



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JAN 8 2013

MCPB No. 12-147  
Site Plan No. 82011013A  
Village West at Germantown Town Center (formerly Martens Property)  
Date of Hearing: December 20, 2012

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 22, 2012, the Planning Board, by Resolution MCPB No. 11-123, approved Site Plan No. 820110130, for 455 residential dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, on 26.48 acres of RMX-2 zoned-land, located near the intersection of Wisteria Drive and Waters Road ("Subject Property"), in the Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, on August 2, 2012, Village West LLC and Buchanan Pinkard Germantown LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan to add 15 multi-family units, consolidate the multi-family building footprints and increase the building height to a maximum of 65 feet or 5 stories, revise the adjacent amenity areas, parking and loading layout on the Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82011013A, Village West at Germantown Town Center ("Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 5, 2012, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 20, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to  
Legal Sufficiency:

 12/13/12

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910

Chairman's Office: 301.495.4605

Fax: 301.495.1320

MNCPPC Legal Department

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82011013A for 470 residential dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses by adding/modifying the following conditions:<sup>1</sup>

**Conformance with Previous Approvals**

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan No. 92002002C, or as amended.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 12011009A, or as amended.

3. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820110130 (MCPB No. 11-123), unless amended by this Application.

**Environment**

4. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated November 14, 2012, unless amended and approved by the Montgomery County Department of Permitting Services.

**Parks, Open Space, and Recreation**

5. Common Open Space Covenant

Any record plat containing Common Open Space must reference the covenant recorded at Liber 28045 Folio 578 ("Covenant") and the Applicant's recorded Townhouse Homeowners Association Documents must incorporate by reference the Covenant. However, the Record Plat of Subdivision for the Multi-family Parcel shall not reference the Covenant since it will be under single entity ownership and will not have a Homeowners Association.

6. Recreation Facilities and Amenities

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

- a) Provide the following recreation facilities within the 26.48 acre-site: two play lots, two tot lots, an open play area II, an open play area I, a volleyball court, yard games, a swimming pool, a wading pool (sun shelf), fifteen seating areas, a pedestrian system, and five outdoor fitness stations.
- b) Provide the following amenities within the 26.48 acre-site: two pavilions with seating, community garden, plaza with fountain, a dog park with a dog grooming station, outdoor kitchen and a fire pit area.

### **Transportation & Circulation**

#### **7. Transportation**

The development is limited to a maximum 0.75 FAR including 14,426 SF of commercial uses and 470 residential units (304 multi-family units and 166 one-family attached units), unless amended.

### **Density & Housing**

#### **8. Moderately Priced Dwelling Units (MPDUs)**

- a) The development must provide a minimum of 12.5% of the total number of units as MPDUs on-site, consistent with the requirements of Chapter 25A.
- b) The MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) shall be executed prior to the release of any building permits.
- c) All of the required MPDUs shall be provided on-site.

### **Site Plan**

#### **9. Landscape**

Provide shade trees along the western edge of the active play area, where the dog park, yard games and volleyball court are located.

#### **10. Development Program**

The previously approved development program remains in full force and effect except for former condition 17.d)ii) which shall be replaced with:

- ii. The swimming pool, wading pool (sun shelf), volleyball court, yard games, dog park with dog grooming station, open play area II, plaza with fountain must be completed prior to the release of the final residential use and occupancy permit for the second multi-family building constructed in this cluster (either Buildings 1 or 2).

#### **11. Certified Site Plan**

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

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b) Modify data table to reflect development standards enumerated in the Staff Report.
- c) Show 18-foot long driveways for lots 17-23 Block B.
- d) Correct dimensions on architectural elevations to denote 65 feet maximum building height.
- e) Show offsite sidewalk improvements as described in DPS's correspondence dated December 11, 2012.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that all site development elements as shown on Village West at Germantown Town Center drawings stamped by the M-NCPPC on October 24, 2012, and November 9, 2012, shall be required, except as modified by the above conditions of approval; and

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

*1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan nor a schematic development plan were required for the subject site.

The Application is consistent with pending Project Plan No. 92002002C for the Village West at Germantown Town Center reviewed concurrently with the subject application in terms of design layout, development standards, and conditions of approval.

*2. The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Application meets all the requirements of the RMX-2 Zone under the optional method of development as demonstrated in the Data Table. The approved uses are allowed in the RMX-2 Zone and the Application meets the purpose of the zone by providing a mixed-use development with primarily residential uses (470 units including one-family attached and multi-family units) and some commercial uses (14,426 square feet).

The Application meets the density requirements of the zone and recommendations in the Germantown Employment Area Sector Plan. The overall density, which is 0.75 FAR for the 26.48-acre site, is slightly below the maximum density of 0.8 FAR recommended by the Sector Plan for this site (p.53). The commercial density is well below the maximum 0.5 FAR allowed and the gross leasable floor area is well below the maximum 600,000 square feet allowed. The residential density at 17.75 du/ac is below the 30 du/ac allowed by the zone.

The Application increases the maximum height of the multi-family buildings from 60 to 65 feet (5 stories). While the zone does not include any required building height restrictions, the Sector Plan and the Germantown Design Guidelines recommend 60 feet as the maximum building height. As discussed in the project plan findings, the Application is in substantial conformance with the recommendations in the Sector Plan and Design Guidelines since both documents allow for some flexibility in the application of this recommendation to account for the unique circumstances of a given site and project. The building height of 65 feet is substantially similar to the recommended 60 feet and hardly perceived at street level, especially when combined with flat roofs along the buildings' street edge.

As demonstrated in the Data Table below, the project meets all of the applicable requirements of the RMX-2 Zone under the optional method of development.

Data Table for the RMX-2 Zone, Optional Method of Development

<b>Development Standard</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
<b>Site Area (acres)</b>	
Gross Tract Area	26.48 (1,153,469 SF)
Less Dedication for Public ROW Water's Road Waterford Hills Blvd Father Hurley Blvd	3.12
Net Lot Area	23.36
<b>Density</b>	

Max. Commercial (FAR) [59-C-10.3.4]	0.01
Max. gross leasable (non-residential) floor area (SF) [59-C-10.3.5]	14,426
Residential D.U.s ( > 30 acres site area) [59-C-10.3.6]	470
Max. Residential Density (du/acre) [59-C-10.3.7]	17.75
MPDUs [Chapter 25A] One-family attached Multi-family	12.5% (59 MPDUs) (21) (38)
Max. Total FAR [Sector Plan, p.53] - residential - commercial - clubhouse & cabana	<u>0.75 (868,893 SF)</u> (849,122 SF) (14,426 SF) (5,345 SF)
Unit Mix One-family attached Multi-family 1-Bedroom 2-Bedroom 3-Bedroom	166 <u>304</u> (141) (158) (5)
<b>Min. Green Area or outside amenity area</b> [59-C-10.3.3]	
Residential Commercial	50.0% (13.2 ac.)
<b>Min. Building Setbacks (ft) [59-C-10.3.8]</b>	
From one-family residential zoning	n/a
From residential zoning other than one-family (RMX-2/TS/RMX-2C) - Residential buildings - Commercial bldgs	15 n/a
From Any Street <sup>(c)</sup> - Residential buildings One-family Multi-family - Commercial bldgs.	0 0 n/a
From abutting commercial or industrial zoning (I-3/PD-15 Zone) - Residential buildings - Commercial bldgs.	n/a
<b>Max. Building Height (ft)</b>	
Overall One-family attached	45

Multi-family	65
<b>Min. Lot (Parcel) Area (SF)</b>	
One-family attached	1,250
Multi-family	15,000
<b>Min. Lot Width at Street Front (ft)</b>	
One-family attached	20
<b>Max. Building Coverage</b>	
One-family attached	90%
Multi-family	90%
<b>Vehicle Parking (number of spaces)</b>	
Retail auxiliary	51
One-family attached (166 units)	535
Multi-family	<u>443</u>
1-Bedroom (141 units)	
2-Bedroom (158 units)	
3-Bedroom (5 units)	
Total spaces	1,029
<b>Bicycle Parking (number of spaces)</b>	
Racks	25
Covered storage	<u>40</u>
Total	65
<b>Motorcycle Parking</b>	
Number of spaces	11

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The locations of buildings and structures are adequate, safe, and efficient. The Application adds 15 multi-family dwelling units to the approved project resulting in a mixed-use development with a total of 470 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, with an overall 0.75 FAR on the 26.48-acre site.

The Application consolidates the four previously approved multi-family buildings and Clubhouse into three buildings with a combined total of 304 multi-family dwelling units, and increases the maximum height of those buildings from 60 to 65 feet or 5 stories. The Clubhouse is now located at the ground level of Building 1 rather than being a standalone building. The effect previously achieved with the Clubhouse as a focal point and visual terminus for the future Waters Road connector to MD Route

118 is now adequately achieved with an open space gateway and trellis framed by architecturally prominent building corners.

The location of buildings fronting on Waters Road and the provision of commercial uses and residential units with direct access to the street via separate ingress/egress points is maintained, which is key to the activation of Waters Road.

The Application provides additional structures as part of the revised amenity areas. These include: a pavilion with seating, a dog grooming station, accessory building for cleaning and maintenance, and outdoor kitchen with trellis. The location of these structures adequately responds to the new amenity layout by strengthening the pedestrian experience and expanding the range of outdoor activities.

The parking areas for the multi-family buildings were revised to accommodate additional required loading spaces for all multi-family buildings and the elimination of the 2-level parking structure. The parking requirements for the multi-family buildings are all met on-site via surface parking areas with a total of 443 parking spaces. The location of the surface parking areas within the site and behind the multi-family buildings allows for an adequate orientation of the project towards Waters Road and Waterford Hills Boulevard. The parking areas efficiently address parking needs of the future residents and enable safe access and circulation to the multi-family buildings.

The Application replaces the long-term bicycle storage facilities with covered bicycle parking facilities, which are more practical and useful, at each multi-family building. The project still provides bicycle racks in proximity to residential units, amenity areas and circulation paths, which collectively encourage bicycle usage. The total number of bicycle parking spaces remains unchanged.

b. Open Spaces

The open spaces provided are adequate, safe, and efficient. The RMX-2 Zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the tract area for residential uses, and 15 percent for commercial uses. The Application meets the green area requirements by providing a total of 50 percent (or 13.2 acres) of green space.

The open space surrounding the multi-family buildings was revised to accommodate additional amenities and as a response to the new building configuration. The Application includes three general amenity areas surrounding the multi-family buildings: the pool area, the pedestrian corridor and active play area.



- 1) The pool area consists of a swimming pool, a wading pool (sun shelf), outdoor kitchen with trellis and moveable seating, and a fire pit enclosed by a 6-foot tall fence. Although located on the northern side of Building 1, the pool area has adequate sun exposure as shown on the sun/shadow study in the Staff Report.
- 2) The east-west pedestrian corridor, which accommodates pedestrian movements between the residential neighborhoods to the west and the MARC station, encompasses a sequence of distinct spaces connected by an 8-foot path lined with trees. The sequence of spaces starts with a gateway trellis and a plaza with a fountain on the eastern end along Waters Road and progresses through an open play area II and mini-plaza with raised columns towards a pavilion with seating and a community garden on the western end. This open space corridor efficiently allows for pedestrian movement and connectivity while creating safe opportunities for recreation and leisure.
- 3) An area of active recreation on the western side includes a dog park with a dog grooming station, yard games, volleyball court, sitting areas and grilling.

The open space and play lot associated with Building 3 were relocated from the northern to the western side of the building fronting on Waterford Hills Boulevard. This location is more prominent and provides adequate visibility of the open space from the public road.

The diversity of open spaces is adequately dispersed throughout the development to provide safe and convenient access to all residents while efficiently providing relief from the density achieved.

c. Landscaping and Lighting

The landscaping is adequate, safe, and efficient. The Application revises the landscape plan as a response to the new amenity layout and building configuration. The landscape continues to serve several purposes. It provides adequate canopy coverage and shade for parking areas and open spaces. It efficiently defines open spaces and amenity areas by creating an edge or boundary, and adding interest, such as, at the open space gateway. It screens and buffers different uses within the project, such as, the active play area from the surface parking areas.

Similarly, the lighting was updated also as a response to the new amenity layout and building configuration. The revised lighting is adequate, safe, and efficient.

d. Recreation Facilities

The recreation facilities provided are adequate, safe and efficient. The Amendment provides additional amenities and recreation facilities, which help support the

increase in density in this optional method of development project. The recreation facilities provided within the multi-family area, which are included in the recreation calculations, include: a swimming pool, a wading pool (sun shelf), a volleyball court, yard games, open play area II, and sitting areas.

The recreation calculations for the overall development were updated to include the revised facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. These facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups.

Additional amenities, which are not included in the Recreation calculations, but integral to the enjoyment and leisure of the future residents include: outdoor kitchen with trellis, moveable seating and a fire pit in the pool area; a pavilion with seating, community garden, mini-plaza with raised columns, plaza with fountain, a dog park with a dog grooming station, accessory building for cleaning and maintenance, and indoor fitness facility. The accessory building for cleaning and maintenance and indoor fitness facility are for the use of the multi-family residents and their guests.

e. Pedestrian and Vehicular Circulation Systems

The pedestrian and vehicular circulation systems are safe, adequate, and efficient. The Application includes minor revisions to the pedestrian and vehicular circulation systems. Pedestrian paths were adjusted as a response to the revised layout of the amenity areas. A hierarchy of paths provides access to the various amenity areas, parking areas and buildings entrances. The Application improves the east-west pedestrian corridor by opening the space, creating a gateway, and connecting a sequence of spaces with an 8-foot wide path.

The vehicular circulation system was revised to accommodate minor revisions to the parking layout and loading spaces. Because all the multi-family buildings are now 5 stories, all are required to have loading spaces. These were integrated efficiently in the rear of the buildings while maintaining safe vehicular circulation in the parking areas. The Application also shows the vehicular access for the commercial area off Waters Road as a place holder subject to further coordination with potential adjacent development. This vehicular access into the parking area may shift north or south to better coordinate with potential adjacent development.

*4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structures and uses approved are compatible with other uses and site plans, and with existing and proposed adjacent development. The Amendment adds 15

additional multi-family dwelling units to the approved mix, resulting in a total of 470 dwelling units and 14,426 square feet of commercial uses, with an overall 0.75 FAR on this site. The residential density is 17.75 du/ac, which is compatible to the residential density at Fairfield of Germantown at 16.8 du/ac. The overall density and uses are compatible with the location of the site on the west end of the Germantown Town Center area abutting the CSX tracks and within a ½ mile radius of the MARC Station. Locating the commercial uses along Waters Road is compatible with the existing confronting uses on this road, which are more commercial in nature.

The Application eliminates the 2-level parking structure, which was previously located along the CSX tracks and helped to buffer noise from the tracks onto the multi-family buildings, and replace it with surface parking. An updated noise study confirmed that the noise levels at the multi-family building 1 (closest to the tracks) are acceptable without the parking structure.

The maximum height of the multi-family buildings has increased from 60 to 65 feet or 5 stories. While this change is minimal, it allows for an additional story which accommodates the additional units with minimal increase in the building footprints, and greater ceiling height for the commercial development on the ground floor of Building 1. Also, per County requirements all buildings will have to be LEED certified.

From a compatibility standpoint, the additional 5 feet are not significant and will hardly be perceived at street level, especially when combined with flat roofs along the buildings' street edge. The additional height is limited to the multi-family buildings located along Waters Road, which preserves the step down effect in building heights from east to west towards the existing residential communities as intended by the Sector Plan and is compatible with existing and potential development along Waters Road.

*5. The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Site Plan Amendment meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection. The Final Forest Conservation Plan (FFCP) was approved by the Planning Board in conjunction with Project Plan No. 92002002B on June 23, 2011. The FFCP was subsequently revised and updated with Preliminary Plan No. 120110090 and Site Plan No. 820110130, approved by the Planning Board on December 1, 2011. The Applicant has submitted a revised FFCP with this Amendment that reflects the layout changes. This Application and the revised FFCP are in compliance with Chapter 22A of the Montgomery County Code.

The stormwater management concept approved on November 14, 2012, meets the required stormwater management goals by the use of Environmental Site Design (ESD) for one inch of the required volume including microbiofilters, bioswales and porous paving. The existing dry stormwater pond will be used for the remaining volume that cannot be provided in the ESD facilities. Filterrras and a volume based Stormfilter will be used for the Waters Road improvements.

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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

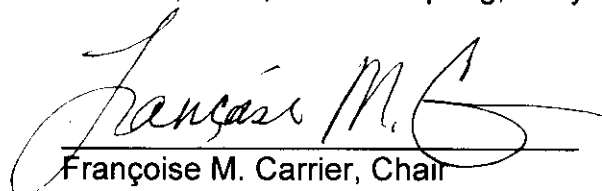
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 8 2013 (which is the date that this resolution is mailed to all parties of record); and

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

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#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, and with Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, December 20, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair  
Montgomery County Planning Board