



Monument Realty, LLC, Development Plan Amendment, DPA 15-01



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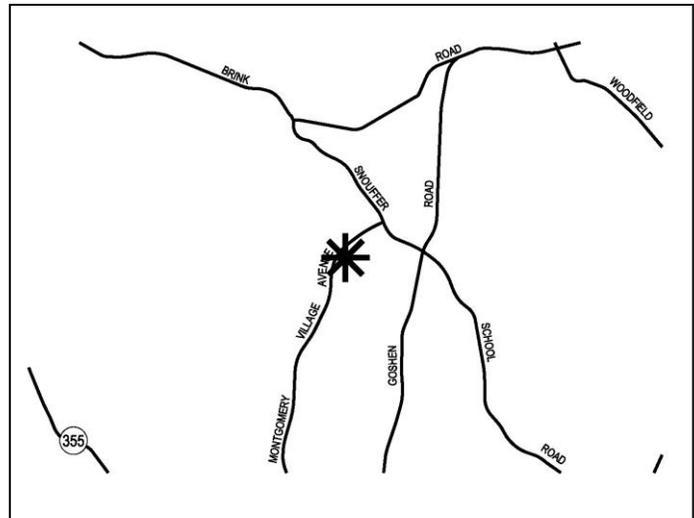


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Completed: 04/13/15

Description

- Request for an amendment to the existing Development Plan to construct up to 86 townhouses (75 market rate and 11 MPDUs);
- Location: northeast portion of the former Montgomery Village Golf Course between Montgomery Village Avenue and Arrowhead Road, Montgomery Village;
- Town Sector (T-S) Zone, 17.3 acres of land in the *1985 Gaithersburg Vicinity Master Plan* area;
- Applicant: Monument Realty, LLC;
- Filing Date: December 30, 2014;
- Public Hearing Date: May 8, 2015.



STAFF RECOMMENDATION:

Deferral/Denial of Development Plan Amendment DPA 15-01 due to the following reasons:

- The requested amendment is inconsistent with the *1985 Gaithersburg Vicinity Master Plan*. The Applicant must show that the proposed Development Plan Amendment is in substantial compliance with the use and density requirements of the master plan. The *1985 Gaithersburg Vicinity Master Plan* contains no narrative or background about Montgomery Village, but the Land Use Plan associated with the Master Plan, designates this property as “Private Conservation/Recreation”; therefore, the proposed amendment for residential townhouse development on this site is not consistent with the land use plan recommendations of the current Master Plan.
- A Montgomery Village Master Plan is underway and the public interest would be better served if land use decisions are made through this comprehensive process.
- The Hearing Examiner should postpone a public hearing for a reasonable time regarding DPA 15-01 because there is a pending Master Plan study that may substantially affect the pending DPA application.

Summary

The Applicant, Monument Realty LLC, seeks an amendment to an approved 1965 Local Map Amendment and associated development plan, known as Montgomery Village. The land use approval at that time introduced planned communities into Montgomery County. Subsequent DPA's and zoning cases have been approved by the Montgomery County Council over the past 50 years to allow revisions to the original development plan.

DPA 15-01 is an application requesting approval to permit the construction of 86 townhouse units within an undeveloped portion (former private golf course) of Montgomery Village. The subject property "Property", comprising 17.3 acres of land, is located at the northeast portion of the former Montgomery Village Golf Course between Montgomery Village Avenue and Arrowhead Road.

The 2,435-acre Montgomery Village planned community is currently zoned T-S which limits the total density within the entire T-S zoned area to 15 people per acre of Montgomery Village. The residential population density remaining in Montgomery Village is 232 people. The proposal to develop the property with 86 townhouses (75 market rate and 11 MPDUs) would add 225 people to the population density as calculated under the density requirements of the T-S Zone.

Generally, the proposed DPA application meets most of the applicable standards of the T-S Zone, including density. The amended development plan would allow creation of a community compatible with existing and proposed uses in the surrounding area. However, to fully satisfy the purpose clause for the T-S Zone, the Applicant must show that DPA 15-01 is in substantial compliance with the 1985 *Gaithersburg Vicinity Master Plan*. The 1985 Plan contained neither descriptive narrative nor any specific recommendations about Montgomery Village. The associated 1985 Plan's fold-out land use map had two open space categories: "Parkland" and "Private Conservation/Recreation." The only site-specific guidance for the subject property is found on the fold-out land use map, which identified the former golf course as "Private Conservation/Recreation." Since the former golf course was labeled as "Private Conservation/Recreation" on the Plan's fold-out land use map, staff has determined that DPA 15-01 is inconsistent with the 1985 *Gaithersburg Vicinity Master Plan*.

Pursuant to provisions of the current Zoning Ordinance Section 8.1.2.A.1 (Amending a Development Plan), this application is an amendment to an existing development plan; therefore, DPA 15-01 must be reviewed under the old Montgomery County Zoning Ordinance requirements of Section 59-C-7.2 (Town Sector Zone). Under 22A-11(b)(2)(c), a Planning Board recommendation on a Forest Conservation Plan must be made to the District Council as part of its review of a planned development application. Staff recommendations on the Preliminary Forest Conservation Plan and tree variance are covered in a separate memorandum for action by the Planning Board.

Staff recommends that the Hearing Examiner postpone the public hearing date due to the pending Master Plan study. It is noted, however, that if DPA 15-01 is approved by the District Council, the proposed development will be subject to Preliminary Plan and Site Plan review by the Planning Board.

Property Description

The Property, described as Area IV/Parcel B, is approximately 17.3 acres of undeveloped land situated at the northeastern portion of the former Montgomery Village Golf Course. The horseshoe-shaped property is located between Montgomery Village Avenue and Arrowhead Road. Situated within the horseshoe is the Fairway Island East townhouse community. (See Aerial Photo below.)



Aerial Photo

The property consists of two holes (holes 3 & 4) of the former golf course with undulating grades sloping down from high points to the north and east to low points to the south and west; the lowest point is located adjacent to Montgomery Village Avenue. Mature trees are located on both sides of the former fairways, but the majority of the area is grass and vegetation.

There are several easements through the property. A PEPCO right-of-way easement divides the golf course and part of this easement is located along the southeastern boundary of the property; two WSSC easements are located on the property; the northern easement will remain unchanged and the southern easement will be relocated as part of the redevelopment if approved.

The property is separated from the nearby stream by the PEPCO easement and existing development. There is a FEMA 100-year floodplain mapped on the site and is addressed under the separate staff report for the Preliminary Forest Conservation Plan (PFCP). The property is not located within a Special Protection Area. The Maryland Department of Natural Resources (DNR) determined that there are no state or federal records for rare, endangered or threatened species within the boundaries of the proposed project (see Attachment 1).

Zoning History

Montgomery Village was originally approved in 1965 by a Local Map Amendment (LMA E-327) and an approved Development Plan. Montgomery Village is zoned T-S, a zone created for a particular type of planned community that was expected to evolve over time and meet the original intent to achieve flexibility of design, integration of mutually compatible uses, and optimum land planning with greater efficiency, convenience, and amenity. The T-S Zone allows a wide variety of land uses without committing to strict development standards. Rather, the zone relies on the development plan to determine the most compatible land uses in the context of the surrounding community and site plans to ensure compatibility and high quality design.

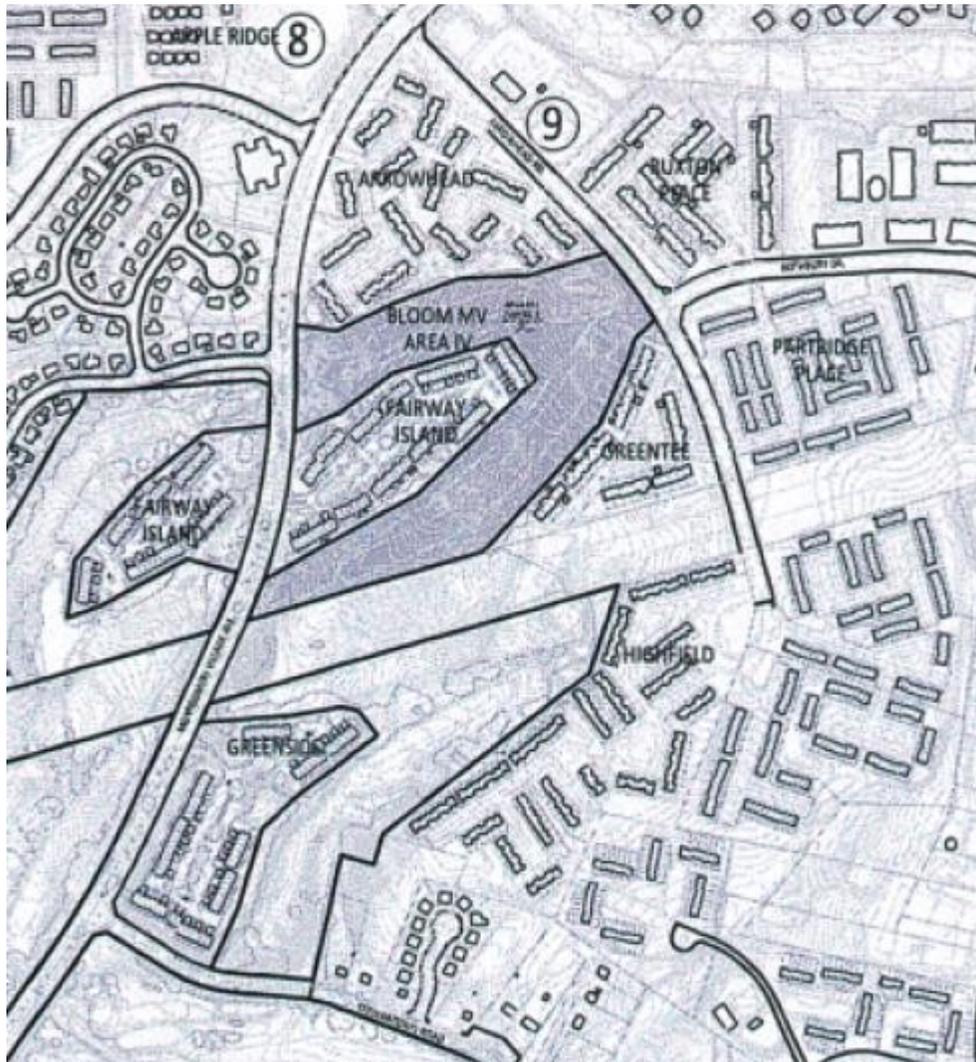
The 2,435-acre planned community and the original development plan laid out a pattern of residential, commercial, industrial and open spaces for future development, with maximum flexibility to build to Montgomery Village's needs at the time of development. Over time, Montgomery Village has grown from the original 1,757.33 acres to its current size as a result of several amendments between 1968 – 1987. Over the course of the last 50 years, there have been approximately 19 DPAs approved to allow the mixture of land uses and open space that exist in Montgomery Village today. (See Development History Attachment 2.)

Numerous preliminary plans and site plans have been approved to implement the uses approved under the various DPAs. Therefore, as required, the Applicant will have to submit a Preliminary Plan and Site Plan to allow final development of the Property to proceed if the DPA is approved.

SURROUNDING AREA

The horseshoe-shaped property is bounded by Montgomery Village Avenue to the southwest and Arrowhead Road to the northeast. The Arrowhead townhouse community borders the property to the northwest and the Greentee townhouse community borders the property to the southeast, along the PEPCO right-of-way. Within the horseshoe is the Fairway Island East townhouse community. In all three communities, the backs of the existing units face the Property (with only a handful of exceptions in Arrowhead), buffered by existing trees and landscaping. (See Neighborhood Plan below)

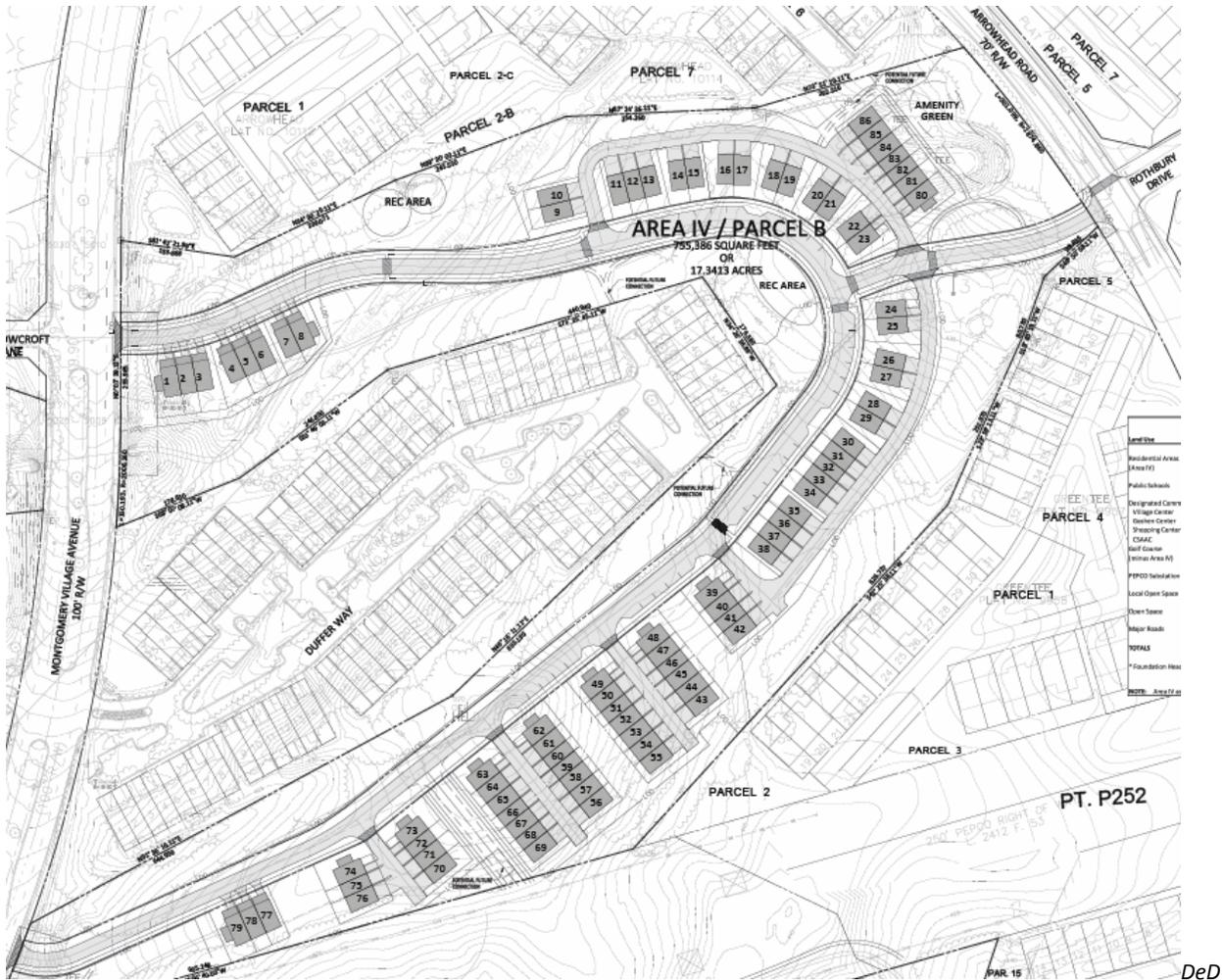
The Property is approximately 2.4 miles north of the intersection of Montgomery Village Avenue and Frederick Road/MD-355 (and access to I-270). The Montgomery Village Center is one mile to the south and the Goshen Shopping Center is a quarter-mile to the east. The proposed development includes circulation improvements to make it easier for pedestrians and bicyclists to reach nearby retail and restaurants. Community pools, community centers, parks, open space and playgrounds are also nearby.



Neighborhood Plan

Proposal

The proposed Development Plan Amendment seeks approval of 86 townhomes on the Property. The proposed units (75 market rate and 11 MPDUs) will directly impact the three adjacent existing communities defined above. However, the planning of the proposed townhomes has been designed to buffer impacts to all surrounding properties as shown in the plan below.



Development Plan Amendment

The proposed townhouses are three stories (40 feet maximum) in height. The townhouse development will be designed in a manner that is similar to the complimentary, but contemporary, style with mews and village greens. Specifics with respect to the height, setback, block pattern and layout will be set at Preliminary Plan and Site Plan. However, the plan for the area generally envisions three-story units to be compatible with the surrounding communities. MPDUs are provided pursuant to Chapter 25A of the Montgomery County Code, 11 units or 12.5%, and are scattered throughout the Property.

The proposed housing density will be equal to or less than the existing density of the surrounding neighborhoods. The surrounding townhouse communities are built at a density of 6.9 dwelling units/acre (Arrowhead), 9.1 dwelling units/acre (Fairway Island East), and 6.6 dwelling units/acre (Greentee), while the proposed new community is designed to a density of 4.97 dwelling units/acre. (See Density Plan Attachment 3.)

The proposed site layout of the townhouses attempts to maximize the amount of open space and locates the new townhouse units so as to avoid adversely affecting the views of a majority of the existing homes. Additional plantings along the perimeter will be provided to ensure privacy between

homes. The proposed development will provide a landscape buffer between the existing homes at the perimeter of the property and the proposed development. Currently, the perimeter of the property has many existing large trees and the concept buffer plan shows an attempt to save as many perimeter trees as possible, while proposing more planting of trees to provide additional screening as shown below in the open space plan.



Open Spce Plan

Access to the site will be provided by two entrances from Montgomery Village Avenue and an entrance from Arrowhead Road. The southern and northern access points from Montgomery Village Avenue will provide ingress/egress to the proposed townhouse units and the access point at Arrowhead Road will also provide ingress/egress to the townhouse units. Based on the submitted traffic data, the minimal traffic volume would not warrant the need for northbound deceleration/right-turn lanes on Montgomery Village Avenue at the two proposed site access points. Similarly, a northbound left-turn lane on Arrowhead Road at the proposed site access would not be desirable because it would disrupt existing on-street parking and the site-generated left turns are minimal.

To increase compatibility, shorter sticks of townhomes are proposed, distances between homes are maximized and a large open green at the eastern entry is planned to create a sense of privacy between homes. These design features, which were requested by the community, help to strengthen the transition between existing and new neighborhoods.

Final design of the amended development plan will be reviewed by the Montgomery County Planning Board at the time of subdivision and site plan review if the DPA is approved. The Applicant must submit a site plan in accordance with Section 59-D-3 of the Zoning Ordinance before any development of the site may take place.

PUBLIC FACILITIES

Transportation

A traffic analysis has been prepared to demonstrate that the proposed project will not overburden the surrounding transportation system. For Local Area Transportation Review the proposed 86 single-family attached units generate 41 peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and 71 peak-hour trips within the evening peak period (4:00 to 6:00 p.m.). A trip credit for the 18-hole golf course reduced the new site-generated trips by 3 peak-hour trips within the weekday morning peak period and 17 peak-hour trips within the evening peak period. Because the proposed development generates 30 or more total peak-hour trips within the weekday morning and evening peak periods, a traffic study was submitted by the Applicant for the originally proposed 84 townhomes. At the time of Preliminary Plan, the Applicant will need to update the traffic study to reflect a total of 86 townhomes if DPA 15-01 is approved. (See Transportation Memo Attachment 4.)

Schools

The Property is located within the Watkins Mill High School cluster which currently has adequate capacity to accept new students at all grade levels. (See MCPS Memo Attachment 5.)

Utilities

Public water and sewer, electricity, telephone and cable currently serve the property and can be utilized for the proposed residential development.

MASTER PLAN

DPA 15-01 involves a portion of a former golf course in Montgomery Village, which is located within the boundaries of the 1985 *Gaithersburg Vicinity Master Plan*. The Department is working on a new Master Plan for Montgomery Village, which was initiated in October 2014. The Planning Board approved the Scope of Work for the Montgomery Village Master Plan on December 11, 2014. The Staff Draft of the Montgomery Village Master Plan is tentatively scheduled to be presented to the Planning Board in June 2015.

Montgomery Village is a planned community that began developing in 1965 under the Town Sector Zone and its Development Plan, which were created to guide development for this large “new town.” Although the 1985 *Gaithersburg Vicinity Master Plan* encompassed a 25 square mile area, its focus was limited to three areas “where there are meaningful opportunities to influence physical growth and future development through the master plan process” (page 5) because the rest of the area “has been developed or has received development approvals.” (page 5)

The Applicant did provide a detailed explanation of the 1985 Gaithersburg and Vicinity Master Plan that they believe provides guidance and support of the requested DPA. (See Attachment 6.) The 1985 Plan contained neither descriptive narrative nor any specific recommendations about Montgomery Village. With the exception of a reference to undeveloped school sites being retained for open space if they are not needed for schools, the 1985 *Gaithersburg Vicinity Master Plan* did not specifically address Montgomery Village. The following language regarding Montgomery Village school sites is from the 1985 Plan’s Community Facilities chapter:

Montgomery Village Recreation and Open Space Facilities (1980)

Substantial recreation and park facilities are available to residents of Montgomery Village by virtue of automatic membership in the Montgomery Village Foundation. With the exception of school site facilities, all were built by the developer and are maintained, at no cost to the County, by the Montgomery Village Foundation. It is important that at least a portion of each undeveloped school site in the Village be transferred to the Montgomery Village Association for field sport recreation, if the site is not needed for school construction. For example, the ballfield site on Apple Ridge Road should be retained by the Association even if a portion of the site is ultimately used for non-school purposes. (page 95)

General guidance regarding possible future development of privately owned open space in the master plan area is found in the 1985 Plan’s Community Facilities chapter:

Private Recreation Facilities in Developing Areas

Housing developers have an obligation to see that the recreation needs of future residents are met by either existing or proposed public parkland, private recreation facilities within the development, or by dedication of land suitable for future park development. The development of private open space areas to service various age groups can be done relatively inexpensively by encouraging the provision of sitting areas, pathways, open play areas, and playgrounds in attractive open spaces. (page 95)

The 1985 Plan’s fold-out land use map had two open space categories: “Parkland” and “Private Conservation/Recreation.” The only site-specific guidance for the subject property is found on the fold-out land use map, which identified the former golf course as “Private Conservation/Recreation.”

Since the former golf course was labeled as “Private Conservation/Recreation” on the Plan’s fold-out land use map, the Department has concluded that DPA 15-01 is not consistent with the 1985 *Gaithersburg Vicinity Master Plan*.

TRANSPORTATION

The following issues related to the Adequate Public Facilities (APF) test of the transportation requirements for the subject Local Map Amendment Application must be addressed at the relevant subsequent reviews if the DPA is approved:

1. The DPA should be limited to proposed 86 single-family attached units.
2. The Applicant must work with the Montgomery County Department of Transportation (MCDOT) regarding:
 - a. Submission of a traffic signal warrant study at the intersection of Montgomery Village Avenue and Meadowcroft Lane, the proposed northernmost access. If a traffic signal installation is warranted, fund and install the traffic signal.
 - b. Shifting the right-turn-in/right-turn-out at the site's southernmost Montgomery Village Avenue access as far south as feasibly possible to give motorists traveling north more distance to make a U-turn at Duffer Way (i.e., U-turns must merge and then cross two through lanes to get to the left-turn lane).
 - c. Whether deceleration and acceleration lanes and a left-turn storage lane are necessary on Montgomery Village Avenue at the site's two proposed curb cuts.
3. At Preliminary Plan Review, the following will be required:
 - a. Update the submitted traffic study to satisfy the Local Area Transportation Review (LATR) test at Preliminary Plan review to reflect the proposed 86 single-family attached units and update the traffic counts if they are more than 12 months old at Preliminary Plan review.
 - b. Satisfy the Transportation Policy Area Review test by paying the Montgomery County Department of Permitting Services (DPS) the transportation impact tax at the time of building permit.
 - c. Construct a 5-foot wide sidewalk with a tree panel along the Arrowhead Road frontage.
 - d. Provide bike racks at the required recreation area.

DISCUSSION

Site Location and Vehicular Site Access Points

The site is located between Montgomery Village Avenue and Arrowhead Road approximately 750 feet south of the intersection of these two roadways. Vehicular access points are proposed as follows:

1. A full movement access from Montgomery Village Avenue opposite of Meadowcroft Lane.
2. A southern right-turn-in/right-turn-out only access from Montgomery Village Avenue. This right-turn-in/right-turn-out must be shifted as far south as feasibly possible to give motorists traveling

north more distance to make a U-turn at Duffer Way (i.e., U-turns must merge and then cross two through lanes to get to the left-turn lane).

3. A full movement access from Arrowhead Road opposite of Rothbury Drive that will provide additional connectivity and improve site circulation between Arrowhead Road and Montgomery Village Avenue.

Based on the submitted traffic data, the minimal additional traffic volume would not warrant the need for northbound deceleration/right-turn lanes on Montgomery Village Avenue at the two proposed site access points. A northbound left-turn lane on Arrowhead Road at the proposed site access would not be desirable because it would disrupt existing on-street parking and the site-generated left turns are minimal.

Sector-Planned Roadways and Bikeway

The 1985 *Gaithersburg Vicinity Master Plan* designated the following roadways and bikeways:

1. Montgomery Village Avenue is designated as a four-lane arterial, A-295, with a recommended 80-foot-wide right-of-way and a Class I bikeway, E-16. The current right-of-way is approximately 100 feet wide and is surrounded to its ultimate four-lane condition.
2. Arrowhead Road is designated as a primary residential street, P-19, with a recommended 70-foot-wide right-of-way and no bikeway. Arrowhead Road is constructed to its ultimate 36-foot condition with a combination of lanes and parking. The current right-of-way is approximately 70 feet wide.

The 2005 *Countywide Bikeways Functional Master Plan* does not recommend any bikeways along Montgomery Village Avenue or Arrowhead Road.

Public Transit Service

Transit service is available from the proposed site along following two bus routes:

1. Ride-On route 58 operates along Montgomery Village Avenue with 30-minute headways between the Shady Grove Metrorail Station and the Lakeforest Mall Transit Center.
2. Ride-On route 64 operates along Arrowhead Road with 30-minute headways between the Shady Grove Metrorail Station and the Montgomery Village Center.

Bus stops are located currently at the intersections of Montgomery Village Avenue/Meadowcroft Lane, Montgomery Village Avenue/Duffer Way, and Arrowhead Road/Rothbury Drive.

Pedestrian and Bicycle Facilities

Approximately 5-foot wide sidewalks with small green panels are already constructed along both sides of Montgomery Village Avenue. Along Arrowhead Road, only a 6-foot wide sidewalk with a 6-foot wide green panel exists on the opposite side of this road. At Preliminary Plan review, the Applicant must provide a sidewalk along the frontage of Arrowhead Road and bike racks at the site's recreational area.

Transportation Adequate Public Facilities Test

Based on the submitted information, it is likely that the transportation APF tests for the Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) can be satisfied at Preliminary Plan review.

For Local Area Transportation Review the proposed 86 single-family attached units generate 41 peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and 71 peak-hour trips within the evening peak period (4:00 to 6:00 p.m.) A trip credit for the 18-hole golf course reduced the new site-generated trips by 3 peak-hour trips within the weekday morning peak period and 17 peak-hour trips within the evening peak period.

The Applicant submitted a traffic study to satisfy the LATR test based on the originally proposed 84 single-family attached units because the proposed development generates 30 or more total peak-hour trips within the weekday morning and evening peak periods. Based on the submitted traffic study, the table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments and the I-270/Watkins Mill Road interchange that is fully-funded for construction.
3. Total: The background condition plus the site-generated trips.

Analyzed Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Montgomery Village Avenue & Arrowhead Road-Shadow Oak Drive	Morning	611	613*	613*
	Evening	760	766*	766*
Montgomery Village Avenue & Apple Ridge Road-Hob Hill Way	Morning	796	824*	828*
	Evening	816	907*	910*
Montgomery Village Avenue & Meadowcroft Lane-Northern Access	Morning	524	477*	494*
	Evening	498	458*	484*
Montgomery Village Ave & Duffer Way	Morning	558	511*	520*
	Evening	531	492*	497*
Montgomery Village Avenue & Club House Road	Morning	774	726*	735*
	Evening	906	932*	933*
Arrowhead Road & Rothbury Drive	Morning	335	335	337
	Evening	504	504	517
Goshen Road & Rothbury Drive-Green Run Way	Morning	620	620	626
	Evening	676	676	692
Montgomery Village Avenue & Southern Right-Turn-In & Right-Turn-Out Access	Morning	536	489*	502*
	Evening	499	460*	475*

*The CLV values in the background and total traffic conditions are reduced because the some of the existing traffic on Montgomery Village Avenue was diverted onto Watkins Mill Road traveling to/from I-270. The Maryland State Highway administration’s Capital Transportation Program Project No. M03515170 for the I-270/Watkins Mill Road interchange is fully funded for construction and is projected to open to traffic within five years.

As shown on the table above, the CLV values at the eight intersections are less than the CLV/congestion standard of 1,425 for the Montgomery Village/Airpark Policy Area. The increase from the analyzed 84 single-family attached units to the currently proposed 86 units is only a 2.4% increase in traffic and will not result in the analyzed intersections approaching 1,425 CLV standard, therefore, the LATR test is satisfied for the subject DPA.

For Transportation Policy Area Review, the Applicant must satisfy the TPAR test at Preliminary Plan review by paying 25% of the transportation impact tax for the “single-family attached residential” units located in the Montgomery Village/Airpark Policy Area. For the current TPAR test, the roadway test for this policy area is adequate, and the transit test is inadequate. The TPAR mitigation payment/ transportation impact tax is paid to DPS at the time of building permit.

ENVIRONMENT

As submitted, the plans for the DPA are not in compliance with the Montgomery County Planning Department’s *Environmental Guidelines*, due especially to the presence of a mapped FEMA 100-year floodplain on the site. This issue is addressed in the conditions of approval for the Preliminary Forest Conservation Plan (PFCP) that accompanies the DPA. This issue and others are covered in the separate staff report for the PFCP. Approval of the PFCP will also address conditions for compliance with Chapter 22A.

COMMUNITY OUTREACH

The Application was submitted and noticed in accordance with all required procedures. The Application met posting requirements with two signs. Staff has received several letters in opposition to DPA 15-01, including requests that the application be postponed until the Town Sector Zones have been changed through the on-going Master Plan study to be consistent with the current County Zoning Ordinance. (See Attachment 7)

The Applicant has engaged in a 12-month community outreach effort, including a series of community design workshops with the entire Montgomery Village community from May through November of 2013, and ongoing coordination with the Montgomery Village Foundation (MVF) subsequent to those workshops. The MVF formed a special committee, the Joint Property Committee (JPC) to review, analyze and comment upon the Applicant’s redevelopment plans for the Property, as well as the entire Concept Plan. The members of the JPC were comprised of members of the HOA Boards that border the golf course, community residents with relevant professional experience, and leadership from the MVF Board.

After nearly a year of deliberations and resulting revisions to the Concept Plan, the JPC voted unanimously to support the proposed Concept Plan, which included the Property in question. The Foundation Board followed suit with an 8-1 vote to approve of the Concept Plan in March 2014.

According to the Applicant, five workshops to which all residents of Montgomery Village were invited have been conducted. Over the course of the year, over 200 different people attended the events and were able to provide feedback and have their questions answered by the Applicant and its design team. In addition, through 2013 and most of 2014, the Applicant had a booth at the local Farmer’s Market and

numerous community events, gave public tours around the perimeter of the golf course, and visited with neighbors in their kitchens and backyards. Finally, the Applicant set up a website with information about the Concept Plan, which has garnered hundreds of unique visitors. As a result of this outreach, the Applicant is pleased to have the support of many of the neighbors of the Property and the MVF leadership. Attached is a Resolution approved and adopted by the Board of Directors of the MVF in support of DPA 15-01 (see Attachment 8).

EVALUATION AND FINDINGS

Sec. 59-C-7.2., T-S, Town Sector Zone

It is the purpose of this zone to provide a classification which will permit development of or additions to planned new towns or additions to existing urban developments. Such towns shall contain, insofar as possible, all of the residential, commercial, community and industrial facilities needed to make possible a town that is reasonably self-sufficient for all purposes, except major employment and central business district shopping. Adequate provision shall be made for the maintenance of open space and the location of streets and highways to assure orderly traffic circulation. Provision shall be made for the inclusion of housing for families of low and moderate incomes. Physical planning within the town shall be such as to assure that these uses, including a wide variety of types of housing accommodations, shall be placed in efficient and orderly relationship.

A new town is further described, for the purposes of this chapter, as being located on a substantially undeveloped site and meeting the following mutually interdependent requirements:

- (a) Self-Sufficiency. Containing as nearly as possible all of the commercial, employment, cultural and recreational facilities desirable and necessary for the satisfaction of the needs of its residents.*
- (b) Diversity. Containing a wide variety of residential facilities, so as to offer a wide range of structural types, site planning layouts and arrangements, and rental and purchase prices.*
- (c) Density. Urban rather than rural, in order to facilitate travel between residential, commercial, employment and other types of areas and to make the most efficient use of public utilities, but low enough to permit the incorporation of large amounts of open land within the town for recreational and scenic purposes.*
- (d) Transportation Facilities. Transportation facilities adequate to serve the anticipated total population shall be either in existence or planned for future construction.*
- (e) Public Utilities. Public sewer and water shall be available at the site or planned for construction.*

Land lying principally within a corridor city as defined in section 59-A-2.1, title "Definitions," may be considered for classification in the town sector zone.

In order to encourage and facilitate desirable development of this kind, it is further the purpose to eliminate, in the town sector zone, some of the specific restrictions which regulate, in other zoning

categories, the height, bulk and arrangement of buildings and the location of the various land uses; to provide for more flexibility in development; and to require that all development be in accordance with a plan meeting the requirements of this section, and the development plan provisions of division 59-D-1. It is the intent of this zone to achieve flexibility of design, integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the standards permitted by right and required in conventional zoning categories.

In addition, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees; and, in order to do so, minimize the amount of grading necessary for construction of a development.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

DPA 15-01 is an addition to the existing planned community created by the original development plan. The layout of open spaces and streets is designed to ensure orderly circulation throughout the proposed neighborhood, but also to have a minimal impact on the surrounding communities. The three access points allow the disbursement of traffic along Montgomery Village Avenue and Arrowhead Road, minimizing the pressure on both streets and allowing residents options in navigating to and from the community. In addition, the circular design of the private road and the on-street parking combine to minimize speeds, while the alleys minimize the number of curb cuts and, therefore, vehicular conflicts with cyclists and pedestrians. In addition, MPDUs, per County law, are provided for to accommodate families of moderate income. Finally, the design of the new community is based on complementing and interacting with the existing community to create an efficient and orderly relationship with the surrounding neighborhoods and Montgomery Village generally.

59-C-7.22. Limitations

No property shall be placed in a town sector zone, except upon application of a person with a financial, contractual or proprietary interest in the property, notwithstanding any provisions of this chapter to the contrary.

Not applicable.

59-C-7.23. Land uses.

Uses described on the approved development plan, as provided in division 59-D-1, shall be permitted by right in this zone. All uses authorized in any zone, by right or as special exceptions, may be similarly authorized in the town sector zone, subject to the following restrictions:

59-C-7.231. Only uses shown on the approved site plan shall be permitted, unless the site plan is first amended in accordance with the requirements of division 59-D-3. An amendment to the site plan shall not be required for construction of accessory buildings and additions or modifications to existing one-family detached dwelling units or townhouses and accessory buildings if:

- (a) *The planning board has approved homeowners association documents establishing a procedure to review such development prior to said construction; and*
- (b) *Under this procedure, approval for said construction has been granted; provided, however, that site plan review is necessary for additional construction commenced prior to December 9, 1980, if:*
 - (1) *At the time such additional construction was commenced, site plan review was required; and*
 - (2) *The recorded subdivision plat creating the lot upon which such development is proposed did not indicate the standards to be applied or the procedures to be followed to approve additional construction beyond initial development.*

Planning Board approval of a Preliminary Plan and Site Plan will be required if DPA 15-01 is approved by the District Council.

59-C-7.232. No use shall occupy a location other than indicated on the approved site plan.

Planning Board approval of a Preliminary Plan and Site Plan will be required if DPA 15-01 is approved by the District Council.

59-C-7.233. Areas designated as residential on the development plan, shall consist of the residential portion of the town sector zone and accompanying facilities such as local retail areas, public school sites, local recreational and open space areas and public roads. Only the following uses shall be permitted in residential areas:

(a) *One-family dwellings, which shall be used only for the following purposes:*

(1) *Dwelling for one family.*

Only residential uses (townhouses) are proposed, along with open spaces and private streets, similar to other residential areas in Montgomery Village.

(2) *Professional offices for use by not more than one member of a recognized profession who is a resident of the dwelling and by not more than one nonresident assistant. Recognized professions include but are not limited to medicine, dentistry, law, accounting and architecture; they do not include businesses such as insurance, real estate, etc. A professional office in this instance shall be incidental to the principal use of the building as a dwelling and shall not include a medical, dental or veterinary clinic or in-patient treatment facility.*

Not applicable.

(3) *All other uses permitted in the R-90 zone, as shown in section 59-C- 1.31.*

Not applicable.

- (4) *All uses permitted as special exceptions in the R-90 zone, as shown in section 59-C-1.31, subject to the grant of a special exception in accordance with article 59-G.*

Not applicable.

- (b) *Multiple-family dwellings, which shall be used only for the following purposes:*

- (1) *Dwelling units, not more in number than shown on the site plan.*
- (2) *Office for rental, operation, service and maintenance of a multiple- family dwelling or group of dwellings.*
- (3) *All other uses permitted in the R-30 zone, as shown in section 59-C-2.3.*
- (4) *All uses permitted as special exceptions in the R-30 zone, as shown in section 59-C-2.3 subject to the grant of a special exception in accordance with article 59-G.*
- (5) *Any of the commercial uses permitted in the C-1 zone; provided that:*
 - (i) *There shall be no dwelling units on any floor on which there are commercial uses; and*
 - (ii) *The total floor area used for commercial purposes shall be no greater than shown on the site plan.*

Not applicable.

- (c) *Housing and related facilities for senior adults and persons with disabilities.*

Not applicable.

59-C-7.234. Privately owned roads and community open spaces. Privately owned roads and community open spaces may be held in perpetuity by the developer or by an approved homes association, substantial in membership and duration, provided that easements for such uses shall be granted to the county and recorded in the land records of the county following planning board approval of such easements.

The attached draft Homeowner’s Association (HOA) documents provide for the ownership of the private roads and community open spaces in perpetuity.

59-C-7.24. Area requirements.

59-C-7.241. Minimum area of tract. Each application for the town sector zone shall be for a tract of land which has an area of 1,500 acres or more; except, that an application for a tract of any size adjoining a tract in the town sector zone may be filed by the original applicant or a successor in title.

Montgomery Village consists of 2,435 acres; the proposed DPA does not change the acreage.

59-C-7.242.1. Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed under the guidelines contained in Sec. 59-A-6.14.

Not applicable.

59-C-7.242. Commercial area. Not more than 10 percent of the total area of the town sector may be devoted to commercial purposes. All required parking for commercial purposes shall be included within the 10 percent calculation.

Not applicable; the proposed DPA does not make any changes to the commercial areas.

59-C-7.243. Industrial area. Not more than 6 percent of the total area of the town sector zone may be devoted to industrial purposes and other major employment facilities.

Not applicable; the proposed DPA does not make any changes to the industrial areas.

59-C-7.244. Open space. Not less than 10 percent of the total area of the town sector zone shall be devoted to open space. This may include publicly owned, community-wide or common open space and facilities but may not include streets and parking areas.

Open space makes up 28.62% of the total area of Montgomery Village. The proposed DPA does not make any changes to the amount of open space. The former golf course is not included as part of the open space.

59-C-7.25. Density of population.

The population of the town sector zone must be planned so as not to exceed 15 persons per acre based upon the total area within the town sector zone; except, that such planned population may be increased by an amount equal to the population to be housed in moderately priced dwelling units included in the development plan in accordance with chapter 25A of this Code, as amended, provided that the total increase in population does not exceed 22 percent of the population that would otherwise be permitted.

In calculating the density, the following standards shall apply:

- (a) One-family detached dwellings shall be assumed to have an average occupancy of 3.7 persons.*
- (b) Townhouses shall be assumed to have an average occupancy of 3 persons.*
- (c) Multiple-family dwellings less than 5 stories in height shall be assumed to have an average occupancy of 3 persons per dwelling unit.*
- (d) Multiple-family dwellings 5 stories in height or higher shall be assumed to have an average occupancy of 2 persons per dwelling unit.*

As previously noted, 232 population credits remain available within Montgomery Village. Application of the ratio above for townhouse development permits 77 townhouse units, exclusive of MPDUs. Eighty-six units are proposed: 75 market rate and 11 MPDUs (the MPDUs are excluded from the density calculation).

59-C-7.26. Height.

The heights of all buildings in the town sector zone shall be consistent with the limitations set in other zoning classifications for areas of similar density or similar use.

The height of individual buildings will be established during Site Plan if the DPA is approved. The DPA application shows 3-story townhouses at a maximum height of 40 feet. The TLD and TMD Zones (Townhouse Low Density and Townhouse Medium Density, respectively) allow heights up to 40 feet for optional method developments and will serve as a model for this project at site plan.

59-C-7.27. Utilities.

- (a) All utility lines in the town sector zone shall be placed underground. The developer shall ensure final and proper completion and installation of utility lines as provided in the subdivision regulations, being section 50-40(c) of this Code. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.*
- (b) No use-and-occupancy permit shall be issued for any building which is not served by an approved sewer and water supply.*

All utility lines will be placed underground and in accordance with the subdivision and other County regulations. Street lighting shall be considered at site plan. The proposed development will be served by public water and sewer, to be evaluated in detail at the time of subdivision.

59-D-1.6 - Approval by District Council

59-D-1.61 - Findings

Before approving an application for classification in any of these zones, the district council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In so doing, the district council must make the following specific findings, in addition to any other findings which may be necessary and appropriate to the evaluation of the proposed reclassification:

- (a) That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.*

The proposed DPA is inconsistent with the 1985 *Gaithersburg Vicinity Master Plan*. The Applicant must show that the proposed Development Plan Amendment is in substantial compliance with the use and density requirements of the Master Plan. The 1985 *Gaithersburg Vicinity Master Plan* contains no narrative or background about

Montgomery Village, but the Land Use Plan associated with the Master Plan, designates this property as “Private Conservation/Recreation”; therefore, the proposed amendment for residential townhouse development on this site is not consistent with the land use plan recommendations of the current Master Plan.

- (b) *That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

The application is consistent with the density regulations of the T-S Zone. However, as noted above, DPA 15-01 is inconsistent with the Gaithersburg Vicinity Master Plan. Therefore, the purpose clause for the T-S Zone is not fully satisfied.

The Applicant believes that the proposed project provides for the maximum safety, convenience, and amenity of the residents of the development and that it is a well-designed site plan, within walking distance of the existing commercial center. Parking is provided in garages, in driveways and on the street to maximize the opportunities for residents and guests to gather at a home and prevent spillover parking.

- (c) *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.*

The external access points are safe and efficient, with crosswalks proposed to assist pedestrians and bicyclists out of the community. Pedestrian circulation was a major focus of the design and sidewalks are provided throughout, and alleys serving most of the units remove potential vehicular conflicts from the main road.

- (d) *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.*

The proposed townhouses have been developed to cluster homes around alleys and along streets to minimize impacts and an overly large limit of disturbance. This will minimize the need for grading beyond the building and buffers between the existing and proposed units. All of the graded areas, however, will be stabilized as required through subsequent sediment and erosion control plans. Finally, these graded areas will be designed with minimal slopes and with ample vegetation to prevent erosion; this is further aided through the dispersion of stormwater management into smaller drainage areas than was allowed when most of Montgomery Village developed under the T-S Zone.

- (e) *That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.*

The draft Homeowner's Association (HOA) documents provided establish a mechanism for perpetual maintenance of the common areas.

CONCLUSION

The proposal complies with the relevant sections of the Montgomery County Zoning Ordinance, **except** master plan compliance. Since a Montgomery Village Master Plan is underway, staff believes that the public interest would be better served if land use decisions are made through this comprehensive process and that the Hearing Examiner should postpone the public hearing for a reasonable period of time. Therefore, Staff recommends deferral/denial of DPA 15-01.

ATTACHMENTS

ATTACHMENT 1 – Letter from Maryland Department of Natural Resources

ATTACHMENT 2 – Development History in Montgomery Village

ATTACHMENT 3 – Density Plan

ATTACHMENT 4 – Transportation Planning Memo

ATTACHMENT 5 – Montgomery County Public Schools Memo

ATTACHMENT 6 – Letter from Applicant Regarding Master Plan

ATTACHMENT 7 – Opposition Letters to DPA 15-01

ATTACHMENT 8 – Montgomery Village Foundation Resolution and Letters in Support of DPA 15-01



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Mark J. Belton, Secretary
Frank W. Dawson, III, Deputy Secretary

April 2, 2015

Sean McDonough
Ecotone, Inc.
PO Box 5
Jarrettsville, MD 21084

RE: Environmental Review for Montgomery Village Golf Course, east side of Montgomery Ave., and west side of Arrowhead Road, Montgomery County, MD.

Dear Mr. McDonough:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

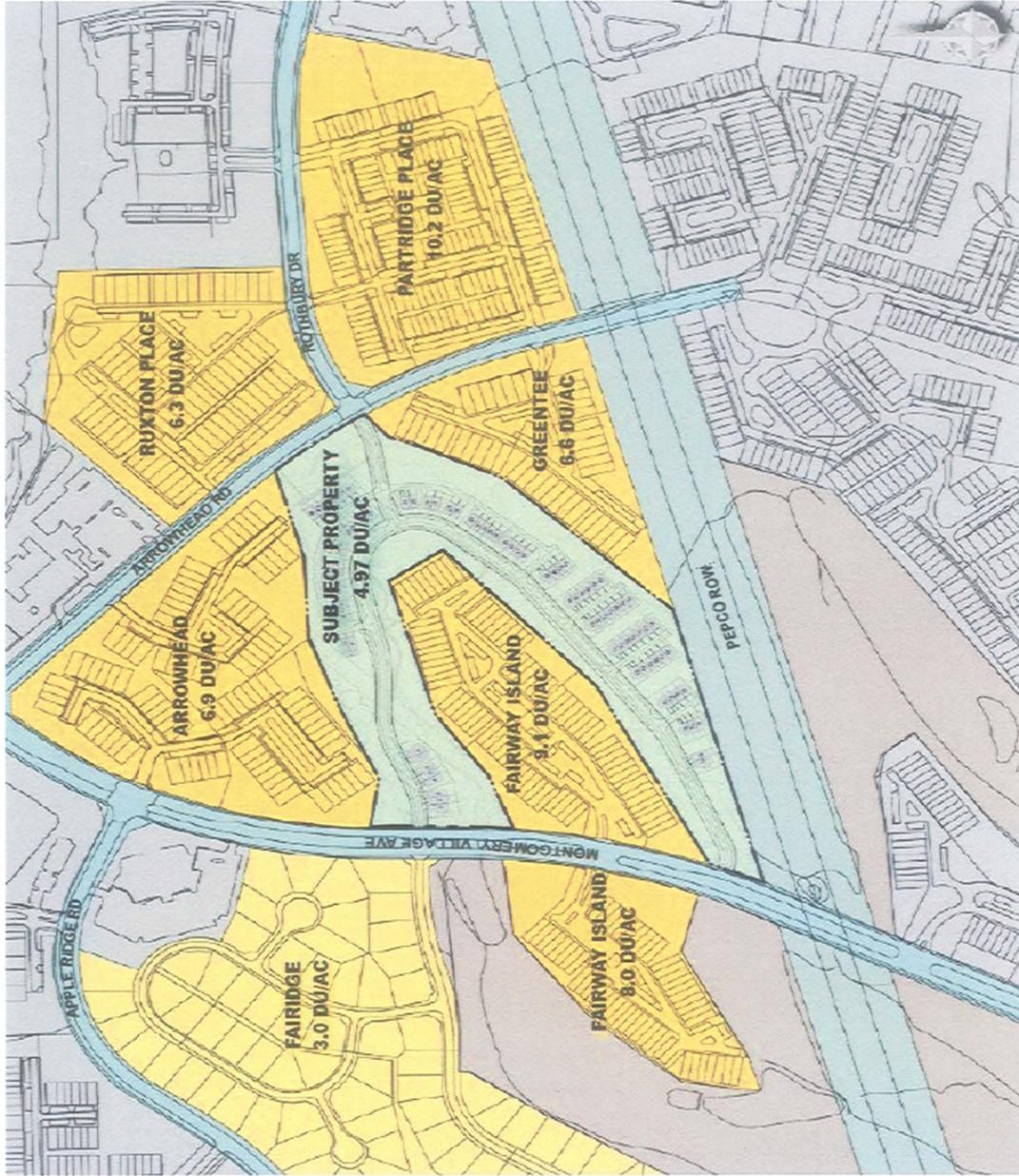
ER# 2015.0439.mo

Development History

Montgomery Village was originally approved via E-327 in 1965. Over the course of the last 50 years, there have been 19 DPAs:

1. Zoning Case E-848, approved August 13, 1968 (added 155 acres)
2. Local designation approved June 1969
3. M - 83 revised by agreement September 1969
4. Internal adjustments approved March and October 1970 (realized roadways)
5. Internal adjustments approved August 1972 (realized development areas)
6. Zoning Case G-33 approved June 1977 (annexed 32 acres and realized planning areas)
7. Zoning Case G-124 approved January 9, 1979 (annexed 214 acres)
8. Zoning Case G-240 approved January 13, 1981 (annexed 151 acres)
9. Internal adjustments approved November 10, 1981
10. Development Plan Amendment DPA 82-1 approved March 1, 1983 (revision of residential areas)
11. Development Plan Amendment DPA 83-5 approved January 10, 1984 (revision of residential areas)
12. Development Plan Amendment DPA 84-5 approved March 26, 1986 (revised development areas)
13. Revised Supplementary Plan 3-87001 approved May 7, 1987
14. Zoning Case G-457 approved August 4, 1987 (withdrawn)
15. Zoning Case G-486, approved August 4, 1987 (annexed 121 acres)
16. Development Plan Amendment DPA 88-1 approved October 23, 1990 (replaced school use designation with residential use designation)
17. Development Plan Amendment DPA 01-4 approved January 29, 2002 (replaced school use designation with institutional use designation)
18. Development Plan Amendment DPA 02-02 approved July 1, 2003 (replaced school use designation with residential use designation)
19. Development Plan Amendment DPA 11-02 approved March 29, 2011 (revised residential use; approved residential density up to 14.7 people per acre, unless revised)

DENSITY PLAN



Density of Subject Property Compared to Adjacent Neighborhoods



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 9, 2015

MEMORANDUM

TO: Carlton Gilbert, Planner Coordinator
Area 2 Planning Division

VIA: Khalid Afzal, Supervisor
Area 2 Planning Division

FROM: Aaron Zimmerman, Planner Coordinator
Ed Axler, Transportation, Planner Coordinator
Area 2 Planning Division

SUBJECT: Montgomery Village Golf Course Area IV
Development Plan Amendment No. 15-01
Montgomery Village/Airpark Policy Area

This memorandum is Area 2 transportation planning staff's review of the subject Development Plan Amendment (DPA). The subject DPA is part of the previous-approved DPA No. 02-2 and DPA No. 11-2 for Montgomery Village.

RECOMMENDATIONS

Area 2 transportation planning staff recommends the following conditions related to the transportation and APF requirements for this DPA:

1. The DPA should be limited to proposed 86 single-family attached units.
2. The Applicant must work with the Montgomery County Department of Transportation (MCDOT) regarding:
 - a. Submission of a traffic signal warrant study at the intersection with Montgomery Village Avenue and Meadowcroft Lane-proposed northernmost access. If a traffic signal installation is warranted, fund and install the traffic signal.
 - b. Shifting the proposed right-turn-in/right-turn-out at the site's southernmost Montgomery Village Avenue access as far south as feasibly possible -- to give motorists traveling north more distance to make a U-turn at Duffer Way (i.e., U-turns must merge and then cross two through lanes to get to the left-turn lane.)
 - c. Whether deceleration and acceleration lanes and a left-turn storage lane are necessary on Montgomery Village Avenue at the site's two proposed curb cuts.
3. At Preliminary Plan Review, the following will be required:

- a. Update the submitted traffic study to satisfy the Local Area Transportation Review (LATR) test at Preliminary Plan review to reflect the proposed 86 single-family attached units and update the traffic counts if they are more than 12 months old at Preliminary Plan review.
- b. Satisfy the Transportation Policy Area Review test by paying the Montgomery County Department of Permitting Services (DPS) the transportation impact tax at the time of building permit.
- c. Construct a 5-foot wide sidewalk with a tree panel along the Arrowhead Road frontage.
- d. Provide bike racks at the required recreation area.

DISCUSSION

Site Location and Vehicular Site Access Points

The site is located between Montgomery Village Avenue and Arrowhead Road approximately 750 feet south of the intersection of these two roadways. Vehicular access points are proposed as follows:

1. A full movement access from Montgomery Village Avenue opposite of Meadowcroft Lane. MCDOT is requesting a traffic signal warrant analysis a future four-legged intersection.
2. A southern right-turn-in/right-turn-out only access from Montgomery Village Avenue. This right-turn-in/right-turn-out must be shifted as far south as feasibly possible to give motorists traveling north more distance to make a U-turn at Duffer Way (i.e., U-turns must merge and then cross two through lanes to get to the left-turn lane.).
3. A full movement access from Arrowhead Road opposite of Rothbury Drive that will provide additional connectivity and improve site circulation between Arrowhead Road and Montgomery Village Avenue.

Based on the submitted traffic data, the minimal traffic volume would not warrant the need for northbound deceleration/right-turn lanes on Montgomery Village Avenue at the two proposed site access points. Similarly, a northbound left-turn lane on Arrowhead Road at the proposed site access would not be desirable because it would disrupt existing on-street parking and the site-generated left turns are minimal.

Sector-Planned Roadways and Bikeway

In accordance with the 1985 *Gaithersburg Vicinity Master Plan*, the designated roadways and bikeway are as follows:

1. Montgomery Village Avenue is designated as a four-lane arterial, A-295, with a recommended 80-foot-wide right-of-way and a Class I bikeway, E-16. The current right-of-way is approximately 100 feet wide and is built-out to its ultimate four-lane condition.

2. Arrowhead Road is designated as a primary residential street, P-19, with a recommended 70-foot-wide right-of-way and no bikeway. Arrowhead Road is built-out to its ultimate 36-foot condition with a combination of lanes and parking. The current right-of-way is approximately 70 feet wide.

The 2005 *Countywide Bikeways Functional Master Plan* does not recommend any bikeways along Montgomery Village Avenue and Arrowhead Road.

Public Transit Service

Transit service is available from the proposed site along following two bus routes:

1. Ride-On route 58 operates along Montgomery Village Avenue with 30-minute headways between the Shady Grove Metrorail Station and the Lakeforest Mall Transit Center.
2. Ride-On route 64 operates along Arrowhead Road with 30-minute headways between the Shady Grove Metrorail Station and the Montgomery Village Center.

Bus stops are located currently at the intersections of Montgomery Village Avenue/Meadowcroft Lane, Montgomery Village Avenue/Duffer Way, and Arrowhead Road/Rothbury Drive.

Pedestrian and Bicycle Facilities

Approximately 5-foot wide sidewalks with small green panels are already constructed along both sides of the Montgomery Village Avenue. Along Arrowhead Road, only a 6-foot wide sidewalk with a 6-foot wide green panel exists on the opposite side of this road. At Preliminary Plan review, the Applicant must provide a sidewalk along the frontage of Arrowhead Road and bike racks at the site's recreational area.

Transportation Adequate Public Facilities Test

Based on the submitted information, there is a probable fruition that the transportation APF tests for the Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) can be satisfied at Preliminary Plan review.

For Local Area Transportation Review the proposed 86 single-family attached units generate 41 peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and 71 peak-hour trips within the evening peak period (4:00 to 6:00 p.m.) A trip credit for the 18-hole golf course reduced the new site-generated trips by 3 peak-hour trips within the weekday morning peak period and 17 peak-hour trips within the evening peak period.

The Applicant submitted a traffic study to satisfy the LATR test based on the originally proposed 84 single-family attached units because the proposed development generates 30 or more total peak-hour trips within the weekday morning and evening peak periods. Based on the submitted traffic study, the table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.

2. Background: The existing condition plus the trips generated from approved but un-built nearby developments and the I-270/Watkins Mill Road interchange that is fully-funded for construction.
3. Total: The background condition plus the site-generated trips.

Analyzed Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Montgomery Village Avenue & Arrowhead Road-Shadow Oak Drive	Morning	611	613*	613*
	Evening	760	766*	766*
Montgomery Village Avenue & Apple Ridge Road-Hob Hill Way	Morning	796	824*	828*
	Evening	816	907*	910*
Montgomery Village Avenue & Meadowcroft Lane-Northern Access	Morning	524	477*	494*
	Evening	498	458*	484*
Montgomery Village Ave & Duffer Way	Morning	558	511*	520*
	Evening	531	492*	497*
Montgomery Village Avenue & Club House Road	Morning	774	726*	735*
	Evening	906	932*	933*
Arrowhead Road & Rothbury Drive	Morning	335	335	337
	Evening	504	504	517
Goshen Road & Rothbury Drive-Green Run Way	Morning	620	620	626
	Evening	676	676	692
Montgomery Village Avenue & Southern Right-Turn-In & Right- Turn-Out Access	Morning	536	489*	502*
	Evening	499	460*	475*

*The CLV values in the background and total traffic conditions are reduced because the some of the existing traffic on Montgomery Village Avenue was diverted onto Watkins Mill Road traveling to/from I-270. The Maryland State Highway administration's Capital Transportation Program Project No. MO3515170 for the I-270/Watkins Mill Road interchange is fully funded for construction and is projected to open to traffic within five years.

As shown on the table above, the CLV values at the eight intersections are less than the CLV/congestion standard of 1,425 for the Montgomery Village/Airpark Policy Area. The increase from the analyzed 84 single-family attached units to the currently proposed 86 units is only an 2.4% increase in traffic and will not result in the analyzed intersections approaching 1,425 CLV standard and, thus, the LATR test is satisfied for the subject DPA.

For Transportation Policy Area Review, the Applicant must satisfy the TPAR test at Preliminary Plan review by paying 25% of the transportation impact tax for the "single-family attached residential" units located in the Montgomery Village/Airpark Policy Area. For the current TPAR test, the roadway test for this policy area is adequate, and the transit test is inadequate. The TPAR mitigation payment/ transportation impact tax is paid to DPS at the time of building permit.

EA

cc: Aaron Zimmerman



MONTGOMERY COUNTY PUBLIC SCHOOLS
MARYLAND

www.montgomeryschoolsmd.org

March 26, 2015



USL2 MR Montgomery Village Business Trust
c/o Monument Realty
1700 K. Street, N.W., Suite 600
Washington, DC 20006

To whom it may concern:

This letter is sent in response to your request for information about schools that will serve your proposed development of 86 townhomes in Montgomery Village at the location of the former golf course and east of Montgomery Village Avenue. It is estimated that this number of townhomes will generate approximately 21 elementary school students, 8 middle school students, and 11 high school students. The schools that serve this area are Whetstone Elementary School, Montgomery Village Middle School, and Watkins Mill High School.

Enrollment at Whetstone Elementary School is projected to be slightly above the school's capacity through the 2018-2019 school year. After that year, the school's enrollment is projected to be within capacity. Enrollments at Montgomery Village Middle School and Watkins Mill High School are projected to remain within the capacity of the schools for all six years of the forecast period. I have enclosed information from the *FY 2015 Capital Budget and Amendments to the FY 2015-2020 Capital Improvements Program (CIP)* that provides additional enrollment and school information.

The "school test" portion of the FY 2015 Montgomery County Subdivision Staging policy finds that utilizations at all three school levels is adequate in the Watkins Mill Cluster. Therefore, there is no school facility payment required to obtain preliminary plan approval, and there is no residential moratorium in the cluster.

If you have any questions, please call me at 240-314-4702 or e-mail me at Bruce_Crispell@mcpsmd.org.

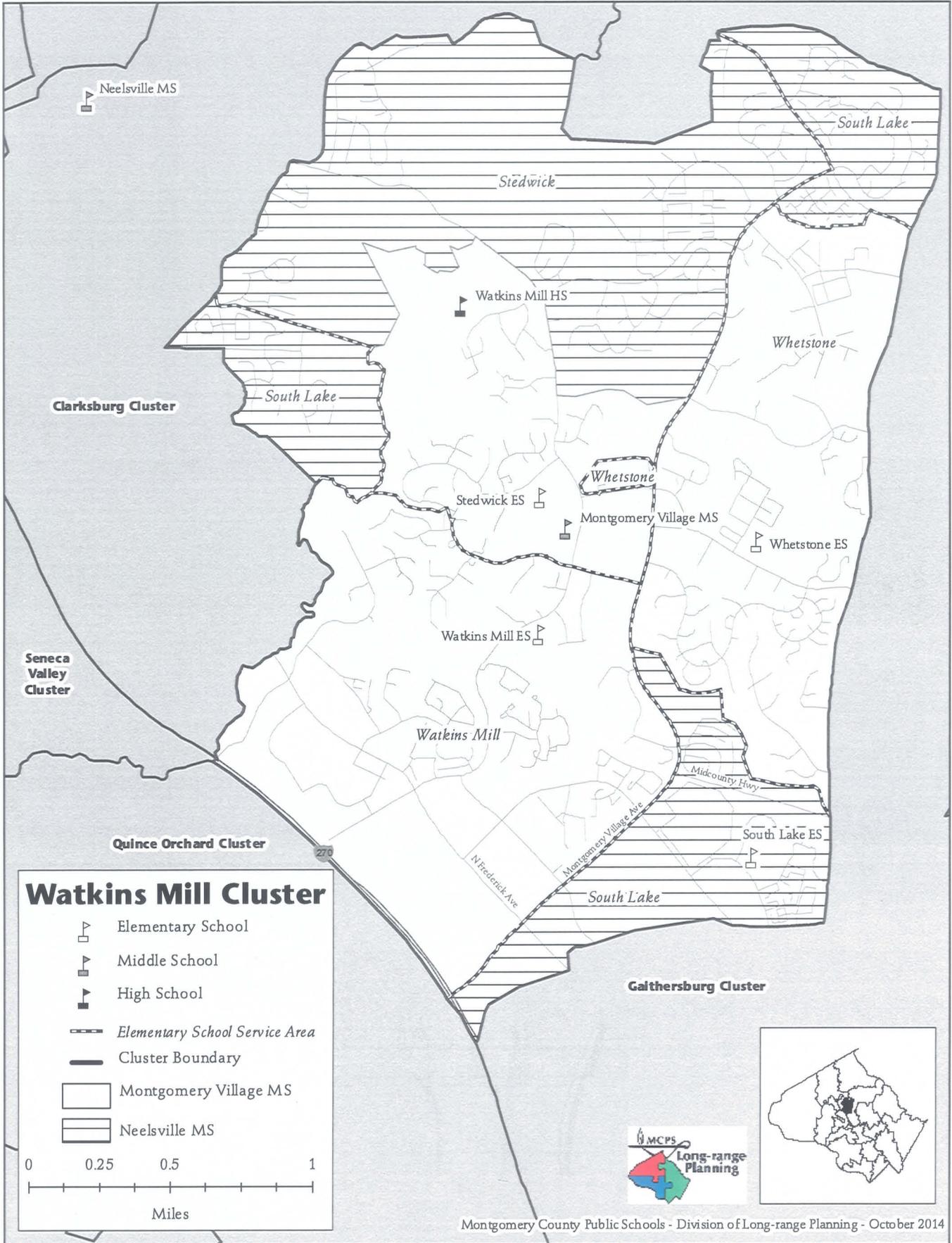
Sincerely,

Bruce Crispell, Director
Division of Long-range Planning
Montgomery County Public Schools

BC:imt
Enclosure

Copy to:
Mr. Gilbert
Ms. Leatham

Division of Long-range Planning



SCHOOLS

Montgomery Village Middle School

Planning Study: A boundary study is recommended to determine the service area for Clarksburg/Damascus Middle School. Representatives from Montgomery Village, Neelsville, and Rocky Hill middle schools will participate on the Boundary Advisory Committee. The boundary study will take place in spring 2015 with Board of Education action in November 2015.

Neelsville Middle School

Capital Project: Projections indicate enrollment at Neelsville Middle School will exceed capacity by 150 seats or more by the end of the six-year CIP period. An FY 2015 appropriation is approved for facility planning to determine the feasibility, scope, and cost for a classroom addition. A date for the addition will be considered in a future CIP. Relocatable classrooms will be utilized until additional capacity can be added.

Planning Study: A boundary study is recommended to determine the service area for Clarksburg/Damascus Middle School. Representatives from Montgomery Village, Neelsville, and Rocky Hill middle schools will participate on the Boundary Advisory Committee. The boundary study will take place in spring 2015 with Board of Education action in November 2015.

South Lake Elementary School

Capital Project: Projections indicate enrollment at South Lake Elementary School will exceed capacity by 92 seats or more by the end of the six-year CIP period. An FY 2014 appropriation was approved for facility planning to determine the feasibility, scope, and cost for a classroom addition. A date for the addition will be considered in a future CIP. Relocatable classrooms will be utilized until additional capacity can be added. A school-based health center will be included in the feasibility study. Funding for the school-based health center will be included in the Department of Health and Human Services capital budget.

CAPITAL PROJECTS

School	Project	Project Status*	Date of Completion
Neelsville MS	Classroom addition	Proposed	TBD
South Lake ES	Classroom addition	Proposed	TBD
	SBHC	Proposed	TBD

* "Approved"—Project has an FY 2015 appropriation approved in the FY 2015–2020 CIP.

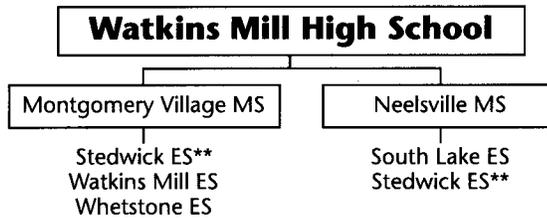
"Deferred"—Funds have been deferred for a future CIP.

"Programmed"—Project has expenditures programmed in a future year of the CIP for planning and/or construction funds.

"Proposed"—Project has facility planning funds approved for FY 2015 or recommended for FY 2016 for a feasibility study.

"Recommended"—Project has FY 2016 appropriation recommended for the FY 2016 Capital Budget.

Watkins Mill Cluster Articulation*

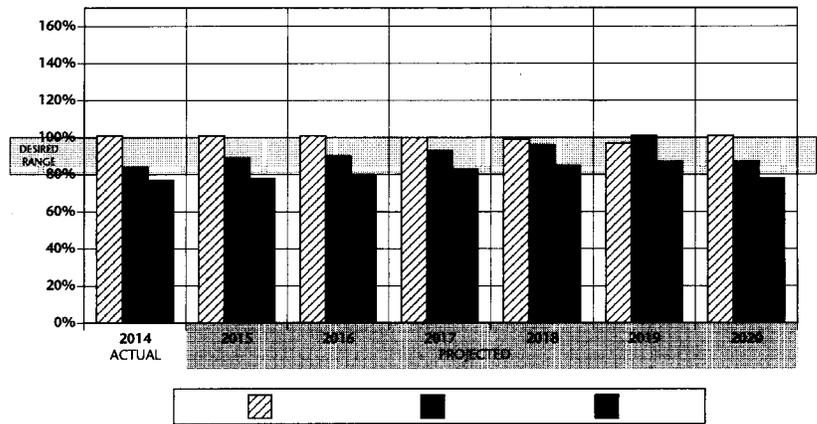


* "Cluster" is defined as the collection of elementary schools that articulate to the same high school.

* Capt. James Daly Elementary School and Fox Chapel Elementary School also articulate to Neelsville Middle School but thereafter to Clarksburg High School.

** A portion of Stedwick Elementary School articulates to Montgomery Village Middle School, and another portion articulates to Neelsville Middle School.

Watkins Mill Cluster School Utilizations



Note: Percent utilization calculated as total enrollment of schools divided by total capacity. Projected capacity factors in capital projects.

WATKINS MILL CLUSTER

Projected Enrollment and Space Availability

Effects of the Recommended Amendments to the FY2015–2020 CIP and Non–CIP Actions on Space Available

Watkins Mill HS	Program Capacity	1917	1917	1917	1917	1917	1917	1917	1917	1917
	Enrollment	1488	1481	1516	1598	1632	1700	1779	1900	1800
	Available Space	429	436	401	319	285	217	138	17	117
Montgomery Village MS	Program Capacity	894	894	894	894	894	894	894	894	894
	Enrollment	657	704	720	748	762	786	782	850	800
	Available Space	237	190	174	146	132	108	112	44	94
Neelsville MS	Program Capacity	922	922	922	922	922	922	922	922	922
	Enrollment	921	959	977	997	1060	1132	1128	1200	1100
	Available Space	1	(37)	(55)	(75)	(138)	(210)	(206)	(278)	(178)
South Lake ES	Program Capacity	688	688	688	688	688	688	688	688	688
	Enrollment	853	882	898	903	884	855	845	845	845
	Available Space	(165)	(194)	(210)	(215)	(196)	(167)	(157)	105	105
Stedwick ES	Program Capacity	614	614	614	614	614	614	614	614	614
	Enrollment	571	577	601	597	606	593	591	591	591
	Available Space	43	37	13	17	8	21	23	23	23
Watkins Mill ES	Program Capacity	735	735	735	735	735	735	735	735	735
	Enrollment	638	655	652	640	637	640	630	630	630
	Available Space	97	80	83	95	98	95	105	105	105
Whetstone ES	Program Capacity	753	753	753	753	753	753	753	753	753
	Enrollment	750	773	778	769	760	743	733	733	733
	Available Space	3	(20)	(25)	(16)	(7)	10	20	20	20
Cluster Information	HS Utilization	78%	77%	79%	83%	85%	89%	93%	99%	94%
	HS Enrollment	1488	1481	1516	1598	1632	1700	1779	1900	1800
	MS Utilization	87%	92%	93%	96%	100%	106%	105%	113%	105%
	MS Enrollment	1578	1663	1697	1745	1822	1918	1910	2050	1900
	ES Enrollment	2812	2887	2929	2827	2887	2755	2714	2900	2900

WATKINS MILL CLUSTER

Facility Characteristics of Schools 2014–2015

Facility Characteristics of Schools 2014–2015								
Watkins Mill HS	1989		305,288	50.99	Yes			
Montgomery Village MS	1968	2003	141,615	15.1				
Neelsville MS	1981		131,432	29.2				
South Lake ES	1972		83,038	10.2		3		
Stedwick ES	1974		109,677	10				
Watkins Mill ES	1970		80,923	10	Yes			
Whetstone ES	1968		96,946	8.8	Yes			

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Erica A. Leatham
 Tel: 301.664.6254
 Fax: 301.664.6299
 leathame@ballardspahr.com

March 11, 2015

Via E-mail

Carlton Gilbert
 Planning Supervisor
 Montgomery County Department of Park & Planning
 8787 Georgia Avenue
 Silver Spring, MD 20910-3760

Re: DPA 15-01; USL2 MR Montgomery Village Business Trust
Master Plan Applicability to Montgomery Village

Dear Carlton:

Please accept this letter as a supplement to the materials submitted in connection with the above-referenced Development Plan Amendment (the "DPA"). We have provided a detailed explanation of the guidance provided by the 1985 Gaithersburg and Vicinity Master Plan (as amended; collectively, the "Master Plan") and its application to the requested DPA.

The Master Plan makes land use recommendations for several thousand acres, of which Montgomery Village is only a part, via text and an illustrative land use plan. In contrast with other areas, the Master Plan takes a limited approach to Montgomery Village; deferring back to the previous 1971 Master Plan, which itself refers to the Development Plan (the plan approved via Local Map Amendment when the T-S Zone was first mapped to Montgomery Village, as has been amended). The lack of specificity over such a large and prominent area, read in the context of the intent and purpose of the T-S Zone, imputes a decision by the Planning Board and District Council to control development within Montgomery Village via the Development Plan (emphasis added):

It is the purpose of [the T-S] zone to provide a classification which will permit development of or additions to planned new towns or additions to existing urban developments.

...

In order to encourage and facilitate desirable development of this kind, it is further the purpose to eliminate, in the town sector zone, some of the specific restrictions which regulate, in other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses; to provide for more flexibility in development; and to require that all development be in accordance with a plan meeting the requirements of this

DMEAST #21134468 v1

section, and the development plan provisions of division 59-D-1. It is the intent of this zone to achieve flexibility of design, integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the standards permitted by right and required in conventional zoning categories.

The Master Plan begins by stating:

[m]uch of the land in the Gaithersburg and Vicinity Area either has been developed or has received development approvals. Only three areas have a significant amount . . . of land subject to redevelopment. These are the areas where there are meaningful opportunities to influence . . . future development. . . . This Plan continues the recommendations of the 1971 Gaithersburg Master Plan for most of the land outside these study areas. (Page 5.)

The 1971 Master Plan, on pages 3 and 4, identifies the Montgomery Village area as a “fixed and determined factor” and does not make any specific recommendations as a result.

As a result, the Master Plan focuses on three specific areas and does not make any recommendations for the developed areas, including Montgomery Village. With the exception of page 95 that references the potential reuse of site designated for school sites, but determined unnecessary, the Master Plan does not speak to Montgomery Village at all, therefore, endorsing the Development Plan, as it may be amended from time to time.

The Development Plan itself is a product of the T-S Zone, which was an important tool to guide development within Montgomery Village. As quoted above, the T-S Zone was constructed with the purpose of permitting “development of additions to planned new towns” and, consequently, the resulting development plan was expected to control development (within the density established by the T-S Zone) based on the existing needs of the community. The T-S Zone recognized that the community would evolve over the life of the community and that the Development Plan would be amended over time, in accordance with the T-S Zone standards.

The Master Plan, therefore, defers to the Development Plan and produces the Land Use Plan as an illustrative drawing identifying the existing land uses within Montgomery Village based on the Development Plan in effect at that time. Since the Master Plan was adopted, four development plan amendments and a site plan have been approved. Rather than a circular review of what is reflected in the illustrative Land Use Plan (which reflects the very plan seeking to be amended), Staff’s analysis, and ultimately, Council’s approval focused on the nature of the proposal and standards of the Zoning Ordinance for the T-S Zone and the development plan amendment process, namely, compatibility with the surrounding community and the “new town” concept of the T-S Zone.

Notwithstanding the limited purpose of the Land Use Plan as described above, the proposed DPA does substantially conform to the overall recommendations of the Master Plan. First, the illustrative land use plan identifies the bulk of the property subject to the DPA as “private conservation/recreation.” However, a small area of the property is also identified as medium density residential.

Carlton Gilbert
March 11, 2015
Page 3

The DPA combines these two recommendations by proposing (low density) residential development with a significant amount of open space to be protected by an easement (as required by the T-S Zone). This is similar to how other development plan amendments have married new uses, while acknowledging the priority of open space: in DPA 01-4, a portion of the then-unimproved property was devoted to institutional use with the remainder reserved for open space.

Similarly, the open space being proposed better meets the definition of “recreational” space and the needs of the community. Rather than being fenced off and accessible to only a handful of Montgomery Village residents that pay fees, as the golf course was, the proposed open space will come under the umbrella of the Montgomery Village Foundation, via the new homeowner’s association, improve access for the local community and actually provide opportunities for recreation – which the former golf course no longer provides - for the immediate and surrounding communities. Moreover, the property is currently neither a recreational area nor a private conservation use (though private conservation is not a defined term, we assume it refers to land privately encumbered to preserve certain features). Under the DPA, more than half of the land will be formally conserved, other areas used for recreation and the remainder for housing.

Theodore Roosevelt remarked that “conservation means development as much as it does protection.” Although the redevelopment of a portion of a failed golf course was not on his mind, the principle remains the same: in order to create something valuable out of something previously overlooked, something else must be created to support and protect it. In fact, this is how the County has allowed development on a macro level for the last thirty years.

As noted by the Maryland Court of Appeals on numerous occasions, the Master Plan “is a guide, not a straightjacket.” In this case, the Master Plan presumed that the property would remain a golf course (private recreation) in perpetuity. However, the golf course has closed and will not return, nor is there any opportunity for a similar recreational use. Therefore, the intent of the Master Plan must guide future development, as described above, the Master Plan deferred decisions on future development to the Development Plan, which itself has no presumptions with respect to its evolution.

Thank you for the opportunity to go into more detail on this information; please contact us at your earliest convenience if you have any questions.

Very truly yours,



Erica A. Leatham

EAL/akm

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FEB 10 2015

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**MCP-CTRACK**

From: Ann Smith <annsmithscwp@gmail.com>
Sent: Tuesday, February 10, 2015 10:33 AM
To: MCP-Chair
Subject: MV Master Plan Feb 9, 2015

Dear Mr. Anderson,

I want to thank you for attending the MV Master Plan meeting last night.
I appreciate your listening and experiencing the event.

I would like to request that development submittals be postponed until the Town Sector Zones have been properly transferred to match the county zone codes. These codes should be applied to the commercial sites just like the residential.

One thing I am proud of about Montgomery Village after last night's meeting is the consistency that we followed based on the Original Town Plan. MV is the first town plan like it in the country. Perhaps we can call it historic. It is hard for residents to throw this away for the county.

Sincerely,
Ann Smith

Gilbert, Carlton

From: David Lechner <dave@lechnersonline.com>
Sent: Wednesday, April 08, 2015 1:13 AM
To: Gilbert, Carlton; Afzal, Khalid
Cc: ozah@montgomerycountymd.gov
Subject: OPPOSING: DPA 15-01, 86 Town-homes, on 17 Acres now part of the Montgomery Village Golf Course
Attachments: 1980 Sales Contract Agreement MVGC.pdf; LTR Resident letter from Kettler says houses will never be built.pdf; 128a10 Druid Hill Cemetary Case.pdf; 092128218883 Exhibit in MR suit vs JD with 17M calculation.pdf; 2032s94 Jack and Pam Doser 1994 Divorce Case Value about 1.7M.pdf; Village golf course building plan dropped March 2006.pdf

Dear MNCPPC Staff -

For the hearing official record on DPA 15-01, I ask that your team review and consider this information as a part of your review.

As stated on the MNCPPC Web Site:

"12. The community I live in has a homeowners association; do you require their approval before I can obtain a building permit?"

If you live in Montgomery Village in Gaithersburg, Churchill/Waters Landing Town Sector in Germantown or Clarksburg Town Center, then the homeowners' association (HOA) approval is required when you apply for a building permit. You must bring the HOA's written approval with you when applying for the permit. If your neighborhood has a HOA, it is suggested that you receive their approval and bring it with you when applying for the County Building permit."

Reference:

<http://permittingservices.montgomerycountymd.gov/dps/zoning/zoningfaq.aspx>

Clearly MNCPPC has a history of recognizing the importance of the Architectural Review process established in the restrictive HOA covenants of Montgomery Village, even though these are not governmental restrictions and are in fact restrictive agreements between property owners in Montgomery Village (MV). Residents are notified of these covenants when purchasing their properties in MV.

In addition to the multitude of valid restrictive covenants that govern the use of properties in Montgomery Village, the enclosed written document was created in 1980 between the Kettler Brothers Inc. (owner of the MVGC property) and John Doser, the purchaser of the property, thus representing an agreement with horizontal privity. The document clearly states in section IX that "The terms and conditions of this Agreement shall be binding upon and inure to the benefit of the successors, heirs, and assigns of the respective parties hereto. Any terms and conditions of this Agreement which are intended to bind the parties beyond the date of execution of the deed shall continue in full force and effect and not be merged." That statement indicates that the intent of the document is to "run with the land". This contract clearly affect the use of the land and has multiple

restrictive clauses, thus touches and concerns the land. As defined by the State of Maryland Attorney General, the document thus meets all of the requirements of a valid real covenant.

We note that the Attorney General of Maryland has also stated in writing (correspondence provided separately to the MNCPPC legal counsel) that real covenants do NOT need to be recorded on a deed in order to be valid and binding, and that the legislature did not intend to require a real covenant running with the land to be recorded among the land records.

The 1980 contract also states that the property "shall be used exclusively as a golf club at least until such time that the Town Sector Zone expires," and as of this hearing date the Town Sector Zone has not expired (as recognized by USL2 MR Montgomery Village by applying for population density credits under that zone).

Section 7.8 of the 1980 covenant states that "Purchaser further warrants that he recognizes that Seller is not transferring any permitted Property Population Density Credit as set forth in the Town Sector Zone. As such, the assign of this property, USL2 MR Montgomery Village Business Trust, acting in trust for Monument Realty Co. the owner of the property, cannot apply for construction of 86 town-homes under the population caps of the Town Sector Zone.

Section 7.5 states that "Purchaser will maintain the property with a view toward preserving the aesthetics of the property for the surrounding property owners and the community in general and will, in all events, maintain the property in a fashion at least equal to a first rate golf club in Montgomery County Maryland". Clearly 86 town-homes will not provide equivalent aesthetics as 2 open green fairways of a golf course. Only open green space and parkland, occasionally with ponds and trees, will provide such equivalent aesthetics.

Section 7.1 states that "purchaser warrants that he will continue to operate the facility as a membership golf club..." Clearly this real covenant was not written to allow a future owner to build townhouses and single family residences.

I am also enclosing a letter that Clarence Kettler sent to all of the neighboring residents in 1980 that clearly describes the 1980 document as a restrictive covenant, and states that "No homes can, nor will, be built on this property."

I am also enclosing a copy of the Druid Hill lawsuit legal opinion, that established that changing economic conditions are not relevant to continuation of a valid real covenant and are not sufficient grounds to void such a covenant. In fact, golf courses remain very profitable in Montgomery County. The particular MVGC business operated by Mr. Doser was quite profitable from a cashflow basis, except for the high debt payments that were being made against several million in loans that Mr. Doser secured with the property. When sold at a proper

and reasonably low price, the MVGC will once again be a fine profitable business. Any arguments made by Monument Realty about the profitability of the golf course and former bankruptcy process are not valid in considering the validity of the current zoning (Town Sector status) and the fact that this property was sold without any rights to utilize population density credits. I am also enclosing a 1994 legal filing by Mr. John Doser regarding the value of the MVGC property, stating its value at approximately \$1.9M, quite a reasonable value for that golf course after the extensive renovations made in 1991 (expensive new sprinklers). The value 20 years later however, is essentially now fully depreciated and nearly nothing. That the current property owner paid a higher price for a property that has to be kept as open space and operated as a golf course clearly shows their confidence in the local economics of Golf in Montgomery County.

I am also enclosing a copy of a legal suit filed by Monument Realty against Mr. Doser, then owner of the property, which claims that they will make a profit of over \$17 Million Dollars if the MVGC property is redeveloped into houses and town-houses. This type of profit is achievable only if the rezoning is permitted via DPA 15-01 and subsequent development amendments, but comes at the expense of the aesthetics and property values of the surrounding residents. Montgomery County does not have an interest or motivation to approve a change in zoning and map status for one property owner if it comes at the expense of other property owners. Property Owners purchased their properties because of the aesthetics and value provided by 140 acres, or 17 acres, of open green space adjacent to their property, as protected by a valid real covenant, and approved by the Montgomery County government in the Development Plan. Approving an amendment to such a Development Plan that injures the values of other owners adjacent to the property would be the same as a Government "taking" of property value and would deserve compensation and a direct act of the County Council invoking the eminent domain clause and require just compensation. No clear or compelling rationale for such action exists.

Finally, I am also enclosing a Gaithersburg Gazette article about the proposed development of the MVGC by ID Group that was canceled in 2006. This well publicized public failure was due to the existence of documents that Mr. Dreyfus said "should have been reviewed earlier". I was told by MVF that the documents referenced in 2006 were the 1980 sales contract and the letter from Clarence Kettler to local residents. It would be very useful to know when Mr. Doser provided a copy of these documents to Monument Realty in order to verify their knowledge and awareness of the covenants. Monument Realty, as a sophisticated customer, would of course have been aware of both the divorce proceeding data and local press articles about the MVGC property.

Clearly, the Development Plan for Montgomery Village featured a golf course, located plainly on the maps of record for the community and on file with MNCPPC. This is a SIGNIFICANT local amenity, and provides over 400 neighboring residents a direct view onto the fairways. Destruction and development on any one of these fairways will render the views and aesthetics of the 400 neighbors quite worthless.

I request that MNCPPC recommend rejection of any development on this property, as doing so would be an affront to and damaging to the current residents and neighboring property owners. I request that MNCPPC document the criteria for the validity of a real covenant in the State of Maryland as well as the relevance of all of the attached documents, in their final report to the Hearing Examiner, along with relevant staff recommendations on this application.

The loss of 140 acres of well maintained open green space will impact all the 40,000 residents of Montgomery Village that drive by the golf course today on a daily basis. The current open space, as a golf course, enhances the ability of me to sell my property in Montgomery Village, as it is a major recreational feature. Replacing this open space with hundreds of town-homes and houses along with a much smaller 80 acre park is NOT an equivalent recreational or aesthetic benefit.

The Montgomery Village Foundation board has voted to support DPA 15-01, and while that board may elect to waive the rights of the community as a whole in regards to the protective covenant, it is not able to speak for property owners that are direct neighbors of the proposed project. Further, the Montgomery Village Foundation is actually not able to void or cancel a valid real covenant for this property, as they were never owners of the MVGC property or adjacent properties, thus have no horizontal privity. Only the 400 property owners adjacent to the property could provide such a waiver of their rights. Just as MNCPPC requires homeowners to bring HOA approval letters with them, in this case the approval of neighboring homeowners should also be required prior to approval, thus showing the elimination of the 1980 real covenant. The written consent and waiver of rights under the 1980 covenant, of all 400 abutting property owners is a very reasonable condition for the approval of any project on the Montgomery Village Golf Course. The rights of the neighboring residents are, in fact, more important than those of other MV residents that happen to pass the property when driving by. The their patios, living and bedrooms of neighboring residents directly overlook the MVGC property 24 hours every day.

Finally, I request that the MNCPPC staff provide a record of discussions between Mr. Kettler and the Hearing Examiner, on

June 5, 1968 Case E-848 before the Hearing Examiner

Page 19. Testimony by Mr. Kettler: *"This is a scene at the 18-hole championship golf course opened last September and is covenanted as open space for 50 years.*

Page 27. Mr. Glasgow testifying as to land to be given to the county: *"...this is not the golf course which is to be used as park land and covenanted as perpetual open space."*

Page 31. Mr. Glasgow states *"Zoning is covenanted and stabilized for a 50 year period."*

Page 61, Mr. Hurley states *"..this does not include the golf course which is a separate entity."*

This record of testimony will obviously be of great interest to the Hearing Examiner reviewing DPA 15-01. .

Clearly the formal record of the 1977 developer's plan documents the fact that the MV Golf Course was supposed to remain open green space in perpetuity. Montgomery County has a strong interest in maintaining consistency and enforcing offers and promises made by developers when presenting a case for development, especially when the newly built homes are then sold at premium prices due to such concessions and covenants. Any weakening of that protection would invite perpetual chaos, broken promises, and dishonorable behavior from the developers within the county as they kept parcels of property open and attractive, only to then request developer plan amendments to add further density. Montgomery County must reject DPA 15-01 in order to maintain its consistency and honesty in allowing developers to build and sell properties to buyers

within the county which surround or overlook major recreational areas or park-like amenities. Approval of DPA 15-01 would set a very bad precedence and would allow and invite every developer to come back and request added development on previously reserved open space, regardless of its zoning, protected status, or restrictive covenants.

Thank you for your consideration of my opposition to this terrible project.

David Lechner

Resident, Montgomery Village.

Gilbert, Carlton

From: Keith Lilienfeld <kaltrout@yahoo.com>
Sent: Wednesday, April 08, 2015 8:20 AM
To: Gilbert, Carlton
Cc: Afzal, Khalid; ozah@montgomerycountymd.gov
Subject: DPA 15-01 Montgomery Village Golf Course

As a resident living directly adjacent to the proposed development site, I am opposed to this planned development and request that you recommend rejection of Monument Realty's proposal.

When I purchased my home in 1990, key reasons for choosing the property were the open greenspace the golf course provided, as well as the written assurances from the builder, Kettler Brothers, that the no homes would ever be built on the golf course property. Development of this property will do financial harm to all residents who live on or near the property, negatively impact the environment (50 years worth of herbicides, pesticides and chemical fertilizers released into the air and ground water, plus further depletion of the tree canopy), and exacerbate existing traffic congestion.

Monument's purchase of the land from the prior owner does not negate prior commitments and covenants that the property shall remain greenspace in perpetuity.

Sincerely,

Keith Lilienfeld
2002 Hob Hill Way

**MONTGOMERY VILLAGE FOUNDATION, INC.**

10120 APPLE RIDGE ROAD
MONTGOMERY VILLAGE, MARYLAND 20886-1000

(301) 948-0110 FAX (301) 990-7071 www.montgomeryvillage.com

April 1, 2015

Mr. Martin L. Grossman, Director
Office of Zoning and Administrative Hearings
100 Maryland Avenue
Room 200
Rockville, Maryland 20850

Re: Support for Application DPA 15-01

Dear Mr. Grossman:

Enclosed is a Resolution overwhelmingly approved and adopted by the Board of Directors of the Montgomery Village Foundation (MVF) at their March 26, 2015 Board of Directors meeting in support of Application DPA15-01 submitted by USL2 MR Montgomery Village Business Trust, to build a townhouse community on a portion of land that was used as the Montgomery Village Golf Course for many years. The golf course closed on November 30, 2014.

Please include this letter and the Resolution in the record for the Application.

The nine members of the MVF Board of Directors are elected by the owners of over 12,000 dwelling units in Montgomery Village to manage the affairs of MVF in the best interests of its members, i.e., all Montgomery Village homeowners.

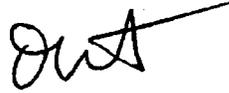
The Resolution notes the background and rationale taken into consideration by the Board in making a decision to support the application. However, I want to highlight a few of the reasons for the Board's support.

Several years ago, the Foundation independently engaged its members in a series of planning charrettes that anticipated change in Montgomery Village, including the possibility that the golf course would close. Following the charrettes, which elicited significant and thoughtful input from Village residents, MVF produced the *Vision 2030 Report*, which recommended that if the golf course were to close, that housing would be an appropriate land use for the property.

After Monument Realty purchased the golf course property in 2012, Monument held additional workshops and information sessions for the community, again getting substantial input from the community and adjusting the plans for development to reflect the goals expressed by residents who participated in the process. At the same time, MVF appointed a committee of community leaders to review Monument's evolving plans, and in March of 2014, the MVF Board approved Monument's Concept Plan for development of the entire Golf Course. This concept plan is consistent with the application as described in DPA 15-01.

We thank you for your consideration of this project, which will bring much needed new opportunities for community and economic development in Montgomery Village.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Humpton', with a long horizontal stroke extending to the right.

David B. Humpton
Executive Vice President

Cc: **MVF Board of Directors**
Casey Anderson, Chair M-NCPPC
Gwen Wright, Director, Montgomery County Planning Department
Khalid Afzal, Supervisor, Area 2 Division
USL2 MR Montgomery Village Trust

RESOLUTION

IN SUPPORT OF APPLICATION DPA 15-01

(TOWNHOUSE DEVELOPMENT ON FORMER MONTGOMERY VILLAGE GOLF COURSE)

The Montgomery Village Foundation (MVF), acting through its Board of Directors, adopts the following Resolution:

The Montgomery Village Foundation supports the application for creation of a townhouse development, not to exceed 86 units, on a portion of the land formerly used as the Montgomery Village Golf Course, submitted by Monument Realty on behalf of USL2 MR Montgomery Village Business Trust to Montgomery County, Maryland, and designated by the County as application # DPA 15-01.

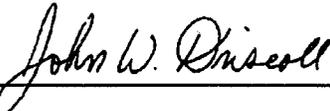
And the Board further states, as reasons for supporting the Application:

1. Montgomery Village Foundation has long recognized the importance of land use planning and involving the community in discussions about the future of the Village, which include developing options for the re-development of the Montgomery Village Golf Course, in preparation for its potential closure. These options were documented in MVF's ***Vision 2030 Plan***, published in October 2011 and presented to the Montgomery County Planning Board.
2. The ***Vision 2030 Plan*** noted: "If the golf course were to cease operations, and funding could not be secured to preserve and maintain all of the green space, a plan of mixed housing which would provide minimal impact to existing views by adding landscaping and carefully siting new homes, while retaining most of the golf course for green space and recreational (active and passive space) could be developed."
3. The new community described in DPA 15-01 is consistent with the ***Vision 2030 Plan***, and also with a Concept Plan that Monument Realty created for re-development of the Montgomery Village Golf Course, which the MVF Board of Directors approved on March 7, 2014.
4. The Concept Plan approved by the Board on March 7, 2014 had extensive input from Montgomery Village Residents at several community workshops and meetings facilitated by Torti Gallas, well-regarded Montgomery County land planners, and elements of the Plan were further revised based on comments from eight public meetings of MVF's Joint Property Committee, which was appointed by the Board to review proposed plans / proposals submitted by Monument Realty and make recommendations to the MVF Board of Directors.
5. In its Resolution approving the Concept Plan, the MVF Board of Directors expressly requested that the length of the townhouse clusters proposed for the community on the portion of the property to be developed in DPA 15-01 be shortened, and Monument Realty has revised the plan submitted in DPA 15-01 in accordance with MVF's request.

6. The Board is convinced that the new community, which will be the first new housing stock in Montgomery Village in 25 years, as shown on the plans in DPA 15-01, has been designed to complement and blend into the existing community, and that stands to benefits property values in Montgomery Village.
7. The Board believes that the new community will transform an under-utilized resource with limited public benefits into a more accessible resource with multiple benefits for more residents and that it has the potential to encourage additional re-development in the Village Center and other commercial properties in Montgomery Village.
8. The Board believes that the proposal described in DPA 15-01 offers a timely, viable step forward for community and economic development in Montgomery Village.
9. The Board further recognizes that there will be other opportunities for public comment to refine the Plan to ensure compatibility with existing neighboring homes located in the Patton Ridge Homes Corporation.

CERTIFICATION

I HEREBY CERTIFY that this resolution is the correct and accurate record of the action of the MVF Board of Directors, taken at its meeting of March 26, 2015. The staff is directed to forward copies of this Resolution to be included in the record of DPA 15-01 proceedings before the Office of Zoning and Administrative Hearings for Montgomery County, Maryland and the Maryland National Capital Park and Planning Commission.



John W. Driscoll
President, MVF Board of Directors

March 26, 2015

Date

RECEIVED

APR 09 2015

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

MCP-CTRACK

From: Pete Young <peter@youngspa.com>
Sent: Thursday, April 09, 2015 9:28 AM
To: MCP-Chair; ozah@montgomerycountymd.gov
Subject: Support for Monument Realty's DPA

Hello,

I would like to voice my support for the Monument Realty DPA regarding the former Montgomery Village Golf Course property. I am quite concerned that we are at risk of delaying, or possibly losing, a massive economic development investment for our community. As you may know, Montgomery Village is an older community with aging housing stock, and desperately needs new investment.

Having served on the Montgomery Village Foundation's Vision 2030 Committee, Long Range Facilities Planning Committee, and currently serving as Vice President of the Board of Director's for the MVF, I am quite eager to see our county government support the tremendous amount of community engagement and work that has been done over the past four years to define a future land use vision for our community. This PDA is entirely consistent with that vision, which was developed by more than two years of broad community planning work, charrettes, and public forums.

This development can serve as a catalyst for further redevelopment of the Village and provide tangible proof that our years of community work to produce our plan was not wasted. A denial of this PDA would only serve to alienate the community and developer who have worked so hard to come to a shared vision for this property given that the golf course had failed. I ask that you please support the PDA and allow us to move forward.

Respectfully,

Pete Young
Vice President, Montgomery Village Foundation Board of Directors
Vision 2030 Committee Member
Long Range Facilities Planning Committee Member
Montgomery Village Resident for over 17 years

April 9, 2015

To: Montgomery County Planning Board &
MCPPC Office of Hearing Examiner

Hello,

I would like to voice my support for the Monument Realty DPA regarding the former Montgomery Village Golf Course property. I am quite concerned that we are at risk of delaying, or possibly losing, a massive economic development investment for our community. As you may know, Montgomery Village is an older community with aging housing stock, and desperately needs new investment.

Having served on the Montgomery Village Foundation's Vision 2030 Committee, Long Range Facilities Planning Committee, and currently serving as Vice President of the Board of Directors for the MVF, I am quite eager to see our county government support the tremendous amount of community engagement and work that has been done over the past four years to define a future land use vision for our community. This PDA is entirely consistent with that vision, which was developed by more than two years of broad community planning work, charrettes, and public forums. In addition, the Monument Concept Plan for the entire golf course property, of which this DPA is part, was approved overwhelmingly by the MVF Board of Directors last year.

This development can serve as a catalyst for further redevelopment of the Village and provide tangible proof that our years of community work to produce our plan was not wasted. A denial of this PDA would only serve to alienate the community and developer who have worked so hard to come to a shared vision for this property given that the golf course had failed. I ask that you please support the PDA and allow us to move forward.

Respectfully,

A handwritten signature in black ink, appearing to read "Pete Young". The signature is fluid and cursive, with the first name "Pete" and last name "Young" clearly distinguishable.

Pete Young
Vice President, Montgomery Village Foundation Board of Directors
Vision 2030 Committee Member
Long Range Facilities Planning Committee Member
Montgomery Village Resident for over 17 years

From: Jerome Leonard <jerome.leonard@taylor-leonard.com>
Date: April 9, 2015 at 12:09:13 PM EDT
To: "MCP-Chair@mncppc-mc.org" <MCP-Chair@mncppc-mc.org>, "ozah@montgomerycountymd.gov" <ozah@montgomerycountymd.gov>
Cc: Yovi Sever <ysever@monumentrealty.com>, Kelly Leonard <kelly.leonard@taylor-leonard.com>
Subject: RE: APPROVE The Bloom Area 4 Development Plan Amendment

Greetings ladies and gentlemen of the Montgomery County Planning Board & the Montgomery County Office of Zoning and Administrative Hearings,

I fully support Monument Realty's Area 4 Development Plan Amendment. I am a 12 year resident of Montgomery Village, and believe Development of Area 4 provides the necessary scale to have an immediate, positive impact to improve Montgomery Village's image and mitigates the negative effects of having such a large parcel of vacant land in the middle of the Village.

I believe also that redevelopment of the golf course offers a tremendous connectivity opportunity for neighborhoods that are separated now but would have walking path access in the new plan.

The golf course is in the center of the Village and Area 4 development benefits the largest concentration of existing homes that are mostly impacted by its closure. Additionally, progress on this Amendment will incentivize other major stake holders, including the owners of the Village Center and Professional Center, to begin planning redevelopment of their aged properties.

If this plan is ***not*** approved it will be a clear signal for me and my family that we should move out of Montgomery Village and seek a community that is in touch with its stakeholders' needs and has the leadership to deliver a vibrant environment. I believe there will be a significant exodus of progressive thinkers/residents from Montgomery Village if this plan is not approved.

I will do my best to attend the upcoming hearings to express my support for Bloom Area 4 Development Plan.

Thank you for your thoughtful consideration in advancing the Bloom Area 4 Development Plan!

Respectfully,

M. Jerome Leonard
Chief Information Officer
Taylor-Leonard Corporation
LinkedIn Optimization | CRM Services | Risk Management
O: (240) 683 6336 | M: (240) 888 7534 | F: (240) 993 2940 [Connect with me on LinkedIn](#)

April 9, 2015

Kelly Leonard
20104 Darlington Drive
Montgomery Village, MD 20886

Greetings ladies and gentlemen of the Montgomery County Planning Board & the Montgomery County Office of Zoning and Administrative Hearings,

I fully support Monument Realty's Area 4 Development Plan Amendment. As a proud, [nearly] thirteen year resident of Montgomery Village, I believe Development of Area 4 provides the necessary scale to have an immediate, positive impact to improve Montgomery Villages' image and mitigates the negative effects of having such a large parcel of vacant land in the middle of the Village. Because of its location and configuration within the Village, the Area 4 development also benefits the largest concentration of existing homes that are most impacted by the closure of the golf course. Additionally, progress on this Amendment acts as a catalyst to energize and incentivize other major stake holders, including the owners of the Village Center and Professional Center, to begin planning redevelopment of their aged properties.

Thank you for your thoughtful consideration in advancing the Bloom Area 4 Development Plan!

Warm regards,



Kelly T. Leonard
CEO, Taylor-Leonard Corporation
Connect with me on LinkedIn: www.linkedin.com/in/ktleonard
240.994.4861 (O) | 240.993.2940 (F)



FRANK & PAMELA MONDELL
9408 CHATTEROY PLACE
MONTGOMERY VILLAGE, MD 20886

April 9, 2015

Mr. Casey Anderson
Chair
The Maryland-National Capital Park and Planning Commission
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

Re: Support of Monument's DPA
For Area 4, Montgomery Village

Dear Mr. Anderson:

As extremely involved, 40+ year residents of Montgomery Village, we most strongly support Monument Realty's DPA for Area 4.

Monument's proposed plan for Area 4 has been presented in extremely clear detail, and willingly revised on numerous occasions as a result of input by both the MVF Board of Directors and involved individual homeowners. We hope that vociferous outbursts by a few unidentified individuals yelling out negative generalizations such as "not one more car" or "preserve the golf course" will be remembered more for their volume than as a representation of open, thoughtful consideration by more historically actively, long term Village homeowners, following a well-established process.

Along with numerous other local courses, the Montgomery Village Golf Course could no longer economically support itself. Substantially less than 200 Village residents supported the golf club with their membership. WJLA TV indicated that a "spokesman" for an unidentified "grassroots" movement, of undetermined size, indicated their hopes of keeping the golf course "100-percent green." We believe it is irresponsible to suggest that the tab for such a financially unsupportable wish would be borne by either assessment paying Village owners or from County coffers.

Monument has spent well over \$5,000,000 to obtain and operate the golf course at a loss. Any suggestion by unidentified groups or well-meaning County officials that retention of the property as Conservation Zone ("wildlife habitat") or Recreational Zone (for a proven nonfunctional golf course) is unsupportable economic suicide, to the ongoing detriment of Village homeowners and County tax revenues. Only with immediate development of the 17 acre parcel known as Area 4 are any real opportunities for new recreational and conservation uses economically feasible.

Initially, County staff mentioned to residents (at an early public hearing) that there remain sufficient residential credits under the Village's existing Town Sector Zone to allow formal submission of critically needed development of Area 4 prior to the final ratification of a new Montgomery Village Master Plan. This small section is the only economically viable option immediately available and ready to go, that will allow any recreational or conservation uses to occur. However, we now hear that for some unspecified reason, this critically lifesaving process may be needlessly blocked, and the Montgomery Village Master plan will now additionally be delayed until early 2017 or later. Such actions, if actually pursued, seem unjustifiable given the significance of their highly likely negative impact.

April 9, 2015

Why would such a reversal of policy be devastating to Montgomery Village? Over the 40+ years that the writers of this letter have lived in the Village, the community has aged significantly. With no opportunity for new growth, it has been severely impacted by newer, denser development in Kentlands, Germantown, Downtown Crown, etc. As long-time residents came closer to retirement, many have moved to nearby areas in search of newer designs and amenities associated with added density. With no new land stock, a significant reduction in disposable income, and aging of larger homes, Montgomery Village has been directly affected by a lack of "economic diversity" in its population.

While the Village has always prided itself on the diversity of its families, this new loss of previously higher priced home owners can certainly be seen in the exodus of major retailers such as Sir Walter Raleigh's, Giant Food, Schenck's Hardware, the Village movie theatres, and Montgomery County Liquor (who moved to the very edge of the Village). Additionally our Village Professional Center suffered a virtual total exodus, and remains nearly vacant (under foreclosure) including the surprise overnight exodus of the Village Pharmacy. If the loss of so many major retailers and medical professionals is not enough, we recently learned that Tai Shan, Latin Tex-Mex Grille and Just Chocolate Palace are all vacating, to be replaced by a huge Advanced Auto Parts.

At the same time, areas such as Kentlands, Germantown and Downtown Crown, have added dozens of restaurants and major retailers as their areas thrive under both higher economic diversity and higher density mandated by much needed retailers, restaurants, and professionals. Reduction in "economic diversity" is also key in the decline of County schools within Montgomery Village.

What can you do? Act, immediately, without any delay, to accelerate full implementation of the 86 Area 4 townhomes shown on the DPA and approved Montgomery Village Master Plan, as supported fully by the formal resident drafted and approved Vision 2030.

Your positive individual and collective action is critical and will be both long remembered and much appreciated.

Sincerely,



Frank & Pam Mondell

PHONE: (301-977-4387) • E-MAIL: FMONDELL@HOTMAIL.COM

Pam and Frank Mondell Montgomery Village

Pam and Frank have lived, and been active in Montgomery Village for over 40 years;

- **Raised two daughters who attended Village area schools (K-12)**
- **Children were active Village YMCA and other Village sports activities;**
- **Pam and Frank were North Creek Swim Team Representatives for many years;**
- **Were both members of the new Watkins Mill Steering Committee;**
- **Frank was Chairman of the WMHS Steering Committee;**
- **Pam was the first President of the new PTSA;**
- **Pam initiated the Watkins Mill Scholarship program, originally presented in her name;**
- **Pam was instrumental in organizing Watkins Mill's PTSA and Booster Club;**
- **Frank was elected to MVF Board, serving six plus years (final two as President of the Board);**
- **Frank has served on both the MVF Audit Committee and the Transportation, Development, and Public Facilities Committee since 1995, and has served on these key committees ever since;**
During early service on the MVF Audit committee, Frank was elected Chairman, and was re-elected annually for over a decade.

In retirement Pam and Frank remain actively involved in Montgomery Village life and have retained old Village friends while making new younger ones. They annually gather volunteers to distribute over 100 Thanksgiving meals (provided by Athens Grill) to needy Village area residents. Frank served as a Crew Leader for the construction of 19 townhomes for Habitat for Humanity (just outside the Village on Emory Grove Road).

GOSHEN OAKS CENTER, LLC

c/o Lebling Development, LLC
2401 Research Boulevard, Suite 202
Rockville, MD 20850

Telephone: 301-921-8223 Facsimile: 301-921-8227

www.leblingcos.com

April 28, 2014

Yovi Sever
Development Manager
Monument Realty
1700 K Street, NW
Suite 600
Washington, DC 20006

RE: Bloom Montgomery Village

Dear Yovi,

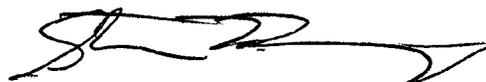
We wanted to express our support for your efforts to develop portions of the Montgomery Village Golf Course and create a large community park as well. Your willingness to work with the entire community is admirable and the Montgomery Village Foundation support is a testament to that.

Montgomery Village was an outstanding concept in its early years and remains a wonderful part of the fabric of Montgomery County. However, like all "living" communities it needs to change and adopt to current times or risk being stale and stagnant. One need only to look to Gary, Indiana to see the results of intractable rigidity.

As owners of a retail shopping center in the area we support your desire to introduce viable changes that recognize modern realities. An organism that is not dynamic and ever adopting is doomed to failure. Montgomery Village is effectively influenced by the same universal law.

We look forward to your success in your efforts to inject new vibrancy into Montgomery Village and the adjoining areas.

Sincerely,
Goshen Oaks Center, LLC
by GOTWO, LLC



Steven L. Lebling (Member)

Cc: Aris Mardirossian

MCP-CTRACK

RECEIVED

APR 13 2015

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Jackie Peace <jackie.peace@gmail.com>
Sent: Sunday, April 12, 2015 7:13 PM
To: MCP-Chair; ozah@montgomerycountymd.gov
Cc: Yovi Sever
Subject: Montgomery Village Area 4 DPA

To the members of the Montgomery County Planning Board,

I am a resident of Montgomery Village and have resided at 9545 Duffer Way for 27 years. I strongly support the Area 4 DPA for several reasons.

1- My address has a dismal walkability score of 16 (out of 100), meaning that almost all errands require a car. We need the development to connect us to the community. At present, we crawl through holes in the golf course's chain link fence to walk to the Goshen Shopping Center or simply drive the short distance.

2- My home is adjacent to Area 4. I do not want to see it sit fallow any longer than need be. This is a great concern and already impacts us negatively regarding safety and stability.

3- We exit the Village for almost all of our errands. Instead, we go to the Kentlands or Germantown. We believe the approval of the Area 4 DPA would act as a catalyst for the local shopping centers to begin to improve their properties.

Please approve the Area 4 DPA as soon as possible.

Sincerely,
Jackie Peace
9545 Duffer Way
Montgomery Village, MD 20886
301-655-4605