

PROJECT DESCRIPTION: Prior Approvals

Zoning/Development Plan

The subject property was rezoned from the R200 Zone to the PD-2 Zone by Sectional Map Amendment G-651 on September 25, 1990.

Preliminary Plan

Preliminary Plan 1-88006 was approved on March 16, 1995 for 816 single-family detached dwelling units in the R200 Zone. The subject property was recorded on February 15, 2002 as Parcel A in plat book no. 22129. The property was subsequently re-subdivided as Parcels D and E on October 30, 2003 in plat book no. 22713. The subject property is described as Parcel E in the previously referenced plat book.

Site Plans

Site Plan 8-96011 was approved on March 7, 1996 for 714 single family detached units and 102 multi-family MPDUs on 413.89 acres, inclusive of waivers for the provision of sidewalks and to exceed the

Minor Site Plan Amendments Approved by Staff

Site Plan 8-96011 was approved on June 3, 1998 for modifications to the streetscape for Kings Crossing Boulevard and Richter Farm Road. This plan amendment was not logged in as an amendment by the Development Review Division.

Site Plan 8-96011A was approved on December 20, 2000 for "unit relocation". No indication is given for the individual units that were amended. This plan amendment was not logged in as an amendment by the Development Review Division.

Site Plan 8-96011A was approved on April 2, 2001 for layout revisions to Block Q, Lots 1-14 at the intersections of Kings Crossing Boulevard and Bubbling Spring Road. This plan amendment was not logged in as an amendment by the Development Review Division.

Site Plan 8-96011B was approved on December 6, 2002 for modifications to the Kings Crossing pool facility, community building and Local Park. This plan amendment was logged in as an amendment by the Development Review Division.

Site Plan 8-96011C was approved on November 18, 2002 for setback reductions for lots 19-21 and 24-26, block J and lots 7, 12 and 13, block H. The revision was processed after the houses were built. The setback was reduced from 25 feet to 18 feet for the front yards. This plan amendment was logged in as an amendment by the Development Review Division.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (PD-2 Zone)

	Zoning Ordinance Development Standards	Approved as Proposed
Overall Site for Kings Crossing (taken from original staff report)		
Min. Tract Area of overall site (ac.):	not specified	413.89
Min. Area (units):	50	816
Number of Dwelling Units:		
One-family detached	733 (consistent with Master Plan)	714
Garden Apartments	<u>102</u>	<u>102</u>
Total	835	816
Max. Density of Development (d.u./ac.):	2.02	1.97
Max. impervious coverage (%):	20	20.41*
Min. Green Area (%):	30	82.3
Max. Building Height (ft.):	not specified	50
Setbacks (ft.):		
from public street	Per SPR**	25
side yard	Per SPR	5/10 combined
rear yard	Per SPR	20
Parking Spaces		
For Multi-family (102 DU @ 1.5 for 2BR)	153	165
For Private Pool (1 per 7 people in pool)		100
MPDU Site		
Total Site Area (ac.):	not specified	5.20
Number of Dwelling Units		
Garden Apts (MF)	102	102
Min. Multi-family Building Setbacks (ft.)		
from Kings Crossing Boulevard	Not specified	30
side yard	Not specified	
Building No. 1 (eastern)		69 from building envelope to eastern property Line
Building No. 2 (western)		152 from building envelope to western property Line
rear yard	20	
Building No. 1 (eastern)		90 from building envelope to northern property line
Building No. 2 (western)		143 from building envelope to northern property line
Max. impervious coverage (%):	20	20.41*
Min. Green Area (%):	30	81
Max. Building Height (ft.):	50 feet for Overall project	50 as measured from

	As shown In the standards for Original Site Plan	The center point of Kings Crossing Blvd., Respectively for each Building
Parking Spaces		
102 Multi-family (2BR) (1.5 sp./d.u. based on 2BR units)	153***	186*** (Includes 8 HC spaces)

- * Waiver approved with original site plan 8-96011 for addition of sidewalks
- ** It is unclear what "SPR" references from the original staff report
- *** Initial application and subject site plan do not take credit for MDPU parking credits permitting up to 50% credit of parking requirement. The Applicant has requested a waiver of the impervious limit to provide the additional 17 parking spaces for a total of 203 spaces.

RECREATION CALCULATIONS
(Based on entire King Crossing subdivision)

Demand Points	Tots	Children	Teens	Adults	Seniors
Demand per 100 d.u.					
SFD I (9)	0.90	1.80	1.98	7.65	0.72
SFD II (526)	68.38	126.24	131.50	557.56	57.86
SFD III (77)	10.78	14.63	17.71	97.79	10.01
Garden (102)	11.22	14.28	12.24	120.36	16.32
Total Demand Points (714)	91.28	156.95	163.43	783.36	84.91
On-Site Supply Points					
Bike System (1)	4.56	15.70	24.51	117.50	8.49
Nature Trails (1)	4.56	15.70	24.51	117.50	12.74
Nature Area (1)	0.0	7.85	16.34	78.34	4.25
Swimming Pool (1)	4.56	31.39	32.69	195.84	12.74
Wading Pool (1)	13.69	7.85	0.00	39.17	4.25
Tot lot 0-6 yrs (3)	27.0	6.0	0.0	12.0	3.0
Multi-age play lot (1)	9.0	11.0	3.0	7.0	1.0
Picnic areas (5)	5.0	5.0	7.5	25.0	10.0
Open Play Area I (5)	30.0	45.0	60.0	150.0	10.0
Open Play Area II (3)	9.0	12.0	12.0	30.0	3.0
Total On-Site Supply Points	107.38	157.48	180.56	772.35	69.46
Off-Site Supply Points (Proposed MNCPPC Park)					
Multi-age play lot (1)	9.0	11.0	3.0	7.0	1.0
Picnic areas (2)	2.0	2.0	3.0	10.0	4.0
Open Play Area I (2)	12.0	18.0	24.0	60.0	4.0
Multi-purpose court (1)	3.0	10.0	15.0	10.0	2.5
Softball-regulation (1)	2.0	15.0	20.0	40.0	2.0
Soccerplex	0.0	0.0	0.0	250.0	50.0
Total Off-Site Supply Points	28.0	56.0	22.75	377.0	63.50
35% Credit Allowed	9.8	19.6	22.75	131.95	22.23
Total On and Off-site provided	117.18	177.08	203.31	904.30	91.68
% of demand met on/off-site	128	113	124	115	108

Additional On-Site Supply Points (MPDU site)					
Picnic Area (2)	2.0	2.0	3.0	10.0	4.0
Total On and Off-site facilities					
Provided including Additional Picnic Areas (MPDU site)	119.18	179.08	206.31	914.30	95.68
% of demand met on/off-site including additional facilities	131	114	126	117	113

Note: Recreation demand is met on site for the entire subdivision, including the 102 garden apartment MPDUs. The Applicant has provided 2 additional picnic areas as shown above that exceed the demand requirements for recreation.

ANALYSIS:

Conformance to Germantown Master Plan (1989)

The Germantown Master Plan was adopted and approved in 1989; the subject area falls within analysis area KI-2 as shown in Attachment A. The Master Plan recommended rezoning from the R-200 and Rural Residential Zones to the PD-2 Zone which was accomplished in September 1990 by Zoning Case G-651.

The Master Plan contains the justification for the PD-2 recommendation as follows:

The entire Analysis Area is recommended to retain its R-200 zoning classification and is appropriate for rezoning to the PD-2 Zone with a density limit of approximately 1.74 units per acre, excluding MPDUs. The purpose of the PD Zone is to enable garden apartments to be used to meet the MPDU requirement instead of townhouses. For example, dwelling unit mix on the 417 acre Kings' Crossing area is recommended to be 725 single-family detached units and 110 garden apartments. The use of garden apartments will produce less impervious surface than townhouses on a per-unit basis, which would be beneficial in this environmentally sensitive area. The use of garden apartments instead of townhouses will also improve the mix of housing types in Germantown (page 69).

Analysis Area KI-2 is approaching build-out in accordance with Master Plan recommendations with only the Leaman Farm property remaining to be site planned. Analysis area KI-2 must meet stringent environmental mitigation measures described in Appendix D of the Master Plan. The cumulative effect of impervious surfaces (roadways, building roofs, driveways, parking areas, and pedestrian facilities, etc.) has been an enduring challenge for development in this analysis area.

Previous Approvals

The County Council for Montgomery County sitting as the District Council approved zoning case G-651 in September 1990 which reclassified 390.1486 from the R-200 and Rural zones to the PD-2 Zone. The opinion issued for this case states that "the multi-family units would be developed in a garden apartment

style, some of which would be targeted for the elderly to the extent feasible under the MPDU requirements” (page 3).

Both the Staff Report and Opinion for Site Plan #8-96011 make numerous references to the number, location and type of unit to satisfy the project’s MPDU requirement. The Opinion for Site Plan #8-96011 mailed on March 21, 1996 included condition # 11:

Staff shall review the following prior to release of building permits: the final design of the MPDU’s/garden apartments to confirm compliance with the discussion under “Location of Buildings” in the staff report; all buildings to be labeled as MPDUs” (Opinion, page 3).

The staff report dated March 1, 1996 uses the exact language for Condition #11 of the Opinion: Staff shall review the following prior to the release of building permits: the final design of the MPDU’s/garden apartments to confirm compliance with the discussion under “Location of Buildings” in the staff report; all buildings to be labeled as MPDUs (Staff Report, page 3).

Language contained in the staff report ‘s Project Description: Proposal states:

Within the site center, a proposed M-NCPPC local park with paths, ball fields, open space play area, multi-purpose courts, play equipment and parking is proposed. Adjoining this local park is a private swim club and multi-family units (apartments/MPDUs) along a major street within the proposed subdivision (page 5).

In early 2004, Arcola Investments Associates negotiated an MPDU Agreement with DHCA, which altered the approved site plan configuration for the MPDU requirement. Arcola then submitted a site plan amendment proposed to meet their outstanding MPDU requirements for the Kings Crossing project by constructing 102 2-over-2-townhouse units that would not be age restricted. Some residents favored the townhouse aspect rather than the garden apartment style of building; other residents felt strongly that these units should be age-restricted for seniors as was shown to them when purchasing their homes. Residents also expressed concerns that if the MPDU units would be occupied by families, the already over-crowded Spark Matsunaga Elementary School would be further impacted. The school capacity issue was addressed in the Adequate Public Facilities review conducted for Preliminary Plan #1-88006 approved in March 1995.

Beginning in February-March 2004, residents of newly constructed homes adjoining the subject site began to inquire about the “garden apartments” to be built within their community. Prior to purchasing their homes, many residents had inquired about the intended use of this vacant parcel and were told/shown information by sales personnel that these units were to be senior housing in multiple, two-story buildings. The site plan has gone through a number of proposals to provide the MPDUs on the site, ranging from garden apartments to townhouses.

Community-Based Planning staff concurs that the ownership type, revised layout, materials selection, landscaping and provision of parking address most of the community concerns. The innovative marketing program to attract seniors will alleviate many community concerns that the project would turn into a typical MPDU project.

Impervious Limitations

The Woodcliffe Community is located within the KI-2 Analysis Area identified in the Germantown Master Plan. This analysis area is subject to special environmental protection measures due to the sensitivity and high quality conditions of the portion of the Little Seneca Creek stream system to which it drains, including impervious restrictions. The special environmental protection measures recommended by the master plan include a site imperviousness cap of 20%, performance monitoring, stringent best management practices, and protection and enhancement of stream buffer areas. During the course of the initial site plan review and subsequent amendments, the impervious cap was increased to 20.4 percent.

The Applicant is requesting a waiver to the permitted impervious limitation by approximately 3,025 square feet in order to accommodate additional parking for the proposed units. The plan shows an optional parking area for 17 additional spaces, which is an extension of the proposed parking for Building No. 2 and includes the drive aisle and sidewalk. If the planning board does not approve the optional parking area it would be removed from the site plan and excluded from the signature set. Staff opposes the additional impervious area as noted in the discussion on page 5.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

The proposed development is consistent with the approved Development Plan (G-651) in land use, density, location, and building height and development guidelines.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the PD-2 Zone as demonstrated in the 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 proposed plan consists of two separate L-shaped buildings separated by a drive aisle and parking. The proposed parking is situated on the north and east side of each building to obstruct views from Kings Crossing Boulevard. Existing parking for the eastern building (building no. 1) includes a portion of the parking lot, which shares spaces with the clubhouse and pool. The proposed buildings are a maximum of 50 feet in height as measured from the center of the respective building from Kings Crossing Boulevard. Building no. 1 is approximately 10 feet higher in elevation than the western building (Building No. 2) due to existing elevations on the site. Building no. 2 is sited approximately 23 higher from the rear of the adjacent residential homes to the north and west.

Building No. 1 is set back approximately 90 feet from the rear property line. Building No. 2 is separated from the adjacent residential lots by approximately 143 feet to the north and 152 feet to the west. A building envelope has been established around each building to allow for flexibility for construction materials and because the building has undulating projections. The parking to the north of Building No. 2 is set back approximately 65 feet from the rear lot line of the adjacent lots.

The location of dumpsters are sited to the north and east of each building, out of the vehicular site line to soften the visual impact from Kings Crossing Boulevard and the adjoining residents.

The MPDU buildings are consistent with the Schematic Development Plan in terms of location, density and type of use.

- b. **Open Spaces**

The overall development required 30 percent of the total site to remain as green space. The original application provided approximately 81 percent of the total site in green area, including the subject site. This application proposes approximately 80 percent of the 5.20-acre site as green area, consistent with the 20.41 percent approved for the development. Impervious restrictions limit the amount of paved surfaces on the site to 1.06 acres; however, the applicant is proposing to increase the amount of impervious, above the 20.41 percent, in order to provide additional parking spaces in the rear of Building No. 2. The additional impervious coverage amounts to 3,025 square feet or 20.42 percent of the total area. Staff believes the additional impervious is not necessary to achieve a compatible and practical relationship with adjacent uses.

The open space shown on the plan is located primarily in the northwest quadrant to create a separation between the proposed improvements and the adjacent residential dwellings. Remaining open space is provided around the building footprint, within the planting islands and on the perimeter of the site.

The proposed stormwater management concept consists of (1) on-site water quality and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

c. **Landscaping and Lighting**

The proposed landscaping on the site includes foundation planting around the base of the buildings that consists of ornamental and evergreen shrubs and groundcover. The interior planting islands contain shade trees and a buffer of evergreen shrubs and deciduous trees is provided along the perimeter of the parking lots.

The north and west perimeters, adjacent to the residential dwellings include a mix of evergreen trees for screening as well as shade trees and ornamental trees. The trees have been located a minimum of twenty feet from the rear property lines to allow for the full growth potential of the trees on the subject property as opposed to encumbering the residential properties. The locations of the trees have been staggered up the slope to allow for a variation of plant height.

The two buildings and parking are separated by retaining walls terraced in tree wells with ornamental trees and shrubs. The dumpster pads and enclosures for the two buildings are located north of each building. The enclosures are contained by board-on-board fencing and shrubs from the respective dwellings and recreational play areas.

The lighting consists of 14-foot-tall colonial style fixtures, including the mounting base, surrounding the building and perimeter of the parking area. Lighting is in conformance with the Illuminating Engineering Society of North America (IESNA) standards outlined for parking facilities associated with residential structures. Deflectors or shields will be provided on the fixtures located near the perimeter of the site to negate glare for adjoining residents.

d. Recreation

Recreation demand for the overall Kings Crossing subdivision is satisfied as shown in the recreation calculations table on page 9. The 102 multi-family dwellings were included in the original site plan approval and consisted of a bike system, nature trails and areas, a swimming pool, tot lots, multi-age play areas and open play areas. The entire planned community exceeded the demand points as required by the recreation guidelines, including the permitted off-site credits for recreational facilities.

The subject site containing the MPDUs did not contain specific recreational activities, with exception of the bike path along Kings Crossing Boulevard. The Applicant is proposing two additional picnic/seating areas at the entrance to the buildings. The additional facilities exceed the overall demand points for the subdivision.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

Separate vehicular access points are proposed to each building. The vehicular access point to Building 1 (eastern building) is from the northwest corner of the existing parking lot for the community building and pool via Kings Crossing Boulevard. The drive aisle at the entrance is 24-foot-wide with parking on each side that narrows to 20 feet. The 20-foot-wide section is a one-way circulation route with a drop-off area at the entrance to the building. The Building 1 layout consists of 100 parking spaces that include four handicapped spaces near the entrance. Access to Building 2 (western building) is from Kings Crossing Boulevard directly opposite Clear Smoke Road. The drive aisle is 20-foot-wide with parking on both sides. The parking wraps around the northern section of each building proposed. The Building 2 layout consists of 86 parking spaces that include four handicapped spaces near the entrance, unless a waiver is granted by the Planning Board to increase the density, which would permit a total of 103 parking spaces for Building No. 2.

An eight-foot-wide bike path (Class I bikeway) is proposed along the north side of Kings Crossing Boulevard. The proposed bike path connects to the path that currently exists on the primary road in and out of the site. The Applicant is proposing a 5-foot-wide sidewalk connection from the exiting parking area to

Building 1. The north side of the building also contains 5-foot-wide sidewalks that connect to the building entrance and associated parking. Three separate sidewalks also connect to the 8-foot-wide bike path from the building and parking areas. An internal connection is proposed between the two buildings and a connection is proposed to the asphalt path that wraps around the north side of the existing pool.

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

The proposed garden apartments are compatible with the surrounding developments in terms of use, proximity, and development pattern and massing. The proposed structures are consistent with previous approvals of the zoning case, preliminary plan and subsequent site plans. The buildings and associated parking are located approximately 143 feet away from the nearest residential uses to the north and 152 feet to the west. The front of the buildings are set back approximately 30 feet from the right-of-way and incorporate foundation plantings and street trees to soften the building appearance on Kings Crossing Boulevard from the residential uses that front onto the boulevard opposite the site.

The 50-foot height corresponds to the one-family detached units surrounding the perimeter of the site to the north, south and west, which are separated by green space and a public road.

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

The forest conservation plan was approved on October 31, 1997. The site plan preserved approximately 73.2 acres of existing forest, with an additional 29 acres of planting in a category I forest conservation easement. The subject 5.20-acre site was included in the total tract area regarding forest conservation requirements.

APPENDICES

- A. Planning Board opinion for Preliminary Plan 1-88008.
- B. Planning Board opinion for Site Plan 8-96011
- C. Memorandums from agencies
- D. Letters regarding MPDUs
- E. Site Plan Checklist