

# Montgomery Planning

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION



2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902



MontgomeryPlanning.org

## Memorandum

**TO:** Artie Harris, Chair  
Montgomery County Planning Board

**VIA:** Amy Lindsey, Planner III *AL*  
Matthew Folden, Supervisor *MF*  
Carrie Sanders, Chief *CS*  
Midcounty Division

**FROM:** Tanya Stern, Acting Planning Director *TS*

**DATE:** September 5, 2023

**RE:** Corrected MCPB Resolution No. 22-042  
Site Plan No. 820220010, 12710 Twinbrook Parkway

Attached please find the corrected Planning Board Resolution for 12710 Twinbrook Parkway, MCPB No. 22-042, for Site Plan No. 820220010. The Planning Board hearing was held on April 7, 2022 and the Resolution was mailed out to all parties of record on April 11, 2022.

Minor corrections to the Planning Board Resolution are necessary because incorrect numbers were used to calculate the required number of Building Lot Terminations (BLT). The corrections are as follows:

The incentive density was shown as 54,325 square feet and it should have been 56,914 square feet.

The standard method density was shown as 21,120 square feet and it should have been 21,130 square feet.

The multiplier was shown as 0.33 and it should have been .075.

These corrections result in the Applicant receiving 0.77 public benefit points in this category instead of 3.0 points, and having to purchase .0852 BLTs instead of 0.347 BLTs. However, the project still has 106.23 points, exceeding the 100-point requirement. Please see the attached Corrected Resolution highlighting the changes.

No changes are proposed to the plan except for the correction of the BLT requirement calculations.

The revision does not alter the intent of the conditions approved by the Planning Board. The certified site plan will include the corrected planning board resolution. The corrected resolution will be mailed to all parties of record.

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-042  
Site Plan No. 820220010  
12710 Twinbrook Parkway  
Date of Hearing: April 7, 2022

## CORRECTED RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on October 8, 2021, Perfect Home, LLC (“Applicant”) filed an application for approval of a site plan for ~~for~~ construction of up to 6-story mixed-use building of up to 66,627 square feet, comprised of up to 62,538 square feet of residential development, including 15% MPDUS, and up to 4,089 square feet of commercial development using the Optional Method of development on 0.708 acres of CR-1.5, C-1.0, R-1.25, H-145’ zoned-land, located at Lot 4, Block E, Spring Lake Park Halpine and located at 12710 Twinbrook Parkway in Rockville, approximately 280 feet north of the intersection of Ardennes Avenue and Twinbrook Parkway (“Subject Property”) in the *Twinbrook Sector Plan* (“Sector Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820220010, 12710 Twinbrook Parkway (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 28, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 7, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220010 for construction of up to 6-story mixed-use building of up to 66,627 square feet, comprised of up to 62,538 square feet of residential development, including

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2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605 | Fax: 301-495-1320  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)

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

15% MPDUS, and up to 4,089 square feet of commercial development using the Optional Method of development on 0.708 acres of CR-1.5, C-1.0, R-1.25, H-145' zoned-land, located at Lot 4, Block E, Spring Lake Park Halpine and located at 12710 Twinbrook Parkway in Rockville, approximately 280 feet north of the intersection of Ardennes Avenue and Twinbrook Parkway in the Twinbrook Sector Plan area, the Subject Property, subject to the following conditions:<sup>1</sup>

### **Density, Height & Housing**

1. **Density**

The Site Plan is limited to a maximum of 66,627 square feet of total development on the Subject Property, including up to 62,538 square feet of residential uses (including bonus density for providing 15% Moderately Priced Dwelling Units (MPDUs) on site), for up to 49 units, and up to 4,089 square feet of ancillary commercial uses.

2. **Height**

The development is limited to a maximum height of 75 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan. Open Space, Facilities and Amenities

3. **Public Benefits**

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a) **Transit Proximity**

Full site within 1/2 mile of Level 1 transit station

b) **Connectivity and Mobility**

i. **Minimum Parking**

a. The development must provide no more than 54 parking spaces

ii. **Streetscape Improvements**

a. The development must provide 1,192 square feet of streetscape improvements along the Site's Twinbrook Parkway frontage.

c) **Diversity of Uses and Activities**

i. **Enhanced Accessibility**

a. The development must provide 2 units with enhanced accessibility for seniors or those with disabilities.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- ii. Affordable Housing/MPDUs.
  - a. The development must provide 15 percent MPDUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs or MCDHCA-approved equivalent.
  - b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the Montgomery County Department of Housing and Community Affairs (MCDHCA) must be executed.
  
- b) Quality Building and Site Design
  - i. Architectural Elevations
    - a. Final elevation design must be shown on the Certified Site Plan.
  - ii. Exceptional Design
    - a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
  - iii. Structured Parking
    - a. The Applicant must provide a minimum of 22 spaces in a below grade structure.
  
- c) Protection and Enhancement of the Natural Environment
  - i. Building Lot Termination
    - a. Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment for ~~0.3470.0852~~ BLTs to the Montgomery County Department of Permitting Services (MCDPS).

4. Recreation Facilities

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

5. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities.

**Environment**

6. Forest Conservation

The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Forest Conservation Exemption.

7. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated December 30, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

**Transportation & Circulation/ Adequate Public Facilities (APF)**

8. Transportation

- d) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right of Way Plan Review Section in its letter dated January 3, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
- e) Prior to issuance of any Building Permit, the Applicant must:
- i. Execute a deed of dedication for a total of 60 feet from the centerline along the Twinbrook Parkway Property frontage. The deed must be reviewed and approved by the Commission's Office of General Counsel and the Montgomery County Department of Permitting Services (DPS) and must be recorded in the Land Records of Montgomery County;
  - ii. Coordinate with and gain approval from the Montgomery County Department of Transportation (MCDOT) on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the North Bethesda Transportation Management District (TMD).
- f) The Applicant must participate in a pro-rata share basis towards the construction of a master planned separated bikeway along the Twinbrook Parkway frontage. The Applicant must provide an engineer's cost estimate for the separated bikeway along their Twinbrook Parkway street frontage that will include contingencies and be approved by MCDOT prior to certified site plan. The cost shall include, but not be limited to, repaving, restriping, flex posts, signing and other related improvements for the shared used path. The payment must be made prior to the issuance of record plat.

g) A Department of Permitting Services Right-of-Way permit is required for any outdoor seating in the right-of-way.

9. Pedestrian & Bicycle Circulation

a) The Applicant must provide 25 long-term and 12 short-term bicycle parking spaces.

b) The long-term spaces must be in a secured, well-lit bicycle room within the structured parking garage, and the short-term spaces must be inverted-U racks, or approved equal rack, installed in a location convenient to the main entrance, and it is preferred that the racks are protected from the weather. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

10. Validity

The Adequate Public Facilities (“APF”) review for the Project will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

11. 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 March 1, 2022 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

12. Schools

Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with the Growth and Infrastructure Policy, as follows:

a) A Tier 2 high school UPP per unit.

**Site Plan**

13. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A-004 and A-007 of the submitted architectural drawings, as determined by M-NCPPC Staff.

14. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site 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 on-site 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 any property line abutting public roads and residentially developed properties.
- 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

Prior to 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, indoor and outdoor recreational facilities, site furniture, and associated improvements of development, including sidewalks, bikeways, storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will

be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

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

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 and other applicable resolutions on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Add the building height measurement point.
- g) Add lighting at all entrances and update the lighting study to reflect these lights.
- h) Provide final locations and layouts for the two enhanced accessibility units.
- i) Add the Fire Department Access plan to the Certified Site Plan.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820220010, 12710 Twinbrook Parkway, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and



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

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

The Site Plan is consistent with Sketch Plan No. 320220020.

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

Not applicable: the Property was not subject to a development plan or schematic development plan in effect on October 29, 2014.

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

Not applicable: the zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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

a. Development Standards

The Subject Property includes approximately 0.708 acres zoned CR-1.5, C-1.0, R-1.25, H-145'. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Tract Area (Square Feet/Acres)</b>		<b>42,260 (0.97)</b>
<b>Site Area</b>		

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
Prior Dedication		7,600 (0.174)
Proposed Dedication		3,800 (0.087)
<b>Site Area (Tract Area – Dedications)</b>		<b>30,860 (0.708)</b>
<b>Residential Density (GFA/FAR)</b> CR-1.5, C-1.0, R-1.25, H-145	<b>52,825 (1.25)</b>	<b>52,825 (1.25)</b>
<b>Commercial Density (GFA/FAR)</b> CR-1.5, C-1.0, R-1.25, H-145'	<b>42,260 (1.0)</b>	<b>4,089 (0.097)</b>
<b>MPDU requirement</b>	15%	15% (8 units)
<b>MPDU Density (GFA/FAR)</b>		<b>9,713 (0.230)</b>
<b>Total GFA/FAR</b>		<b>66,627 (1.57)</b>
<b>Building Height</b>	145 feet	75 feet
<b>Public Open Space (min.)</b>	0 square feet	0 square feet
<b>Minimum Setbacks (ft)</b>		
<b>Front</b>	0	1 foot
<b>Side</b>	0	16.5 feet
<b>Rear</b>	0	37.3 feet
<b>Transparency</b>		
Ground story (front)	60%	88%
Ground story (side/rear)	30%	38%
Upper story	20%	78%
Blank wall, front	25'	6'
Blank wall, side/rear	35'	32'
<b>Perimeter Planting</b>	6'	4' <sup>2</sup>

<sup>2</sup> The Applicant received a waiver from the requirements of Section 59.6.2.9.C.3.b for perimeter planting.

Public Benefits

For a development of this size in the CR Zone, the Zoning Ordinance requires 100 points in at least four categories. The table below shows the Applicant's proposed public benefits in the following four categories: Transit Proximity, Connectivity and Mobility, Quality Building and Site Design, and Protection and Enhancement of the Natural Environment. The Planning Board supports the proposed public benefits, as discussed below.

Public Benefit	Incentive Points	Density
	Max Allowed	Approved
<b>59.4.7.3.B: Transit Proximity</b>		
Full Site within ½ mile of Level 1 Transit Station	30	30
<b>59.4.7.3.C: Connectivity and Mobility</b>		
Minimum Parking	10	7
Streetscape Improvements	20	4
<b>59.4.7.3.D: Diversity of Uses and Activities</b>		
Enhanced Accessibility	20	12
Affordable housing- 15% MPDUs	n/a	30
<b>59.4.7.3.E: Quality of Building and Site Design</b>		
Architectural Elevations	20	10
Exceptional Design	10	5
Structured Parking	20	8
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Termination (BLTs)	30	<del>30.77</del>
Total	-	<del>109</del> 106.23

Transit Proximity

The entire Property is located 1/2 mile from the Twinbrook Metrorail Station (level 1) and the Applicant requests 30 points as allowed in the Zoning Ordinance. The Planning Board supports the Applicant's request.

### Connectivity and Mobility

*Minimum Parking:* The Project will provide fewer parking spaces than the maximum allowed under the Zoning Ordinance. Thus, the Applicant anticipates achieving 7 points in this public benefit category. Maximum allowed spaces are 87 and the minimum allowed is 39 spaces. The Planning Board supports the Applicant's request based on the following calculation:

$$[87 \text{ maximum} - 54 \text{ proposed}] / [87 \text{ maximum} - 41 \text{ minimum}] * 10 = 7 \text{ points.}$$

*Streetscape Improvements:* The Project will provide 1,192 square feet of streetscape improvements along the Site's Twinbrook Parkway frontage. The Planning Board supports the Applicant's request for 4 points as described below:

$$[1,192 \text{ improvements} / 30,860 \text{ site area}] * 100 = 4 \text{ points}$$

### Diversity of Uses and Activities

*Enhanced Accessibility:* The Applicant requests 12 points for providing 2 units designed for enhanced accessibility for seniors or the disabled. Each percentage of accessibility units provide 3 points, for a maximum of 7 points. The Planning Board supports the Applicant's request for 12 points as described below:

$$[2 \text{ accessible units} / 49 \text{ total units}] * 300 = 12 \text{ points.}$$

*Moderately Priced Dwelling Units:* The Applicant requests 30 points for providing 15% MPDUs. The project will provide 15% MPDUs, 2.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs as demonstrated in the calculation below. The Planning Board supports the Applicant's request based on the following calculation:

$$[15\% \text{ (percentage MPDUs provided)} - 12.5\% \text{ (percentage MPDUs required)}] * 12 = 30 \text{ points}$$

### Quality of Building and Site Design

*Architectural Elevations:* The Applicant requests 10 points for providing binding architectural elevations. Additional windows were added to the side elevations to increase the level of transparency. The Planning Board

supports the Applicant's request based on the building elevations included with the Application on A-004 and A-007 and as conditioned.

*Exceptional Design:* The Applicant requests 5 points for building or site design whose visual and functional impacts exceptionally enhance the character of a setting. Per the Incentive Density Guidelines, 5 points are appropriate for development that meets all six design criteria for building or site design. The Applicant is meeting all of the design criteria listed below:

- Provide innovative solutions in response to the immediate context.
- Creating a sense of place and activating the street level.
- Enhancing the public realm in a distinct and original manner.
- Designing compact infill development in an attractive manner.

The proposed building's frontage is 'split' by two columns of recessed balconies that serve to effectively break up the façade and articulate the building as several linked masses of smaller scale as opposed to one continuous building face. Each façade of the building will be responsive to its adjacent context and solar orientation in order to maximize natural daylight opportunities in living units, enhance views, and control against solar heat gain. Finally, material selections will be compatible with existing context while reflecting the contemporary character of the new development. The temporary use of the right-of-way for seating and planters will enhance and activate the public realm. The Planning Board supports the Applicant's request based on the plans and elevations provided.

*Structured Parking:* The Applicant requests 8 points for structured parking. Twenty-two (22) of the 54 parking spaces are located in a basement level garage. The Planning Board supports the Applicant's request based on the following calculation:

$$[22 \text{ above ground spaces} / 54 \text{ total spaces}] * 20 = 8 \text{ points}$$

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant originally requested 3 points for the purchase of approximately 0.347 BLTs. However, tThe Planning Board supports the Applicant's corrected request for ~~3~~0.77 points at this time based on the following calculation:

$$(-54,325 \text{ (optional method density in square feet)} - 21,120 \text{ (standard method density in square feet)}) \times 7.5\% \text{ (percentage of incentive density floor area)} / 31,500 \text{ (square feet of gross floor area required per BLT)} \times 9 \text{ (points per BLT)}$$

~~purchased) = 0.347 BLTs and 3 points~~ 56,914 (optional method in square feet) – 21,130 (standard method density in square feet) x 7.5% (percentage of incentive density floor area)/31,500 (square feet of gross floor area required per BLT) x 9 (points per BLT purchased) = .0852 BLTs and 0.77 points.

b. General Requirements

i. *Site Access*

Vehicular access to the Project is from a single two-way entrance on Twinbrook Parkway. The entrance into the parking garage is from the surface parking area at the rear of the proposed building. Pedestrian access is provided from Twinbrook Parkway and from the surface parking area.

ii. *Parking, Queuing, and Loading*

As demonstrated in the table below, the Applicant is providing fewer than the maximum number of parking spaces required by the Zoning Ordinance. Trash pick-up will be accommodated through the placement of a new dumpster with vehicular access located off the drive aisle in the proposed rear surface parking area, where trash will be wheeled out, with an expected frequency of twice per week.

Parking	Per Unit Rate	Minimum <sup>3</sup>	Maximum	Spaces Provided
<b>Residential Parking</b>				
1 bedroom (29)	0.5 min/ 1.25	15	37	
2 bedroom (19)	max	15	29	
3 bedroom (1)	0.75 min/1.5	1	2	
	max			
49 Total Units	0.75 min/2	31	68	44
	max			

<sup>3</sup> Project's residential spaces to be unbundled and subject to reduced baseline minimum per Section 59.6.2.3.1.5.

<b>Commercial Parking</b>  2,453 square feet indoor restaurant seating	4 per 1,000 square feet min/12 per 1,000 square foot max	10	30	10
<b>Total Parking</b> 203 units		41	98	54
<b>Residential Bicycle Parking (Long Term/ Short Term)</b> 49 units	0.5 per unit 95% long term	24 long term 2 short term		24 long term 2 short term
<b>Commercial Bicycle Parking</b>	1 per 10,000 square feet 15% long term	1 long term 1 short term		1 long term 1 short term
<b>Total Bicycle Parking</b>		25 long term 3 short term		25 long term 12 short term
<b>Loading</b> Residential (under 50 units) Commercial (up to 15,000 square feet)		0 0		0 0

**Parking Lot Perimeter Planting**

The Applicant is requesting a waiver of Section 59.6.2.9.C.3.b requiring perimeter planting around surface parking lots with 10 or more spaces.

*“The perimeter planting area for a property that abuts any other zoned property, right-of- way, or an Agricultural, Rural Residential, or Residential Detached zoned property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use must:*

- i. Be a minimum of 6 feet;*
- ii. Contain a hedge or low wall a minimum of 3 feet high; and*
- iii. Have a canopy tree planted every 30 feet on center; unless*
- iv. The property abuts another parking lot, in which case a perimeter planting area is not required.”*

Per Section 59.6.2.10, the Planning Board may waive any requirement of Division 6.2 if the alternative design satisfies Section 6.2.1.

*“The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner.”*

The waiver is necessary because of the unique shape, with sharply angled property lines and need to provide parking islands, as well as safe and efficient circulation. Parking space sizes and drive aisle widths are the minimum required. The Applicant is providing four feet wide perimeter planting areas with canopy trees and a mix of shrubs.

The proposed plantings satisfy the intent of the perimeter planting requirement by providing a heavily planted separation between the parking lot and the adjacent properties. The reduction of the planting border width from the required six feet to four feet is the minimum modification necessary to address the site constraints. There are drive aisles located immediately adjacent/opposite to the angled western boundary lines along which the modified perimeter planting areas are located. Thus, there will be no adverse impacts on adjacent properties from this reduction. The reduced width requested is needed to facilitate the proposed redevelopment of the site in a manner that also allows for a safe/efficient parking lot design and circulation.

iii. *Open Space and Recreation*

In accordance with Section 59.4.5.4.B.1., Public Open Space is not required on the Subject Property based on the Site Area and frontage. The proposed recreation facilities meet the requirements of the Recreation Guidelines according to the Recreation Facilities Data Table provided with the Application. The recreation facilities include an indoor fitness and exercise room, an indoor community space, and a rooftop amenity area with picnic space, hot tub, pet area and seating areas.

iv. *General Landscaping and Outdoor Lighting*

Proposed landscaping and lighting, as well as other site amenities, will enhance the streetscape along Twinbrook Parkway. The facilities will be safe, adequate, and efficient for year-round use and



enjoyment by residents and visitors. The Project will transform the existing streetscape along the Twinbrook Parkway frontages with new street trees and improved, wider sidewalks and street lighting. A total of 1,192 square feet of streetscape improvements will be provided along the Site's Twinbrook Parkway frontage. The on-site lighting will limit the necessary light levels to streets and sidewalks. In addition to the streetscape improvements, the Project will also install interim outdoor café seating, regulated through the Department of Permitting Services, until the frontage is improved with two-way separated bicycle lanes.

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

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

The Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on December 30, 2021. The Applicant proposes to meet stormwater management requirements with the use of micro-bioretenion, permeable pavement, and a Bayfilter with underground storage.

b. Chapter 22A, Forest Conservation

The Subject Property received approval for Forest Conservation Plan Exemption No. 42021168E on April 13, 2021. This exemption was granted based on Chapter 22A-5.s.2, as the Project activity occurs on a tract less than one acre, and the activity will not result in the clearing of more than a total of 20,000 square feet of existing forest. The Site contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, inherent or known occurrences of rare, threatened or endangered species. The Property does not contain any forest or any significant or specimen trees. The Subject Application satisfies all requirements of Chapter 22A.

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

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. All vehicular access to the Project will be from a single driveway from Twinbrook Parkway. The below-grade parking is accessed from the surface parking area to the rear of the building. The pedestrian realm on Twinbrook Parkway will be enhanced by the provision of an 11-foot sidewalk and the Project is providing additional public right-of-way

dedication by deed for a future separated bike facility. Amenities are located interior to the building and on the roof level.

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

The Subject Property is located within the 2009 *Twinbrook Sector Plan* (Sector Plan) and is located within the Metro Core Area 3 of the Sector Plan. The Sector Plan sets forth the following key recommendations for the Planning Area that are applicable to this Application:

- Ensure that new development and redevelopment contribute to improving both the natural environment and community spaces.
- Create and enhance pedestrian and bike routes that connect to parks and the Metro station.
- Integrate urban design, parks, land use, and transportation recommendations with environmental improvements to create an urban form that promotes the function of healthy natural processes.
- Reduce automobile dependence by encouraging increased pedestrian activity and transit accessibility. (Page 3)

The Project will encourage transit usage due to its location within a half mile of the Twinbrook Metro Station. The redevelopment will enhance stormwater management, tree canopy and the pedestrian environment along the Property's Twinbrook Parkway frontage. The right-of-way dedication will allow for the future construction of separated bike lanes and the interim use of the area as café seating will enhance and add activity to the pedestrian realm.

The Sector Plan provides the following guidance for properties within Metro Core Area 3:

- Limit development to 1.5 FAR with a requirement that at least 25 percent of any optional method development is residential.
- Encourage development to continue the neighborhood street pattern of buildings oriented to the street with streetscaping and small urban open spaces.
- Ensure pedestrian connections to the Twinbrook Station project.
- Building heights should step down from Twinbrook Parkway to be compatible with adjacent redevelopment in the City of Rockville. (Page 33)

The Project meets this guidance by creating a street-oriented mixed-use development that is compatible with surrounding development and includes pedestrian improvements while providing for future improvements.

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

Site Access Circulation, Loading, and Parking

Pedestrian access to the Site will be from the established sidewalk network along Twinbrook Parkway, which will be enhanced by streetscape improvements along the Property frontage, consistent with recommended streetscape standards within the 2009 *Twinbrook Sector Plan* and the *Complete Streets Design Guide*.

The Applicant proposes to consolidate ingress and egress to the Site from two access points to one. Vehicular access to the Property will occur via a new curb cut along Twinbrook Parkway, at the northeast corner of the Site, in between the proposed multifamily structure and the adjacent property line. The Applicant proposes to locate its primary vehicle access via a right-in, right-out curb cut measuring 21.5-feet-wide. Trash pick-up will be accommodated through the placement of a new dumpster with vehicular access located off the drive aisle in the proposed rear surface parking area, where trash will be wheeled out of the existing adjacent building for pick-up, with an expected frequency of twice per week.

Based on the proposed density of up to 49 multi-family dwelling units and up to 4,089 square feet of commercial uses, a minimum of 41 parking spaces are required pursuant to Section 6.2.4.B of the Zoning Ordinance. The Applicant will construct 54 parking spaces, which is below the maximum number of parking spaces (98 spaces). Furthermore, 25 long-term and 3 short-term bicycle parking spaces are required, which will be met by the Applicant's proposal to construct the long-term bicycle parking spaces within a bike room in the below-grade vehicle parking area and as bicycle racks along the Twinbrook Parkway frontage.

Twenty-two (22) surface parking spaces are proposed to be located to the rear of the proposed building. The Applicant proposes 20-foot-wide drive aisles within the parking areas to allow for two-way circulation, which is adequate for standard passenger vehicles and meets requirements outlined in Section 6.2.5.G.2 of the Zoning Code. Due to the proposed total number of dwelling units being less than the 50-unit threshold dictated by the Zoning Code, a dedicated off-street loading space is not required. Residents moving in and moving out of the structure, as well as staff for any potential loading procedures for the

restaurant, are able to utilize a rear building entrance to access the elevator and stairwell located in the basement.

#### Existing Transit Service

The Subject Site is serviced by Ride On, with existing bus stops located along the block face of the Property's frontage with Twinbrook Parkway. The Property is also less than a ½ mile to the east of the Twinbrook Metrorail station. The nearest public transit routes are as follows:

- Ride On route 26 operates along Twinbrook Parkway, providing service between the Montgomery Mall Transit Center, Rockville, the Pike District, Aspen Hill, Glenmont, and the Twinbrook, White Flint, and Glenmont Metrorail stations. Route 26 operates 30-minute frequencies on weekdays, Saturday, and Sunday.
- Ride On route 45 operates along Twinbrook Parkway, providing service to the Rockville Regional Transit Center, Montgomery College, Rockville, and the Twinbrook and Rockville Metrorail stations. Route 45 operates 30-minute frequencies on weekdays and Saturday; service does not operate on Sunday.

#### Pedestrian and Bicycle Facilities

Consistent with approaches undertaken for similar projects with frontage improvements established by the *Bicycle Master Plan*, such as the neighboring approved Site Plan for 12500 Ardennes Avenue (820200080), Staff worked with the Applicant to provide an interim design solution along the roadway frontage prior to formal implementation of the planned bicycle facility. Along the Twinbrook Parkway frontage, the Applicant proposes to construct a 17-foot wide landscape and patio area, a wider sidewalk, measuring 11 feet in width, with an eight-foot tree panel, consistent with guidance within the *Twinbrook Sector Plan Design Guidelines* and the *Complete Streets Design Guide*. In the future, the 17-foot wide landscape and patio area and 11-foot wide sidewalk will be converted to a separated bikeway and sidewalk as part of the future implementation of the Twinbrook Parkway bikeway improvements. As proposed, the Project provides adequate right-of-way dedication<sup>4</sup> for the future bikeway and does not preclude its future installation.

As an interim use, the Applicant proposes the 17-foot wide landscape and patio area of the Twinbrook Parkway frontage for café seating. Additional hardscape and vegetated areas will be placed to the rear of the proposed sidewalk to provide an active streetscape and comfort from vehicles traveling along the Arterial. The provision of additional seating accessible to the public realm and

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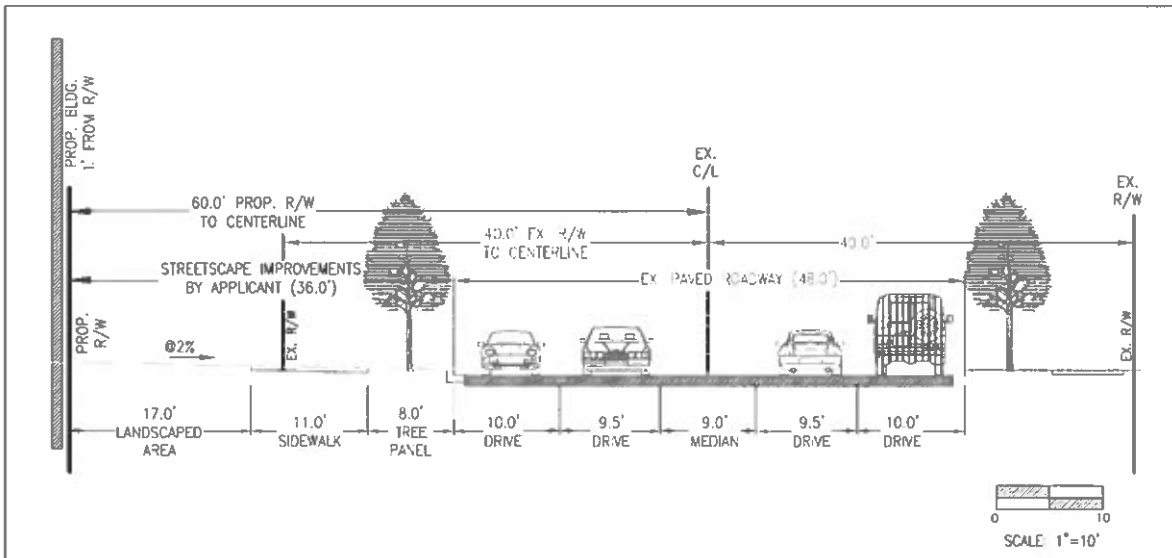
<sup>4</sup> The Applicant will dedicate 20-feet of public right-of-way by deed to meet the master planned width of Twinbrook Parkway, pursuant to recommendations set forth in the *Master Plan of Highways and Transitways*.

use of plants and trees to soften the urban setting meet the vision of the *Twinbrook Sector Plan Design Guidelines*. By implementing the envisioned redevelopment of Twinbrook Parkway into an urban boulevard, the improvement will help foster a more comfortable space for people walking and bicycling parallel to the high-volume Arterial road.

As part of the proposed streetscape improvements, the Applicant will construct new ADA-compliant curb ramps along the Site frontage. The single driveway access along Twinbrook Parkway will be raised to sidewalk-level to foster safe travel for people walking and bicycling east-to-west.

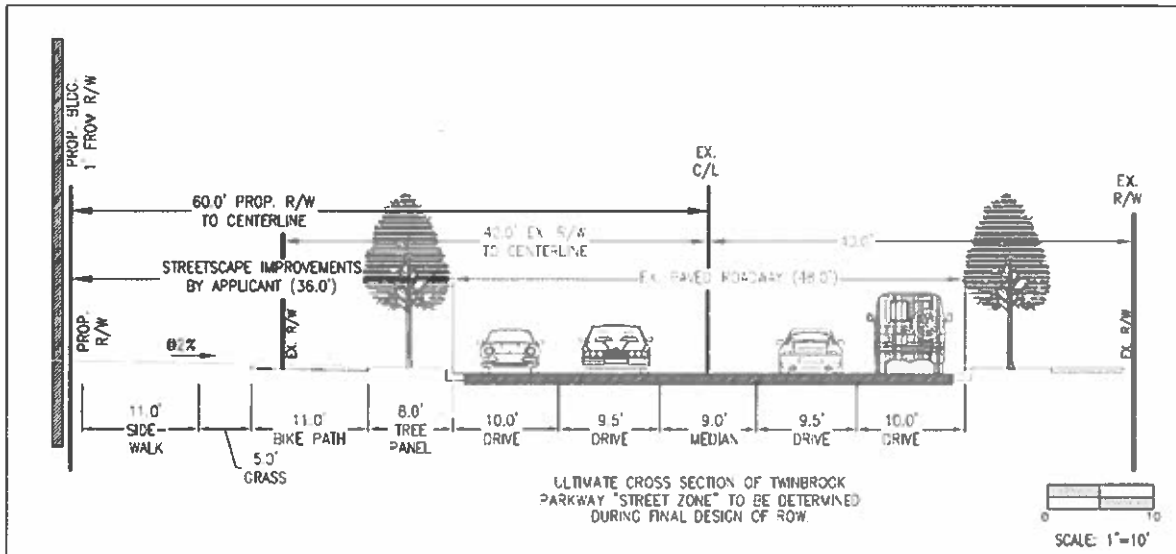
**Master-Planned Roadways and Bikeways**

The segment of Twinbrook Parkway along the Property frontage is classified as A-37, an Arterial, within the *Master Plan of Highways and Transitways*. Per the existing plat number 9812, the segment currently has a width of 80-feet, short of the planned 120-foot-wide requirement, despite meeting the planned four (4) divided travel lane configuration. The Applicant will provide a public right-of-way dedication of 20-feet to meet the required 60-foot distance from the roadway centerline.



As illustrated below, the full build out of the bikeway and sidewalk would repurpose space temporarily occupied by café seating and landscaping for the provision of two-way separated bicycle lanes, the sidewalk, pedestrian buffer, and street buffer.

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Transportation Adequate Public Facilities (APF) Review

The Applicant filed a transportation statement to evaluate the Project’s impact to the Transportation Network. After accounting for the existing 4,385-square foot restaurant that previously occupied the Site, the Project was estimated to generate a net reduction of 13 morning peak hour person trips and 2 evening peak hour person trips. This reduction also translates into a net reduction of 22 morning peak hour vehicle trips and 3 evening peak hour vehicle trips. The table below, shows the projected new person trips generated by the Site Plan.

Vehicle Trip Generation	AM	PM
<b>Existing Site Generated Vehicle Trips (Driver)</b> (ITE 11 <sup>th</sup> Edition – 4,385 SF High Turnover Sit-Down Restaurant)	<b>42</b>	<b>40</b>
LATR Policy Area Adjustment (Retail) 74% of ITE Rate	31	30
Twinbrook Policy Area Person Trips	58	55
<b>Site Generated Vehicle Trips (Driver)</b> (ITE 11 <sup>th</sup> Edition – 49 Mid Rise Residential with 1st-Floor Commercial) <sup>5</sup>	<b>11</b>	<b>8</b>

<sup>5</sup> An analysis was also prepared which parsed out the 49 mid-rise residential units and 4,089-square foot high turnover sit-down restaurant as separate uses. However, while the modeled person trips

LATR Policy Area Adjustment (Residential) 81% of ITE Rate	9	6
Twinbrook Policy Area Person Trips	17	12
<b>Net New Person Trips</b> (Converted using total vehicle driver mode share)	<b>-41</b>	<b>-43</b>
<b>Local Area Transportation Review Required?</b> (Are AM or PM person trips $\geq$ 50?)	No	No

Under the 2020-2024 Growth and Infrastructure Policy, a traffic study is not required to satisfy the LATR test, because the number of morning and evening person trips is fewer than the standard of 50 or more trips within the weekday peak hours.

Transportation Demand Management

As a project within the North Bethesda Transportation Management District (TMD) that is greater than 40,000 square feet of gross floor area, the development is required to develop a Level 3 Results Transportation Demand Management (TDM) Plan with the Planning Board and MCDOT to participate in the North Bethesda TMD.

School Adequacy Analysis

School Adequacy Test

The project is served by Twinbrook ES, Julius West MS and Richmond Montgomery HS. Based on the FY22 Annual School Test results, the student enrollment and capacity projections for these schools are noted below.

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus / Deficit		Tier 1	Tier 2	Tier 3
Twinbrook ES	548	486	88.7%	+62	No UPP	147	172	254
Julius West MS	1,432	1,422	99.3%	+10	No UPP	136	297	512
Richard Montgomery HS	2,241	2,808	125.3%	-567	<b>Tier 2 UPP</b>			218

yielded a higher person trip total than as indicated in the table above (39 person trips in the AM peak hour; 33 person trips in the PM peak hour), this also did not trigger a traffic impact study since neither of the person trip totals exceeded the 50 person trip threshold established by the LATR. As a result, the non-residential square footage could be implemented as either restaurant or retail without restriction.

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 FY22 Annual School Test, Twinbrook ES and Julius West MS do not require any UPP. Richard Montgomery HS requires a Tier 2 UPP as identified in the table below. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

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

With a net of 49 multifamily high-rise units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property's location within an Infill Impact Area:

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	0	0.166	0.000	0.091	0.000	0.116	0.000
MF Low-rise	0	0.059	0.000	0.023	0.000	0.032	0.000
MF High-rise	49	0.034	1.666	0.015	0.735	0.016	0.784
<b>TOTALS</b>	<b>49</b>		<b>1</b>		<b>0</b>		<b>0</b>

As shown in the table above, on average, this project is estimated to generate 1 elementary school student, no middle school students and no high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 7. Therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

Analysis Conclusion

Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:



- a. no elementary school UPP required;
- b. no middle school UPP required; and
- c. a Tier 2 high school UPP per unit.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

Other

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

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

The proposed Project successfully achieves compatibility with the varied uses in its immediate vicinity. The surrounding development is a mixture of mixed-use and commercial developments of similar heights. The proposed building height of up to 75 feet will be compatible with the adjacent buildings. The scale and massing of the proposed building are consistent with the moderate, mid-rise type of development that has become characteristic in the area. The proposed architecture is articulated with offsets in the massing to create interest and reduce the scale of the building along the street.

The development of multi-family residential uses on the Property will create a more balanced mix of uses along Twinbrook Parkway. There are several commercial office and industrial uses in the vicinity of the Property that generate employment opportunities. Given the proximity of well-established employment uses near the Property, the additional housing provided by the Project will create an opportunity for individuals to live, work, and play in the Twinbrook area. The Project will also offer a variety of housing options through the provision of market-rate units, MPDUs, and units with enhanced accessibility.

The reduction of curb cuts along the primary road, locating parking away from public view, and creating an urban frontage along Twinbrook Parkway are additional positive features of this development. The commercial development will help activate the pedestrian realm by providing uses at the street level. Additional right-of-way is being dedicated for the future construction of separated bike lanes. This right-of-way area will be temporarily used as outdoor café seating, regulated by permit.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Corrected Resolution constitutes the written opinion of the Board in this matter, and the date of this Corrected Resolution remains April 11, 2022 ~~is \_\_\_\_\_~~ (which is the date that the original ~~this~~ resolution was ~~is~~ mailed to all parties of record); and

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

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a Corrected Resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ voting in favor at its regular meeting held on Thursday, \_\_\_\_\_, 20\_\_, in Wheaton, Maryland.

\_\_\_\_\_  
~~Casey Anderson~~ Artie L. Harris, Chair  
Montgomery County Planning Board