

FEB 3 2010



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

Agenda Date: October 15, 2009
Agenda Item No. 7

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Molline Smith, Senior Planner *MS*

VIA: Rose Krasnow, Chief of Development Review Division *RK*
Robert Kronenberg, Supervisor of Development Review Division *RAK*

DATE: November 5, 2009

Re: Correction to the Resolution of Site Plan No. 820090090, Germantown Estates

Attached please find a redlined version of the resolution for Site Plan No. 820090090 (Germantown Estates), which corrects two errors. The resolution has not yet been mailed out to all parties of record.

The first correction (page 2) is a correction to the Stormwater Management Concept approval date.

The second correction (page 3) deletes the reference to a specific sheet number.

Staff is requesting that the Planning Board approves these minor corrections to the attached resolution.



FEB 3 2010

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

MCPB No. 09-134
Site Plan No. 820090090
Project Name: Germantown Estates
Date of Hearing: October 15, 2009

MONTGOMERY COUNTY PLANNING BOARD

CORRECTED RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on March 17, 2009, Cornerstone Land, LLC ("Applicant"), filed an application for approval of a site plan for a 2-story, 15,600 square foot office building, , the relocation of an existing 8-foot sidewalk, and the installation of lighting and landscape amenities, as well as a parking waiver of 4 of the 47 required parking spaces, ("Site Plan" or "Plan") on 0.96 acres of C-T zoned land, located at the northeast quadrant of the intersection of Germantown Road and Clopper Road ("Property" or "Subject Property"); and

WHEREAS, Preliminary Plan No. 120060970 was approved on April 26, 2007, for one lot with specific conditions on the Certified Site Plan; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820090090, Germantown Estates (the "Application"); and

¹ This is a correction to a resolution adopted by the Planning Board on November 12, 2009. The original resolution was not mailed.

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 5, 2009, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on October 15, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 15, 2009, the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 4-0, Commissioners Alfandre, Hanson, Presley, and Wells-Harley voting in favor, with Commissioner Cryor absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820090090 for a 2-story, 15,600 square foot office building, the relocation of an existing 8-foot sidewalk, and the installation of lighting and landscape amenities, as well as a parking waiver of 4 of the 47 required parking spaces, on 0.96 gross acres in the C-T zone, subject to the following conditions:

Conformance with Previous Approvals

1. Development Plan Conformance

The proposed development must comply with the binding elements of development plan G-717 and the SDA 06-3.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 120060970, as listed in the Planning Board Resolution dated November 19, 2007, unless amended. This includes, but is not limited to, all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

Environment

3. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated December 21, 2006 unless amended and approved by the Montgomery County Department of Permitting Services.

4. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report, for public record purposes only, from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, including their associated extra cost

Transportation & Circulation

5. Transportation and Pedestrian Circulation:
 - a. All curb returns shall be designed to comply with primary intersection style design standards.
 - b. The curb return radii should be a minimum of 15 feet.
 - c. All sidewalks and crosswalks shall be in full compliance with the current ADA Standards.

Site Plan

6. Site Design
 - a. Propose site elements (i.e. trash cans, signage, and benches) shall be setback so as not to impede the normal pedestrian circulation and/or not to obstruct major sight lines distances.
 - b. The proposed building materials shall be coordinated with Site Development and Urban Design Staff for final review and approval of critical profiles.
 - c. The exterior architectural character, proportions, materials, and articulations must be substantially similar to the schematic elevations shown on Sheets AT-1 and AT-2 of the submitted architectural drawings, as determined by M-NCPPC Development Review and Urban Design staff.
7. Landscaping
 - a. The proposed plant materials shall be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan.
 - b. An alternate plant list may be provided on the Landscape and Lighting plan to accommodate plant substitutions.
 - c. The proposed plantings shall be properly installed and maintained so as not to damage the growth life of the plant, conflict with the public right of way, and/or cause damage to any existing public utilities.

8. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 22 feet including the mounting base.

9. Landscape Surety

The Applicant shall provide a surety (letter of credit, performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first the building permit and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings must be followed by an inspection and appropriate bond reduction. Inspection approval starts after or at the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

10. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Sidewalks must be installed upon completion of the parking facility. Street tree plantings may wait until the next growing season.
- b. On-site elements including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.

- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Community-wide pedestrian pathways including the 8-foot sidewalk along Clopper Road must be completed prior to issuance of the building permit.
- f. Landscaping associated with the parking areas shall be completed as the parking facility is completed.
- g. Pedestrian pathways and seating areas associated with each facility must be completed as construction of the building and parking is completed.
- h. Provide each section of the development with the necessary drive aisles.
- i. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.

BE IT FURTHER RESOLVED that all site development elements as shown on Germantown Estates drawings stamped by the M-NCPPC on October 8, 2009, shall be required, except as modified by the above conditions of approval; and

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

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

The Schematic Development Plan Amendment 06-3 was approved in order to delete two of the binding elements, specifically the deletion of the restaurant/retail (4,600 square feet) uses, and of the third floor of the office building. As proposed in the current site plan, a two-story office structure is positioned at the rear of the property resembling a "townhouse" configuration. The Applicant is in compliance with all the binding elements of the DPA.

2. *The Site Plan meets all of the requirements of the C-T zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed use is allowed in the C-T zone and the site plan fulfills the purposes of the zone by providing a low-intensity development that acts as a transitional buffer between the major roadway intersection (to the south) and the residential community (to the north).

Requirements of the C-T zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The purpose of the C-T zone is to provide sites with low-intensity commercial buildings which, singly or in groups, will provide as appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone constitutes a marginal limit to the border widths between a commercial area and a residential area. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the C-T Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Gross Tract Area (ac/sf.):	0.96 acres 41,881 sq. ft.
Parking Facility Area	16,769 sq. ft
Internal Parking Landscape	1,034 sq. ft. (6 %)
Number of Parking Spaces (Parking Wavier approved for 4 spaces)	43 spaces
Gross Square Footage	15,600 sq. ft.
Floor Area Ratio for the subject Parcel	15,600 sq. ft./ 41,881 sq. ft. (0.372 or 4 %)
Green Space	31 % 13,500 sq. ft.
Building Coverage	18.6 % 7,800 sq. ft.
Building Height	31 feet

Building Setbacks	
Front Yard	44 feet
Minimum Building Setbacks	
Rear Yard	20 feet

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

a. Buildings and Structures

The office building of the proposed development is located at the center of the site, approximately 160 feet from the centerline of Clopper Road, and 109 feet from the western property line, adjacent to Germantown Road. This location works well given the existing easements along the roadway, the existing sidewalk connections, and the proposed parking facility. Staff had recommended that the parking spaces be relocated directly adjacent to the office building; however this would further reduce onsite parking spaces. The location of the building is adequate and efficient, while meeting the aesthetic concerns of the area.

b. Landscaping and Lighting

The proposed landscape helps to screen the building from the adjacent uses and parking facility from the right-of-way. Shade trees and lighting fixtures are provided within the parking facility. The lighting fixtures will create enough visibility to provide safety, but will not to cause glare on the adjacent roads or properties. The street trees proposed along Clopper and Germantown Road will enhance the pedestrian environment. Within the open spaces located on the right and left sides of the building, a bike rack and two benches have been provided. An infiltration trench (SWM facility) is located within the rear open space. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

c. Vehicular and Pedestrian Circulation

The pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Pedestrian systems will be

enhanced by the proposed connections to the existing sidewalks, the relocation of an 8-foot existing sidewalk along Clopper Road, street tree plantings, and the installation of handicap ramps and pedestrian crosswalks. The main access for vehicular traffic is limited to Liberty Mill Road, due to the existing easements and safety concerns. Internal vehicular circulation will enter from Liberty Mill Road (east); and complete turnaround maneuvers away from the main entrance towards the west. The 20 x 40 foot turnaround space results in the need for a parking waiver. However given the limitations of the total amount of buildable space for the entire site; the vehicular and pedestrian circulation systems have been adequately and efficiently met.

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

The proposed office building will be activated primarily during the weekdays, thereby creating opportunities for office partnerships to reenergize the local retail/commercial shops. The architecture of the proposed building was designed to be cohesive with the townhouse development directly adjacent to the site. The massing of the building is broken up by the recession and progression of the front and rear panels. The use of similar building materials helps to emphasize the horizontal and vertical articulations of the structure. In character with the surrounding uses, the building is setback off the main road to allow for adequate buffering of major views and efficient pedestrian circulation systems. The location and scale of the building is consistent with the neighboring properties, and should not adversely impact existing or proposed adjacent uses. The proposed use is compatible with the existing conditions.

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

The proposed development is subject to water quality control but is exempt from the forest conservation law. The stormwater management concept consists of on-site water quality control via a volume-based Storm filter with a Vortsentry for pretreatment, and onsite recharge via an infiltration trench. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and,

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

BE IT FURTHER RESOLVED, that the date of this resolution is FEB 3 2010 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioners Alfandre and Presley present and voting in favor of the motion at its regular meeting held on Thursday, January 28, 2010 in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board