dedication of all necessary right-of-way for Clopper Road/MD 117, Darnestown-Germantown Road/MD 188, and Leaman Farm Road as shown on the Certified Preliminary Plan.
12. Before the specified development triggers below, the Applicant must provide the following off-site improvements to meet LATR mitigation requirements as referenced in the MCDOT letter dated June 1, 2023:
  - a. Before the recordation of the plat, the Applicant must provide designs for review for either:
    - i. An 11-foot wide sidepath with a 6-foot wide street buffer along the east side of Germantown Road from the intersection of Clopper Road to extend 500 feet to the north, and from the intersection of Leaman Farm Road to 500 feet to the south, or comparable off-site bike and pedestrian improvement as approved by staff. The design must be reviewed and approved by staff from Planning, MCDOT, and MDOTSHA; or
    - ii. Improvements to the Darnestown-Germantown Road (MD 118) / Clopper Road (MD 117) intersection for increased bike and pedestrian safety and comfort as approved by Staff.
    - iii. If (i) and (ii) are determined to be infeasible, an alternative off-site improvement as identified in the LATR Study, as agreed to by Staff (“Off-Site Improvement”).
  - b. Before the release of the first building permit, the Applicant must receive approval for designs for all Off-site Improvements from staff from Planning, MCDOT, and MDSHA.
  - c. Before the release of the 40th building permit, the Applicant must construct all Off-Site Improvements.
13. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
14. The record plat must show all necessary easements.



15. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 (“Covenant”).
16. The final number of MPDUs as required by Condition No. 1 above will be determined at the time of site plan approval.
17. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for seven (7) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).
18. If an approved site plan or 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 or site plan amendment.
19. The Preliminary Plan will remain valid for seven (7) 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, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed. the Applicant must record plats based on the following phasing schedule:
  - a. Phase I: Plats for all residential lots and open space/ private alley parcels must be recorded in the Montgomery County Land Records within five (5) years from the initiation date.
  - b. Phase II: Plats for the commercial Parcel A and Parcel J must be recorded in the Montgomery County Land Records within seven (7) years of the initiation date, or a request for an extension filed.
20. The Preliminary Plan must contain the following notes:

*“Unless specifically noted on this plan drawing or in the 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. Other limitations for site development may also be included in the conditions of approval.”*
21. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a. Show resolutions and approval letters on the certified set.
  - b. Correct all plan sheets to accommodate a 48-foot right-of-way for Public Street “A” as shown in the cross-section.

- c. Update drawings to indicate undergrounding of utilities.
- d. All driveways for MPDUs must measure a minimum of 18 feet in depth as measured from property line to the garage façade.
- e. Submittal of a phasing plan sheet, which meets the requirements of Section 50.4.2.G.2.b and 50.4.3.J.5 of the Subdivision Regulations, for review and approval by Staff.
- f. Submittal of a right-of-way dedication plan encompassing Clopper Road/MD 117, Darnestown-Germantown Road/MD 118, and Leeman Farm Road showing all necessary right-of-way dedications with locations and approximately square footages for the implementation of Planning Board conditioned frontage improvements.

## SITE PLAN NO. 820210130:

Staff recommends approval of Site Plan No. 820210130, for the construction of 61 single-family attached dwelling units. The development must comply with the binding elements for Local Map Amendment (“LMA”) H-131 dated February 19, 2020. 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.<sup>2</sup>

### DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 61 single family attached dwelling units, including 12.5% MPDUs, on 7.45 acres.

2. Height

The development is limited to a maximum height of 50 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

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 (MCDHCA) in its letter dated May 1, 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 12.5 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 0.75 acres of common open space (10% of Site Plan area) on-site.
- b) Before the final inspection for residential units, all common open spaces areas on the Subject Property must be completed on the following schedule as shown on the Certified Site Plan:

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<sup>2</sup> 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.

- i. Prior to issuance of Use and Occupancy Certificate / or Final Inspection (whichever is relevant) for residential unit #16 on Block C, the common open space located between Liberty Mill Road and Lots 11-16 must be completed.
  - ii. Prior to issuance of Use and Occupancy Certificate / or Final Inspection (whichever is relevant) for residential unit #27 on Block B, the common open space area located south of Lots 21-27 and west of Private Alley A must be completed.
  - iii. Prior to issuance of Use and Occupancy Certificate / or Final Inspection (whichever is relevant) for residential unit #45 on Block B, the common open space area located north of Lots 38-41 and west of Lots 33-37 must be completed.
5. Recreation Facilities
- The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP). The CSP 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.
6. Maintenance of Public Amenities
- The Applicant is responsible for maintaining all publicly accessible amenities within HOA parcels including, but not limited to landscaping, benches, retaining walls, bike racks, playground equipment, trash cans, lighting, mailboxes, walkways, and other hardscapes.

## ENVIRONMENT

7. Forest Conservation
- 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 (“FFCP”). Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
  - c) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
  - d) Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
    - i. Record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved FFCP, excluding the existing Forest Conservation Easement area that is authorized to be removed. The new Category I Conservation Easements must be in a form approved by the M-NCPPC Office of General Counsel and must be recorded in the Montgomery County Office of Land Records by deed prior to recordation of the deed of abandonment for the existing conservation easement. The entirety of the existing easement remains in full force and effect until the abandonment document and the revised easement have been approved and recorded in the Land Records. The Book/Page for the easements must be referenced on the record plat.

- ii. The Applicant must abandon the entirety of the original Category I Conservation Easement recorded among the County Land Records in Book 33824, Page 251, in a form approved by M-NCPPC Office of the General Counsel. The abandonment document must be recorded in the Montgomery County Land Records by deed.
- iii. Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP at the time of substantial completion for sitework or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- iv. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Seneca Creek watershed to satisfy the reforestation requirement for a total of 1.40 acres of afforestation/reforestation mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Seneca Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
- v. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 1.50 acres of new forest planting and maintenance, including invasive species management controls, credited toward meeting the afforestation/reforestation requirements of the FFCP.

8. Noise Attenuation

- a) Before the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65<sub>Ldn</sub> dBA, will attenuate the projected exterior noise levels to an interior level not to exceed 45<sub>Ldn</sub> dBA.
- b) Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

9. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated June 29, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

**TRANSPORTATION & CIRCULATION**

10. Transportation

- a) 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 20, 2022, and incorporates them as conditions of approval. The Applicant

must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

- b) Before the release of the 10<sup>th</sup> building permit, the Applicant must remove the existing channelized right turn “slip lane” serving northbound Germantown Road from the southern corner of the Germantown Road / Clopper Road intersection.
- c) Before the specified development triggers below, the Applicant must construct the following master planned pedestrian and bicycle facilities along the frontage of the Subject Property. The exact location, design and construction of which must comply with the requirements set forth by the Maryland State Highway Administration (“SHA”):
  - i. Before the release of the first building permit, the Applicant must obtain approval for designs for all offsite improvements from staff from Planning, MCDOT, and MDSHA.
  - ii. Before the issuance of the 20<sup>th</sup> building permit, the Applicant must construct an eleven-foot-wide sidepath along the property frontage on MD 118 (Germantown Road) from Leaman Farm Road to Clopper Road to include a minimum six-foot-wide street buffer. All road crossings must include ADA accessible ramps with a minimum width of eleven (11) feet.
  - iii. Before issuance of the 40<sup>th</sup> building permit, the Applicant must construct an 11-foot-wide sidepath along the property frontage on Leaman Farm Road to include a minimum 6 feet tree panel. All road crossings must include ADA accessible ramps with a minimum width of 11 feet.
  - iv. Before the release of the 40<sup>th</sup> building permit, the Applicant must construct all off-site improvements.

## 12. 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 18, 2022, 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

### 13. Site Design

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

### 14. 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 all 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 streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

15. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and streetlights. 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.

16. 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.

17. Certified Site Plan

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

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



- b) Add 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) Fire and Rescue Access plan should be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Applicant must improve access from the alley to Lot 20 as reviewed by Staff.
- g) Exterior elevations for townhouse units to be reviewed by Staff in connection with the Certified Site Plan.
- h) All driveways for MPDUs must measure a minimum of 18 feet in depth as measured from the property line to the garage façade.
- i) Applicant must provide an exhibit showing the location and materials of all recreational amenities, including but not limited to bikeways, open grass area lawn, natural areas, the play area, picnic and seating areas, and the bicycle support station.

## SECTION 3 – COMMUNITY CORRESPONDENCE

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. A total of six signs were posted along Clopper Road, Germantown Road, and Leaman Farm Road, referencing the proposed Application. A pre-submission meeting was held virtually on May 4, 2021, using the GoToMeeting platform, along with a dial-in option. The presentation materials were made available to the public for download in advance of the community meeting. The Applicant was notified regarding the requirements of the Development Guidelines to renotify surrounding property owners within 30 days of the public hearing.

As of the date of this report, Staff has not received community correspondence.

## SECTION 4 – SITE LOCATION AND DESCRIPTION

### SITE LOCATION AND VICINITY

The property is located in the southeastern quadrant of the intersection of Clopper Road/MD117 and Germantown Road/MD 118 (“Preliminary Plan Area”). The Preliminary Plan Area is identified as Parcel P322, Tax Map ET33 (Tax ID #02-01483728), Parcel P220, Tax Map ET33 (Tax ID #02-00396261), Parcel P274, Tax Map ET33 (Tax ID #02-00405641), Parcel P330, Tax Map ET33 (Tax ID #02-00396215), Parcel P536, Tax Map ET33 (Tax ID #02-02687740), and Parcel N210, Tax Map ET33 (Tax ID #02-03282924) consisting, collectively, of 9.94 acres (gross tract). The Preliminary Plan Area is located within the 1989 *Germantown Master Plan* (“Master Plan”).

The identified as a portion of Parcel P322, Tax Map ET33 (Tax ID #02-01483728), Parcel P220, Tax Map ET33 (Tax ID #02-00396261), Parcel P274, Tax Map ET33 (Tax ID #02-00405641), Parcel P330, Tax Map ET33 (Tax ID #02-00396215), Parcel P536, and Tax Map ET33 (Tax ID #02-02687740) consisting, collectively, of 7.45 acres (“Site Plan Area”). (Figure 1)

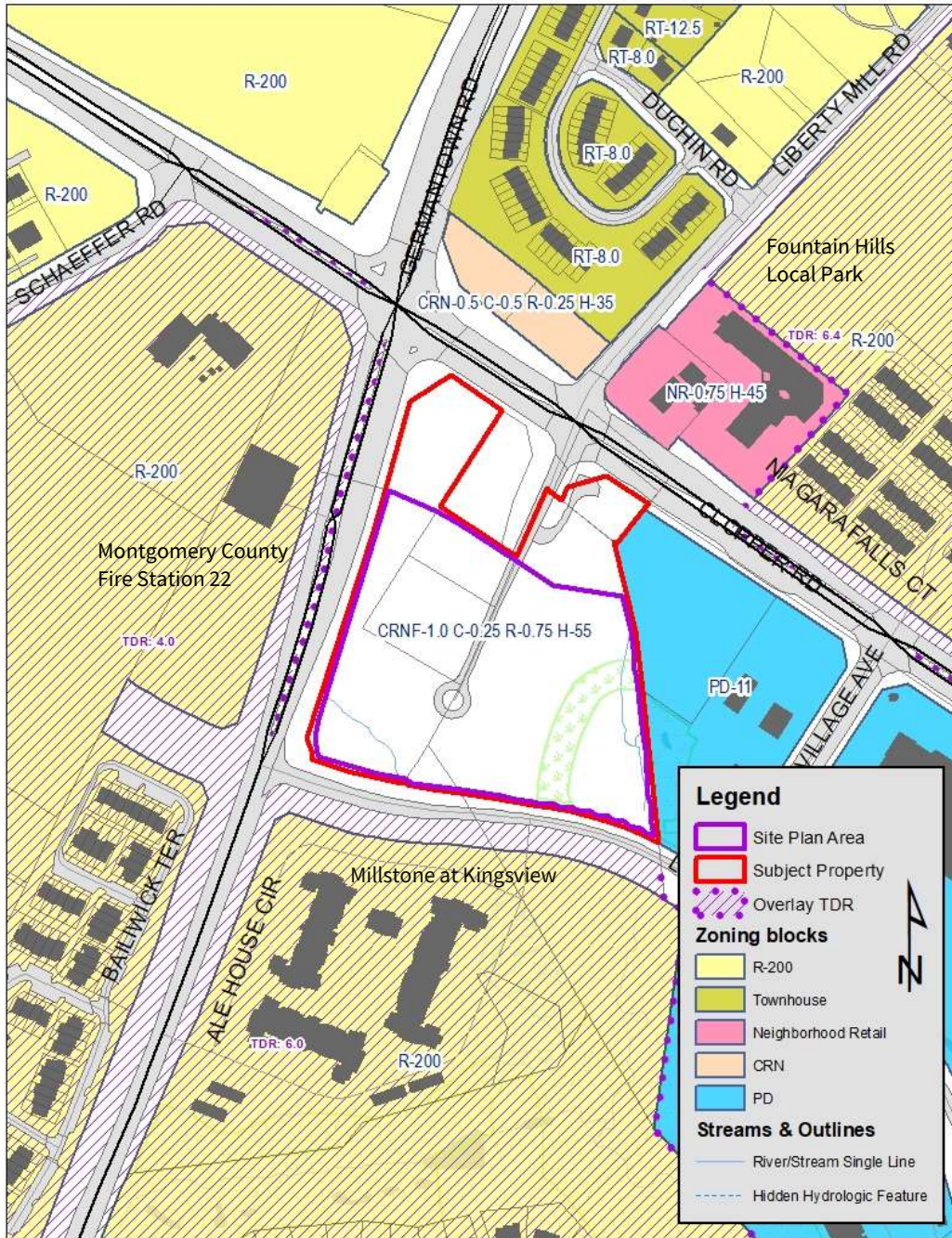


Figure 1 - Vicinity

The Preliminary Plan Area and Site Plan Area are zoned Commercial Residential Neighborhood – Floating (CRNF)-1.00 C-0.25, R-0.75, H-55. The Preliminary Plan Area and Site Plan Area is bounded by Clopper Road to the north, Germantown Road to the west, Leaman Farm Road to the south, and a Park and Ride lot to the east. To the north, south, and west is R-200 zoned land with a mix of existing



single-family detached houses and townhouses, while to the east is PD-11 zoned land. Millstone at Kingsview is located directly south, to the west is Montgomery County Fire Station 22 and Trinity United Methodist Church, to the north is the Fountain Hills Community and Fountain Hills Local Park, and to the east is Kingsview Park and an existing commercial retail center.

A partial extension of Liberty Mill Road runs through the center of the northern portion of the site from Clopper Road. A parcel located in the southwest corner of the intersection of Liberty Mill Road and Clopper Road, Parcel P168, is owned by Potomac Electric Power Co. and is not part of this Application.

The Preliminary Plan and Site Plan Areas are irregularly shaped with varying topographic features and are currently undeveloped. It contains an existing Forest Conservation Easement that covers approximately 0.54 acres. Electric transmission lines traverse the Site Plan Area from north to south, passing through the center of the Site Plan Area along the Liberty Mill Road right-of-way.



*Figure 2 – Southward view of Liberty Mill Road, overhead power running south along west side of roadway*

The topography of the Preliminary Plan Area and Site Plan Area generally slopes down from north to south. There is notable presence of stream valleys on the southeast and southwestern boundaries of the Preliminary Plan Area and Site Plan Area. The Preliminary Plan Area and Site Plan Area is located within the Middle Great Seneca Creek watershed, a Use Class IV-P as designated by the State of Maryland. The Preliminary Plan Area contains 3.52 acres of forest, 0.61 acres of wetlands, 2 streams, 2.55 acres of stream buffers of which 0.71 acres are forested and 3 onsite trees with a diameter breast height (“DBH”) of 30 inches or more.

A large wetland is located in the northeastern quadrant of MD 118 and Leaman Farm Road. This wetland and associated streams are connected by storm drains to a stream system that originates on the side of MD 118 and continues south of Leaman Farm Road.

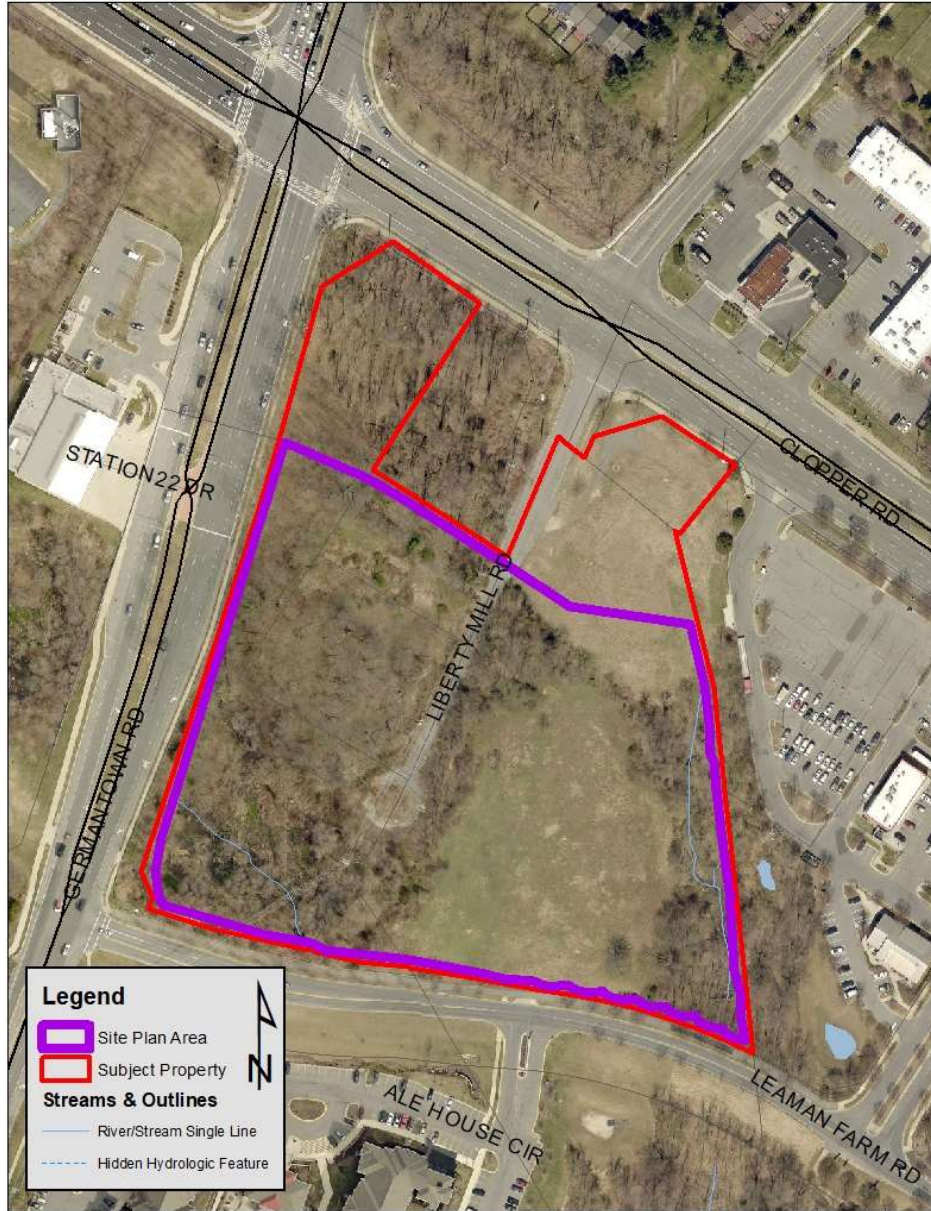


Figure 3 – Aerial View

## SECTION 5 – APPLICATIONS AND PROPOSAL

### PREVIOUS APPROVALS

#### Local Map Amendment (“LMA”) H-131

On February 19, 2020, the Montgomery County Council approved LMA H-131 to rezone the Property from R-200 and R-200/TDR 6.0 to Commercial/Residential Neighborhood Floating Zone – CRNF-1.0, C-0.25, R-0.75, H-55 (Attachment D).

The rezoning of the Property included the following binding elements:

1. No more than 12,000 square feet of commercial building area;
2. No more than 61 townhouse dwelling units;
3. A maximum building height of 50 feet.

#### Preliminary Forest Conservation Plan

On February 3, 2020, the Montgomery County Planning Board approved the Preliminary Forest Conservation Plan and Tree Variance Request associated with the Local Map Amendment H-131 with MCPB Resolution No. MCPB 19-130 (Attachment D).

### CURRENT APPLICATIONS

#### Preliminary Plan 120210210 and Site Plan 820210130

The Applicant proposes to create 61 lots for single-family attached dwelling units including 12.5% MPDUs and two lots for of Retail/Service Establishment (5,001- 15,000 square feet) and to construct 61 single-family attached dwelling units with associated open spaces, recreation facilities, and master plan recommended improvements (“Application”). As part of the Application, new public streets will be constructed to serve all dwelling units. In addition, the Preliminary Plan portion of this Application creates two lots for up to a total of 12,000 square feet of Retail/Service Establishment, which will be developed as part of Phase 2. A future site plan application for each commercial lot is required when development is proposed.

The Applicant has an abandonment application pending with Montgomery County awaiting transmittal and recommendation. This application abandons public right-of-way originally intended for a cul-de-sac in the middle of the Preliminary Plan Area for Liberty Mill Road. This will allow the previously intended cul-de-sac and road right-of-way to be realigned to facilitate Liberty Mill Road to become a through road connecting to Leaman Farm Road.





Figure 3 - Phases 1 and 2 Layout Rendering

### Frontage Improvements

This Application has frontage on three existing roads: Germantown Road/MD 118, Clopper Road/MD 117 and Leaman Farm Road. The Bicycle Master Plan recommends sidepaths on all three of these roads (Labeled A, B and C respectively in Figure 4). Current policy for subdivision applications is for applicants to provide Master Plan recommended frontage improvements to meet existing standards. The Bicycle Master Plan provides additional design guidance for all facilities to be constructed whenever feasible to a final design as opposed to interim condition, with the best practices for all facilities provided in both the plan's Facility Design Toolkit and supplemented and amended by the Complete Streets Design Guide. As conditioned, the Applicant will provide sidepaths to the current adequate standard of 11 feet which would accommodate side-by-side bike riding and passing. Additionally, as conditioned, the applicant will remove an existing right-turn slip lane at the Germantown Road / Clopper Road intersection to improve bike and pedestrian safety and support the implementation of the previously mentioned sidepath along Germantown Road



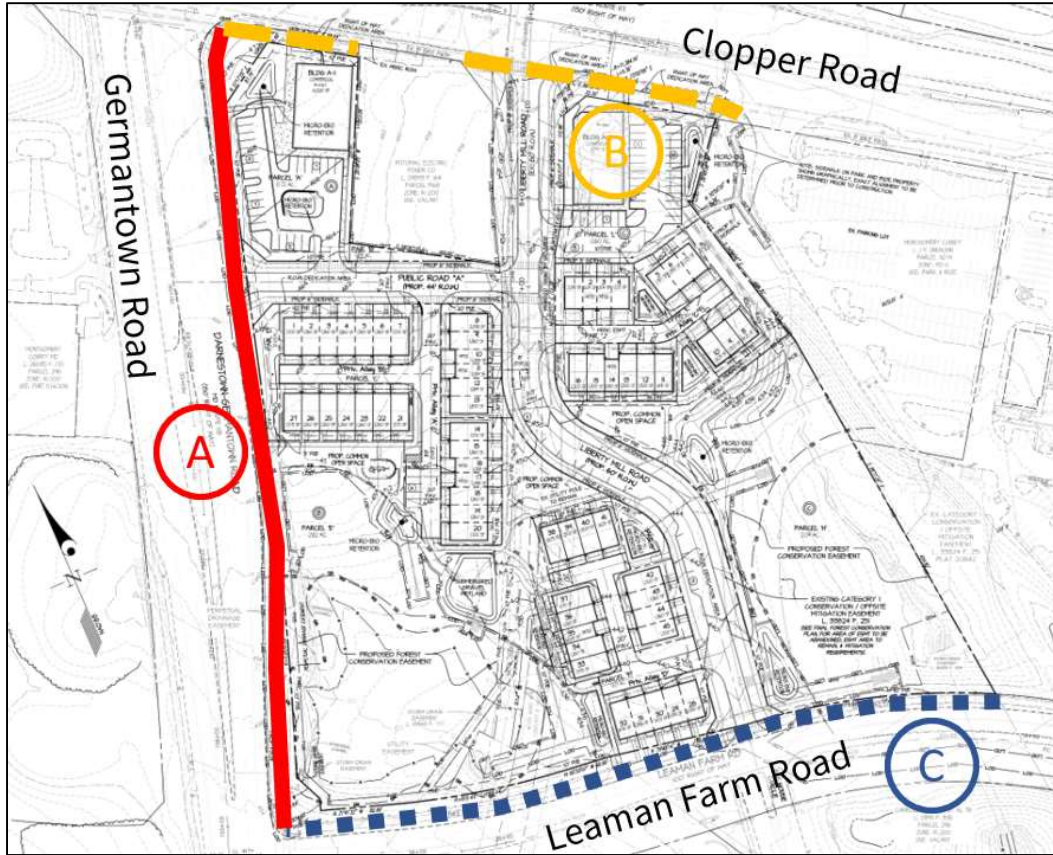


Figure 4 – Bike and Pedestrian Frontage Improvements

*Germantown Road/MD 118 – Bike Lanes*

As conditioned, the Applicant will replace the existing sidewalk with an 11-foot wide asphalt sidepath. Given the speed of the road, high vehicle volumes across multiple lanes, and inadequate street buffer, this segment of Germantown Road is currently unsafe for bicycle travel. The proximity and access provided to dense housing, retail, schools, transit and other public amenities make this segment a vital link for cyclists and pedestrians and is in need of improvement.



*Figure 5 – Germantown Road Existing Sidewalk and Right Turn Lane*

Complicating the implementation of the sidepath are the steep slopes immediately to the east of the existing guardrail for the road and presence of a large wetland area. These environmental features limit the available space for construction without imposing significant impacts to the wetland and existing grade. Planning Staff have alternatively suggested removing and replacing the existing 11 – 15 foot wide northbound right turn lane for the sidepath. In this scenario, the lane would be removed, a new curb constructed approximately in the location of the existing lane striping, and a 6-foot wide street buffer installed to the right side of the curb. The 11-foot wide sidepath would be installed to the right of the buffer.



*Figure 6 – Germantown Road Existing Sidewalk and Right Turn Lane*

The existing cross section and proposed cross section of northbound Germantown Road is shown in Figure 7 and Figure 8 at the most constrained location, where only 46 feet of buildable area exists between the curb for the far-left lane and the guardrail on the far right. As illustrated, even in this most constrained location, there is adequate space to install a sidepath and street buffer if the right turn lane is removed.



Figure 7 – Northbound Germantown Road Existing Curb to Guardrail Cross Section

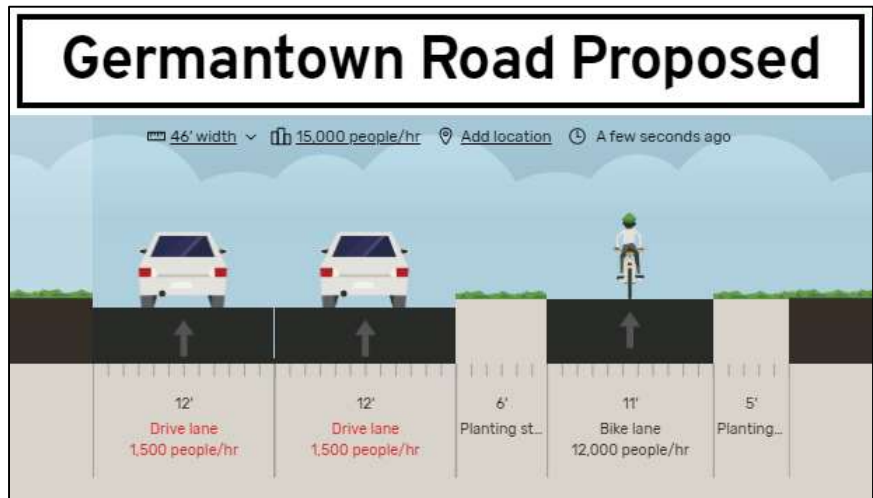
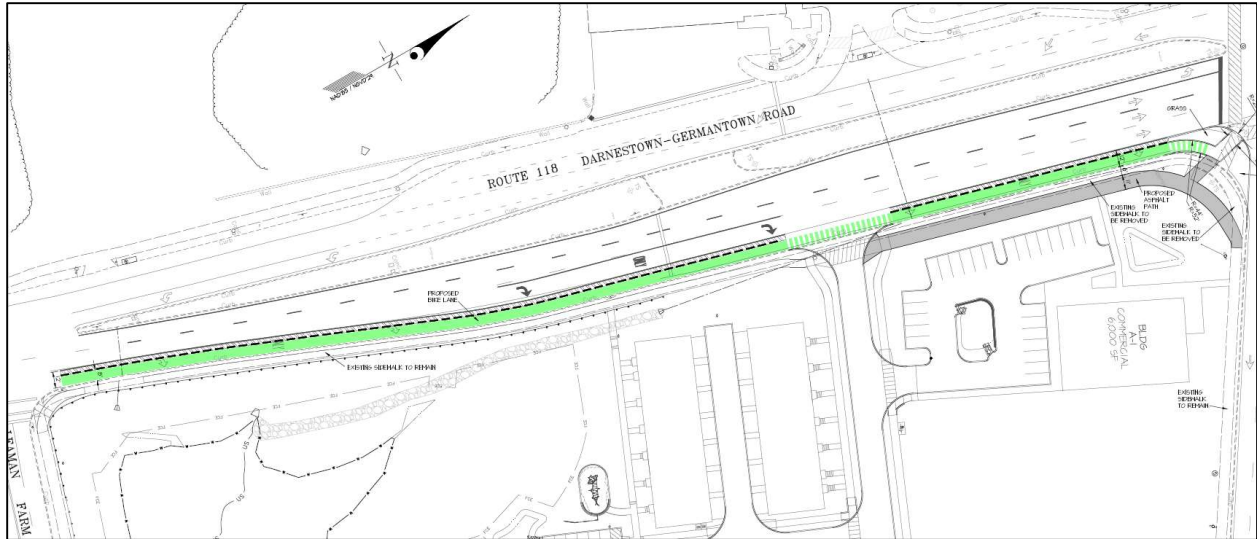


Figure 8 – Northbound Germantown Road Proposed Curb to Guardrail Cross Section

The Applicant has alternatively proposed an interim solution that would provide a combination of an on-street bike lane along with a limited length of sidepath as shown in Figure 9.





*Figure 9 – Applicant Alternative Interim Bike Improvements to Germantown Road*

Staff does not support this alternative as it does not achieve the full long term master plan vision, which, provides a separated facility for bikes and pedestrians vs. an on-street option. This proposal would provide inadequate street buffer (4 feet) and limited physical separation (pre-cast wheel stops) for cyclists from fast-moving traffic, creating at best an uncomfortable cycling condition. Additionally, there are no existing bike lanes along any segment of Germantown Road, nor are bike lanes recommended by the Bicycle Master Plan or Complete Streets Design Guide in this location or in the general vicinity. As a result, such a facility would not connect to a larger network and could cause confusion to future users.

*Germantown Road/MD 118 – Removal of Slip Lane*

In support of the repurposing of the right turn lane to construct a sidepath along Germantown Road, the Applicant is conditioned to remove the existing right turn slip lane along the frontage of the property at the southeast corner of the Germantown Road / Clopper Road intersection. The space will be repurposed to provide greater space for bike and pedestrian movement, but more importantly improve bike and pedestrian safety by removing a hazardous and uncomfortable conflict point between crossing pedestrians and vehicles moving at high speed.

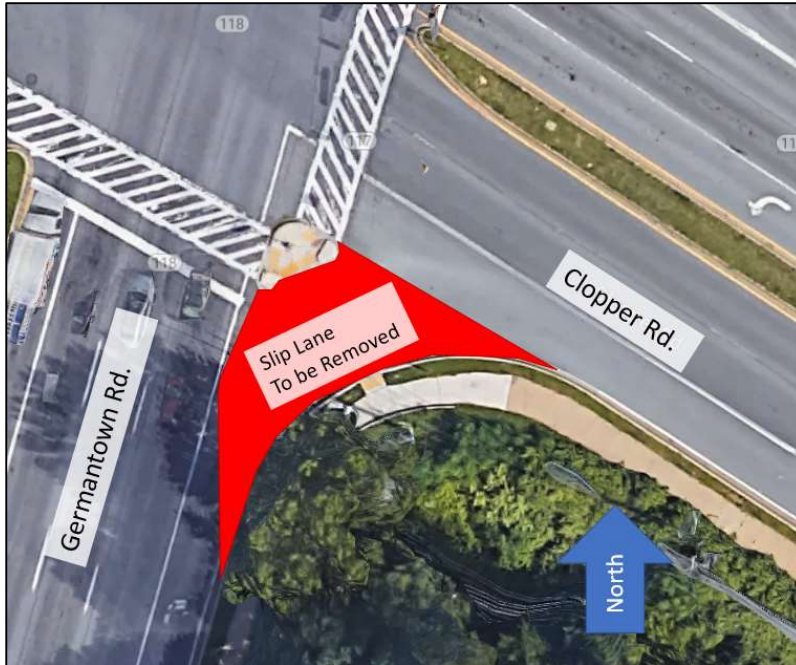


Figure 10 – Slip Lane to Be Removed at Germantown Road / Clopper Road Intersection



Figure 11 – Slip Lane to Be Removed at Germantown Road / Clopper Road Intersection

### *Clopper Road/MD 117 Sidepath*

As part of Phase 2 and as conditioned, the Applicant will upgrade the existing 8-foot wide concrete sidewalk into an 11-foot wide asphalt sidepath along the application frontage with Clopper Road. The improvement will meet the current recommended width to accommodate side-by-side bike riding as well as the minimum space to allow passing. The change from concrete to asphalt is recommended to provide a smoother and more comfortable surface for bike riders. Additionally, space will be provided for a 6-foot wide street buffer which improves comfort levels for both cyclists and pedestrians from the existing 2-3 feet buffer and will additionally provide space for street trees.



*Figure 12 – Existing Sidewalk Along Clopper Road*

#### *Leaman Farm Road Sidepath*

As conditioned, the Applicant will upgrade the existing 8-foot wide asphalt sidepath into an 11 foot wide sidepath along the application frontage with Leaman Farm Road to match current width standards. The existing street buffer (6+ feet) remains adequate and provides enough separation for existing street trees. The incremental improvement will allow for bicyclists to ride side by side and pass comfortably.





*Figure 13 – Existing Sidepath Along Leaman Farm Road*

#### Off-site transportation improvements

The Transportation Impact Study submitted as part of this Application found extensive bike, pedestrian and bus transit deficiencies (Attachment H). As conditioned, the Applicant will improve the east side of Germantown Road in two segments: from the intersection with Germantown Road to 500 feet to the north, and from the intersection with Leaman Farm Road to 500 feet to the south. These improvements will address the current High Level of Traffic Stress rating for cyclists and result in an acceptable low to very low rating of traffic stress.

The Applicant alternatively suggests that the previously mentioned slip lane improvement is an off-site, LATR-related improvement that should be credited against the overall proportionality cap and should only have to construct a portion of the southern segment of off-site sidepath. Staff disagrees with this assessment as the slip lane runs along the property line and is not offsite. Instead, as conditioned, the slip lane is to be provided as a standard frontage improvement.



*Figure 14 – Slip Lane Location Along Subject Property Frontage*

Additionally, as conditioned, the Applicant must construct approximately 1,000 feet of off-site bike and pedestrian improvements to mitigate the Application’s trip generation. This mitigation will be constructed along the west side of Germantown Road (opposite from the Preliminary Plan Area). The Applicant alternatively may construct comparable offsite improvements to improve bike and pedestrian safety and comfort following review from Planning Staff and MCDOT.

## **SECTION 6 – ANALYSIS AND FINDINGS FOR PRELIMINARY PLAN #120210210, 50.4.2.D**

*1. THE LAYOUT OF THE SUBDIVISION, INCLUDING SIZE, WIDTH, SHAPE, ORIENTATION AND DIVERSITY 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 Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (single-family attached structures and commercial) and uses contemplated for the Preliminary Plan Area.

The lots were reviewed for compliance with the dimensional requirements for the CRNF as specified in the Zoning Ordinance and consistent with the Local Map Amendment. The lots will meet all the dimensional requirements for area, frontage and can accommodate the single-family attached dwelling units and Retail/Service Establishment structures which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1. The

Application is proposed under the standard method in accordance with Section 4.4.8.A of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

*Table 1 – Development Standards Table – CRNF-1.00 C-0.25, R-0.75, H-55 (Standard Method)*

<b>CRNF-1.00, C-0.25, R-0.75, H-55</b>	<b>Allowed/Required by the Zone</b>	<b>Proposed for Approval</b>
FAR (Floor Area Ratio)		
Residential	0.75 FAR (324,740 sq. feet)	0.38 FAR (164,700 sq. feet) <sup>3</sup>
Commercial	0.25 FAR (108,246 sq. feet)	0.03 FAR (12,000 sq. feet) <sup>3</sup>
Total FAR	1.00 FAR (432,986 sq. feet)	0.41 FAR (176,700 sq. feet)
MPDUs	12.5% (8 DUs)	12.5% (8 DUs)
Minimum Lot Area	N/A	800 sq. feet
Common Open Space		
Common Open Space	10% min.	10% min.
Public Open Space	10% min.	10% min.
Minimum Lot Width at B.R.L.	0 feet	16 feet
Maximum Lot Coverage	No limit	100%
Principle Building, Min. Setbacks (for all lots)		
From Public Street (Front/side)	10 feet min.	10 feet min.
Front (Open Space)	0 feet min	10 feet min.
Side (Abutting Site Boundary)	5 feet min.	5 feet min
Side (End unit)	2 feet min	2 feet min.
Side (Internal Unit)	0 feet min	0 feet min.
Rear (Abutting Site Boundary)	5 feet min.	5 feet min.
Rear (Alley)	0 feet min.	5 feet min.
Building Height	55 feet max.	50 feet or less <sup>2</sup>
Parking		
Residential	61 – 122 spaces	114
Commercial – Parcel “A”	21-36 spaces	26 spaces
Commercial – Parcel “L”	21-36 spaces	31 spaces
Site Plan Required	Yes	Yes

**2. THE PRELIMINARY PLAN SUBSTANTIALLY CONFORMS TO THE MASTER PLAN**

The Preliminary Plan substantially conforms to the recommendations included in the 1989 *Germantown Master Plan* and to the determinations made in Zoning Case H-131. The proposed Kingsview Station development is located in the Clopper Village section of Germantown. The Master Plan included it in analysis area CL-6 of Clopper Village, and the Master Plan provides

<sup>3</sup> Set by binding element in Local Map Amendment H-131.



detailed recommendations for this and adjacent properties, all of which are in the vicinity of the intersection of the relocated Germantown Road (MD 118) and Clopper Road (MD 117).

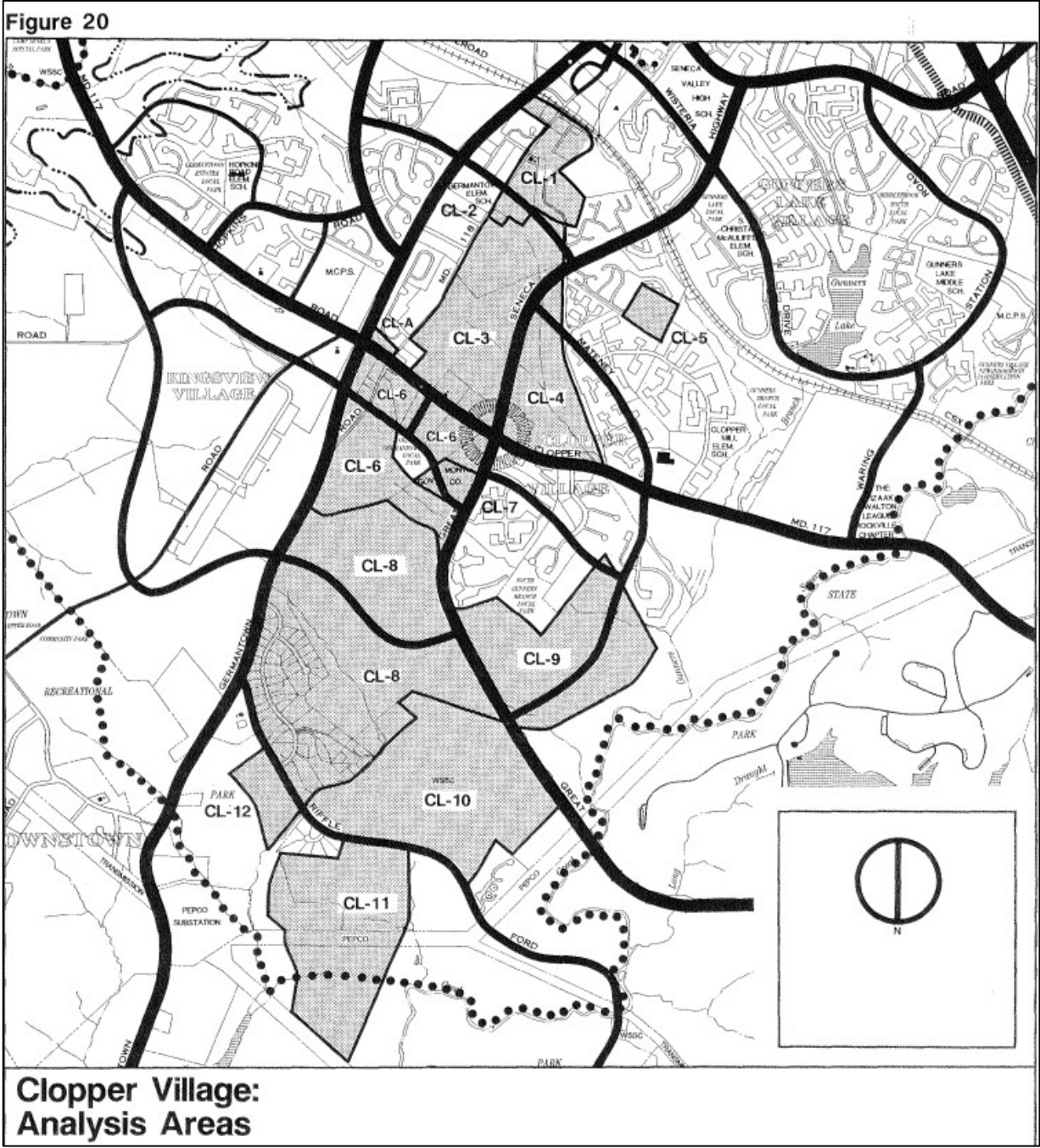


Figure 15 - Clopper Village Analysis Areas from Master Plan

For the purposes of the Master Plan, Germantown Road is oriented from east to west, and Clopper Road is oriented from north to south. The Application is in the eastern part of the analysis area along the southeast intersection of Clopper and Germantown Roads.

The Master Plan recommends that most of the analysis area include a village center for Kingsview Village (west of the subject site across Germantown Road), planned to be located adjacent to Clopper Village, but lacking suitable space for a center within its designated boundaries. “The portion of the eastern section of the Analysis Area not developed as the Village Center is recommended for garden apartments at a density of 11 units per acre.” (p 65)

This Application includes a mix of commercial and residential development in the CRNF Zone. The overall density proposed is 0.38 for the residential and 0.03 FAR for the commercial which is less than the overall density of 1.0 FAR for the mapped CRNF zone, of which 0.75 FAR of that total is devoted to single-family attached units. The Application will have up to 12,000 square feet of commercial development and 61 residential units, fewer than the 11 dwelling units to the acre recommended in the Master Plan.

Master Plan’s central goal is to provide a “greater sense of community” within Germantown, in part, by providing an “appropriate mix” of housing choices. While the Application does not include garden apartments, as originally recommended, the single-family attached dwellings unit will contribute to an overall mix of single-family attached and garden apartment units in the analysis area of the Master Plan which is consistent with the Master Plan recommendations and desirable.

### 3. PUBLIC FACILITIES WILL BE ADEQUATE TO SUPPORT AND SERVICE THE AREA OF THE SUBDIVISION.

#### ROADS AND TRANSPORTATION FACILITIES

##### i. **Existing Facilities**

- a. Germantown Road (MD 118) is a Major Highway as designated in the Master Plan of Highways and Transitways and a Boulevard in the 2021 Complete Streets Design Guide with a master planned width of 120 feet. An existing 4 to 5-foot wide sidewalk exists along the frontage of the Preliminary Plan Area. The 2018 Bicycle Master Plan and 2021 Complete Streets Design Guide recommend an 11-foot wide sidepath along the frontage of the Preliminary Plan Area. The proposed dedication as provided by the Preliminary Plan is adequate to serve the development and all master plan requirements.
- b. Clopper Road (MD 117) is a Major Highway as designated in the Master Plan of Highways and Transitways and a Boulevard in the 2021 Complete Streets Design Guide with a master planned width of 150 feet. The dedication, as proposed, by the Preliminary Plan is adequate to serve the development and all master plan requirements. An 8-foot wide concrete sidewalk currently is built along the Preliminary Plan Area frontage. The Bicycle Master Plan and Complete Streets Design Guide recommend an 11-foot wide sidepath along the frontage.

- c. Leaman Farm Road (MD 117) is an Arterial as designated in the Master Plan of Highways and Transitways and a Boulevard in the 2021 Complete Streets Design Guide with a master planned width of 100 feet. The dedication, as proposed, is adequate to serve the development. An 8-foot wide asphalt sidepath currently is built along the Leaman Farm Road frontage. The Bicycle Master Plan and Complete Streets Design Guide recommend an 11-foot wide sidepath along the frontage of the Preliminary Plan.
  - d. Existing Liberty Mill Road is a remnant of the original alignment of Germantown Road that exists as an unimproved right-of-way inaccessible to the public. As part of abandonment request AB 774, the existing right of way is to be abandoned and re-platted as a realigned road.
- ii. **Proposed public transportation infrastructure** The Application proposes two new roads, and as conditioned, will provide bike and pedestrian improvements on all existing frontages.
- a. Liberty Mill Road will be extended from the existing intersection with Clopper Road and run through the center of the Preliminary Plan Area as a modified secondary residential street with a 60 feet right-of-way (“ROW”) with two travel lanes and meet the standards of a neighborhood street under the Complete Streets Design Guide. It will access Leaman Farm Road at the existing Ale House Road intersection. The existing residual right of way will be abandoned as part of the abandonment application AB 774 and be replaced by the new alignment.
  - b. Street A is proposed to run from Liberty Mill Road in the south approximately 320 feet within the Preliminary Plan Area to Germantown Road in the north. The road is proposed as a modified tertiary residential street with a reduced 48 feet ROW that will meet the standards for a two-lane neighborhood street.
  - c. Germantown Road is a 4 to 6 lane boulevard, which will be maintained with the Application. As conditioned, the Applicant will construct an 11-foot wide sidepath with a 6-foot wide street buffer along the frontage from Leaman Farm Road to Clopper Mill Road (A, in red). As conditioned the applicant will remove the existing right-turn slip lane from the southern corner of the Germantown Road / Clopper Road intersection. (Figure 16)
  - d. Clopper Road is a 4 to 5 lane boulevard which will be maintained with the Application. As conditioned, the Applicant will construct an 11-foot wide sidepath with a 6-foot wide street buffer along the frontage (B, in yellow).

- e. Leaman Farm Road is a 2 to 3 lane boulevard which will be maintained with the Application. As conditioned, the Applicant will construct an 11-foot wide sidepath with a 6-foot wide street buffer along the frontage (C, in blue).
- f. Germantown Road / Clopper Mill Intersection – as conditioned, the Applicant will provide off-site bike and pedestrian improvements equivalent to \$325,151 to fulfill mitigation requirements as determined by the LATR transportation study. As conditioned, the Applicant will construct an 11-foot wide sidepath along the east side of Germantown Road from the intersection of Clopper Road to extend 500 feet to the north, and from the intersection of Leaman Farm Road to 500 feet to the south, or comparable off-site bike and pedestrian improvement as approved by staff.

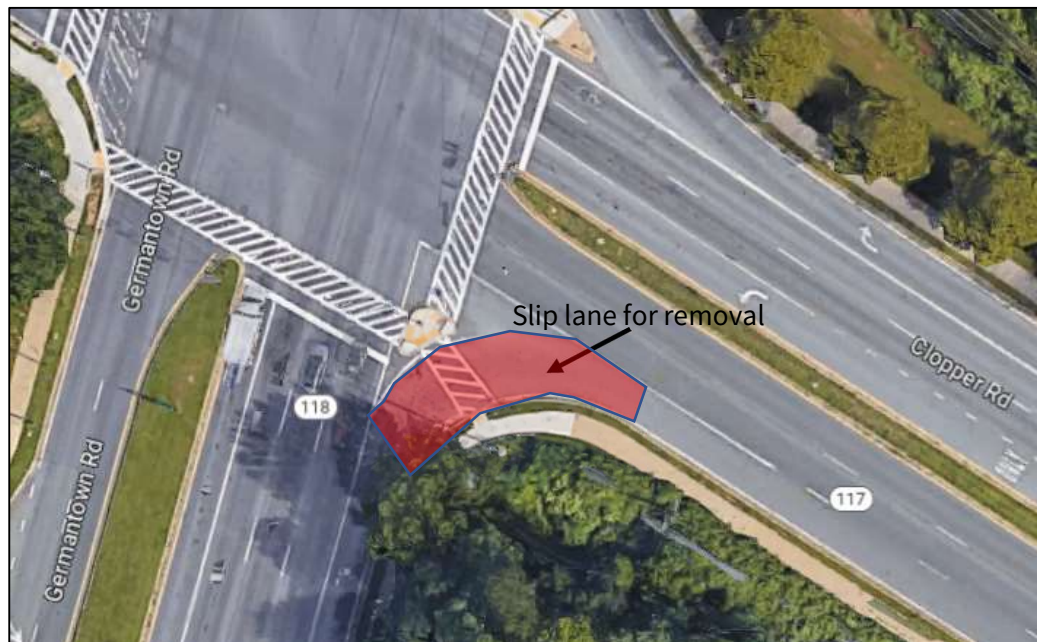


Figure 16 – Existing Slip Lane (orange) to Be Removed at Germantown Road and Clopper Road



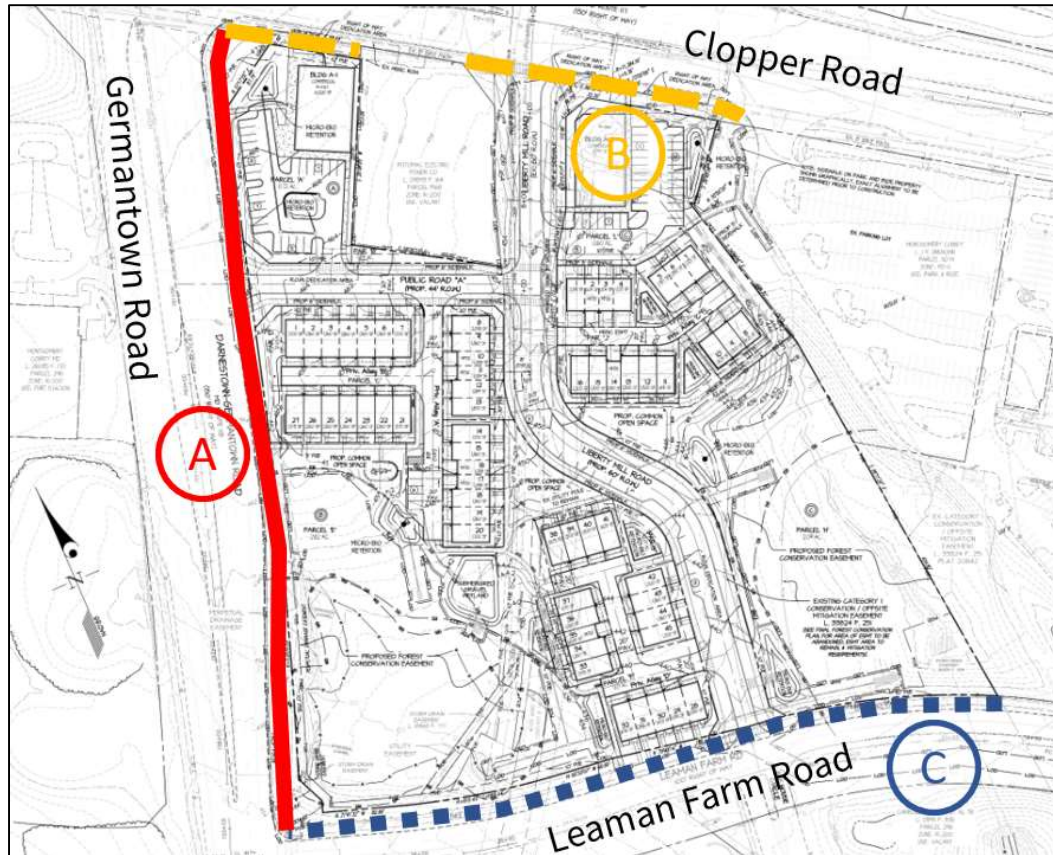


Figure 17 – Bike and Pedestrian Frontage Improvements

- iii. **Proposed private transportation infrastructure** The Applicant will construct private alleys A, B, C, and D to serve the rear of all townhouse units; these alleys exist to provide rear driveway access to homes as well as fire access. The alleys are constructed to be 20 feet in paved width. These alleys will not serve the general public and do not offer through connectivity and will be maintained by the HOA.

**LOCAL AREA TRANSPORTATION REVIEW (LATR)**

The Application proposes 61 attached townhouse dwelling units and up to 12,000 square feet of Retail/Service Establishment uses. The uses are estimated to result in 61 AM and 215 PM peak-hour person trips. This exceeds the 50 peak-hour person trip LATR threshold, requiring a Transportation Impact Study (TIS). The Applicant has provided the study for review. (Attachment H)

Table 2: Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Germantown West Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Proposed	61 Single-Family Attached Units	30	37	28	13	46	58
	12,000 square foot Retail/Service Establishment	11	113	10	104	15	157
Net Change						61	215

Source: Transportation Impact Study from Lenhart Traffic Consulting, Inc. revised January 6, 2022, modified by staff

Eight intersections were studied (Table 3). No intersection exceeds the Germantown West Policy Area congestion standard; therefore, no mitigation is required.

Table 3: CLV Methodology

Intersection	CLV Analysis					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
<i>Germantown West Policy Area (1,425)</i>						
Germantown Rd & Clopper Road	443	638	473	653	476	666
Germantown Rd & Site Access	N/A	N/A	N/A	N/A	195	295
Germantown Rd & Leaman Farm Road	340	482	396	496	347	504
Clopper Road and Liberty Mill Road (Site Access)	271	430	284	448	297	466
Clopper Road and Kingsview Village Ave.	362	603	373	629	381	641
Clopper Road and Great Seneca Hwy	581	834	622	857	634	869
Leaman Farm Road and proposed Liberty Mill Road (Site Access)	88	199	88	199	94	213
Leaman Farm Road and Kingsview Village Ave.	113	251	113	251	117	256

The study found extensive bike, pedestrian and ADA deficiencies as outlined in the TIS. These are in part to be mitigated by the offsite improvements to the bike and pedestrian network on Germantown Road to improve bike and pedestrian safety and comfort.



Figure 18 – Bike Level of Stress

As conditioned, transportation access is safe and adequate for the proposed residential and commercial uses. This Application is consistent with the 2018 Bicycle Master Plan, the 1989 Germantown Master Plan and satisfies the Adequate Public Facilities (APF) test under the 2020 Growth and Infrastructure Policy.

The Applicant has requested 7 years of plan validity rather than the standard time period of 3 years. In addition, the Applicant has requested 7 years of APF rather than the standard 5 years. This additional time will allow the applicant to move forward with plats for the residential portion of the Application (Phase 1) and follow up with a plat, or plats, for the non-residential lots at a later date (Phase 2). The Subdivision Regulations require a phasing plan to be approved by the Planning Board. The project will be developed into 2 phases with the residential portions in Phase 1 and the non-residential portions in Phase 2. The Preliminary Plan application covers both phases, and the Site Plan application only covers Phase 1. This modest request for an extended APF and Plan Validity period is not adverse to the public interest.

## OTHER PUBLIC FACILITIES AND SERVICES

Other public facilities and services are available and adequate to serve the proposed commercial and residential lots. The Preliminary Plan Area is in the W-1 and S-3 water and sewer service categories, respectively, and will utilize public water and sewer.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on September 16, 2012 and reconfirmed on January 18, 2022, 2022 (Attachment E). The Fire Department Access Plan indicates that fire access will be provided by a combination of new public streets and fire access compliant private alleys.

## OVERHEAD UTILITIES

The Preliminary Plan Area is currently bisected by existing overhead power and communications lines running north to south along the Liberty Mill Road right-of-way. If these overhead utilities remain, it will force the fronts of approximately two dozen multi-story townhouses to be within close proximity to overhead powerlines. Staff recommends that the overhead power and other utilities be relocated underground (shown in pink in Figure 19) within the right-of-way of Liberty Mill Road and be installed during the construction of the proposed public street for the reasons discussed below.



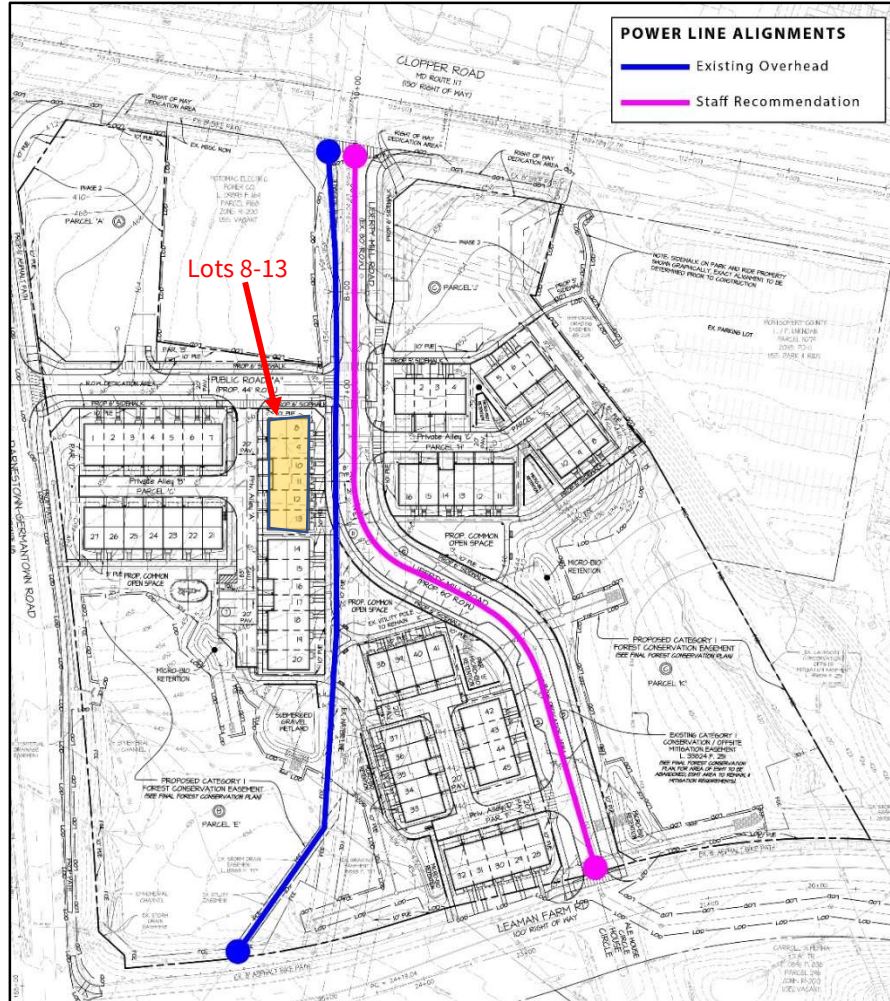


Figure 19 – Existing Overhead Power and Staff recommendation for undergrounding

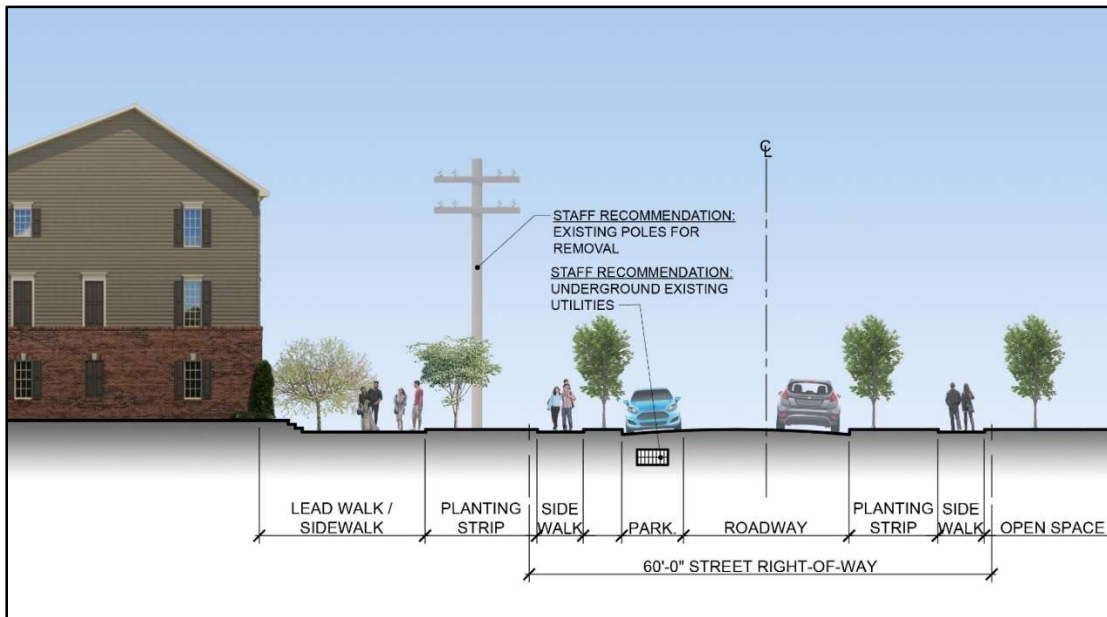


Figure 20 – Proposed Site Section for Liberty Mill Road in front of Lots 8-13

The Planning Board has the authority to require this relocation and undergrounding of utilities in the Subdivision Regulations Section 50.I.1.b, which states:

Section 50.I.1.b: Utilities

“The developer may also be required to underground any above-ground or overhead utilities that exist either within the property being subdivided or within the road right-of-way along the frontage of the property being subdivided, if the Board determines it is necessary based upon the size and density of a proposed subdivision.”

Given that this Preliminary Plan Area was rezoned to a mixed-use floating zone to allow this Application to include commercial and residential uses with walkable urban design, it is inappropriate from a safety, resilience, and Design Excellence perspective to allow overhead power to remain within this design context and density and proximity to the proposed residential units.

Furthermore, PEPCO prefers this underground alignment, in their letter dated May 3, 2023 (Attachment G), because in the event that maintenance or repairs are necessary the current alignment will cause significant damage to the land using heavy equipment especially on the edge of the wetland and Forest Conservation area as well as require PEPCO to access poles by climbing rather than using buckets. Relocating the utilities underground within the proposed roadbed will greatly improve access, reliability, and potential downtime in the event of service outages. As conditioned, the Applicant is required to perform this relocation of the existing overhead power and other utilities and underground them in conjunction with the construction of Liberty Mill Road.

Lastly, undergrounding these utilities in conjunction with the other public improvements prior to construction of housing and amenities will improve safety for workers using ladders, trucks, and loading floor and roof joists on and off the street.

The Applicant opposes to the recommendation to underground utilities and contends that the Application would not be financially viable if the undergrounding of existing utilities is required. While Staff is cognizant of the costs of infrastructure improvements, there is an obligation to act in the public interest in creating the safest, most resilient, and best design and living experience possible. New construction of this community and Liberty Mill Road presents a unique opportunity to underground utilities which will not be matched at any other time without major disruption to the future residents and users of this road.

Other utilities, public facilities and services, such as telecommunications, police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 Growth and Instructure Policy (“GIP”) in effect at the time that the Application was accepted.

## SCHOOL FACILITIES TEST

### Overview and Applicable School Test

The FY24 Annual School Test, approved by the Planning Board on June 22, 2023 and effective July 1, 2023 is applicable to this Application. This Application proposes a net total of 61 single-family attached units.

### School Adequacy Test

The Application is served by Germantown ES, Roberto W. Clemente MS, and Northwest HS. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 4 - Applicable FY2024 School Adequacy.

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Germantown ES	292	263	90.1%	+29	No UPP	114	131	144
Roberto Clemente MS	1,218	844	69.3%	+374	No UPP	500	618	801
Northwest HS <sup>4</sup>	2,291	2,189	95.5%	+102	No UPP	282	561	904

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 FY24 Annual School Test, Germantown ES, Roberto Clemente MS and Northwest HS do not require any UPP as identified in Table 4.** If the application is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

### Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed Application, 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.

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<sup>4</sup> Projected enrollment reflects the estimated impact of CIP P651909, which will reassign students between Gaithersburg HS, Richard Montgomery HS, Northwest HS, Quince Orchard HS, Wootton HS and Crown HS in 2027.

With a net of 61 single family attached units that are not age-restricted, the proposed Application is estimated to generate the following number of students based on the Preliminary Plan Area’s location within a Turnover Impact Area:

*Table 5 - 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	0.185	0.000	0.102	0.000	0.154	0.000
SF Attached	61	0.218	13.298	0.119	7.259	0.167	10.187
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	0	0.073	0.000	0.042	0.000	0.053	0.000
<b>TOTALS</b>	<b>61</b>		<b>13</b>		<b>7</b>		<b>10</b>

As shown in Table 5, on average, this Application is estimated to generate 13 elementary school students, 7 middle school students and 10 high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 4. Therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

*4. ALL FOREST CONSERVATION LAW, CHAPTER 22A REQUIREMENTS ARE SATISFIED*

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420182510 for this Preliminary Plan Area was approved on July 24, 2018. The NRI/FSD identifies the Preliminary Plan Area to be located within the Middle Great Seneca Creek watershed, a Use Class IV-P as designated by the State of Maryland. The Preliminary Plan Area contains 3.52 acres of forest, 0.61 acres of wetlands, 2 streams, 2.55 acres of stream buffers of which 0.71 acres are forested and 3 onsite trees with a diameter breast height (“DBH”) of 30 inches or more.

Preliminary Forest Conservation Plan

The Preliminary Forest Conservation Plan (“PFCP”), including a variance request for the removal of three trees designated as high priority for retention under 22A-12(b)(3) (“Protected Trees”) was approved with the application for a Local Map Amendment No. H-131 by the Planning Board with



MCPB Resolution Number 19-130 dated February 3, 2020. A Final Forest Conservation Plan (“FFCP”) is included with this application package for a combined Preliminary/Site Plan seeking approval from the Planning Board. The FFCP findings are included in the Site Plan section later in this report.

5. *ALL STORMWATER MANAGEMENT, WATER QUALITY PLAN, AND FLOODPLAIN REQUIREMENTS OF CHAPTER 19 ARE SATISFIED.*

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on June 29, 2021 (Attachment E). The Application will meet stormwater management goals through the use of microbioretention, microbioretention planter boxes, permeable paving, and submerged gravel wetland.

6. *ANY BURIAL SITE OF WHICH THE APPLICANT HAS ACTUAL NOTICE OR CONSTRUCTIVE NOTICE OR THAT IS INCLUDED IN THE MONTGOMERY COUNTY INVENTORY AND LOCATED WITHIN THE SUBDIVISION BOUNDARY IS APPROVED UNDER SUBSECTION 50-4.3.*

There is no evidence, actual notice, or constructive notice of a burial site on the Preliminary Plan Area. The Preliminary Plan Area is not included in the Montgomery County Inventory.

7. *ANY OTHER APPLICABLE PROVISIONS SPECIFIC TO THE PROPERTY AND NECESSARY FOR APPROVAL OF THE SUBDIVISION IS SATISFIED.*

There are no other applicable provisions specific to the Preliminary Plan Area that are necessary for approval of this Application.

## SECTION 7 – SITE PLAN 820210130 FINDINGS & ANALYSIS, 59.7.3.4.E

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

The approval findings will only apply to the Site Plan Area being reviewed as part of this Application.

**2. To approve a site plan, the Planning Board must find that the proposed development:**

**a) satisfies any previous approval that applies to the site;**

This Site Plan application is being reviewed concurrently with Preliminary Plan No. 120210210 for the Site Plan Area. LMA H-131, approved on February 19, 2020, rezoned the Preliminary Plan Area and Site Plan Area from R-200 and R-200/TDR 6.0 to Commercial/Residential Neighborhood Floating Zone – CRNF-1.0, C-0.25, R-0.75, H-55. The LMA included three binding elements to be addressed during development:

1. No more than 12,000 square feet of commercial building area.

This binding element does not apply to the Site Plan application, which is limited to the residential development with townhouse dwelling units.

2. No more than 61 townhouse dwelling units.

This Site Plan application meets this binding element by providing 61 townhouse dwelling units.

3. A maximum building height of 50 feet.

This binding element is met by the townhouse dwelling units being 50 feet or less in height.

**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 LMA H-131 was approved on February 19, 2020.

**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 since the Site Plan Area'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;***

- iv. ***Division 4.5.3 CRNF-1.00, C-0.25, R-0.75, H-55 Zone***

The Site Plan satisfies the use standards, development standards, and general requirements for single-family attached unit living in the Commercial Residential Neighborhood Zone (CRNF), under the Standard Method Development in Division 4.5.3 and the development standards for Commercial/Residential Floating Zones under Section 5.3.5 of the Zoning Ordinance.

#### Use and Development Standards

The Application proposes to construct 61 single-family attached dwelling units within the Site Plan Area, a permitted use in the CRNF Zone. As demonstrated in Table 6 below, the Application meets the general requirements and development standards of the CRNF Zone and Commercial/Floating Zones, under the standard method of development.

The following table, Table 6, shows the Application's conformance to the development standards of the zone.

Table 6: Site Plan Data Table for CRNF-1.00, C-0.25, R-0.75, H-55 Zone, Standard Method, Section 59.4.5.3

<b>CRNF-1.00 C-0.25, R-0.75, H-55</b>	<b>Allowed/Required by the Zone</b>	<b>Proposed for Approval</b>
FAR (Floor Area Ratio)		
Residential	0.75 FAR (324,740 sq. feet)	0.38 FAR (164,700 sq. feet) <sup>5</sup>
Total FAR	0.75 FAR (324,740 sq. feet)	0.38 FAR (164,700 sq. feet) <sup>5</sup>
MPDUs	12.5% (8 DUs)	12.5% (8 DUs)
Minimum Lot Area	N/A	800 sq. feet
Common Open Space	10% min.	10%
Minimum Lot Width at B.R.L.	0 feet	16 feet
Maximum Lot Coverage	No limit	100%
Principle Building, Min. Setbacks (for all lots)		
From Public Street (Front/side)	10 feet min.	10 feet min.
Front (Open Space)	0 feet min	10 feet min.
Side (Abutting Site Boundary)	5 feet min.	5 feet min
Side (End unit)	0 feet min	2 feet min.
Side (Internal Unit)	0 feet min	0 feet min.
Rear (Abutting Site Boundary)	5 feet min.	5 feet min.
Rear (Alley)	0 feet min.	5 feet min.
Building Height	55 feet max.	50 feet or less <sup>6</sup>
Parking		
Residential	61 – 122 spaces	114

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

**(1) Division 6.1 Site Access**

Site access is safe, adequate, and efficient to serve the proposed development. Access to the Site Plan Area is proposed from three points: a northern intersection of Liberty Mill Road and Clopper Road, a southern intersection of Liberty Mill Road and Leaman Farm Road, and an intersection with Germantown Road and proposed Street A. Internal vehicular, pedestrian, and bike circulation is illustrated below in Figure 21. All streets serving through circulation will be public streets. Alley serving private garages for rear accessed townhomes will be private and maintained by the HOA. Additional frontage and off-site mitigation improvements will be provided as described previously.

<sup>5</sup> Set by binding element in Local Map Amendment H-131.

<sup>6</sup> Set by binding element in Local Map Amendment H-131.

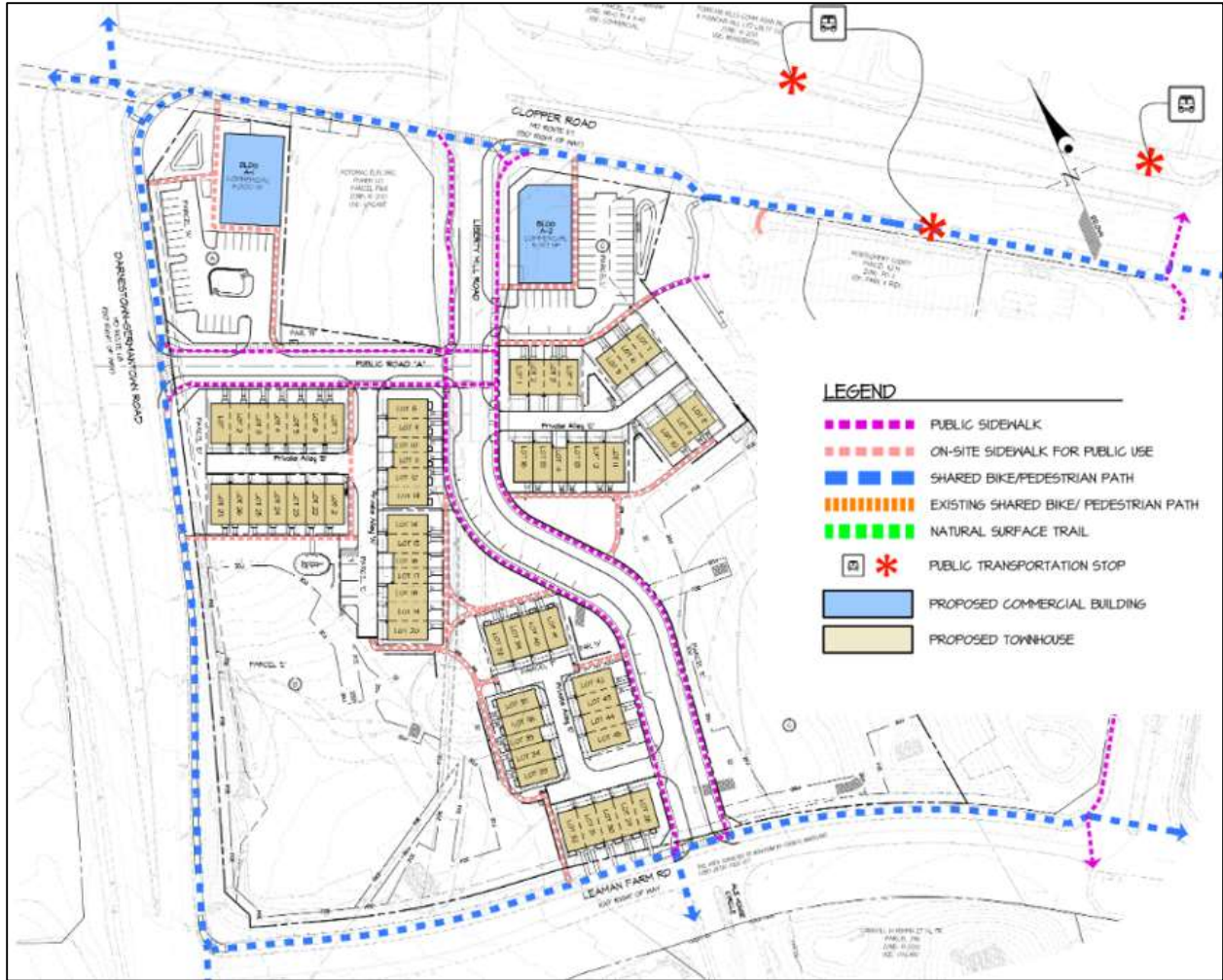


Figure 21 – Vehicular, Pedestrian, Bike and Transit Circulation

**(2) Division 6.2. Parking, Queuing, and Loading**

Proposed parking, queuing, and loading is adequate to serve the Site Plan Area. Parking for all townhouse units will be provided in private garages to be accessed from alleys in the rear of units. Additional public street parking for visitors will be provided in 14 on-street spaces on Liberty Mill Road.

**(3) Division 6.3. Open Space and Recreation**

Open Space

Within the CRNF zone, per Section 59.4.5.3.C.1, Standard Method, and Sections 59.5.3.5.D.2.a and 59.6.3.2., the Application is required to provide a minimum of 10% Common Open Space for townhouse development. Furthermore, per Sections 59.6.3.5.B and 59.6.3.5.B.1, the Common Open Space must have a minimum width of 50 feet, be located within a contiguous area, and located to take advantage of an important adjacent natural feature or open space. The Site Plan meets the required



amount of open space within the Site Plan Area by exceeding the minimum 10 percent, by providing approximately 1.28 acres of 7.45 acres of residential land area. Additionally, the open space meets the Common Open Space requirements for the 50-foot minimum width, location within a contiguous area, and at a location that takes advantage of the natural features of the Site Plan Area. The smallest open space area is located on the east side of Liberty Mill Road and includes a lawn area with seating that overlooks some of the natural features of the Site Plan Area to the southeast. The largest open space area is located on the west side of Liberty Mill Road and includes smaller lawn areas distributed throughout the area as well as a large portion of existing forest to remain. All the Common Open Space areas include opportunities for active and passive recreation, as well as select locations for connection and reflection with nature. Within the residential development, there are three Common Open Space areas that include an open grass area lawn, a play area, picnic and seating areas, and a bicycle support station. There is also available open space from the setbacks between the different buildings, streets, and areas along the pedestrian walkways and sidewalks, all of which provide locations for landscaping and greenery. The Common Open Space will provide ample opportunities for residents to gather and recreate.



Figure 22 - Open Space Plan (Residential Dwelling Units and Open Space Areas)

### Recreation Facilities

The location and quantity of provided recreation facilities is adequate, safe, and efficient. Construction of 61 new dwelling units requires the Site Plan to meet the 2017 Approved and Adopted Recreation Guidelines. Consistent with the Guidelines, the Site Plan supplies recreation amenities to meet the recreation demand. Table 7, below, illustrates the amount of recreation demand the Site Plan generates.

Table 7

<b>Proposed Residential Project - Units by Type and their Demand Points</b>								
Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
TH	Townhouses and Single-Family attached	61	8.54	13.42	9.76	32.33	44.53	6.71
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
SFD	Single-Family Detached	0	0	0	0	0	0	0
<b>Total Demand Points =</b>		<b>61</b>	<b>8.54</b>	<b>13.42</b>	<b>9.76</b>	<b>32.33</b>	<b>44.53</b>	<b>6.71</b>

To satisfy the recreation demand, the Applicant has proposed several outdoor recreation amenities, as shown in Table 8, below. The primary recreational amenity is the common open space areas. The common open space areas are located on the east and west sides of Liberty Mill Road and to the south of the attached single-family dwelling units numbered 21 through 27. The open space areas will serve as the focal points for the proposed development and will include an open grass area lawn, a play area, picnic and seating areas, and a bicycle support station. There will be an additional recreation amenity provided in the form of bikeways for residents and visitors. As conditioned, the Applicant will provide landscape design, including both large and small canopy trees, shrubs, and herbaceous plantings. All residents will have unfettered access to all recreation amenities.

Table 8

<b>Proposed Onsite Recreation Facilities and their Supply Points</b>								
Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Bikeways	1	10.00%	0.47	1.48	1.61	5.33	7.35	0.74
Open Grass Area Lawn - Small (5,000 sf)	1	10.00%	3.30	4.40	9.90	9.90	9.90	3.30
Natural Area	1	10.00%	0.47	0.74	1.07	3.56	4.90	0.37
Playground (Age 5-12) [Play Area]	1	0%	0	9	3	2	4	2
Picnic/Seating	2	0%	2	2	3	6	6	6
Bicycle Support Station	1	0%	0	0	3	3	3	3
<b>Total Onsite Supply Points=</b>			<b>6.24</b>	<b>17.62</b>	<b>21.58</b>	<b>29.79</b>	<b>35.15</b>	<b>15.41</b>

Although the proposed recreation amenities fully meet the recreational demand for the development proposed, Table 9, below, demonstrates that the proposed Site Plan is eligible to claim the maximum 35% of Total Demand Points from the existing facilities provided by the nearby Germantown Community Center, Fountain Hills Local Park, and Kingsview Local Park.



Table 9

<b>Existing Offsite Park Facilities and their Supply Points</b>							
Park Facility	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Bikeways	1	0.43	1.34	1.46	4.85	6.68	0.67
Outdoor Aquatic Center	1	0.43	2.68	1.95	11.32	11.13	0.67
Recreation Center	1	0.85	2.68	2.93	9.70	13.36	2.68
Racquetball Court	1	0	1.50	10	20	20	2
Small Diamond Field (Softball)	1	1	7	10	12	7	2
Picnic Table	1	1	1	1.50	3	3	3
Playground, Multi-age (Teen-friendly)	1	9	11	3	2	4	2
Athletic Specialty Practice Area	1	2	20	25	25	25	2
Full-size Basketball Court	3	9	30	45	36	18	7.50
Large Rectangular Field (Soccer, Football, LAX, etc.)	3	6	45	60	75	45	6
Large Lawn	3	18	27	45	60	45	18
Woodland	3	0.43	0.67	0.98	3.23	4.45	0.34
Large Diamond Field (Baseball)	5	10	75	100	125	75	10
Bird Feed House	6	30	30	18	12	24	24
Tennis Court	8	0	40	56	80	48	8
Bench	21	0	0	0	0	0	0
<b>Total Offsite Supply Points:</b>		<b>88.14</b>	<b>294.88</b>	<b>380.82</b>	<b>479.10</b>	<b>349.62</b>	<b>88.86</b>
<b>35% of Total Offsite Supply Points:</b>		<b>30.85</b>	<b>103.21</b>	<b>133.29</b>	<b>167.68</b>	<b>122.37</b>	<b>31.10</b>
<b>Max Allowed Pts (35% of Total Demand Pts):</b>		<b>2.99</b>	<b>4.70</b>	<b>3.42</b>	<b>11.32</b>	<b>15.59</b>	<b>2.35</b>
<b>Actual Assigned Offsite Supply Pts:</b>		<b>2.99</b>	<b>4.70</b>	<b>3.42</b>	<b>11.32</b>	<b>15.59</b>	<b>2.35</b>

Table 10, below, demonstrates that the proposed recreation supply both onsite and offsite is adequate to meet the recreation demand, therefore the recreation facilities provided are adequate for this Site Plan.

Table 10

<b>Results: Demand, Supply &amp; Adequacy</b>					
Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	37.63	1.98	45.61	47.59	Adequate
Children	84.39	7.38	103.01	110.39	Adequate
Teens	82.47	7.22	171.48	178.70	Adequate
Young Adults	76.63	6.71	162.87	169.58	Adequate
Adults	184.69	16.16	188.59	204.75	Adequate
Seniors	34.46	1.81	106.49	108.30	Adequate

**(4) Division 6.4. General Landscaping and Outdoor Lighting**

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The Application includes a variety of landscaping and lighting throughout the Site Plan



Area, primarily along Liberty Mill Road, Public Street A, alleys, and community access to the Common Open Space.

Per Section 6.3.8, the Common Open Space design requirements state that landscaping within the Common Open Space is preferred to be native species, impervious surfaces are limited to 20 percent, and a minimum of 20 percent tree canopy. The Applicant is planting a variety of native trees and shrubs within the Common Open Spaces and along the streets. The plantings will provide shade and visual interest throughout the open spaces and along the public realm of the sidewalk and streets. A mix of shade and ornamental trees, such as Red Maples, River Birch, Dogwoods, and Eastern Redbuds, are being planted along or near the street which will help to shade pedestrians using the sidewalk, soften the street edge, differentiate the outdoor spaces, and visually accentuate the public realm. The only impervious elements within the Common Open Space are the sidewalks; therefore, imperviousness will be well below 20 percent. The diversity and number of shade trees and ornamental trees surpasses the 20 percent minimum tree canopy for open space landscaping.

Lighting on-site consists of twenty privately owned and maintained freestanding light emitting diode (LED) streetlights with decorative luminaires mounted on poles at 12 feet above finished grade. The light poles will be installed throughout the Site Plan Area to illuminate the pedestrian and vehicular circulation environment.

The photometric plan submitted by the Applicant shows that the proposed lighting will adequately illuminate the site creating a safe environment without creating light spillage or excessive glare on adjacent properties or the rights-of-way. All site lighting provides adequate, safe, and efficient illumination.

#### ***(5) Division 6.5. Screening***

The Zoning Ordinance does not require screening between the proposed development and adjacent properties; however, at the terminus of Alley B and the terminus of Alley C, the Applicant is providing a visual buffer between the sides of proposed townhouses 1, 7, 8, and 27 and Germantown Road on the west and the existing park-and-ride facility located to the east. The visual buffer is achieved through the planting and grouping of River Birch and Red Maple shade trees, as well as Crape Myrtle and Magnolia ornamental trees.

#### ***e) Satisfies the applicable requirements of:***

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

The Site Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on June 29, 2021 (Attachment E). The Application will meet stormwater management goals using microbioretention, microbioretention planter boxes, permeable paving, and a submerged

gravel wetland. This Application provides full environmental site design (ESD) to the maximum extent practicable (MEP).

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

Final Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary Forest Conservation Plan was approved with the application for Local Map Amendment No. H-131. The Preliminary Forest Conservation Plan approval included a tree variance request to remove three specimen trees subject to the tree variance section of the Forest Conservation Law.

A Final Forest Conservation Plan (“FFCP”) was submitted with the application for a combined Preliminary/Site Plan (Attachment D). The FFCP is in conformance with the approved PFCP.

The net tract area for forest conservation purposes is 10.98 acres which includes the gross tract area of 9.94 acres plus 1.31 acres of off-site disturbance minus 0.27 acres of dedication. The FFCP includes 3.25 acres of existing forest which includes 0.71 acres located within the stream valley buffers. The Application proposes to remove 2.37 acres of forest outside of the stream buffers and retain 0.88 acres of forest (see the FFCP Worksheet for a breakdown of these numbers). The proposed forest clearing generates a reforestation requirement of 2.90 acres. The Applicant proposes to meet the planting requirement by planting 1.50 acres on-site and taking 1.40 acres off-site to an approved forest bank or by paying a fee-in-lieu if no bank is available. All the retained and planted forest will be protected in Category I Conservation Easements.

Tree Variance

A tree variance request was previously approved with the PFCP under Local Map Amendment No. H-131 for the removal of three trees protected under 22A-12(b)(3) (“Protected Trees”). The removal of these Protected Trees was approved by the Montgomery County Planning Board with the PFCP on February 3, 2020. The FFCP does not alter this approval because there are no new impacts to Protected Trees beyond what was approved with the PFCP. No mitigation plantings are required in this case because the Protected Trees being removed are within a forest stand within Site Plan Area and under the 2021 Forest Conservation Law the mitigation is provided under the FFCP Worksheet requirements.

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

The proposed layout provides, safe, well-integrated parking, circulation, building massing and open space. The 61 proposed dwelling units are distributed throughout the eastern, western, and southern portions of the Site Plan Area along the extension and new alignment of Liberty Mill Road with most

units located within the western portion. The 61 dwelling units are rear loaded, providing building fronts along the streets and public open space, with building separation consistent with surrounding existing subdivisions (Figure 23). The Site Plan provides well-integrated circulation patterns including sidewalks on both sides of the proposed streets that connect with public open space, amenities, recreation, and lead sidewalks. The proposed layout provides usable public open space within the western and eastern portions of the Site Plan Area. With the pedestrian and bicycle facilities conditioned along the property frontages, the Application provides well-integrated circulation patterns for both pedestrians and bikers.



*Figure 23 - Rendered Front Exterior Elevation, Typical for Townhouse Dwelling Units*

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

The Site Plan is consistent with the 1989 *Germantown Master Plan*, the 2018 *Bicycle Master Plan*, and the 2021 *Complete Streets Design Guide*. Please refer to the Preliminary Plan finding above on Master Plan Conformance for details regarding residential development within the Site Plan Area. The Master Plan provides guidance on noise requirements as discussed below.

#### Noise Requirements

At time of Application submittal and initial review, the roadway classification as designated in the Master Plan of Highways (“MPOH”) and the Average Daily Traffic counts (“ADT”) as documented by the Maryland State Highway Administration (“SHA”) did not trigger a noise analysis under the 1983 Noise Guidelines for either Germantown or Clopper Roads. The 2020 ADTs for Germantown Road was 5,543 and for Clopper Road was 18,671, which are below the trigger point of 20,000 – 50,000. As a result of these ADTs, no noise analysis was warranted or requested from the Applicant.

- 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 detailed in Preliminary Plan No. 120210210 Finding 3, the Application will be served by adequate public services and facilities, including schools, health services, police and fire protection, electric, telecommunications, public roads, storm drainage, and other public facilities, as determined as part of the Preliminary Plan approval process and are currently operating within the standards set by the *Growth and Infrastructure Policy* currently in effect. Also, as discussed, Staff recommends relocating the existing overhead power and any other overhead utilities along Liberty Mill Road and undergrounding those utilities within the right-of-way to be dedicated as part of the proposed Liberty Mill Road for safety, resilience, and Design Excellence reasons.

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

Not applicable, the Site Plan Area for this Application is zoned CRNF.

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

The proposed use and structures for the Site Plan Area are compatible with existing and approved or pending adjacent development, as well as the Master Plan and prior approvals. The townhouse dwelling units complement the existing housing mix in the surrounding area encouraged in the Master Plan, while being similar in design, height, massing, and at a compatible scale with surrounding development. Proposed units are consistently oriented towards the street and rear-loaded from alleys.

**3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.**

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

**4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the**



**existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.**

Not applicable, the Site Plan Area is not zoned C-1 or C-2.

## SECTION 8 - CONCLUSION

The Preliminary Plan and Site Plan complies with the general requirements and findings of the Zoning Ordinance and Subdivision Regulations. The FFCP meets all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, as conditioned, Staff recommends approval of Preliminary Plan No. 120210210 and Site Plan No. 820210130 including the Final Forest Conservation Plan with the conditions specified at the beginning of this report.

### **ATTACHMENTS**

*Attachment A: Statement of Justification*

*Attachment B: Preliminary Plan*

*Attachment C: Site Plan*

*Attachment D: Final Forest Conservation Plan*

*Attachment E: Prior Approvals*

*Attachment F: Agency Letters*

*Attachment G: PEPCO Utility Relocation Letter*

*Attachment H: Transportation Study*