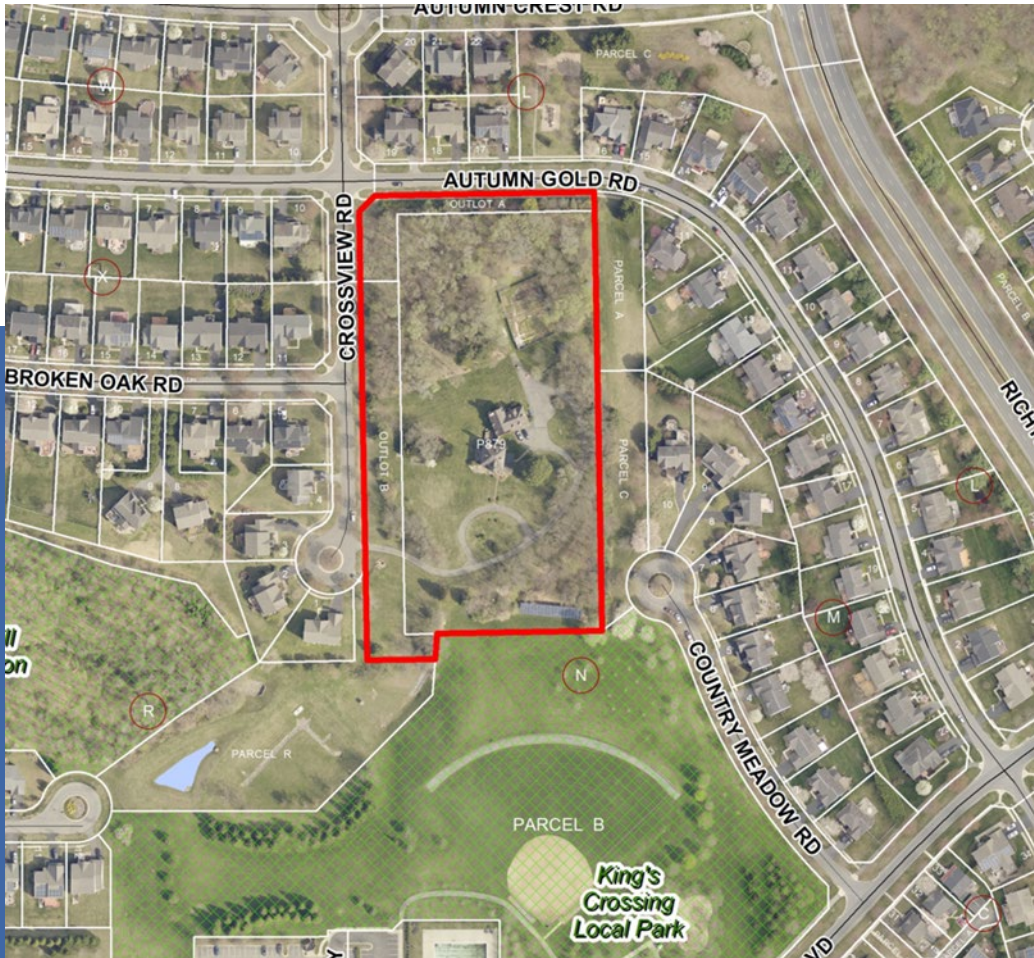


**KINGS CROSSING SITE PLAN NO. 820240070 &
FINAL FOREST CONSERVATION PLAN NO. F20240230**



Description

Application for eleven (11) single-family detached dwelling units.

No. 820240070

Completed: 6-28-2024

MCPB

Item No. 9

07-08-2024

Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

Planning Staff

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LOCATION/ADDRESS

Southeast corner of the intersection of Autumn Gold Road and Crossview Road

MASTER PLAN

1989 *Germantown Master Plan*

ZONE

R-200

PROPERTY SIZE

5.99 Acres

APPLICANT

Jim Zhao & Dianna Lu

ACCEPTANCE DATE

January 24, 2024

REVIEW BASIS

Chapter 22A, 50, and 59

Summary:

- Staff recommends approval of the Site Plan with conditions.
- The application is consistent with the recommendations of the 1989 *Germantown Master Plan* by continuing the existing development pattern with infill development.
- The Application complies with the 20 percent imperviousness cap required in the KI-2 Analysis Area of the *Germantown Master Plan*.
- The Application complies with R-200 Cluster Development Standard. The Open Space requirement will be provided on Parcel D. The existing forest stand on the southeast of the property will be retained.
- The Application complies with Preliminary Plan 120220020 with respect to density to accommodate the additional lots.
- The Final Forest Conservation Plan is in conformance with the approved Preliminary Forest Conservation Plan and complies with Chapter 22A.
- Staff has received community correspondence regarding this application.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SITE PLAN NO. 820240070

Staff recommends approval of Site Plan No. 820240070 for eleven (11) single family detached dwelling units and two (2) open space parcels. The development must comply with the conditions of approval for Preliminary Plan No. 120220020 as listed in the MCPB Resolution No. 23-070 dated July 6, 2023. 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.

DENSITY, HEIGHT & HOUSING

1. Density
The Site Plan is limited to 11 single-family detached dwelling units.
2. Height
The development is limited to a maximum height of 40 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

OPEN SPACE, FACILITIES AND AMENITIES

3. Common Open Space
The Applicant must provide a minimum of 57,139 square feet of common open space (21.9% of net lot area) on-site.
4. M-NCPPC Montgomery County Department of Parks (Montgomery Parks)
 - a. Park Construction Permit
 - i. Any activity or work on parkland requires an approved Park Construction Permit, including, but not limited to, construction of the paved trail and associated park amenities.
 - b. Paved Shared Use Path and Park Amenities
 - i. Before issuance of the 5th residential building permit, the Applicant must construct the park amenities and 11-foot-wide paved shared use path connecting the cul-de-sacs for Crossview Road and Country Meadow Road across Parcel E and a portion of King's Crossing Local Park substantially as shown on the Certified Site Plan.
 - ii. Paved Shared Use Path
 1. The shared use path must meet or exceed all Montgomery Parks standards and specifications; the final design and construction of the entire trail, including the portions not on parkland, must be included in the Park Construction Permit to ensure that the standards are met and approved by Montgomery Parks staff. Adjustments to the path

location and design may be made and approved through the Park Construction Permit process as determined by Montgomery Parks.

2. Before the issuance of the Park Construction Permit, the Applicant must provide and/or secure an easement(s) to the Commission for maintenance, repair, and public access to the shared use path over the portions of the path that are not on parkland. The trail easement(s) shall include a five (5) foot buffer on each side of the path for a total easement width of 21 feet. Metes and bounds of said easement(s) and any adjustments to the width to be determined during the Park Construction Permit review process and approved by Montgomery Parks staff. The easement(s) must be in a form and substance approved by the Commission's Office of General Counsel and Montgomery Parks staff.
3. Montgomery Parks will accept maintenance and operational responsibility for the shared use path within the easement(s) and as set forth in the easement(s) after all Montgomery Parks conditions have been met.

iii. Park Amenities

1. The park amenities must meet or exceed all Montgomery Parks standards and specifications and final type, design, and construction of the amenities must be included in and to be adjusted by the Park Construction Permit as determined by Montgomery Parks and approved by Montgomery Parks staff.
2. The Applicant must provide:
 - a. One (1) six-foot long park bench on a concrete pad adjacent to the shared use path. The concrete pad must include an ADA compliant companion space of at least three (3) feet in width and four (4) feet in depth.
 - b. One (1) pet waste station on the same concrete pad as the bench and companion space.

5. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property.

ENVIRONMENT

7. Water Quality

- a. The development must comply with the conditions of the Montgomery County Department of Permitting Services Preliminary (MCDPS)/ Combined Stormwater

Management Concept/ Site Development Stormwater Management Plan approval letter dated May 17, 2023.

- b. Before start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 20% of the Application (or 55,995.3 square feet) within the KI-2 Analysis Area of the 1989 *Germantown Master Plan* as shown on the Final Impervious Surface Plan dated April 23, 2024. The impervious surface agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.
- c. As part of any clearing, grading or construction, the Applicant must remove the impervious surfaces as shown on the Impervious Surface Plan and restore these areas to a fully pervious condition. The M-NCPPC Forest Conservation Inspection Staff must be present at a pre-work meeting before removal of the impervious surfaces.

TRANSPORTATION & CIRCULATION

8. 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 April 20, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. Pedestrian & Bicycle Circulation

- a. The Applicant must construct a 6-foot-wide sidewalk with a 15-foot-wide street buffer along the Property frontage on Crossview Road and extend it around the existing Crossview Road cul-de-sac connecting it to the existing 6-foot-wide sidewalk terminus.
- b. The Applicant must improve the existing sidewalk along the Property frontage on Autumn Gold Road to a 6-foot-wide sidewalk with a 15-foot-wide street buffer.

10. 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 June 22, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

11. Site Design

- a. Prior to issuance of the first building permit, the Applicant must submit an administrative site plan amendment for approval of typical foundation plantings for the individual lots and detailed architectural plans, in which the front façade of the residential units must include at a minimum the following elements:
 - i. Front gable centered over entry.
 - ii. Five windows along the second floor.
- b. On front loaded detached one-family units, the garage facade must be recessed in relation to the front entry door and stoop/porch façade.
- c. The Applicant must provide driveways that are a minimum of 18 feet in length as measured from the back of the sidewalk to the garage façade.

12. 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 proposed fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

13. Site Plan Surety and Maintenance Agreement

Before issuance of any above-grade 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 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 only for facilities located on the Property, including, but not limited to plant material, on-site lighting, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private utilities, paths and associated improvements of development, including sidewalks, 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.

14. 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.

15. 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.”
 - iv. “An approved Park Construction Permit is required before beginning any work on parkland.”
- c. Include approved Fire Department Access 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. Show only one park bench with companion area and pet waste station on a concrete pad four -feet deep and 11-feet-wide.

FINAL FOREST CONSERVATION PLAN F20240230

Staff recommends approval with conditions of the Final Forest Conservation Plan No. F20240230 (“FFCP”). All site development elements shown on the latest electronic version of the Final Forest

Conservation Plan No. F20240230, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

The following Conditions supersede all previous conditions of approval that were approved with Preliminary Forest Conservation Plan No. 120220020:

1. 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.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. 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:
 - a) Record a Category I Conservation Easement over all areas of forest retention and forest planting as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page of this deed for this easement must be referenced on the record plat.
 - b) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest retention areas, forest planting areas and variance mitigation tree plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Submit financial surety, in a form approved by the M-NCPPC Office of General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 0.77 acres of new forest planting, for the thirteen (13) variance mitigation tree plantings, and maintenance for both, including invasive species management controls, credited toward meeting the requirements of the FFCP.
5. Within the first planting season following the stabilization of the applicable disturbed areas within the LOD, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FFCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 39 caliper inches, as shown on the approved FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

6. Within the first planting season following the stabilization of the applicable disturbed area within the LOD, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the Afforestation/Reforestation plantings of 0.77 acres as shown on the approved FFCP.
7. Before initial acceptance inspection of the reforestation plantings, or as directed by the Forest Conservation Inspection Staff, the Applicant must install the permanent conservation easement signage and the permanent easement fencing along the perimeter of the Category I Conservation Easements as shown on the FFCP.

SECTION 2: SITE DESCRIPTION

VICINITY

Site Location

The Subject Property is located in the southeast quadrant of the intersection of Autumn Gold Drive and Crossview Road, approximately 500 feet west of Richter Farm Road. It is approximately 800 feet north of Kings Crossing Boulevard, within Germantown West Policy Area and the Kingsview Station area identified by the 1989 *Germantown Master Plan*. It is 5.99-acres of land, comprised of Outlot A, Outlot B, and unrecorded parcel P879 (“Subject Property”).



Figure 1 - Vicinity Map

Site Vicinity

The Subject Property is surrounded by PD-2 zoned property, improved with single-family detached houses across Crossview Road, Autumn Gold Road, and to the east of the property along County Meadow Road. The southern edge of the Subject Property is adjacent to King’s Crossing Local Park, owned by M-NCPPC. The northern and western portions of the Subject Property along Autumn Gold and Crossview Roads have wooded areas.

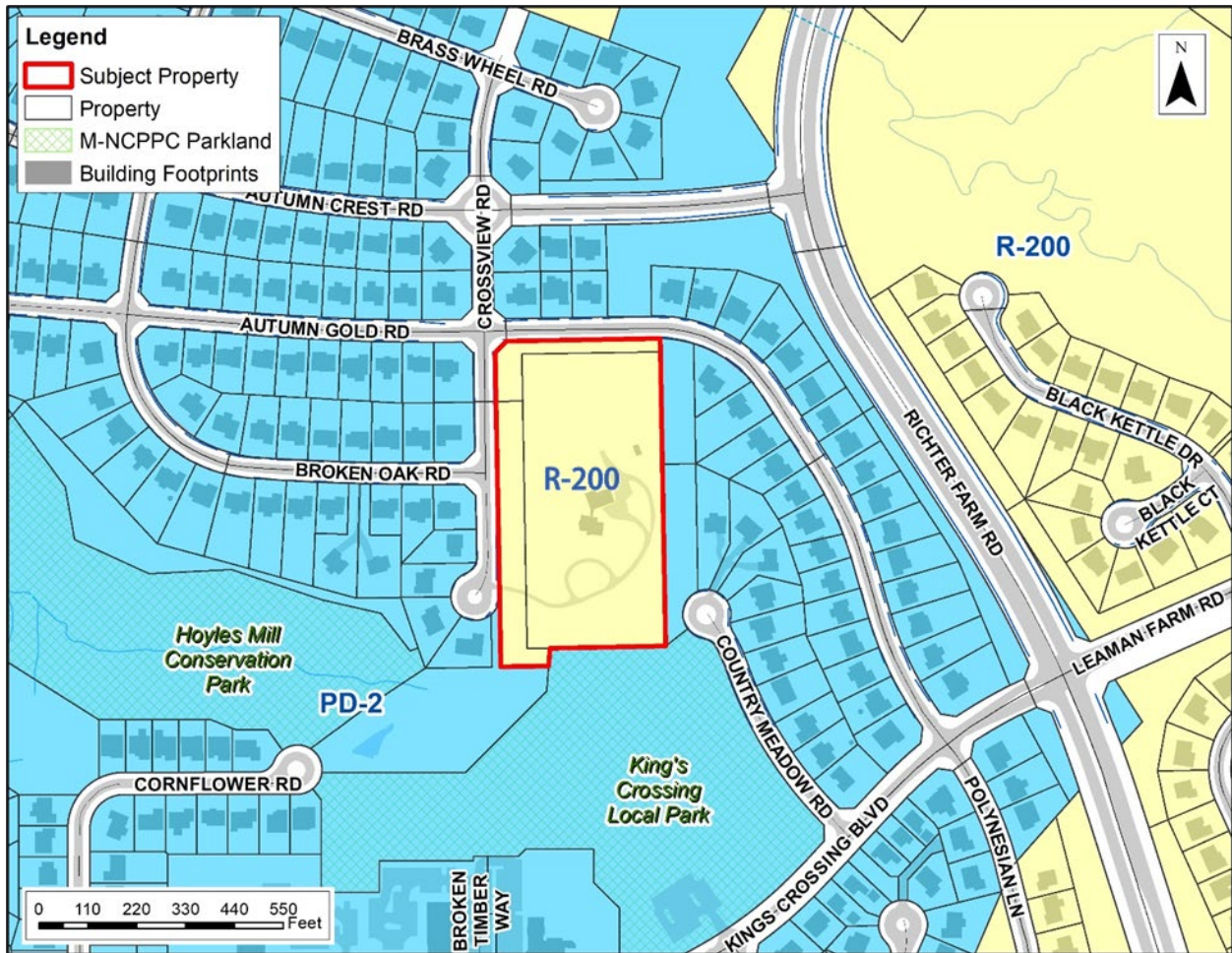


Figure 2 – Zoning Map

PROPERTY DESCRIPTION

The Subject Property is currently accessed from Crossview Road via a single driveway. There is an existing 1939 Tudor style home and auxiliary garage with living space above. There is an existing shed, driveway loop, freestanding accessory solar panels, garden and sculpture area. The Property has approximately 340 feet of frontage on the south side of Autumn Gold Road and approximately 585 feet of frontage on the east side of Crossview Road.

The Subject Property is within the KI-2 Analysis Area of the 1989 *Germantown Master Plan*. This Analysis Area imposes stringent environmental mitigation measures for proposed developments as outlined in Appendix D of the Master Plan. One of these measures is to limit impervious surfaces to no more than 20% for development projects within the KI-2 area.

The Property is located within the Little Seneca Creek watershed and is classified as a Use Class III-P by the State of Maryland. Approximately 2.83 acres of the Property is forested. There are no documented streams or stream valley buffers on or immediately adjacent to the Subject Property, and no wetlands or rare or endangered species. No historic resources or cemeteries are known to exist on the Property.



Figure 3 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

The Subject Property is in the center of the existing King's Crossing subdivision ("Original Subdivision"), developed under the PD-2 zone in the late 1990's (Preliminary Plan No. 119880060 and Site Plan No. 819960110). The Subject Property is the remaining land that was not developed as part of the surrounding subdivision. As depicted in Figure 3, the Property is 5.99 acres, comprised of unrecorded parcel P879 (identified as the Wear Property in the Original Subdivision) on Tax Maps EU121, and two outlots: Outlot A (0.393 acres) and Outlot B (0.867 acres), recorded on Record Plats 20675 and 20679, recorded with the King's Crossing subdivision. Outlot A and B were conveyed to the owner of the Wear Property as part of a land transfer agreement approved during the development process. The Outlots are not subject to any conditions of Preliminary Plan No. 119880060 and Site Plan No. 819960110. Parcel P879, referred to as the "Wear Property" was not part of the Original Subdivision.

PRELIMINARY PLAN NO. 120220020

On July 20, 2023, by mailed Resolution 23-070, the Planning Board approved the Preliminary Plan No. 120220020 and associated Preliminary Forest Conservation Plan ("PFCP") to create 11 lots for 11 single-family detached dwelling units on the 5.99-acre Subject Property.

PROPOSAL

Kings Crossing, Site Plan No. 820240070, was accepted on January 24, 2024, for a total of 11 single family detached dwelling units, including one existing dwelling unit to remain, and two open space parcels on 5.99 acres of land in the R-200 Zone, under the cluster optional method of development. The new units are front loaded and oriented towards the surrounding public roads, with four units fronting on Autumn Gold Road and six units on Crossview Road. The existing house will remain to the interior of the Subject Property and with driveway access opposite to Broken Oak Road. The existing garden, and most of the existing driveway pavement will be removed. Of the 5.99 acres, 1.312 acres (21.9%) will be preserved as Common Open Space in two parcels, parcel D (0.483 acres) and Parcel E (0.829 acres). Parcel D is predominately forested and located in the interior of the Subject Property, between proposed Lots 24-26 and Lot 30. Parcel E, south of Lot 30 is a transition from the development and will appear and function as an extension of King's Crossing Local Park. The eastern three quarters of the Parcel E will be reforested and preserved in a Category I Easement. The Applicant is building an 11-foot-wide shared use path connecting the existing Crossview Road cul-de-sac to the Country Meadow Road cul-de-sac. The path will cross through Parcel E and King's Crossing Local Park (M-NCPPC Parkland) and be maintained by the Montgomery County Department of Parks (Montgomery Parks).

Each lot will be served by public water and sewer. Stormwater management goals will be met using environmental site design, including drywells, rooftop disconnection and landscape infiltration facilities.

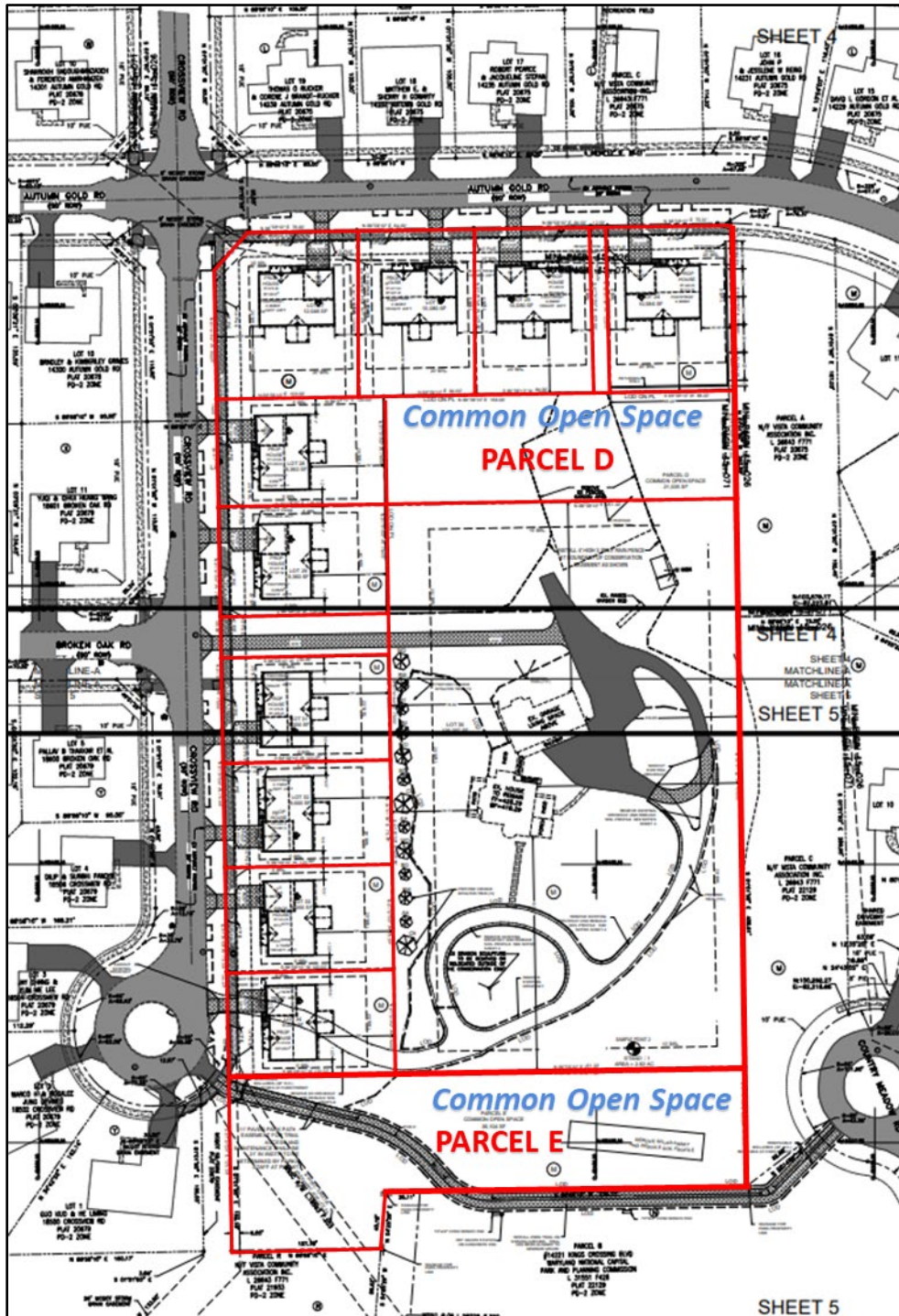


Figure 4 – Site Plan

BUILDING/ARCHITECTURE

The existing 1939 Tudor style home and auxiliary garage located in the middle of the Subject Property will not be changed or removed. Current access to the existing home will change from the cul-de-sac to a driveway opposite to Broken Oak Drive. As conditioned, the garages will be recessed to avoid being the prominent feature of the homes.

OPEN SPACE

Over an acre of the Subject Property will be dedicated as Common Open Space parcels (Parcel D & Parcel E). The parcels satisfy the 20% Open Space requirement for R-200 Optional Method Cluster Development Standards.

TRANSPORTATION

Vehicular access to the proposed new residential units will be provided primarily through Autumn Gold Road and Crossview Road to the north. The proposed new residential development has frontage on Autumn Gold Road and Crossview Road. Both roads have a 20-foot-wide pavement that accommodates two-way travel lanes for vehicular access. Existing travel lanes on Autumn Gold Road and Crossview Road will remain unchanged and will continue to provide access to the proposed residential development.

Pedestrian connectivity to and through the Subject Property will be improved along the two frontages: Autumn Gold Road and Crossview Road. The existing four-foot-wide sidewalk along Autumn Gold Road, a Neighborhood Street, will be upgraded to a six-foot-wide sidewalk and will be further improved with a 15-foot-wide street buffer in compliance with the 2024 *Complete Street Design Guide*. Along the Crossview Road frontage, a Neighborhood Street, a new six-foot-wide sidewalk will be constructed separated from motor vehicle traffic by a 15-foot-wide street buffer in compliance with the 2024 *Complete Street Design Guide*. The existing six-foot-wide sidewalk on the existing cul-de-sac at the termination of Crossview Road to the south will be extended and connected to a new six-foot-wide sidewalk along the Site frontage on Crossview Road. The Broken Oak Road and Crossview Road intersection will be upgraded to meet ADA standards with new curb ramps. The Autumn Gold Road and Crossview Road intersection will also be improved and upgraded to ADA standards with new curb ramps. All of these improvements will promote pedestrian safety and connectivity.

Pedestrian and bicycle connectivity will also be provided from the existing southern cul-de-sac on Crossview Road to the existing cul-de-sac on Country Meadow Road to the southeast of the proposed residential development. An 11-foot-wide paved shared use path will be constructed through Common Open Space Parcel E and King's Crossing Local Park to connect the two cul-de-sacs. This will provide the residents with immediate bicycle and pedestrian access to existing sidepath facilities to the south on Kings Crossing Boulevard through Country Meadow Road. The proposed 11-foot-wide paved shared use path will also provide residents with a faster and more convenient access to the

existing Ride-On Bus stops along Richter Farm Road to the east of the proposed residential development.

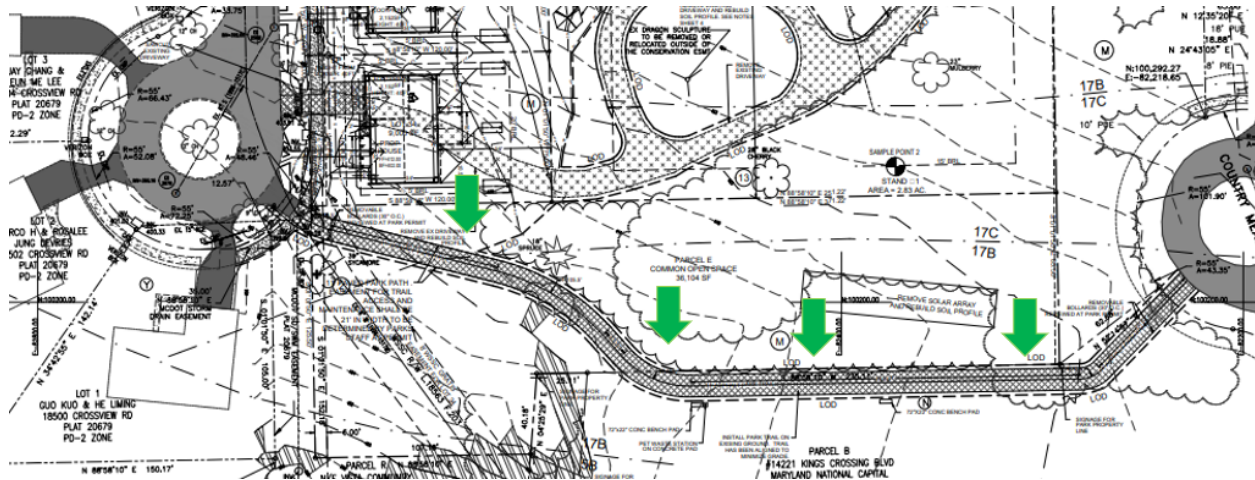


Figure 5 - Circulation Diagram

The 2018 *Bicycle Master Plan* does not have recommendations for designated bicycle facilities on Autumn Gold Road, nor Crossview Road. Both roads currently have low-volume motor vehicle traffic. Under the *Bicycle Stress Map*, Autumn Gold Road and Crossview Road are both identified as very low stress roadways for bicyclists with a posted speed limit of 25 miles per hour – which is appropriate for most children and adults. The proposed 11-foot-wide paved shared use path will provide residents with access to existing bicycle facilities along Kings Crossing Boulevard to the south and Richter Farm Road to the east of the proposed residential development.

ENVIRONMENT

Forest conservation requirements will be met through reforestation and protection of existing forest on-site in two Category I Forest Conservation Easements. The Final Forest Conservation Plan No. F20240100 (“FFCP”) shows approximately 2.83 acres of existing forest on the Property. The Subject Property has no streams, wetlands, springs, seeps or other environmentally sensitive elements on or adjacent to the property. The Subject Property has a reforestation requirement of 0.77 acres. The Applicant will satisfy this requirement by providing 0.77 acres of reforestation plantings on the Subject Property and placing it within a Category I Conservation Easement. A full analysis is provided in Section 8 of this Staff Report.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. A pre-submittal public meeting was held on October 18, 2023, virtually, related to the Site Plan. The meeting was attended by 8 residents and led by the applicant’s engineering team. Residents asked about the permitting

timeline for the project and inquired about the potential noise and truck activity from the construction of the single-family detached units. There were questions about the potential architecture and driveways of the proposed homes and about the removal of vegetation. The establishment of a new HOA plus the applicant's contract purchaser agreement were probed along with the park trail installation and the widening of sidewalks. An affidavit is attached to this report.

Staff received a letter written on behalf of the Vistas Community Association Board of Directors dated February 13, 2024, opposing the proposal for 10 new homes [Attachment E]. The letter expressed disapproval of the removal of trees and a claim that noise pollution and construction will degrade the nearby environment and increase the estimated storm water discharge, which will challenge the storm water management system. The letter also asserts that adding the 10 homes to public sewer and water may cause a significant decrease to water supply line pressure and sewage backfill to neighboring homes. The correspondence goes on to say that the road to neighboring areas is not designed to accommodate 10 homes. Finally, an assertion that the clearing of trees is inconsistent with "forest conservation regulations for real estate development in the County", and the proposal does not address deviation from the premises of the original Vistas Master Plan. Staff responded to the sender's request for more information about the application via email detailing the review status, imperviousness restrictions, and design aspects of the application for the sender to share with the Vistas Community Association Board of Directors [Attachment E].

Staff also received independent correspondence throughout the review of the application via email [Attachment E]. One resident expressed concern about street parking on Crossview Road given the width of the street causing safety potential safety issues. Other residents were concerned that the Park's trail connecting Crossview Road and County Meadow Road cul-de-sacs was a right-of-way for vehicles rather than a pedestrian trail. There were complaints by a neighbor about a school bus stop's proximity to construction, the addition of 10 homes to an "established neighborhood" having a negative impact, and the removal of trees and bushes effecting the local wildlife's habitats. Staff addressed the concerns by replying to questions via email messages. Inquirers were provided Montgomery County Planning website resources, development review information, zoning code noise regulations, and information on the potential forest conservation easement and reforestation of the subject property. In addition, the Application received an approved stormwater management concept dated May 19th, 2023, an approval letter from the Montgomery County Department of Transportation dated June 9th 2023, and a Department of Permitting Services Right-of-Way conditional approval letter dated April 30th, 2024.

SECTION 5: SITE PLAN 820240070 FINDINGS AND ANALYSIS

The Site Plan will allow for 11 single-family detached dwelling units on a 5.99-acre Site. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies all of whom have recommended approval.

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

The findings herein apply only to the Subject Property.

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

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

This application is consistent with the conditions in the previously approved Preliminary Plan No. 120220020.

- 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 to this application.

- 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 to this application.

- d) ***satisfies applicable use standards, development standards, and general requirements under this Chapter 59;***

- i. ***Division 4. R-200 Zone***

Table 1: King Crossing Site Plan Data Table for R-200 Zone, Optional Method Cluster Section 59.4.4.7C.

Development Standard	Permitted/ Required	Proposed
Tract Area	5 ac.	5.986 ac.
Tract Area - Prior Dedication	n/a	n/a
Tract Area - Proposed Dedication	n/a	n/a
Useable Area	5 ac.	5.986 ac.
Mapped Density Residential (GFA/ FAR)	2 units/ac. (11 units)	2 units/ac. (11 units)
MPDU Requirement	n/a	n/a
Lot size, min.	9,000 sq. ft.	9,000 sq. ft.
Minimum Lot width at front building restriction line (BRL)	25 ft.	25ft.
Lot width at front lot line, min.	25 ft.	25 ft.

Development Standard	Permitted/ Required	Proposed
Lot coverage, maximum	25%	25%
Front setback	25 ft.	25 ft.
Side setback	5 ft.	5 ft.
Rear setback	20 ft.	20 ft.
Building Height	40 f.t.	40 f.t.
Common Open Space	20% (52,150 sq.ft.)	21.9% (57,139 sq. ft.)
– Parcel D		– 0.483 acres
– Parcel E		– 0.829 acres

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

(1) Division 6.1 Site Access

The existing driveway to the existing home situated in the middle of the Subject Property will be relocated from the cul-de-sac at the terminus of Crossview Road northward opposite to the existing intersection with Broken Oak Road. The proposed 10 homes will each have their own private driveway access from Crossview Road and Autumn Gold Road.

(2) Division 6.2 Parking, Queuing and Loading

The application proposes two parking spaces per house via garages, totaling in 22 spaces for the application. This is the minimum number of spaces required for residential units in the R-200 zone. The private driveways will also accommodate any onsite loading needs. No queuing is anticipated on the adjacent streets.

(3) Division 6.3 Open Space and Recreation

The Subject Application will create two Common Open Space Parcels (Parcels E & D) totaling 57,139 square feet. A paved path connecting the Crossview Road and Country Meadow Road culs-de-sac will cross Parcel E and King’s Crossing Local Park and be available for public use.

(4) Division 6.4 General Landscaping and Outdoor lighting

The Subject Application proposes the use of colonial post-top, LED optics with aluminum housing and hinged top canopies. The luminaire size is proposed at 40 inches to accommodate a 120 volt LED driver. A photocell

receptable shall be mounted on the aluminum by cast. As conditioned, the Applicant will provide typical foundation plantings for each individual lot as part of a future site plan amendment. The Applicant is retaining 1.29 acres of existing forest and planting 0.77 acres of new forest on-site. Category I Conservation Easements are proposed on both Open Space Parcels.

e) Satisfies the applicable requirements of:

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

MCDPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on May 17, 2023. The plan proposes to meet required stormwater management goals via environmental site design while incorporating drywells, rooftop disconnection, and landscape infiltration.

ii. Chapter 22A, Forest Conservation

The Subject Property is subject to Chapter 22A of the County Code. As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. The Subject Property has a reforestation requirement of 0.77 acres which will be met by retaining 1.29 acres of existing forest, planting 0.77 acres of new forest on-site and protecting both with a Category I Conservation Easement as further discussed in Section 8 of this staff report for Forest Conservation Plan No. F20240230.

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

In terms of general massing of the new residences, the garage of the single-family detached dwelling units should be recessed from the main body of the front façade, so that it does not become the most prominent feature of the façade. Recessing the garage will improve building massing and help with the composition of the façade. As conditioned, prior to issuance of the first building permit, the Applicant must submit an administrative site plan amendment for approval of detailed architectural plans for the single-family detached dwelling units. The southern edge of the Subject Property is adjacent to King's Crossing Local Park. The northern and western portions of the Subject Property along Autumn Gold and Crossview Roads have wooded areas. Access to the existing house on the Subject Property is currently gained from a driveway that connects to the cul-de-sac on the southern portion of Crossview Road.

- 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 Subject Property is located within the KI-2 Analysis Area of the 1989 *Germantown Master Plan*. This Analysis Area imposes stringent environmental mitigation measures for proposed developments as outlined in Appendix D of the master plan. One of these measures is to limit impervious surfaces to no more than 20% for development projects within the KI-2 area. The current Application proposes total impervious surfaces of approximately 20.00% as shown on the approved Final Impervious Surface Plan.

- h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

i. Existing Facilities

The Subject Property fronts Autumn Gold Road and Crossview Road, which are both open section Neighborhood Streets with 50-foot-wide rights-of-way. Autumn Gold Road currently has a five-foot-wide sidewalk along the frontage. Crossview Road currently has no sidewalk.

ii. Proposed public transportation infrastructure

The existing sidewalk along the frontage with Autumn Gold Road will be improved to six feet (6 ft) in width to match current sidewalk standards and provide a 15-foot-wide street buffer (open section with street trees and swales). Similarly, a new six-foot-wide sidewalk will be constructed along the frontage of Crossview Road. Additionally, an 11-foot-wide asphalt shared use path will be constructed to connect the Crossview Road cul-de-sac with the nearby Country Meadow Road cul-de-sac through the southernmost boundary of the Subject Property along with a small portion through King's Crossing Local Park. The shared use path will provide important bike and pedestrian connectivity to currently disconnected neighborhoods while providing additional access to the park.

The Application has been reviewed by the MCDOT who determined that sight distance at each driveway is sufficient and the proposed roadway cross-sections for Crossview Road and Autumn Gold Road are sufficient to serve the proposed lots. No additional right-of-way dedication is necessary.

iii. **Local Area Transportation Review (LATR)**

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations.

The Property is located in the Germantown West (16) Policy Area, which is categorized as a Green Policy Area under the 2020–2024 *Growth and Infrastructure Policy* (“GIP”).

The Application is exempt from additional LATR review. The Application proposes 10 net-new single family detached units which will generate 8 net-new morning peak-hour person trips and 10 net new evening peak-hour person trips. The 2020–2024 *Growth and Infrastructure Policy* only requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours. As this project is estimated to generate 10 net new person trips in the peak hour, the Applicant has satisfied the requirements of the LATR and the public transportation facilities are adequate for the Project.

iv. **Other Public Facilities and Services**

Public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect. Other public facilities and services are available and are adequate to serve the proposed residential development.

The Washington Suburban Sanitary Commission has reviewed the Application and identified existing eight (8) inch gravity sewer mains and 8-inch water mains in the adjacent road right-of-way that are available to serve the subdivision. The use of water and sewer is consistent with the Subject Property’s W-1 and S-1 service category.

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section who determined that the Project Area has adequate access for fire and rescue vehicles by transmittal dated June 22, 2023 (Attachment D).

Electric and telecommunications services as available and adequate to serve the proposed lots. PUE's and PIE's will be recorded to provide pedestrian improvements and utility connections to the surrounding subdivision.

Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 *Growth and Infrastructure Policy*.

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

The proposed project on the Subject Property will be developed in a manner that is consistent with the surrounding residential context. The existing Tudor residence and garage on the site will remain unchanged. The footprint of the new residences will be of a size similar to the existing surrounding residences. The new units will also have setbacks similar to the other nearby existing homes. A planting strip and six-foot sidewalk will be provided on Crossview Road and connect to the existing sidewalks on the cul-de-sac and on Autumn Gold Road. A new 11-foot shared use path will link the cul-du-sacs at the terminus of Crossview Road and Country Meadow Road and provide additional access to the Kings Crossing Local Park. A proposed forest easement will be provided along the northern portions of the existing homesite behind the new properties located along the two adjacent roads and in the southeast corner of the homesite adjacent to Kings Crossing Local Park.

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

Not applicable.

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 Subject Property is not zoned C-1 or C-2 on October 29, 2014.

SECTION 8: FOREST CONSERVATION PLAN F20240230 FINDINGS AND ANALYSIS

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code (“FCL”) and requires a Final Forest Conservation Plan. The Applicant had previously obtained approval of a Preliminary Forest Conservation Plan No, 120220020. Included with that Preliminary Forest Conservation Plan was a request for a tree variance for impacts and removal of trees protected under Sec. 22A-12(b)(3) of the Chapter 22A. The FFCP complies with the Preliminary Forest Conservation Plan, Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

FOREST CONSERVATION

Natural Resource Inventory/Forest Stand Delineation Plan

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420221670 for this Property was approved on July 18, 2022. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The NRI/FSD identifies the 5.99 acre Subject Property located within the Little Seneca Creek watershed, a Use Class III-P as designated by the State of Maryland. The Subject Property contains 2.83 acres of forest and has 7 onsite trees with a diameter breast height (“DBH”) of 30 inches or more. The Subject Property does not contain any streams, wetlands or other sensitive environmental features.

Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan (“FFCP”) with the current development plan application for Site Plan No. 820240070. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines. The FFCP is in substantial compliance with the Preliminary Forest Conservation Plan approved by the Planning Board on July 20, 2023.

The Subject Property is zoned R-200 and is assigned a Land Use Category of High Density Residential (“HDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The tract area for forest conservation purposes includes the 5.99-acre Subject Property plus 0.45 acres of offsite disturbance associated with this Application, for a total net tract area of 6.43 acres. There is a total of 2.83 acres of existing forest on the Subject Property. The Application proposes to remove 1.54 acres and retain 1.29 acres of forest. The proposed forest clearing generates a reforestation requirement of 0.77 acres if met within the same watershed as the project or within a designated Priority Area. The reforestation requirement increases to 1.54 acres if met outside of the watershed as the project or outside of a Priority Area. The Applicant proposes to meet the planting requirement on-site by planting 0.77 acres of new forest adjacent to portions of the existing forest. All of the retained and planted forest will be protected in a Category I Conservation Easement (Figure 6).

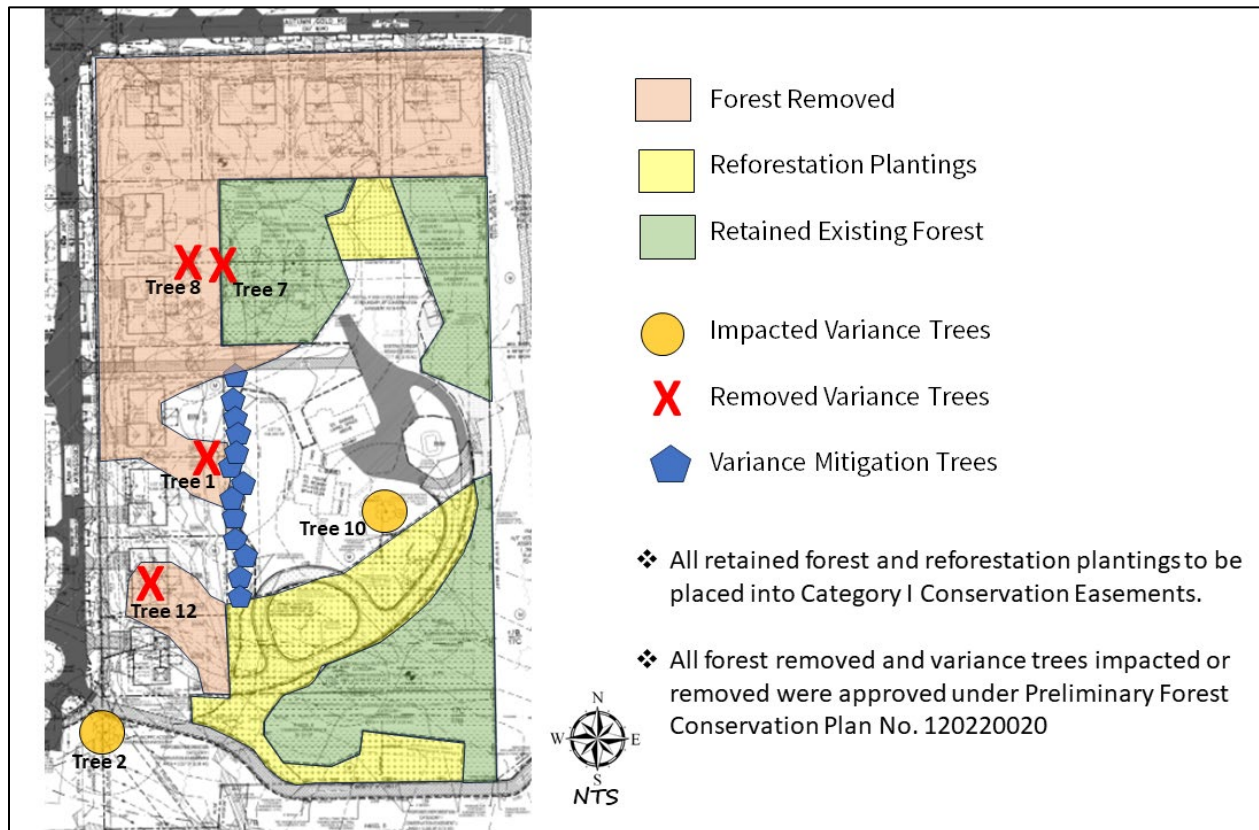


Figure 6 – Forest Conservation Plan

Minimum Forest Retention

Section 22A-12(f) of Montgomery County Code, Chapter 22A, the Forest Conservation Law (“FCL”), in general, states there are special provisions for minimum retention, reforestation and afforestation on any site developed under a cluster or other optional method of development in a one-family residential

zone must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement. Forest retention should be maximized where possible. This site is being developed under an optional method and is located within a one-family residential zone, R-200. As such, 22A-12(f) would be applicable to this development site.

22A-12(f)(2)(B) states, in part, that *“In a planned development or a site development using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a).”* And in 22A-12(f)(2)(C), *“On a site covered by this subsection, if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), the afforestation threshold is the minimum on-site forest requirement.”*

Under the applicable sections of 22A-12(f) the Applicant’s minimum on-site forest requirement would be the entire 2.83 acres of existing forest currently on-site. However, the FFCP proposes to remove 1.54 acres of existing forest. In order for the 1.54 acres of existing forest to be removed and the FFCP to be approved, the Planning Board must find that retention of this forest is not possible. Section 22A-12(f)(3) states that: *“If the Planning Board or Planning Director, as appropriate, finds that forest retention required in this subsection is not possible, the applicant must provide the maximum possible on-site retention in combination with on-site reforestation and afforestation, not including landscaping.”*

It is not possible for the Applicant to retain all of the 2.83 acres of existing forest on the Subject Property and satisfy the regulatory requirements for this development. Most of the existing forest is located in the northern portion of the existing parcel with a small pocket located in the south. The Applicant has contained the development along the periphery of the Subject Property, instead of spreading out the proposed 10 lots, thereby retaining a sizeable portion of the northern forest intact and adding 0.11 acre of reforestation to this area. All of the southern forest is retained and will be augmented with 0.66 acre of reforestation plantings.

FOREST CONSERVATION VARIANCE

The Planning Board approved a tree variance request with the Preliminary Forest Conservation Plan No. 120220020 dated July 20, 2023. This Final Forest Conservation Plan does not modify and is in compliance with that approved tree variance request.

Mitigation for Trees Subject to the Variance Provision

Although the FFCP is in compliance with the requested tree variance submitted under the PFCP, the method of variance tree mitigation has changed since the PFCP. The PFCP was submitted on November 24, 2021 and reviewed under the FCL dated February 25, 2021 in which mitigation was not required for Protected Trees removed in a forest stand since it was reasoned that the forest conservation worksheets accounted for the mitigation. This requirement was changed under the FCL

passed and enacted on April 3, 2023. The current FCL requires mitigation for Protected Trees removed in a forest. The FFCP was submitted for review on October 27, 2023 and became subject to the current FCL.

The Protected Trees proposed to be removed stays the same as the PFCP at Trees 1, 7, 8 and 12 for a total DBH proposed to be removed of 153 inches. The required mitigation increases over the PFCP with the addition of Tree 8, since this tree is in a forested area. The mitigation for Tree 8 changed with the revisions to the FCL dated 4/3/2023 requiring compensation for Protected Trees removed within forest cover. The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 38.25 inches with the installation of 13 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements.

SECTION 9: CONCLUSION

As conditioned, the King Crossing Site Plan No. 820240070 application and Final Forest Conservation Plan No. F20240230 satisfy the findings under Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance and Chapter 22A, and substantially conforms to the recommendations of the 1989 *Germantown Master Plan*. Therefore, Staff recommends approval of the Site Plan and Final Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Site Plan No. 820240070

Attachment B: Forest Conservation Plan No. F20240230

Attachment C: Prior Approvals

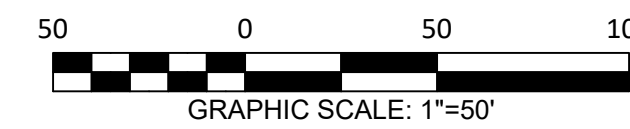
Attachment D: Agency Letters

Attachment E: Community Correspondence

Attachment F: Affidavit Regarding Community Meeting and Meeting Minutes

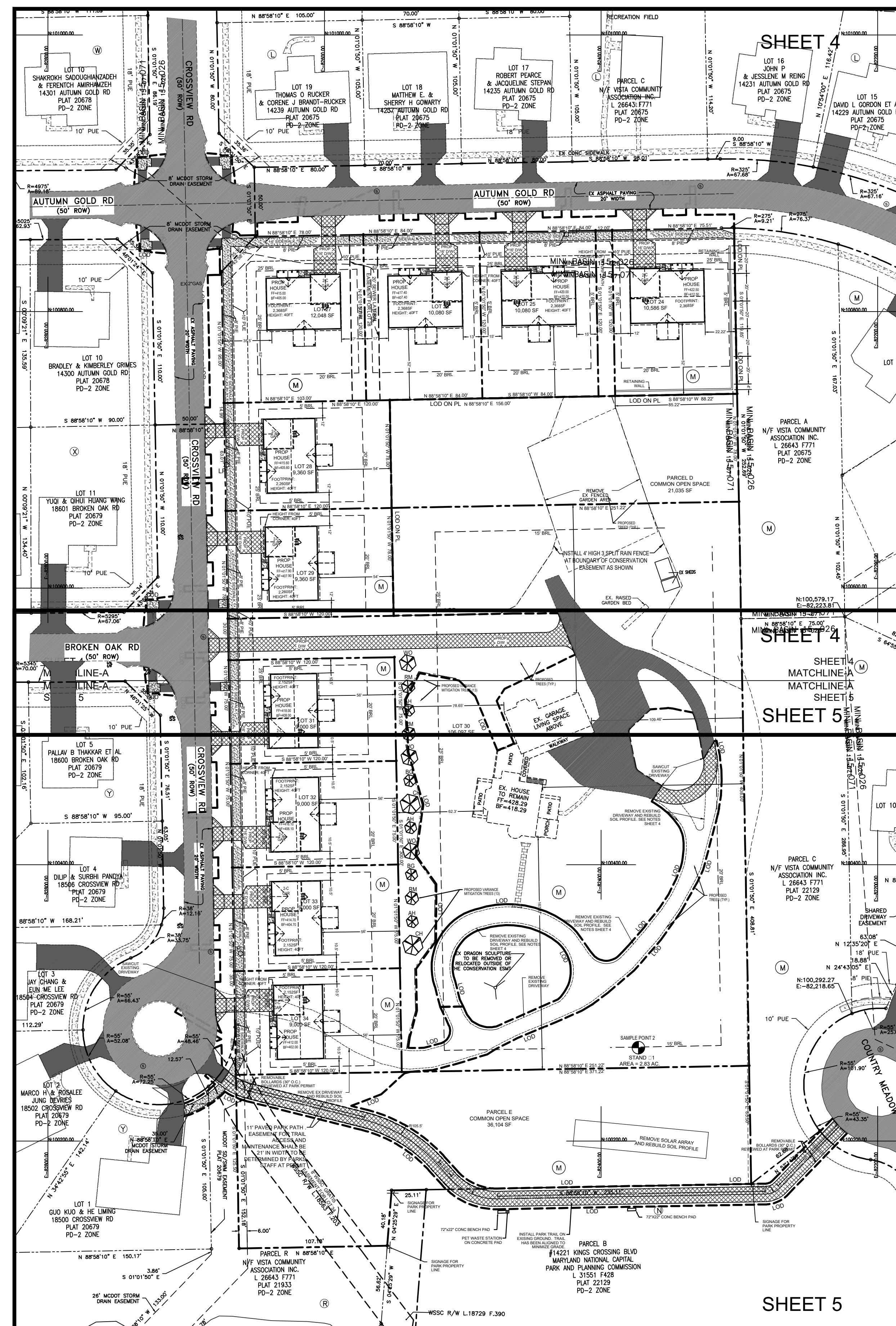
SITE PLAN - COVER SHEET KINGS CROSSING

820240070



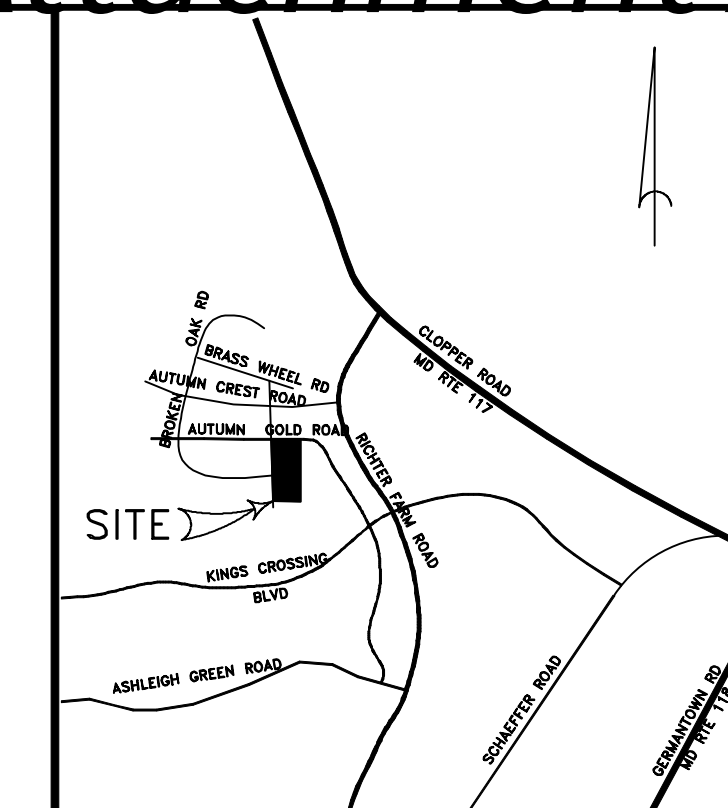
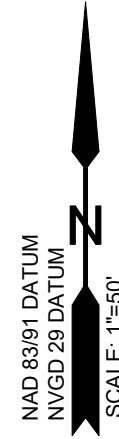
SHEET INDEX	
No.	DESCRIPTION
1 OF 5	SITE PLAN - COVER SHEET
2 OF 5	APPROVALS - SHEET 1 OF 2
3 OF 5	APPROVALS - SHEET 2 OF 2
3 OF 5	SITE PLAN - SHEET 1 OF 2
4 OF 5	SITE PLAN - SHEET 2 OF 2

An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times. To schedule a Site Plan inspection with DPS, Zoning and Code Compliance Section (ZCCS), please contact Brian Keeler, 240-581-4485.



SITE DATA

EXISTING GROSS TRACT AREA	=	260,750 S.F. / 5.986 AC
1) PARCEL 879	=	205,872 S.F. / 4.726 AC
2) OUTLOT A	=	17,124 S.F. / 0.393 AC
3) OUTLOT B	=	37,754 S.F. / 0.867 AC
DEDICATION TO PUBLIC USE	=	NONE
LOTS		
1) LOT 24	=	203,811 S.F. / 4.674 AC
2) LOT 25	=	10,586 S.F. / 0.483 AC
3) LOT 26	=	10,080 S.F. / 0.231 AC
4) LOT 27	=	12,048 S.F. / 0.277 AC
5) LOT 28	=	9,360 S.F. / 0.215 AC
6) LOT 29	=	9,360 S.F. / 0.215 AC
7) LOT 30	=	106,097 S.F. / 2.436 AC
8) LOT 31	=	9,000 S.F. / 0.207 AC
9) LOT 32	=	9,000 S.F. / 0.207 AC
10) LOT 33	=	9,000 S.F. / 0.207 AC
11) LOT 34	=	9,000 S.F. / 0.207 AC
COMMON OPEN SPACE	=	57,139 S.F. / 1.312 AC
1) PARCEL D	=	21,035 S.F. / 0.483 AC
2) PARCEL E	=	36,104 S.F. / 0.829 AC



VICINITY MAP
SCALE: 1" = 2000'
ADC MAP 5046 - GRID B-4

GENERAL NOTES

- SITE ADDRESS IS 18505 CROSSVIEW ROAD, BOYDS, MD 20841
- PLAT REFERENCE: PLATS: 20675, 20679, 22129
- DEED REFERENCE: LIBER 53520 FOLIO 3220
- SITE IS LOCATED ON TAX MAP EU-121, BLOCK M, P879 OUTLOT A & B.
- SITE IS LOCATED ON WSSC 200 SHEET No. 226-NW-14.
- EXISTING WATER AND SEWER CATEGORY IS W-1 & S-1.
- SITE HAS EXISTING WATER AND SEWER AVAILABLE.
- EXISTING ZONING IS R-200.
- EXISTING SOILS ARE
5B, GLENVILLE SILT LOAM, 3-8% SLOPES
17B, OCCOQUAN LOAM, 3-8% SLOPES, AND
17C OCCOQUAN LOAM, 8-15% SLOPES.
- BOUNDARY SHOWN FROM SURVEY PREPARED BY PACKARD & ASSOCIATES, LLC DATED MARCH, 2017
- SITE TOPOGRAPHY BY FIELD SURVEY BY PACKARD & ASSOCIATES, LLC, JULY 2017. SURROUNDING INFORMATION FROM AERIAL GIS DATA.
- WATERSHED: LITTLE SENECA CREEK, CLASS III-P.
- THERE ARE NO FLOODPLAIN OR WETLANDS ON THIS SITE.
- STORMWATER MANAGEMENT: ESDV PROVIDED ON-SITE WITH DRYWELLS, AND PERVIOUS PAVEMENT
- UTILITY COMPANIES:
ELECTRIC: PEPCO
WATER & SEWER: WSSC
TELEPHONE: VERIZON
CATV: COMCAST
- OWNER / APPLICANT
JIM J ZHAO & DIANNA J LU
18505 CROSSVIEW ROAD, BOYDS, MD 20841
CONTACT: DIANNA LU (240) 938-1290
EMAIL: DIANNALU@YAHOO.COM
- NRI/FSD: 420221670 APPROVED 07/18/2022

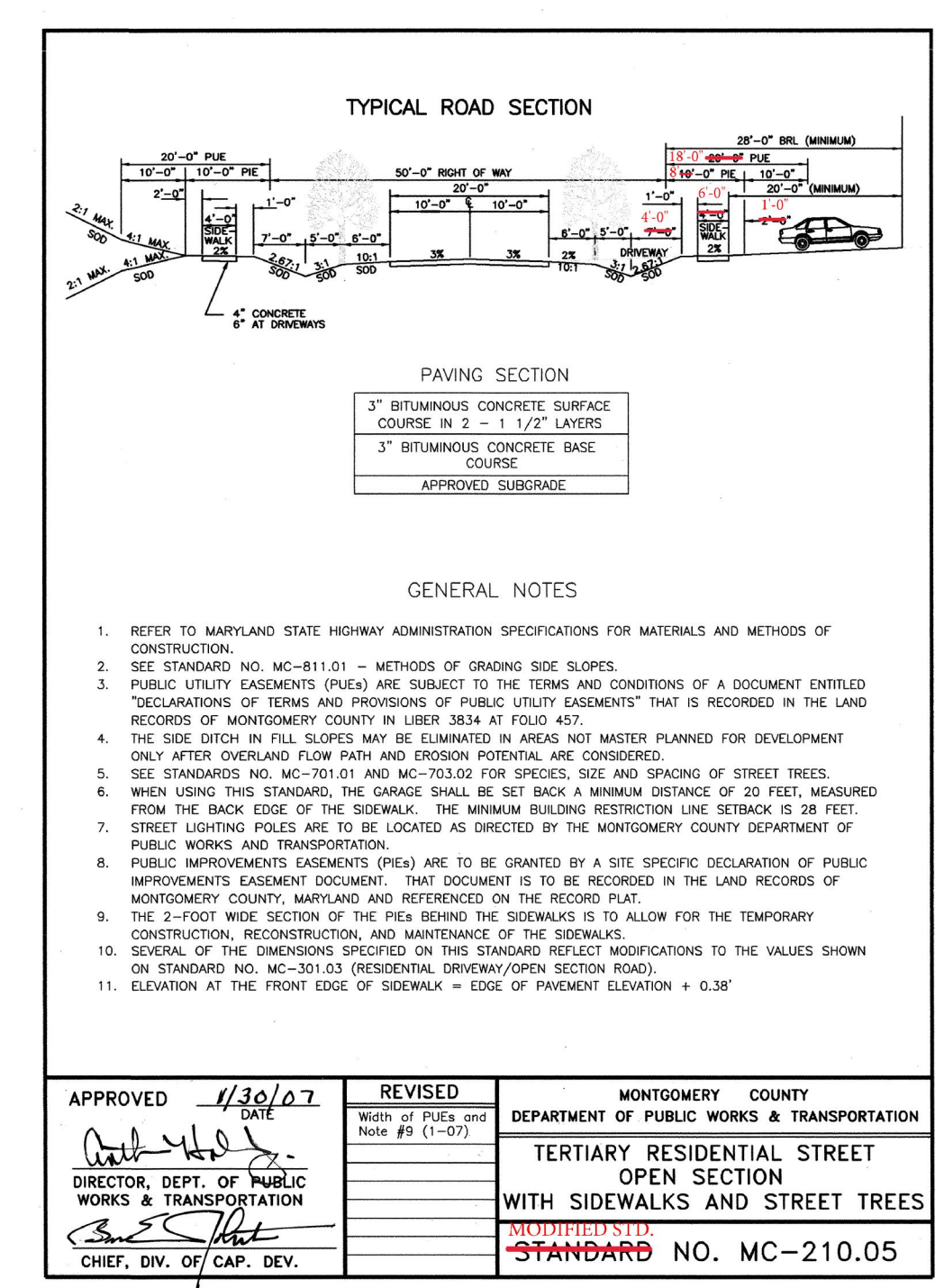
PROPERTY LOT WIDTHS

LOTS	LOT WIDTH AT FRONT BUILDING LINE (FT)	LOT WIDTH AT FRONT LOT LINE (FT)
1) LOT 24	88.22	88.22
2) LOT 25	84.00	84.00
3) LOT 26	84.00	84.00
4) LOT 27	84.00	103.00
5) LOT 28	78.00	78.00
6) LOT 29	78.00	78.00
7) LOT 30	30.00	408.00
8) LOT 31	75.00	75.00
9) LOT 32	75.00	75.00
10) LOT 33	75.00	75.00
11) LOT 34	75.00	75.00

DEVELOPMENT DATA R-200 ZONE, OPTIONAL METHOD - CLUSTER		
ELEMENTS	REQUIRED /ALLOWED	PROPOSED
SITE		
DIMENSIONS (MIN)	5 AC.	5.986 AC.
SITE COVERAGE (MAX)	N/A	N/A
DENSITY (MAX)	2.0 UNITS/AC 5.986 X 2.0	11 LOTS
USABLE AREA LOTS (TOTAL)		203,611 S.F.
1) LOT 24	9,000 S.F.	10,586 S.F.
2) LOT 25	9,000 S.F.	10,080 S.F.
3) LOT 26	9,000 S.F.	10,080 S.F.
4) LOT 27	9,000 S.F.	12,048 S.F.
5) LOT 28	9,000 S.F.	9,360 S.F.
6) LOT 29	9,000 S.F.	9,360 S.F.
7) LOT 30	9,000 S.F.	106,097 S.F.
8) LOT 31	9,000 S.F.	9,000 S.F.
9) LOT 32	9,000 S.F.	9,000 S.F.
10) LOT 33	9,000 S.F.	9,000 S.F.
11) LOT 34	9,000 S.F.	9,000 S.F.
COMMON OPEN SPACE (MIN) % OF USABLE AREA	52,150 S.F. 20%	57,139 S.F. 21.91%
1) PARCEL D		21,035 S.F.
2) PARCEL E		36,104 S.F.
LOTS		
LOT AREA (MIN)	9,000 S.F.	9,000 S.F.
LOT WIDTH AT FRONT BLDG LINE (MIN)	25'	25'
LOT WIDTH AT FRONT LOT LINE (MIN)	25'	25'
LOT COVERAGE (MAX)	25%	25%
PLACEMENT		
PRINCIPLE BUILDING SETBACKS (MIN)		
FRONT SETBACK FROM PUBLIC STREET	25' MIN.	25'
FRONT SETBACK FROM PRIVATE STREET OR OPEN SPACE	10' MIN.	N/A
SIDE STREET SETBACK	25'	25'
SIDE STREET SETBACK (ABUTTING ZONE STD METHOD) - ACCESSORY STRUCTURE	5'	5'
SIDEYARD SETBACK, ABUTTING PROPERTY NOT IN APPLICATION	5'	5'
REAR SETBACK (ABUTTING ZONE STD METHOD) - ACCESSORY STRUCTURE	20'	20'
REAR SETBACK ABUTTING PROPERTY NOT IN APPLICATION	5'	5'
HEIGHT (PRINCIPAL STRUCTURE) - ACCESSORY STRUCTURE	40' MAX. 25' MAX.	40' N/A
PARKING		
TOTAL PARKING PER LOT ON LOT	2 SPACES	2 SPACES
TOTAL PARKING (SITE)	22 SPACES	22 SPACES

NOTE:
1. THIS PROJECT SHALL BE DEVELOPED IN ONE SINGLE PHASE.
2. UNLESS SPECIFICALLY NOTED ON THIS PLAN DRAWING OR IN THE PLANNING BOARD CONDITIONS OF APPROVAL, THE BUILDING FOOTPRINTS, BUILDING HEIGHTS, ON-SITE PARKING, AND 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 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.
3. THE LAND CONTAINED HEREON IS WITHIN AN APPROVED CLUSTER DEVELOPMENT, AND SUBDIVISION OR RESUBDIVISION IS NOT PERMITTED AFTER THE PROPERTY IS DEVELOPED.

MISS UTILITY
CALL "MISS UTILITY" AT 1-800-267-777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE No. 16518, EXPIRATION DATE: 06/10/2025.
Dean Packard
DEAN PACKARD, P.E. 05/24/24 DATE

ENGINEERS CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY SHOWN HEREON IS CORRECT BASED ON EXISTING DEEDS AND PLATS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, SUBJECT TO CHANGE UPON FINAL SURVEY. TOPOGRAPHY FROM SOURCES NOTED.
Dean Packard
DEAN PACKARD, P.E. 05/24/24 DATE

PACKARD & ASSOCIATES LLC.
CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS
204 MONROE STREET, SUITE 201
ROCKVILLE, MARYLAND 20850
PHONE (301) 208-0250 FAX (301) 208-1270



05/24/24
SITE PLAN - COVER SHEET
PLAN NO. 820240070
PROPOSED LOTS No. 24 thru 34 - BLOCK M
KINGS CROSSING
PARCEL 879, OUTLOTS A & B, BLOCK M
WSSC 226NW14 TAX MAP EU 121 LIBER 53520, FOLIO 320
ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MARYLAND

SCALE	1"=50'
CHECKED	DATE 05/24/24
ACAD FILE NAME	
JOB NO.	
DRAWING NO.	
SHEET	1 of 5

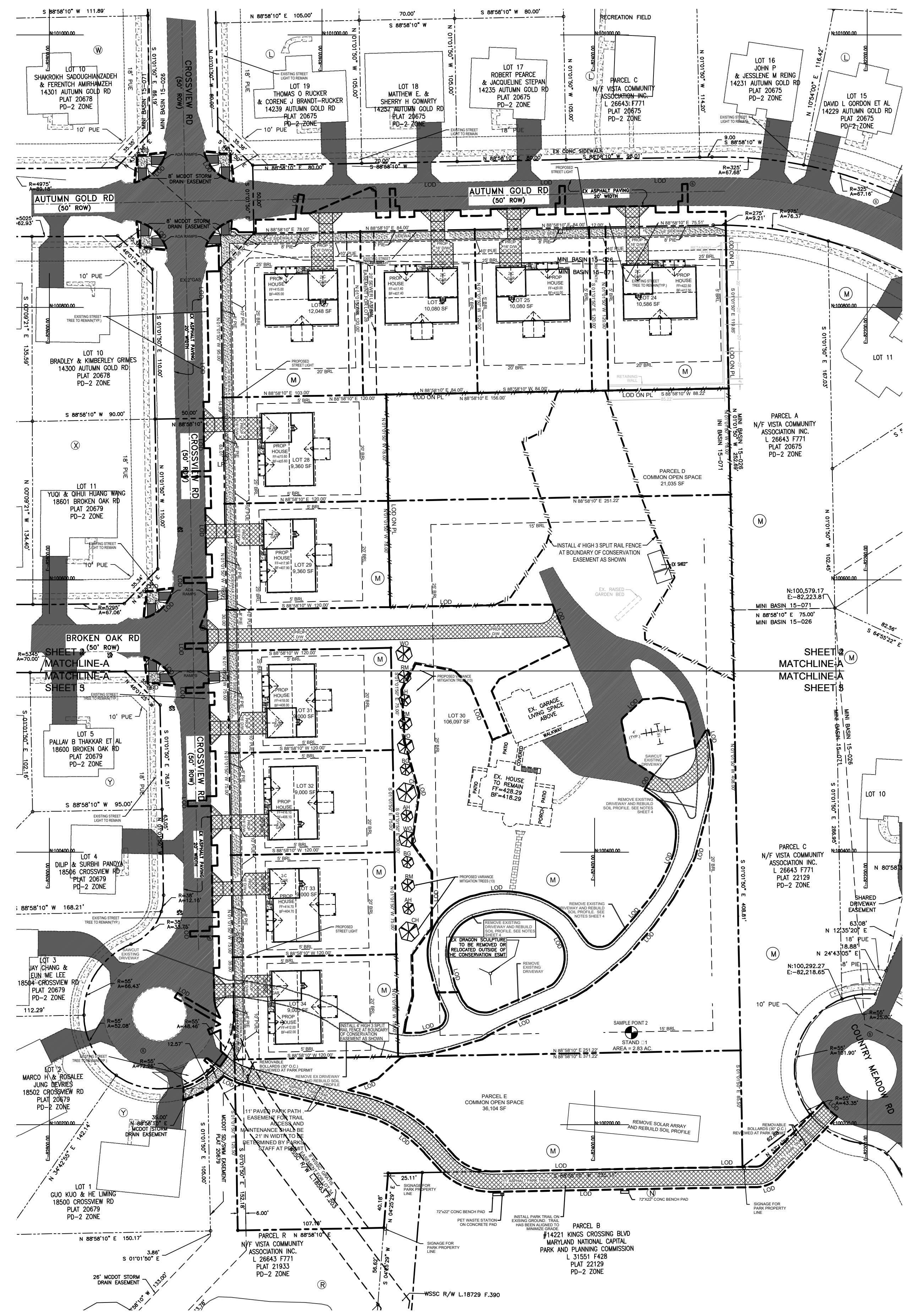
FINAL FOREST CONSERVATION PLAN KINGS CROSSING

F20240230



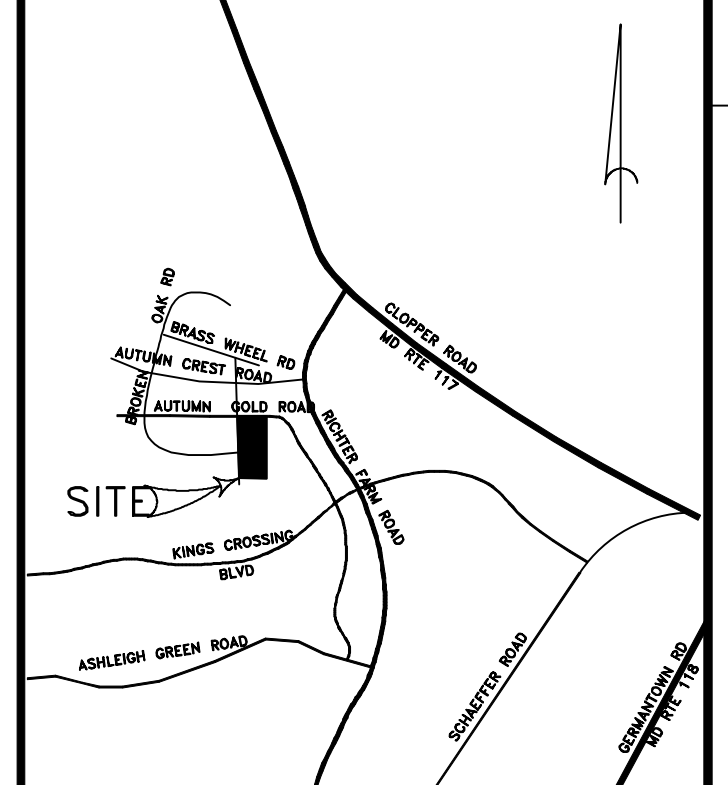
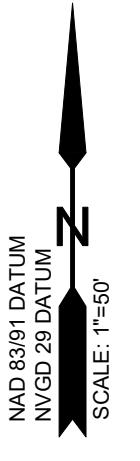
SHEET INDEX

No.	DESCRIPTION
1 OF 6	FINAL FOREST CONSERVATION PLAN - COVER SHEET
2 OF 6	APPROVALS SHEET
3 OF 6	FINAL FOREST CONSERVATION PLAN
4 OF 6	FINAL FOREST CONSERVATION NOTES
5 OF 6	FINAL FOREST CONSERVATION NOTES
6 OF 6	FINAL FOREST CONSERVATION NOTES



SITE DATA

EXISTING GROSS TRACT AREA	= 260,750 S.F. / 5.986 AC
1) PARCEL 879	= 205,872 S.F. / 4.726 AC
2) OUTLOT A	= 17,124 S.F. / 0.393 AC
3) OUTLOT B	= 37,754 S.F. / 0.867 AC
DEDICATION TO PUBLIC USE	= NONE
LOTS	
1) LOT 24	= 203,611 S.F. / 4.674 AC
2) LOT 25	= 10,586 S.F. / 0.483 AC
3) LOT 26	= 10,080 S.F. / 0.231 AC
4) LOT 27	= 12,048 S.F. / 0.277 AC
5) LOT 28	= 9,360 S.F. / 0.215 AC
6) LOT 29	= 9,360 S.F. / 0.215 AC
7) LOT 30	= 106,097 S.F. / 2.436 AC
8) LOT 31	= 9,000 S.F. / 0.207 AC
9) LOT 32	= 9,000 S.F. / 0.207 AC
10) LOT 33	= 9,000 S.F. / 0.207 AC
11) LOT 34	= 9,000 S.F. / 0.207 AC
COMMON OPEN SPACE	= 57,139 S.F. / 1.312 AC
1) PARCEL D	= 21,035 S.F. / 0.483 AC
2) PARCEL E	= 36,104 S.F. / 0.829 AC



VICINITY MAP
SCALE: 1" = 2000'
ADC MAP 5046 - GRID B-4

GENERAL NOTES

- SITE ADDRESS IS 18505 CROSSVIEW ROAD, BOYDS, MD 20841
- TAX I.D. NUMBERS: 06-01923815, 06-03221562, 06-03222098
- PLAT REFERENCE: PLATS: 20675, 20679, 22129
- DEED REFERENCE: LIBER 53520 FOLIO 3220.
- SITE IS LOCATED ON TAX MAP EU-121, BLOCK M, P879 OUTLOT A & B.
- SITE IS LOCATED ON WSSC 200 SHEET No. 226-NW-14.
- EXISTING WATER AND SEWER CATEGORY IS W-1 & S-1.
- SITE HAS EXISTING WATER AND SEWER AVAILABLE.
- EXISTING ZONING IS R-200.
- EXISTING SOILS ARE:
5B, GLENVILLE SILT LOAM, 3-8% SLOPES
17B, OCCOQUAN LOAM, 3-8% SLOPES, AND
17C OCCOQUAN LOAM, 8-15% SLOPES.
- BOUNDARY SHOWN FROM SURVEY PREPARED BY PACKARD & ASSOCIATES, LLC DATED MARCH, 2017.
- SITE TOPOGRAPHY BY FIELD SURVEY BY PACKARD & ASSOCIATES, LLC, JULY 2017. SURROUNDING INFORMATION FROM AERIAL GIS DATA.
- WATERSHED: LITTLE SENECA CREEK, CLASS III-P.
- THERE ARE NO FLOODPLAIN OR WETLANDS ON THIS SITE.
- STORMWATER MANAGEMENT:
ESDV PROVIDED ON-SITE WITH DRYWELLS, AND PERVIOUS PAVEMENT
- UTILITY COMPANIES:
ELECTRIC: POTOMAC EDISON
WATER & SEWER: WSSC
TELEPHONE: VERIZON
CATV: COMCAST
- OWNER / APPLICANT
JIM J ZHAO & DIANNA J LU
18505 CROSSVIEW ROAD, BOYDS, MD 20841
CONTACT: DIANNA LU (240) 938-1290
EMAIL: DIANNALU@YAHOO.COM
18. NRI/FS: 420221670 APPROVED 07/18/2022

GENERAL FOREST CONSERVATION PLAN NOTES

- BOUNDARY INFORMATION IS BASED ON A BOUNDARY SURVEY BY PACKARD & ASSOCIATES, LLC DATED MARCH 2017.
- TOPOGRAPHIC INFORMATION IS FROM A SURVEY PREPARED BY PACKARD & ASSOCIATES, LLC DATED JULY 2017 AND FROM AVAILABLE GIS RECORDS.
- EXISTING ZONING: R-200.
- THERE IS NO 100 YEAR FLOOD PLAN ON THE SITE PER FEMA PANEL 24031C0170D.
- THE SITE IS LOCATED IN THE LITTLE SENECA CREEK WATERSHED, CLASS III-P.
- THERE ARE NO NON-TIDAL WETLANDS FIELD IDENTIFIED ON THE SITE OR WITHIN 100' OF THE PROPERTY LINE.
- THERE ARE NO KNOWN RECORDS OR READILY OBSERVABLE ARCHAEOLOGICAL, HISTORICAL ROAD, AND NO THREATENED OR ENDANGERED SPECIES OR CRITICAL TERRESTRIAL HABITAT ON THIS SITE.
- FIELD WORK WAS CONDUCTED BY DEAN PACKARD, OP, ON OCTOBER 31, 2018, USING A D-TAPE. FIELD WORK WAS UPDATED ON JULY 13, 2022.
- A LETTER FROM THE MARYLAND DEPARTMENT OF NATURAL RESOURCES WILDLIFE AND HERITAGE SERVICE HAS DETERMINED THAT THERE ARE NO OFFICIAL STATE OR FEDERAL RECORDS FOR LISTED RARE, THREATENED, OR ENDANGERED PLANT SPECIES, ANIMAL SPECIES, OR CRITICAL TERRESTRIAL HABITATS ON THE PROPERTY.
- THE SIGNIFICANT AND SPECIMEN TREES ON AND WITHIN 100 FEET OF THE PROPERTY ARE SHOWN ON THESE PLANS.
- THERE ARE NO MONTGOMERY COUNTY OR STATE CHAMPION TREES ON THE PROPERTY.
- THIS PROPERTY IS NOT WITHIN A PRIMARY MANAGEMENT AREA.
- THIS PROPERTY IS NOT WITHIN A SPECIAL PROTECTION AREA.

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. _____ including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: Dianna Lu
Printed Company Name _____

Contact Person or Owner: Dianna Lu
Printed Name _____

Address: 18505 Crossview Road, Boyds, MD 20841

Phone and Email: 240.938.1290, diannalu@yahoo.com

Signature: [Signature]

CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNCPPC, AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

Dean Packard
DEAN PACKARD, P.E. _____ 03/19/24
DATE

PACKARD & ASSOCIATES LLC.
CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS
204 MONROE STREET, SUITE 201
ROCKVILLE, MARYLAND 20850
PHONE (301) 208-0250 FAX (301) 208-1270

FINAL FOREST CONSERVATION PLAN - COVER SHEET
PLAN NO. F20240230
PROPOSED LOTS No. 24 thru 34 - BLOCK M
KINGS CROSSING
PARCEL 879, OUTLOTS A & B, BLOCK M
WSSC 226NW14 TAX MAP EU 121 LIBER 53520, FOLIO 320
ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MARYLAND

SCALE	1"=50'
CHECKED	DATE 03/19/24
ACAD FILE NAME	
JOB NO.	
DRAWING NO.	
SHEET	1 of 6

MISS UTILITY
CALL "MISS UTILITY" AT 1-800-257-777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-070
Preliminary Plan No. 120220020
Kings Crossing
Date of Hearing: July 6, 2023

JUL 20 2023

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on January 15, 2022, Jim Zhao and Dianna Lu (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create eleven (11) lots on 5.99 acres of land in the R-200 zone, located in the southeast corner of the intersection of Autumn Gold Road and Crossview Road (“Subject Property”), in the Germantown West Policy Area and 1989 *Germantown Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120220020, Kings Crossing (“Preliminary Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 23, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 6, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley and Hedrick voting in favor, with Commissioner Linden absent.

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605 | Fax: 301-495-1320

www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to

Legal Sufficiency: /s/ Allison Myers

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120220020 to create eleven lots on the Subject Property, subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to eleven (11) lots for ten (10) new detached dwelling units and one (1) existing detached dwelling unit and two open space parcels.

Adequate Public Facilities and Outside Agencies

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

Plan Validity Period

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, 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.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 9, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. 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 May 19, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which

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

may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated June 22, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Future Site Plan Approval Required

8. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved site plan. The number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks, and shared use paths will be determined through site plan review and approval.
9. 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.

Forest Conservation

10. The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan No. 120220020 (“PFCP”), approved as part of this Preliminary Plan:
 - a. 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 record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - b. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 30.25 caliper inches. Planting locations to be shown on the Final Forest Conservation Plan (“FFCP”).
 - c. Applicant must submit a FFCP for review and approval before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this Subject Property.
 - d. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.

Transportation

11. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a 6-foot-wide sidewalk along the property frontage on Crossview Road and Autumn Gold Road.
12. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDOT and M-NCPPC Montgomery County Department of Parks ("Montgomery Parks") to ensure construction of an 11-foot-wide shared use path connecting the Crossview Road cul-de-sac and Country Meadow Road cul-de-sac as shown on the Certified Preliminary Plan.
13. Applicant must construct the 11-foot-wide shared use path as shown on the Certified Preliminary Plan including the portions on parkland subject to the following conditions:
 - a. Any activity on parkland requires an approved Park Construction Permit including, but not limited to, the construction of the portions of the shared use path on parkland.
 - b. All facilities to be constructed by the Applicant on parkland must be acceptable to Montgomery Parks staff and must meet or exceed Montgomery Parks design standards and specifications.

Record Plats

14. There shall be no clearing, grading construction of the site before recordation of plat(s).

Easement

15. The record plat must show necessary easements, including, but not limited to the following:
 - a. An 8-foot-wide Public Improvement Easement (PIE) and an overlapping 18-foot wide Public Utility Easement (PUE) on the frontage of Crossview Road and Autumn Gold Road.
16. The record plat must reflect a common use and access covenant for the benefit of the public over all sidewalks and paths not included in a public right-of-way. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.

Notes and Labels

17. The record plat must reflect all areas under common ownership.
18. The record plat must include the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."

19. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 (“Covenant”).

Certified Preliminary Plan

20. The certified Preliminary Plan must contain the following notes:
- a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
21. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
- a. Show resolutions and agency approval letters on the certified set.
 - b. Include the approved Fire and Rescue Access plan in the certified set.
 - c. Add an 11-foot-wide public access easement over the portion of the shared use path located on the Subject Property.
 - d. Prior to Certification, the Applicant must revise the Preliminary Plan and PFCP, to show the revised Category I Forest Conservation Easements, including the relocation of easement area from Parcel D to the area abutting the southern Forest Conservation Easement, as approved by Staff.

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

The Subject Property is the last undeveloped land in the center of an existing neighborhood with an established lot and block design. The proposed development is an infill project that will continue the existing block and lot pattern. The lots will

line the north and western perimeter of the Property, abutting Autumn Gold Road and Crossview Road. The units will ultimately front on the respective roads, which will be reviewed by a future site plan application. The lots range in size from 9,000 - 11,000 square feet, which is consistent with the neighboring lots. The only outlier to the established lotting pattern is the approximately 107,000 square foot lot being created for the existing house to remain. The size and shape of this lot is appropriate given its location in the center of the property, tucked behind the new proposed lots, and to accommodate the existing house.

The Subject Property is not a master planned site and recreation requirements are not required for this Application. However, approximately 21.9 percent of the Property is being provided as Common Open Space, consistent with the R-200 Optional Method (cluster) requirements and passive and active recreation facilities are available in the adjacent King's Crossing Local Park.

The lots and residential use were reviewed for compliance with the dimensional requirements for the R-200 zone under the Optional Method - Cluster as specified in the Zoning Ordinance. The lots as proposed will accommodate building areas so that the houses can meet all the dimensional requirements for area, frontage, width, and setbacks in that zone taking into account the proposed improvements. A summary of this review is included in the Staff Report.

After Preliminary Plan approval, Site Plan approval is required because the Application is utilizing the Optional Method of development – Cluster option. As part of the Site Plan, the Applicant will be required to demonstrate, in detail, how the design of the proposed subdivision meets the intent of the zone.

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

The proposed single-family detached residential project is located at the southeast corner of the intersection of Autumn Gold and Crossview Roads within the KI-2 Analysis Area of the 1989 *Germantown Master Plan* Area. The KI-2 Analysis Area, which is approximately 771 acres, contains a mix of single-family detached, single-family attached, and multi-family residences.

The KI-2 Analysis Area in the 1989 *Germantown Master Plan* has been largely built out according to the Plan. Specifically, the 1989 Plan states that “the entire Analysis Area is recommended to retain its R-200 zoning classification and is appropriate for rezoning to the PD-2 Zone with a density limit of approximately 1.74 units per acre, excluding MPDUs. The purpose of the PD-2 Zone is to enable garden apartments to be used to meet the MPDU requirement instead of townhouses.” A majority of the KI-2 area has been rezoned to PD-2 except for the Subject Property, which is still zoned R-200.

The Subject Property will be developed in a manner that is consistent with the surrounding residential context. The existing Tudor residence and garage on the Property will remain as is. However, the driveway to the house will be relocated from the cul-de-sac at the terminus of Crossview Road northward so that it is on axis with Broken Oak Road. This relocation of the driveway will reduce the amount of impervious surface on the existing home property.

A total of ten new single-family detached units, six along Crossview Road and four along Autumn Gold Road, will have their front facades facing the two streets. The proposed lot sizes are similar to the existing surrounding residences. The new units will also have setbacks similar to the other nearby existing homes.

A proposed forest conservation easement will be provided along the northern portions of the existing homesite behind the new properties located along the two adjacent roads and in the southeast corner of the homesite adjacent to King's Crossing Local Park.

The KI-2 Analysis Area recommends stringent environmental mitigation measures for proposed developments as outlined in Appendix D of the Master Plan. One of these measures is to limit impervious surfaces to no more than 20% for development projects within the KI-2 area. The current Application proposes total impervious surfaces of approximately 19.84% as shown on the submitted Impervious Surface Plan.

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

As conditioned, adequate public facilities exist to support and service the Subject Property in accordance with Section 50.4.2.D of the Subdivision Regulations.

a) Roads and other Transportation Facilities

i. Existing Facilities

The Subject Property fronts on Autumn Gold Road and Crossview Road, which are both open section neighborhood streets with 50-foot-wide rights-of-ways. Autumn Gold Road currently has a 5-foot-wide sidewalk along the frontage. Crossview Road currently has no sidewalk.

ii. ***Proposed public transportation infrastructure***

The existing sidewalk along the frontage with Autumn Gold Road will be improved to six feet (6 ft) in width to match current sidewalk standards and provide a 15-foot-wide buffer (open section with street trees and swales). Similarly, a new six-foot-wide sidewalk will be constructed along the frontage of Crossview Road. Additionally, an 11-foot-wide asphalt shared use path will be constructed to connect the Crossview Road cul-de-sac with the nearby Country Meadow Road cul-de-sac through the southernmost boundary of the Subject Property along with a small portion through King's Crossing Local Park. The shared use path will provide important bike and pedestrian connectivity to currently disconnected neighborhoods while providing additional access to the park.

The Application has been reviewed by the MCDOT who determined that sight distance at each driveway is sufficient and the proposed roadway cross-sections for Crossview Road and Autumn Gold Road are sufficient to serve the proposed lots. No additional right-of-way dedication is necessary.

b) ***Local Area Transportation Review (LATR)***

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations.

The Property is located in the Germantown West (16) Policy Area, which is categorized as a Green Policy Area under the 2020–2024 *Growth and Infrastructure Policy* (“GIP”).

The Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Project. The Application proposes 10 net-new single-family detached units which will generate 8 net-new morning peak-hour person trips and 10 net-new evening peak-hour person trips. The Application is exempt from additional LATR review, as the 2020-2024 *Growth and Infrastructure Policy* only requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours.

c) Schools

The FY24 Annual School Test, approved by the Planning Board on June 22, 2023 and effective July 1, 2023 is applicable to this Application. The Application proposes 10 new single-family detached units and one existing single-family unit to remain.

School Adequacy Test

The Subject Property is served by Spark M. Matsunaga ES, Kingsview 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 1.

Table 1 - 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
Spark M. Matsunaga ES	591	510	86.3%	+81	No UPP	166	200	288
Kingsview MS	1,041	985	94.6%	+56	No UPP	182	265	421
Northwest HS ²	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, Spark M. Matsunaga ES, Kingsview MS and Northwest HS do not require any UPP. If the project is estimated to generate more students than the identified ceilings, then 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

² 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.

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 10 units that are not age-restricted, the Application is estimated to generate the following number of students based on the subject property's location within a Turnover Impact Area:

Table 2 - 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	10	0.185	1.850	0.102	1.020	0.154	1.540
SF Attached	0	0.218	0.000	0.119	0.000	0.167	0.000
TOTALS	10		1		1		1

As shown in Table 2 on average, this Application is estimated to generate one elementary school student, one middle school student and one high school student. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 1, therefore no additional UPPs are required and neither are partial payments across multiple UPP tiers.

d) Other Public Facilities and Services

Public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect. Other public facilities and services are available and are adequate to serve the proposed residential development.

The Washington Suburban Sanitary Commission has reviewed the Application and identified existing eight-inch gravity sewer mains and eight-inch water mains in the adjacent road right-of-way that are available to serve the subdivision. The use of water and sewer is consistent with the Subject Property's W-1 and S-1 service category.

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section who determined that the Project Area has adequate access for fire and rescue vehicles by transmittal dated June 22, 2023.

Electric and telecommunications services as available and adequate to serve the proposed lots. Public utility easements and public improvement easements will be recorded to provide pedestrian improvements and utility connections to the surrounding subdivision.

Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 *Growth and Infrastructure Policy*.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Forest Conservation

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Application was accepted on January 10, 2022, which precedes the effective date of the newest version of Chapter 22A, the Forest Conservation Law. As such, this Application was reviewed under the version of Chapter 22A dated February 5, 2021. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The Preliminary Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

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

The Applicant has submitted a Preliminary Forest Conservation Plan ("PFCP") with the current development plan application for Preliminary Plan No. 120220020. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's approved Environmental Guidelines.

The Subject Property is zoned R-200 and is assigned a Land Use Category of High Density Residential ("HDR") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

As discussed in the Staff Report, the tract area for forest conservation purposes includes the 5.99-acre Subject Property plus 0.41 acres of offsite disturbance associated with this Application, for a total net tract area of 6.40 acres. There is a total of 2.83 acres of existing forest on the Subject Property. The Application proposes to remove 1.60 acres and retain 1.23 acres of forest. The proposed forest clearing generates a reforestation requirement of 0.48 acres. The Applicant proposes to meet the planting requirement on-site by planting 0.50 acres of new forest adjacent to portions of the existing forest. All of the retained and planted forest will be protected in a Category I Conservation Easement.

After posting the Staff Report, the Applicant proposed certain changes to the location and configuration of the proposed Category I Conservation Easements. During the Planning Board hearing, Staff presented additional evidence on the record, identifying how the Applicant plans to modify the Forest Conservation Plan, including relocation of a portion of the reforestation, from the existing garden area, south of Parcel D (Common Open Space) and removing 0.5 acres of existing forest to the east of the existing sheds. The revised plans, which were reviewed and approved by the Planning Board as reflected in Condition 21(d), includes an additional 0.5 of existing forest clearing, will be replaced at a 2:1 ratio. The additional reforestation and relocated reforestation area will be provided on-site by explanting the Category I Easement between the existing driveway and shared-use path. As approved, the total amount of forest removed is 1.65 acres, forest retained is 1.18 acres and 0.59 acres of reforestation will be required, subject to minor modifications to be reviewed and approved as part of the Final Forest Conservation Plan.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as a high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to six (6) Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Subject Property, which is dictated by the existing site conditions including existing house to remain, development standards of the zone, Montgomery County agency requirements, and requirements associated with Master Plan objectives. There are two trees requested to be impacted and four trees requested to be removed which are located within or adjacent to the developable area of the Property.

Two Protected Trees, Tree 2 and 10, are being impacted by the limits-of-disturbance ("LOD") for the project. Tree 2 is located adjacent to a proposed shared use path between Crossview and Country Meadow Road that runs through King's Crossing Local Park. Tree 10 is being impacted by the required removal of a portion of the existing driveway on Lot 30 in order for the development to meet the 20% impervious limit set by the KI-2 area in the *Germantown Master Plan*.

Four Protected Trees, Trees 1, 7, 8 and 12, are proposed to be removed. Tree 12 is located within the footprint of a proposed unit; Trees 1 and 8, are located within the LOD and in close proximity to proposed units; and Tree 7 is located on the LOD of the development. Trees 1, 7 and 8 will have most of their CRZs removed during construction and given their current condition may become hazard trees in the future threatening the residential structures. As a result, it is recommended that these trees be removed now. The inability to impact or remove these trees would potentially render portions of the site undevelopable for this project or pose threats to the health, safety and welfare of future homeowners. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for the development of single-family detached units, which is a reasonable and significant use of the Property. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the specified trees is due to the development of the Property, location of the trees within the LOD of the Property and necessary site design requirements. Granting a variance to allow disturbance within the developable portion of the site is not unique to this Applicant. Therefore, granting this variance is not a special privilege that granted only this Applicant and denied to other applicants.

2. The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.

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

3. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

4. Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed are not located within a stream buffer, wetland or Special Protection Area. At time of the Final Forest Conservation Plan ("FFCP"), mitigation will be proposed for the removal of these four trees by planting larger caliper trees on-site. These trees will replace water quality functions that may be lost by the removed trees. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There are 4 Protected Trees proposed for removal in this variance request, resulting in a total of 153 inches of DBH being removed as shown on the PFCP. For mitigation purposes, only Trees 1, 7 and 12 are counted for a

total of 121 inches of DBH since Tree 8 is located within forest being removed and its removal is mitigated for within the FCP worksheet.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved the replacement of Protected Trees at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 30.25 inches with the installation of 10 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. Placement of these 10 mitigation trees will be determined at FFCP. Although these trees will not be as large as the trees lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. There is some disturbance within the CRZ of 2 trees, Trees 2 and 10; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is required for Protected Trees impacted but retained. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

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 May 19, 2023. The Application will meet stormwater management goals using environmental site design, including drywells, rooftop disconnection and landscape infiltration facilities.

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

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

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 3 years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that before the expiration 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 must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 20 2023 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0-1, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, and Hedrick voting in favor, Commissioner Linden abstaining, at its regular meeting held on Thursday, July 13, 2023, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

Dean Packard
16220 Frederick Road, Suite 300
Gaithersburg, MD 20877

Jim Zhao and Dianna Lu
18505 Crossview Road
Boys, MD 20841

Item 8- Kings Crossing
Preliminary Plan No. 120220020

Attachment D



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

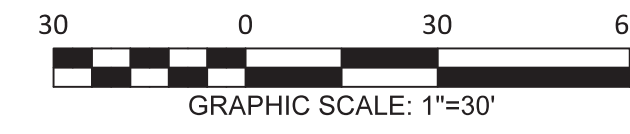
DATE: 22-Jun-23
TO: Dean Packard - pgai@verizon.net
P.G. Associates, Inc
FROM: Marie LaBaw
RE: Kings Crossing
120220020

PLAN APPROVED

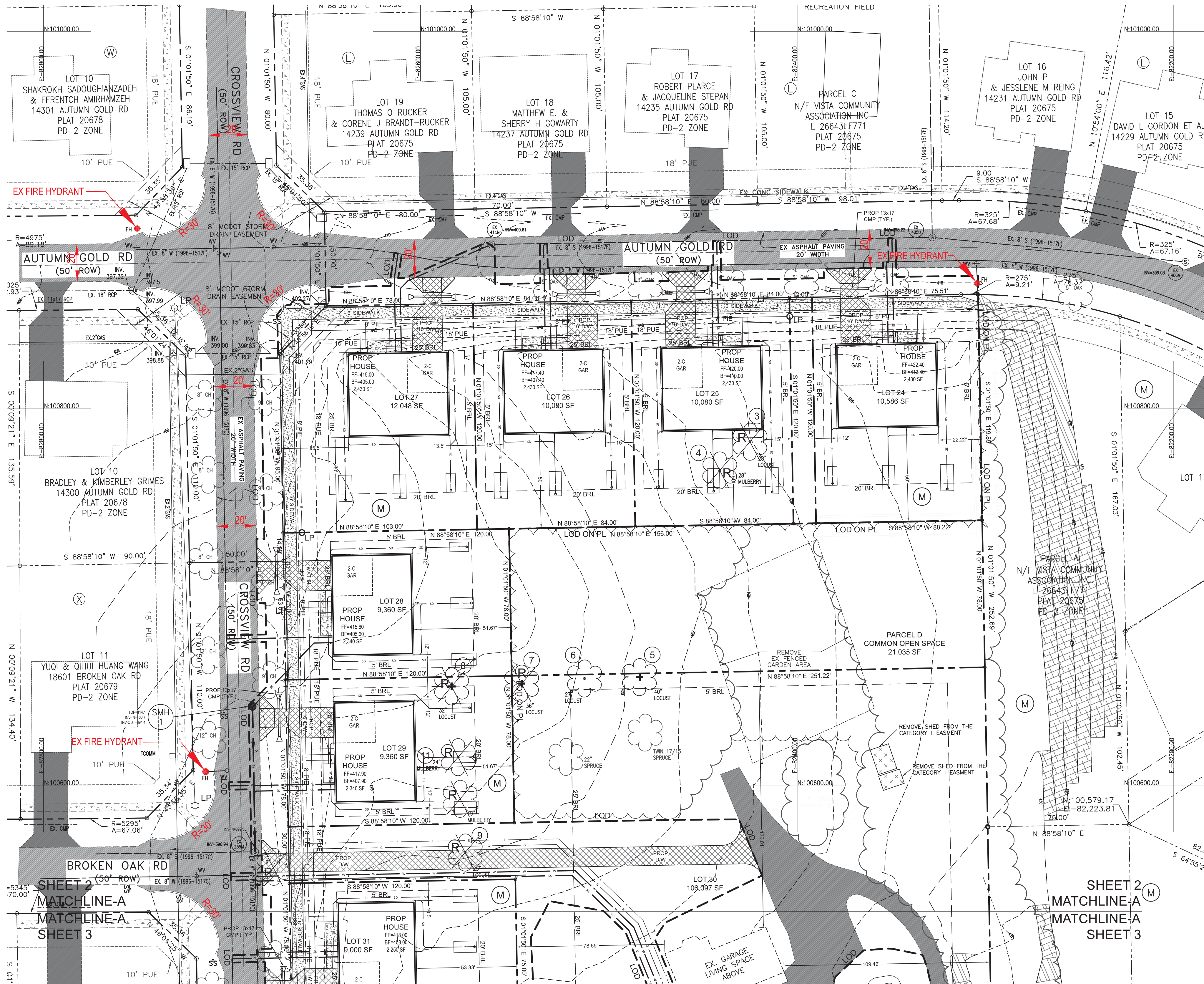
1. Review based only upon information contained on the plan submitted **22-Jun-23** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

KINGS CROSSING

120220020



SHEET 2



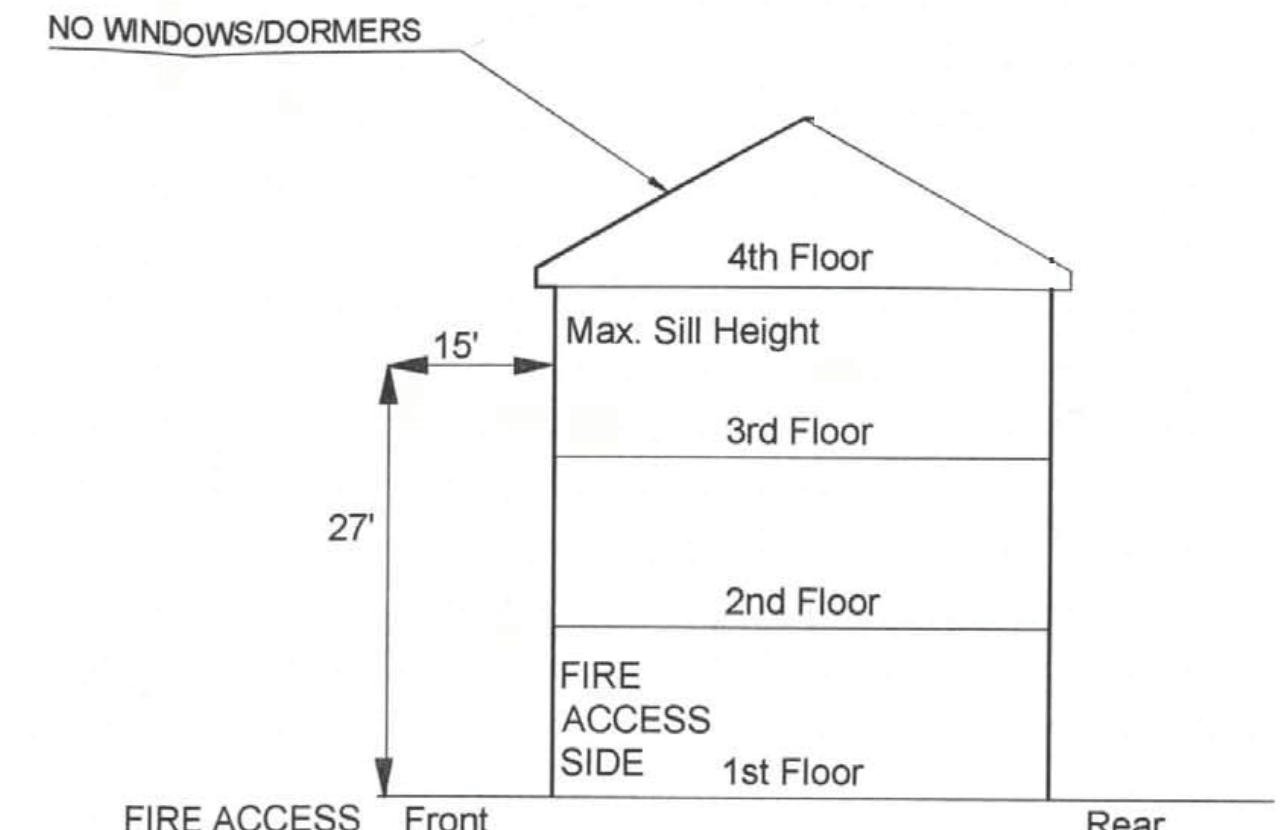
GENERAL NOTES

- SITE ADDRESS IS 18505 CROSSVIEW ROAD, BOYDS, MD 20841
- TAX I.D. NUMBERS: 06-01923815, 06-03221562, 06-03222098
- PLAT REFERENCE: PLATS: 20675, 20679, 22129
- DEED REFERENCE: LIBER 53520 FOLIO 3220
- SITE IS LOCATED ON TAX MAP EU-121, BLOCK M, P879 OUTLOT A & B.
- SITE IS LOCATED ON WSSC 200 SHEET No. 226-NW-14.
- EXISTING WATER AND SEWER CATEGORY IS W-1 & S-1.
- SITE HAS EXISTING WATER AND SEWER AVAILABLE.
- EXISTING ZONING IS R-200.
- EXISTING SOILS ARE
5B, GLENVILLE SILT LOAM, 3-8% SLOPES
17C, OCCOQUAN LOAM, 3-8% SLOPES, AND
17C, OCCOQUAN LOAM, 8-15% SLOPES.
- BOUNDARY SHOWN FROM SURVEY PREPARED BY PACKARD & ASSOCIATES, LLC DATED MARCH, 2017.
- SITE TOPOGRAPHY BY FIELD SURVEY BY PACKARD & ASSOCIATES, LLC, JULY 2017. SURROUNDING INFORMATION FROM AERIAL GIS DATA.
- WATERSHED: LITTLE SENECA CREEK, CLASS III-P.
- THERE ARE NO FLOODPLAIN OR WETLANDS ON THIS SITE.
- STORMWATER MANAGEMENT:
ESDV PROVIDED ON-SITE WITH DRYWELLS, AND PERVIOUS PAVEMENT.
- UTILITY COMPANIES:
ELECTRIC: POTOMAC EDISON
WATER & SEWER: WSSC
TELEPHONE: VERIZON
CATV: COMCAST
- OWNER / APPLICANT
JIM J ZHAO & DIANNA J LU
18505 CROSSVIEW ROAD, BOYDS, MD 20841
CONTACT: DIANNA LU (240) 938-1290
EMAIL: DIANNALU@YAHOO.COM
18. NR/FSD: 420221670 APPROVED 07/18/2022

FIRE CODE ENFORCEMENT

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: *S.M.C.* PM: 43 DATE: 6/22/2023



Townhouse Unit Building Height Detail -
* FIRE HEIGHT RESTRICTED UNIT

General Notes:

- One and two-family dwellings of three (3) stories (27' to highest sill, including false dormers) or less must provide access to the occupied interior through a main, side-hinge door within 150 feet of a fire department access route. For units of three (3) stories or more, access must be within fifty (50) feet of access route.

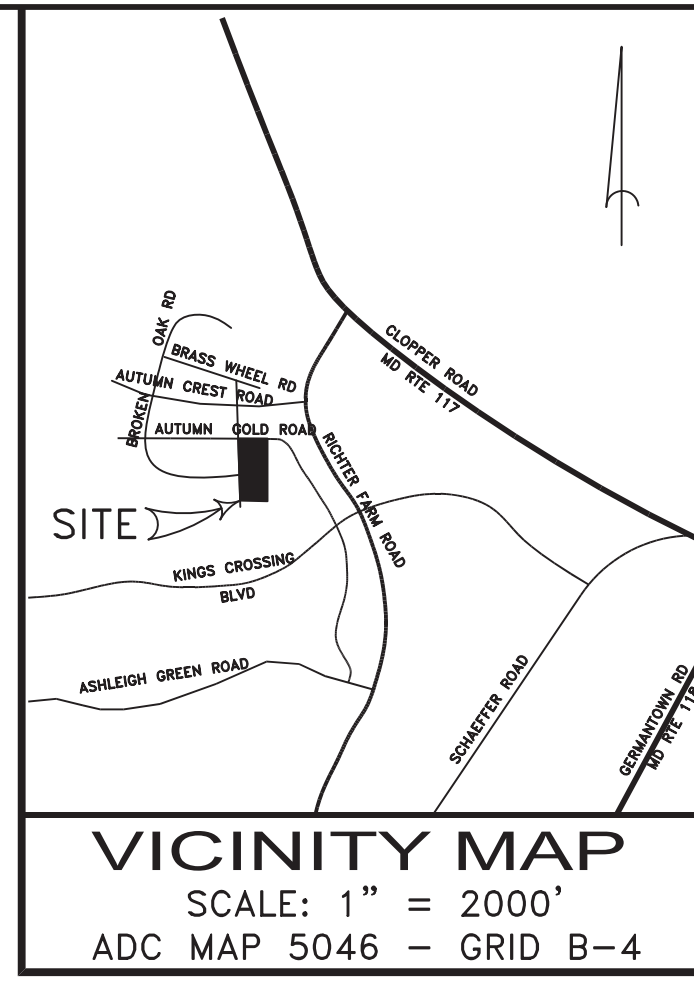
HEIGHT RESTRICTION NOTE:

ALL PROPOSED SINGLE FAMILY DETACHED DWELLING UNITS SHALL BE 3 STORIES OR LESS (27' TO THE HIGHEST SILL, INCLUDING FALSE DORMERS) AND SHALL PROVIDE ACCESS TO TO THE OCCUPIED INTERIOR THROUGH A MAIN, SIDE HINGED DOOR WITHIN 150 FEET OF A FIRE DEPARTMENT ACCESS ROUTE.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE No. 16518, EXPIRATION DATE: 06/10/2025.

Dean Packard
DEAN PACKARD, P.E. DATE: 06/19/23



VICINITY MAP
SCALE: 1" = 2000'
ADC MAP 5046 - GRID B-4

PACKARD & ASSOCIATES LLC.
CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS
16220 FREDERICK ROAD, SUITE 300
GAITHERSBURG, MARYLAND 20877
PHONE (301) 208-0250 FAX (301) 208-1270



06/19/2023
FIRE ACCESS PLAN
PLAN NO. 120220020
PROPOSED LOTS No. 24 thru 34 - BLOCK M
KINGS CROSSING
PARCEL 879, OUTLOTS A & B, BLOCK M
RECORDED IN LIBER 53520 AT FOLIO 320
ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MARYLAND

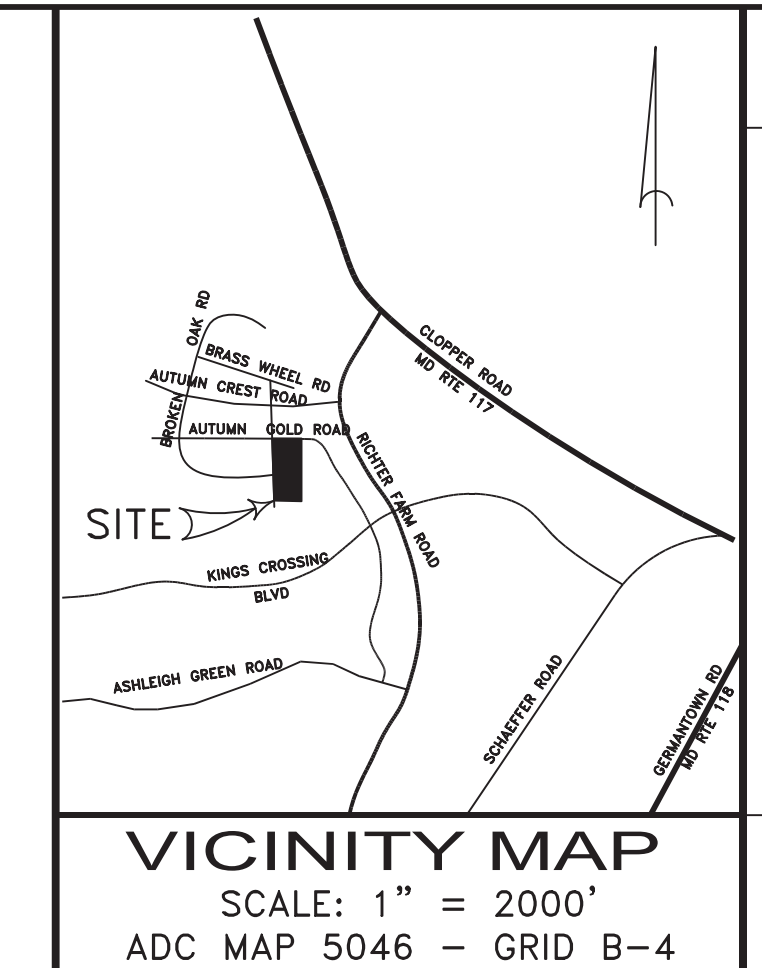
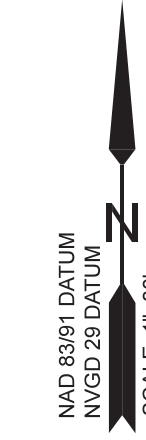
SCALE 1"=30'	DRAWN
CHECKED	DATE 06/19/23
ACAD FILE NAME	
JOB NO.	
DRAWING NO.	
SHEET 1 of 2	

MISS UTILITY
CALL "MISS UTILITY" AT 1-800-257-777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

KINGS CROSSING

120220020

SHEET 3



VICINITY MAP
SCALE: 1" = 2000'
ADC MAP 5046 - GRID B-4

GENERAL NOTES

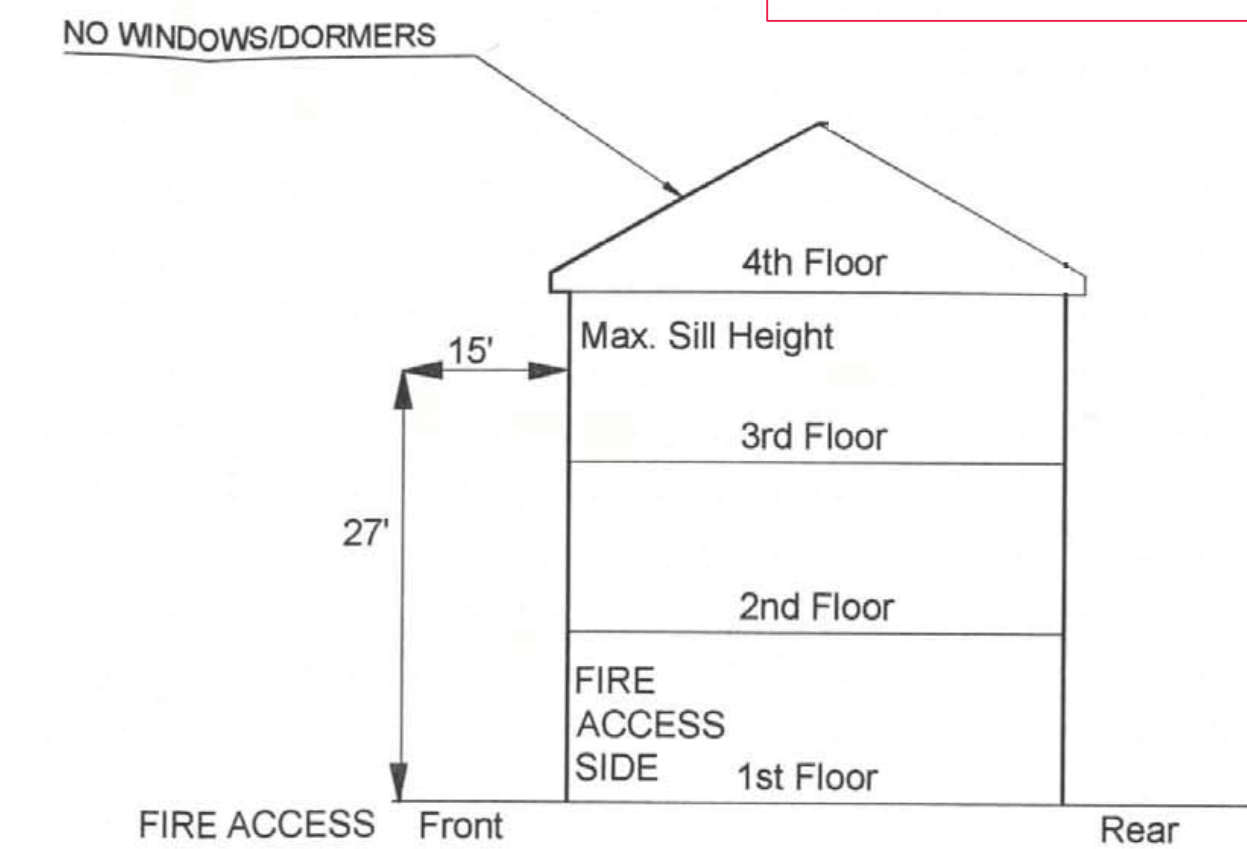
- SITE ADDRESS IS 18505 CROSSVIEW ROAD, BOYDS, MD 20841
- TAX I.D. NUMBERS: 06-01923815, 06-03221562, 06-03222098
- PLAT REFERENCE: PLATS: 20675, 20679, 22129
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5B, GLENVILLE SILT LOAM, 3-8% SLOPES
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ESDv PROVIDED ON-SITE WITH DRYWELLS, AND PERVIOUS PAVEMENT
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ELECTRIC: POTOMAC EDISON
WATER & SEWER: WSSC
TELEPHONE: VERIZON
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CONTACT: DIANNA LU (240) 938-1290
EMAIL: DIANNALL@YAHOO.COM
PLAT 22129
PD-2 ZONE
18. NRI/FSID: 420221670 APPROVED 07/18/2022

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: *SAC* PM: 43 DATE: 6/22/2023



Townhouse Unit Building Height Detail -
* FIRE HEIGHT RESTRICTED UNIT

General Notes:

- One and two-family dwellings of three (3) stories (27' to highest sill, including false dormers) or less must provide access to the occupied interior through a main, side-hinge door within 150 feet of a fire department access route. For units of three (3) stories or more, access must be within fifty (50) feet of access route.

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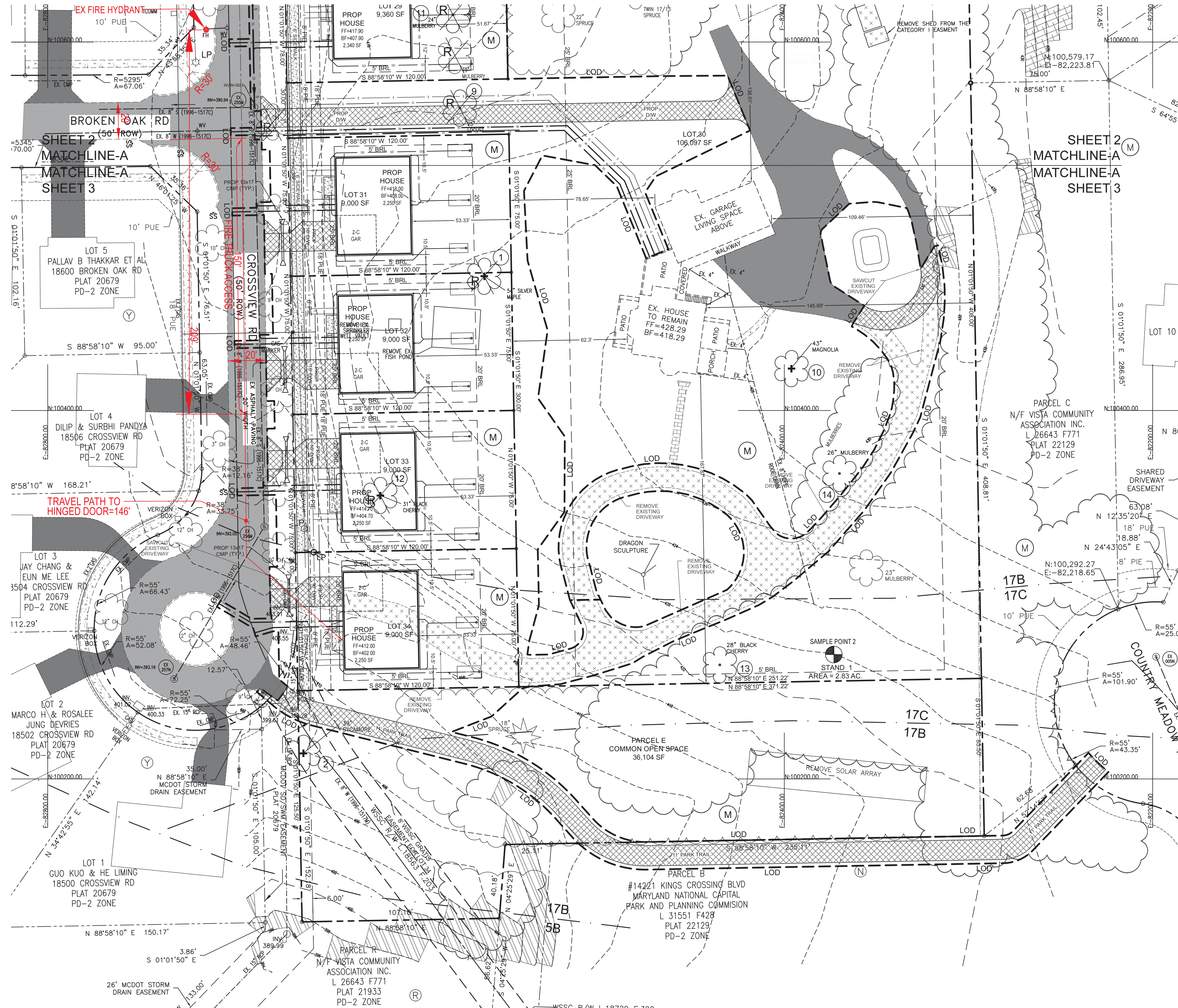
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Dean Packard
DEAN PACKARD, P.E.

06/19/23
DATE



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CALL "MISS UTILITY" AT 1-800-257-777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

PACKARD & ASSOCIATES LLC.
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16220 FREDERICK ROAD, SUITE 300
GAITHERSBURG, MARYLAND 20877
PHONE (301) 208-0250 FAX (301) 208-1270



FIRE ACCESS PLAN
PLAN NO. 120220020
PROPOSED LOTS No. 24 thru 34 - BLOCK M
KINGS CROSSING
PARCEL 879, OUTLOTS A & B, BLOCK M
RECORDED IN LIBER 53520 AT FOLIO 320
ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MARYLAND

SCALE 1"=30'	DRAWN
CHECKED	DATE 06/19/23
ACAD FILE NAME	
JOB NO.	
DRAWING NO.	
SHEET 2 of 2	



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

May 19, 2023

Mr. Dean Packard, P.E.
Packard & Associates LLC.
16220 Frederick Road, Suite 300
Gaithersburg, Maryland 20877

Re: Stormwater Management **CONCEPT** Request
for Kings Crossing
Preliminary Plan #: 120220020
SM File #: 287564
Tract Size/Zone: 5.9860 Acres
Total Concept Area: 3.6668 Acres
Lots/Block: Outlots A and B
Parcel(s): P879
Watershed: Little Seneca Creek Class 3

Dear Mr. Packard, P.E.:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Environmental Site Design while incorporating Drywells, Rooftop Disconnection, and Landscape Infiltration.

The following **items** will need to be addressed **prior to** Planning Board approval of the Site Plan:

- 1. Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) Approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase.**
- 2. Each Lot provides full Stormwater Management for their respective improvements.**

This list may not be all-inclusive and may change based on available information at the time.

This concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Dean Packard, P.E.
May 19, 2023
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275

Sincerely,

Mark Etheridge
Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: 287564

cc: N. Braunstein
SM File # 287564

ESD: Required/Provided 4763 cf / 5504 cf
PE: Target/Achieved: 1.2"/1.39"
STRUCTURAL: N/A cf
WAIVED: N/A ac.

820240070 KINGS CROSSING

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“**07-SITE-820240070-004.pdf V4**” uploaded on/ dated “**4/30/2024**” and
“**07-SITE-820240070-005.pdf V4**” uploaded on/ dated “**4/30/2024**” and

The followings need to be addressed prior to the certification of site plan:

1. Provide public sidewalk:
 - a. Condition 1 (significant review comments) of MCDOT preliminary plan 120220020 approval letter dated 6/9/2023 in reference to providing additional curb ramps:
 - i. Not sure what the new the new shading denotes.
 - ii. Correct the conflicts.
 - iii. Use the standard ramp detail.
 - b. to ADA standards and label/ notate accordingly.
 - c. ensure/ show all sidewalks/ handicap ramps have matching receiving counterparts, are aligned and ADA connection is provided. Show/ label the existing sidewalks where connection is made (trail, cul-de-sac, etc).
 - d. Label the existing PIEs.
2. The proposed storm drain system:
 - a. design and layout (including the ROW drainage swale) will be reviewed at ROW permit stage (including depth, slope, flow, freeboard, etc.)
 - b. Please ensure the swale modification would adequately address the drainage.
3. Please clarify the circle at the intersection of Autumn Gold Road and Crossview Road in the ROW.
4. Please ensure the utility connections within the road pavement are not covered and visible on the plan.
5. Provide landscaping plan including street trees per approved tree species list at the required spacing and clearances.
6. Please start the individual lot driveway widening from the back of PIE.

Attachment E

February 13, 2024

Dear Ugonna Njeze,

I am writing on behalf of the Board of Directors for the Vistas Community Association (“Vistas”) Plan #820240070, F20240230 for 10 proposed single-family homes and one existing single-family home (“Redwall”) at the southeast corner of the intersection of Autumn Gold Road and Crossview Road. The Vistas is opposed to the proposed site plan for these 10 new single-family homes. Building these new homes in place of the current wooded/natural area unnecessarily removes hundreds of trees and a natural habitat; it also creates undue noise pollution and construction traffic that will adversely degrade the nearby environment on a permanent basis and affect the surrounding neighbors for an extended period.

The following is the list of adverse environmental impacts and damaged living conditions for nearby homes as the result of this proposed plan:

Forest Conservation

As the proposed site plan indicates, the development of 10 new home sites will result in the clearing of an existing wooded area. The proposed plan is thus inconsistent with the direction of conserving forest in Montgomery County. There are specific forest conservation regulations for real estate development in the County, and the property owner has not shown compliance with these County regulations. In particular, the proposed site plan does not address deviation from the premises of the original Vistas Master Plan in compliance with forest conservation requirements.

Storm Water Management

The Vistas homes rely on an existing storm management system which was designed with the assumption of a wooded area at these 10 proposed home sites. The reduction of this wooded area will increase the estimated storm water discharge and challenge the storm water discharge capacity of the existing storm water management system. The proposed site plan will increase the likelihood of flooding in the Vistas homes. The owner of the proposed plan has not been able to show that the existing Vistas storm water management system can accommodate the increase of the storm water discharge as the result of the addition of these 10 home sites.

Water and Sewage Capacity

When the Vistas homes were built, the public sewage discharge and water supply lines were not designed to accommodate the proposed 10 home sites. The sewage and water supply lines around the proposed 10 home sites are not designed to be the main sewage or water supply lines, but rather at the extreme ends of the network. A direct tapping on the existing Vistas sewage and water supply lines may cause a significant decrease to water supply

line pressure and sewage backfill to neighboring homes. The owner of this proposed plan has not been able to show that the existing Vistas sewage and water supply system can accommodate the increase of the water and sewage through its extreme ends near the proposed 10 home sites.

Traffic and Road Capacity

When the Vistas homes were built, the road to the neighboring area was not designed to accommodate the proposed 10 home sites. Only one existing home was assumed for the road design. The increase of 10 homes using the existing road not designed for that purpose will increase traffic and adversely affect both the safety and security of neighboring homes. The owner of the proposed plan has not been able to show that the existing Vistas roads can accommodate the increased traffic near the proposed 10 home sites and that safety and security can be ensured.

The Vistas engaged the Redwall property owner's representative to encourage the owner to have a direct conversation with our Board of Directors. Unfortunately, the Vistas Board of Directors has not seen the owner during its scheduled board meetings. Because of the anticipated adverse impacts on the Vistas homes, on behalf of the entire Vista Community Association, we oppose to the proposed 10 home site plan. We believe that the owner of the proposed 10 home sites needs to resolve the above concerns satisfactorily and comply with all the County requirements before the next public hearing of the site plan review.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence M. Paska". The signature is fluid and cursive, with a prominent initial "L" and "P".

Lawrence M. Paska, Ph.D., CAE
President, Board of Directors
Vistas Community Association
Boyd's, MD

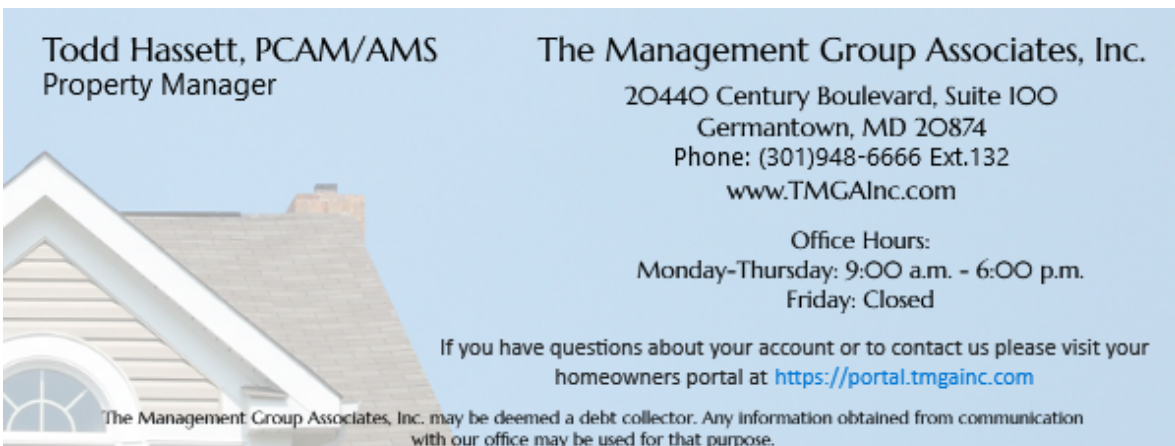
From: [Todd Hassett](#)
To: [Njeze, Ugonna](#)
Subject: RE: Redwall Property Development Opposition - Plan #820240070, F20240230
Date: Wednesday, February 14, 2024 4:29:05 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image284854.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ugo,

Thank you very much for the update.

Todd Hassett



Todd Hassett, PCAM/AMS
Property Manager

The Management Group Associates, Inc.
20440 Century Boulevard, Suite 100
Germantown, MD 20874
Phone: (301)948-6666 Ext.132
www.TMGAINC.com

Office Hours:
Monday-Thursday: 9:00 a.m. - 6:00 p.m.
Friday: Closed

If you have questions about your account or to contact us please visit your homeowners portal at <https://portal.tmgainc.com>

The Management Group Associates, Inc. may be deemed a debt collector. Any information obtained from communication with our office may be used for that purpose.

From: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>
Sent: Wednesday, February 14, 2024 4:25 PM
To: Todd Hassett <THassett@tmgainc.com>
Subject: RE: Redwall Property Development Opposition - Plan #820240070, F20240230

The master plan for the site area is the 1989 Germantown Master Plan. The master plan specifies a 20% impervious surface cap for the area which the project must meet. The pedestrian path connecting the cul-de-sacs will eventually be maintained by the Montgomery County Parks Department, but an easement must be granted to Parks and the path must be developed to their standards. The Department of Permitting Services Right-Of-Way review is requiring the applicant to add directionals at the intersection (per state highway regulation) and both DPS and our transportation planner are requiring the proposed sidewalk fronting the homes connect with the existing sidewalk. There are common open space parcels designated as part of the R-200 Optional Method Development

standards, so I want to see benches potentially added to the pedestrian path area within the common space, plus plans showing specifics of how common open space regulations are adequately met via the application plans. Garages will have to be setback behind the fronts of the homes, driveways altered, and architectural design choices tailored more to meet the design teams preferred standard. These comments will add imperviousness to the current proposal which is already at the cap, so imperviousness will have to be taken from other areas to make it all work. This is just a quick briefing, there are still conversations to be had with the applicant and engineer.

Best,

Ugo



Ugonna Njeze

Regulatory Planner II, Upcounty Division

Montgomery County Planning Department

2425 Reedie Drive, 13th Floor, Wheaton, MD 20902

ugonna.njeze@montgomeryplanning.org

o: 301.495.1320



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From: Todd Hassett <THassett@tmgainc.com>

Sent: Wednesday, February 14, 2024 2:49 PM

To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>

Cc: lawrence.paska@gmail.com

Subject: RE: Redwall Property Development Opposition - Plan #820240070, F20240230

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

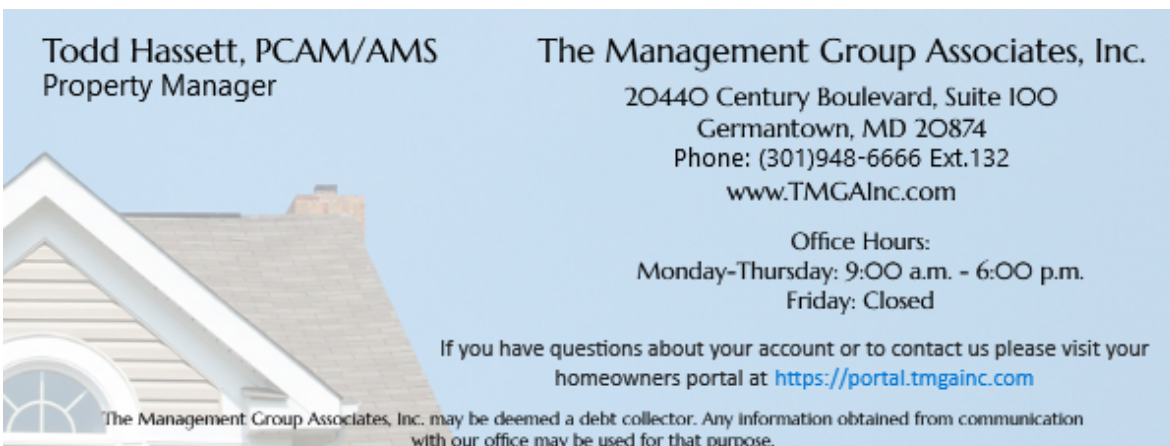
Ugo,

Thank you for the information. I think I stated what I was looking for in my email incorrectly. It sounds like there were some issues that they need to address (impervious area limit was one and something about a path that Park and Planning would take over but an easement was needed on both sides and their property was on one side and the HOA property was on the other side). Can you explain this and were there other items that they need to address?

Thanks,

Todd Hassett

The Management Group



Todd Hassett, PCAM/AMS
Property Manager

The Management Group Associates, Inc.
20440 Century Boulevard, Suite 100
Germantown, MD 20874
Phone: (301)948-6666 Ext.132
www.TMGAInc.com

Office Hours:
Monday-Thursday: 9:00 a.m. - 6:00 p.m.
Friday: Closed

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From: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>
Sent: Wednesday, February 14, 2024 2:07 PM
To: Todd Hassett <THassett@tmgainc.com>
Cc: lawrence.paska@gmail.com
Subject: RE: Redwall Property Development Opposition - Plan #820240070, F20240230

Good Afternoon,

Review is still active, the applicant is now working to address comments our staff and other involved county agencies presented during DRC for submissions for a second plan review. Unfortunately discussing potential findings would be premature as the applicant still has to accommodate comments into their plans while staying within the 20% impervious surface cap for the site. We will begin drafting findings after we receive edited plans from the applicant (may take a couple submissions) as they inch towards their planning board date. Copied here is a link to DRC meeting on yesterday where you can listen the applicant address comments from the initial plan review (https://mncppc.granicus.com/player/clip/2942?view_id=10&redirect=true). Is this answer helpful?

Best,

Ugo



Ugonna Njeze

Regulatory Planner II, Upcounty Division

Montgomery County Planning Department
2425 Reddie Drive, 13th Floor, Wheaton, MD 20902
ugonna.njeze@montgomeryplanning.org
o: 301.495.1320



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From: Todd Hassett <THassett@tmgainc.com>
Sent: Wednesday, February 14, 2024 1:42 PM
To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>
Cc: lawrence.paska@gmail.com
Subject: RE: Redwall Property Development Opposition - Plan #820240070, F20240230

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ugonna,

I am following up on Park and Planning's review of this plan and the outcome/findings. Please let me know so that I can share this information with the HOA Board of Directors.

Thanks,
Todd Hassett
The Management Group

Todd Hassett, PCAM/AMS
Property Manager

The Management Group Associates, Inc.
20440 Century Boulevard, Suite 100
Germantown, MD 20874
Phone: (301)948-6666 Ext.132
www.TMGAINC.com

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Friday: Closed

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From: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>
Sent: Tuesday, February 13, 2024 10:50 AM
To: Todd Hassett <THassett@tmgainc.com>
Cc: lawrence.paska@gmail.com
Subject: RE: Redwall Property Development Opposition - Plan #820240070, F20240230

Good Morning,

Thank you for providing this letter! The letter and sentiment housed in it will be saved and considered as part of the application.

Best,

Ugo



Ugonna Njeze

Regulatory Planner II, Upcounty Division

Montgomery County Planning Department

2425 Reedie Drive, 13th Floor, Wheaton, MD 20902

ugonna.njeze@montgomeryplanning.org

o: 301.495.1320



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From: Todd Hassett <THassett@tmgainc.com>

Sent: Tuesday, February 13, 2024 10:30 AM

To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>

Cc: lawrence.paska@gmail.com

Subject: Redwall Property Development Opposition - Plan #820240070, F20240230

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ugonna,

Please see the attached letter of opposition, from the Vistas Community Association Board President on behalf of the Board and HOA, to the development of the Redwall property (Plan #820240070, F20240230) that is located in the middle of the Vistas Community Association.

Thanks,

Todd Hassett, Agent for

Vistas Community Association

Todd Hassett, PCAM/AMS
Property Manager

The Management Group Associates, Inc.

20440 Century Boulevard, Suite 100
Germantown, MD 20874
Phone: (301)948-6666 Ext.132
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If you have questions about your account or to contact us please visit your
homeowners portal at <https://portal.tmgainc.com>

The Management Group Associates, Inc. may be deemed a debt collector. Any information obtained from communication
with our office may be used for that purpose.



From: [Njeze, Ugonna](#)
To: [Dilip Pandya](#)
Cc: [Surbhi Pandya](#); [The Management Group Associates, Inc](#)
Subject: RE: Message from Vistas Community Association - Vistas Community – Redwall Property Development - [#XN1214934]
Date: Monday, February 12, 2024 12:48:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Good Afternoon,

Thank you for reaching out! Your concerns will be saved as part of this application review. The proposed homes are slated to each have a driveway that can accommodate 2 cars. When you say vicinity, are referring the front door of you home to the front door of the proposed home across the street or property line to property line? Copied here is a link to County's DAIC search page (<https://montgomeryplanning.org/development/>). To view development application documents, drawings and reports, please enter the application number (820240070) in the search bar and hit the enter button. In the DAIC page click the link "[Click here to view Plans & Reports](#)" to view all the plan documents that have been submitted. Plans accessed through this application have a zoom function that is quite clear and helpful.

Best,

Ugo



Ugonna Njeze

Regulatory Planner II, Upcounty Division
Montgomery County Planning Department
2425 Reedie Drive, 13th Floor, Wheaton, MD 20902
ugonna.njeze@montgomeryplanning.org
o: 301.495.1320



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From: Dilip Pandya <dilip2pandya@gmail.com>
Sent: Sunday, February 11, 2024 3:01 PM
To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>
Cc: Surbhi Pandya <mydiamondcharms@gmail.com>; The Management Group Associates, Inc <tmgainc@tmgainc.com>
Subject: Fwd: Message from Vistas Community Association - Vistas Community – Redwall Property Development - [#XN1214934]

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Ugonna,

We reside at [18506 Crossview Rd, Boyds, MD 20841](#)

Directly opposite the current Redwall property.

Following is unclear from the development diagram as we have no expertise to read the same:

1. Will any of the driveways from any of the proposed new homes that will come out on Crossview road?
2. If so, where on Crossview will they be i.e. how close to the vicinity opposite our home?
3. Street parking is very limited opposite our home due to the narrow width of the road that was explained to us as miscalculated during original construction by the builder & county when we purchased the home. Any additional vehicle exiting on Crossview may cause a safety issue, congestion, noise (environmental impact) due to limited road size and allowable public parking along this road.

Please can you provide an enlarged section of the map highlighting our property and the proposed driveway exits from proposed new properties. We may not be able to attend the public hearing so would appreciate email response even if this

issue is discussed during the hearing.

Thank you,

Dilip & Surbhi Pandya

(408) 833-9084

----- Forwarded message -----

From: **The Management Group Associates Inc** <tmgainc@tmgainc.com>

Date: Wed, Feb 7, 2024 at 8:01 AM

Subject: Message from Vistas Community Association - Vistas Community – Redwall Property Development - [#XN1214934]

To: <dilip2pandya@gmail.com>

Vistas Community Residents,

We received the [attached](#) notice about an upcoming County hearing regarding the development of the Redwall property building 10 single family homes (in addition to the Redwall Property) off Autumn Gold Road/Crossview Road. This is the 3rd time the owners of Redwall have started this process and it appears they are proceeding with submitting plans for formal approval this time.

MNCPPC will be holding a hearing, tentatively scheduled for February 13th, to obtain public comment. Anyone can also submit comments to MNCPPC prior to this hearing date. The lead reviewer on this at MNCPPC is Ugonna Njeze and they can be emailed at Ugonna.njeze@montgomeryplanning.org. The notice indicates that the tentative date may change and that we will be notified in advance. We will provide any updates received. Please keep in mind that this is a county planning meeting and not an HOA meeting or meeting with the HOA. Any residents with any concerns should either plan on attending this meeting and/or provide the County with comments/concerns prior to this meeting for them to take into consideration.

Thanks,

Todd Hassett

The Management Group

Sincerely,

The Management Group Associates Inc on behalf of Vistas Community Association
(301) 948-6666 | www.tmgainc.com

|

From: [Emily Badraslioglu](#)
To: [Njeze, Ugonna](#)
Cc: pearnell@packardassociatesllc.com; [duruhan badras](#); [George Dold NIH](#); [Eliza Biedziak](#); [Coppola, Henry](#)
Subject: Re: Questions about Kings Crossing site plan 820240070, F20240230
Date: Wednesday, February 7, 2024 8:17:46 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ugo,

Thank you so much for getting back to me so quickly. We are all very relieved. A pedestrian walkway makes a lot of sense! It was impossible to tell what it was because the drawing was so small.

Thank you for letting me know.

Sincerely,
Emily

Emily Badraslioglu
301-471-1363
edbdras@yahoo.com

On Feb 7, 2024, at 5:43 PM, Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org> wrote:

Good Afternoon,

Thank you for reaching out! What you are describing is actually a path for pedestrian and bike connectivity between the cul-de-sacs, it is not a road for vehicles. The Parks Department has agreed to eventually maintain the path after implementation, but the path is actually situated within the applicant's property rather than the park (that part of the property will be designated as "common open space"). The February 13th meeting is the Development Review Committee (copied here is a link to the Planning Departments DRC webpage: <https://montgomeryplanning.org/development/development-review/>) where public agencies and utilities discuss notable aspects of application in an inter-agency manner. You can watch the DRC meetings via the copied link. Is this response helpful?

Best,

Ugo

Ugonna Njeze

Regulatory Planner II, Upcounty Division
Montgomery County Planning Department
2425 Reedy Drive, 13th Floor, Wheaton, MD 20902
ugonna.njeze@montgomeryplanning.org

<image001.png>

o: 301.495.1320

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

[<image005.png>](#)

[<image006.png>](#)

-----Original Message-----

From: Emily Badraslioglu <edbadras@yahoo.com>

Sent: Wednesday, February 7, 2024 4:23 PM

To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>;
pearnell@packardassociatesllc.com

Cc: duruhan badras <badras8@hotmail.com>; George Dold NIH <doldg@mail.nih.gov>; Eliza Biedziak <eliza_biedziak@hotmail.com>

Subject: Questions about Kings Crossing site plan 820240070, F20240230

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good afternoon. I am writing to inquire about the site plan for the above listed site/forest conservation plan. On the site plan it appears to show a road from the cul de sac on Country Meadow Rd to the cul de sac on Cross view rd. We had not see this in previous plans and I do not understand the purpose of this road. What is the purpose of this road? It appears that all homes to be built including the existing home will have access to enter and exit their properties via Autumn Gold Rd and and Cross View. Why has this been added to the plan?

One of the reasons my neighbors and I chose to purchase a home on Country Meadow Rd was because it ended in a cul de sac and would not have through traffic. We strongly object to the addition of a road at the end of Country Meadow Rd. We have enough traffic on our road already with the homeowners who live here and the deliveries we all receive. There are 13 young children who live and play on this street.

We only received notice from our home owners association today, 7 February. The notice mentions a meeting on 13 February and that we will receive 10 days notice of a meeting. When and where will this meeting taking place? Can you please provide the information for this meeting including the link for the live stream?

Sincerely,
Emily

Emily Badraslioglu
301-471-1363
edbadras@yahoo.com

From: [Njeze, Ugonna](#)
To: [Michelle O'Brien](#)
Cc: [Coppola, Henry](#); [Gavin 0552 Obrien](#); [O'Brien, Gavin W.](#)
Subject: RE: Kings Crossing Boyds Md proposal 820240070
Date: Wednesday, February 7, 2024 6:27:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

The February 13th meeting is the Development Review Committee (copied here is a link to the Planning Departments DRC webpage: <https://montgomeryplanning.org/development/development-review/>) where public agencies and utilities discuss notable aspects of application in an inter-agency capacity. You can watch the DRC meetings via the copied link.

Best,

Ugo



Ugonna Njeze

Regulatory Planner II, Upcounty Division

Montgomery County Planning Department

2425 Reedie Drive, 13th Floor, Wheaton, MD 20902

ugonna.njeze@montgomeryplanning.org

o: 301.495.1320



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From: Michelle O'Brien <cmichelleobrien@gmail.com>
Sent: Wednesday, February 7, 2024 6:23 PM
To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>
Cc: Coppola, Henry <henry.coppola@montgomeryparks.org>; Gavin 0552 Obrien <gwobrien2@gmail.com>; O'Brien, Gavin W. <gavin.obrien@nist.gov>
Subject: Re: Kings Crossing Boyds Md proposal 820240070

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

This news made my day! Honestly, I think our neighborhood could have more walkers for enjoyment exercise than anywhere in Montgomery county and I'm included in that group! I'm delighted to hear the site proposal is a walking path and not a road my two neighbors thought it was a road but again the PDF was poor quality! How do I get information on the meeting link for the February meeting? The email provided in the HOA document Pearnell Packard was not working?

Sent from my iPhone

On Feb 7, 2024, at 5:28 PM, Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org> wrote:

Good Afternoon,

Thank you for reaching out! What you are describing is actually a path for pedestrian and bike connectivity between the cul-de-sacs, it is not a road for vehicles. The Parks Department has agreed to eventually maintain the path after implementation, but the path is actually situated within the applicant's property rather than the park (that part of the property will be designated as "common open space"). I do not know the construction timeline for the project. This site plan and a record plat will have to be approved by the planning board before the Department of Permitting Services grants all necessary permits. We will not conduct a study on how home values are effected as part of the site plan review. Are these answers helpful?

Best,

Ugo

<image001.png>

Ugonna Njeze
Regulatory Planner II, Upcounty Division
Montgomery County Planning Department
2425 Reddie Drive, 13th Floor, Wheaton, MD 20902
ugonna.njeze@montgomeryplanning.org
o: 301.495.1320

<image002.png>
<image003.png>
<image004.png>
<image005.png>

<image006.png>

From: Michelle O'Brien <cmichelleobrien@gmail.com>
Sent: Wednesday, February 7, 2024 8:54 AM
To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>
Cc: Gavin 0552 Obrien <gwobrien2@gmail.com>; O'Brien, Gavin W. <gavin.obrien@nist.gov>
Subject: Kings Crossing Boyds Md proposal 820240070

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Ugonna, I am a 22 year resident of 18511 Country Meadow Road, Boyds MD 20841. I saw

the site proposal for Redwall #820240070. The map is really poor quality and I think there is a ROAD connecting the Country Meadow cul-de-sac and Crossview, but it appears shaded and a different size than other existing roads. Is it a road on the edge of a park? Is it the edge of a construction zone and if so how will the park be affected? I see the tax dollars being spent on grass, trees and maintenance and feel proud of the area. Can you please let me know if Country Meadow Road will have construction on the cul-de-sac? I am very concerned about the reduction in home value, if the reason we bought our lot, due to the proximity of an open field and park, is limited by a road or construction. That open grassy field behind the baseball field has been heavily used by kids for sports, more so before the county planted all the trees, We were told, when we bought the house, that MC park land directly in front of our house would never be built on. The owner's of Redwall at the time explained they gave away the easement right to that part of their property so the park could be built. What is the possible timeline for the start of construction? Will the county perform a study to show how home values will be affected? Regards, Michelle and Gavin O'Brien

From: [Dave Lawrence](#)
To: [Njeze, Ugonna](#)
Subject: Re: New homes plan num: 820240070, F20240230 Kings Crossing
Date: Tuesday, February 20, 2024 11:13:23 PM
Attachments: [xuVZHMveONBeVSAI.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ugo,

Thanks for sending.

At first glance, it looks like there is significantly more distance between the new homes and the existing homes in that Fraley Farm Plan as compared to the Kings Crossing Plan.

There is also a significant road (Bowie Mill Rd) separating the new homes from the existing homes. The only thing separating the new vs. existing for the Kings Crossing Plan are residential side streets.

I do appreciate you sending me something to compare to nonetheless. It's that closeness for the Kings Crossing situation that still leaves me very discouraged with the potential noise and disruption.

The picture below is a good shot of the Kings Crossing Plan situation. Just about all of those nice green trees that take up more than an entire block in both directions are going to be removed. I have no idea how the are going to meet the impervious cap.

The new houses will be roughly going into that red outlined area (extending further down the 2 streets than what I have shown). You can see how close the construction will be to the homes across the 2 streets (Crossview, Autumn Gold). There are homes that line Crossview Rd that are not shown in the picture that will be facing directly across the street from the new homes. It just seems like 2 people (the applicants) will be inconveniencing many homeowners for many, many months.



Dave Lawrence

On 2/20/2024 10:29 AM, Njeze, Ugonna wrote:

Good Morning,

A similar recent application being reviewed is the Fraley Farm (East) project under the application number 120240080. The address is 17902 Bowie Mill Road.

Best,

Ugo



Ugonna Njeze

Regulatory Planner II, Upcounty Division

Montgomery County Planning Department

2425 Reddie Drive, 13th Floor, Wheaton,
MD 20902

ugonna.njeze@montgomeryplanning.org

o: 301.495.1320



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From: Dave Lawrence <daveolawrence@gmail.com>

Sent: Friday, February 16, 2024 5:57 PM

To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>; Johnsen, Douglas <douglas.johnsen@montgomeryplanning.org>

Subject: Re: New homes plan num: 820240070, F20240230 Kings Crossing

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ugo,

Thanks for those links. Very helpful.

I read this in the Justification Statement:

"Natural Resources Inventory/Forest Stand Delineation No. 420221670 was submitted and approved for the Subject Property on July 18, 2022. A Final Forest Conservation Plan No. F20240230 is filed with this application. There is 2.83 acres of existing forest on the Subject Property. **We will clear 1.65 acres of the existing forest** and retain 1.18 acres of forest in a Category One Conservation Easement. To satisfy the 0.59 acres of reforestation

required from the Forest Conservation Worksheet, we propose to reforest 0.59 acres of forest in a Category One Conservation Easement. No fee-in-lieu is required for this property."

So, I guess that explains things overall in terms of the huge number of trees being removed.

Would you be able to provide me with a location or address or site plan example of a similar project where 10 homes have been constructed right in the middle of a 20+ year old neighborhood?

Thanks.

Dave Lawrence

On 2/16/2024 8:35 AM, Njeze, Ugonna wrote:

Copied here is a link to County's DAIC search page (<https://montgomeryplanning.org/development/>). To view development application documents, drawings and reports, please enter the application number (820240070 & F20240230) in the search bar and hit the enter button. In the DAIC page click the link "[Click here to view Plans & Reports](#)" to view all the plan documents that have been submitted. Plans accessed through this application have a zoom function that is quite clear and helpful. F20240230 is the Forest Conservation Plan where you learn more about trees and vegetation on the site. That application was reviewed by Doug Johnsen, my teams environmental planner. He can be reached at Douglas.Johnsen@montgomeryplanning.org / (301)495-4559. He can better explain the tree clearing, planting, and forest conservation category 1 easements related to the project. I want you to have as much specific information as possible so I will refer you to him to learn more about the environmental regulation regarding the site.

Best,

Ugo

Ugonna Njeze

Regulatory Planner II, Upcounty Division

Montgomery County Planning Department

2425 Reedie Drive, 13th Floor, Wheaton,
MD 20902

ugonna.njeze@montgomeryplanning.org

o: 301.495.1320



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. The plan F20240230 is the forest conservation plan for the site.

From: Dave Lawrence <daveolawrence@gmail.com>

Sent: Friday, February 16, 2024 12:06 AM

To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>

Subject: Re: New homes plan num: 820240070, F20240230 Kings Crossing

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Sorry - 1 other thing. I found an older site plan here:

<https://eplans.montgomeryplanning.org/UFS/32947/100206/07-PREL-120220020-001.pdf/07-PREL-120220020-001.pdf>

It is very crisp and I can see the detail.

Can you send me a link to the new plan? The one I received via email is not crisp; can't make out any of the details and zooming in on it just makes it blurry.

Thanks.

On 2/15/2024 11:40 PM, Dave Lawrence wrote:

Thanks for the info.

I'm a bit confused by item 1. There are many, many trees on that property which I would think have to be removed to accommodate the 10 new homes. Has somebody in county planning been to the site?

Also, are there restrictions on bushes? The entire sidewalk on the Autumn Gold side is lined with bushes (on the property side of the sidewalk) that you cannot walk through/around.

On 2/15/2024 12:33 PM, Njeze, Ugonna wrote:

Good Afternoon,

1. There are restrictions. If the applicant wants to remove any trees other than the ones specified in the Forest Conservation Plan than an amendment to the plan will have to be made and approved. To remove a tree in the forest conservation easement, permission must be requested by a forest conservation inspector if the tree poses a threat to people or property. The Department of Permitting Services has a site plan enforcement team that makes sure that the development follows the site the conditions and standards listed in the site plan.
2. Yes this is common in Montgomery County. Copied here is the Montgomery County Research page that houses studies on development and demographic shifts in the County that maybe helpful to learn more about development trends (<https://montgomeryplanning.org/tools/research/>).
3. In terms of the zoning code, I have copied noise regulations below:
 4. **Sec. 31B-6. Noise level and noise disturbance standards for construction.**
 5. (a) *Maximum allowable noise levels for construction.*
 6. (1) A person must not cause or permit noise levels from construction activity that exceed the following levels:
 7. (A) From 7 a.m. to 5 p.m. weekdays:
 8. (i) 75 dBA if the Department has not approved a noise-suppression plan for the activity; or
 9. (ii) 85 dBA if the Department has approved a noise-suppression plan for the activity.
 10. (B) The level specified in Section 31B-5 at all other times.
 11. (2) Construction noise levels must be measured at the location, at least 50 feet from the source, on a receiving property where noise from

- the source is greatest.
12. (3) The Department must by regulation establish requirements for noise-suppression plans and adopt procedures for evaluating and approving plans. The regulations must provide that, at least 10 days before approving a noise-suppression plan, the Director must provide public notice reasonably calculated to reach at least a majority of households that might be affected by the construction activity noise levels above 75 dBA.
 13. (b) *Construction noise disturbance.* The prohibition on noise disturbance in Section 31B- 5(b) applies to construction activities, notwithstanding subsection (a).
 14. (c) *Examples.* The following examples illustrate common construction noise-producing acts that violate this section if they exceed the noise level standards set in subsection (a) or create a noise disturbance. The examples are illustrative only and do not limit or expand the construction noise level or noise disturbance standards of this section:
 15. (1) Delivering materials or equipment, or loading or unloading during nighttime hours in a residential noise area.
 16. (2) Operating construction equipment with audible back-up warning devices during nighttime hours. (1996 L.M.C., ch. 32, § 1.)
 17. **Sec. 31B-6A. Seasonal noise level standard for qualifying outdoor arts and entertainment activities.**
 18. (a) Each outdoor arts and entertainment activity held at a qualifying performing arts facility must not exceed the following noise decibel limits:
 19. (1) from 11 a.m. to 11 p.m. during April 1 through October 31, 75 dBA, as measured on the receiving property; and
 20. (2) at all other times, the maximum allowable noise level set in Section [31B-5](#).
 21. (b) A qualifying performing arts facility which has complied with this Section must not cause or permit noise levels from an outdoor arts and entertainment activity to exceed the standards in subsection (a).
 22. (c) Any outdoor arts and entertainment activity conducted at a qualifying performing arts facility which has complied with this Section must not be cited as causing a noise disturbance.
 23. (d) The Department must annually advise the Executive and Council, and the operator of each qualifying performing arts facility, whether the noise levels specified in this Section remain appropriate for that facility and the extent of compliance with those levels. ([2011 L.M.C., ch. 7, § 1](#))
 24. **Sec. 31B-7. Measurement of sound.**
 25. (a) The Department must issue regulations establishing the equipment and techniques it will use to measure sound levels. The Department may rely on currently accepted standards of recognized organizations, including the American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), and the United States Environmental Protection Agency.
 26. (b) For multiple sources of sound, the Department may measure sound levels at any point to determine the source of a noise. (1996 L.M.C., ch. 32, § 1.)
 27. **Sec. 31B-8. Noise sensitive areas.**
 28. (a) The County Executive may designate by regulation land within any geographical area as a noise sensitive area to protect public health, safety, and welfare. The regulation may prohibit certain noise producing activities in the noise sensitive area.
 29. (b) A regulation under subsection (a) must:
 30. (1) describe the area by reference to named streets or other geographic features;
 31. (2) explain the reasons for the designation;
 32. (3) establish specific noise limits or requirements that apply in the noise sensitive area; and
 33. (4) describe by example or enumeration activities or sources that violate the limits or requirements.
 34. (c) A regulation under subsection (a) may establish limits or requirements for a noise sensitive area that are more stringent than those that otherwise would apply to the area under this Chapter. (1996

L.M.C., ch. 32, § 1.)

35. **Sec. 31B-9. Leaf removal equipment.**

36. (a) Except as provided in this section, a person must not sell, buy, offer for sale, or use a leafblower at any time that has an average sound level exceeding 70 dBA at a distance of 50 feet. This requirement is in addition to any other noise level or noise disturbance standard that applies under this Chapter.

37. (b) An individual who owns or occupies a residence in a residential noise area may use at the individual's residence a leafblower bought or manufactured before July 1, 1990, until July 1, 1998, even if it exceeds the standard in subsection (a). After July 1, 1998, a person must not use any leafblower that violates the standard in subsection (a).

38. (c) The Department must apply the standard in subsection (a) in accordance with the most current leaf-blower testing standard of the American National Standards Institute (ANSI).

39. (d) The Department may inspect, and on its request a person must produce, any leafblower that is sold, offered for sale, or used in the County, to determine whether the leafblower complies with this section. A person who relies in good faith on a manufacturer's written representation of the sound level of a leafblower that has not been modified is not subject to a penalty for violating this section.

40. [(e)]*

41. [(f)]*

42. (g) *Reimbursement.* Subject to an appropriation by the County Council, the Director must establish a time-limited program based on criteria set by regulation to partially reimburse County residents and businesses that purchase electric leaf blowers or leaf vacuums.

43. (h) *Application for reimbursement.* To receive reimbursement under subsection (g), an applicant must apply to the Director in a form prescribed by the Director.

44. (i) *Regulations.* Not later than March 30, 2024, the County Executive must transmit to the Council Method (1) regulations to establish the reimbursement program under subsection (g).

45. (j) An enforcement officer may issue a civil citation under this Section if the Director receives a complaint of a noise disturbance supported by photographic evidence of a violation of subsection (f).

46. (k) *Annual reporting.* By February 1 of each year, the Director must submit to the Council an annual report for the preceding year on the successes or challenges of the reimbursement program, outreach activities, statistical data related to enforcement, new technology trends for electrification of lawn care equipment, and any recommended changes to the law or operating budget. The Council may request the Director to provide additional information, as needed. (1996 L.M.C., ch. 32, § 1; 2023 L.M.C., ch. 31, § 1.)

47. ***Editor's note**—2023 L.M.C., ch. 31, § 2, states: Effective date; staggered implementation. The prohibition against sales under subsection (e) of Section 31B-9, added under Section 1 of this Act, must take effect on July 1, 2024. The prohibition against use under subsection (f) of Section 31B-9, added under Section 1 of this Act, must take effect on July 1, 2025.

48. 2023 L.M.C., ch. 31, § 3, states: Required notices. On or after the effective date of this Act and before the effective date of the prohibition against sales under this Act, a person who sells, at retail, a combustion engine-powered handheld, backpack, or walk-behind leaf blower or leaf vacuum in the County must provide conspicuous notice to the consumer that the leaf blower usage will be prohibited in the County.

49. **Sec. 31B-10. Exemptions.**

50. (a) This Chapter does not apply to:

51. (1) agricultural field machinery used and maintained in accordance with the manufacturer's specifications;

52. (2) emergency operations by fire and rescue services, police agencies, or public utilities and their contractors;

53. (3) a source or condition expressly subject to any State or federal noise-control law or regulation that is more stringent than this Chapter;

54. (4) sound, not electronically amplified, created between 7 a.m. and 11 p.m. by sports, amusements, or entertainment events or other

- public gatherings operating according to the requirements of the appropriate permit or licensing authority. This includes athletic contests, carnivals, fairgrounds, parades, band and orchestra activities, and public celebrations.
55. (b) The County Executive may issue regulations exempting from Section 31B-5 sources associated with routine residential living during daytime hours, such as home workshops, power tools, and power lawn and garden equipment, when used in accordance with manufacturer specifications. This exception does not apply to repairs or maintenance on a motor vehicle that is not registered for use on public roads.
56. (c) Section 31B-9 of this Chapter does not apply to agricultural producers located on agriculturally assessed properties where farming or agricultural use and activities are permitted under Article 59, Section 3.2.6 of the Zoning Ordinance. (1996 L.M.C., ch. 32, § 1; 2023 L.M.C., ch. 31, § 1.)
57. **Editor's note**—2023 L.M.C., ch. 31, § 3, states: Required notices. On or after the effective date of this Act and before the effective date of the prohibition against sales under this Act, a person who sells, at retail, a combustion engine-powered handheld, backpack, or walk-behind leaf blower or leaf vacuum in the County must provide conspicuous notice to the consumer that the leaf blower usage will be prohibited in the County.
58. **Sec. 31B-11. Waivers.**
59. (a) *Temporary waiver.*
60. (1) The Director may waive any part of this Chapter for a temporary event if the noise the event will create or cause in excess of the limits established under this Chapter is offset by the benefits of the event to the public.
61. (2) When the Director receives an application under this subsection, the Director must provide public notice of the application reasonably calculated to reach at least a majority of households that might be affected by noise levels anticipated for the event. The Director must not approve an application under this subsection less than 10 days after the public notice.
62. (b) *General waiver.*
63. (1) The Director may waive any part of this Chapter if the Director determines that compliance in a particular case is not practical and would impose undue hardship.
64. (2) When the Director receives an application under this subsection, the Director must schedule a hearing on the application within 60 days.
65. (3) At least 30 days before the hearing, the applicant must advertise the hearing by:
66. (A) placing a display advertisement in a newspaper of general circulation in the community where the source that is the subject of the application is located; and
67. (B) posting a sign at the location of the source.
68. (4) Based on evidence presented at the hearing, the Director may grant a waiver for up to 3 years, under terms and conditions appropriate to reduce the impact of the exception.
69. (5) The Director may renew a waiver granted under this subsection if the applicant shows that the circumstances supporting the original waiver have not changed.
70. (c) *Violation of waiver.* The Director may suspend, modify, or revoke a waiver granted under this section if a person violates the terms or conditions of the waiver.
71. (d) *Regulations and fees.* The County Executive must issue regulations implementing this section that:
72. (1) set the procedures and fees to apply for a waiver under subsections (a) or (b);
73. (2) require the applicant to use the best technology and strategy reasonably available to mitigate noise, as determined by the Director;
74. (3) allow temporary waivers under subsection (a) of no more than 30 days, renewable at the discretion of the Director no more than twice; and
75. (4) specify the requirements for the hearing advertisement and sign required under subsection (b)(3). (1996 L.M.C., ch. 32, § 1.)

76. **Sec. 31B-12. Enforcement and penalties.**
77. (a) The Department must enforce this Chapter. The County Executive may delegate in writing the authority to enforce parts of this Chapter to the Police Department or any other Executive agency.
78. (b) A violation of this Chapter is a Class A violation. Each day a violation continues is a separate offense. A violation of Section 31B-6 is a separate offense in addition to any other violation of this Chapter arising from the same act or occurrence.
79. (c) The Department may seek injunctive or other appropriate judicial relief to stop or prevent continuing violations of this Chapter.
80. (d) If the Director finds that a person has violated this Chapter, the Director may issue a notice of violation and corrective order to the person. The notice must contain the following information:
81. (1) the section of this Chapter that the person violated;
82. (2) the date, nature, and extent of the violation;
83. (3) the action required to correct the violation;
84. (4) if the Director requires a compliance plan, the deadline for submitting the plan to the Director; and
85. (5) the deadline for compliance.
86. (e) The compliance plan referred to in subsection (d)(4) must establish a schedule for achieving compliance with this Chapter, as specified in the corrective order. A compliance plan, and amendments to a plan, are not effective until the Director approves the plan or amendment. An action allowed under an approved compliance plan does not violate this Chapter.
87. (f) Except as provided in Section 31B-9(j), an enforcement officer may issue a civil citation for any violation of this Chapter if the enforcement officer:
88. (1) witnesses the violation; or
89. (2) receives complaints from at least 2 witnesses of a noise disturbance.
90. Complaints by 2 witnesses are required to issue a citation under paragraph (2), but are not required to prove that a person violated this Chapter.
91. (g) The Executive Director of the Office of Animal Services may initiate administrative action before the Animal Matters Hearing Board instead of an enforcement officer issuing a citation under subsection (f) for a violation of this Chapter originating from an animal source.
92. (h) A person aggrieved by any action or order of the Director under Sections [31B-9](#) and [31B-11](#) may seek reconsideration within 10 days after the date of the action or order. A request for reconsideration must be in writing to the Director, and must specify the date and nature of the action or order, the injury sustained, the remedy requested, and the legal basis for the remedy. If the Director finds that there are material facts in dispute, the Director may refer the matter to a hearing officer under the procedures specified in [Chapter 2A](#). If the Director finds that there are no material facts in dispute, the Director must make a final decision on the request for reconsideration in writing within 45 days after receiving the request. The aggrieved person may appeal from the Director's final decision within 30 days after the Director issues the decision, as provided in Section [2A-11](#).
93. (i) (1) A person responsible for a violation of Section [31B-6](#) and the person responsible for the management or supervision of the construction site where the source of the violation is located are jointly and severally liable for the violation.
94. (2) For recurring violations of Section [31B-6](#) on the same construction site, in addition to any other penalty under this Chapter, the Director may issue a stop work order, as provided in Section [8-20](#), for up to:
95. (A) 3 consecutive working days for a second violation within 30 days after the first violation;
96. (B) 5 consecutive working days for a third violation within 60 days after the first violation; and
97. (C) 7 working days per offense for the fourth and subsequent violations within a 120-day period.
98. (3) This Chapter does not limit the Director's authority under Chapter 8 to revoke a permit or approval issued under that Chapter.

99. (j) Any person aggrieved by a violation of this Chapter may file a civil action in any court with jurisdiction against a person responsible for the alleged violation. The aggrieved person must notify the alleged violator and the Director of the alleged violation at least 60 days before filing the action. A person must not file an action under this subsection if the County Attorney has filed a civil action against the same alleged violator regarding the same violation. (1996 L.M.C., ch. 32, § 1; [2001 L.M.C., ch. 2](#), § 1; [2020 L.M.C., ch. 18](#), §1.; 2023 L.M.C., ch. 31, § 1.)
100. **Editor's note**—2023 L.M.C., ch. 31, § 3, states: Required notices. On or after the effective date of this Act and before the effective date of the prohibition against sales under this Act, a person who sells, at retail, a combustion engine-powered handheld, backpack, or walk-behind leaf blower or leaf vacuum in the County must provide conspicuous notice to the consumer that the leaf blower usage will be prohibited in the County.
101. [2020 L.M.C., ch. 18](#), § 2, states: Sec. 2. Transition. References to the Division of Animal Services in County law, contract, or regulation means the Office of Animal Services.

From: Dave Lawrence <daveolawrence@gmail.com>

Sent: Wednesday, February 14, 2024 11:07 PM

To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>

Subject: Re: New homes plan num: 820240070, F20240230 Kings Crossing

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thanks for the reply. A few follow up questions:

1) If a tree is not on the protected trees list, then are there no restrictions on removal?

There are many, many trees on the property that will need to be removed to make way for new homes.

2) Is it common for new homes to be built in a 20+ year old neighborhood directly across the street from existing homes?

3) Doesn't the county have laws that give residents the right to quiet enjoyment of their home? That will certainly not happen with construction occurring for years directly across the street? I am a full time remote worker, and noise will heavily affect my ability to do my work (Zoom meetings, MS Teams meetings, etc).

Thanks.

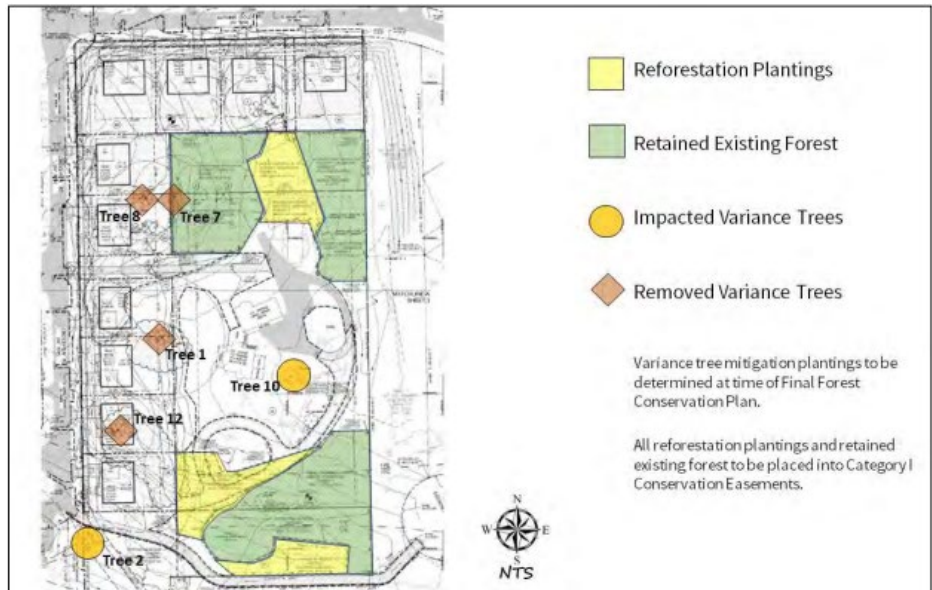
Dave Lawrence

On 2/12/2024 10:38 AM, Njeze, Ugonna wrote:

Good Morning,

Thank you for reaching out! Your concerns have been saved as part of this application's review. Concerning trees, there will be removals but both category 1 forest conservation easements and common opens designations will be enforced along with replanting on site, anhere is 20% impervious surface cap for the development. The image copied below is shows the proposed Tree Request to impact 2 tree and remove 4. There is a February

13th meeting called the Development Review Committee (copied here is a link to the Planning Departments DRC webpage: <https://montgomeryplanning.org/development/development-review/>) where public agencies and utilities discuss notable aspects of application in an inter-agency manner. You can watch the DRC meetings via the copied link. Information on your rights a resident near construction can be found in multiple locations. If this site plan application receives a planning board date you can sign up to testify before the board (in-person or virtually) using the link copied here (<https://montgomeryplanningboard.org/meetings/signup-to-testify/>), but this application is still in the first round of review. Copied here is a link to the Montgomery County Department of Housing and Community Affairs website (<https://www.montgomerycountymd.gov/dhca/housing/landlordtenant/>) which could be a valuable resource for you to learn more about actions and regulations available to you. Finally, the resident complaint page for the Department of Permitting Services copied here (<https://permittingservices.montgomerycountymd.gov/DPS/online/eComplaint.aspx>) is where issues regarding improper construction can be reported so an inspector can come out and check for improper procedures. DPS enforces the zoning code, site inspections, and oversees permits, so they can be quite helpful and can be reached at 240-777-0311 / (<https://www.montgomerycountymd.gov/DPS/index.html>). Please reach out if you have anything else you want to talk about, I can also be reached at 301-495-1320.



Best,
Ugo



Ugonna Njeze
Regulatory Planner II, Upcounty Division

Montgomery County Planning Department

2425 Reedie Drive, 13th Floor, Wheaton,
MD 20902

ugonna.njeze@montgomeryplanning.org

o: 301.495.1320



Let's Plan Our Future. Together.  THRIVE
THRIVEMONTGOMERY.COM

From: Dave Lawrence <daveolawrence@gmail.com>
Sent: Saturday, February 10, 2024 5:46 PM
To: Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>
Subject: New homes plan num: 820240070, F20240230 Kings Crossing

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Mr. Njeze,

Hello. It has come to my attention that a site plan for 10 single family homes in Boyds, MD (on an existing property at the corner of Crossview Road and Autumn Gold Road) is going to be brought forward for approval.

I am writing to express my deep concern and frustration that these new homes will be built in the middle of our well established neighborhood, with each of the 10 homes being right across the street from existing homes. As a resident of this neighborhood for the past 22 years, I am profoundly disappointed by the potential impact on our community of this proposed construction.

This specific neighborhood area currently has a peaceful and quiet atmosphere. We are also graced by very scenic surroundings that will disappear if this 10-home plan goes through. The proposed construction of new homes will disrupt the harmony and character of our area in several significant ways.

First, I am alarmed by the substantial number of trees and bushes that have already been removed in preparation for this development. These trees and bushes not only provided aesthetic beauty but also played a role in maintaining air quality and reducing noise pollution.

Furthermore, I have recently learned that many more trees and bushes are slated for removal once the development starts. Of particular concern is the fact that the bush area being cleared is a

habitat for local wildlife, including deer. The presence of deer has long been a cherished aspect of our community, offering residents the opportunity to appreciate and connect with nature in our own backyard.

I read that a large amount of plant/tree life will be removed via a hardship variance. I assume the hardship is that the owner wouldn't be able to build houses unless the trees are removed. I don't understand why that variance would be approved by the county.

The proposed location of these new homes is also troubling, particularly for the homes on the Crossview Rd side. These residences will be situated right across the street from an elementary school bus stop at the corner of Crossview Rd and Broken Oak Rd. This raises safety concerns as well as health concerns for these students dealing with all of the construction traffic and dust.

What adds further disappointment and frustration to our community is the fact that an existing homeowner is selling the land to a developer for profit, disregarding the concerns and well-being of their neighbors and the neighborhood as a whole. The selling homeowner will profit at the expense of the surrounding neighbors as the neighbor's home values will drop. It's fairly obvious that due to the loss of the scenic view, home values will decline (buyers would rather look at a wooded area with trees/shrubs than a house with asphalt driveway).

Moreover, there is growing discontent among existing residents who were not made aware, at the time of their home purchases, that the area would someday be gutted for new homes. This lack of transparency has left many feeling misled. Some of the homeowners purchased in just the last few years.

Where can I get information on my rights as a property owner that lives very close to where the construction will be?

I assume there will be tons of noise, dirt, dust, etc near my property. As a result, I would like to know what my rights are. As a tinnitus sufferer, the construction noise has me greatly concerned; not to mention breathing in the dust that undoubtedly will blanket the area.

As you can tell, I am very discouraged that the county would let 10 new homes be built right in the middle of an already established neighborhood. It's not like this is a tract of land that is being turned into a new community. The land is right in the middle of the existing 20+ year old neighborhood. What a shock it was to find out that after 20 years, existing homeowners are now going to be subjected to noise, dust, etc. for not just a few months, but for a few years!

In closing, I respectfully request that you do not approve the construction of the new homes. I hope that you will take the above concerns into serious consideration.

Sincerely,

David Lawrence
18605 Broken Rd
Boyd's, MD 20841

Mr. Harris,

Hello. It has come to my attention that a site plan for 10 single family homes has been approved in Boyds, MD on an existing property at the corner of Crossview Road and Autumn Gold Road.

Where can I get information on my rights as a property owner that lives very close to where the construction will be?

I assume there will be tons of noise, dirt, dust, etc near my property. As a result, I would like to know what my rights are. As a tinnitus sufferer, the construction noise has me greatly concerned; not to mention breathing in the dust that undoubtedly will blanket the area. I am discouraged that the county would let 10 new homes be built right in the middle of an already established neighborhood.

There is an elementary school bus stop right on the corner of Crossview Rd and Broken Oak Rd that will impact the kids that catch the bus there (as there will be new homes built right across the street).

I read that a set of trees will be removed due to a hardship variance. I assume the hardship is that the owner wouldn't be able to build houses unless the trees are removed. The actual hardship is to the neighbors - reduced property values, increased traffic, and having to deal with construction for years. The other hardship is to the wildlife that used to spend alot of time on that property. Since much of the tree/plant material has already been removed from the property over the last several years, the wildlife has already been reduced, and it will be basically gone once the new homes are built.

I understand that the original application was put on hold; why was there no public comment allowed in 2023? There are new people that live on both the Autumn Gold Road side and Crossview Road side (directly across the street from where the new homes will be) that I am sure are going be surprised by this plan.

It is disturbing that a whole set of families will be dealing with this lengthy construction over multiple years so that 1 property owner can sell his land so that a developer can turn it into a mini subdivision.

Please send me a reply for the 2 questions that I bolded above, as well as any additional information that would help explain why the plan was approved.

Sincerely,

Dave Lawrence

18605 Broken Oak Rd

Attachment F

PACKARD & ASSOCIATES, LLC

204 Monroe Street, Suite 201

Rockville, MD 20850

(301) 208-0250

dean@packardassociatesllc.com

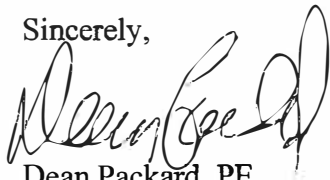
October 26, 2023

Re: Kings Crossing (MNCPPC Plan #820240070)
Site Plan
Meeting Affidavit

Dear Planning Board:

I hereby affirm that I scheduled and attended a pre-submission meeting on Wednesday, October 18, 2023 via Zoom (Meeting ID 889 5916 2644) at 6:00 p.m.

Sincerely,



Dean Packard, PE



MARY S. MCCLAIN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 6, 2025