**MEMORANDUM**

DATE: 05/05/06  
 TO: Montgomery County Planning Board  
 Rose Krasnow, Chief  
 Michael Ma, Supervisor  
 Development Review Division  
 FROM: Laxmi Srinivas, Senior Planner  
 Development Review Division  
 (301) 495-4584

*Reby*  
*PK for Ma*  
*JS*



REVIEW TYPE: **Site Plan Review**  
 CASE #: **820060150**  
 PROJECT NAME: Gateway Park Residential  
 APPLYING FOR: Approval of 28 one-family attached units including four MPDUs on 4.57 acres of land in the RT-8 Zone

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance  
 ZONE: RT-8  
 LOCATION: **Located in the northwest quadrant of Lullaby Road and Father Hurley Boulevard in Germantown**

MASTER PLAN: Germantown  
 APPLICANT: Germantown Station, LLC  
 FILING DATE: October 13, 2005  
 HEARING DATE: May 18, 2006

**STAFF RECOMMENDATION:** Approval of Site Plan 820060150 (formerly 8-06015) for 28 one-family attached units including four MPDUs on 4.57 acres of land in the RT-8 Zone. All site development elements as shown on Gateway Park Residential plans stamped by the M-NCPPC on March 8, 2006, shall be required except as modified by the following conditions:

1. Development Plan  
 The proposed development shall comply with the binding elements of the Schematic Development Plan associated with Zoning Application No. G-833. [Appendix A]
2. Preliminary Plan Conformance  
 The proposed development shall comply with the conditions of approval for Preliminary Plan 120060470.

3. Site Design

- a. The data table on the site plan shall be revised to match the data table in the staff report.
- b. The recreation table on the site plan shall be revised to match the recreation table in the staff report.
- c. Show building setbacks and right-of-way dedications along Father Hurley Boulevard and building setbacks along Lullaby Road on the site plan.
- d. Add two additional picnic/sitting areas (four additional benches) to the site plan to meet the recreational demands on site.

4. Lighting

- a. All light fixtures shall be full cut-off fixtures or be able to be equipped with refractors, reflectors or shields.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent properties.
- c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line.
- d. The height of the light poles shall not exceed 18 feet including the mounting base.

5. Pedestrian Circulation

- a. Provide the width and material specifications for the nature trail.
- b. Provide a five-foot-wide sidewalk and street trees along the Father Hurley Boulevard frontage.

6. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated April 4, 2006: [APPENDIX B]

- a. Compliance with the conditions of the final forest conservation plan prior to approval of the certified site plans.
- b. Prior to issuance of the first building permit for the subdivision, the following items must be met:
  - (1) There shall be certification from an acoustical engineer regarding the compliance of the proposal with the recommendations of the February 24, 2006 "Phase II Noise Barrier Analysis and Design".
  - (2) There shall be certification from an acoustical engineer regarding compliance with the recommendations of the February 24, 2006 "Phase III Building Shell Analysis".
  - (3) The builder shall submit a written agreement to the M-NCPPC Environmental Planning staff to construct the noise impacted units in accordance with the acoustical specifications identified in this analysis. The acoustical engineer, in advance of installation, must approve any changes that may affect acoustical performance.

7. Stormwater Management

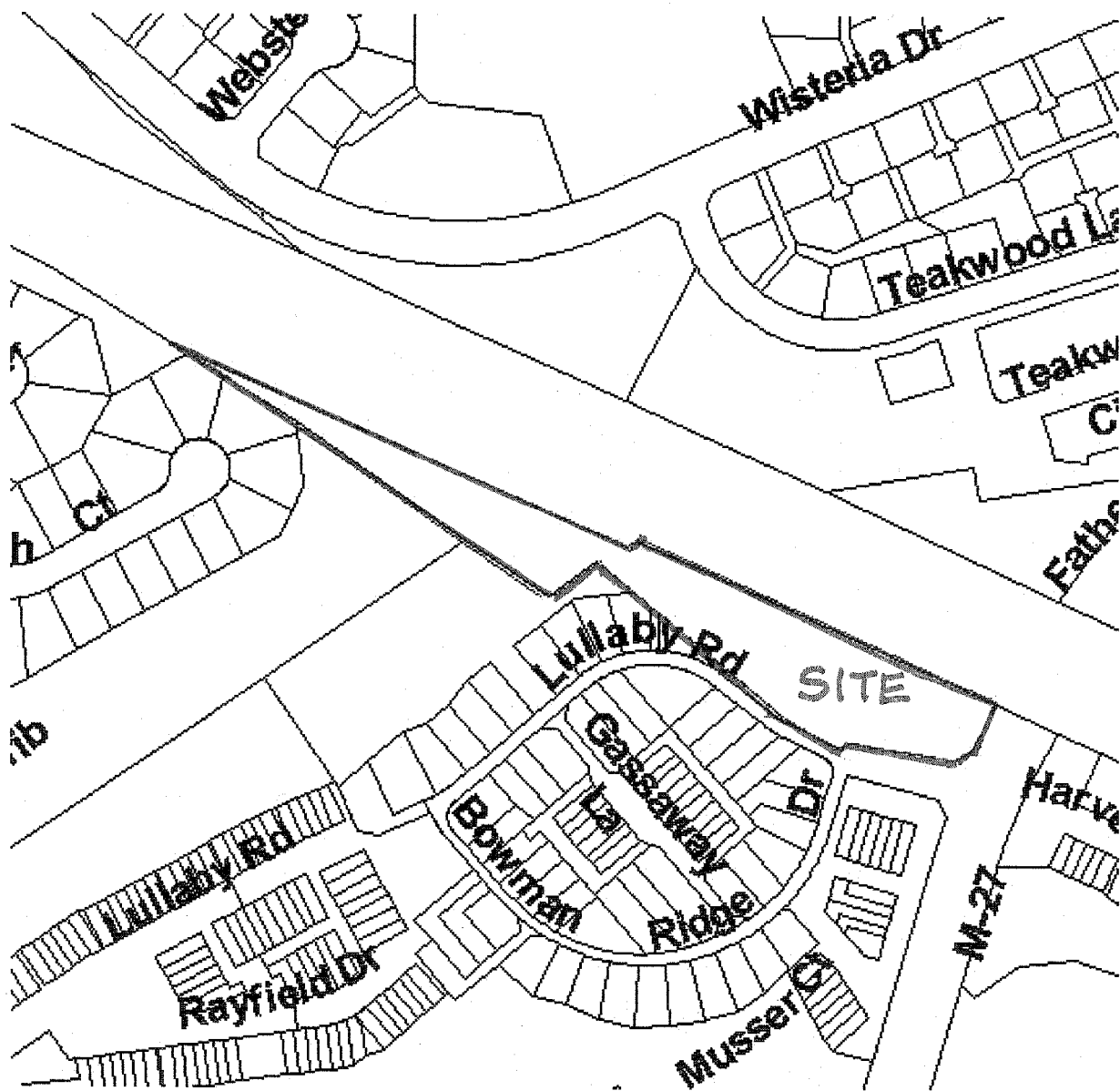
The proposed development is subject to Stormwater Management Concept approval conditions dated June 10, 2005. [Appendix C]

8. Common Open Space Covenant  
Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the first building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.
9. Development Program  
Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:
  - a. On-site landscaping and sidewalks shall be installed along with the construction of units but no later than six months following completion of adjacent units.
  - b. All retaining walls, sidewalks within public rights-of-way, community-wide pedestrian pathways and recreational facilities shall be completed prior to issuance of the 22<sup>nd</sup> building permit for the proposed units.
  - c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
10. Clearing and Grading  
No clearing or grading prior to M-NCPPC approval of the certified plans.
11. MPDUs
  - a. The applicant shall provide 12.5% or four MPDUs on-site, consistent with the requirements of Chapter 25A.
  - b. The MPDU agreement shall be executed prior to the issuance of the first building permit.
12. Certified Site Plan  
Prior to approval of the certified site plans, the following revisions shall be included and/or information provided, subject to staff review and approval:
  - a. Development program, inspection schedule, and Site Plan Opinion.
  - b. Limits of disturbance.
  - c. Methods and locations of tree protection.
  - d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - e. Sidewalks and street trees along the Father Hurley Boulevard frontage.

**PROJECT DESCRIPTION:** Site Vicinity

The proposed development is located in the northwest quadrant of Lullaby Road and Father Hurley Boulevard in Germantown. The property is surrounded by the CSX Transportation train tracks to the north, Father Hurley Boulevard to the east, one-family houses zoned R-200 to the west and Lullaby Road to the south. The property across Father Hurley Boulevard to the east is zoned PD-15 and developed with townhouses. The property across the CSX Railway right-of-way to the north is zoned R-200 and developed with one-family houses. The property across Lullaby Road to the south is zoned R-200 and R-90 and developed with one-family houses and townhouses.

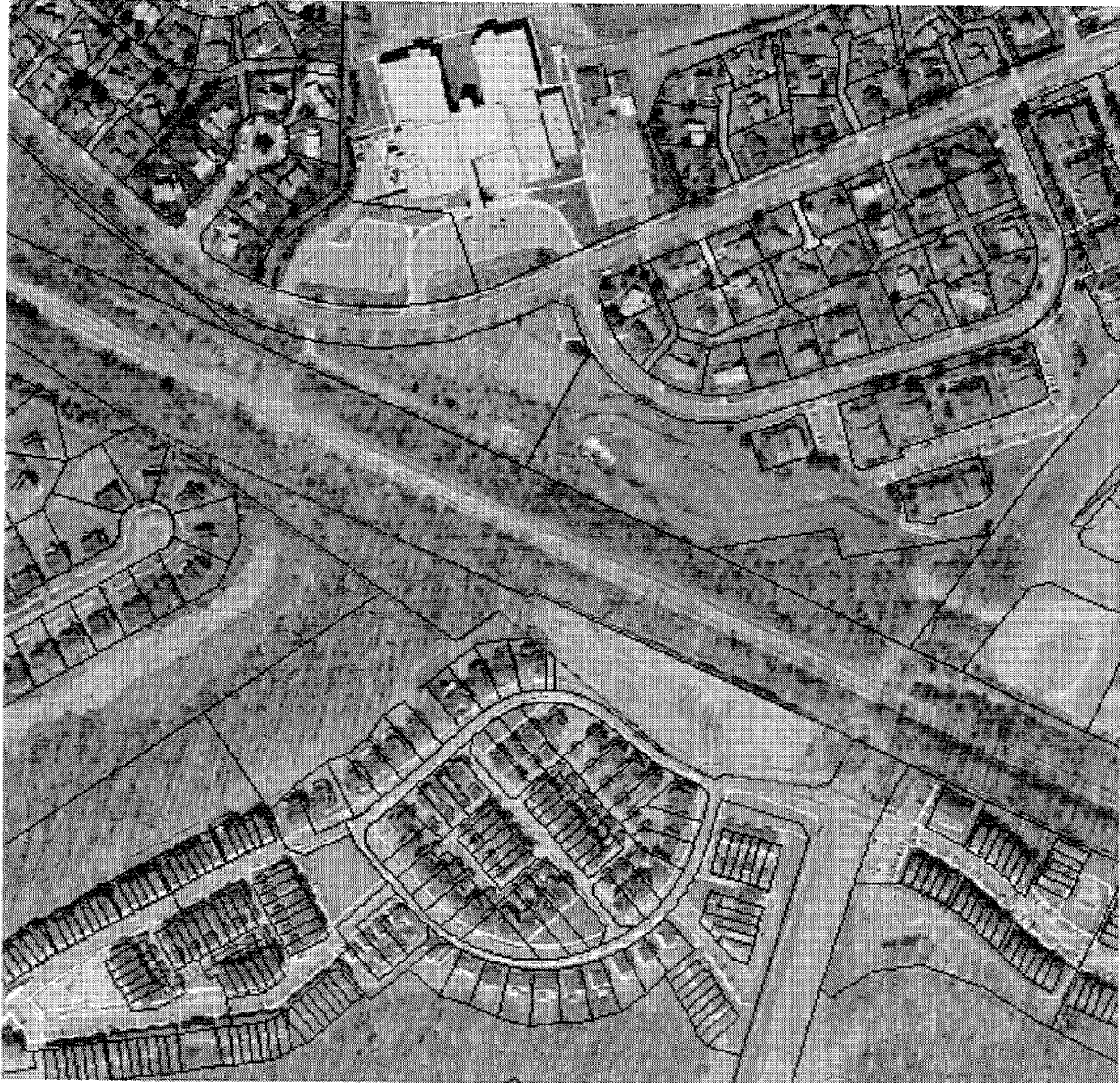
Access to the subject property is from Lullaby Road.



**PROJECT DESCRIPTION:** Site Description

The site is undeveloped and includes wetlands and a stream buffer. The property slopes upwards from west to east and downwards from Lullaby Road towards the railroad right-of-way. The eastern half of the property has been cleared and graded and a retaining wall has been constructed at the northern property line. The western half of the property is forested with steep slopes. The forest retention area is undisturbed and a broad swale runs along the back half of the property. The entire property is located in the Seneca Creek watershed.

The property contains two stone culverts of historic significance. They are protected by the Historic Preservation Ordinance and are completely contained within the forest conservation easement.



**PROJECT DESCRIPTION:** Proposal

The applicant is proposing a total of 28 one-family attached units, including four MPDUs on 4.57 acres of land. Access to the property is from a 24-foot-wide entrance along Lullaby Road. The one-family attached units are proposed to the front of the property along Lullaby Road in bays consisting of six, seven and eight units. Access to the individual units is through a 20-foot-wide private road along the north side of the property that connects to the entrance along Lullaby Road.

A stormwater management pond is proposed immediately west of the one-family attached units and a forest conservation area is proposed on the western portion of the property to the west of the proposed stormwater management pond.

Two recreational areas are proposed in the south side of the property along the Lullaby Road frontage. One of the recreational areas will have a gazebo and a seating area and the other area will have seating areas. A nature trail is proposed in the forest conservation easement.

A five-foot-wide sidewalk is proposed along the Lullaby Road frontage. A future five-foot-wide sidewalk is proposed along Father Hurley Boulevard. Four-foot-wide sidewalks are proposed to connect the recreational areas, the private street and the sidewalk along Lullaby Road. Visitor parking is proposed in the north side of the property along the private street. The existing retaining wall along the northern property line has been retained.

MPDUs are proposed in two locations. Two MPDUs are proposed at one end of the townhouse bay in the easternmost portion of the property and the other two MPDUs are proposed at one end of the townhouse bay in the central portion of the property.

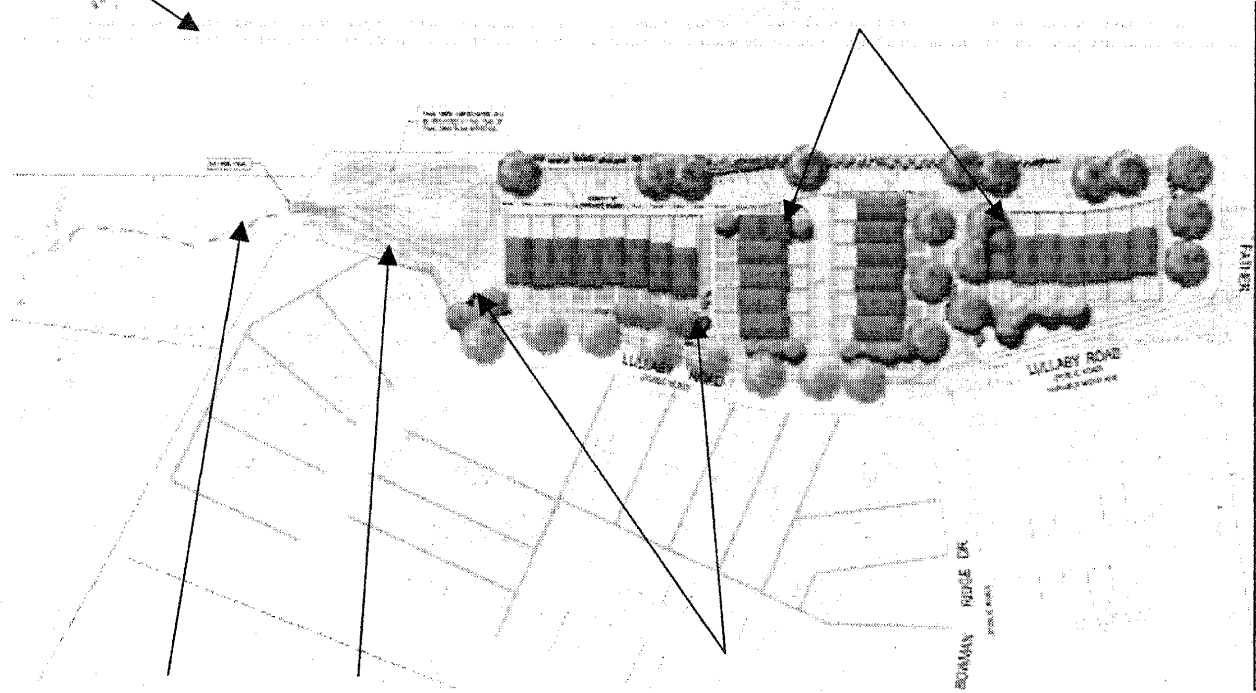
Trees are provided along the access road and the internal private street. The entrance to the site and the recreational areas are landscaped with a combination of trees, shrubs and perennials. Pole mounted light fixtures are proposed along the access road and the private street.

The applicant is proposing to retain 1.96 acres of forest in a forest conservation easement in the westernmost portion of the property. A previous approval allowed a 0.1-acre encroachment into the conservation easement for a stormwater management conveyance and outfall. There are no other proposed encroachments into the easement. At present, the total forest conservation area is 1.86 acres (1.96 acres – 0.1-acre encroachment).

The subject property is impacted by noise due to the CSX rail line and Father Hurley Boulevard. The applicant is proposing two eight-foot-high noise barriers, one parallel to the rail line and the second integrated into the gazebo to mitigate the exterior noise levels. The applicant is proposing specific building elements to mitigate interior noise levels.

Rail Road

4 MPDUs



Forest Conservation

Stormwater Management

Recreational Areas

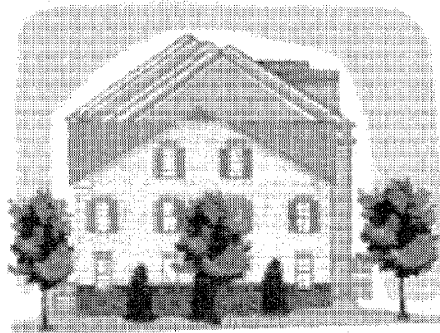
# Elevations



FRONT VIEW



REAR VIEW



SIDE VIEW  
WEST SIDE



**PROJECT DESCRIPTION:** Prior Approvals

### **Zoning Applications**

The subject property was rezoned to the I-3 Zone from the R-200 Zone by Local Map Amendment G-652, filed in conjunction with the 1989 Germantown Master Plan. A 0.12-acre portion of the subject property remained in the R-200 Zone.

On September 27, 2005, the subject property was rezoned to the R-T 8 Zone from the existing I-3 and R-200 Zones under Zoning Application No. G-833. The Schematic Development Plan associated with the Zoning Application capped density at 29 units for the subject property with the following binding elements:

<u>Development Standard</u>	<u>Binding Element</u>
Land Use	exclusively one-family attached dwelling units
Development Density	29 D.U.
Building Coverage	20% maximum
Green Space	Minimum 55%
Setbacks	No proposed building shall be closer than 50 feet to any existing building
Use of Forest Conservation	In designated area on the Development Plan No use shall occur except construction, maintenance and use of a pedestrian pathway for use by residents of the community, the location and surface material of which shall be determined at site plan review
Use of area adjacent to Father Hurley Boulevard	In designated area on the Development Plan No use shall occur except installation of streetscape improvements as required at the time of site plan review

### **Preliminary Plans**

On May 29, 1997, the Planning Board approved Preliminary Plan 119970960 for the Autumn Glen Subdivision that included the subject property. No development was proposed but conservation easements were placed on the property.

On January 22, 2002, the Planning Board approved Preliminary Plan 12001087 to create one lot for a 30,690-square feet office building. [APPENDIX D]

The subject property is identified as Parcels 803 and 730. A Preliminary Plan of Subdivision 120060470 for the subject property is being reviewed concurrently with the site plan. The Preliminary Plan application is for creating 28 attached one-family lots.

## **Site Plans**

On August 3, 1999, the Planning Board approved Site Plan 81999028 for the Autumn Glen Subdivision that included the subject property. No development was proposed but conservation easements were proposed on the property.

On May 2, 2002, the Planning Board approved Site Plan 820020060 for a 30,690-square feet office building. [APPENDIX D]

**ANALYSIS: Conformance to Development Standards**

**DATA TABLE (RT-8 ZONE)**

<b>Development Standard</b>	<b>Required/Permitted Zoning Ordinance</b>	<b>Development Plan Binding Elements</b>	<b>Proposed for Approval</b>
Gross Tract Area (ac/sf.):	20,000 sq.ft.	Not specified	4.57 acres 199,069 sq.ft.
Development Density	8 D.U./Ac 36 D.U.	maximum 29 one-family attached units	6.1 D.U./Ac 28 D.U.
MPDUs	according to Ch. 25A of the Montgomery County Code 12.5% of total units	Not specified	4 MPDUs (24 market rate units + 4 MPDUs for a total of 28 D.U.)
Minimum Lot Area MPDUs Market Rate	Not specified	Not specified	927 to 1,210 sq.ft 1,500 to 2,078 sq.ft.
<b>Minimum Building Setbacks</b>			
From Public Street	25'	Not specified	29'
From Single-Family Residential Zone	30'	Not specified	30'
From Adjoining Lot - Side	10'	Not specified	10'
From Adjoining Lot - Rear	20'	Not specified	20'
From an existing building	Not specified	50'	NA
Maximum Building Height Main Building	35'	Not specified	35'  (as measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof; to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof)
Accessory Building	25'	Not specified	NA

<u>Development Standard</u>	<u>Required/Permitted Zoning Ordinance</u>	<u>Development Plan Binding Elements</u>	<u>Proposed for Approval</u>
Maximum Building Coverage	40% 1.82 ac 79,626 sq.ft.	20% 0.92 ac 39,813 sq.ft.	11% 0.50 ac 21,897 sq.ft.
Minimum Green Area	45% min 2.05 ac 89,688 sq.ft.	55% 2.51 ac 109,487 sq.ft.	67% 3.06 ac 133,376 sq.ft.
Parking	2 per unit	Not specified	2.4 per unit
Garage parking spaces			48
Tandem parking spaces			48
Surface parking spaces			23
	56 for 28 units		119 Total
Forest Conservation	Not specified	In designated area on the Development Plan No use shall occur except construction, maintenance and use of a pedestrian pathway for use by residents of the community, the location and surface material of which shall be determined at site plan review	1.86 acres of forest conservation in designated area
Use of area adjacent to Father Hurley Boulevard	Not specified	In designated area on the Development Plan No use shall occur except installation of streetscape improvements as required at the time of site plan review	Only streetscape improvements in designated area

## RECREATION CALCULATIONS

	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>
<b>Demand Points</b>					
<u>Demand per 100 d.u.</u>					
TH	17.00	22.00	18.00	129.00	7.00
 <u>Demand for 28 units</u>					
TH	<b>4.8</b>	<b>6.2</b>	<b>5.0</b>	<b>36.1</b>	<b>2.0</b>
<b>Supply Points</b>					
Pedestrian System	0.10x4.8 0.48	0.2x6.2 1.24	0.2x5.0 1.00	0.45x36.1 16.24	0.45x2.0 0.90
Nature Areas	0 0	0.05x6.2 0.31	.10x5.0 0.50	.10x36.1 3.61	.05x2.0 0.10
Picnic/Sitting Area (2)	2x1 2	2x1 2	2x1.5 3	2x5 10	2x2 4
Gazebo sitting area	1x1 1	1x1 1	1x1.5 1.5	1x5 5	1x2 2
<b>Total Supply Points</b>	<b>3.48</b>	<b>4.55</b>	<b>6.00</b>	<b>34.85</b>	<b>7.00</b>
	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>
<b>Two additional sitting areas<sup>1</sup></b>	2x1 2	2x1 2	2x1.5 3	2x5 10	2x2 4
<b>Total Supply Points<sup>2</sup></b>	<b>5.48</b>	<b>6.55</b>	<b>9.00</b>	<b>44.85</b>	<b>11.00</b>

1 Recreation demand is not completely met on site. The supply points for the tots and children section are less than the demand points. A condition of approval has been added to add four more benches (two sitting areas) within the gazebo. With the proposed condition, the recreation demand is met on site.

2 Total supply points with the addition of two sitting areas

### **ANALYSIS:**

#### Conformance to Master Plan

On September 27, 2005, the subject property was rezoned to the R-T 8 Zone from the existing I-3 and R-200 Zones under Zoning Application No. G-833. The Schematic Development Plan associated with the Zoning Application capped density at 29 units for the subject property.

The subject site is within the Kingsview Village area of the 1989 Germantown Master Plan. The Master Plan describes this area as suitable for employment uses in the I-3 Zone with a 0.25 Floor Area Ratio. The property was previously approved for office use. The property owner sought a reclassification of the property to residential use. Language in the Master Plan has been replaced by language in the District Council Resolution that the Master Plan recommendation for employment uses should not be followed in this case "because to do so would lead to

incompatible development” (Resolution 15-1161, Page 11). The subject proposal meets the intent of the Germantown Master Plan, as modified by Council Resolution 15-1161.

The Community Planning Division has recommended approval of the site plan application (attached memo dated March 31, 2006). [APPENDIX E]

The applicant had several meetings with the community during the Zoning Application process. The community was very supportive of the rezoning from industrial use to residential use.

**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 site plan complies with all the Binding Elements of the Schematic Development Plan as demonstrated in the table below and is in general conformance with the general layout shown on the Schematic Development Plan of the rezoning application G-833.

<u>Development Standard</u>	<u>Binding Elements</u>	<u>Proposed for Approval</u>
Development Density	29 D.U.	28 D.U.
Minimum Building Setbacks	to be determined at site plan review	
From Public Street		29'
From Single-Family Residential Zone		30'
From Adjoining Lot - Side		10'
From Adjoining Lot - Rear		20'
Maximum Building Coverage	20% 0.92 ac 39,813 sq.ft.	11% 0.50 ac 21,897 sq.ft.
Minimum Green Area	55% 2.51 ac 109,487 sq.ft.	67% 3.06 ac 133,376 sq.ft.
Forest Conservation	In designated area on the Development Plan No use shall occur except construction, maintenance and use of a pedestrian pathway for use by residents of the community, the location and surface material of which shall be determined at site plan review	1.86 acres of forest conservation in designated area
Use of area adjacent to Father Hurley Boulevard	In designated area on the Development Plan No use shall occur except installation of streetscape improvements as required at the time of site plan review	Only streetscape improvements in designated area

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 RT-8 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 applicant is proposing a total of 28 one-family attached units, including four MPDUs, on 4.57 acres of land. The one-family attached units are proposed to the front of the property along Lullaby Road in bays consisting of six, seven and eight units.

MPDUs are proposed in two locations. Two MPDUs are proposed at one end of the one-family attached unit bay in the easternmost portion of the property and the other two MPDUs are proposed at one end of the one-family attached unit bay in the central portion of the property. The proposed MPDUs will be integrated with the design of the market rate units. The height, scale and design of the MPDUs will match the height, scale and design of the market rate units.

The maximum height of the one-family attached units will be 35 feet.

The subject property is impacted by noise due to the CSX rail line and Father Hurley Boulevard. The applicant is proposing specific building elements to mitigate interior noise levels. Conditions of approval have been added for compliance with the recommendations of the "Building Shell Analysis" for noise mitigation. The conditions require a written commitment from the builder to construct the noise impacted units in accordance with the acoustical specifications identified in the analysis.

- b. Open Spaces

The binding elements require a minimum of 55% of green area and the applicant has provided 67% of green area. The landscaped green areas/open spaces are strategically located along the property's frontage. The recreational areas are proposed in these green areas. The subject property is impacted by noise due to the CSX rail line and Father Hurley Boulevard. The applicant is proposing two eight-foot-high noise barriers, one parallel to the rail line and the second integrated into the gazebo to mitigate the exterior noise levels.

The landscape buffers along the property lines are adequate to screen the one-family attached units from the adjacent streets and the railroad.



The applicant is proposing to retain 1.96 acres of forest in a forest conservation easement in the westernmost portion of the property. A previous approval allowed a 0.1-acre encroachment into the conservation easement for a stormwater management conveyance and outfall. There are no other proposed encroachments into the easement. At present, the total forest conservation area is 1.86 acres (1.96 acres – 0.1-acre encroachment). The forest conservation easement is proposed in the designated location specified in the Binding Elements. The Binding Elements also state that no use shall occur within the easement area except construction, maintenance and use of a pedestrian pathway for use by residents of the community, the location and surface material of which shall be determined at site plan review. The applicant is proposing a nature trail within the easement.

A stormwater management pond is proposed immediately west of the one-family attached units. The Department of Permitting Services has approved the stormwater management concept plan.

c. Landscaping and Lighting

Trees are provided along the access road, the internal private street and along Lullaby Road and Father Hurley Boulevard. The entrance to the site, the recreational areas and the landscape buffer along the railroad to the north are landscaped with a combination of trees, shrubs and perennials. The proposed landscaping adequately screens the one-family attached units from the adjacent properties.

Pole mounted light fixtures are proposed along the access road, the private street and internal sidewalks. The light poles will be Pemco lighting fixtures and a maximum of 18 feet high.

d. Recreation

The recreation demand is not satisfied on-site as shown in the recreation calculations table above. Conditions of approval have been added to require the applicant to provide additional recreational facilities on site. With the additional recreational facilities, the recreation demand will be satisfied on site.

Two recreational areas are proposed in the south side of the property along the Lullaby Road frontage. One of the recreational areas will have a gazebo and a seating area and the other area will have seating areas. A nature trail is proposed in the forest conservation easement.

The recreational areas are conveniently located to be easily accessible by all the townhouse units and are landscaped with a combination of trees, shrubs and perennials to provide an attractive setting for encouraging social contact. The gazebo, picnic areas and pedestrian areas provide opportunities for active and passive recreation. The location of the recreational areas and the proposed

landscaping ensure that there are no noise and visual impacts to the proposed one-family attached units and adjacent properties.

The subject property is impacted by noise due to the CSX rail line and Father Hurley Boulevard. The applicant is proposing two eight-foot-high noise barriers, one parallel to the rail line and the second integrated into the gazebo to mitigate the exterior noise levels. The applicant has proposed to use Paraglas Soundstop Noise Barrier sheets as a noise barrier. Conditions of approval have been added to require the applicant to comply with the noise consultant's noise barrier recommendations and specifications regarding the above noise barrier sheets.

With the proposed conditions, the proposed recreation area is adequate in terms of location, layout, quantity and quality.

e. Vehicular and Pedestrian Circulation

Access to the property is from a 24-foot-wide entrance along Lullaby Road. Access to the individual units is through a 20-foot-wide private road along the north side of the property that connects to the entrance along Lullaby Road.

A five-foot-wide sidewalk is proposed along the Lullaby Road frontage. A future five-foot-wide sidewalk is proposed along Father Hurley Boulevard. A condition of approval has been added to require the applicant to construct this sidewalk. Four-foot-wide sidewalks are proposed to connect the recreational areas, the private street and the sidewalk along Lullaby Road. Visitor parking is proposed in the north side of the property along the private street.

The location and width of the proposed sidewalks, the width of the streets and the convenient location of the visitor parking ensure that the proposed vehicular and pedestrian circulation is safe, adequate and efficient.

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

The one-family attached units are proposed to the front of the property along Lullaby Road in bays consisting of six, seven and eight units. The applicant has oriented the one-family attached units along the property's frontage to the extent feasible to avoid noise impacts from the adjacent railroad to the north. MPDUs are proposed in two locations. The MPDUs are designed to be integrated into the proposed townhouse bays.

The maximum height of the one-family attached units will be 35 feet. The design of the units will be compatible with the surrounding residential development consisting of one-family residences and townhouses.

The proposed noise mitigation measures will ensure that there are no exterior or interior noise impacts.

Therefore, the proposal is compatible with existing and proposed adjacent development.

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

The applicant is proposing to retain 1.96 acres of forest in a forest conservation easement in the westernmost portion of the property. A previous approval allowed a 0.1-acre encroachment into the conservation easement for a stormwater management conveyance and outfall. There are no other proposed encroachments into the easement. At present, the total forest conservation area is 1.86 acres (1.96 acres – 0.1-acre encroachment). The forest conservation easement is proposed in the designated location specified in the Binding Elements. The Binding Elements also state that no use shall occur within the easement area except construction, maintenance and use of a pedestrian pathway for use by residents of the community, the location and surface material of which shall be determined at site plan review. The applicant is proposing a nature trail within the easement.

## APPENDIX

### Site Plan Checklist.

Appendix A – Development Plan Opinion

Appendix B - Memorandum from Environmental Planning Section

Appendix C – Memorandum from DPS

Appendix D – Previous Planning Board Opinions

Appendix E - Memorandum from Community Planning Division

Appendix F - Memorandum from Other Agencies



**CHECKLIST Site Plan / Project Plan Review**

Plan # 820060150 Name: GATEWAY PARK RESIDENTIAL  
 Zone: RT-8 Tract Area: 4.57 ACRES Proposed Use: TOWNHOUSES  
 Number of Units: 28 Square Footage: NA  
 Development Method: OPTIONAL Other: \_\_\_\_\_

**Referral Comments:**

M-NCPPC	Staff	Date	Other Agencies	Staff	Date
Transportation	<u>KK</u>	<u>04/10/06</u>	SHA	<u>SP</u>	<u>11/01/05</u>
Environmental	<u>MP</u>	<u>04/04/06</u>	DPS (SWM)	<u>RB</u>	<u>06/10/05</u>
Community Planning	<u>SE</u>	<u>03/31/06</u>	DPS (Traffic)	_____	_____
Historic Planning	<u>MO</u>	<u>04/17/06</u>	Public School	_____	_____
Park Planning	<u>DP</u>	<u>04/17/06</u>	Utility	_____	<u>11/07/05</u>
Research/Housing	<u>SS</u>	<u>04/19/06</u>	Fire & Rescue	<u>JF</u>	<u>01/10/06</u>
			DPW & T	<u>SF</u>	<u>03/06/04</u>

**Development Standards / Requirements**

- Zoning Requirements
- Development Data Table
- Recreation Calculation
- MPDU Calculation
- TDR Calculation
- Timing/Phasing Conditions
- Building Restriction Lines
- Building Height
- Master Plan Conformance

**Prior Approvals**

- Development Plan
- Record Plat
- Preliminary Plan
- Prior Site Plan Approvals

**Community Input**

- Civic Association \_\_\_\_\_
- Individuals \_\_\_\_\_

Supervisor Review 04/17/06 Ma 5/5/06  
 Chief Review 04/17/06 \_\_\_\_\_

# **APPENDIX A**

Resolution No.: 15-1161  
Introduced: September 27, 2005  
Adopted: September 27, 2005

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY**

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By: County Council

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**SUBJECT: APPLICATION NO. G-833 FOR AMENDMENT TO THE ZONING ORDINANCE  
MAP, Jody Kline, Esquire, Attorney for Applicant, Germantown Station, LLC, OPINION  
AND RESOLUTION ON APPLICATION**

Tax Account Nos. 02-00016426 and 02-03328572

**OPINION**

Application No. G-833, filed on November 11, 2004 and revised on December 4, 2004, by Applicant Germantown Station, LLC, requests reclassification from the existing I-3 (Technology and Business Park) and R-200 (Residential- single family) Zones to the R-T 8 Zone (Residential Townhouse, with maximum of 8 units per acre) of 4.5668 acres of land. The subject site is comprised of Part of Parcel 807 and Parcel 730, and it is located just south of, and adjacent to, the CSX Right-of-way, north of Lullaby Road and west of Father Hurley Boulevard, in Germantown. The application was filed under the Optional Method authorized by Code § 59-H-2.5, which permits the filing of a Schematic Development Plan (SDP), containing binding limitations with respect to land use, density and development standards or staging. Applicant proposes to build a development with “[n]ot more than 29 (twenty-nine) one-family attached [dwelling] units [, including MPDU’s].”

The Hearing Examiner recommended approval of the application on the basis that the R-T 8 Zone at the proposed location would satisfy the requirements of the zone and its purpose clause; that the proposed reclassification and development would be compatible with existing and planned land uses in the