



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Item # 7
MCPB
1.16.03

MEMORANDUM

DATE: January 9, 2003
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief *JRD*
Michael Ma, Supervisor *Ma*
Development Review Division
FROM: Mary Beth O'Quinn
Planning Department Staff
(301) 495-1322



REVIEW TYPE: Site Plan Review
APPLYING FOR: Approval of 604 multifamily units,
including 91 MPDUs
PROJECT NAME: Fairfield at Germantown
CASE #: 8-03003
REVIEW BASIS: Sec. 59-D-3 referencing Sec. 59-C-10.2.2
ZONE: RMX-2/R-200
LOCATION: Waters Road, 50 feet south of Wisteria Drive
MASTER PLAN: Germantown
APPLICANT: FF Realty, LLC
FILING DATE: November 7, 2002
HEARING DATE: January 16, 2003

STAFF RECOMMENDATION: Approval of 604 units, including 91 MPDUs on 62.4 gross acres with the following conditions:

1. Public Amenities

Applicant must provide the following funds in an escrow account to be established prior to issuance of any building permit: \$300,000 to the M-NCPPC for use in the Germantown Town Center Park on the former Miller property, to cover costs of park facilities.

2. Future Development

Development density is limited to 604 residential units for the 62.4-acre site. Applicant must file an amended Project Plan and a new Site Plan application for development within the commercial portion of the site, as defined by the approved

Project Plan 0-02002, with the exception of the Stormwater Management (SWM) parcel; applicant must file a site plan amendment for changes to the residential portion of the site and/or the SWM facility locations addressed by this site plan.

3. Stormwater Management

Conditions of MCDPS stormwater management concept approval dated May 2, 2002.

4. Transportation Planning

- a. Provide two bus shelters along the internal public street, subject to coordination with M-NCPPC staff, DPS, and DPWT;
- b. Provide a temporary pedestrian connection from the development to Father Hurley Boulevard, subject to Maryland Department of Environment (MDE) approval and the acquisition of an easement from the adjoining property owner. The temporary connection should be provided until the streetscape improvements to Father Hurley Boulevard are complete.

Conditions of M-NCPPC Transportation Planning memo dated January 9, 2003, including:

- c. Limit the total development under Project Plan 9-02002 and Site Plan 8-03003 to 604 garden apartments.
 - d. Satisfy Local Area Transportation Review requirements conditioned upon approval of the preliminary plan as related to the Phase 1 development:
 - i. Restripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the MD 118/Wisteria Drive intersection and modify the traffic signal phasing/displays as appropriate per DPWT;
 - ii. Construct a second westbound left-turn lane and modify the traffic signal to eliminate eastbound-westbound split phasing at the MD 118/Middlebrook Road intersection; design and construct the removal of the channelized (free flow) island located in the northeast quadrant of the intersection, using monies required to be escrowed pursuant to Site Plan No. 8-84011A (Northlake Commerce Center Condition 2), Site Plan No. 8-98042 (Germantown Town Center Phase I Condition 10), Preliminary Plan No. 1-99020 (North Germantown Condition 1) and Development Plan Amendment for Euro Motorcars, to participate in the improvement as required by their approval;
 - iii. Restripe the eastbound Crystal Rock Drive approach to provide a separate right-turn lane, a shared through and left-turn lane, and a separate left-turn lane at the MD 118/Crystal Rock Drive intersection;
 - iv. Construct a westbound left-turn lane on Wisteria Drive, separate left and through lanes on Father Hurley Boulevard, and install a new traffic signal if warranted at the Father Hurley Boulevard/Wisteria Drive intersection;
 - v. Construct two lanes of Father Hurley Boulevard from Wisteria Drive southwest to the site entrance, plus the full cross section of Father Hurley Boulevard from Wisteria Drive southwest for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley Boulevard by the Department of Public Works and Transportation (DPWT), to include a temporary transition from these six lanes to the two beyond;
5. Environmental
- a. All residential units overlooking Father Hurley Boulevard that will be subject to projected future exterior noise levels equal or exceeding 65 dBA

- Ldn, must be constructed to meet the 45 dBA Ldn interior noise standard. Balcony space is considered interior space and subject to this condition.
- b. Prior to occupancy, the builder must certify that the units are constructed in accordance with the acoustical design specifications identified in a December 12, 2002 letter from Polysonics Corporation. Changes that may negatively affect acoustical performance must be approved by the acoustical engineer in advance of installation.
 - c. Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s).
6. Recreation
- a. Improve and expand the outdoor porch area of each Clubhouse: provide seating and landscaping, and exterior lighting; indicated paving materials and details for furnishings and fixtures;
 - b. Indicate hours of operation for recreation facilities provided;
 - c. Attach the following note to the plan for each Clubhouse swimming pool: *Residents within each Phase of Fairfield at Germantown are permitted access to the community pool located within that phase only. The capacity of each community pool is posted at the entrance to each pool. Access to each community pool may be limited if the permitted capacity of the pool is reached.*
6. MPDUs
- Include as part of the signature drawing set a plan diagram showing location of MPDUs for residential phases 1 and 2; provide a chart with the number of MPDUs per unit type by phase; MPDUs must be evenly distributed throughout the site; unit type allotment should reflect the proportion of unit types provided within the development as a whole.
7. Signature Set
- Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:
- a. Site Plan
 - i. Show LODs, ROWs (including the existing ROW on Waters Road), public access easements, conservation easements, HOA or public amenity areas, SWM parcels, and bus stops;
 - ii. Provide separate parcel designation for each SWM facility and show maintenance access;
 - iii. Provide dimensions for building setbacks along all street frontages;
 - iv. Provide a public access easement to be placed over pedestrian connections at the site plan boundaries, such as the sidewalk connections at the NE boundary and the sidewalk and pedestrian path connections and sidewalks leading at the storm water management facility located within the commercial development area; provide a public access easement for the terrace pedestrian path along the Father Hurley street frontage;
 - v. Provide details and section for all retaining walls and label top and bottom elevations; retaining walls to be constructed of masonry materials;
 - vi. Provide details for all railings and/or fixture along pedestrian/bike paths;
 - vii. Methods and locations of tree protection;

- viii. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - ix. Provide the development program inspection schedule.
- b. Landscape Plan
Provide matching plant schedules for the site plan area and the SWM facilities;
8. Site Design
- a. Reduce pavement width to 20 feet on all internal driveways except for the two main north-south drives connecting Phase 1 and 2, to improve pedestrian safety and increase green area; alignment of driveways and green space subject to staff review prior to signature set; label dimensions on site plan; show the 20-foot width for these drives:
 - Phase 1 Residential
 - i. north of Building 7;
 - ii. south of Building 6;
 - iii. west of Buildings 4 and 5;
 - iv. west of Building 2 and east of Building 3
 - v. east of Building 1 and surrounding parking island;
 - vi. north of the Clubhouse, Buildings 1 and 5;
 - Phase 2 Residential
 - vii. east of Buildings 9, 10, and 11;
 - viii. north of Buildings 13 and 14;
 - b. Replace head-in parking south of Building 12 with parallel parking; increase the width of the green space by 10 feet and provide additional shade trees and ground plantings; provide one additional head-in parking space along the east side of Building 12 and three additional parking spaces on the north side of Building 13 or 14;
 - c. Convert standard parking spaces to compact spaces along the curved terrace at the Father Hurley street frontage; shift the terrace curb line a distance of two feet east and provide six additional shade trees;
9. Landscape Design
- a. Provide additional plantings as follows:
 - i. Include three clusters of trees within the grading easement on the NE site plan boundary near each pedestrian connection;
 - ii. Install additional ground plantings along the pedestrian path leading to the SWM facility within the commercial portion of the site; provide additional six shade trees around the perimeter of the pond, placing trees at street tree spacing near the ROW; replace Green Ash with Willow Oak;
 - iv. Provide shade trees for the traffic circle;
 - vi. Replace Honeylocust with species providing more shade or greater screening;
 - vii. Provide screening for each trash compactor.
 - b. Provide special paving such as brick or brick-colored concrete pavers for the following areas: the vehicular drive area in front of Clubhouses and the paved areas connecting the clubhouses; crosswalks across the public internal street; traffic circles; align crosswalks at the public street to 90-degree angle;
 - c. Provide painted crosswalk at sidewalk connections across internal driveways.

10. Lighting

- a. Provide lighting levels and average max/min ratios in accordance with the Illuminating Engineering Society of North America, *IESNA Recommended Practice*, for public recreation space and sidewalks. Light levels should read zero foot-candles at the lot lines for the residential portion of the development;
 - b. Provide light fixtures for the pedestrian path along on the terraces along Father Hurley; fixtures may be wall mounted down-lights to illuminate path at regular intervals. Provide light fixtures for the SWM pond within the commercial portion.
11. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
- a. Development Program to include a phasing schedule as follows:
 - i. Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
 - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development;
 - iii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - iv. Coordination of each section of the development and roads;
 - v. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
 - vi. Site Plan Enforcement Agreement to include recreation facility maintenance.
 - b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 - c. No clearing or grading prior to M-NCPPC approval of signature set of plans.

ISSUES ADDRESSED IN THE COURSE OF SITE PLAN REVIEW

In the course of site plan review, staff and applicant reviewed parking, lighting, landscape planting and adequate recreational facilities. Vehicular and pedestrian systems were reviewed for their potential to provide the integrated circulation that would achieve the desired activity and character of RMX zone. Details of road proportions were studied to improve pedestrian safety and increase green space;

Streetscape design was studied for efficient and safe pedestrian movement. In particular, staff and applicant focused on achieving an attractive pedestrian system that could negotiate the significant slopes along Father Hurley Drive. Applicant and staff studied alternatives for the future dedication and improvements along the public right-of-way. Internal pedestrian systems were evaluated for efficient connections to bus service and the MARC station.

During the site plan review, one adjacent property owner expressed concern with the alignment of Waters Road as shown on the Site Plan and its impact on his property area. Transportation Planning and Subdivision staff has addressed the property owner's concerns. [See attached correspondence.]

VICINITY DESCRIPTION

Planametric Map



PROJECT DESCRIPTION: Surrounding Vicinity

The site is bounded on the NW by an unbuilt section of Father Hurley Boulevard between Wisteria Avenue and the CSX tracks; on the SW by the CSX tracks, across which are single family attached dwellings; on the SE by underdeveloped, industrial/commercial properties along MD #118 and along old Waters Road; and on the NE by low-intensity non-residential uses along Wisteria Drive.

The properties across Father Hurley are developed with low-density residential uses. Parts of this area could be affected by the construction of this section of Father Hurley. MCDPWT, concurrently with this review, is undertaking a study of the alignment of Father Hurley to see if it can be effectively moved slightly away from the affected housing and toward the subject site. This study will not be completed at time of this hearing, but preliminary findings indicate that realignment away from the housing is possible, and the modified alignment can be incorporated into the subsequent Site Plan application.

The CSX tracks are in a trough alongside the subject site for much of the site's length. Train noise will be a factor affecting housing and site design on this site. The commercial portion of the subject site is within walking distance of the MARC station at the intersection of the CSX tracks and MD #118. Currently the narrow ROW of existing Waters Road connects the subject site to MD #118 and the MARC station just beyond.

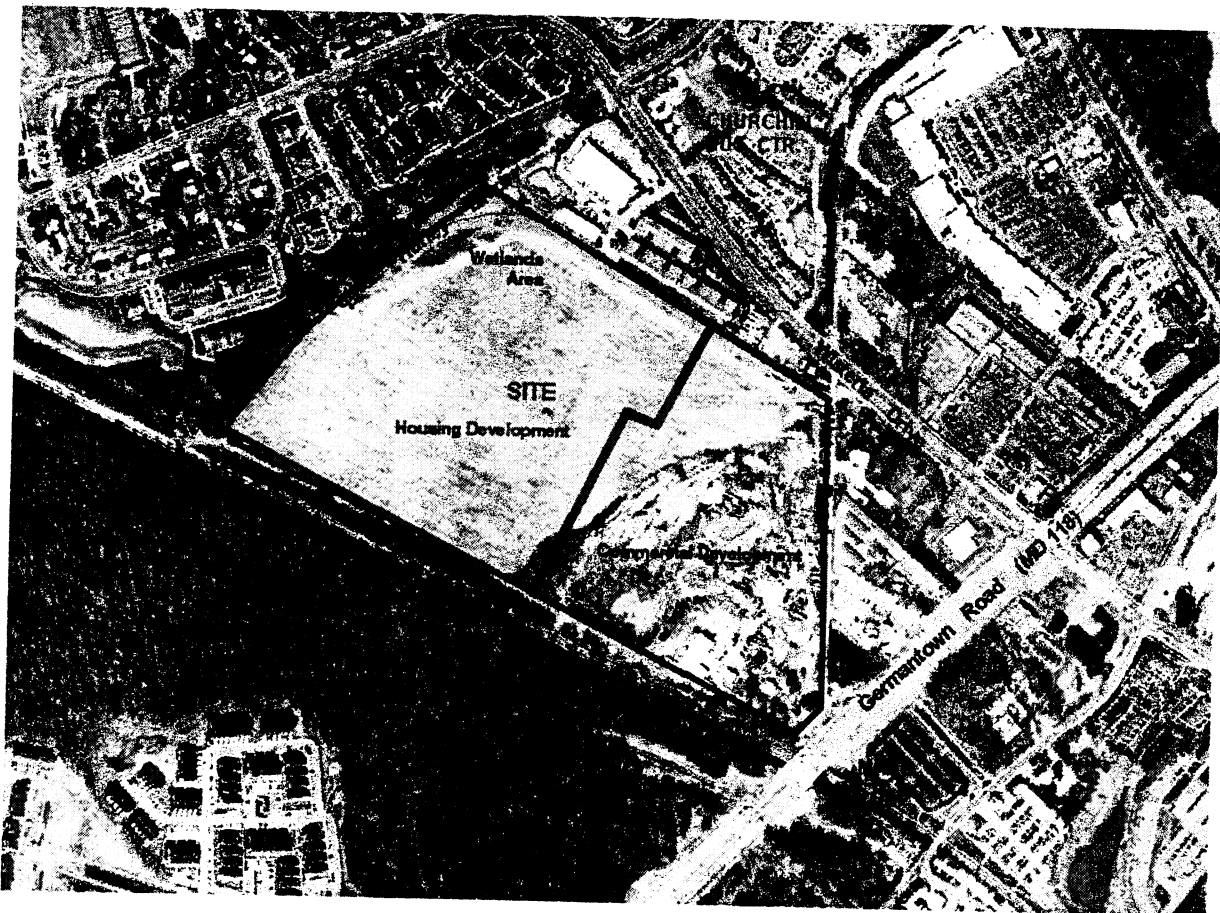
Aerial Photograph of Vicinity



PROJECT DESCRIPTION: Site Description

The Fairfield property is located in Germantown southwest of Wisteria Drive between the planned rights-of-way for Father Hurley Boulevard and Waters Road. The southern edge of the property, 2500 feet in length, is defined by the CSX tracks that serve the MARC station approximately to the east. The northern boundary adjoins existing commercial uses that face Wisteria Drive. The planned extension of Father Hurley Boulevard to the southwest will eventually form the western boundary of the site, while any further extension of Waters Road will define the site's eastern road frontage. The 62.4+/- acres form two individual properties for the housing and commercial components, respectively. The property has split zoning, with the majority of the site in the RMX-2 zone (60.5 ± acres) and a smaller piece on the west side of the Father Hurley Boulevard right-of-way that measures 1.9 acres, within in the R-200 zone.

The site supports a generally flat topography with a high point elevation of approximately 495 near the site center. The terrain drops evenly to the west at a 3% slope, while the eastern portion of the site maintains its elevation between 475 and 480 feet. The low point of the topography lies adjacent to the railroad tracks, forming the natural area for stormwater retention. There is a 1.76 acre forest on the southwestern corner of the property. The forest is dominated by 28 to 34-inch diameter tulip trees. The remainder of the site is agricultural and was planted in soy beans during the last growing season.

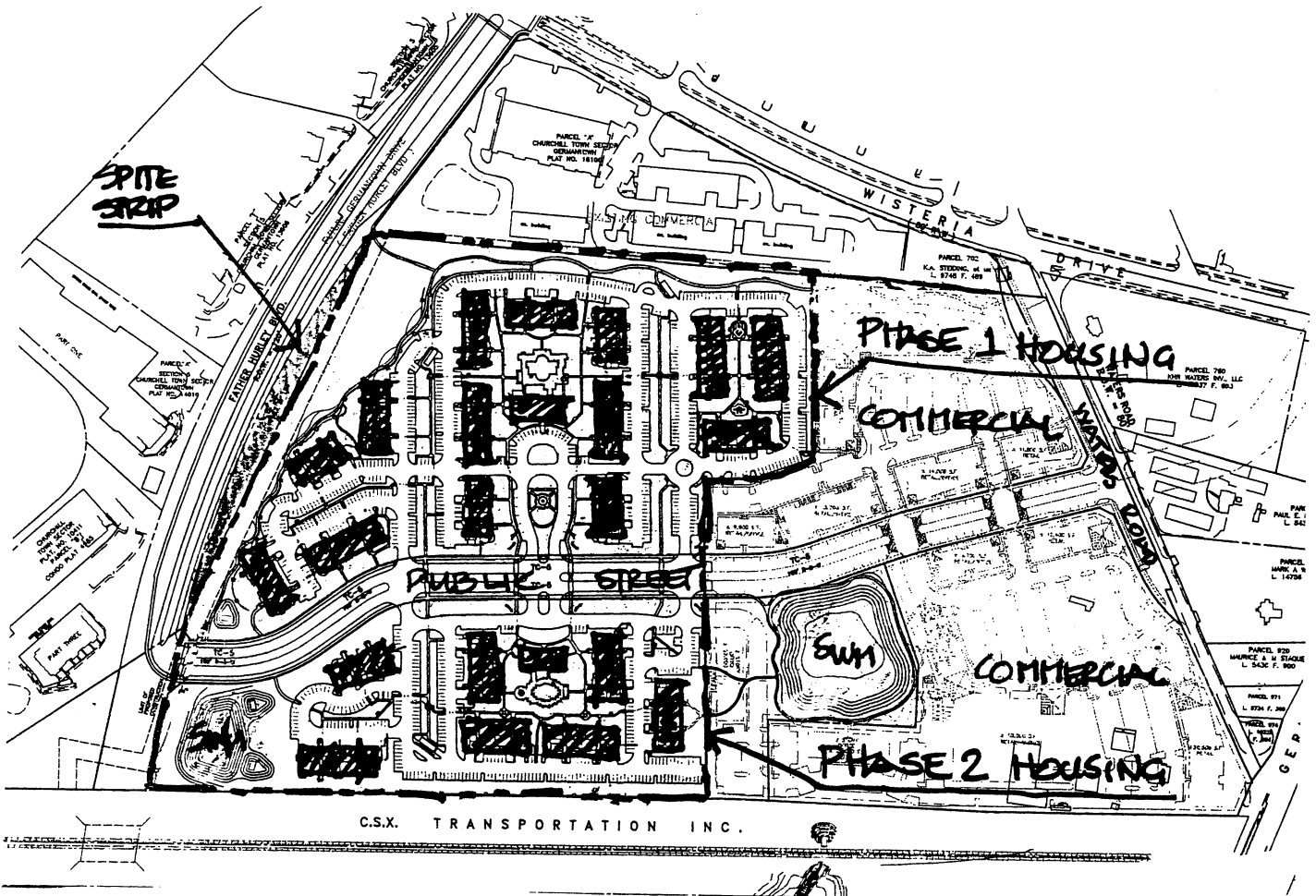


PROJECT DESCRIPTION: Proposal

Project Plan Concept

The Fairfield Project Project Plan is organized into two sections, the housing to the NW, and the commercial to the SE. The housing has been fully developed for site plan review; the commercial portion remains at a conceptual level and will be reviewed as a separate, future site plan application. While it is desirable to review concrete site plans for both the residential and commercial elements, the commercial portion has been delayed until the completion of the Germantown Town Center and market conditions for the Sugarloaf and Germantown Commons shopping centers improve.

APPROVED PROJECT PLAN SITE DIVISION

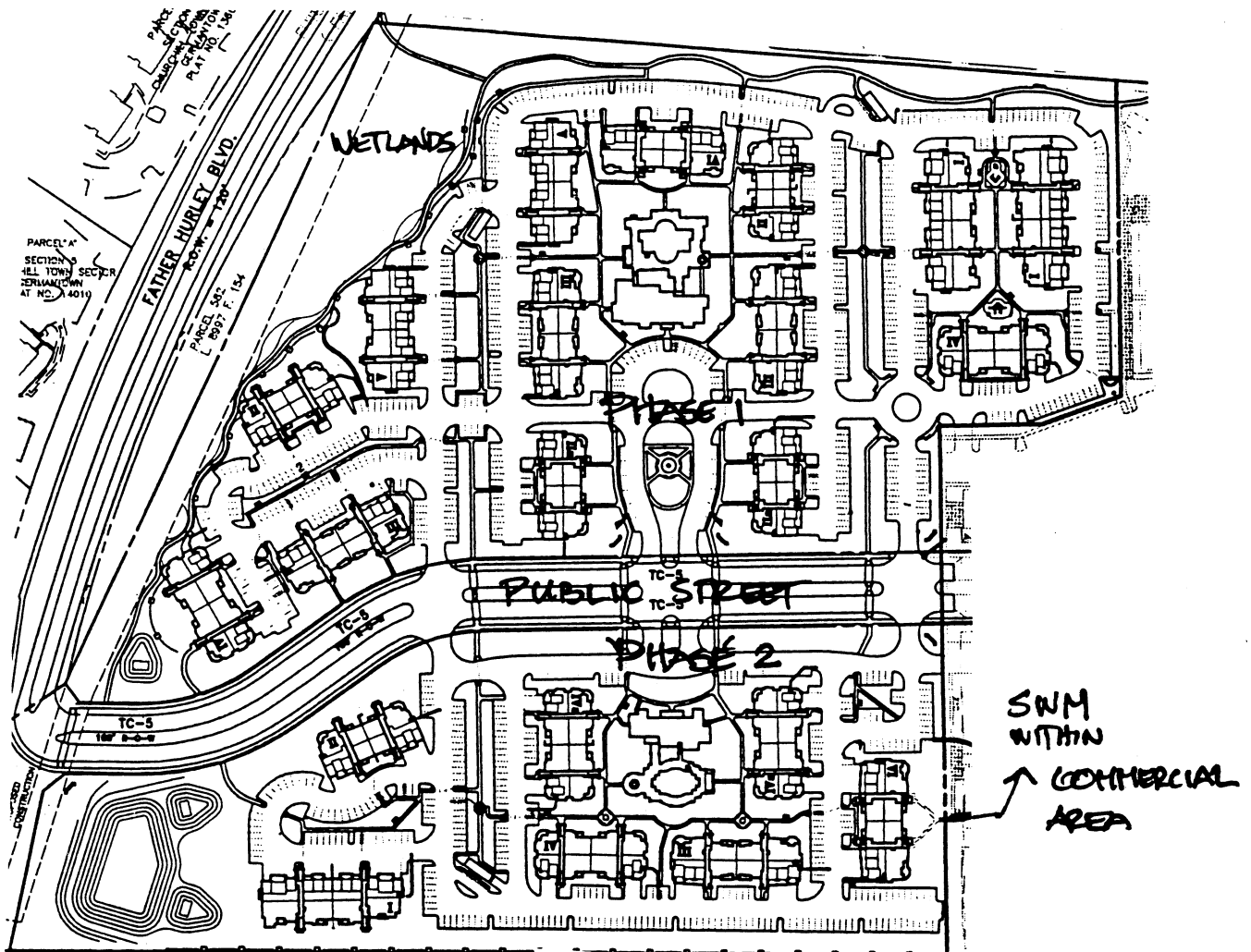


Site Organization

The proposed uses, commercial and housing, organize the site into an "eastern half" a "western half," respectively. Alternatively, the major vehicular thoroughfare divides the site into a "north section" (Phase 1) and a "south section" (Phase 2). This north-south delineation and phasing allow the first housing phase to be developed on the most accessible topography with the larger concentration of housing units on the north side of the public street.

The fronts of the north and south blocks of housing are oriented with respect to this internal spine, a public street. The massing creates, essentially, a formal grid pattern that is defined by two "core" blocks, creating a rhythmical "carpet" pattern of buildings and open space courtyards. The bigger blocks focus on common green areas that feature formal landscape design. Some of these central spaces contain parking, but the large areas are predominantly devoted to active or passive recreation, either outdoor or indoor with the clubhouses. Each buildings feature garages integral with some units, accessible by driveways from the peripheral driveways. The housing provides the required Moderately Priced Dwelling Units (MPDUs), 15% of all unit types for each phase, with the units dispersed throughout the site.

Several peripheral building groups, whose placement is determined by the functional attributes of the site topography, fill dirt distribution, and preferred road locations, flank the sides of the grid core, creating a portion of the plan that appears more random in its plan. The placement of the peripheral buildings reinforce the insular focus of the project, whose structures face away from major arterial streets, Father Hurley Boulevard and Waters Road.



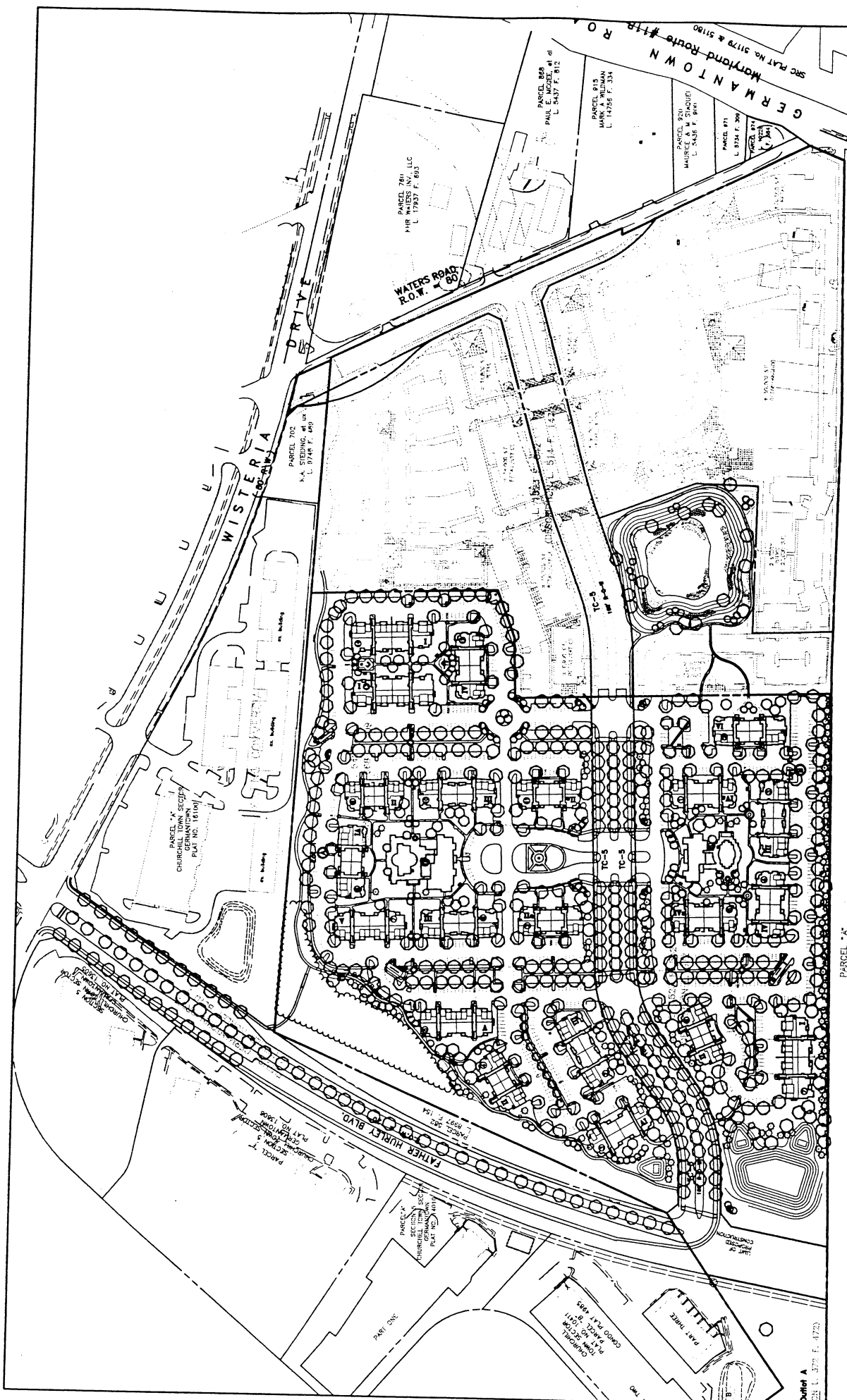
Circulation

The housing development is accessed by the extension of Father Hurley Boulevard southwestward from Wisteria to the site entrance, the internal public street. (When the commercial section is added later, a second access would be developed by improving Waters Road south of Wisteria, along the eastern boundary of the commercial portion.) The applicant will participate in the road improvements for Father Hurley Boulevard; however, the location of the "spite strip" between the ROW and the applicant's property line prohibits the applicant's provision of streetscape design for the road frontage at this time. It is anticipated that the County will complete the improvements within the next five years. [See illustrative sketches for the future streetscape design of Father Hurley Boulevard.]

Drive aisles reach all housing units with head-in parking, forming an interconnected internal "street" system that includes complementary pedestrian paths and sidewalks. The pedestrian system includes a terrace path that extend almost the full length of the new Father Hurley site frontage. The path system includes the circumference of stormwater management parcel within the commercial portion area. There are five pedestrian connections provided to the adjoining commercial portion, which provide an opportunity to achieve the integration of uses desired in the RMX zones.

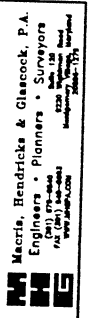
Stormwater Management

Most of the housing site drains toward SWM facilities in the NW corner; the remainder drains toward centrally-located SWM facilities between the housing and the commercial area, so both SWM facilities will be constructed as part of the housing phase.



PARCEL "A"
 C.S.X. TRANSPORTATION INC.

FAIRFIELD AT GERMANTOWN



PROJECT DESCRIPTION: Prior Approvals

The Site plan has been preceded by the Planning Board's approval of the Project Plan #9-02002 and the Preliminary Plan # 1-02068 on June 13, 2002. See Project Plan and Preliminary Plan opinion, attached. The conditions of approval have been addressed in the site plan review in the following ways:

Project Plan #9-02002

#	Project Plan Condition	Site Plan Review Resolution
1.	<i>Resubmit complete Project Plan application for commercial portion and phases of the project to address further design, facilities, and amenities.</i>	Site Plan Condition#1 requires submission of Site Plan application for commercial portion phase; Site plan amendment required for change to design or phasing of housing portion.
2.	<i>Establish escrow fund of \$300,000 prior to building permitting, for public amenities associated with park facilities or Germantown Library.</i>	Site Plan Condition # 2 requires establishment of escrow fund prior to building permit.
3.	<i>Construct previously authorized removal of free right turn from Middlebrook to MD 118.</i>	Condition addressed in Transportation Planning recommendation; [See Site Plan Condition #4]; [Condition also included in Preliminary Plan approval.]
4.	<i>Construct two lanes of Father Hurley Blvd from Wisteria Drive, and the full cross section for 600 feet, pending final design by MCDPWT.</i>	Condition addressed in Transportation Planning recommendation; [See Site Plan Condition #4]
5.	<i>Conduct noise analysis for 65-dBa noise contour and propose mitigation.</i>	Site Plan application included the noise study required. Condition addressed in EPD recommendations; [See Site Plan Condition # 5]
6.	<i>Submit expanded NRI for approval prior to site plan application submission; provide tree save plan for Tree #48, 55-inch Red Oak, if possible.</i>	Tree #48 is located within the commercial portion of the Project Plan boundaries; this location is not within boundaries of this Site Plan Review.
7.	<i>Locate all trails outside environmental buffers</i>	Trails are located outside of environmental buffers, except one proposed crossing that will provide temporary pedestrian connection from the development to Father Hurley Blvd; the temporary connection is contingent upon approval from MDE and granting of an easement from the adjacent property owner.
8.	<i>Limit total number of residential units to 610 for entire 62.4 -acre site.</i>	Site Plan Condition #2 places limitation on number of residential units allowed for the entire 62.4-acre site.

Preliminary Plan 1-02068

#	Preliminary Plan Condition	Site Plan Review Resolution
1.	<i>Limit total number of residential units to maximum 610 multi-family units and 250,000 of office/retail use.</i>	Condition of approval included with Site Plan conditions to require submission of Site Plan application for commercial portion and phases; Site plan amendment required for change to design or phasing of housing portion.
1.2.3.	<i>Transportation Conditions: #1(a) through #1(l), #2, #3.</i>	Condition addressed in Transportation Planning recommendation; [See Site Plan Condition #4]
4.	<i>Comply with conditions of MCDPS stormwater management concept approval; improvements to be approved prior to recordation of plat.</i>	SWM concept approval issued May 2, 2002; further conditions of SWM facility design are addressed in Site Plan Condition #3]
5.	<i>No clearing, grading or recording of plats prior to SPEA approval.</i>	Site Plan Condition #11-c addresses timing of clearing and grading. No clearing or grading prior to signature set approval.
6.	<i>Final number and locations of buildings, parking, site circulation, sidewalks, bike paths to be determined at site plan.</i>	Site Plan review addressed locations of these elements. Site Plan Condition #8-a addresses the final adjustment of internal vehicular drive widths at Signature Set. Staff recommends reduction in the width of secondary internal drives to reduce imperviousness and increase the amount of internal green space.
7.	<i>Final landscape and lighting to be reviewed prior to site plan.</i>	Landscape and lighting plan provided as part of site plan application.
8.	<i>Final number of MPDUs dependent on number of units determined at site plan review.</i>	Number of residential units reduced from 610 to 604 during site plan review. MPDUs are provided at 15% to number 91 units.
9.	<i>Validity of preliminary plan dependent upon applicant abiding with conditions of approval of Project Plan 9-02002.</i>	Applicant's execution of Project Plan conditions are subject to site plan approval. See Site Plan Condition #1.
10.	<i>Preliminary Plan validity period: 37 months or August 16, 2005.</i>	Validity period for preliminary plan remains open.
11.	<i>APF review validity period: 61 months or August 16, 2007.</i>	Validity period for preliminary plan remains open.
12.	<i>Other necessary easements</i>	Site Plan review addressed necessary easements on the site, including public access easements, conservation easements, and SWM parcel designations. See Site Plan Condition #7-a.
13.	<i>Record plat to indicate that density of residential units is calculated from total site area of 62.4 acres. No additional residential density is available for any part of the site.</i>	Site Plan Condition #2 addresses notation on signature set indicating limits of residential density.

ANALYSIS: Conformance to Master Plan

Town Center Background

The 64-acre site covered by Project Plan 9-02002 and Site Plan 8-03003 is located within analysis area TC-5 of the *Germantown Master Plan*, approved and adopted in 1989. The Master Plan reconfirms the light industrial use proposed in the 1974 Master Plan for the entire 76-acre analysis area. The Master Plan also recommends that the area should be “rezoned to the new RMX (Residential-Mixed Use) Zone which was accomplished by Sectional Map Amendment in 1990.

Design Study

The *Germantown Town Center Design Study: Guidance for the Implementation of Future Development of the Town Center* (approved by the Montgomery County Planning Board in December 1990) provides further guidance for analysis area TC-5. The Design Study describes this area as a retail and service park adding the commentary that “Although larger in area than TC-1, its location and the fact that both MD 118 and Father Hurley Boulevard have yet to be extended, have resulted in less visibility than the Town Center Core.”

Master Plan Recommendations

Proposed for this site is development of 500 residential multi-family units and 400,000 square feet of comparison retail in addition to automotive and business services. The proposed project plan for 62.4 acres contains 610 multi-family units, some with attached garages, in accordance with the Master Plan recommendations.

Conformance to Master Plan

The applicant proposes to use the optional method of development for the R-MX zone to increase density by 91 MPDUs. The overall density conforms to Master Plan recommendations.

The Development Plan and Site Plan for this Analysis Area need to be compatible with the landscaping and building setbacks along relocated MD 118 noted in the Townscape Design chapter. This relationship was further elaborated by the Town Center Design Study, which recommends extension of Locbury Drive and Waters Road southward to form an entrance to TC-5 from MD 118. As MD 118 was constructed, a driveway cut was left in the approximate location of this intersection. This connection is inconsistent with the Germantown Master Plan, which clearly illustrates a cul-de-sac terminus to Waters Road and no connection to MD #118. [See attached correspondence from Subdivision and Transportation staff addressing the conceptual design status of Waters Road.]

Visual buffers are needed to screen the view of parking areas and automotive uses from Father Hurley Boulevard and relocated MD #118. Intervening land uses and separate ownership exist between the MD 118 frontage and the property covered by Project Plan #9-02002. Preliminary plan and site plan review for the commercial portion of the site will establish visual buffers and screening in the future. The proposed project plan considers the visible portions of the site from Father Hurley Boulevard as part of the facility planning for the road extension and bridge project.

ANALYSIS: Conformance to Development Standards

Fairfield at Germantown Development Standard	Site Plan 8-03003 Total Areas	RMX-2 Zone Permitted/Reqd	RMX-2 Zone Proposed
Gross Site Area	62.4 acres		
R-200 Gross Area	2.4 acres		
RMX-2 Gross Area	60.0 acres +/-		
Residential (RMX-2)			36.1 acres [1,572,516 sf]
Commercial (RMX-2)			23.9 acres [1041084 sf]
Net Tract Area Total	60.1 acres		
Net Tract Area RMX-2			58.6 acres
Net Tract Area R-200	1.3 acres		
Dedication Fr. Hurley Blvd	0.9 acres		
Dedication Waters Rd	1.4 acres		
Residential Phase I - 404 units			19.68 acres
Residential Phase 2 - 200 units			10.92 acres
Density			
Commercial *		0.5 FAR (108,936 sf GFA)	N/A: Phase 2
Commercial * GLA		600,000 sf	N/A: Phase 2
Residential (>30 acres site area)		150 units min*	604 units
Residential		30 units/acre max *	17 units/acre
Residential in Commercial area		40 units/acre *	N/A
Residential - MPDU		NTE 22% of MP guide	513 units & 91 MPDUs
Green Area 59-C-10.3.3			
Commercial		15% min [156,162 sf]	N/A: Phase 2
Residential		50% min [786,258 sf]	52% [816,397 sf]
Setbacks - Commercial ** #			
From one-family residential		100 feet	N/A: Phase 2
From other residential		50 feet	N/A: Phase 2
From any street		25 feet	N/A: Phase 2
Next to commercial/industrial		25 feet	N/A: Phase 2
Setbacks - Residential ** #			
From one-family residential		100 feet	250 feet +/-
From other residential		30 feet	400 feet +/-
From any street		30 feet	30 feet
Next to commercial/industrial		30 feet	30 feet
* Must not exceed Master Plan recommendations			
** No minimum setback if in accordance with Master Plan 59-C-10.3.8			
# Planning Board may reduce setbacks no greater than 50% to accommodate trees or other site feature 50-C-10.3.8			
Other Zoning Requirements			
59-C-10.3.9 (a)	Size, location and nature of public facilities and amenities to be shown on Site Plan		
59-C-10.3.11 (a)	Site Plan required		
59-C-10.3.12 (b) (1)	Staging and sequence of development		

MPDU CALCULATIONS:

Residential Unit Distribution and MPDUs			
Development Phase	Total units	Required MPDUs	Proposed
Phase 1 - residential	404 units	15% (61 units)	62 units
1 Bedroom/1 Bedroom MPDUs	204 units (50%)	31 units (50%)	31 units
2 Bedroom/2 Bedroom MPDUs	172 units (43.5%)	27 units (43.5%)	27 units
3 Bedroom/3 Bedroom MPDUs	28 units (7%)	4 units (7%)	4 units
Phase 2 - residential	200 units	15% (30 units)*	29 units
1 Bedroom/1 Bedroom MPDUs	96 units (48%)	14 units (48%)	14 units
2 Bedroom/2 Bedroom MPDUs	90 units (45%)	14 units (45%)	14 units
3 Bedroom/3 Bedroom MPDUs	14 units (6.5%)	2 units (6.5%)	2 units
Total units – both phases	604 units		91 MPDUs

* Phase 1 MPDU count exceeds required number by one unit.

PARKING CALCULATIONS

Parking Distribution			
Development Phase	Total parking spaces	Required spaces	Proposed spaces
Phase 1 - residential			
1 Bedroom/1 Bedroom MPDUs	204 units @ 1.25 space/unit	255	
2 Bedroom/2 Bedroom MPDUs	172 units @ 1.50space/unit	258	
3 Bedroom/3 Bedroom MPDUs	28 units @ 2.0 space/unit	056	
Phase 1 - residential parking	Exceeds by 100 spaces	568	668 spaces
Phase 2 - residential			
1 Bedroom/1 Bedroom MPDUs	96 units @ 1.25 space/unit	120	
2 Bedroom/2 Bedroom MPDUs	90 units @ 1.50space/unit	135	
3 Bedroom/3 Bedroom MPDUs	14 units @ 2.0 space/unit	028	
Phase 2 - residential parking	Exceeds by 69 spaces	283	352 spaces
Total parking spaces	16% excess	851 spaces	1020 spaces

RECREATION CALCULATIONS:

RECREATION - PHASE 1							
DEMAND POINTS	Tots	Children	Teens	Adults	Seniors	TOTALS	
Housetype	11.00	14.00	12.00	118.00	16.00	171.00	
PROJECT DEMAND							
404 Garden Apt Units	4.04	44.44	56.56	48.48	476.72	64.64	690.84
SUPPLY POINTS - ON SITE							
	Tots	Children	Teens	Adults	Seniors		
Picnic - Sitting (5)	5.00	5.00	75.00	25.00	10.00		
Multi-Age Playground	9.00	11.00	3.00	7.00	1.00		
Tot Lot	9.00	2.00	0.00	4.00	1.00		
Pedestrian System	4.44	11.31	9.70	214.52	29.09		
Indoor Community Room	4.44	8.48	14.54	143.02	25.86		
Indoor Fitness Facility	0.00	5.66	4.85	12.93	71.51		
Swimming Pool #1	2.22	11.31	9.70	119.18	9.70		
Indoor Child Playroom	7.00	0.00	0.00	0.00	0.00		
On Site Total	41.11	54.76	116.78	525.65	148.15	886.45	
	93%	97%	102%	128%	132%		
SUPPLY POINTS - OFF SITE							
	Tots	Children	Teens	Adults	Seniors		
Black Hill Regional Park							
Picnic & Sitting	1.00	1.00	15.00	5.00	2.00		
Pedestrian System	0.72	1.44	1.44	62.37	37.26		
Multiage Playground	9.00	11.00	3.00	7.00	1.00		
Off Site Total	9.72	12.44	4.44	69.37	38.26	158.23	
	2%	14%	3%	7%	17%		

RECREATION - PHASE 2							
DEMAND POINTS	Tots	Children	Teens	Adults	Seniors	TOTALS	
Housetype	11.00	14.00	12.00	118.00	16.00	171.00	
PROJECT DEMAND							
200 Garden Apt Units	2.00	22.00	28.00	24.00	236.00	32.00	342.00
SUPPLY POINTS - ON SITE							
	Tots	Children	Teens	Adults	Seniors		
Picnic - Sitting (2)	2.00	2.00	3.00	10.00	4.00		
Pedestrian System	2.20	5.60	4.80	106.20	14.40		
Indoor Community Room	2.20	4.20	7.20	70.80	12.80		
Indoor Fitness Facility	0.00	2.80	2.40	6.40	35.40		
Swimming Pool #2	1.10	5.60	4.80	59.00	4.80		
Indoor Child Playroom	7.00	0.00	0.00	0.00	0.00		
On Site Total	14.50	20.20	22.20	252.40	71.40		
	66%	72%	92%	100%	223%		
SUPPLY POINTS - OFF SITE							
	Tots	Children	Teens	Adults	Seniors		
Black Hill Regional Park							
Picnic & Sitting	1.00	1.00	15.00	5.00	2.00		
Pedestrian System	0.72	1.44	1.44	62.37	37.26		
Multiage Playground	9.00	11.00	3.00	7.00	1.00		
Off Site Total	9.72	12.44	4.44	69.37	38.26	158.23	
	44%	44%	18%	27%	119%		

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with the approved Project Plan # 9-02002 for the optional method of development as required.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. **Buildings**

The buildings locations are adequate, safe and efficient. See **Proposal Description**, Page 8, *Site Organization*.

b. **Open Spaces**

The open spaces are adequate, safe and efficient. See **Proposal Description**, Page 8, *Site Organization*.

c. **Landscaping and Lighting**

Landscaping for the project includes a comprehensive, varied streetscape design including sidewalks, street trees and lighting, that effectively integrates the internal public street and the private drives. Landscaping within the open spaces includes flowering trees for accents; and detailed shrub beds within the green spaces. Seating areas are well placed throughout the site to encourage views and greater contact with the landscaped areas. Foundation plantings are provided for each unit that will increase the attractiveness of the view from the street as well as of each unit.

Within the private drives, the applicant has included landscaping islands and added planting where possible and feasible to soften the views of the paving and the garage facade. Substantial screening is provided along the south property boundary with the CSX tracks. Staff recommends reducing the width of the drive aisles to 20 feet from 24 feet to reduce the considerable amount of paving that exists from the abundant number of parking spaces (over 150 spaces exceeding the requirements).

The series of terraces along Father Hurley Boulevard that support the pedestrian path are attractively landscaped with a variety of shade trees, ornamental trees and shrubs to provide a enjoyable pedestrian experience, while creating a streetscape that is interesting and active from the public perspective.

The site plan design includes enhanced landscaping plan for the storm water management ponds, to be verified at the same time as their final review with DPS. Staff will review the landscaping concepts to make sure they are attractive and meet with the functional requirements of the facilities.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above.

e. Vehicular and Pedestrian Circulation

The street and driveway layout is adequate, efficient, and safe. The street connections to the site are in accordance with the approved Preliminary Plan, and the layout provides an interconnected grid street system that provides for natural traffic calming benefits and easy orientation and access to each unit. The major public street through the site is design with a green median that allows more efficient movement of vehicles through the site and providing areas of refuge for pedestrians.

The pedestrian system is attractively laid out, serving each building with safe and adequate connections. Public sidewalks are provided on each street and internal drive at 5-foot widths to improve their functionality. However, as outlined in Condition 8(a), staff recommends that the peripheral drive aisles be reduced in width from 24 feet to 20 feet to provide an additional measure of traffic calming and to enhance pedestrian safety for the increased density of residents.

The applicant proposes a naturalistic pedestrian path along the terraces fronting on Father Hurley Boulevard to provide a more comprehensive pedestrian system that enhances recreational use of the site while offering a public perspective that is interesting and attractive.

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

The units are compatible in their type of use, scale and density to the residential and commercial uses that exist to the north and those that are planned for the commercial portion of the site. The unit locations provide adequate setbacks and compatible orientations to the surrounding development patterns. The buildings themselves are placed with care to provide compatible relationships between the housing and the future retail uses. In addition, the thoughtful placement of the core housing blocks demonstrates consideration of compatible relationships between the housing structures, the open spaces, and the units themselves.

The activity associated with the proposed residential uses will not cause any negative effect on the surrounding residential and commercial uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

A final forest conservation plan has been prepared for the entire tract. The site plan meets the requirements of Chapter 22A

APPENDIX

- a. Project Plan Opinion
- b. Preliminary Plan Opinion
- c. Transportation Planning Memo
- d. Adjacent Property Owner Correspondence
- e. Staff Correspondence



RECEIVED

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: June 19, 2002
PROJECT PLAN REVIEW # 9-02002
PROJECT NAME: Fairfield at Germantown

Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Bryant, Holmes, Robinson and Wellington voting for. Commissioner Perdue was necessarily absent.

The date of this written opinion is June 19, 2002 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before July 19, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until July 19, 2004 as provided in Section 59-D-2.7.

On June 13, 2002 Project Plan Review #9-02002 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *As conditioned, the proposal complies with all of the intents and requirements of the zone.*
2. *As conditioned, the proposal conforms to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56. Not Applicable.*
3. *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, the proposal is compatible with and not detrimental to existing or potential development in the general neighborhood.*
4. *As conditioned, the proposal does not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*
5. *The proposal is more efficient and desirable than could be accomplished by the use of the standard method of development.*

6. *The proposal will include moderately priced dwellings units in accordance with Chapter 25A of this code, if requirements of that chapter apply.*
7. *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either Section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:
 - A. *The Project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic; and/or*
 - B. *The Project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
 - C. *The Project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*Not Applicable*
8. *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*
9. *As conditioned, the proposal satisfies any applicable requirements for water quality resource protection under Chapter 19.*

Therefore the Montgomery County Planning Board APPROVES Project Plan #9-02002, which consists of 610 garden apartments including 92 MPDUs and 250,000 GSF office/retail on 62.4 acres, with the following conditions:

1. The commercial portion of this Project Plan is approved in concept only; the future commercial applicant must resubmit a complete Project Plan application for the commercial portion to the Planning Board for approval of the design, facilities and amenities later.
2. Provision of \$300,000 to the M-NCPPC for use in the Germantown Town Center Park on the former Miller property, to cover construction costs of park facilities and/or Library-site-related improvements, in an escrow account to be established prior to building permit release for the housing proposed.
3. Construction of the previously authorized removal of a free right turn from NW-bound Middlebrook to NE-bound MD #118, as part of the improvements described in the Transportation Planning staff memo which are conditions of approval of the Preliminary Plan.
4. Construction of two lanes of Father Hurley Boulevard from Wisteria SW to the site entrance, plus the full cross section of Father Hurley from Wisteria SW for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley by MCDPWT, to include a temporary transition from these six lanes to the two beyond. Final details are to be resolved as part of the Site Plan Review submission for Fairfield.
5. For Site Plan Review, conduct a noise analysis to determine the 65-db noise contour from the tracks and Father Hurley and to propose appropriate mitigation
6. Expanded NRI must be approved prior to submission of site plan. Tree #48 on NRI, a 55-inch Southern Red Oak in good condition, should be saved if possible.
7. All trails to be located outside environmental buffers
8. 610 total units approved applies to the total 62.4 acre tract, not just Phase I



Date Mailed: July 16, 2002

Action: Approved Staff Recommendation
 Motion of Comm. Wellington, seconded
 Comm. Robinson with a vote of 4-0;
 Comms. Bryant, Holmes,
 Robinson and Wellington voting
 in favor
 Commissioner Perdue absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02068

NAME OF PLAN: FAIRFIELD AT GERMANTOWN

On 11/27/01, Fairfield Residential submitted an application for the approval of a preliminary plan of subdivision of property in the RMX-2/R-200 zone. The application proposed to create 1 lot on 62.4 acres of land. The application was designated Preliminary Plan 1-02068. On 06/13/02, Preliminary Plan 1-02068 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02068 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02068.

Approval, subject to the following conditions:

- (1) Approval under this preliminary plan is limited to a maximum of six-hundred and ten (610) multi-family dwelling units and 250,000 square feet of office/retail use and provide the necessary road way improvements as outlined in the June 7, 2002 Transportation Planning Division memo which states:
 - a. The applicant shall construct a separate southbound right-turn lane, a second northbound left-turn lane, a second eastbound left-turn lane (**Phase 2**), and restripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right turn lane (**Phase 1**) at the MD 118/Wistria Drive intersection.
 - b. The applicant shall construct a second westbound left-turn lane (**Phase 1**), a second northbound left-turn lane (**Phase 2**), and modify traffic signal to eliminate eastbound-westbound split phasing at the MD 118/Middlebrook Road intersection (**Phase 1**). Also, the applicant shall **design and construct the removal of the channelized (free flow) located in the southeast quadrant of this intersection provided monies required to be escrowed pursuant to Site Plan No. 8-84011A (Northlake Commerce Center) and Site Plan No. 8-98042 (Germantown Two Center Phase I) are available for the improvement and Preliminary plan No. 1-99020 (North**

Germantown) participate in the improvements as required by its approval (Phase I)

- c. The applicant shall restripe the eastbound Crystal Rock Drive approach to provide a **separate** right-turn lane, a **shared** through and left-turn lane, and a separate left-turn lane at the MD 118/Crystal Rock Drive intersection. (Phase 1)
 - d. The applicant shall construct a second westbound left-turn lane at (Great Seneca Highway (MD 119)/Middlebrook Road intersection. (Phase 2)
 - e. The applicant shall construct a separate northbound right-turn lane, restripe and designate existing Wisteria Center Lane for separate left-turn lanes, and install new traffic signal if warrants and spacing criteria are met at the Wisteria Drive/Waters Road intersection. (Phase 2)
 - f. The applicant shall construct a westbound left-turn lane on Wisteria Drive, a separate left and through lanes on Father Hurley Boulevard (FHB), and install new traffic signal if warranted at the Father Hurley Boulevard intersection. (Phase 1)
 - g. The applicant shall construct two lanes of Father Hurley Boulevard **from** Wisteria Drive SW to the site entrance, plus the full cross section of Father Hurley Boulevard from Wisteria Drive SW for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley Boulevard by the Department of Public Works and Transportation (DPW&T), **to** include a temporary transition from **five** lanes to the two beyond (Phase 1). Final details are to be resolved as of the Site Plan review submission for the project.
 - h. The applicant shall agree that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements as designated in the above conditions for the following phased development.
 - a. Phase 1 includes 610 garden apartments.
 - b. Phase 2 includes full development.
 - i. The applicant shall improve Waters Road (Locbury Drive) to meet the County two-lane roadway standards as shown on the project plan **(Phase 2)**
- (2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Germantown Master Plan unless otherwise designated on the preliminary plan
 - (3) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Germantown Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition
 - (4) Compliance with the conditions of MCDPS stormwater management approval Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
 - (5) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
 - (6) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan

- (7) Provide final landscape and lighting plan prior to site plan for review and approval by the Planning Board
- (8) Final number of MPDU's dependent upon condition #6 above and will be determined at the time of site plan review
- (9) The validity of the preliminary plan is dependent upon the applicant proceeding with and abiding by the conditions of approval of Project Plan No 9-02002
- (10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (12) Other necessary easements
- (13) Record plat to indicate residential density of 610 units is calculated over entire 62.4 acres site and ~~no~~ additional residential density is available on any of the 62.4 acre lot **no**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 9, 2002

MEMORANDUM

TO: Mary Beth O'Quinn, Planner
Development Review Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning

FROM: Ki H. Kim, Planner
Transportation Planning

SUBJECT: Site Plan No. 8-03003
Fairfield at Germantown

This memorandum is Transportation Planning staff's review of the subject site plan for Fairfield at Germantown Phase 1 development. The proposed development under this site plan includes 604 garden apartments. The site has an approved preliminary plan for 610 garden apartments, 210,000 square feet of retail, and 40,000 square feet of general office space.

RECOMMENDATIONS

Staff recommends the following conditions related to approval of the subject site plan.

1. Total development under this project plan application is limited to the following uses and density:
 - 604 garden apartments
2. To satisfy Local Area Transportation Review requirements conditioned upon approval of the preliminary plan as related to the Phase 1 development:
 - a. The applicant shall restripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the MD 118/Wistria

Drive intersection and modify the traffic signal phasing/displays as appropriate per DPWT.

- b. The applicant shall construct a second westbound left-turn lane and modify the traffic signal to eliminate eastbound-westbound split phasing at the MD 118/Middlebrook Road intersection. Also, the applicant shall design and construct the removal of the channelized (free flow) island located in the northeast quadrant of the intersection, using monies required to be escrowed pursuant to Site Plan No. 8-84011A (Northlake Commerce Center - Condition 2), Site Plan No. 8-98042 (Germantown Town Center Phase I - Condition 10), Preliminary Plan No. 1-99020 (North Germantown - Condition 1) and Development Plan Amendment No. 02-3 (Euro Motorcars) to participate in the improvement as required by their approval.
- c. The applicant shall restripe the eastbound Crystal Rock Drive approach to provide a separate right-turn lane, a shared through and left-turn lane, and a separate left-turn lane at the MD 118/Crystal Rock Drive intersection.
- d. The applicant shall construct a westbound left-turn lane on Wisteria Drive, separate left and through lanes on Father Hurley Boulevard, and install a new traffic signal if warranted at the Father Hurley Boulevard/Wisteria Drive intersection.
- e. The applicant shall construct two lanes of Father Hurley Boulevard from Wisteria Drive southwest to the site entrance, plus the full cross section of Father Hurley Boulevard from Wisteria Drive southwest for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley Boulevard by the Department of Public Works and Transportation (DPWT), to include a temporary transition from these six lanes to the two beyond.

DISCUSSION

Local Area Transportation Review (LATR) and Policy Area Transportation Review

The Adequate Public Facilities issues on the subject development as related to both the LATR and Policy Area Transportation Review were addressed at the time of the preliminary plan application. The roadway improvements as listed in Condition 2 in this memorandum are consistent with the previously conditioned approval of the preliminary plan, and are needed to satisfy LATR requirements for the Phase 1 development.

Site Access and Circulation

Staff finds that the construction of Father Hurley Boulevard to be provided by the applicant as described in Condition 2 (e) in this memorandum provides safe and adequate

access for vehicles and pedestrians. The pedestrian paths shown on the site plan connecting the site to Father Hurley Boulevard provide an efficient and safe pedestrian circulation system. The internal vehicular circulation and sidewalk system shown on the site plan are also adequate to provide safe access for vehicles and pedestrians.

KHK:cmd

sp #8-03003 Fairfield at Germantown.doc

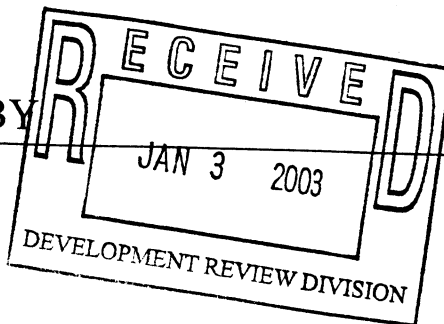
LAW OFFICES

MILLER, MILLER & CANBY

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MICHAEL G. CAMPBELL
SOO LEE-CHO**
W. CHRISTOPHER ANDREWS***

**Of Counsel*

***Admitted only in California*

****Admitted only in Tennessee*

December 24, 2002

Mr. Malcolm Shaneman
Development Review Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Mr. Ron Welke
Transportation Planning Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Preliminary Plan No. 1-02068;
Alignment of Waters Road

Dear Malcolm and Ron:

Mark Wildman has received and has reviewed your letter dated December 17, 2002. (Please note the following correction in the address used for Mr. Wildman.) He has asked me to communicate his appreciation for the effort which both of you have expended addressing his concerns. He also appreciates the efforts of Mr. Brown in being sensitive to Mr. Wildman's concerns.

Your letter of December 17th has confirmed that the alignment of Waters Road shown on Preliminary Plan No. 1-02068 and Site Plan Application No. 8-03003 ("Fairfield at Germantown") is "schematic" and "conceptual". Mr. Wildman finds comforting the text in your letter which states that "...the conceptual alignment of Waters Road beyond the Fairfield property as depicted on approved Preliminary Plan No. 1-02068 through Parcels 915 and 920 does not identify the final location for such roadway or express a determination that such connection to MD 118 is necessary." Accordingly, Mr. Wildman no longer feels that it is necessary to bring to the attention of the Planning Board, during its review of Site Plan No. 8-03003, the suggested alignment of Waters Road that impacts his property.

To make sure that Mr. Wildman is guaranteed of being made aware of the site plan review when the final alignment of Waters Road will be considered, would you please add to the following files the names and addresses of persons which Mr. Wildman would like to have notified in the event of any action related to those files:

1. Files in which names and addresses should be included:
 - A. Project Plan No. 9-02002
 - B. Preliminary Plan No. 1-02068
 - C. Site Plan No. 8-03003

2. Addresses to which notices of activity in the above-referenced files should be sent:
 - A. Mr. Mark Wildman
1312 Baker Crest Court
McLean, VA 22101
(Note corrections from mailing address on December 17, 2002 letter)

 - B. Mr. Mark Wildman
19519 Waters Road
Germantown, MD 20874

 - C. Jody S. Kline
Miller, Miller & Canby
200B Monroe Street
Rockville, MD 20850

Again, thank you very much for your assistance in bringing this matter to a satisfactory conclusion.

Sincerely yours,

MILLER, MILLER & CANBY



Jody S. Kline

JSK:dlt

cc: Mary Beth O'Quinn
Mark Wildman
Todd Brown, Esquire



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

December 17, 2002

Mr. Mark Wildman
1312 Baner Crust Court
McLean VA 20874

RE: Fairfield at Germantown Preliminary Plan No. 1-02068
Future Alignment of Waters Road

Dear Mr. Wildman:

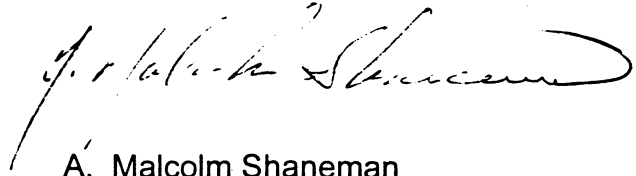
This letter clarifies the intent of Preliminary Plan No. 1-02068 with respect to a potential future connection of Waters Road to MD 118 as conceptually shown on approved Preliminary Plan No. 1-02068 beyond the Fairfield Property. The Preliminary Plan shows in schematic form an extension of Waters Road beyond the Fairfield Property that traverses a portion of property owned by you known as Parcel 915. However, the alignment of Waters Road through Parcel 915 and the adjacent Parcel 920 as depicted on the Preliminary Plan is conceptual only.

The off-site alignment of Waters Road depicted on the Preliminary Plan has not been studied by M-NCPPC in detail from either an engineering perspective or from a circulation perspective relative to the ultimate future configuration of the commercial development approved by Preliminary Plan No. 1-02068. Although the depicted alignment would facilitate a connection of Waters Road to MD 118 opposite an existing median break on MD 118 at Bowman Mill Drive, which is the location preferred by the Planning Commission for such a connection, the ultimate alignment of an extension of Waters Road to MD 118, if any, has not been determined.


Please be advised that the conceptual alignment of Waters Road beyond the Fairfield Property as depicted on approved Preliminary Plan No. 1-02068 through Parcels 915 and 920 does not identify the final location for such roadway or express a determination that such connection to MD 118 is necessary. The need for a connection between Waters Road and MD 118 and the alignment of such a connection, if it is determined to be necessary, will be evaluated by the Planning Commission when the commercial component of the development approved by Preliminary Plan No. 1-02068 is submitted for site plan review pursuant to Section 59-D-3 of the Montgomery County Zoning Ordinance. The site plan review process will provide significant opportunity to express your views as to the need for and/or the alignment of any future connection of Waters Road to MD 118 before any final determination is made.

Should you have any further questions concerning this matter, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Malcolm Shaneman".

A. Malcolm Shaneman
Supervisor
Development Review Division

A handwritten signature in cursive script, appearing to read "Ronald Welke".

Ronald Welke, Supervisor
Transportation Planning

RCW:cmd

cc: Jody Kline, Esquire
Todd Brown, Esquire

Letter to Wildman re Waters Road.DOC

LAW OFFICES

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 W. CHRISTOPHER ANDREWS***

*Of Counsel
 **Admitted only in California
 ***Admitted only in Tennessee

Fax Transmittal Sheet

To: MS. MARY BETH O'QUINN

From:

JODY S. KLINE

cc:

Fax: 301-495-1306

Pages (inc. cover):

4

Phone:

Date:

OCTOBER 31, 2002

Re:

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

Please see the attached letter.

CONFIDENTIALITY NOTICE

"Warning: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law."

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CLIENT/MATTER NO:

LAW OFFICES

MILLER, MILLER & CANBY

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October 30, 2002

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Ms. Wynn Witthans
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 and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910-3760

Ms. Mary Beth O'Quinn
 Development Review Division
 Maryland-National Capital Park
 and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910-3760

RE: Site Plan Application No. 8-03003,
 "Fairfield at Germantown"

Dear Wynn and Mary Beth:

I am writing to both of you since I am not sure which one of you is handling the above-referenced Site Plan. I would appreciate it if the appropriate person could call me so that I can discuss this matter further with you.

I represent Mr. Mark Wildman who is the owner of the property highlighted in yellow on the attached tax plate map. Mr. Wildman realizes that his property is not adjacent to the land which is the subject of Site Plan Review No. 8-03003. However, notations shown on the Site Plan, and decisions which will be made related to the Site Plan, will seriously impact the development of Mr. Wildman's property.

In particular, when Preliminary Plan No. 1-02068 was first filed, it showed an alignment for Waters Road which would not have resulted in the loss of any part of Mr. Wildman's property. When Mr. Wildman received a copy of the Site Plan which you are reviewing, he noted that the alignment of Waters Road had changed so that it substantially impacted his property. Initially, we thought that a decision had been made during the site planning phase that Waters Road should be realigned. In investigating this matter further, it was determined that between the filing of the Preliminary Plan of

Subdivision, and the approval of the Preliminary Plan, the alignment was changed so as to seriously impact Mr. Wildman's property. This action raises a question of whether a copy of the amended Preliminary Plan should have been mailed to Mr. Wildman so that he could participate in the determination of the final alignment of Waters Road before approval of the Preliminary Plan by the Planning Board.

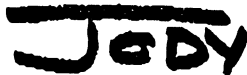
In any event, the site planners for Fairfield, Victoria Bryant and Jim Ruff, were kind enough to meet with Mr. Wildman and myself to discuss this matter. Macris, Hendricks & Glascock went even further to provide us with potential realignment studies showing how Waters Road could ultimately be designed in such a manner to avoid or have a minimum impact on Mr. Wildman's property. While Mr. Wildman appreciates the efforts of Fairfield's planners and engineers, he still believes that the alignment shown on the initial filing of the Preliminary Plan of Subdivision was the most appropriate alignment, both because of its impact on his property and because of other factors relating to the ultimate construction of Waters Road.

While it is recognized that this subject matter does not fall within the land area which is technically the subject of Site Plan Review No. 8-03003, Mr. Wildman believes that this matter still should be the subject of some discussion at the Development Review Committee session on November 4th because decisions that may be made regarding streets within the multi-family area may inalterably determine the eventual impact of Waters Road on Mr. Wildman's property.

Please address this matter at the DRC meeting in such a manner that Mr. Wildman can feel comfortable that the subject of the ultimate alignment of Waters Road will not have to be as shown on the pending site plan application.

Sincerely yours,

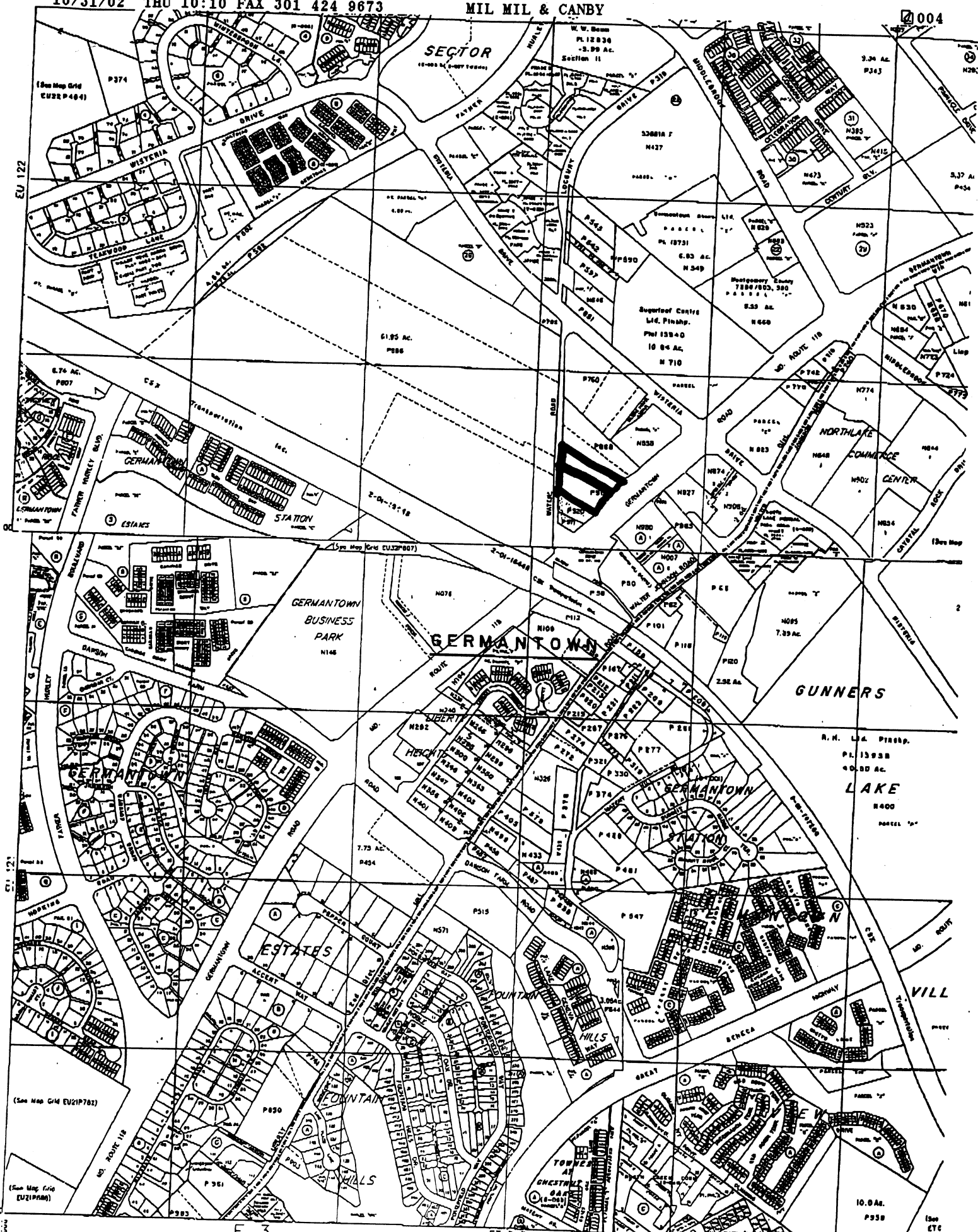
MILLER, MILLER & CANBY



Jody S. Kline

JSK:dlt

cc: Malcolm Shaneman
Mark Wildman
Victoria Bryant
Jim Ruff



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SCALE IN FEET

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