

## EMORY GROVE VILLAGE

### PRE-PRELIMINARY PLAN NO. 720250010



#### Description

Request for Pre-Preliminary Plan review and a binding decision regarding specific elements of the proposed subdivision of Lot 1 (N542) and Lot 2 (N485) of Emory Grove Village to facilitate the construction of a residential neighborhood with varying levels of affordability with up to 162 lots for townhouses and multifamily units, and road and open space parcels.

COMPLETED: 5/23/2025

PLANNING BOARD HEARING DATE: 6/5/2025

MCPB ITEM NO. 8

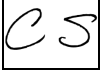
## Planning Staff



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### LOCATION/ADDRESS

17825 Washington Grove Lane

8211 Morning View Drive

### MASTER PLAN

1996 Gaithersburg Vicinity– Shady Grove Master Plan Amendment

### ZONE

Residential Multi Unit Low Density-30 (R-30)

### PROPERTY SIZE

8.57 acres

### APPLICANTS

Haley Development, L.C. & Housing Opportunities Commission (HOC) of Montgomery County

### ACCEPTANCE DATE

January 8, 2025

### REVIEW BASIS

Chapter 50 – Subdivision Regulations



### Summary:

- Staff recommends approval with conditions of the Pre-Preliminary Plan and supports the submission of a future Preliminary Plan.
- The Director approved a one-month extension of the regulatory review period, on February 12, 2025, from April 9, 2025 to May 1, 2025. The Planning Board approved a 45-day extension on April 10, 2025, from May 1 to June 15, 2025.
- This Application requests a binding decision from the Planning Board on the following: 1) site layout and design including circulation and open space; 2) distribution of MPDUs; 3) realignment of the intersection of Washington Grove Lane and Shady Spring Road; and 4) required frontage improvements.
- The Project proposes 30% MPDUs (162 units).
- Planning Staff supports the Applicants justification for the future approval of two (2) waiver requests from Chapter 50 for 1) private road construction (proposed Streets A and B) and 2) private road standards (reduced centerline radius for Private Street B).
- Staff recommends the Board's approval of the reduction of intersection spacing for Private Street B at Shady Spring Drive.
- Staff recommends the Board's approval of a waiver from Section 50.5.2.c.3.a for the extended submission of a Preliminary Plan.
- Staff has not received public correspondence on this Application.

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## SECTION 1: STAFF RECOMMENDED BINDING ELEMENTS

### PRE-PRELIMINARY PLAN 720250010

Planning Staff supports the submission of a future Preliminary Plan application and associated subdivision waivers, and recommends approval with conditions of the Pre-Preliminary Plan to facilitate the construction of a residential neighborhood with varying levels of affordability with up to 162 residential lots for townhouses and multifamily units, and open space parcels with the following binding elements:

1. This Pre-Preliminary Plan is limited to a maximum of one-hundred and sixty-two (162) residential lots for townhouses and multifamily dwelling units.
2. The Applicants must submit an application for a Preliminary Plan within 180 days after the date of mailing of the Board resolution for the Pre-Preliminary Plan.

3. General Layout and Design

The future Preliminary Plan must be substantially similar to the proposed general layout and design of the Applicant's updated Pre-Preliminary Plan, including internal road alignment of private roads, and block configuration, as shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC.

- a. The Applicants must continue to coordinate with Staff on design and site development elements including but not limited to access and internal circulation for pedestrians, building relationship to open space, view sheds for alleys, landscape buffer along the Midcounty Highway frontage substantially similar to the proposed general layout and design of the Applicant's updated Pre-Preliminary Plan, and sight distances.

4. Washington Grove Lane/Emory Grove Road/Shady Spring Drive Intersection

The future Preliminary Plan must reflect slope easement(s) necessary to construct a future intersection realignment of Washington Grove Lane/Emory Grove Road/Shady Spring Drive to be constructed by others, as determined by MCDOT.

5. Frontage Improvements

The future Preliminary Plan must provide for the required frontage improvements as shown in the Pre-Preliminary Plan and further referenced by the review agencies, which include a minimum of six-foot-wide (6 ft.) sidewalks and required six-foot-wide (6 ft.) buffer along the Washington Grove Lane and Shady Spring Drive frontages.



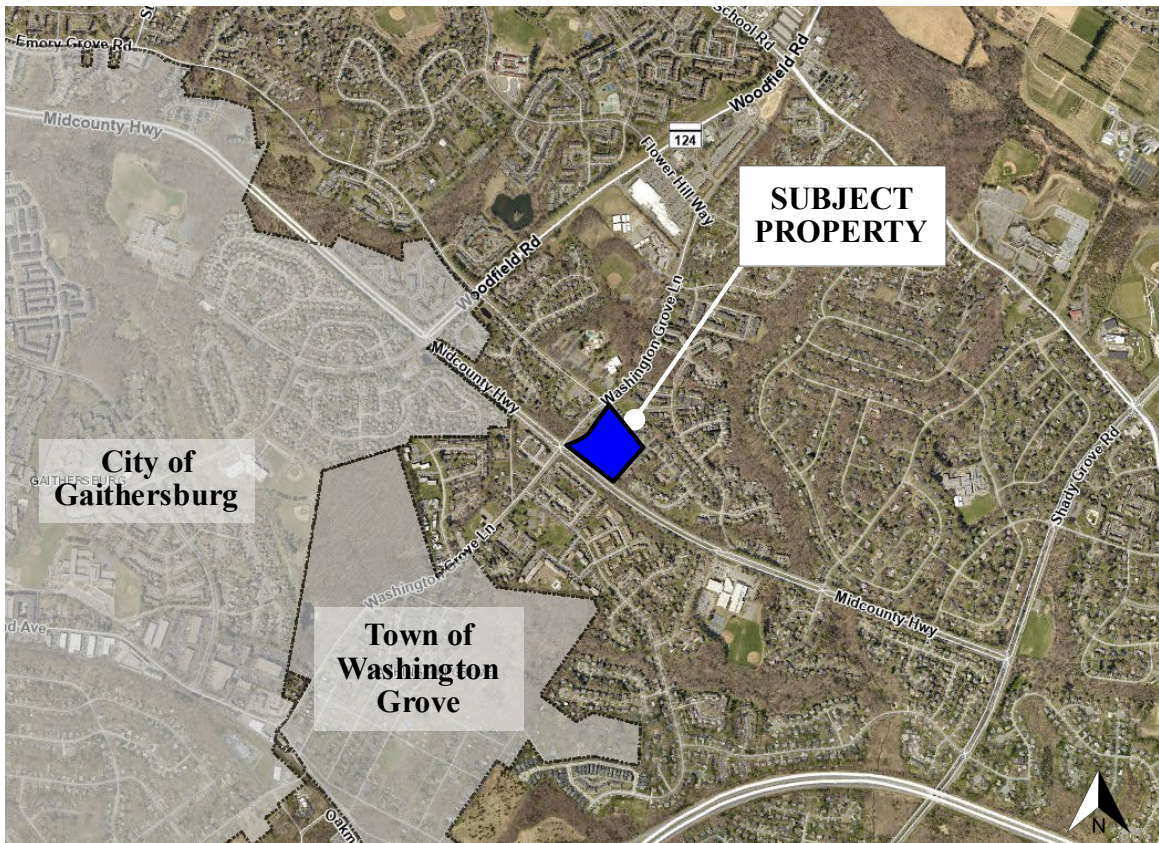
6. Distribution of MPDUs Within the Community

- a. The distribution of the four (4) MPDU townhouse blocks must be substantially similar to the proposed locations on the Pre-Preliminary Plan as they relate to their proximity to open space.
- b. The final distribution of Moderately Priced Dwelling Units (MPDUs) proposed throughout the Subject Property is subject to review and approval from the Montgomery County Department of Housing and Community Affairs (DHCA).

## SECTION 2: SITE DESCRIPTION

### VICINITY

The Subject Property (“Property”) is generally located east of the City of Gaithersburg and the Town of Washington Grove (Figure 1). The Subject Property is bound by Washington Grove Lane to the north-west, Shady Spring Drive to the northeast, Midcounty Highway (MD 124)<sup>1</sup> to the southeast and an unimproved unnamed, parcel to the southeast (Figure 1 and Figure 3).



*Figure 1: Vicinity Map (Subject Property Highlighted in Blue)*

The surrounding neighborhood includes a mix of single-family detached dwellings and townhouses. There are townhomes in the Woodward Crossing and Washington Square communities across Midcounty Highway (MD 124) and in the Mineral Springs Village community across the unnamed strip of land. The Emory Grove United Methodist Church and single-family detached homes confront the Property across Washington Grove Lane. Across Shady Spring Road is Mineral Springs Village which includes townhouses and single-family homes.

<sup>1</sup> Along the frontage of the Subject Property, Midcounty Highway (MD 124) is County maintained.

To the northeast of the Property, on the north side of Washington Grove Lane, is Johnson's Local Park, the Emory Grove Optimal Learning Center, the Upcounty Early Childhood Center, and the Flower Hill Shopping Center. The complex of the County Community Center and Pool are diagonally across the intersection of Washington Grove Lane and Emory Grove Road. A small park, the Mineral Springs Neighborhood Conservation Area, is located immediately east of the Property at the intersection of Shady Spring Drive and Washington Grove Lane.

The Property is located within the boundaries of the 1996 *Gaithersburg Vicinity- Shady Grove Master Plan Amendment*. The Subject Property is also within the boundaries of the 2021 *Heritage Emory Grove (HEG) Community Plan*, which is an independent community-driven plan<sup>2</sup>. Along with the Subject Property, there are multiple properties associated with the *HEG Community Plan* (mostly owned by the HOC and the Emory Grove United Methodist Church). Figure 2 illustrates the boundary of the *HEG Community Plan* area and the properties for redevelopment that are identified to fulfill the vision for the community. The *HEG Community Plan* vision includes the blending of Old Emory Grove with new housing and new community amenities that will allow for a "re-creation of the community, so that the history of the community can be rediscovered and renewed".

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<sup>2</sup> The Heritage Emory Grove (HEG) Community Plan is an independent community project and not an approved and adopted M-NCPPC document. The Heritage Emory Grove Plan is envisioned by the congregants of the Emory Grove United Methodist Church (EGUMC) and other community members, that proposes to right the injustice of the decimation of the community due to Urban Renewal and, to the extent possible, restore the community fabric and allow opportunities for former residents to reside in Emory Grove. The EGUMC's vision includes the blending of Old Emory Grove with new housing and new community amenities that will allow for a "re-creation of the community, so that the history of the community can be rediscovered and renewed, and so that its ethic can find new life at the center of a new Emory Grove."



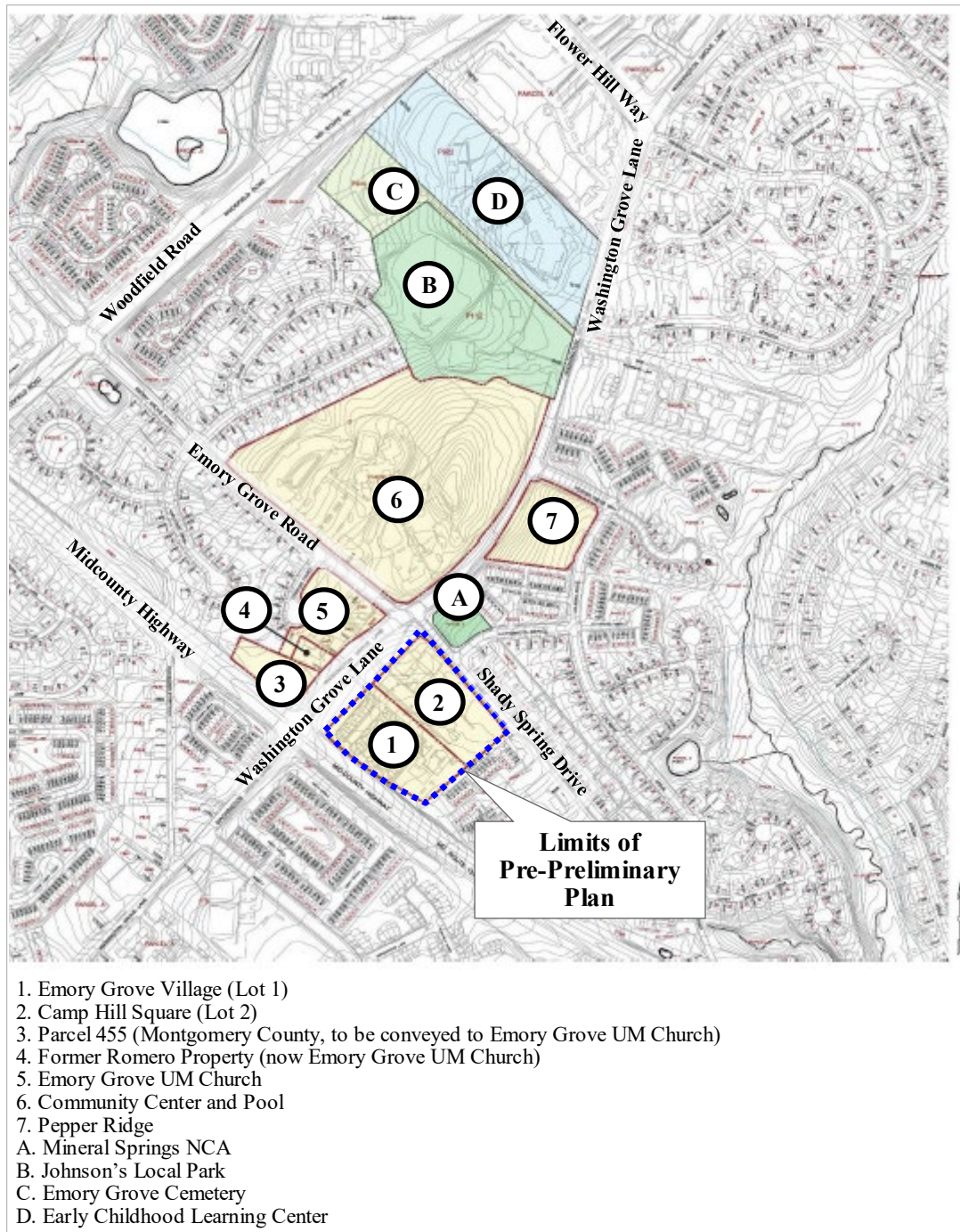


Figure 2: Properties within the Heritage Emory Grove (HEG) Community Plan

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## PROPERTY DESCRIPTION

Emory Grove Village (“Subject Property” or “Property”) is a proposed subdivision of a former subdivision known as Forest Grove Mineral Springs. The Property is zoned Residential Multi Unit Low Density-30 (R-30). The Tract Area of the Property is 8.57 acres (including abandoned right-of-way of 0.96 acres, previous dedications of 0.53 acres, and an unnamed and unclaimed vacant strip of land adjacent to Lots 1 and 2 of 0.15 acres).

There is an existing canopy on the Subject Property, but there is no forest on-site. Lot 1 is currently vacant with some existing trees, and Lot 2 is developed with existing structures, parking facilities, and sidewalks. There are no streams, floodplains, or wetlands on the lots. Both lots have sloping characteristics with the grade dropping approximately 15 to 20 feet from Washington Grove Lane to the southeast towards Meadow Vista Way.

One of the Co-Applicants, the Housing Opportunities Commission (HOC) of Montgomery County (HOC), owns two of the properties within the *HEG Community Plan* area. The two HOC properties are known as Lot 1 (N542) and Lot 2 (N485) of Emory Grove Village (Subject Property as shown on Figure 2 and Figure 3).

The Property is bounded on all sides by right-of-way. Midcounty Highway (MD 124) is located to the southwest and is elevated above the Subject Property with a retaining wall, Washington Grove Lane to the northwest, Shady Spring Drive to the northeast, and an unnamed and unimproved strip of land to the southeast. The unnamed strip was established as a part of the 1914 Forest Grove Mineral Spring subdivision.

Lot 1 previously had fifty-four (54) rental multifamily units that were known as Emory Grove and were demolished in 2021. Lot 2, also known as Camp Hill Square, has an existing fifty-one (51) unit obsolete multifamily rental project. Emory Grove and Camp Hill Square were originally built between 1970 and 1971. The new project will remove the remaining Camp Hill Square residential structures and redevelop both lots.



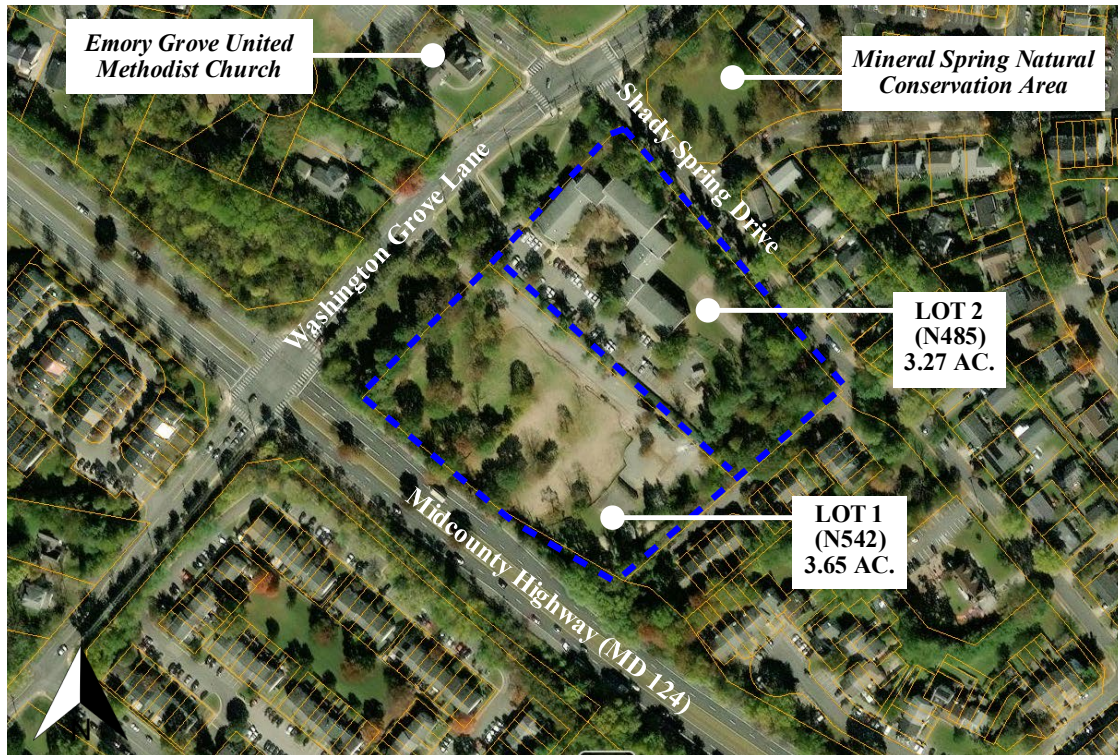


Figure 3: Subject Property (outlined in blue)

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS & PENDING APPROVALS

#### Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420242710

The NRI/FSD No. 420242710, was approved September 6, 2024, by Planning Staff. It reflects the existing conditions of the Site, with Lot 1 shown as generally open with some existing trees, and Lot 2 as developed with existing structures, parking facilities, and sidewalks.

#### Right-of-Way Abandonment Petition No. AB 784

The Applicants are in the process of completing their request for the abandonment of the public right-of-way process (No. AB 784) with MCDOT for portions of Washington Grove Lane between Midcounty Highway (MD 124) and Shady Spring Drive. In a letter dated December 21, 2023, MCDOT recommended approval of the requested abandonment public right-of-way on either side of Washington Grove Lane as shown in Exhibit-J (Area 1: 56,826 sq.ft. and Area 2: 2,946 sq.ft.) and to revert the ownership and maintenance of the abandoned portion to HOC subject to the following conditions: 1) the existing

access/street shall be maintained unless the existing properties are redeveloped in the future; and 2) all existing utilities (if any) along the proposed abandoned portions of Washington Grove Lane shall remain in place. The final decision is pending approval from the Montgomery County Council.

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## PROPOSAL

This Pre-Preliminary Plan (“Proposal”, “Project”, or “Application”) proposes to redevelop two (2) lots into a residential neighborhood with green space and other amenities for residents. The Project serves as the initial application for the implementation of the community-led *HEG Community Plan* (Figure 2). The Applicants (Haley Development, L.C. & Housing Opportunities Commission (HOC) of Montgomery County) request that the Planning Board confirm the general layout and design of the Project.

## SUBDIVISION

The future Preliminary Plan or Mixed-Income Housing Community (MIHC) Plan associated with the Subject Project proposes to subdivide the existing two (2) lots (Lot 1 (N542) and Lot 2 (N485)) into 162 residential lots for the construction of 80 multifamily rental units and 82 for-sale townhomes. The proposed development will provide 30% Moderately Priced Dwelling Units (MPDUs) within both the multifamily and townhouse units. This is an Optional Method MPDU Development which states in Section 59.4.4.2.A of the Zoning Ordinance that is permitted where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, to facilitate the construction of those units. Optional method MPDU Development allows additional building types and provides more flexibility for certain dimensional standards. The affordable townhouses are proposed to be constructed through Habitat for Humanity’s self-help model and proposed to be provided within four (4) townhouse blocks. The four (4) multifamily buildings will include between four (4) and eight (8) dwellings.

## TRANSPORTATION

The Site is surrounded by existing roadways – Shady Spring Drive, Washington Grove Lane, and Midcounty Highway. Ten-foot-wide (10 feet) public utility easements (PUEs) are proposed along these existing roadways as shown on the proposed cross-sections. Internal circulation is proposed through new alleyways and proposed Private Street A (a west-to-east connection into the Project from Washington Grove Lane) and proposed Private Street B (a north-to-south connection into the Project with access from Shady Spring Drive). The residential units are proposed to have off-street parking accessed from rear-loaded alleys. On-street parking is also proposed on the internal private streets. Six-foot-wide (6 ft.) sidewalks are proposed along Washington Grove Lane, Shady Spring Drive, and internally throughout the community on the private roads and some alley connections.

The Application seeks approval of two (2) waivers from the Subdivision Regulations associated with the roads, to be reconfirmed and approved at the time of Preliminary Plan, which includes relief associated with the requirements for:

- 1) private road construction (proposed Private Street A and Private Street B);
- 2) for private road standards (reduced centerline radius for proposed Private Street B).

The justification for these subdivision waiver requests is further detailed in Section 5 herein.

In addition to the waivers noted above, the Application requests a reduction of intersection spacing from the required 200 feet to a proposed 150 feet for Private Street B at Shady Spring Drive, which requires a finding by the Planning Board. The justification for this request is further detailed in Section 5 herein.

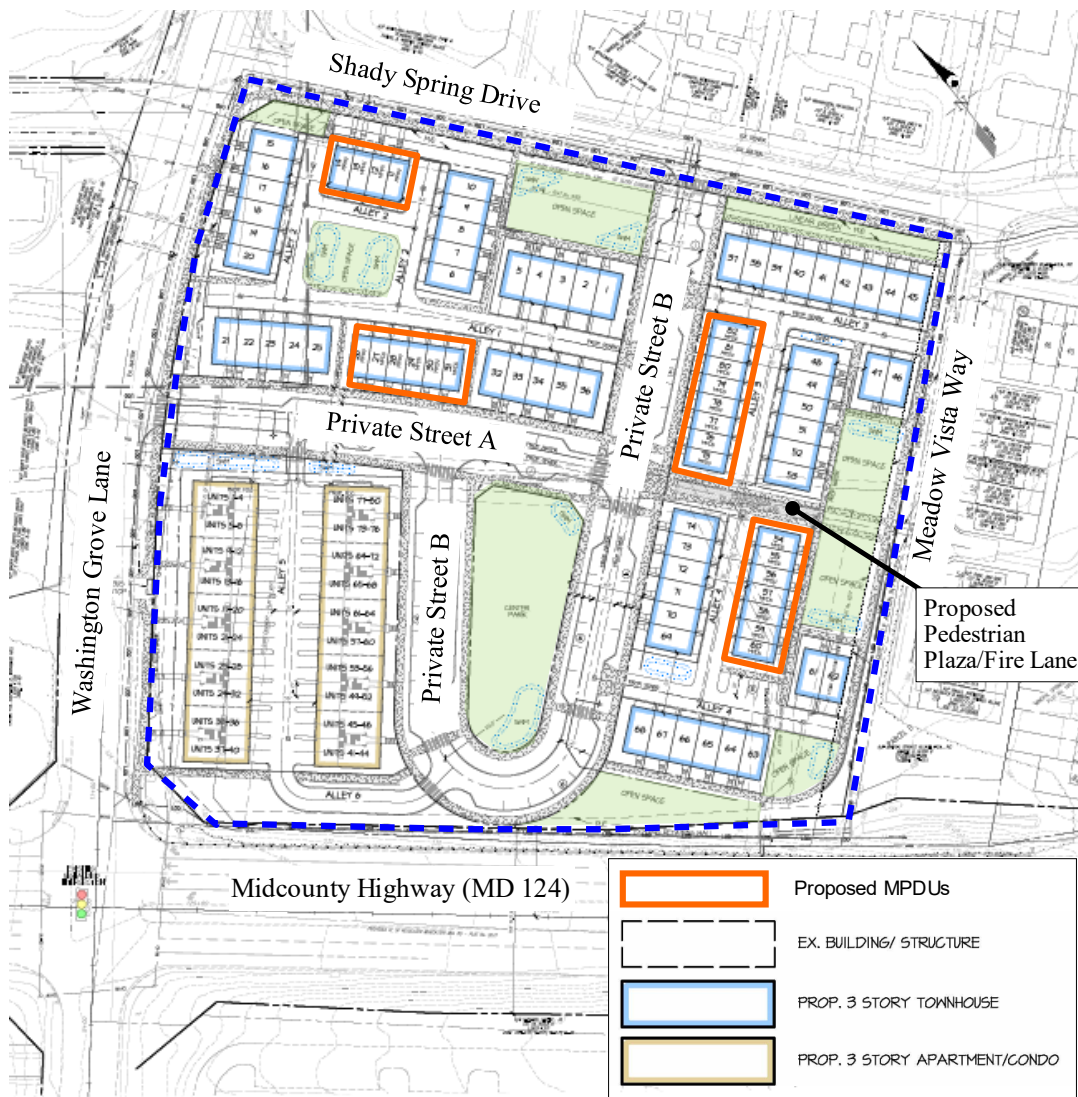


Figure 4: Proposed Pre-Preliminary Plan



## OPEN SPACE

The Project proposes 87,143 square feet or 25% of the site area as open space, which is the minimum required for the R-30 zoning district for optional method of development. One large open space area is proposed centrally to the site with other small areas dispersed throughout the Site. The open space system will provide landscaping, seating, shade, and recreational opportunities, to be identified and finalized at the time of Site Plan.

## BINDING DECISION

The main purpose of the Pre-Preliminary Plan Application is to receive direction from the Montgomery County Planning Board, in the form of a binding decision, on the following items:

1. Washington Grove Lane/Emory Grove Road/Shady Spring Drive Intersection;
2. Frontage Improvements;
3. General Layout and Design; and
4. Distribution of MPDUs within the community.

The technical review of the Pre-Preliminary Plan materials, and the Board's binding decision on the specific items listed above will allow the Applicants to move forward with an increased level of certainty to the Preliminary Plan. Staff have addressed each of these elements in Section 5 of this report.

## FUTURE PRELIMINARY PLAN

Per Section 50.5.2.c.3.a of the Subdivision Regulations, an Applicant is required to file a Preliminary Plan Application within 90 days of the Pre-Preliminary Plan decision. Instead of the required 90-days, the Applicant requests a waiver to allow a Preliminary Plan submission deadline of 180 days in order to preserve the validity of the advice given by the Planning Board in this Pre-Preliminary Plan. Further justification for the waiver is provided in Section 5 herein.

## SECTION 4: COMMUNITY OUTREACH

The Applicants have complied with the required notification signage and have informed all the adjacent Property owners, community organizations and homeowners' associations within one-half mile of the Property about the Application and the proposed Pre-Preliminary Plan as required under the Zoning Ordinance and the Manual of Development Review Procedures for Montgomery County. No pre-submittal community meeting is required for Pre-Preliminary Plan application.

Application materials were made publicly available on the Planning Department's website.

As of date of this Staff Report, no correspondence has been received.



## SECTION 5: PRELIMINARY PLAN 720250010 ANALYSIS

### REQUEST FOR BINDING APPROVAL

The Applicants submit this Pre-Preliminary Plan Application and request a binding decision pursuant to Section 50-5.1 from the Planning Board on five (5) key items, each of which is described below:

1. **Washington Grove Lane/Emory Grove Road/Shady Spring Drive Intersection**

- a. **Question/Issue:** The intersection of Washington Grove Lane, Emory Grove Road and Shady Spring Drive (Figure 5 below) is signalized with updated pedestrian signalization, but the roads are offset and do not align. During the recent abandonment process for portions of Washington Grove Lane, this intersection was analyzed and found to be performing adequately. Therefore, it was determined by MCDOT that no improvements would be necessary from the Subject Property. It was also determined that if the County proceeded to realign the intersection, the upgrades would occur on the property to the northeast that is owned by the County. The Applicants request that the Planning Board concur with Council's decision and find that this Project is not required to dedicate or make land reservations for any improvements to this intersection.
- b. **Staff Response:** Planning Staff recommends support of the Applicants request. MCDOT has requested the final requirements necessary to realign this intersection using the county-owned property on the diagonal corner of the Subject Property. As conditioned, the Applicants must provide MCDOT with the slope easements, to be granted through a future Preliminary Plan, associated with any future intersection realignment of Washington Grove Lane/Emory Grove Road/Shady Spring Drive led by Montgomery County and to be accomplished using county-owned property.

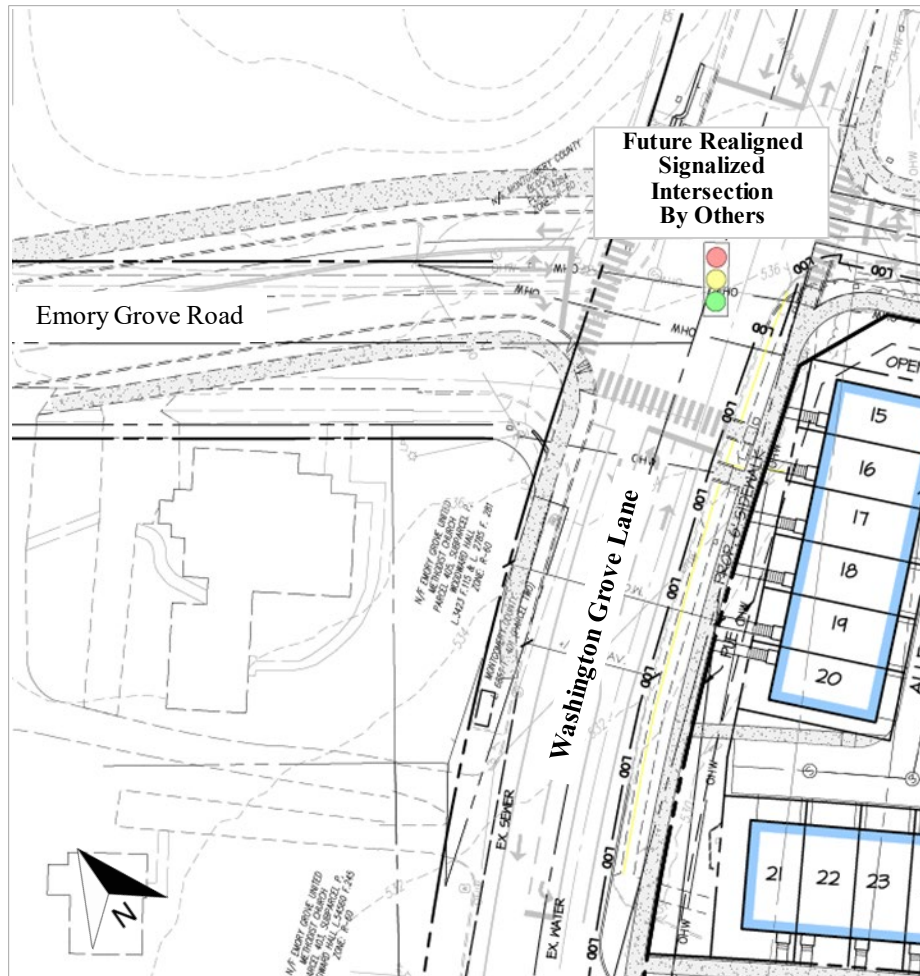


Figure 5: Location of Potential Washington Grove Lane and Emory Grove Road Intersection Realignment by Others

## 2. Frontage Improvements

- a. **Question/Issue:** The Property is bounded on all sides by rights-of-way (Midcounty Highway to the southwest, Washington Grove Lane to the northwest, Shady Spring Drive to the northeast, and an unnamed and unimproved strip of land<sup>3</sup>, considered as an undeveloped right-of-way, to the southeast). Frontage improvements proposed by the Project include: 1) new sidewalks along Washington Grove Lane and Shady Spring Drive; 2) the closing of one entrance along Washington Grove Lane; 3) the widening of an existing entrance along Washington Grove Lane; and 4) the addition of a new entrance on Shady Spring Drive (Figure 6). The Application is not proposing any frontage improvements along Midcounty Highway. The Applicants request that the

<sup>3</sup> The unnamed strip of land was established as a part of the 1914 Forest Grove Mineral Spring subdivision. Per the Applicant's Statement of Justification, MCDOT has advised the Applicants (email message dated October 28, 2024) that the unnamed, unimproved strip of land was not dedicated or petitioned in the records and is not maintained by the County.

Planning Board confirm the requirements for improvements to the Project's frontages.

- b. **Staff Response:** Planning Staff recommends support of the Applicants request for proposed frontage improvements. Staff concur with what is proposed in the Application and summarized above. Additionally, Staff evaluated what would be required on Midcounty Highway immediately east of Washington Grove Lane. The road is identified as a Boulevard with a 150-foot minimum right-of-way. The 2018 *Bicycle Master Plan* shows a future sidepath on the south side of the road, but there are no improvements identified on the north side (along the Property's frontage). Staff's interpretation is that there is no frontage improvement required at this location. Further, as a Boulevard classification per the 2024 *Complete Streets Design Guide* (CSDG), the road would need an eight-foot-wide (8 ft) street buffer (six-foot minimum (6 ft)) and an eleven-foot-wide (11 ft) sidewalk (eight-foot (8 ft) minimum). However, this would present a challenge in this location because Midcounty Highway is elevated along this segment. Also, a sidewalk in this location would not connect to anything to the east. Accordingly, the Application does not need to provide a sidewalk on their Midcounty Highway frontage due to the grade issues it would pose. Finally, the Applicants may seek an exemption to the Local Area Transportation Review (LATR) for proposing a Mixed-Income Housing Community, as defined in the Section 3.3.4.A of the Zoning Ordinance that includes a significant amount of affordable housing<sup>4</sup>. Furthermore, the Pre-Preliminary Plan notes that a Quiet Title action to obtain legal possession for the non-dedicated, non-named and non-maintained strip of land to the south of the Subject Property is in progress (area shown in Figure 7). If this strip of land comes under the ownership of the Applicant, additional improvements may be evaluated; however, at this time no additional frontage improvements were identified to be required at the time of future application.

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<sup>4</sup> No Site Plan is required for this application type.

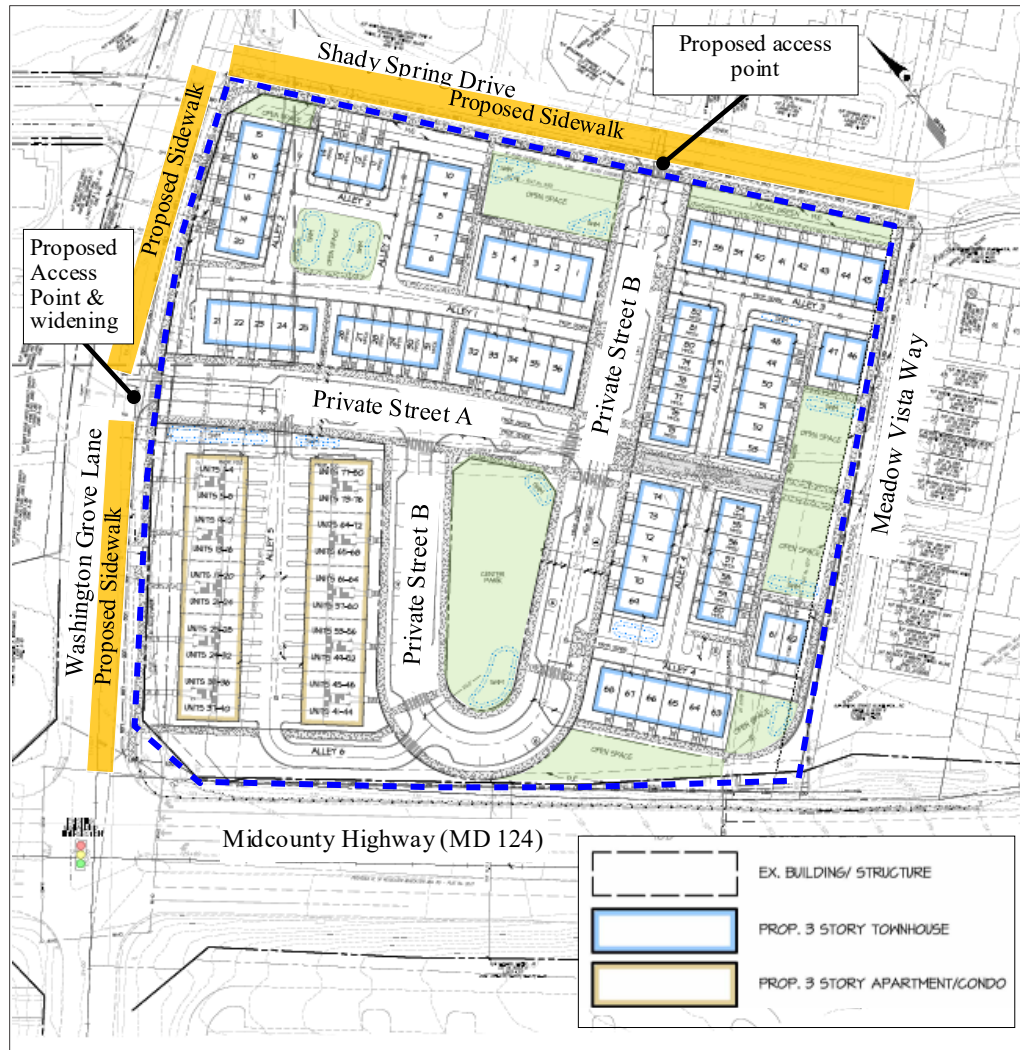


Figure 6: Applicants Proposed Frontage Improvements

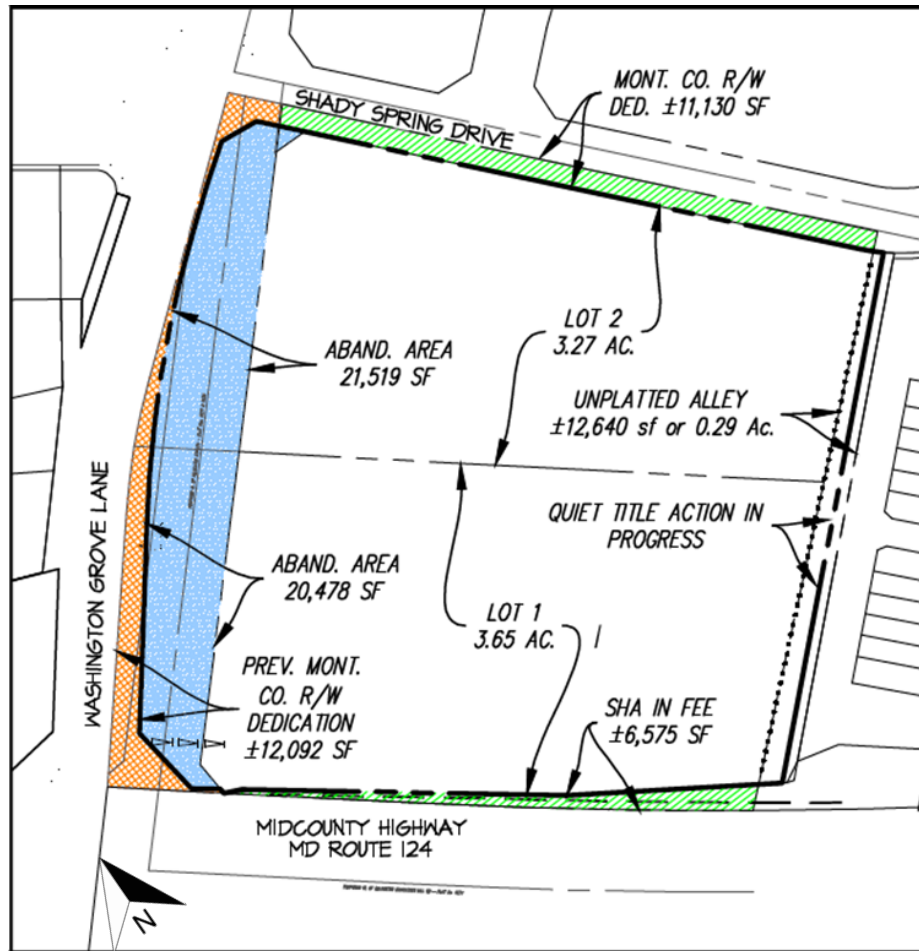


Figure 7: Proposed Abandonment Areas & Unplatted Area

### 3. General Layout and Design

- a. **Question/Issue:** The Applicants request feedback on the submitted Pre-Preliminary Plan concerning access points, road alignment, blocks and dwelling unit orientation, and any other design issues.
- b. **Staff Response:** Planning Staff recommend supporting the Applicants request. Planning Staff have shared design comments on the initial submission about the alley ring road wrapping around, the possibility of an eastern internal road connection, and the placement of open space. Planning Staff generally agree with the proposed Plan including massing and building heights across the Property, access points along frontages, internal road alignment of private roads, and block configuration. Staff made suggestions to improve circulation and efficient development and to focus on the design of the ground floor along internal streets and provide semi-public outdoor spaces such as patios, balconies, stoops, and porches. The Applicants re-submitted a site layout that incorporated some of Staff's layout and design suggestions (Figure 4). However, at the next application stage the Applicants must continue to coordinate with Staff on design and site development elements including but not limited to access and internal circulation for pedestrians, building relationship to open space,



view sheds for alleys, and landscape buffer along the Midcounty Highway frontage. Staff also recommends the use of on-site tree canopy dispersed strategically through the development site to provide shade and other physical health benefits to the residents. Finally, the final layout and design must accommodate MCDOT's requirements for sight distance and slope easements (free of improvements), to be reviewed at the time of Preliminary Plan.

#### 4. **Distribution of MPDUs Within the Community**

5. **Question/Issue:** All required 30% affordable townhouses (or twenty-five (25) units) are proposed to be constructed through Habitat for Humanity's self-help model. Due to this model, the 25 MPDUs would not be individually dispersed throughout the entire Site but are instead proposed to be provided within four (4) townhouse blocks (as highlighted in Figure 4)<sup>5</sup>. Providing the MPDUs within single buildings is necessary in order to convey lots to Habitat for Humanity and allow contractors to work on single buildings rather than portions of multiple buildings which is impractical. The Applicants request that the Planning Board confirm this arrangement of affordable units.

**Staff Response:** Planning Staff recommends support of the Applicants request. The Applicants submission illustrates that proposed MPDUs would be located within entire townhouse blocks – three (3) MPDU blocks are internal to the Site and one (1) fronts onto Shady Spring Drive (Figure 4). Generally, there has been a focus on even and equitable distribution and a shift away from entire residential blocks of MPDUs. However, given the nature of this construction model, Planning Staff supports the Applicants site design request to enable the self-sufficiency home-building program to construct deeply affordable housing units. It is recommended that the Applicant continue to coordinate with DHCA on the unique needs and program model for Habitat for Humanity concerning the construction of townhouse blocks and other housing requirements for multifamily unit subdivisions such as the bedroom mix of the MPDUs must match the bedroom mix of the market-rate units.

### SUBDIVISION FINDINGS

The Pre-Preliminary Plan proposes to create residential lots for one hundred and sixty-two (162) residential units and provide 30% MPDUs. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

1. ***The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and***

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<sup>5</sup> Unlike the proposal for the townhouse MPDUs, the required MPDUs for the apartment buildings will be dispersed.

***the type of development or use contemplated and the applicable requirements of Chapter 59.***

The subdivision is located at the intersection of three (3) existing roadways and notable grade change along the southernmost boundary. The proposed Pre-Preliminary Plan takes into account the existing orientation of the Property, existing access points, and surrounding properties to order to provide an adequate size, width, shape, and orientation of new lots while also providing for new access points. The proposed density of the lots in the Proposal complies with permissible limits of the zoning district.

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

The Pre-Preliminary Plan proposes to create one hundred and sixty-two (162) buildable lots for residential uses and open space parcels. The Pre-Preliminary Plan meets the dimensional requirements for the Residential Multi Unit Low Density-30 (R-30) zone as specified in the Zoning Ordinance and as shown in Table 1 below, in relation to maximum density, height, and minimum open space. Additionally, the Application must provide the minimum required amount of parking spaces for residents and visitors. The final number, configuration, and location of parking spaces will be approved with the future application based on the final number of residential dwelling units.

Related to block design, Section 50.4.3.B.1.a. of the Zoning Code states that: the length of a residential block must be compatible with existing development patterns and the land use goals for the area of the subdivision. The maximum length of a block is 1,600 feet. The longest block proposed, Private Street B, is less than 1,600 feet; therefore, the Plan complies. Further, per Section 50.4.3.B.1.b., “Blocks must be designed with sufficient width to provide 2 tiers of lots....”. Overall, the proposed block and lot design is appropriate for the development and residential uses contemplated. The Pre-Preliminary Plan also proposes providing the required adequate open areas.

Table 1: Emory Grove Village Pre-Preliminary Plan Data Table

Development Standard	Permitted/ Required	Proposed
<b>Tract Area</b>	n/a	374,538 sq. ft. (8.59 ac.)
Prior Dedication	n/a	23,222 sq. ft. (0.53 ac.)
Proposed Dedication	n/a	N/A
<b>Site Area</b>	n/a	351,316 sq. ft. (8.06 ac.)
<b>Density</b>	20.22 DU/ac.	20.17 DU/ac.
<b>Minimum Lot Area</b>	800 sq. ft. (townhouses) 1,200 sq.ft. (multifamily)	800 sq. ft. (townhouses) 1,200 sq.ft. (multifamily)
<b>Minimum Lot Width</b>	Determined at Site Plan	16 ft. (townhouses) 255 ft. (multifamily)
<b>Maximum Lot Coverage</b>	30%	24.5%
<b>Building Height</b>	45 feet	45 feet
<b>Principle Building setbacks</b>		
Front – public street	Determined at Site Plan or MIHC Plan*	10 ft. (townhouses) TBD (multifamily)
Front – private street or open space	Determined at Site Plan or MIHC Plan*	4 ft. (townhouses) TBD (multifamily)
Side	Determined at Site Plan or MIHC Plan*	TBD (townhouses) TBD (multifamily)
Rear	Determined at Site Plan or MIHC Plan*	4 ft. (townhouses) N/A (multifamily)
<b>MPDUs</b>	30%	30%
<b>Site Plan Required**</b>	Yes	Yes, future submission

\*MIHC Plan – Mixed-Income Housing Community Plan

\*\*A Site Plan is required if the subsequent application is not a MIHC Plan.

## 2. The Pre-Preliminary Plan substantially conforms to the Master Plan.

The Pre-Preliminary Plan substantially conforms to the recommendations within the 1996 *Gaithersburg Vicinity– Shady Grove Master Plan Amendment* (“Amendment”, “1996 Amendment”, or “Master Plan Amendment”). The recommended changes in the 1996 Master Plan Amendment primarily affected three other master plans which include the 1990 *Shady Grove Study Area Master Plan*, the 1985 *Gaithersburg Vicinity Master Plan* (“1985 Plan”), and the 1977 *Sector Plan for the Shady Grove Transit Station Area*. The 1996 Amendment primarily focused on transitways and necessary road re-alignments to support those transitway recommendations. The proposed Project does not encompass any recommended improvements identified in the Master Plan Amendment.

Further, no changes to master plan land use or zoning recommendations were included in the 1996 *Gaithersburg Vicinity– Shady Grove Master Plan Amendment*. The 1996 Amendment confirmed the land use and zoning recommendations of the previously adopted master plans. More specifically, the 1985 Plan was an amendment to the 1971 *Gaithersburg Vicinity Master Plan* which modified the 1960 *Gaithersburg-Rockville Master Plan* by implementing an Urban Renewal Plan over a major portion of Emory Grove. The 1985 Plan’s land use

recommendations reflected the existing development pattern that was the result of Urban Renewal projects. The 1985 *Gaithersburg Vicinity Master Plan* recommended High-Density Residential for the Subject Property with 8 to 15 units per acre. The R-30 zone has a base density of 14.5 dwelling units per acre. Further, the Master Plan recommended R-30 zoning for Emory Grove (Lot 1) and R-60 for Camp Hill (Lot 2). Lot 2 was subsequently rezoned to R-30 via Map Amendment G-502 and confirmed in Sectional Map Amendment G-956. Therefore, the proposed Project is consistent with the land use and density recommendations of this 1985 Plan.

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

**a) *Roads and other Transportation Facilities***

**i. *Existing facilities***

The Subject Property was subject to prior dedications. The current Application does not include additional land for dedication. There is limited pedestrian and bicycle infrastructure within the immediate area. There is an existing bus stop along Washington Grove Lane that the Project proposes to relocate due to the new access point. The final bus stop location must have adequate justification, provide an ADA-compliant bus pad, and be approved by MCDOT.

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

The Subject Property is surrounded on all sides by rights-of-way. Based on the *Countywide Master Plan of Highways and Transitways*, no additional right-of-way is required from the Application. The Project proposes adding and eliminating some access points to the Property. More specifically, the Project proposes to remove the existing access points and create new access points along Washington Grove Lane and Shady Spring Drive. These frontage improvements have been requested by the Applicants for the Planning Board's consideration under this Pre-Preliminary Plan.

**iii. *Proposed private transportation infrastructure***

The Applicant proposes to provide private roads and alleys interior to the Property. The proposed roads will have adequate widths, on-street parking, and required sidewalks in order to meet public road standards of Chapter 49 of the County Code.

As previously noted, the Application seeks approval of two (2) waivers from the Subdivision Regulations associated with the proposed transportation infrastructure, to be reconfirmed at the time of Preliminary Plan, for relief associated with the requirements for 1) private road construction (proposed Street A and Street B); and 2) for private road standards (reduced centerline radius for proposed Private Street B).

The first waiver request for private road construction is sought by the Application for proposed Private Street A and Private Street B that both function as Neighborhood Streets. This request is because proposed Street A and Street B only provide internal circulation to the development and neither of the streets proposes essential circulation or connectivity to neighboring properties. Street A is accessed from Washington Grove Lane to the northwest, but does not connect to the southeast, and proposed Street B is an internal loop road for direct access to dwelling units. Per Section 50.4.3.E.4.d.vii (a) & (b) of the County Code, a Neighborhood Street and/or Neighborhood Yield Street may only be a private road when it: connects to no more than one higher classification road and the road does not need to be extended onto adjacent property to facilitate a future subdivision of land, or when it has a cul-de-sac less than 500 feet in length. The proposed private roads, Streets A and B (shown in Figure 4), meet these criteria requirement per Section 50.4.3.E.4.a. for designating private roads. Planning Staff supports the justification for this waiver. However, this waiver cannot be approved at this time due to MCDOT's future evaluation of the access points and required sight distances associated with these private roads (see agency letter in Attachment B). The Applicant shall provide this information with the Preliminary Plan.

For the second waiver, the Applicant's design proposes a centerline radius of 63 feet for the horizontal alignment instead of the minimum 100 feet that is required for Neighborhood Streets (per Section 50.4.3.E.2.g.iii of the County Code). The request for the 37-foot reduction is to accommodate proposed Private Street B so that on-street parking and access can be provided on both sides of the centrally located open space, as supported by Planning Staff. However, this waiver cannot be approved at this time. While MCDOT does not approve the centerline radius, the agency will however need to approve the required sight distances and landing grades associated with this road (see agency letter in Attachment B). The Applicant shall provide this information with the Preliminary Plan.

In summary, the proposed two (2) transportation-related waiver requests all meet Section 50.9.3 of the County Code which enumerates the required findings for the Planning Board to approve a subdivision waiver, subject to the associated necessary review of MCDOT. Each request is due to the practical difficulty and unusual circumstances presented by the existing nature of the Subject Property which is an infill site. Moreover, the requested ownership and the centerline radius are the minimum necessary to provide relief from the requirements and still meets the intent of the associated Code requirement. Finally, Planning Staff concurs that the requested waivers are consistent with the purposes and objectives of the *Thrive Montgomery 2050* General Plan which supports the provision of a variety of housing options to meet the future needs of the county. As outlined in the MCDOT letter (Attachment B),



these roadway waivers cannot be approved with the Pre-Preliminary Plan due to the remaining information needed at the time of Preliminary Plan for review including sight distance, landing grades, and truck turning templates. Therefore, the Planning Staff recommends the Planning Board's support of the Applicants future pursuit of the two (2) above noted subdivision waivers.

Additionally, the Applicant requests the Board's favorable finding for reduction of the proposed intersection of proposed Street B with existing Shady Spring Drive which is located approximately 150 feet south of Shady Spring Drive's intersection with Cottonwood Terrace. This is shorter in length than the 200 feet minimum requirement between public road intersections accessing residential streets. Per Section 50.4.3.E.2.f.ii of the County Code, "When the Board finds that a greater or lesser distance is appropriate, the Board may specify a greater or lesser distance than otherwise required after considering the recommendation of the transportation agency responsible for maintaining the road." This request for a shorter distance is necessary to provide logical and usable block sizes within the existing boundaries of the Subject Property and with respect to surrounding existing conditions. If Street B was to align with Cottonwood Terrace, the two blocks created would be unusual sizes, one too short and one too long, resulting in inefficient block and lot design. If the requested 150-foot separation is applied, the new block and lot design is more functional. Planning Staff supports the justification for this request and that the Board supports the lesser intersection distance. However, this request cannot be approved at this time due to the pending MCDOT evaluation of the required sight distances associated with this road (see agency letter in Attachment B) at the time of Preliminary Plan. The Applicant shall provide this information with the Preliminary Plan.

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

The Planning Board's 2024-2028 *Growth and Infrastructure Policy* (GIP) requires a transportation impact study for any project that is estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours. A Transportation Exemption Statement or Traffic Impact Statement will be submitted with the Preliminary Plan submittal. The latter, if required, will provide adequacy analysis for bus, vehicular, bicycle, and pedestrian systems based on the additional trips generated by the Project. Under the GIP, the Project's proposed MPDUs will be exempt from Transportation Mitigation Payments (TMP) as well as development impact taxes. The Applicants may seek an exemption from the Local Area Transportation Review (LATR) for proposing a Mixed-Income Housing Community, as defined in Section 3.3.4.A of the Zoning Ordinance, which provides a significant amount of affordable housing. Notwithstanding the LATR

exemption, proposed frontage improvements as shown in the Pre-Preliminary Plan will be required.

**c) Schools**

The future Preliminary Plan for the Subject Property is expected to meet the needs of school facilities under the updated FY2025 Annual School Test. For residential projects, the estimated number of students generated must not exceed the adequacy ceilings identified for each applicable neighborhood school otherwise a Utilization Premium Payment (UPP) will be required. An Annual School Test will be conducted at the time of the Preliminary Plan.

**d) Other Public Facilities and Services**

The Property is served by public water and sewer which will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, 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.

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

The future Preliminary Plan Application must satisfy all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and must comply with the Montgomery County Planning Department's Environmental Guidelines.

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

At the time of Preliminary Plan, the Applicant must submit to DPS a Stormwater Management Concept that outlines a proposed plan to meet required stormwater management goals. Stormwater management facilities are conceptually shown on the Pre-Preliminary Plan as micro-bioretenention bio-swales, dry-wells, and pervious paving.

**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.**

Not applicable to this Property.

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

Waiver for Preliminary Plan Submission

As noted under the Project Description in Section 2 herein, the Applicant is required to file a Preliminary Plan Application within 90 days of the Pre-Preliminary Plan decision per Section 50.5.2.c.3.a of the Subdivision Regulations. Instead of the required 90-days, the Applicant requests a waiver to allow a Preliminary Plan submission deadline of 180 days in order to preserve the validity of the advice given by the Planning Board in the Pre-Preliminary Plan. Section 50.9.3 of the County Code enumerates the required findings for the Planning Board to approve a subdivision waiver. This request is due to the practical difficulty and unusual circumstances presented by the nature of the Proposal. In addition to the usual engineering work due to the limitations of infill development and pre-submission outreach in preparing the Preliminary Plan and Site Plan, the Applicant needs additional time to reconcile the design elements and architecture of the builders with the architecture of the MPDUs (to be provided entirely by Habitat for Humanity), in order to still be able to deliver the high level of affordable units with consistent design relationships that unifies the community. Moreover, the requested 180-days is the minimum necessary to provide relief from the requirements and still meets the intent of the associated Code requirement. Planning Staff concurs that this requested waiver maintains the purposes and objectives of the General Plan which supports the provision of a variety of housing options. Planning Staff recommends the Planning Board's approval of this waiver. The requested extension of time to submit a subsequent Preliminary Plan is reflected in the conditions of approval.

## SECTION 6: CONCLUSION

Staff recommends that the Planning Board approve this Pre-Preliminary Application and allow it to proceed as a subdivision and with the requested waiver for the extended submission time to submit a subsequent Preliminary Plan. The residential lots proposed under this Application meet all the requirements under Section 50 of the Subdivision Regulations and are of the appropriate size, shape, width, and orientation to accommodate the proposed residential community. The Application complies with the 1996 *Gaithersburg Vicinity– Shady Grove Master Plan Amendment* and prior Master Plans.

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### ATTACHMENTS

*Attachment A: Pre-Preliminary Plan*

*Attachment B: Agency Letters*

*Attachment C: Owner's Authorization*



# Attachment A

## EMORY GROVE VILLAGE PRE-PRELIMINARY PLAN No. 720250010

### SITE DATA

Gross Tract Area:	8.54 Ac. or 374,538 SF
Parcel N542 (Lot 1):	3.65 Ac. or 159,094 SF
Parcel N485 (Lot 2):	3.27 Ac. or 142,544 SF
ROW Abandonment:	0.16 Ac. or 4,941 SF
Un-named Alley Parcel:	0.18 Ac. or 7,711 SF
Previous Dedication:	0.58 Ac. or 25,222 SF
Net Tract Area (Usable Area):	8.06 Ac. or 351,316 SF
Existing Zoning:	R-30 (Residential Multi-Unit Low Density)
Existing Use:	Multi-Family (N485) & Vacant (N542)
Proposed Use:	Multi-Family (5FA (Townhouses))
Proposed Development Type:	MPDU Optional Method (30% MPDUs)
Development Program:	Two (2) Phases

### DEVELOPMENT STANDARDS: R-30 Zone (Residential Multi-Unit Low Density)

Per Zoning Text Amendment No. 22-07, Effective October 31, 2022

Development Standards: Allowed/Required Proposed

Density: (Standard Method)

Townhouse & Apartments: 16 DU (14.50 DU/Ac.) (8.06 Ac. X 14.5 DU/Ac. = 116 DU) N/A

Density: (Optional Method)

Townhouse & Apartments: 163 DU (20.22 DU/Ac.) (8.06 Ac. X 14.50 DU/Ac. X 1.4=163 DU) 162 DU (20.11 DU/Ac.) (222,240 SF)

MPDUs: 12.5% 49 DU (30.24%) 25 Townhouses 24 Apartments/Condo

Min. Site Area (Usable Area): 0.21 Ac. min. (11,700 SF) 8.06 Ac.

Open Space (Common Open Space): 25% min. (% of Usable Area) 81,421 SF (25% min)\*

Site Coverage (max): Townhouses & Apartments: 30% max. (with PB Approval) 81,433 SF (24.5%)\*

Lot Area (min): Townhouses: 800 SF min. 834 SF min. Apartments: 12,000 SF min. 48,145 SF

Lot Width at Front Building Line: Townhouses: TBD - Site Plan 16' min. Apartments: TBD - Site Plan 25' min.

Lot Width at Front Lot Line: Townhouses: 14' min. 16' min. Apartments: 50' min. 25' min.

Frontage on Street or Open Space: Townhouses: Required 45' max.\* Apartments: Required 45' max.\*

Lot Coverage: N/A N/A

Building Height (Section 4.4.14.C.4.a) Principal Building (Townhouses): 45' max.\* 45' max.\* Principal Building (Apartments): 45' max.\*

Accessory Structure: 25' max. 25' max.

\* Option Method with a minimum of 30% MPDUs

Principal Building Setbacks (min.): Allowed/Required Provided

Front Setback from Public Street: Townhouses: 10' min. 10' min. Apartments: TBD - Site Plan

Front Setback from Private Street or Open Space: Townhouses: 4' min. 4' min. Apartments: TBD - Site Plan

Side Street Setback: Townhouses: 5' min. 5' min. Apartments: TBD - Site Plan

Side or Rear Setback: Townhouses: TBD - Site Plan 2' min. Apartments: TBD - Site Plan 5' min.

Rear Setback (Alley): Townhouses: 4' min. 4' min. Apartments: N/A N/A

Parking: Allowed/Required Provided

Parking Required (min.): Townhouses: 134 Sp. min. 134 Spaces

Market Rate: (51 DU X 2 Sp/DU = 102 Sp.) 25 DU X 2 Sp/DU X 5 = 25 Sp.)

MPDU: (40 DU X 1.25 Sp/DU = 50 Sp.) (20 DU X 1.25 Sp/DU X 5 = 13 Sp.)

Market Rate: (16 DU X 1.5 Sp/DU = 24 Sp.) (4 DU X 1.5 Sp/DU X 5 = 3 Sp.)

MPDU: (4 DU X 1.5 Sp/DU X 5 = 3 Sp.) 236 Spaces min.

Parking Provided: Townhouses (Garage): 40 Spaces

Market Rate (51 X 2 Sp/DU = 102 Sp.) 40 Spaces

MPDU (25 X 1 Sp/DU = 25 Sp.) 40 Spaces

Apartments (Garage): 55 Spaces

Apartments (Driveway): 214 Space

On-Street (Private): 214 Space

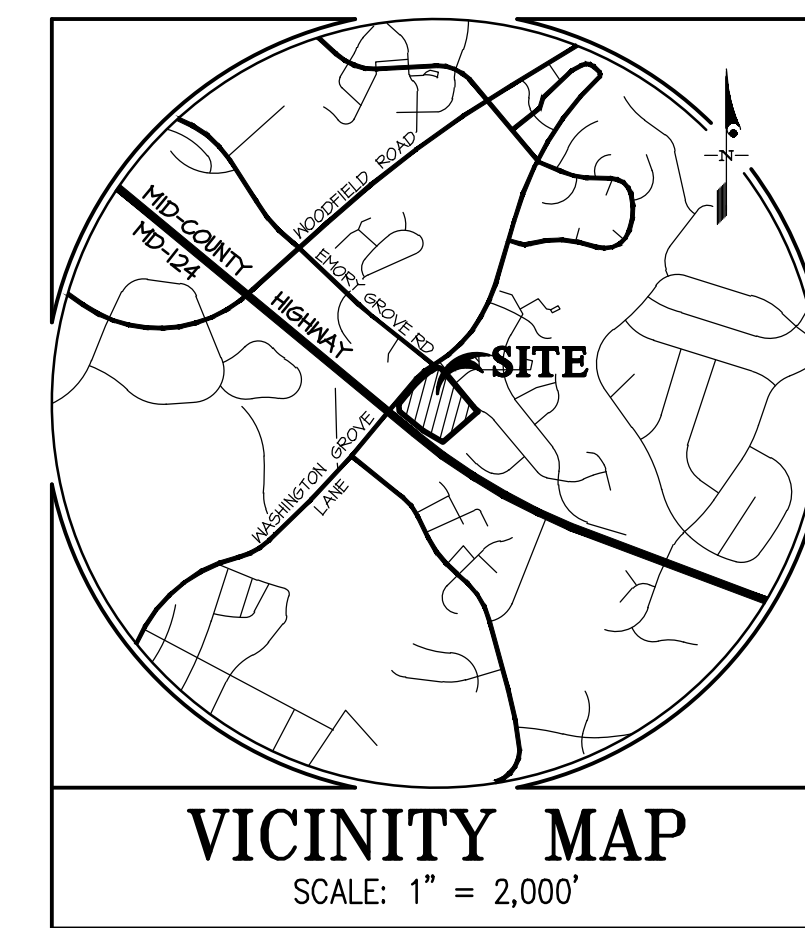
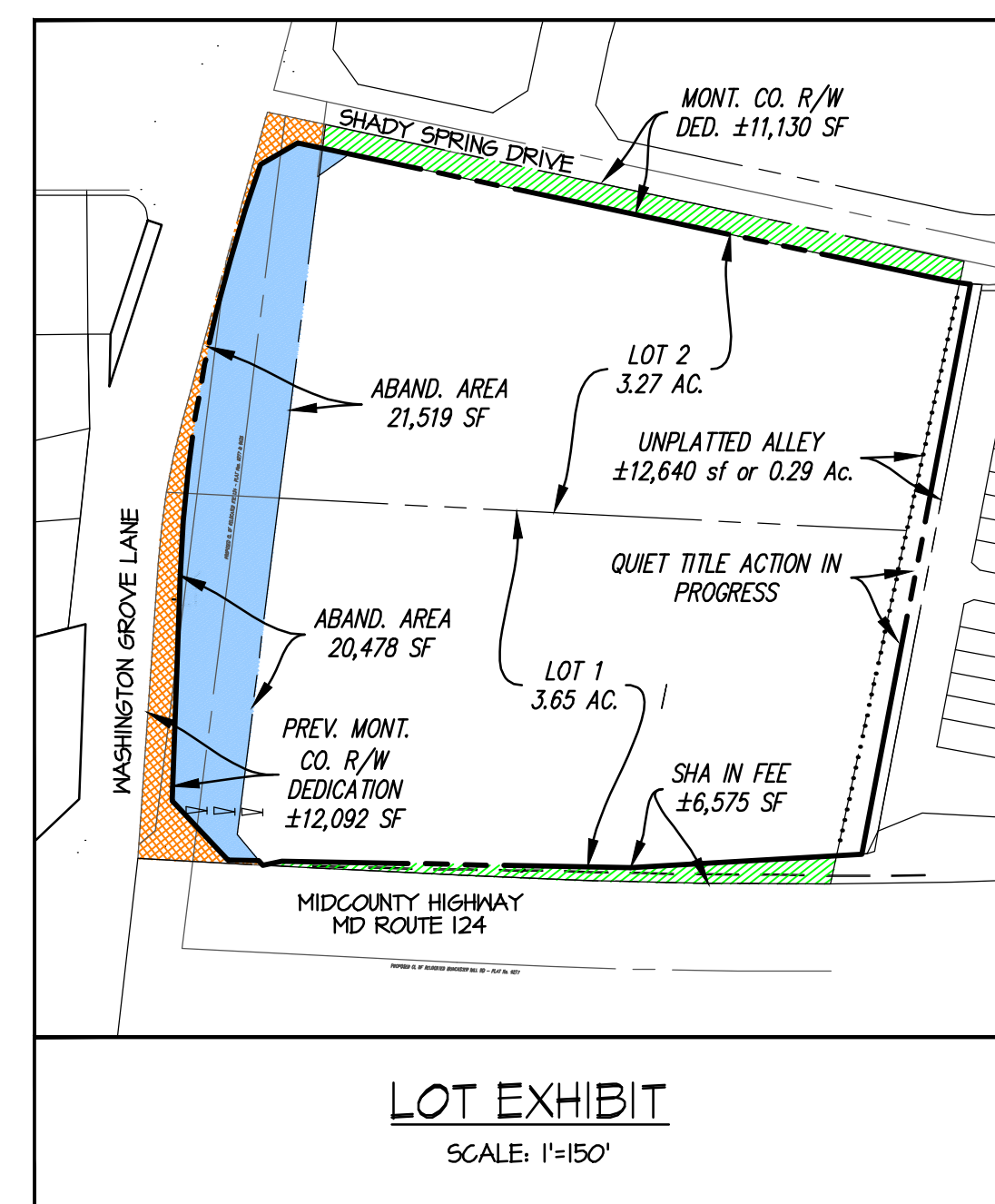
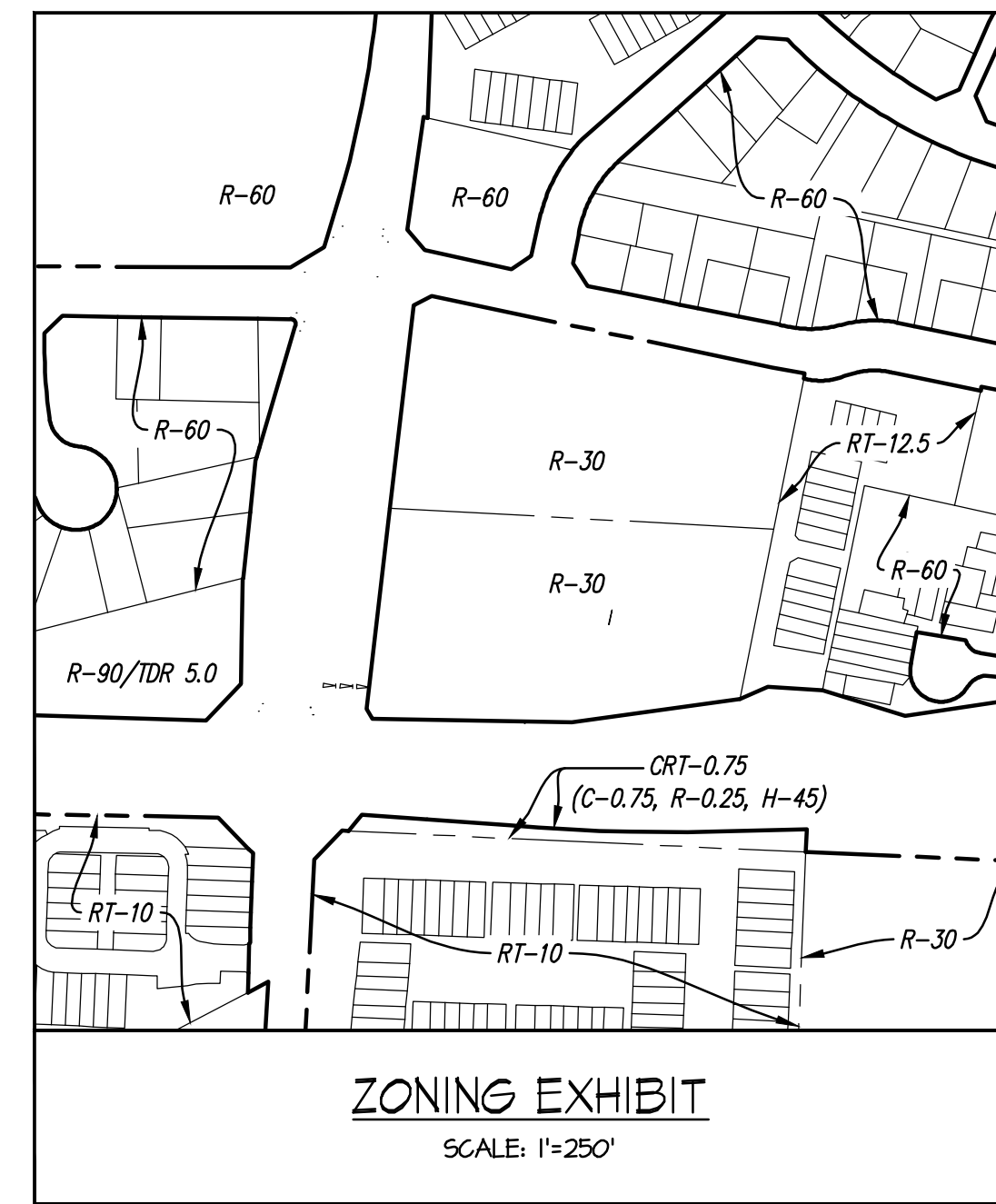
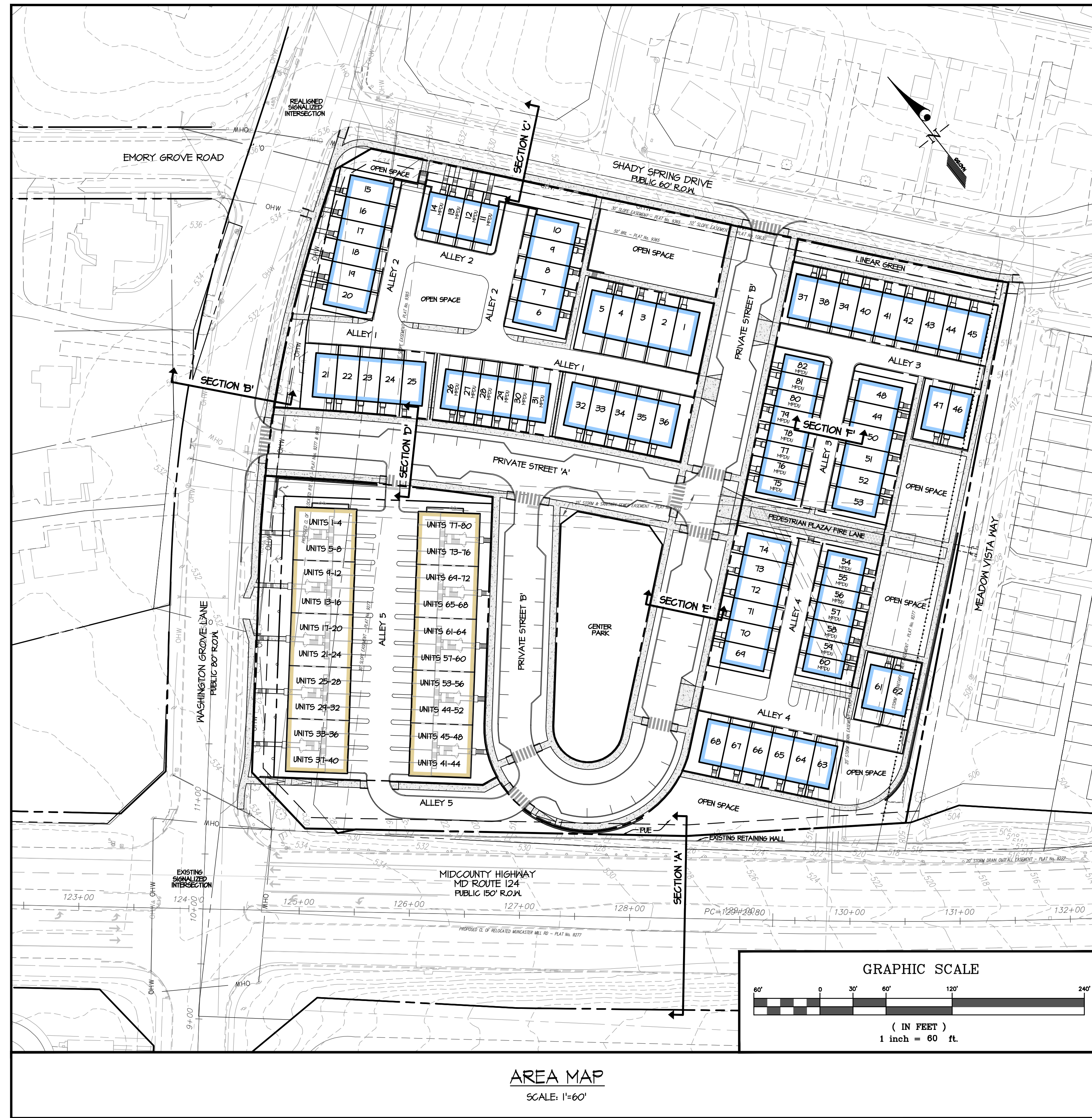
Total Parking Provided: 214 Space

Bicycle Parking: Multi-unit Living: 28 Sp. min. (0.35 Sp./ DU) 28 Sp.

Long Term: (80 DU X 0.35 Sp./ DU = 28 Sp.) 21 Sp. (Indoor)

Short Term: 1 Sp. (5%) 2 Sp. (Outdoor)

Total Bicycle Spaces: 28 Sp. min. 21 Sp.

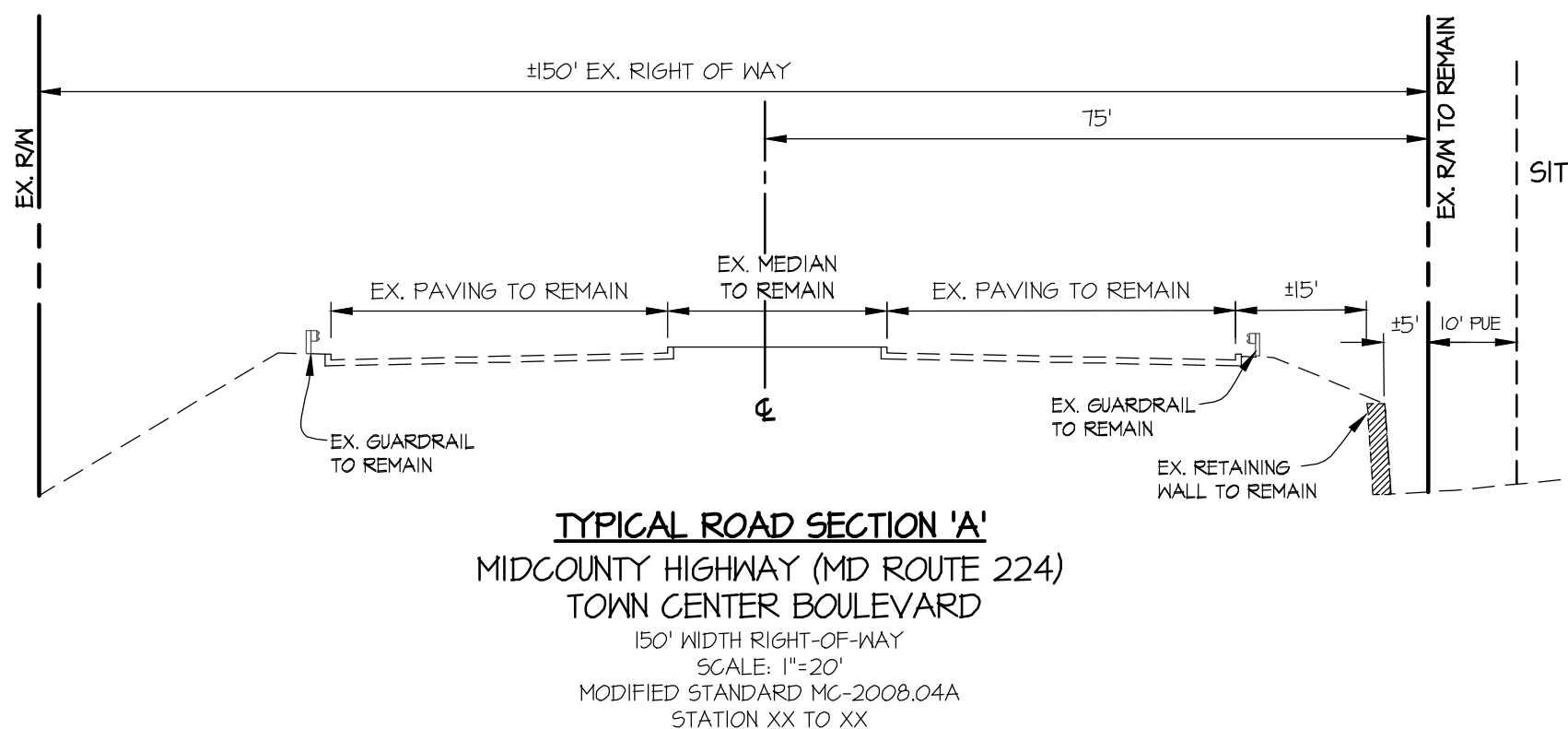


### LEGEND

EX. PROPERTY LINE	EX. PROPERTY LINE
EX. TREELINE	EX. TREELINE
STEEP SLOPES GREATER THAN 25%	STEEP SLOPES GREATER THAN 25%
EX. CONTOURS	EX. CONTOURS
EX. CURB	EX. CURB
EX. SIDEWALK	EX. SIDEWALK
EX. CURB	EX. CURB
EX. ELECTRIC	EX. ELECTRIC
EX. GAS	EX. GAS
EX. SEWER	EX. SEWER
EX. WATER	EX. WATER
EX. STORM DRAIN	EX. STORM DRAIN
EX. FENCE	EX. FENCE
EX. CONTOURS	EX. CONTOURS
PROP. CONTOURS	PROP. CONTOURS
EX. CURB	EX. CURB
EX. SIDEWALK	EX. SIDEWALK
PROP. SIDEWALK	PROP. SIDEWALK
PROP. SEWER	PROP. SEWER
PROP. WATER	PROP. WATER
PROP. STORM DRAIN	PROP. STORM DRAIN
PROP. LOD	PROP. LOD
MAILED SOILS	MAILED SOILS
BOUNDARY LINE	BOUNDARY LINE
EX. BUILDING/STRUCTURE	EX. BUILDING/STRUCTURE
PROP. 3 STORY TOWNHOUSE	PROP. 3 STORY TOWNHOUSE
PROP. 3 STORY APARTMENT/CONDO	PROP. 3 STORY APARTMENT/CONDO
EX. UTILITY POLE	EX. UTILITY POLE
EX. LIGHT	EX. LIGHT

### GENERAL NOTES

1. Applicant: Haley Development, LLC, 3405 National Drive, Suite 105, Burtonsville, MD 20866
2. Owner & Co-applicant: Housing Opportunities Commission of Montgomery County, 10400 Detrick Avenue, Kensington, MD 20845
3. Site Address: 17825 Washington Grove Lane, Gaithersburg, MD 20874
4. Parcel N485 (P2) Tax ID No. 04-00167010 (L. 4020 F.383) Parcel N542 (P1) Tax ID No. 04-0011502 (L. 3410 F.828)
5. Watershed: Upper Rock Creek (02140206)
6. Boundary Survey: GLN 2024
7. Topography: GLN 2024
8. NR/ FSD: GLN 2024 Plan No. 420242710 Approved on 9/6/2024.
9. Master Plan: Gaithersburg Vicinity Master Plan
10. Existing Water and Sewer Service Category: Water Category: W-1 Sewer Category: S-1 Gas - Washington Gas Electric - Pepco Water & Sewer - HESG Telephone - Verizon Cable - Comcast
21. There is no floodplain onsite per FEMA Map #2403C0145D (Effective date 9/29/2006).
22. There are no Perennial/Intermittent Streams, Wetlands and/or Environmental Buffers onsite.
23. This site is not located within a Special Protection Area.
24. There are no known Rare, Threatened or Endangered Species on site.
25. The subject property does not contain a Historic Site.
26. There are no known County Champion Trees located on or Adjacent to the site as per the 2021-2022 Publication of Champion Trees in Montgomery County, Maryland.
27. All private streets to be built to Tertiary Roadway structural standards at a minimum.
28. Future realigned Washington Grove Lane and Shady Spring Drive Intersection to be built at a future date by others and is shown for informational purposes only.



### TYPICAL ROAD SECTION B'

WASHINGTON GROVE LANE NEIGHBORHOOD CONNECTOR

10' WIDTH RIGHT-OF-WAY

SCALE: 1"=20'

MODIFIED STANDARD MC-2002.02

STATION XX TO XX

### TYPICAL ROAD SECTION C'

SHADY SPRING DRIVE NEIGHBORHOOD STREET

60' WIDTH RIGHT-OF-WAY

SCALE: 1"=20'

MODIFIED STANDARD MC-2002.02

STATION XX TO XX

### TYPICAL PRIVATE ROAD SECTION D' & E'

NEIGHBORHOOD STREET

62' WIDTH RIGHT-OF-WAY

SCALE: 1"=20'

MODIFIED STANDARD MC-2002.02

STATION XX TO XX

### TYPICAL SECTION F'

PRIVATE ALLEYS

RIGHT-OF-WAY WIDTH VARIES

SCALE: 1"=20'

STATION XX TO XX

### PROFESSIONAL CERTIFICATION

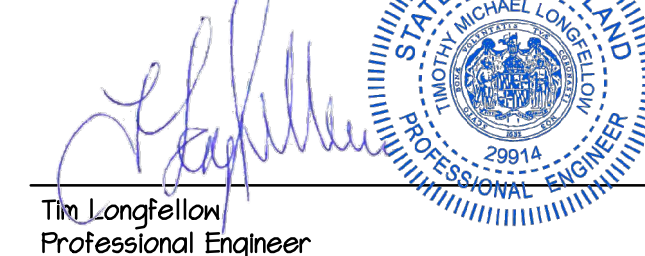
I hereby certify that to the best of my knowledge, information and belief that the plan shown hereon is true and correct; has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland; and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No.: 29914

Expiration Date: January 20, 2026

February 12, 2025

Date



Pre-Preliminary Plan No. 720250010



# ATTACHMENT B



## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

Scott Bruton  
*Director*

### MEMORANDUM

May 22, 2025

To: Tamika Graham, AICP  
Planner III, Midcounty Planning Division  
Montgomery County Planning Department  
2425 Reedie Dr., 14<sup>th</sup> Floor  
Wheaton, MD 20902

From: Adrian Hopson, MPA  
Planner III, DHCA Affordable Housing Division  
1401 Rockville Pike, 4<sup>th</sup> Floor  
Rockville, MD 20852

Subject: Emory Grove Village  
Pre-Preliminary Plan No. 720250010

Dear Ms. Graham,

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above-referenced plan and confirms its agreement with the recommended method of building the 25 townhomes to maintain the relationship with Habitat for Humanity and to allow the phasing of the MPDUs buildings to be aligned with the production of the market rate units.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrian Hopson", is written over a light blue horizontal line.

Adrian Hopson, Planning Specialist III  
Affordable Housing Programs Section

*Affordable Housing*

**Division of Housing**  
*Landlord Tenant Affairs*

*Multifamily Housing*

---

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



April 14, 2025

720250010-Emory Grove Village

MCDOT Reviewer: Deepak Somarajan

MNCPPC Reviewer: Tamika Graham

[deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov)

240-777-2194

**We will not be preparing a formal letter for this preliminary plan in an effort to improve our responsiveness and streamline development reviews. These comments reflect MCDOT's official comments on it.**

### **Pre-Preliminary Plan Comments:**

Please see below the responses to the questions as part of the pre-preliminary plan:

1. Washington Grove Lane/Emory Grove Road/Shady Spring Drive Intersection:

We agree with the alignment which was agreed upon as shown in the concept plan 03-CNCPT-520230260. The applicant will not be responsible for realigning the intersection.

Also, a slope easement should be provided along the frontage, and its limits should be studied and shown as part of the preliminary plan. No proposed improvements should be within the slope easements.

2. Frontage Improvements: The frontage improvements along Washington Grove and Shady Spring Road are the applicant's responsibility and will be finalized at the preliminary plan stage.

The following right-of-way (ROW) width should be met as shown in the roadway cross-section:

- Washington Grove: 80 ft.
- Shady Spring Drive: 60-ft.
- Mid County Highway: 150-ft

The public roadway cross-section should include a minimum 6-ft buffer and a 6-ft sidewalk.

3. General Layout and Design: The layout generally agrees with the proposed access on public streets. However, to approve the proposed access locations on public roads, we need sight distance information and truck turning templates at the preliminary plan stage. If necessary, the layout may have to be modified to meet the sight distance requirements.

4. Private Streets:

- a. Provide written justification for the proposed private streets per Chapter 50.
- b. The private streets "A" and "B" intersections with Washington Grove Lane and Shady Spring Drive will be finalized only at the preliminary plan stage as we need the following additional information:
  - i. The private street intersection with the public street should show landing grades with the roadway profiles.
  - ii. The sight distance requirements have to be met.

### **General Comments:**

1. No steps, stoops, or retaining walls for the development are allowed in the County right-of-way or in any easements. No door swings into the county ROW.
2. Existing bus stops on Washington Grove Lane must be maintained during the construction phase. The applicant has to provide justification for the relocation of the existing bus stop. The proposed bus stop location, as shown, should include a bus shelter and ADA-compliant pad if approved by

MCDOT. At or before the permit stage, please coordinate with Mr. Wayne Miller of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Mr. Miller may be contacted at [Wayne.Miller2@montgomerycountymd.gov](mailto:Wayne.Miller2@montgomerycountymd.gov) or at 240 777-5836.

3. Show pavement width and existing right-of-way width on the plan.
4. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, etc.).
5. Submit a storm drain study if any portion of the subject site drains to the Montgomery County public storm drain system. MDSHA approval is required for the portion of the site draining to the public storm drain system maintained by MDSHA.
6. The applicant will need to submit an unconditional Sight Distances Evaluation certification form, for the existing and proposed driveway(s), which should be clear of any existing or proposed obstructions within the line of sight (tree trimming and/or removal, relocation of existing utility pole, removal of street parking etc.) to achieve a minimum sight distance in each direction.
7. Pay the Montgomery County Department of Transportation plan review fee in accordance with Montgomery County Council Resolution 16-405 and Executive Regulation 28-06 AM ("Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents").
8. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat.
9. Forest Conservation Easements are **NOT ALLOWED** to overlap any easement.

# ATTACHMENT C



## OWNER AUTHORIZATION FORM



Plan Name:

Plan Type:

Plan Number:

### OWNER AUTHORIZATION STATEMENT

I, , the owner of the Subject Property  
Property Owner

located at    
Property Address Property City and State

according to Maryland Tax Records, hereby authorize

, the listed Owner's Representative on  
Owner's Representative

the submitted Application Form, to submit the Subject Application  
on my behalf.

Signature:  Date:

Representative for:   
Ownership Entity, if applicable

## AGENCY AUTHORIZATION

THIS AGENCY AUTHORIZATION ("Agency Authorization") is by and between MONTGOMERY COUNTY, MARYLAND ("County") and the HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY ("HOC" or the "Applicant").

### RECITALS:

A. The Applicant contends that the County owns or controls two parcels of real property located in Gaithersburg, Maryland which the Applicant further contends make up parts of the Washington Grove Lane Right of Way. It is contended by the Applicant that Part 1 of the Washington Grove Lane Right of Way was dedicated to the County by Plat Nos. 9277, and 9635, recorded among the Land Records of Montgomery County, Maryland ("Part 1"). It is further contended by the Applicant that Part 2 of the Washington Grove Lane Right of Way is former roadbed for Washington Grove Lane ("Part 2"). Part 1 and Part 2 collectively contain a total of 59,772 square feet of land, more or less (the "County Property"), as depicted on the Applicant's Abandonment Plan (the "Abandonment Plan"), attached hereto and incorporated herein as Exhibit A.

B. The County Property is adjacent to several parcels of land owned by HOC and Emory Grove United Methodist Church. Part 1 and Part 2 of the County Property are identified, respectively, as Area # 1 and Area # 2 on the Abandonment Plan, upon part of which HOC desires to construct a redevelopment known as the Heritage Emory Grove Village (the "Project").

C. HOC desires to include the County Property referred to in the Abandonment Plan as Part 1 within applications it plans to submit to the Maryland-National Capital Park and Planning Commission ("M-NCPPC") including, but not limited to Sketch Plan, Preliminary Plan of Subdivision, NRI/FSD and Site Plan (the "Development Applications") in connection with its request for development approvals for the Project as reflected in the sketch plan application submitted by HOC to the Montgomery County Planning Department (Sketch Plan Application No. \_\_\_\_\_) as identified on Exhibit B, attached hereto and incorporated herein. Pursuant to Section 50-4.1.A.3 of the Montgomery County Code, "[i]f property is owned or controlled by the State, Montgomery County, or another political subdivision, government entity or agency, or WMATA, the subdivider must obtain authorization from the government entity, agency, or WMATA to include the property as part of the subdivision."

D. The County Property is currently the subject of an abandonment petition filed by the Applicant captioned as AB 784. However, nothing in this Agency Authorization shall be deemed to bind the County to abandon or dispose of the County Property to HOC.

F. To facilitate its submission of the Development Applications to the M-NCPPC, the Applicant requests this Agency Authorization.

NOW, THEREFORE, in consideration of the Recitals hereto which are incorporated herein by reference, the mutual promises herein made, and of other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, it is hereby agreed, by and between the parties, as follows:

1. Subject to the terms and conditions contained herein, for the limited purpose of seeking approvals for Development Applications, the County hereby authorizes the inclusion of the County Property, Part 1 in Development Applications to M-NCPPC related to the Project.

2. This Agency Authorization is to be strictly limited to permitting the Applicant to prepare and forward the Development Applications to M-NCPPC. This Agency Authorization may not be construed as County approval, in any manner or form, of the Project, nor does it constitute any consent, agreement, commitment or obligation of the Applicant or the County with respect to the use of the County Property as part of the Project, nor shall the inclusion of the County Property and approvals of said Development Applications bind the County to any limitation, requirements, or liability of any kind, applicable to the County Property. Nor does this Agency Authorization authorize the Applicant to make any representations or statements on behalf of, or regarding, the County or the County Property which are not expressly approved by the County in advance and in writing. Further, this authorization shall not constitute any consent, agreement, commitment or obligation of HOC or the County with respect to present or future abandonments, conveyances, agreements, licenses, permits, approvals or any other public actions as more fully stated below, nor shall it confer on HOC any property rights or interests in the County Property. The County shall be provided with two (2) copies of all Development Applications and HOC shall keep the County fully informed at all times of its intent to file and process any and all Development Applications authorized herein.

3. With respect to the proposed Project, any plans, narratives, data, and all other documentation which HOC will use in connection with the Development Applications, HOC shall, unless waived in writing by the County, submit to the County within five (5) business days following execution of this Agency Authorization complete copies of all materials submitted to any public agencies to date, and shall, at the times set forth below, submit to the County complete copies of all materials to be submitted to any public agencies within the following time periods:

- A. Not less than ten (10) business days before the submission of any initial filing of any Development Applications or Development Applications to amend previously-approved Development Applications; and
- B. Not less than three (3) business days before submission, with respect to revisions to and modification of Development Applications then pending.

4. As limitations of this Agency Authorization, it is understood and agreed by and between the parties that:

- A. This Agency Authorization does not constitute, nor may it be construed as approval by the applicable agencies of the County of the Development Applications submitted by HOC.



- B. This Agency Authorization Agreement does not constitute, nor may it be construed as a joint venture agreement between County and HOC.
- C. Any approvals issued with respect to the Development Applications pursuant to this Authorization Agreement shall not be binding on the County, nor impose any limitation, requirements, or liability of any kind applicable to the County Property.
- D. This Agency Authorization shall not affect, in any manner whatsoever, any public action, review, or approval process involving the County or for which the County or a component of the County (including an official thereof) is responsible.
- E. This Agency Authorization is not a decision or predetermination regarding the proposed abandonment and/or disposition of the County Property, nor shall it constitute a consent, agreement, commitment, or obligation of the County with respect to present or future conveyances, agreements, licenses, permits, approvals or any other public actions. It is acknowledged by HOC that any abandonment and/or disposition of property by the County is subject to other processes, procedures and approvals, separate from this Agency Authorization, and that at this time no authorization or commitment of any kind exists for the abandonment and/or disposition of the County Property.
- F. This Agency Authorization is not, and shall not, constitute "use" of the County Property by HOC and shall not confer any real property right or interest on HOC. Any and all uses to which the County Property may be put presently are not affected by this Agency Authorization. The County may terminate this Agency Authorization at any time at its sole discretion, and without liability to HOC.

5. HOC agrees (i) not to make any representations regarding the County Property except as conditioned by the terms of this Agency Authorization, and not to encumber or offer to encumber the County Property, or in any way to cause the County Property to become encumbered, without prior written consent of the County; and (ii) to indemnify and hold harmless the County as to all attorney's fees, costs and claims against it with respect to or arising from this Agency Authorization and the Development Applications and any actions or failures to act associated therewith. Further, HOC acknowledges and agrees that it is the County's agent pursuant to this Agency Authorization for the sole purpose of the preparation, filing and processing of the Development Applications.

6. This Agency Authorization is not, does not and shall not operate to constrain, restrict, prevent, or impair in any way the County's present use or control of the County Property during the term of the Agency Authorization. Further, it is expressly acknowledged and agreed to

by the parties that the existing Right-of-Way for Washington Grove Lane shall not be disturbed or encroached upon without the express, written consent of the County.

7. Any notices, consents or other communications required or permitted to be given pursuant to this Agency Authorization must be in writing and shall be deemed to have been delivered (a) if delivered in person, or via courier when received at the address of the person to whom notice is given, (b) if sent by a nationally recognized overnight delivery service (e.g., Federal Express, UPS, Airborne Courier), on the first (1st) business day after receipt by such delivery service for overnight delivery, or (c) if sent by certified United States Mail, on the earlier of the date actually received or two (2) business days after being deposited in a receptacle provided by the United States Post Office, addressed to the intended party at the following respective addresses:

If to County:

Montgomery County Department of Transportation  
Tiara McCray  
Chief, Property Acquisition Section  
100 Edison Park Drive, 4th Floor  
Gaithersburg, MD 20878  
240-777-7255  
Tiara.McCray@montgomerycountymd.gov

Montgomery County Office of the County Executive  
Ken Hartman-Espada  
Assistant Chief Administrative Officer  
(240) 777-2560  
Ken.Hartman@montgomerycountymd.gov

with a copy that does not constitute notice to:

Montgomery County, Maryland  
Office of the County Attorney  
101 Monroe Street, Third Floor  
Rockville, Maryland 20850  
Attention: Robert Birenbaum, Assistant County Attorney  
(240) 777-6741  
Robert.Birenbaum@montgomerycountymd.gov

If to Applicant:

Gordon Rees Scully Mansukhani, LLP c/o The Housing Opportunities Commission  
of Montgomery County

Gordon S. Woodward, Partner  
Gordon Rees Scully Mansukhani, LLP c/o The Housing Opportunities  
Commission of Montgomery County  
277 S Washington St., Suite 550  
Alexandria, VA 22314  
Cell (301) 512-9218  
[gwoodward@grsm.com](mailto:gwoodward@grsm.com)


or to such other substitute address and/or addressee as any party hereto shall designate by written notice to the other party in accordance with the terms of this paragraph; provided, however, that no such notice of change of address and/or addressee shall be effective unless and until received by the party to whom such notice is sent.

7. The recitals are incorporated into this Agency Authorization.
8. Unless earlier terminated by the County, this Agency Authorization expires at 5:00 p.m. on July 12, 2025, unless it is renewed in a writing signed and dated by the authorized representatives of each party before the expiration of this Agency Authorization.
9. This Agency Authorization may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.


[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have caused this Authorization Agreement to be executed as of the above written date.

**MONTGOMERY COUNTY, MARYLAND**

By:  7-16-2024  
Ken Hartman-Espada DATE  
Assistant Chief Administrative Officer

**The Housing Opportunities Commission of  
Montgomery County**

By:   
Name: Kayrine Brown  
DATE 07 / 02 / 2024  
Title: Acting President/Executive Director  
The Housing Opportunities Commission of  
Montgomery County

**APPROVED FOR FORM AND LEGALITY:**

*Robert Birenbaum*

Robert Birenbaum, Assistant County Attorney

Date: Jul 11, 2024

# EXHIBIT A





ABANDONMENT AREA #1  
LINE & CURVE TABLE

STATION	CHORD BEARING	CHORD DISTANCE	CHORD AREA
1+00	N 89° 15' 00" E	100.00	100.00
2+00	N 89° 15' 00" E	100.00	100.00
3+00	N 89° 15' 00" E	100.00	100.00
4+00	N 89° 15' 00" E	100.00	100.00
5+00	N 89° 15' 00" E	100.00	100.00
6+00	N 89° 15' 00" E	100.00	100.00
7+00	N 89° 15' 00" E	100.00	100.00
8+00	N 89° 15' 00" E	100.00	100.00
9+00	N 89° 15' 00" E	100.00	100.00
10+00	N 89° 15' 00" E	100.00	100.00

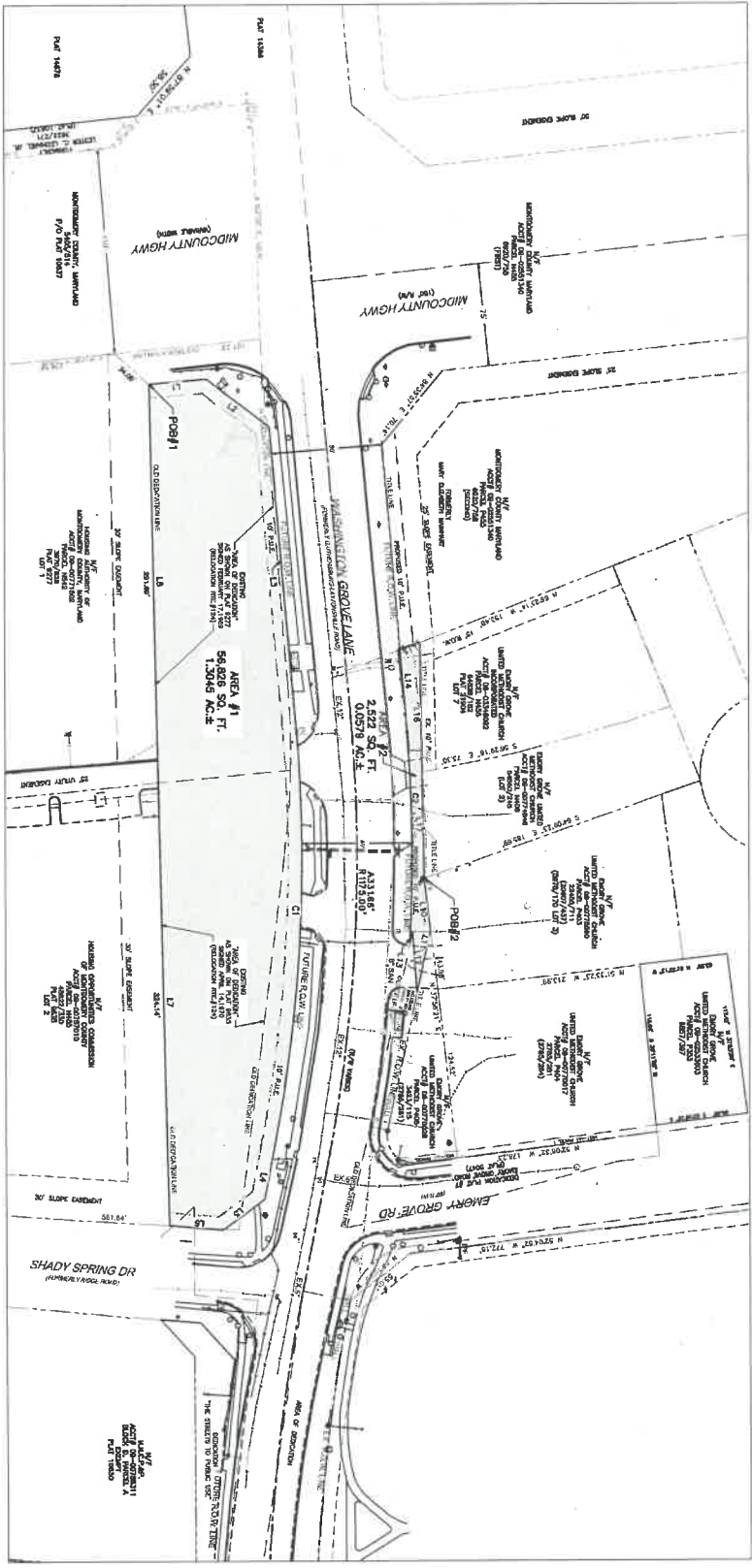
ABANDONMENT AREA #2  
LINE & CURVE TABLE

STATION	CHORD BEARING	CHORD DISTANCE	CHORD AREA
1+00	N 89° 15' 00" E	100.00	100.00
2+00	N 89° 15' 00" E	100.00	100.00
3+00	N 89° 15' 00" E	100.00	100.00
4+00	N 89° 15' 00" E	100.00	100.00
5+00	N 89° 15' 00" E	100.00	100.00
6+00	N 89° 15' 00" E	100.00	100.00
7+00	N 89° 15' 00" E	100.00	100.00
8+00	N 89° 15' 00" E	100.00	100.00
9+00	N 89° 15' 00" E	100.00	100.00
10+00	N 89° 15' 00" E	100.00	100.00

LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	ADJACENT PROPERTY
---	ADJACENT ROAD
---	ADJACENT RAILROAD
---	ADJACENT WATERWAY
---	ADJACENT AIRPORT
---	ADJACENT PARK
---	ADJACENT SCHOOL
---	ADJACENT CHURCH
---	ADJACENT HOSPITAL
---	ADJACENT GOVERNMENT BUILDING
---	ADJACENT INDUSTRIAL BUILDING
---	ADJACENT RESIDENTIAL BUILDING
---	ADJACENT COMMERCIAL BUILDING
---	ADJACENT PUBLIC BUILDING
---	ADJACENT RELIGIOUS BUILDING
---	ADJACENT EDUCATIONAL BUILDING
---	ADJACENT CULTURAL BUILDING
---	ADJACENT RECREATIONAL BUILDING
---	ADJACENT HISTORICAL BUILDING
---	ADJACENT MONUMENTAL BUILDING
---	ADJACENT MEMORIAL BUILDING
---	ADJACENT MUSEUM BUILDING
---	ADJACENT THEATRE BUILDING
---	ADJACENT CONCERT HALL BUILDING
---	ADJACENT EXHIBITION HALL BUILDING
---	ADJACENT CONFERENCE HALL BUILDING
---	ADJACENT OFFICE BUILDING
---	ADJACENT FACTORY BUILDING
---	ADJACENT WAREHOUSE BUILDING
---	ADJACENT GARAGE BUILDING
---	ADJACENT DRIVE BUILDING
---	ADJACENT PORCH BUILDING
---	ADJACENT PATIO BUILDING
---	ADJACENT DECK BUILDING
---	ADJACENT FENCE BUILDING
---	ADJACENT GATE BUILDING
---	ADJACENT WALL BUILDING
---	ADJACENT CURB BUILDING
---	ADJACENT SIDEWALK BUILDING
---	ADJACENT DRIVEWAY BUILDING
---	ADJACENT ALLEY BUILDING
---	ADJACENT STREET BUILDING
---	ADJACENT AVENUE BUILDING
---	ADJACENT BOULEVARD BUILDING
---	ADJACENT PARKWAY BUILDING
---	ADJACENT HIGHWAY BUILDING
---	ADJACENT EXPRESSWAY BUILDING
---	ADJACENT INTERSTATE BUILDING
---	ADJACENT FREEWAY BUILDING
---	ADJACENT TOLL ROAD BUILDING
---	ADJACENT BRIDGE BUILDING
---	ADJACENT TUNNEL BUILDING
---	ADJACENT UNDERPASS BUILDING
---	ADJACENT OVERPASS BUILDING
---	ADJACENT RAMP BUILDING
---	ADJACENT ON-RAMP BUILDING
---	ADJACENT OFF-RAMP BUILDING
---	ADJACENT EXIT BUILDING
---	ADJACENT ENTRANCE BUILDING
---	ADJACENT EXIT RAMP BUILDING
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---	ADJACENT EXIT RAMP BUILDING
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- SLIVER NOTES
1. THE SLIVER IS A REMAINING PORTION OF A TRACT OF LAND...
  2. THE SLIVER IS A REMAINING PORTION OF A TRACT OF LAND...
  3. THE SLIVER IS A REMAINING PORTION OF A TRACT OF LAND...
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  7. THE SLIVER IS A REMAINING PORTION OF A TRACT OF LAND...
  8. THE SLIVER IS A REMAINING PORTION OF A TRACT OF LAND...
  9. THE SLIVER IS A REMAINING PORTION OF A TRACT OF LAND...
  10. THE SLIVER IS A REMAINING PORTION OF A TRACT OF LAND...



Scale: 1" = 40'

NOTE: DO NOT SCALE DRAWINGS FOR DIMENSIONS.

ABANDONMENT PLAN

1 of 8

**Collette**  
Engineering & Design

www.collette-engineering.com

801.464.1111

1000 N. 1000 W. SALT LAKE CITY, UT 84119

**BOUNDARY SURVEY**

FOR

HOUSING OPPORTUNITIES COMMISSION

HOUSING OF MONTGOMERY COUNTY

HERITAGE EMORY GROVE

HOW ABANDONMENT PROJECT-2028260

MONTGOMERY COUNTY, MARYLAND

**Project Information**

Project Name: HOW ABANDONMENT PROJECT-2028260

Project Location: MONTGOMERY COUNTY, MARYLAND

Project Status: IN PROGRESS

Project Date: 10/20/2023

**Project Information**

Project Name: HOW ABANDONMENT PROJECT-2028260

Project Location: MONTGOMERY COUNTY, MARYLAND

Project Status: IN PROGRESS

Project Date: 10/20/2023

# EXHIBIT B



Intake and Regulatory Coordination  
**Montgomery County Planning Department**  
 Maryland-National Capital Park and Planning Commission

Effective: March 12, 2021

2425 Reedie Drive  
 Wheaton, Maryland 20902

www.montgomeryplanning.org/environment

Phone 301.495.4550  
 Fax 301.495.1306

**Natural Resources Inventory / Forest Stand Delineation (NRI/FSD),  
 Forest Conservation Exemption and Forest Bank Review**

Application Type: Select one of the following:

Date Application Submitted	Plan No.	<b>CLEAR FORM</b>
----------------------------	----------	-------------------

An application will not be accepted for review unless all required information below and appropriate fees are provided. If an item requires more space, attach a separate sheet.

**Name of Plan:** Emory Grove Village 6.93 Acres          Sq.Ft.  
 200 scale Base Map # 224NW08 Tax Map # GT-122

Special Protection Area: Not within an SPA

Property Tax Account Number(s) associated with the plan (8 digits)

A. 767010 B. 771502 C.          D.          E.           
 F.          G.          H.          I.          J.         

**Location:**

On Washington Grove Lane, 0 feet East of Mid-County Highway 124  
Street Name (N,S,E,W etc.) Nearest Intersecting Street

**Property address if known:**

17825 Washington Grove Lane Gaithersburg  
Number Street Name City

**Subdivision Information:** (Complete either A, if located within a recorded subdivision, or B)

A. Lot          Block          Subdivision Emory Grove Village  
 B. Parcel (P2) N485 Liber 4020 Folio 383; Parcel (P1) N542 Liber 3970 Folio 828; Parcel          Liber          Folio         

Watershed:         

Tract Area 6.93 ac. Forested 0.00 ac. Wetlands 0.00 ac. Forested Wetlands 0.00 ac.  
 Forested Stream Buffer 0.00 ac. Stream Buffer 0.00 ac. length: 0 ft. width: 0 ft. ☐ 1 or both sides ☐  
(average) (check one)

**ePlans Primary Contact Person** (Responsible for ePlans uploads and tasks.)

Keith Bennett  
**Name**  
3909 National Drive, Suite 250  
**Street Address**  
Burtonsville MD 20866  
**City** **State** **Zip Code**  
(301) 421-4024 KBENNETT@GLWPA.COM  
**Telephone Number** **Fax Number** **E-mail**

**NOTE:** This email will be used to create the ePlans account for the project.

**Applicant** (☒ Owner, ☐ Owner's Representative, or ☐ Contract Purchaser – check applicable: written verification required if not the owner)

Would you like to receive ePlans notifications? \* ☐ Yes ☒ No

Housing Opportunities Commission of Montgomery County

Name

10400 Detrick Avenue

Street Address

Kensington

MD

20895

City

State

Zip Code

(240) 627-9400

Telephone Number

Fax Number

E-mail \*required if checked yes

**Plan Preparer** (Qualifications of preparer must be included if individual has not been previously certified.)

Would you like to receive ePlans notifications? \* ☒ Yes ☐ No

Kevin Foster

807

Name

L.A. or Forester Certification No.

3909 National Drive, Suite 250

Street Address

Burtonsville

MD

20866

City

State

Zip Code

(301) 421-4024

KFOSTER@GLWPA.COM

Telephone Number

Fax Number

E-mail \*required if checked yes

**Complete sections 1 and 2: (and section 3 if applying for an FCP Exemption)**

1.	<b>Type of Plan approval being applied for in addition to this NRI/FSD application</b>		
	<input type="checkbox"/> Pre-Application Submission	<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Development Plan
	<input type="checkbox"/> Administrative Subdivision Plan	<input type="checkbox"/> Conditional Use/Special Exception	<input type="checkbox"/> Park Development Plan
	<input checked="" type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Mandatory Referral	<input type="checkbox"/> Minor Subdivision
	<input type="checkbox"/> Project Plan	<input checked="" type="checkbox"/> Sediment Control or Small Land Disturbance (if known,	
	<input type="checkbox"/> Sketch Plan	<input checked="" type="checkbox"/> Concept Plan	MCDPS permit # _____)

2.	<b>Type of NRI/FSD Plan Submittal</b> (See Forest Conservation Regulation for NRI/FSD requirements):	
	<input checked="" type="checkbox"/> Full NRI/FSD (as described in the Forest Conservation Regulations, Section 22A.00.01.06.A and the application Upload Checklist and Submittal Requirements)	
	<input type="checkbox"/> Simplified NRI/FSD (as described in the Forest Conservation Regulations Section 22A.00.01.06B and the application Upload Checklist and Submittal Requirements)	
	<input type="checkbox"/> Existing Conditions Plan (Authorization Required) (as described in the application Upload Checklist and Submittal Requirements)	

3.	<b>Complete all information below if applying for FCP Exemption</b>	
	(If you are clearing more than 5,000 sf. of forest/tree canopy or you answer yes to e, f or g below, you may not qualify for an exemption, refer to Section 22A-5 of the Forest Conservation Law to determine if a Tree Save Plan or FCP will be required).	
	a. Type of Exemption being applied for: <u>Type of Exemption</u>	
	(Refer to the Forest Conservation Law, section 22A-5 for description of exemptions. Upload appropriate information to support the request including plan drawings, narrative of activities, tree clearing illustrations, etc.)	
	b. Total area of existing forest: _____ ac. or _____ s.f.	
	c. Total area of forest/tree disturbance (measured by canopy area removed): _____ ac. or _____	
	d. Are any of the trees $\geq 24"$ in diameter at 4.5' above the ground? Yes (Upload an NRI/FSD Plan drawing showing the trees in relation to the proposed limits of disturbance.) <input type="checkbox"/> No	
e. Does the plan propose to impact any significant, specimen or champion trees ? <input type="checkbox"/> Yes (Upload Tree Save Plan showing the trees in relation to the proposed limits of disturbance.) <input type="checkbox"/> No		

**Information required if applying for FCP Exemption** (continued from above)

f. Is the clearing area within a stream buffer? Yes No (Area within 200 – 300 feet of a stream could be part of a buffer.)

g. Is a SPA water quality plan required? Yes No

(Contact MCDPS for information regarding the SPA requirements at 240 777-6242)

h. Project Description Narrative: Please identify the nature of work to be performed; the exemption believed to be applicable, and specifically, how the application will meet each of the applicable exemption criteria. (1000 character max.)

**Supplemental Information:**

Previous Plan Submittals: (enter information, if applicable)

NRI/FSD Submission Name Emory Grove Village File Number 4 20190060

Pre-Application Submission Name File Number 7

Other Plan Name File Number

Describe the nature of the amendment or why the plan is being recertified, if applicable. ☐ Attached

Applicant hereby notifies that he/she ☐ is the sole owner of the subject property, ☐ is otherwise legally authorized to represent the owner(s) (written verification provided), or ☐ is a contract purchaser authorized to submit this application by the property owner (written verification provided).

**Signature of Applicant** (Owner or Contract Purchaser)


06 / 18 / 2024

Signature

Date

Chelsea J. Andrews

Print Name



## AGENCY AUTHORIZATION

THIS AGENCY AUTHORIZATION ("Agency Authorization") is by and between MONTGOMERY COUNTY, MARYLAND ("County") and the HERITAGE EMORY GROVE COMMUNITY DEVELOPMENT CORPORATION ("HEGCDC" or the "Applicant").

### RECITALS:

A. The Applicant contends that the County owns or controls two parcels of real property located in Gaithersburg, Maryland which the Applicant further contends make up parts of the Washington Grove Lane Right of Way. It is contended by the Applicant that Part 1 of the Washington Grove Lane Right of Way was dedicated to the County by Plat Nos. 9277, and 9635, recorded among the Land Records of Montgomery County, Maryland ("Part 1"). It is further contended by the Applicant that Part 2 of the Washington Grove Lane Right of Way is former roadbed for Washington Grove Lane ("Part 2"). Part 1 and Part 2 collectively contain a total of 59,772 square feet of land, more or less (the "County Property"), as depicted on the Applicant's Abandonment Plan, originally submitted by the Montgomery County Housing Opportunities Commission in Abandonment Application AB-784 (the "Abandonment Plan"), attached hereto and incorporated herein as Exhibit A.

B. The County Property is adjacent to several parcels of land owned by HOC and Emory Grove United Methodist Church (the "Church"), which is affiliated with the HEGCDC. Part 1 and Part 2 of the County Property are identified, respectively, as Area # 1 and Area # 2 on the Abandonment Plan, upon part of which HEGCDC desires to construct a residential redevelopment (the "Project").

C. HEGCDC desires to include the County Property referred to in the Abandonment Plan as Part 2 within applications it plans to submit to the Maryland-National Capital Park and Planning Commission ("M-NCPPC") including, but not limited to Sketch Plan, Preliminary Plan of Subdivision, NRI/FSD and Site Plan (the "Development Applications") in connection with future requests for development approvals for the Project. Pursuant to Section 50-4.1.A.3 of the Montgomery County Code, "[i]f property is owned or controlled by the State, Montgomery County, or another political subdivision, government entity or agency, or WMATA, the subdivider must obtain authorization from the government entity, agency, or WMATA to include the property as part of the subdivision."

D. The County Property is currently the subject of an abandonment petition filed by HOC captioned as AB 784. However, nothing in this Agency Authorization shall be deemed to bind the County to abandon or dispose of the County Property to HOC, HEGCDC or the Church.

E. To facilitate its submission of the Development Applications to the M-NCPPC, the Applicant requests this Agency Authorization.

NOW, THEREFORE, in consideration of the Recitals hereto which are incorporated herein by reference, the mutual promises herein made, and of other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, it is hereby agreed, by and between the parties, as follows:

1. Subject to the terms and conditions contained herein, for the limited purpose of seeking approvals for Development Applications, the County hereby authorizes the inclusion of the County Property, Part 2 in Development Applications to M-NCPPC related to the Project.

2. This Agency Authorization is to be strictly limited to permitting the Applicant to prepare and forward the Development Applications to M-NCPPC. This Agency Authorization may not be construed as County approval, in any manner or form, of the Project, nor does it constitute any consent, agreement, commitment or obligation of the Applicant or the County with respect to the use of the County Property as part of the Project, nor shall the inclusion of the County Property and approvals of said Development Applications bind the County to any limitation, requirements, or liability of any kind, applicable to the County Property. Nor does this Agency Authorization authorize the Applicant to make any representations or statements on behalf of, or regarding, the County or the County Property which are not expressly approved by the County in advance and in writing. Further, this authorization shall not constitute any consent, agreement, commitment or obligation of HEGCDC or the County with respect to present or future abandonments, conveyances, agreements, licenses, permits, approvals or any other public actions as more fully stated below, nor shall it confer on HEGCDC any property rights or interests in the County Property. The County shall be provided with two (2) copies of all Development Applications or, with the County's consent, one electronic copy, and HEGCDC shall keep the County fully informed at all times of its intent to file and process any and all Development Applications authorized herein.

3. With respect to the proposed Project, any plans, narratives, data, and all other documentation which HEGCDC will use in connection with the Development Applications, HEGCDC shall, unless waived in writing by the County, submit to the County within five (5) business days following execution of this Agency Authorization complete copies of all materials submitted to any public agencies to date, and shall, at the times set forth below, submit to the County complete copies of all materials to be submitted to any public agencies within the following time periods:

A. Not less than ten (10) business days before the submission of any initial filing of any Development Applications or Development Applications to amend previously-approved Development Applications; and

B. Not less than three (3) business days before submission, with respect to revisions to and modification of Development Applications then pending.

4. As limitations of this Agency Authorization, it is understood and agreed by and between the parties that:

- A. This Agency Authorization does not constitute, nor may it be construed as approval by the applicable agencies of the County of the Development Applications submitted by HEGCDC.
- B. This Agency Authorization Agreement does not constitute, nor may it be construed as a joint venture agreement between County and HEGCDC.
- C. Any approvals issued with respect to the Development Applications pursuant to this Authorization Agreement shall not be binding on the County, nor impose any limitation, requirements, or liability of any kind applicable to the County Property.
- D. This Agency Authorization shall not affect, in any manner whatsoever, any public action, review, or approval process involving the County or for which the County or a component of the County (including an official thereof) is responsible.
- E. This Agency Authorization is not a decision or predetermination regarding the proposed abandonment and/or disposition of the County Property, nor shall it constitute a consent, agreement, commitment, or obligation of the County with respect to present or future conveyances, agreements, licenses, permits, approvals or any other public actions. It is acknowledged by HEGCDC that any abandonment and/or disposition of property by the County is subject to other processes, procedures and approvals, separate from this Agency Authorization, and that at this time no authorization or commitment of any kind exists for the abandonment and/or disposition of the County Property.
- F. This Agency Authorization is not, and shall not, constitute "use" of the County Property by HEGCDC and shall not confer any real property right or interest on HEGCDC. Any and all uses to which the County Property may be put presently are not affected by this Agency Authorization. The County may terminate this Agency Authorization at any time at its sole discretion, and without liability to HEGCDC.

5. HEGCDC agrees (i) not to make any representations regarding the County Property except as conditioned by the terms of this Agency Authorization, and not to encumber or offer to encumber the County Property, or in any way to cause the County Property to become encumbered, without prior written consent of the County; and (ii) to indemnify and hold harmless the County as to all attorney's fees, costs and claims against it with respect to or arising from this Agency Authorization and the Development Applications and any actions or failures to act associated therewith. Further, HEGCDC acknowledges and agrees that it is the County's agent pursuant to this Agency Authorization for the sole purpose of the preparation, filing and processing of the Development Applications.

6. This Agency Authorization is not, does not and shall not operate to constrain, restrict, prevent, or impair in any way the County's present use or control of the County Property during the term of the Agency Authorization. Further, it is expressly acknowledged and agreed to by the parties that the existing Right-of-Way for Washington Grove Lane shall not be disturbed or encroached upon without the express, written consent of the County.

7. Any notices, consents or other communications required or permitted to be given pursuant to this Agency Authorization must be in writing and shall be deemed to have been delivered (a) if delivered in person, or via courier when received at the address of the person to whom notice is given, (b) if sent by a nationally recognized overnight delivery service (e.g., Federal Express, UPS, Airborne Courier), on the first (1st) business day after receipt by such delivery service for overnight delivery, or (c) if sent by certified United States Mail, on the earlier of the date actually received or two (2) business days after being deposited in a receptacle provided by the United States Post Office, addressed to the intended party at the following respective addresses:

If to County:

Montgomery County Department of Transportation  
Tiara McCray  
Chief, Property Acquisition Section  
100 Edison Park Drive, 4th Floor  
Gaithersburg, MD 20878  
240-777-7255  
Tiara.McCray@montgomerycountymd.gov

Montgomery County Office of the County Executive  
Ken Hartman-Espada  
Assistant Chief Administrative Officer  
(240) 777-2560  
Ken.Hartman@montgomerycountymd.gov

with a copy that does not constitute notice to:

Montgomery County, Maryland  
Office of the County Attorney  
101 Monroe Street, Third Floor  
Rockville, Maryland 20850  
Attention: Robert Birenbaum, Assistant County Attorney  
(240) 777-6741  
Robert.Birenbaum@montgomerycountymd.gov

If to Applicant:

Rev. Timothy B. Warner, President of the Board of Directors,  
Heritage Emory Grove Community Development Corporation  
8200 Emory Grove Road  
Gaithersburg, MD 20877  
301-963-3434  
[pastortimwarner@gmail.com](mailto:pastortimwarner@gmail.com)

with a copy that does not constitute notice to:  
Bregman, Berbert, Schwartz & Gilday, LLC  
7315 Wisconsin Ave., Suite 800 West  
Bethesda, MD 20814  
Attention: Françoise M. Carrier, Of Counsel  
301-656-2707  
[fcARRIER@bregmanlaw.com](mailto:fcARRIER@bregmanlaw.com)

or to such other substitute address and/or addressee as any party hereto shall designate by written notice to the other party in accordance with the terms of this paragraph; provided, however, that no such notice of change of address and/or addressee shall be effective unless and until received by the party to whom such notice is sent.

8. The recitals are incorporated into this Agency Authorization.

9. Unless earlier terminated by the County, this Agency Authorization expires at 5:00 p.m. on July 12, 2025, unless it is renewed in a writing signed and dated by the authorized representatives of each party before the expiration of this Agency Authorization.

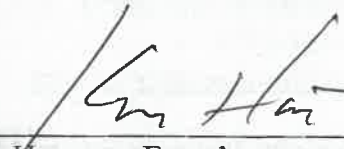
10. This Agency Authorization may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[SIGNATURE PAGE FOLLOWS]

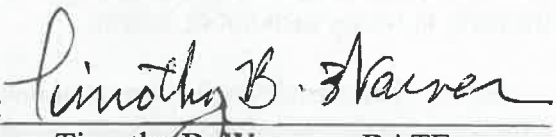


IN WITNESS WHEREOF, the parties have caused this Authorization Agreement to be executed as of the above written date.

**MONTGOMERY COUNTY, MARYLAND**

By:  9.9.24  
Ken Hartman-Espada DATE:  
Assistant Chief Administrative Officer

**THE HERITAGE EMORY GROVE  
COMMUNITY DEVELOPMENT  
CORPORATION**

By:   
Name: Timothy B. Warner DATE: 08-16-24  
Title: President, Board of Directors

**APPROVED FOR FORM AND LEGALITY:**

*Robert Birenbaum*

Robert Birenbaum, Assistant County Attorney

Date: Sep 5, 2024



www.colliersengineering.com

Colliers Engineering & Design  
10000 N. 10th Avenue, Suite 100  
Portland, OR 97228  
(503) 253-1000

DATE: 08/14/2013

PROJECT: ROW ABANDONMENT

PROJECT NO: 5-20320260

CLIENT: MONTGOMERY COUNTY

LOCATION: PORTLAND

SCALE: 1" = 40'

DATE: 08/14/2013

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CLIENT: MONTGOMERY COUNTY

LOCATION: PORTLAND

SCALE: 1" = 40'

## SURVEY NOTES

1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND MAPPERS OF THE STATE OF OREGON.
2. THE SURVEY WAS CONDUCTED ON THE DATE OF 08/14/2013.
3. THE SURVEY WAS CONDUCTED BY COLLIERS ENGINEERING & DESIGN.
4. THE SURVEY WAS CONDUCTED BY COLLIERS ENGINEERING & DESIGN.
5. THE SURVEY WAS CONDUCTED BY COLLIERS ENGINEERING & DESIGN.
6. THE SURVEY WAS CONDUCTED BY COLLIERS ENGINEERING & DESIGN.
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8. THE SURVEY WAS CONDUCTED BY COLLIERS ENGINEERING & DESIGN.
9. THE SURVEY WAS CONDUCTED BY COLLIERS ENGINEERING & DESIGN.
10. THE SURVEY WAS CONDUCTED BY COLLIERS ENGINEERING & DESIGN.

## ABANDONMENT AREA #2 LINE & CURVE TABLE

LINE	BEARING	LENGTH	CHORD	ANGLE	AREA
1	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
2	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000
3	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
4	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000
5	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
6	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000
7	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
8	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000
9	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
10	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000

2,948 SQ. FT. or 0.0675 ACRES

## ABANDONMENT AREA #1 LINE & CURVE TABLE

LINE	BEARING	LENGTH	CHORD	ANGLE	AREA
1	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
2	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000
3	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
4	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000
5	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
6	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000
7	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
8	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000
9	N 111° 23' 12" W	213.95'	213.95'	0° 00' 00"	0.0000
10	S 89° 36' 48" E	178.25'	178.25'	0° 00' 00"	0.0000

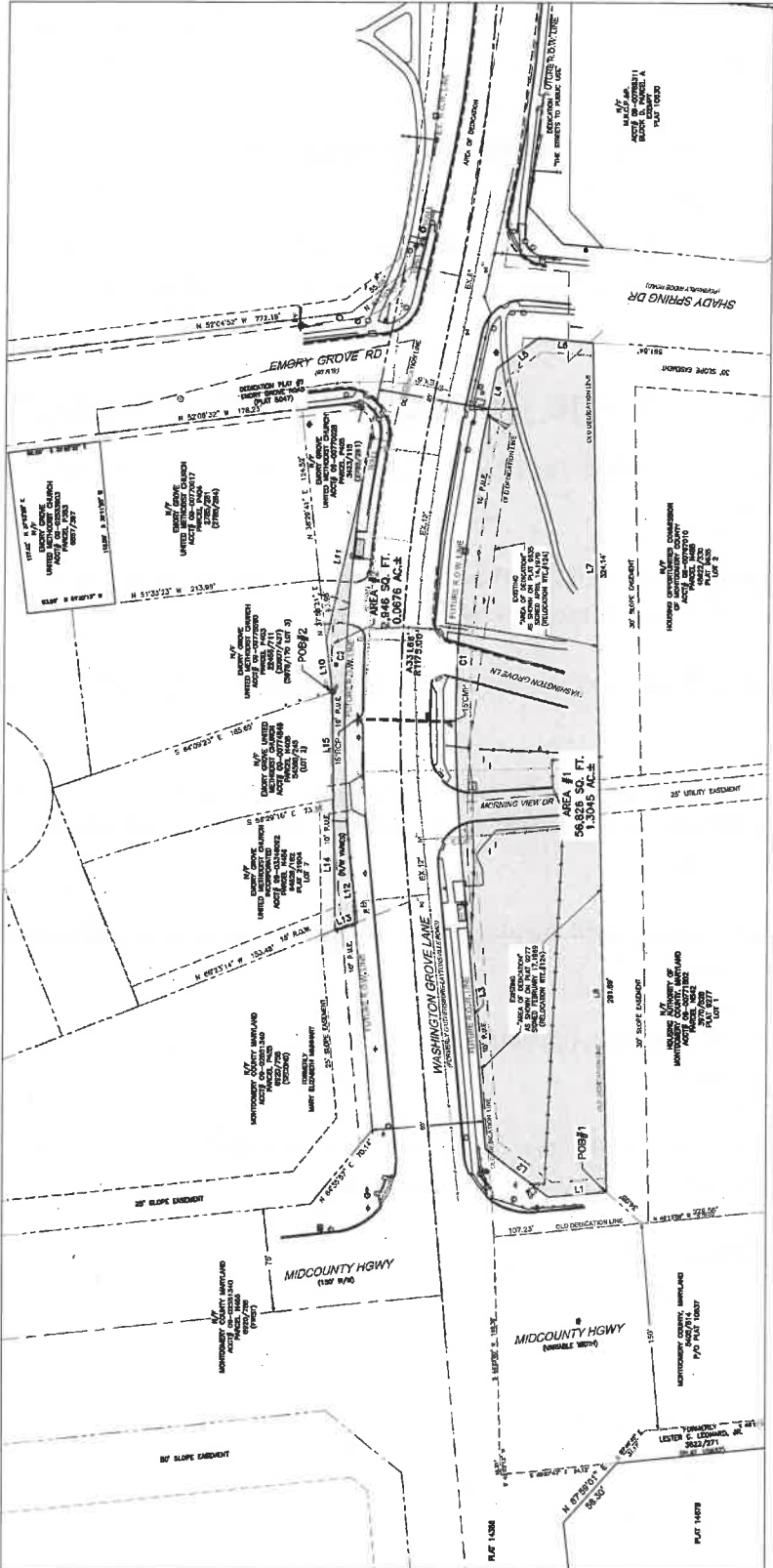
56,825 SQ. FT. or 1.3045 ACRES

## VICINITY MAP

NOT TO SCALE

SOURCE: AIR PHOTO ON THE

FACE VIEWER



LEGEND	ABBREVIATIONS
<ul style="list-style-type: none"> <li>1. CENTERLINE</li> <li>2. PROPERTY LINE</li> <li>3. EASEMENT LINE</li> <li>4. CURVE LINE</li> <li>5. SLOPE LINE</li> <li>6. UTILITY LINE</li> <li>7. FENCE LINE</li> <li>8. ADJACENT PROPERTY</li> <li>9. ADJACENT EASEMENT</li> <li>10. ADJACENT SLOPE</li> <li>11. ADJACENT UTILITY</li> <li>12. ADJACENT FENCE</li> <li>13. ADJACENT PROPERTY</li> <li>14. ADJACENT EASEMENT</li> <li>15. ADJACENT SLOPE</li> <li>16. ADJACENT UTILITY</li> <li>17. ADJACENT FENCE</li> <li>18. ADJACENT PROPERTY</li> <li>19. ADJACENT EASEMENT</li> <li>20. ADJACENT SLOPE</li> <li>21. ADJACENT UTILITY</li> <li>22. ADJACENT FENCE</li> <li>23. ADJACENT PROPERTY</li> <li>24. ADJACENT EASEMENT</li> <li>25. ADJACENT SLOPE</li> <li>26. ADJACENT UTILITY</li> <li>27. ADJACENT FENCE</li> <li>28. ADJACENT PROPERTY</li> <li>29. ADJACENT EASEMENT</li> <li>30. ADJACENT SLOPE</li> <li>31. ADJACENT UTILITY</li> <li>32. ADJACENT FENCE</li> <li>33. ADJACENT PROPERTY</li> <li>34. 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NOTE: 80' SET BACK SCALE DRAWING FOR CONSTRUCTION

DATE: 08/14/2013

PROJECT: ROW ABANDONMENT

PROJECT NO: 5-20320260

CLIENT: MONTGOMERY COUNTY

LOCATION: PORTLAND

SCALE: 1" = 40'

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