



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

DEC 18 2015

MCPB No. 15-149

Provisional Adequate Public Facilities Determination for Transportation

Symmetry at Cloverleaf

Date of Hearing: December 10, 2015

RESOLUTION

WHEREAS, the Montgomery County Council approved the 2012-2016 Subdivision Staging Policy ("SSP") to serve as guidelines for the administration of the Montgomery County Adequate Public Facilities Ordinance; and

WHEREAS, in the SSP, the Council delegated to the Montgomery County Planning Board and its staff all necessary administrative decisions not covered by the SSP and authorized the Board to adopt and amend its own guidelines and technical material to administer the SSP's Local Area Transportation Review and Transportation Policy Area Review; and

WHEREAS, on June 16, 2011, the Planning Board approved standards for the use of the Provisional Adequate Public Facilities ("PAPF") process for individual applications not within a development district where the applicant provides accelerated public infrastructure through private investment; and

WHEREAS, under Montgomery County Code Chapters 8 and 50, the Montgomery County Planning Board is authorized to make an Adequate Public Facilities determination; and

WHEREAS, on January 5, 2015, Symmetry at Cloverleaf, LLC ("Applicant") filed an application ("Application") for approval of a PAPF determination for the transportation impacts associated with a vehicle trip maximum generated by a theoretical development on 25.39 acres in the CR-2.0, C-1.75, R-1.0, H-145T Zone, located at the northwest corner of Father Hurley Boulevard and Dwight D. Eisenhower Highway (I-270) ("Subject Property") in the 2009 Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 30, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on December 10, 2015 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board approves a Provisional Adequate Public Facilities determination for the transportation impacts associated with the theoretical development of Subject Property, subject to the following conditions:¹

1. The validity period for this Provisional Adequate Public Facilities (PAPF) test for transportation is 85 months from the date of mailing of the Planning Board Resolution.
2. Calculation of the number of vehicle trips generated from the Subject Property in future applications must use trip rates found in the January 2013 Local Area Transportation Review and Transportation Policy Area Review Guidelines. Internal capture reductions must be calculated using the National Cooperative Highway Research Program (NCHRP) Report 684, Enhancing Internal Trip Capture Estimation for Mixed-Use Developments. Pass-by reductions must be calculated using the 3rd edition of the Institute of Transportation Engineering Trip Generation Handbook.
3. The Applicant is limited to a development level equal to or less than 1,558 AM net peak hour trips or 1,762 PM net peak hour trips, whichever threshold is met first. The net total trips in the AM or PM peak hour includes internal trip and pass-by trip reductions.
 - a. Additionally, at total buildout, AM inbound trips to the Subject Property are limited to no more than 70% and no less than 60% of the total AM peak hour trips.
 - b. Additionally, at total buildout, PM inbound trips to the Subject Property are limited to no more than 45% and no less than 30% of the total PM peak hour trips.
4. The total background vehicle traffic, which includes existing traffic and approved but unbuilt development, and the background improvements at the intersections analyzed in the traffic impact analysis, will not be changed (“frozen”) for the duration of the 85 month PAPF validity period for the Subject Property.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

5. At the preliminary plan stage, the Applicant must submit conceptual plans, or make reference to plans previously submitted to the M-NCPPC, for the proposed improvements listed as follows:
 - a. A second northbound right turn lane on Crystal Rock Drive at Father Hurley Boulevard.
 - b. A striped second southbound left turn lane on Observation Drive at Ridge Road.
 - c. The Dorsey Mill Road bridge over I-270.
 - d. A second left turn lane on eastbound Father Hurley Boulevard at Crystal Rock Drive.
 - e. At Crystal Rock Drive and Kinster Drive: one through/left lane, one through lane, and one right turn lane on northbound Crystal Rock Drive. On southbound Crystal Rock Drive the lane configuration must include one through/left lane and one through/right lane.
 - f. A traffic signal and applicable improvements needed to install the signal at Crystal Rock Drive and Kinster Drive and Century Boulevard and Kinster Drive/proposed site entrance.

6. When deemed necessary by the Planning Board in its approval of a future application for development of the Subject Property, the following improvements must be completed:
 - a. Constructing a second northbound right turn lane on Crystal Rock Drive at Father Hurley Boulevard.
 - b. Striping a second southbound left turn lane on Observation Drive at Ridge Road.
 - c. Constructing the Dorsey Mill Road bridge over I-270.
 - d. Constructing a second left turn lane on eastbound Father Hurley Boulevard at Crystal Rock Drive.
 - e. Reconstructing the northbound and southbound approaches of the Crystal Rock Drive and Kinster Drive intersection to include one through/left lane, one through lane, and one right turn lane on northbound Crystal Rock Drive. On southbound Crystal Rock Drive the lane configuration must include one through/left lane and one through/right lane. Adjustments to the number of lanes or intersection configuration can be made as determined with future applications for the development of the Subject Property or by the Montgomery County Department of Transportation (MCDOT).

The above improvements may be constructed solely by the Applicant, by the Applicant in concert with public agencies or neighboring landowners, or solely by others with development approvals also conditioned on the construction of the improvements.

7. The Applicant must submit a traffic signal warrant analysis with any preliminary plan for the Subject Property for the intersections of 1) Century Boulevard and Kinster Drive/proposed site entrance and 2) Crystal Rock Drive and Kinster Drive. If a traffic signal is warranted, then the Applicant must construct the signal and associated improvements when identified by the Planning Board in its approval of a future application for development of the Subject Property.
8. The Applicant is responsible for any pedestrian or bicycle improvements identified with future applications for development of the Subject Property as required by the Planning Board.
9. The Applicant must satisfy the Adequate Public Facilities – Transportation Policy Area Review (TPAR) test by making a TPAR payment, equal to 25% of the applicable development impact tax, to the Montgomery County Department of Permitting Services (MCDPS). MCDPS may determine the extent to which the Applicant is eligible for TPAR credit.
10. At the preliminary plan stage the Applicant must demonstrate substantial compliance with the comments contained in the MCDOT letter dated November 18, 2015, except for comment #1 in the Summary section of the letter.

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

1. *The Applicant is eligible for a transportation PAPF determination for providing accelerated public transportation infrastructure through private investment.*

The Applicant requested approval of a transportation PAPF determination for funding and constructing, with MCDOT, the Century Boulevard extension under Father Hurley Boulevard and along the entire frontage of the Subject Property. As part of the most recent preliminary plan approval for the Subject Property, the previous owner was required to participate in the County's future CIP project to construct the four-lane divided Century Boulevard from Father Hurley Boulevard to Dorsey Mill Road. The Applicant purchased the property in 2001 and assumed the previous owner's obligations under the conditions in the preliminary plan, which expired at the end of 2007. Despite the expiration of the APF determination included in the preliminary plan, the Applicant continued to work with MCDOT and provided funds for the construction of the road.

Consistent with the standards it approved on June 16, 2011, the Planning Board finds that through the Applicant's investment, the construction of the Century Boulevard

extension was significantly accelerated, and the value of the extension provided a timely private investment in public infrastructure. And based on the Restated Road Participation Agreement between the Applicant and Montgomery County regarding the extension of Century Boulevard, the Board finds that no reimbursement for the Applicant's investment in the extension will occur beyond that otherwise provided for in the law.

Finally, the 85 month validity period for this transportation PAPF determination takes into account the fact that the Applicant has not provided a proposed project schedule, and thus has demonstrated no need under Section 50-20(c)(3)(B) of the Subdivision Regulations for a longer validity period. As conditioned above, the validity period for this transportation PAPF determination will begin on the mailing date of this Resolution.

2. Public transportation facilities will be adequate to support and service the trips generated by the proposed development.

Site Access

There are no approved vehicular access points for the Subject Property, although there are two vehicular aprons that were paved when Century Boulevard was extended under Father Hurley Boulevard to the north. One is a potential full movement access at Kinster Drive and Century Boulevard, and the second is a right-in/right-out to Century Boulevard between Kinster Drive and Father Hurley Boulevard. The vehicular points of access will be fully evaluated at the initial Preliminary Plan submittal.

Conformance to the Sector Plan

The Sector Plan states that the Subject Property is suitable for a mix of uses with a minimum of 60 percent employment and a maximum of 40 percent residential. The Sector Plan calls for 1.0 FAR of a mix of uses; however, there was a subsequent District Map Amendment G-956 that approved a Commercial Residential zoning at a 2.0 FAR (CR-2.0). The 2.0 FAR mix of uses is consistent with the proposed density allowed. The land use and associated mix of uses is not part of this Application and thus will be reviewed for Sector Plan consistency with a future development application.

Master-Planned Roadway, Bikeway, and Transit Corridor

The Sector Plan contains the following recommendations for frontage roadway and bicycle facilities:

- Century Boulevard:
 - A business district street (B-10) with four divided travel lanes (two lanes in each direction) and a right-of-way of 134 feet.
 - A shared use path (SP-66)

- A 50-foot transitway for the future Corridor Cities Transitway (CCT)
- Dorsey Mill Road extended:
 - A business district street (B-14) with four travel lanes (two in each direction) and a right-of-way of 150 feet.
 - A 50-foot shared transitway for the future CCT

The 2005 Countywide Bikeways Functional Master Plan is currently being updated. It is likely, as part of the update of the Bikeways Master Plan, that the bicycle recommendation of a shared use path on Century Boulevard will be upgraded to separated bike lanes on each side of the road.

The Dorsey Mill Road extended bridge Mandatory Referral (MR2016007) over I-270 is proposed to have separated bicycle lanes (also known as a cycle track) on both sides of the road and a shared use path on the south side of the road. This is consistent with the current recommendation in the Sector Plan but also provides an enhancement with separated bicycle lanes.

The CCT runs along the western and northern edge of the Subject Property as noted on the roadways listed above. In addition, there is a shared use path (SP-66) planned along the entire segment of the CCT from the Shady Grove Metrorail Station to Clarksburg Town Center. The Sector Plan also has a CCT station on Century Boulevard in front of the Subject Property with a 250-space park and ride facility.

Public Transit Service

Ride-on Route 83 and 98 provide bus service within close proximity of the Subject Property. Route 83 provides service every 30 minutes Monday through Sunday from the Holy Cross Germantown Hospital to the Germantown Transit Center. The closest Route 83 bus stop is located a little more than a quarter mile away at Kinster Drive and Crystal Rock Drive. Route 98 also provides service every 30 minutes Monday through Sunday from the Germantown Transit Center to the Kingsview Park and Ride in the vicinity of the Subject Property. The route has a few different routing options during the peak commuting period and the weekend to provide service to the Germantown Community Center and Maryland SoccerPlex Championship Stadium. The closest Route 98 bus stop is located at Father Hurley Boulevard and Waters Landing, which is more than a half mile from the Subject Property.

Pedestrian and Bicycle Facilities

The only existing pedestrian facility along the property frontage is on Century Boulevard, which consists of a five-foot wide sidewalk and green panel. Lead-in sidewalks from the adjacent streets and other Master Plan facilities will be reviewed with any development application for the Subject Property.

Local Area Transportation Review (LATR)

A traffic study dated August 17, 2015 and revised November 11, 2015 was submitted to determine the impact of the theoretical development on the area transportation system. Nineteen intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard. The intersections are located in the Germantown Town Center Policy Area with a Critical Lane Volume (CLV) standard of 1,600 and in the Germantown West Policy Area with a CLV standard of 1,450. As shown in the Staff Report, two of the intersections will exceed the acceptable CLV standard under the total future condition with the hypothetical development on the Subject Property.

The two intersections with failing CLVs are Crystal Rock Drive & Kinster Drive/Waters Landing Drive and Crystal Rock Drive & Father Hurley Boulevard. The Applicant has proposed the addition of a second eastbound left turn lane on Father Hurley Boulevard at Crystal Rock Drive in addition to the background improvement of a second northbound right turn lane on Crystal Rock. In order to address the failing CLV condition at Crystal Rock Drive & Kinster Driver/Waters Landing Drive, the Applicant has proposed modifications to the northbound and southbound approaches on Crystal Rock Drive, in addition to the installation of a traffic signal. The proposed lane modifications on Crystal Rock Drive, at buildout, include one through/left lane, one through lane, and one right turn lane on the northbound approach to the intersection. On the southbound approach, the Applicant has proposed one through/left lane and one through/right lane.

The Applicant has also assumed the striping of a second left turn lane on Observation Drive at Ridge Road (MD 27) and the Dorsey Mill Road bridge extension across I-270 in the background traffic condition in addition to the second northbound right turn lane on Crystal Rock Drive at Father Hurley Boulevard as noted above.

This transportation PAPF determination is conditioned on the future provision of these improvements at a time to be determined with the approval of any preliminary plan submitted for the Subject Property.

Due to the nature of this Application, the total background vehicle traffic, which includes existing traffic and approved but unbuilt development, and the background improvements at the intersections analyzed in the traffic impact analysis, will not be changed for the duration of the 85 month PAPF validity period for the Subject Property. The total background vehicle traffic is "frozen" for the purposes of determining the mitigation measures needed due to the maximum number of vehicle trips included in this Application in order to satisfy the roadway capacity needed for APF. The "frozen" total background traffic is not to be used to determine the need for traffic signals that have been identified in the conditions associated with this Application or other safety improvements that could arise as the result of subsequent applications.

Transportation Policy Area Review (TPAR)

The proposed development will require a TPAR payment to MCDPS at building permit of 25% of the transportation impact tax because the site is located within the Germantown West Policy Area with an inadequate transit capacity. MCDPS may determine the extent to which the Applicant is eligible for TPAR credit for its role in extending Century Boulevard.

Conclusion

As conditioned, the transportation PAF for the theoretical development, with a maximum of 1,558 AM net peak hour trips or 1,762 PM net peak hour trips, will satisfy the LATR and TPAR requirements of the Adequate Public Facilities (APF) review. This is also contingent upon AM inbound trips, at total buildout of the Subject Property, being limited to no more than 70% and no less than 60% of the total AM peak hour trips. For PM inbound trips, the Subject Property, at total buildout, is limited to no more than 45% and no less than 30% of the total PM peak hour trips.

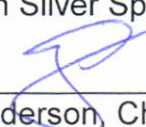
This PAF determination is for transportation impacts only. All other public facilities and services including schools, water and sewer service, electric, telecommunication, police, fire, and health services available to serve the Subject Property will be reviewed with a future application.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 18 2015 (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 Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, December 10, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board