

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

July 26, 2024

MCPB No. 24-061
Site Plan No. 820240070
Kings Crossing
Date of Hearing: July 8, 2024

RESOLUTION

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

WHEREAS, on September 21, 2023, Jim Zhao and Dianna Lu (“Applicant”) filed an application for approval of a site plan for 11 single family homes on 5.99 acres of R-200 zoned-land, located at the southeast corner of the intersection of Autumn Gold Road and Crossview Road on parcel P879 (“Subject Property”), in the West Germantown Policy Area and *1989 Germantown Master Plan* (“Master Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820240070 Kings Crossing (“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 28, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 8, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Vice Chair Pedoeem, seconded by Commissioner Linden, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, Commissioners Hedrick and Linden voting in favor, with Commissioner Bartley absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820240070 for eleven (11) single family detached dwelling units. 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

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Approved as to
Legal Sufficiency:

 /s/ Emily Vaias

M-NCPPC Legal Department

latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

1. Density

The Site Plan is limited to eleven (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.

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 adjusted as necessary by the Park Construction Permit as determined and approved by Montgomery Parks.
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 July 2, 2024.
- 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 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.

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 the 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.

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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Kings Crossing Site Plan No. 820240070, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

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

2. *The development satisfies 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 as there is no prior development plan or schematic development plan.

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

This section is not applicable to this Application because there is no prior green area requirement.

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

a) Use Standards

Single-family dwelling units are permitted uses in the R-200 zone.

b) Development Standards

The Subject Property includes approximately 5.99 acres zoned R-200. The

Application satisfies the applicable optional method cluster development standards in accordance with Section 59.4.4.7.C, as shown in the following data table:

Development Standard	Permitted/ Required	Approved
Tract Area	5 ac.	5.986 ac.
Tract Area - Prior Dedication	n/a	n/a
Tract Area - New Dedication	n/a	n/a
Useable Area	5 ac.	5.986 ac.
Mapped Density	2 units/ac.	2 units/ac.
Residential (GFA/ FAR)	(11 units)	(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.
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 ft.	40 ft.
Parking Per Lot	2 Spaces	2 Spaces
Impervious Surface Limit	20%	20%
Common Open Space – Parcel D – Parcel E	20% (52,150 sq. ft.)	21.9% (57,139 sq. ft.) – 0.483 acres – 0.829 acres

c) General Requirements

i. *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 10 new homes will each have their own private driveway access from Crossview Road and Autumn Gold Road.

ii. *Parking, Queuing, and Loading*

The Application includes two parking spaces per house via garages, totaling 22 spaces for all eleven homes. Therefore, the minimum number of required spaces for residential units in the R-200 zone is satisfied. The private driveways will also accommodate some visitor parking. No queuing is anticipated on the adjacent streets.

iii. *Open Space and Recreation*

The Application will create two Common Open Space Parcels (Parcels E and D) totaling 57,139 square feet which must comply with 59-6.3.5 requirements. A paved public use path connecting the Crossview Road and Country Meadow Road cul-de-sacs will cross Parcel E and King's Crossing Local Park.

iv. *General Landscaping and Outdoor Lighting*

The Application lighting plan includes colonial post-top, LED optics with aluminum housing and hinged top canopies. The luminaire size is 40 inches to accommodate a 120-volt LED driver. A photocell receptacle 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.

v. *Screening (59-6.5)*

Not applicable because this is an Optional Method project.

vi. *Outdoor Display and Storage (59-6.6)*

Not applicable because this is a residential project.

vii. *Signs (59-6.7)*

Subdivision signs will meet requirements and obtain needed permit.

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

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on July 2, 2024. The plan will meet stormwater management requirements using environmental site design while incorporating drywells, rooftop disconnection, and landscape infiltration.

b) Chapter 22A, Forest Conservation

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

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 the MCPB Resolution for Forest Conservation Plan No. F20240230 which is approved concurrently with this Site Plan.

6. *The development 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 is 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 improves building massing and helps with the composition of the façade. Two parking spaces are required per lot which is satisfied by the approved driveway. 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.

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

The Subject Property is located within the 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 Application includes total impervious surfaces of no more than 20.00% as shown on the approved Final Impervious Surface Plan.

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

- 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 was reviewed by the MCDOT, which 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, which 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. PUE’s and PIE’s will be recorded to provide pedestrian improvements and utility connections to the surrounding subdivision.

9. *On a property in a Rural Residential or Residential zone, the development is compatible with the character of the residential neighborhood.*

The Application on the Subject Property will be developed in a manner that is compatible with the character of the residential neighborhood.

10. On a property in all other zones, the development is compatible with existing and approved or pending adjacent development.

The development is in a residential zone and therefore this section does not apply.

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

July 26, 2024

(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 motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of **3-0-1**; Chair Harris, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining, and Vice Chair Pedoeem necessarily absent, at its regular meeting held on Thursday, July 25, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board