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

MCPB No. 11-123
Site Plan No. 820110130
Project Name: Martens Property
Date of Hearing: December 1, 2011

RESOLUTION

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 June 13, 2002, the Planning Board approved with conditions Project Plan No. 920020020 (Planning Board Resolution dated June 19, 2002) for 610 garden apartments (including 92 MPDUs) and 250,000 GSF office/retail on 62.4 acres;

WHEREAS, on June 13, 2002, the Planning Board approved with conditions Preliminary Plan No. 120020680 (Planning Board Resolution dated July 16, 2002) for a maximum of 610 multi-family dwelling units and 250,000 GSF office/retail use on 62.4 acres;

WHEREAS, on January 16, 2003, the Planning Board approved with conditions Site Plan No. 820030030 (Planning Board Resolution dated January 28, 2003) for 604 housing units, including 91 MPDUs on 62.4 gross acres;

WHEREAS, on March 17, 2005, the Planning Board approved with conditions Site Plan Amendment No. 82003003A (Planning Board Resolution dated December 16, 2005) to change the unit type of the 200 residential units south of Waterford Hills Boulevard from multi-family rental apartments to multi-family condominium units;

WHEREAS, on March 13, 2008, the Planning Board approved with conditions Site Plan Amendment No. 82003003B (MCPB Resolution No. 08-63) for revisions to playground equipment, mailboxes, lighting, landscape, sidewalks; addition of recycling container locations; adjustment of Building 12 location; and updates to the Forest Conservation Plan;

WHEREAS, Project Plan Amendment No. 92002002A was originally filed in 2006 to amend Phase II of Fairfield at Germantown by proposing 205,922 square feet of commercial retail development on 26.40 gross acres. This application was withdrawn in April 2007; and

WHEREAS, on June 23, 2011, the Planning Board approved with conditions Project Plan Amendment No. 92002002B (MCPB Resolution No. 11-53) for 455 residential dwelling units (including 12.5% MPDUs) and 14,486 SF of retail on 26.48 acres;

WHEREAS, on June 23, 2011, the Planning Board approved with conditions Site Plan Amendment No. 82003003C (MCPB Resolution No. 11-47) to clarify condition of approval no. 2 by specifying 604 housing units on 36.1 acres rather than 62.4 acres;

WHEREAS, on December 1, 2011, the Planning Board approved with conditions Preliminary Plan No. 120110090 (Resolution pending) for 455 residential dwelling units (including 12.5% MPDUs) and 14,426 SF of retail; and

WHEREAS, on June 21, 2011, Buchanan Acquisitions, LLC ("Applicant"), filed an application for approval of a Site Plan for 455 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial ("Site Plan" or "Plan") on 26.48 acres of RMX-2-zoned land, located near the intersection of Wisteria Drive and Waters Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820110130, Martens Property (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 17, 2011, setting forth its analysis of, 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 December 1, 2011, 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 December 1, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley; seconded by Commissioner Anderson; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

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. 820110130 for 455 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial, on 26.48 gross acres in the RMX-2 zone, subject to the following conditions:

Conformance with Previous Approvals

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan No. 92002002B, as listed in MCPB Resolution No. 11-53, unless amended.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120110090, or as amended.

Environment

3. Forest Conservation

The development must comply with the conditions of approval for the Final Forest Conservation Plan approved on June 23, 2011. The Applicant must meet all conditions prior to the recording of a plat(s) or the issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services.

a) Submit revised Final Forest Conservation Plan, prior to Certified Site Plan, showing how the afforestation requirement will be met and where the on-site mitigation plantings as required by the variance approval will be located.

4. Noise Attenuation

a) Prior to issuance of the first building permit, the Applicant must provide certification from an acoustical engineer that:

- The location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes and areas of common outdoor activity are adequate.
- The building shell for residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

b) Prior to issuance of the final use and occupancy permit, the Applicant must certify that interior noise levels do not exceed 45 dBA Ldn for the affected units.

c) For all residential dwelling units constructed within identified noise impact areas, the Applicant/developer/builder shall disclose in writing to all prospective purchasers that they are located within an area impacted by current or future highway or railway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association

Documents, and by inclusion on all Subdivision and Site Plans, and within all Deeds of Conveyance.

- d) All noise walls must be clearly identified and labeled on the Landscape and Lighting Plan prior to Certified Site Plan.

5. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated October 12, 2011 unless amended and approved by the Montgomery County Department of Permitting Services.

Parks, Open Space, and Recreation

6. 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 the M-NCPPC Staff prior to issuance of the 350th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

7. Recreation Facilities

- a) Meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) Provide the following recreation facilities: two play lots, two tot lots, an open play area II, an open play area I, a volleyball court, a swimming pool, a wading pool, eleven seating areas (including a picnic pavilion), a pedestrian system, and five outdoor fitness stations.

Transportation & Circulation

8. Transportation

The development is limited to a 0.74 FAR including 14,426 SF of commercial uses and 455 residential units (289 multi-family units and 166 one-family attached units), unless amended.

9. Right-of-way

Address DPS right-of-way comments in the correspondence dated November 9, 2011, prior to Certified Site Plan.

10. Reciprocal Access Easement

The Applicant must reserve an area from the edge of Private Road A to the northern property line to allow for a future connection to the adjacent property. The Applicant shall enter into a reciprocal access easement with the owner of the

adjacent property upon the redevelopment of the adjacent property when and if the Planning Board deems it necessary to have reciprocal access through both properties. The easement shall be for the sole purpose of reciprocal access, must be compatible with the overall site layout of the Applicant's property and the adjacent property, and may be reasonably relocated by the Applicant in the event of any future redevelopment of the Applicant's property or by the adjoining properties in the event of their redevelopment.

11. Public Access Easement

The Applicant must provide a public access easement over the Green Commons area at the time of Record Plat.

Density & Housing

12. Moderately Priced Dwelling Units (MPDUs)

- a) The development must provide a minimum of 12.5% of the total number of units as MPDUs on-site, consistent with the requirements of Chapter 25A.
- b) The MPDU agreement to build shall be executed prior to the release of any building permits.
- c) All of the required MPDUs shall be provided on-site.

Site Plan

13. Compatibility/Architecture

- a) The exterior architectural character, proportion, materials, and articulation of the multi-family buildings must be substantially similar to the conceptual elevations shown on Sheet A.01-A.02 of the submitted architectural drawings (date stamped October 19, 2011), as determined by M-NCPPC Staff.
- b) The fronts of the MPDUs townhouses must be designed and finished with architectural elements, including masonry materials, comparable to those found on other similar market rate units within the site.
- c) Townhouse Units 1, 16, 30, and 76 on the north side of Waterford Hills Blvd, and Townhouse Units 1, 32, 49, 66, and 86 on the south side shall be designated Elevation A units. Elevation A consists of a 3-story brick façade, and a minimum of 5 windows or window features.
- d) Townhouse Units 31, 39, 60, 67 and 68 and 80 on the north side of Waterford Hills Blvd, and Townhouse Units 16, 17, 23, 24, 31, 38, 48, 65 and 78 on the south side shall be designated Elevation B units. Elevation B consists of a minimum 1-story brick façade, and a minimum of 4 windows or window features.
- e) Townhouse Unit 75 on the north side of Waterford Hills Blvd, and Townhouse Units 44 and 61 on the south side shall be designated either Elevation B or

Elevation C units. Elevation C consists of a siding façade and a minimum of 5 windows or window features.

14. Landscaping

Eliminate the row of shrubs north of the retaining wall in the Green Commons area.

15. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All on-site 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 above grade must not exceed 12 feet including the mounting base on all private streets and amenity areas.
- f) The height of the light poles above grade must not exceed 14 feet including the mounting base on Waterford Hills Boulevard and Waters Road, subject to final approval by MCDOT.
- g) The height of the light poles must not exceed 12 feet including the mounting base on the garage top, as measured from the surface of the parking level to the top of the light pole.

16. Performance Bond

Provide a performance bond(s) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) The amount of the Performance Bond shall include plant material, on-site lighting, recreational facilities, bicycle facilities and site furniture (including picnic pavilion) within the relevant phase of development. Bond to be posted prior to issuance of the first residential building permit within each relevant phase of development and shall be tied to the development program.
- b) Provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial bond amount.
- c) Completion of plantings by phase to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d) Provide a Site Plan Surety and Maintenance Agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first residential building permit.

17. Development Program

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 with the exception of a Rough Grading Sediment Control Plan which, as noted in the Project Plan Resolution dated September 19, 2011, may be approved and performed in advance of Preliminary Plan or Site Plan approval. The development program must include the following items in its phasing schedule:

a) Clearing and grading must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.

b) The development program must provide phasing for installation of on-site landscaping and lighting.

c) Community-wide pedestrian pathways and recreation facilities must be completed prior to the following thresholds:

North of Waterford Hills Boulevard:

i. The Green Commons abutting the Boulevard and the asphalt path along the northern property boundary must be completed prior to issuance of the 60th townhouse building permit, which represents 75 percent of the 80 townhouse units north of Waterford Hills Boulevard.

South of Waterford Hills Boulevard:

ii. The pedestrian system, five outdoor fitness stations, and associated seating surrounding the dry stormwater management pond, together with the picnic pavilion, including picnic tables and grills, and tot lot immediately north of the pond must be completed prior to the release of the final use and occupancy permit for units 32-43.

d) Local recreational facilities and site elements must be completed prior to the following thresholds:

North of Waterford Hills Boulevard:

i. The play lot north of Building 4 must be installed prior to the release of the final use and occupancy permit for Building 4.

South of Waterford Hills Boulevard:

ii. The Clubhouse, swimming pool, wading pool, volleyball court and open play area II must be completed prior to the release of the final residential use and occupancy permit for the third multi-family building constructed in this cluster (either Buildings 1, 2, or 3).

iii. The recreation area, including multi-age playground and tot lot, located between units 48-49 and 65-66 must be installed prior to issuance of the 65th townhouse building permit, which represents 75 percent of the 86 townhouse units south of Waterford Hills Boulevard.

e) On-site amenities including, but not limited to, sidewalks, benches, picnic tables, trash receptacles, and bicycle facilities must be installed as construction of each recreational facility is completed.

- f) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- g) Provide each section of the development with necessary roads.
- h) Waters Road must be completed, fully improved, and open to traffic prior to the release of the 350th residential building permit.
- i) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- j) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

18. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b) Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Modify data table to reflect development standards enumerated in the Staff Report.
- d) Provide maximum building height for the Clubhouse and cabana.
- e) Update architectural floor plans to reflect the proposed unit mix.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Martens Property drawings stamped by the M-NCPPC on October 10, 2011, and October 19, 2011, 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, 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.*

Neither a development plan, diagrammatic plan nor a schematic development plan were required for the Subject Property.

The Site Plan is consistent with the approved Project Plan No. 92002002B for the Martens Property (MCPB Resolution No. 11-53) in terms of design layout, development standards, and conditions of approval. As set forth on the Data Table below, the Site Plan is consistent with the development standards approved by the Project Plan including density, green area, building setbacks, and building height.

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

The Board finds, based on the data table below, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the RMX-2 Zone under the optional method of development. The data table below sets forth the development standards approved by the Planning Board and binding on the Applicant.

The proposed uses are allowed in the RMX-2 Zone and the Site Plan meets the purpose of the zone by providing a mixed-use development with primarily residential uses (455 units including one-family attached and multi-family units) and some commercial uses (14,426 square feet).

The development meets the density requirements of the zone and recommendations in the Sector Plan. The overall density, approved at 0.74 FAR for the 26.48-acre site, is slightly below the maximum density of 0.8 FAR recommended by the Sector Plan for this site. The commercial density is well below the maximum 0.5 FAR allowed and the gross leasable floor area is well below the maximum 600,000 square feet allowed. The residential density approved at 17.18 du/ac is below the 30 du/ac allowed by the zone.

The Site Plan meets the minimum building setback requirements, except for the 30-foot setback requirement from residential zoning other than one-family. Although the RMX-2 zone is not a typical residential zone, for the purposes of this setback requirement, it is considered 'residential zoning other than one-family.' The Applicant requests a reduction to 15 feet (50% reduction) from the multi-family residentially zoned property located along the northwestern edge of the project.

Section 59-C-10.3.8 of the Zoning Ordinance specifically allows the Planning Board to reduce this setback by no more than 50% "upon a finding that trees or

other features on the site permit a lesser setback without adversely affecting development on an abutting property.” The Planning Board finds that the 50% setback reduction will not adversely affect the adjacent multi-family residential properties at Kildale Hills Terrace (to the northwest of the Property) for several reasons. First, the existing multi-family residential properties are setback from the property line a minimum of 60 feet. This setback accommodates parking areas, open space and landscaping surrounding the existing buildings and contributes to an adequate physical separation from the project. Second, building heights for the existing multi-family buildings range between 47 to 51 feet, which are higher than the projected buildings heights of 30 to 40 feet for the townhouse buildings. Thus, the adjoining residential properties will retain adequate ventilation, light and air without the need for a larger, mitigating setback along the Property’s northeastern boundary. Third, the proposed townhouses will be oriented with their fronts towards the property line and multi-family buildings beyond, which also supports a reduced setback.

As demonstrated in the Data Table below, the project meets all of the applicable requirements of the RMX-2 Zone under the optional method of development.

Data Table

Development Standard	Approved with 92002002B for Phase II of the original approval	Approved by the Planning Board and Binding on the Applicant
Site Area (Acres)		
Gross Tract Area	26.48	26.48 (1,153,469 SF)
Less Dedication for Public ROW Water’s Road Waterford Hills Blvd	3.12 (0.77) (2.35)	3.12
Net Lot Area	23.36	23.36
Density		
Max. Commercial (FAR) [59-C-10.3.4]	0.01	0.01
Max. gross leasable (non-residential) floor area (SF) [59-C-10.3.5]	14,486	14,426
Residential D.U.s (> 30 acres site area) [59-C-10.3.6]	455	455
Max. Residential Density (du/acre) [59-C-10.3.7]	17.18	17.18
MPDUs [Chapter 25A] One-family attached	12.5% (57 MPDUs)	12.5% (57 MPDUs) (21)

Multi-family		(36)
Max. Total FAR	<u>0.74 (848,693 SF)</u>	<u>0.74 (854,000 SF)</u>
- residential	(828,707 SF)	(834,019 SF)
- commercial	(14,486 SF)	(14,426 SF)
- clubhouse & cabana	(5,500 SF)	(5,555 SF)
Unit Mix		
One-family attached	169	166
Multi-family	286	<u>289</u>
1-Bedroom		(143)
2-Bedroom		(138)
3-Bedroom		(8)
Min. Green Area or outside amenity area [59-C-10.3.3]		
Residential	50.0% (13.2 ac.)	50.0% (13.2 ac.)
Commercial		
Min. Building Setbacks (ft) [59-C-10.3.8]		
From one-family residential zoning	n/a	n/a
From residential zoning other than one-family (RMX-2/TS/RMX-2C)	To be determined at Site Plan	
- Residential buildings		15 ^(a)
- Commercial bldgs		n/a
From Any Street ^(b)	To be determined at Site Plan	
- Residential buildings		0
One-family		0
Multi-family		n/a
- Commercial bldgs		
From abutting commercial or industrial zoning (I-3/PD-15 Zone)	n/a	n/a
- Residential buildings		
- Commercial bldgs		
Max. Building Height (ft)		
Overall		
One-family attached	45	45
Multi-family	60	60
Min. Lot (Parcel) Area (SF)		
One-family attached	n/a	1,250
Multi-family	n/a	15,000
Min. Lot Width at Street Front (ft)		
One-family attached	n/a	20
Max. Building Coverage		
One-family attached	n/a	90%

Multi-family	n/a	90%
Vehicle Parking (number of spaces)		
Retail auxiliary		51
One-family attached (166 units)		535
Multi-family		<u>460</u>
1-Bedroom (143 units)		200
2-Bedroom (138 units)		242
3-Bedroom (8 units)		18
Total spaces	1,099	1,046
Bicycle Parking (number of spaces)		
Racks		25
Covered storage		40
Total	n/a	65
Motorcycle Parking		
Number of spaces	n/a	11

^(a) The Planning Board may reduce the minimum setbacks, no greater than 50% upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property. The applicant requests a reduction of the minimum setback from 30 to 15 feet for the front facing units (Units 17-27 on the north side of Waterford Hills Blvd). The required 30-foot setback is met for the rear facing units. Although the RMX-2 zone is not a typical residential zone, for the purposes of this setback requirement, it is considered a residential zoning other than one-family.

^(b) No minimum setback required if in accordance with master plan.

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 locations of the buildings and structures are adequate, safe, and efficient. The Site Plan consists of a mixed-use development with 455 residential dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial, yielding a 0.74 FAR on 26.48 gross acres.

The project includes four multi-family buildings with a combined total of 289 dwelling units (including 36 MPDUs), and 166 one-family attached (including 21 MPDUs). The commercial uses are primarily consolidated in the ground floor of Building 1 (11,980 SF). In addition, some commercial space is located in the ground floor of the Clubhouse building (1,250 SF) and at the southeast corner of Building 3 (1,196 SF).

The project is oriented along a principal east-west axis – Waterford Hills Boulevard – providing a connection between Father Hurley Boulevard and

Waters Road. Several north/south internal connections complete the grid network of streets around which the residential units are proposed. The grid network facilitates vehicular and pedestrian movement through and within the project.

Buildings along the Waterford Hills Boulevard provide a strong street edge and are oriented towards the street with rear-loaded garages. Buildings along the north/south internal connector streets are mostly front loaded with rear yards and green space in the rear. The multi-family buildings with a maximum height of 60 feet are oriented to Waters Road as recommended in the Sector Plan.

The activation of Waters Road is a direct result of building orientation, minimal setbacks, and the mix of uses proposed. Both commercial uses and residential units in the ground floor of the multi-family buildings along Waters Road have direct access to the street via separate ingress/egress points. The mix of uses include retail space covering the ground floor of Building 1, a commercial business center and leasing office in the multi-family Clubhouse building fronting on Waters Road, a meeting/function room in the southeast corner of Building 3, and residential units lining Buildings 3 and 4 at street level.

Parking requirements for the 455 units are met on private lots, in surface parking areas, and in a 2-level parking structure. The project exceeds the parking requirement of 332 spaces for the townhouse units (2 per unit) by providing 535 spaces. This is accommodated on-site for all units via garages (1-car and 2-car) and driveway spaces. The project also exceeds the parking requirement of 402 spaces for the multi-family units by providing 460 spaces. Parking for the multi-family buildings is accommodated in surface parking areas and a 2-level parking structure located along the southern property boundary adjacent to the CSX tracks. The parking structure with 137 spaces will serve Buildings 1 and 2 due to its proximity to these buildings. The 51 parking spaces reserved for the commercial uses are located in surface parking areas immediately outside of Building 1, where the bulk of the commercial uses are located. Visitor parking is accommodated in the surface parking areas and via on-street parking on Waters Road and on-street parking during off-peak hours on Waterford Hills Boulevard. These parking spaces are subject to MCDOT and Fire Marshall's final approval. While the final determination of on-street parking in a public right-of-way is dependent on the Department of Permitting Services during permitting and ultimate site conditions, the Planning Board recommends continued coordination with the necessary agencies to accommodate on-street parking.

The location of the surface parking areas within the site and behind the multi-family buildings allows for an adequate orientation of the project towards Waters Road and Waterford Hills Boulevard. The 2-level parking structure abutting the

CSX tracks adequately deals with noise impacts at this location and takes advantage of the grade drop to avoid the need for internal ramps.

Bicycle parking facilities are efficiently located in proximity to residential units, amenity areas and circulation paths, which collectively encourage bicycle usage. A 5-bike rack is provided at each multi-family building and at the entrance to the Clubhouse amenity area. In addition, 2 different facilities provide the option for covered long-term storage of bicycles. A covered bike cage is located on the first level of the parking structure with capacity for 30 bicycles, and a bike storage shed is located on the north side of Building 4 with capacity for 10 bicycles.

b. Open Spaces

The open spaces provided are adequate, safe, and efficient. The RMX-2 Zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the gross tract area. The Site Plan meets the green area requirements by providing a total of 50 percent (or 13.2 acres) of green space. All green areas (including the active/passive areas) will be accessible to all residents of the development.

Diverse open spaces are adequately dispersed throughout the development to provide safe and convenient access to all residents while efficiently providing relief from the density being proposed. Three main areas of open space are visually connected to each other and linked by smaller open spaces, sidewalks, and landscaping. (1) The green commons, located north of Waterford Hills Boulevard, consists of approximately 0.3 acres of open lawn framed by a row of townhouse facades on the north side and a 2.5-foot tall seating wall on the south side. The location and layout of this open space efficiently improves its visibility and accessibility by the general public. The Applicant is providing a public access easement over the green commons, however, this will ultimately be maintained and managed by the subsequent homeowner's association. Stipulations on the use and function of the space are up to the homeowner's association. (2) The southeast open space/amenity area enclosed by multi-family buildings 1, 2, and 3 contains a clubhouse and cabana, a swimming pool, a wading pool, a volleyball court, open play area II and seating areas. (3) The southwest open space area consists primarily of a heavily landscaped stormwater management dry pond, which will serve mainly as a visual amenity, surrounded by a pedestrian path with fitness stations dispersed throughout.

An important open space corridor connects the stormwater management dry pond area to the multi-family amenity area, and to the MARC station beyond. The corridor originates at Waterford Hills Boulevard along the western property boundary, where a picnic pavilion with picnic tables and a tot lot are proposed.

The corridor extends past the stormwater management dry pond through the rows of townhouses, where a tot lot and a play lot are located, to the multi-family building amenity area. This open space corridor efficiently allows for pedestrian movement and connectivity while creating safe opportunities for recreation and leisure.

c. Landscaping and Lighting

The landscaping with an emphasis on native species is adequate, safe, and efficient. The landscape plan achieves several objectives. It provides canopy coverage and shade for parking areas, roads, and open spaces. A variety of street trees line all the private roads and public streets. Waterford Hills Boulevard will be lined with willow oaks on both sides and in the median, which establishes continuity of the landscaping in the built portion of the Boulevard. Waters Road will be lined with honey locust trees in planting areas of approximately 5 by 24 feet.

In addition to canopy coverage and shade, the landscaping also defines open spaces and amenity areas by creating an edge or boundary, and adding interest. In the play lots and tot lots, the plant material delineates the perimeter of the play area which helps creating a safe environment for children. In the Green Commons area, Staff recommends eliminating the row of shrubs north of the retaining wall in order to allow seating on the 2.5-foot tall wall. Smaller plant material, such as herbaceous plants, evergreen and deciduous shrubs, and ornamental trees, emphasizes the entrance to the development and adds interest.

The landscaping provides screening and buffering within the project as well as between the project and adjacent properties. Within the project, a mix of evergreen shrubs adequately screens the pool area, the loading area behind the multi-family Building 1, the parking structure, and the noise wall. A similar treatment is used along the northern and northwestern property boundary, which contributes to an adequate visual separation between the proposed rear yards and the adjacent uses. Larger evergreen shrubs and trees along the southern property behind the parking structure and the noise wall adequately screen and create visual interest as viewed from the abutting CSX tracks.

As originally proposed, the lighting consisted of pole mounted light fixtures with a maximum height of 14 feet located on Waters Road, and 12 feet located on private streets and within the Property. On Waterford Hills Boulevard, the lighting consists of high pressure sodium light fixtures with a maximum height of 30 feet and 20 feet on top of the parking structure. However, the Planning Board approved the lighting on Waterford Hills Boulevard to be replaced with a similar

fixture as Waters Road with a maximum height of 14 feet, which is more residential in character. Similarly, the lighting on the top of the parking structure will be reduced in height to 12 feet (as measured from the surface of the parking level to the top of the light pole), which reduces visibility from the nearby multi-family units overlooking the parking structure and improves compatibility. Wall mounted light fixtures are provided at the entrances to the multi-family buildings. As conditioned, the lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The lighting is adequate, safe and efficient.

d. Recreation Facilities

The recreation facilities provided are safe, adequate, and efficient. They include two play lots, two tot lots, an open play area II, an open play area I, a volleyball court, a swimming pool, a wading pool, eleven seating areas (including a picnic pavilion), a pedestrian system, and five outdoor fitness stations. This development meets all the recreation requirements on-site through these facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. The facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups.

Although credit for off-site facilities was not requested with this Application, several facilities in the immediate vicinity of the site provide additional opportunities for recreation and leisure of the future residents. The site is within half mile distance from the Up-County Regional Services Center, the Germantown Commons Shopping Center, and Sugarloaf Shopping Center, and the Germantown Elementary School. The site is within $\frac{3}{4}$ of a mile distance from Seneca Valley High School, Lake Seneca Elementary School, and M L King Jr. Middle School.

e. Vehicular and Pedestrian Circulation

The pedestrian and vehicular circulation systems are safe, adequate, and efficient.

Access to the site will be provided via an entrance on Waters Road on the eastern property boundary and an extension of Waterford Hills Boulevard as a central corridor through the site connecting to Father Hurley Boulevard to the west. Waterford Hills Boulevard is also part of a future extension of the Town Center 'Main Street,' which is envisioned as a pedestrian-friendly thoroughfare through the community. Sidewalks are proposed on both sides of the boulevard

and a center median with a continuous row of street trees divides opposite travel lanes.

Vehicular circulation is efficiently directed through the site through a grid of private streets that originate on Waterford Hills Boulevard. These streets provide adequate access to rear-loaded townhouse units, private alleys serving front-loaded units, and surface parking areas serving the multi-family buildings.

The vehicular circulation system adequately integrates this site in the surrounding area. The Site Plan shows an internal connection between proposed Private Alley A and the existing private street at the Ashmore at Germantown community. Additionally, the Applicant will reserve an area from the edge of Private Road A to the northern property line to allow for a future connection to the adjacent property. The Applicant will enter into a reciprocal access easement with the owner of the adjacent property upon the redevelopment of the adjacent property when and if the Planning Board deems it necessary to have reciprocal access through both properties. These inter-parcel connections facilitate vehicular and pedestrian movement and provide alternative routes for circulation.

As per the Project Plan approval condition, the Applicant designed a suitable alignment for the future connection of Waters Road to MD 118 including the acquisition impacts to other private properties which will be required for the construction of that road connection. The proposed alignment is in conformance with the Sector Plan recommendations to provide through movement between Waters Road and MD 118 and to enable vehicular and pedestrian linkages to the MARC station. The Planning Board received various revisions to the alignment from the affected property owners. Since the road connection is located outside the boundaries of the Subject Property and is not being constructed with this Application, the Applicant's proposed alignment may be revised when a Preliminary and Site Plan for the affected properties is submitted. The Planning Board finds that the Applicant has complied with the Project Plan condition by designing a final alignment and identifying future dedications for the connection of Waters Road to MD 118.

Pedestrians will access the site via sidewalks on all public and private streets. In addition, pedestrians will be able to access the site from MD 118 (and the MARC Station beyond) via an 8-foot wide pathway connecting the cul-de-sac on existing Waters Road to the sidewalk along MD 118. This pedestrian connection combined with the sidewalk system onsite, effectively accommodates pedestrian traffic from the residential neighborhoods to the west, through the site to the MARC Station. Within the site, the sidewalk system provides access to all the public spaces and amenities including a meandering pathway around the

periphery of the stormwater management dry pond. Seating areas will be provided at selected nodes.

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

The structures and uses proposed are compatible with other uses and site plans, and with existing and proposed adjacent development. The proposed mixed-use development includes four multi-family buildings with a combined total of 289 dwelling units and 166 one-family attached units, and 14,426 square feet of commercial uses, yielding a 0.74 FAR. The residential density proposed at 17.2 du/ac is comparable to the residential density at Fairfield of Germantown at 16.8 du/ac. The density and uses proposed are compatible with the location of the site on the west end of the Germantown Town Center area abutting the CSX tracks and within a ½ mile radius of the MARC Station. Locating the proposed commercial uses along Waters Road is compatible with the existing confronting uses on this road, which are more commercial in nature.

Compatibility with the CSX tracks and mitigation of the effects caused by this proximity is achieved through the design and location of the various buildings and amenities on site. The SWM pond will be relocated to the southeast corner of the site abutting the tracks, which effectively increases the separation between the townhouses (north of the pond) and the tracks. Noise mitigation measures, including a noise barrier, will be constructed between the rail tracks and the impacted townhouse buildings at the far south of the project resulting in interior noise levels below 45 dBA using standard construction materials, according to the Polysonics Railway Noise Impact Analysis dated April 21, 2011. A parking structure is proposed against the CSX tracks, which will help to buffer noise for the multi-family buildings.

Within the site, compatibility will be achieved through architectural treatments on the side façades of corner units and MPDUs front façades. As conditioned, the side façades of certain corner units will include materials and architectural design treatment comparable to the fronts of those units. The fronts of the MPDUs will be designed and finished with architectural elements comparable to those found on other attached units within the site.

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 Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection. This site is

subject to the County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420111000 for this Property was approved on January 25, 2011. The Property contains no forest. There are six trees 30 inches and greater diameter at breast height (DBH) and four trees between 24" and 30" DBH on the Property. The Final Forest Conservation Plan (FFCP) was approved by the Planning Board in conjunction with Project Plan No. 92002002B on June 23, 2011.

Per Section 22A-21 of the Montgomery County Forest Conservation Law, a variance was granted as part of the FFCP approval with the mitigation planting requirement to occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are 2" to 3" DBH. For the 102 caliper inches of trees removed, the Applicant will mitigate with nine 3" DBH native canopy trees on the site. All mitigation plantings should be specifically labeled and detailed on the revised FFCP. As conditioned, the FFCP must identify the methods (on-site or off-site) to meet the afforestation requirement and identify the location of the on-site mitigation plantings as required by the variance approval.

The stormwater management concept approved on October 12, 2011, meets the required stormwater management goals by the use of Environmental Site Design (ESD) for one inch of the required volume including microbiofilters, bioswales and porous paving. The existing dry stormwater pond will be used for the remaining volume that cannot be provided in the ESD facilities. Filterras and a volume based Stormfilter will be used for the Waters Road improvements.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning 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 22 2012** (which is the date that this Resolution is mailed to all parties of record); and

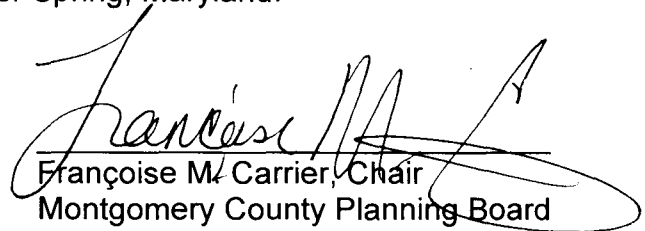
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, February 16, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board