

**JUSTIFICATION STATEMENT
FOR PRELIMINARY PLAN NO. 120200140**

Preliminary Plan Justification for Wilgus

I. INTRODUCTION

Owner and Applicant, Wilgus-Montrose Associates LLC (“Applicant”), by its attorneys, Linowes and Blocher LLP, submits this Preliminary Plan Justification Statement to demonstrate conformance of the proposed development with all applicable review requirements and criteria. The subject property consists of a gross tract area of 725,023 square feet (or approximately 16.64 acres) and is more particularly known as Part of Parcel N (N273, N279, and N231), Parcel Q (N208), and Parcel R (N174), Washington Science Center Subdivision as shown on Tax Map GQ 562 (the “Property”). The Property is generally bounded by Montrose Road to the north, Towne Road to the east, Montrose Parkway to the south, and East Jefferson Street to the west. It is currently zoned CR-2.0, C-1.0, R-1.5, H-200, CR-2.0, C-0.25, R-1.75, H-75, and CRN-0.75, C-0.0, R-0.75, H-50’ and is subject to the recommendations of the White Flint 2 Sector Plan approved by the Montgomery County Council (sitting as the District Council) in December 2017 and adopted by the Maryland-National Capital Park and Planning Commission in January 2018 (the “Sector Plan”).

Pursuant to the applicable provisions of Chapter 50 of the Montgomery County Code (the “Subdivision Regulations”), Applicant submits this preliminary plan application (the “Application” or “Preliminary Plan”) for redevelopment of the Property with up to 107 townhouse units on 107 lots, 638 multi-family units on four lots (including two lots for two-over-two units and two lots for multi-family buildings), and 15,000 square feet of retail on one lot shared with multi-family units, with additional lots and parcels for private streets, parks, and other open spaces (the “Project”). By providing new mixed-use development that provides

linkages to surrounding neighborhoods, offering inviting new public open spaces for gathering, and establishing compatibility with existing adjacent residential structures, the Project will facilitate a number of important recommendations of the Sector Plan. Applicant respectfully requests that the Planning Board grant approval of the requested Preliminary Plan.

II. THE PROPERTY AND SURROUNDING AREA

The Property is unimproved, with the exception of Parcel Q (N208), which contains an approximately 3,120 square foot automobile service station constructed in 1985. The record plats submitted with the Application depict that the Property's tract area comprises three recorded parcels (Parcel Q (N208), Parcel R (N174), and Part of Parcel N (N231, N279, and N273)) in the Washington Science Center Subdivision, as well as an area dedicated to public use for Montrose Parkway as depicted on Plat Nos. 13977, 20343, and 23187, which were recorded among the Land Records of Montgomery County on August 12, 1982, February 25, 1997, and July 1, 2005, respectively. As show on the tract area included in the Application, the Property contains a gross tract area of 725,023 square feet, with a net lot area of 561,128 square feet and 163,895 square feet of prior dedications for Montrose Parkway, Montrose Road, Stonehenge Place, and East Jefferson Street. The Cherington townhouse community abuts the Property's Part of Parcel N (N273 and N279) and Parcel Q to the north and west.

The Property is proximate to a diverse range of residential, office, retail, commercial, and institutional uses. Immediately south of the Property is the Executive Boulevard corridor, which includes commercial buildings containing approximately 2.3 million square feet of office uses. The Pike & Rose mixed-use neighborhood with restaurants, retail, entertainment, hotels, and multi-family homes is located across Towne Road to the southeast. North of the Property across Montrose Road is the Jewish Community Center and Hebrew Home campuses, multi-family

apartments, and office condominiums. The Property confronts the United States Postal Service annex and low-rise professional offices to the east along East Jefferson Street. Nearby are numerous retail shopping centers along Rockville Pike, including Montrose Crossing, the Pike Center, and Federal Plaza.

Additionally, the Property is convenient to multiple modes of transportation, including the White Flint Metrorail station, which is located less than a mile away and provides heavy rail service between Shady Grove and Glenmont via downtown Washington, DC, as well as RideOn bus routes 5, 26, 81, 42, and 46, and the Montrose Road/Rockville Pike Park & Ride facility. Montrose Parkway also links the Property from Interstate 270 to the west and Rockville Pike and Randolph Road to the east. The Property is also well situated to numerous community facilities including Luxmanor Local Park, Luxmanor Elementary School, Josiah Henson Special Park, Wall Local Park, the Kennedy Shriver Aquatic Center, Timberlawn Local Park and temporary Tilden Middle School/the once and future Woodward High School.

III. SKETCH PLAN

On August 1, 2019, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (the “Planning Board”) approved Sketch Plan No. 320190070 (the “Sketch Plan”) through the adoption of Resolution No. 19-106 (the “Resolution”). The approved Sketch Plan allows the development of the Property up to 1,274,498 square feet of total cumulative development, with up to 1,025,789 square feet of multi-family and townhouse residential uses and up to 248,709 square feet of commercial uses. The Resolution noted that the Sketch Plan’s maximum density and height, the approximate location of lots and public dedications, the general location and extent of public open space, the general location of vehicular access points, and the public benefit schedule supporting incentive

density under the optional method of development in the CR family of zones were binding elements, with all other elements considered illustrative. Resolution, pg. 2.

In reaching its decision, the Planning Board found that the Sketch Plan met the objectives, general requirements, and standards of Chapter 59 of the Montgomery County Code (the “Zoning Ordinance”). Resolution, pgs. 6-15. Specifically, the Planning Board found that the Sketch Plan implemented the recommendations of the Sector Plan by proposing the highest densities and building heights at the Property’s eastern edge closest to Pike & Rose and the White Flint Metrorail station and stepping down in intensity with only townhouses west of Stonehenge Place, incorporating more than the recommended 1.25 acres of open space (all as public open space), and providing a new grid network of new streets (including the extension of Stonehenge Place to Montrose Road) to improve circulation and walkability. Resolution, pgs. 7-9.

The Sketch Plan also included 15% of the future residential uses as Moderately Priced Dwelling Units (“MPDUs”), proposed a proportional financial contribution for a future school site, and offered new public parks and open spaces as recommended public benefits. Resolution, pgs. 8, 12. The Planning Board also noted that the Sketch Plan promoted environmental sustainability recommended through public open spaces, cool roofs for mid-rise and high-rise buildings, energy conservation and generation for the high-rise buildings, and Building Lot Terminations (“BLTs”). Resolution, pg. 11. Consistent with the Sector Plan’s transportation recommendations, the Planning Board found that the Sketch Plan extended Stonehenge Place from its current terminus to Montrose Road and proposed the dedication of right-of-way, as needed, to achieve the recommended widths for Montrose Parkway, Montrose Road, Towne

Road, and East Jefferson Street and the accompanying bikeway facilities proposed in the Bike Master Plan and Design Guidelines. Resolution, pgs. 12-13.

Furthermore, the Planning Board found as infill development with pedestrian-friendly design with accompanying open spaces proximate to existing transportation infrastructure, the Sketch Plan encouraged development that integrates target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses. Resolution, pgs. 14-15

The Planning Board also found the Sketch Plan supported development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street, and integrated an appropriate balance of employment and housing. Resolution, pgs. 14-15. By placing the tallest mixed-use buildings on the Property's eastern boundary approaching Rockville Pike, lowering building heights on the western portion of the Property, and placing only townhouse buildings south of the existing Cherington residential structures, the Planning Board found that the Sketch Plan achieved a compatible relationship with surrounding development. Resolution, pgs. 14-15.

The Planning Board additionally found that the Sketch Plan accomplished compatible internal and external relationships between existing and pending nearby development, as well as provided satisfactory general vehicular, pedestrian, and cyclist access, circulation, parking and loading. Resolution, pgs. 14-15. This was achieved through setting new townhouses back from the shared property boundary to at least the same extent as the abutting Cherington residential structures, including a buffer area with substantial landscaping and trees to serve as a screen between new and existing townhouses, and improving area circulation with a new street system with short blocks, multiple points of access, sidewalks, and a through-block connection. Resolution, pgs. 16-17. Lastly, as discussed below, the Sketch Plan also proposed an outline of

public benefits that supports the requested incentive density and is appropriate for the specific community. Resolution, pg. 17.

The Planning Board’s approval of the Sketch Plan was subject to certain binding elements. Per the Resolution, maximum density and height, approximate location of lots and public dedications, general location and extent of public open space, general location of vehicular access points, and public schedule are binding development elements under the Zoning Ordinance. Resolution, pg. 2. All other elements included in the Sketch Plan are illustrative only. Resolution, pg. 2.

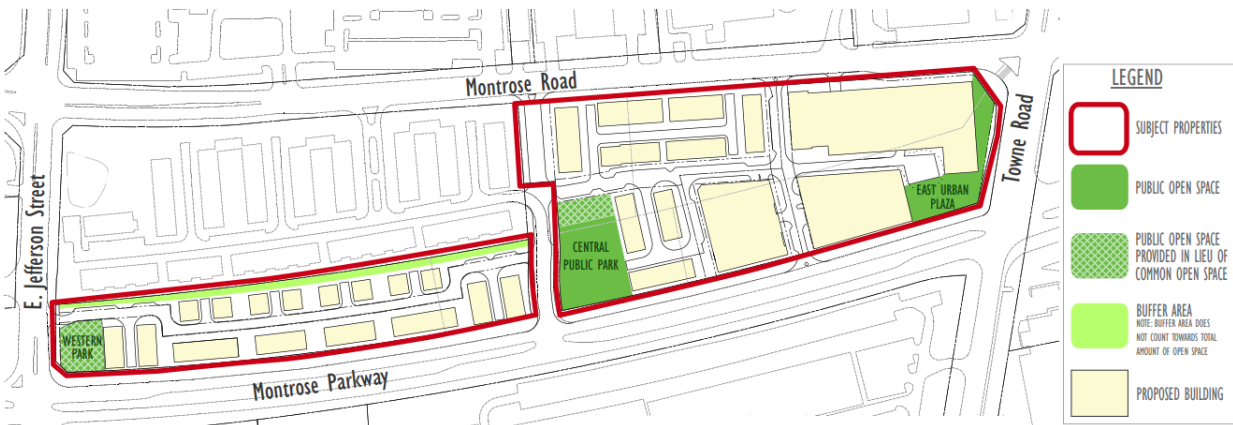
The Sketch Plan additional incorporated certain conditions of approval. The Sketch Plan provided maximum densities and building heights arising from the Property’s mapped zone. Resolution, pg. 2. The Sketch Plan also identified a schedule of public benefits, as well as their anticipated phasing:

Public Benefit	Incentive Density Points					
	Max Points Allowed	Points Approved	Phase 1	Phase 2	Phase 3	Phase 4
Major Public Facility Category						
Public Park	70	12	X			
Bikeshare	n/a	5	To be determined at site plan			
School Contribution	70	25	To be determined at site plan			
Transit Proximity Category						
	Based on proximity	26.70	X	X		X
Connectivity/Mobility Category						
Advanced Dedication for Stonehenge Pl. Ext.	30	2.33	X	X		
Through-Block Connection	20	10	X			
Diversity of Uses and Activities Category						
Affordable Housing (MPDUs)	n/a	30	X			X
Quality of Building and Site Design Category						
Structured Parking	20	10.94				X
Protection and Enhancement of the Natural Environment Category						

BLTs ¹	30	18.79			
Cool Roof	10	5	X		X
Energy Conservation & Generation (High Rise Building)	30	5	To be determined at site plan		
Vegetated Roof (High Rise Building)	15	7.5	To be determined at site plan		
Total Points Required:	100 points in four categories				
Total Points Approved:	158.26 points in six categories				

Resolution, pgs. 2-3, 17-21. As noted in the Resolution, the amount of final points and phasing will be approved at the time of site plan review. Resolution, pgs. 3, 18.

With respect to open spaces, the redevelopment of the Property must include the two parks (Central Public Park, Western Park), the urban plaza (East Urban Plaza), and a minimum 20-foot-wide vegetated buffer to serve as a screen between the Cherington townhouse community to the north and the proposed townhouse development to the immediate south. Resolution, pg. 3. These areas are illustrated on the following drawing included in the approved Sketch Plan (Sheet SK 7):



Per the Resolution, the exact size, exact location, and exact design of the Central Public Park, Western Park, and East Urban Plaza will be determined at the time of preliminary plan and site plan review. Resolution, pg. 3. The Resolution also identified a number of topics to be

¹ Applicant intends to phase BLT payments in proportion to the square footage of a respective building permit.

addressed in future preliminary plan or site plan applications (as applicable). Resolution, pgs. 4-5. The topics relevant to the Application will be discussed in greater detail below.²

IV. NARRATIVE DESCRIPTION OF PRELIMINARY PLAN

A. Density, Building Height, and Open Space

The purpose of the Application is to advance the implementation of the Project proposed in the Sketch Plan on the Property. Consistent with the Sketch Plan, the Application proposes redeveloping the Property with up to 107 townhouse units on 107 lots, 638 multi-family units on four lots (including two lots for two-over-two units and two lots for multi-family buildings), and 15,000 square feet of retail on one lot shared with multi-family units, with additional lots and parcels for private streets, parks, and other open spaces. Fifteen percent of the total number of residential units or residential square footage will be provided as MPDUs. Up to 15,000 square feet of retail is proposed for the ground floor of the mixed-use structures fronting the East Urban Park near the intersection of Montrose Parkway and Towne Road. Thus, the Application proposes up to 1,040,789 square feet of total development, which conforms to the Sketch Plan's cumulative maximum of 1,274,498 square feet. *See* Resolution, Condition 1.

² The Planning Board's Sketch Plan approval also required development to include the bicycle master-planned breezeway along the Property's Montrose Parkway frontage as recommended in the approved and adopted 2018 Bicycle Master Plan (the "Bike Master Plan") with the widths identified in the 2019 Parking Lots to Places – Urban Design Guidelines for Rock Spring & White Flint 2 Sector Plans (the "Design Guidelines"). Resolution, pgs. 3-4. The final widths of the bicycle facility were to be determined at preliminary plan and site plan review. Resolution, pg. 4.

The Application does not propose any modifications to the existing 10 foot wide shared-use path, which also includes an existing tree panel that varies in width from 14 feet to 16 feet with an additional 6 foot wide buffer. Applicant observes that the current combined width of the shared-use path and tree panel within the right-of-way (30 feet) exceeds the same dimension illustrated in the Design Guidelines (27 feet).

Maximum building heights will adhere to the mapped zones per the Sketch Plan. Specifically, the maximum building height for the CR-2.0 C-1.0 R-1.50 H-200 zoned portion of the Property (identified as Zone 1 on the development data table included in the Application) is up to 200 feet for the mixed-use buildings with ground-floor retail and liner residential units, as well as a shorter multi-family building. These structures are labeled Tower A, Tower B, Tower C, and “Low-Rise Building” on the preliminary plan drawing included in the Application. The maximum building height for the CR-2.0 C-0.25 R-1.75 H-75 zoned portion of the Property (identified as Zone 2 on the development data table included in the Application) is up to 75 feet for townhouses (with unit widths of 16 and 22 feet) and two-over-two stacked townhouses in multi-family buildings (with unit widths of 24 feet). The maximum building height for the CRN-0.75 C-0.0 R-0.75 H-50 (identified as Zone 3 on the development data table included in the Application) is up to 50 feet for townhouses (with unit widths of 16 and 22 feet). *See* Resolution, Condition 2. Setbacks, building form, and number of parking spaces will be determined at the time of site plan review.

As with the approved Sketch Plan, the Application proposes providing all open space as public open space in three areas thoughtfully distributed through the Property: the approximately 0.21 acre Western Park, the approximately 0.75 acre Central Park, and the approximately 0.44 acre East Urban Plaza. *See* Resolution, Condition 4. The combined area of these proposed public open spaces is approximately 1.40 acres, which exceeds the 10% open space requirement of 1.25 acres. As discussed in greater detail below, the Application also includes a minimum 20-foot-wide vegetated buffer between the Cherington residential structures to the north and the Project’s proposed townhouses to the south with landscape screening. *See* Resolution, Condition

5. This buffer area contains approximately 0.45 acres and neither provided as public open space nor included in the public open space calculations.

B. Access and Circulation

The Application enhances mobility by improving both internal and external circulation. Specifically, the Project establishes the street grid illustrated in the Sketch Plan with a pattern of short blocks and internal streets consistent with Sector Plan recommendations. An extension of Stonehenge Place as a public street, along with a new public street (Public Street C), will create two north-south roadways through the Property linking Montrose Parkway and Montrose Road. A new proposed private street (Private Street B) will connect Stonehenge Place with East Jefferson Street, with another proposed private street (Private Street A) offering additional east-west access between Stonehenge Place and Public Street C. Another proposed private street (Private Street D) will connect the townhouses immediately east of the Central Public Park to Private Street A. Consistent with MCDOT comments, the Stonehenge Place access point at Montrose Road will be right-in/right-out while Private Street B's access point at East Jefferson Street will be right-out only. This road network will offer safe and efficient access from the Property to all abutting streets. The Application integrates a new shared-use path along the Property's Towne Road frontage and offers new townhouses direct access with lead walks to the existing shared-use path along Montrose Parkway. As discussed in greater detail below, Applicant requests design modifications to MCDOT road code standards, as well as seeks to provide some of the Project's roadways as private streets. These proposals aim to increase areas for stormwater management, improve pedestrian circulation, and calm traffic, all of which are suitable for compact infill development. Supporting justifications with accompanying materials are included with the Application.

Internally, the Project is intended to promote walkability. All townhouse and 2-over-2 buildings front sidewalks to encourage pedestrian activity. The mixed-use structures include highly visible lobbies, ground floor retail, and liner units to heighten the pedestrian experience. Sidewalks are also incorporated in each new street to strengthen links between the Project and surrounding communities. A new through-block connection between Public Street C and the East Urban Plaza is envisioned as a shared street to connect the Project with Pike and Rose, the Rockville Pike corridor, and the White Flint Metrorail station.

Vehicular access points have been designed to promote safety, reduce conflicts, and promote mobility. A system of alleys will offer efficient pathways between the Project's roadways and rear-loaded garages in townhouses and 2-over-2 buildings. The apartment and mixed-use buildings are served by a combination of structured parking and below-grade parking. Applicant has coordinated with MCDOT on the location of driveways serving these parking facilities and undertaken additional analyses to ensure adequate circulation on the new internal streets and well as the existing surrounding roadways.

The Project incorporates street design features that support Vision Zero. The horizontal and vertical layout of the streets have been designed in accordance with applicable plans and the County's Road Code. These policies are in keeping with the Vision Zero goals. The internal roadway widths have been modified from design standards to reduce impervious area as well as reduce traffic speeds, which is an important Vision Zero goal. The sidewalks along Stonehenge Place and Public Road C have been moved farther away from the travel lanes, thereby increasing the buffer width to accommodate stormwater management facilities. This added separation provides an additional level of safety for pedestrians. All pedestrian facilities will be ADA compliant.

In support of Vision Zero objectives, sight distance analyses have been also performed at the intersections of the internal and adjacent abutting roads to ensure adequate horizontal and vertical sight distance. Furthermore, none of the existing abutting public roadway roads are listed in the County’s published Vision Zero Two-Year Action Plan high injury network, dated 2017.

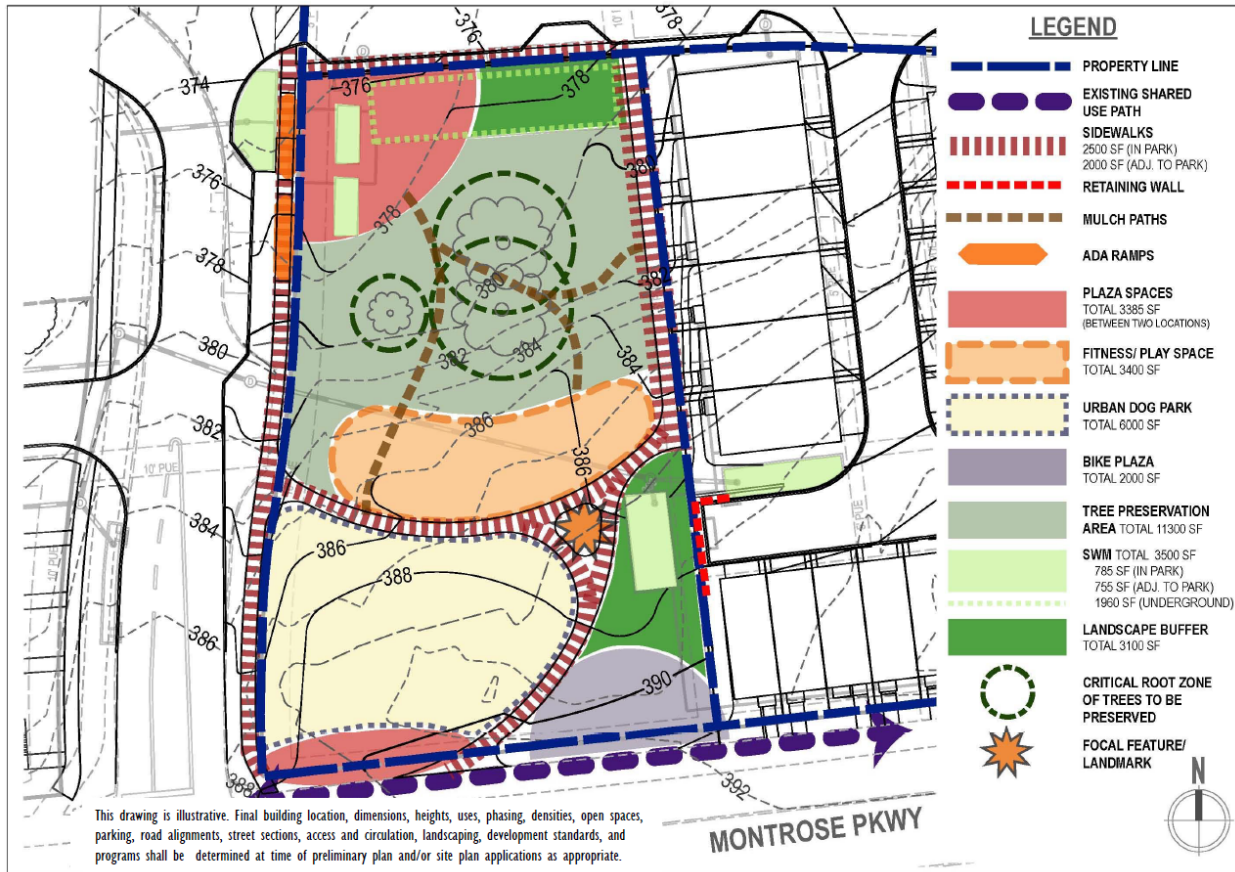
C. Description of Open Spaces

The Project also incorporates three diverse public open spaces comprising two parks (the Central Public Park and Western Park) and an urban plaza (the East Urban Plaza) in conformance with the Sketch Plan. *See* Resolution, Condition 4. As shown on the data table included on the preliminary plan drawing, these three areas comprise approximately 1.40 acres (or 11% of the Property’s area), which exceeds the 1.25 acre (or 10% of the area) Zoning Ordinance requirement.

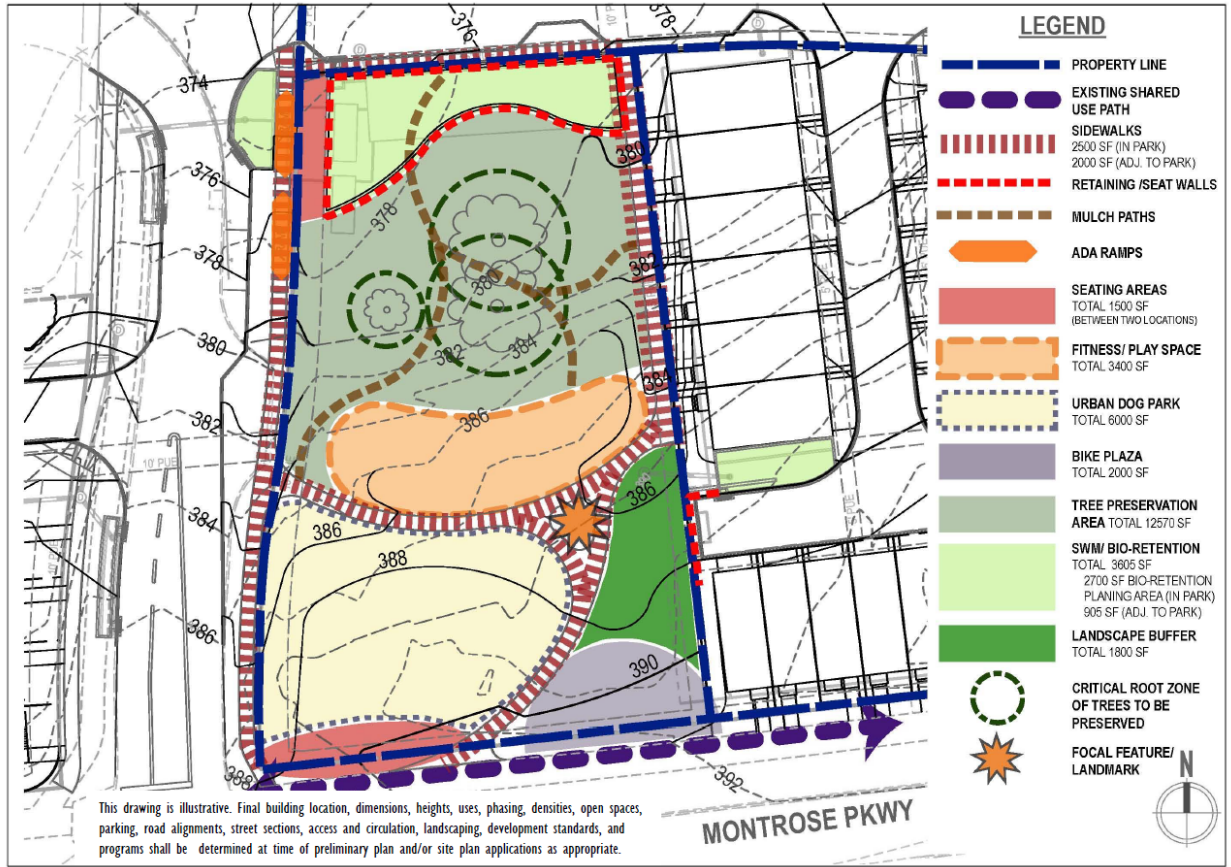
The heart of the Project’s public open space is the approximately 0.75 acre Central Public Park, which is located in the middle of the Property fronting Montrose Parkway and Stonehenge Place as illustrated in the following drawing:



This area is intended to serve as a welcoming space serving the Project as well as surrounding communities. Applicant has consulted both Parks Department staff and Montgomery County Department of Permitting Services (“DPS”) staff on programming, layout, and stormwater management. Based on desired amenities identified by Planning Department staff and Parks Department staff, Applicant prepared the following concept design:



Applicant also shared this concept design with DPS staff, which encouraged replacing the above-grade and underground stormwater management facilities with bio-retention planting areas. In response to this feedback, Applicant prepared another concept plan for the Central Public Park that included a bio-retention planting area at the northern edge of the open space (and also been shared with Planning Department staff and Parks Department staff):



The East Urban Plaza, which currently contains approximately 0.44 acres of public open space, is located at the corner of Montrose Parkway and Towne Road along the Property's eastern boundary:



As the eastern gateway to the Project, this open space area is expected to contain seating, planting areas, visually appealing hardscaping, and ground-level activating uses to draw pedestrians through the Property and facilitate circulation. The East Urban Plaza will enhance the appearance of Towne Road and Montrose Parkway as a prominent intersection, further the establishment of Towne Road as a main street with development on both sides of the roadway, create new important pedestrian connections between the Property, Pike and Rose, and the Rockville Pike corridor, and support the envisioned transformation of the White Flint planning area.

The Project also includes the approximately 0.21 acre Western Park at the corner of East Jefferson Street and Montrose Parkway:

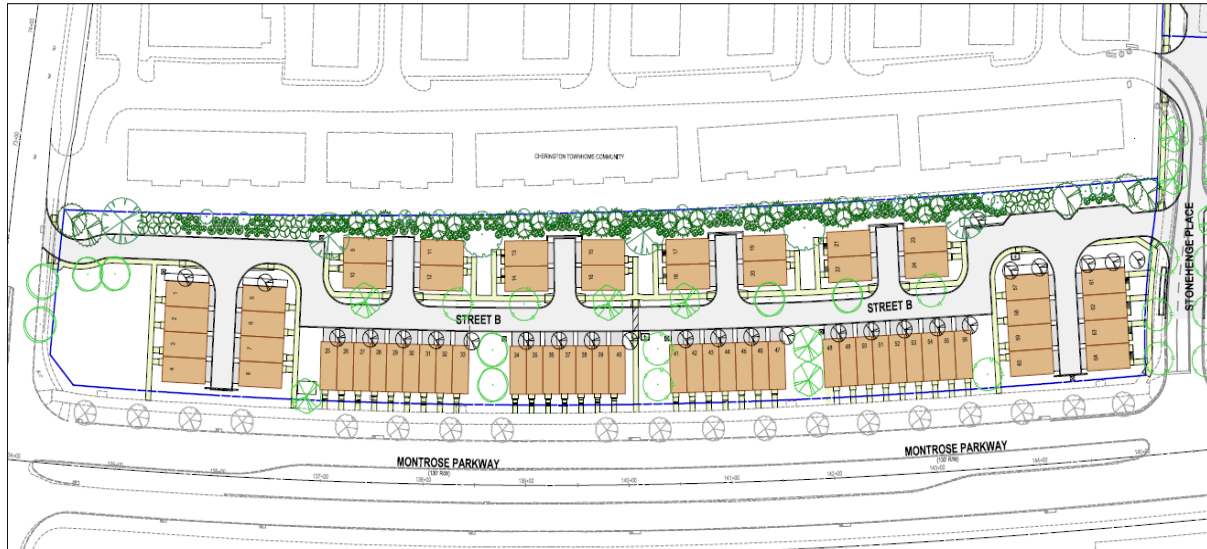


This public open space is anticipated to include lawn area, attractive landscaping, seating, and clear pathways. The Western Park is designed to serve as a gathering area for the Project's residents, as well as pedestrians and cyclists using the shared-use path along Montrose Parkway, and members of the surrounding residential neighborhoods. Abutting sidewalks, townhouse lead-walks, and the shared-use path will enliven this highly-visible corner.

Additional details regarding, among other things, size, location, design, programming, and amenities will be coordinated with Parks Department, Planning Department, and DPS staff during development review and finalized as part of preliminary plan and site plan approval as appropriate.

The Project also provides a minimum 20-foot-wide vegetated buffer between the Cherington townhouse community to the north and the proposed townhouse development to the immediate south. *See* Resolution, Condition 5. Unlike the Central Public Park, East Urban Plaza, and the Western Park described above, this approximately 0.45 acre open space is not accessible to the public, but serves to implement the recommendations of the Sector Plan for screening and compatibility. The Application includes a landscaping concept for the buffer area

at least 20 feet in width that emphasizes screening with over 250 new plantings such as deciduous trees, evergreen trees, ornamental trees, and shrubs:



LEGEND

- EXISTING TREE TO REMAIN
- PROPOSED NEW DECIDUOUS TREE
- PROPOSED NEW EVERGREEN TREE
- PROPOSED NEW ORNAMENTAL TREE
- PROPOSED NEW EVERGREEN SHRUB

Proposed New Planting Buffer Schedule				
Qty	Botanical Name	Common Name	Size	Remarks
24	<i>Pinus taeda</i>	Loblolly Pine	3-4 1/2" cal.	Planted height approx. 1C. Approx. 45' height at 10 years.
2	<i>Quercus bicolor</i>	Swamp White Oak	3-4 1/2" cal.	Planted height approx. 1C. Approx. 40' height at 10 years.
4	<i>Quercus phellos</i>	Willow Oak	3-4 1/2" cal.	Planted height approx. 1C. Approx. 60' height at 10 years.
5	<i>Magnolia grandiflora</i> <i>Brackets Brown Beauty</i>	Southern Magnolia	5 gallon	Planted height approx. 6'. Approx. 20' height at 10 years.
27	<i>Cupressus x leylandii</i>	Leyland Cypress	3-4 1/2" cal.	Planted height approx. 7'. Approx. 45' height at 10 years.
23	<i>Ilex opaca</i>	American Holly	3-4 1/2" cal.	Planted height approx. 7'. Approx. 25' height at 10 years.
58	<i>Ilex glabra</i>	Inkberry Holly	5 gallon	Planted height approx. 3'. Approx. 6' height at 10 years.
95	<i>Viburnum</i> <i>leucodaphnillum</i>	Leatherleaf Viburnum	5 gallon	Planted height approx. 3'. Approx. 8' height at 10 years.
8	<i>Cercis canadensis</i>	Eastern Redbud	5 gallon	Planted height approx. 8'. Approx. 15' height at 10 years.
7	<i>Chionanthus virginicus</i>	White Fringetree	5 gallon	Planted height approx. 8'. Approx. 15' height at 10 years.
7	<i>Lindera benzoin</i>	Northern Spicebush	5 gallon	Planted height approx. 8'. Approx. 10' height at 10 years.

NOTE: TOTAL BUFFER AREA
EQUALS APPROXIMATELY
0.45 ACRES (APPROX. 20' X
1000').



The planting schedule was carefully selected to maximize year-round screening at both the ground level and at elevation. Evergreen shrubs will be approximately three feet when planted and are expected to reach approximately six to eight feet in approximately 10 years. The tallest deciduous tree species (Willow Oak) will be around 10 feet when planted and is estimated to grow to about 60 feet in 10 years' time, while the tallest evergreen tree species (Leyland Cypress and Loblolly Pine) will be around 7 feet and 10 feet, respectively, when planted and is anticipated to grow to about 45 feet in 10 years. The Project's intent to achieve a high degree of

screening between the existing Cherington residential structures and the new townhouses to the south through landscaping advances Sector Plan recommendations. *See* Sector Plan, pgs. 38, 62.

Applicant will consult with Planning staff and community representatives as appropriate regarding planting types and locations during development review. Details will be reviewed as part of the preliminary forest conservation plan submitted with the Application and will be finalized with the final forest conservation plan included in the future site plan application(s).

D. Stormwater Management

The Application also includes significant environmental site design (“ESD”) facilities implemented to the maximum extent practicable pursuant to State and County law. ESD utilizes small scale stormwater management practices, nonstructural techniques, and better site planning to optimize conservation of natural features, mimic natural hydrologic runoff characteristics, and minimize the impact of development on water resources. The Project intends to incorporate state-of-the-art ESD techniques such as micro-bioretenion areas, swales, planter boxes, and green roofs. These ESDs will incorporate natural systems, vegetation, and soils to create a more natural drainage system, promote runoff reduction and water quality treatment, and allow for recharge at the source. Where possible, plantings will also be used in ESDs. Selected plants will be low maintenance to tolerate wet and dry conditions, as well as properly spaced to provide room to grow while ensuring a full appearance. All ESD facilities will filter and retain stormwater on-site and are acceptable management practices at both the State and County levels.

Applicant has submitted a preliminary stormwater management concept for DPS review and approval.

E. Phasing and Validity Periods

Pursuant to Section 4.1.C.9 of the Subdivision Regulations, the preliminary plan approval establishes the plan validity for the entire project. The Subdivision Regulations allow an applicant to proposed a phased project that will cumulatively exceed the 36 month preliminary plan validity period for a single-phased project. *See* §§ 4.1.C.9.b & 4.2.G.2.b of the Subdivision Regulations. Where an applicant proposes such a multi-phased project, it must submit plat recording and construction phasing schedules that indicate the portions of the preliminary plan for which record plats and building permits will be obtained during each proposed phase, up to the expiration of the validity period for the determination of adequate public facilities (“APF”). *See* §§ 4.1.C.9.b & 4.2.G.2.b.iv of the Subdivision Regulations. As noted below, Applicant requests a validity period for the determination of APF of 10 years pursuant to Section 4.2.J.5.a.iv of the Subdivision Regulations.³ The maximum time allocated to each preliminary plan validity phase is 36 months. *See* § 4.2.G.2.b.iii of the Subdivision Regulations.

In accordance with these provisions, Applicant requests the following preliminary plan validity periods for each phase of the Project in which plats must be recorded and building permits obtained:

Phase 1: Plats recorded for 24 lots (23 townhouse lots and 1 multi-family lot) and building permits issued for 127 residential units within 36 months (3 years) from the 30th day after the resolution is mailed;

Phase 2: Plats recorded for 22 lots (20 townhouse lots and two 2-over-2 lots) and building permits issued for 54 residential units within 36 months (3 years) from the expiration of the Phase 1 preliminary plan validity period;

³ For transportation facilities, the validity period would only apply to the CRN zoned portion of the Property for which 64 townhouses are presently proposed. The balance of the development is located within the White Flint Special Taxing District and therefore exempt from Local Area Transportation Review (LATR) standards.

Phase 3: Plats recorded for 64 lots (64 townhouse lots) and building permits for 64 residential units within 36 months (3 years) from the expiration of the Phase 2 preliminary plan validity period;

Phase 4: Plats recorded for 1 lot (1 lot for three multi-family buildings) and building permits issued for 500 residential units and 15,000 square feet of retail shared with multi-family units within 12 months (1 year) from the expiration of the Phase 3 preliminary plan validity period.

Under Section 4.3.J.5.a.iv of the Subdivision Regulations, a determination of APF is valid for no less than five years and no more than 10 years after the preliminary plan is approved. If an applicant requests a longer determination of APF validity period than the five year minimum, a development schedule or phasing plan for completion of the project must be submitted. § 4.3.J.5.b of the Subdivision Regulations. The proposed development schedule or phasing plan must show the minimum percentage of the project that an applicant expects to complete in the first five years after the preliminary plan is approved. § 4.3.J.5.b.i. of the Subdivision Regulations. In order to allow a validity period longer than the five year minimum, the Board must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. § 4.3.J.5.b.ii of the Subdivision Regulations.

Pursuant to these sections of the Subdivision Regulations, Applicant requests a 10 year validity period for the determination of APF. Applicant proposes a development schedule of two 60 month (or 5 year) phases:

Phase 1: 60 months (5 years);

Phase 2: 60 months (5 years).

Applicant expects to obtain building permits for a minimum of 23 dwelling units in the first 60 month (or 5 year) phase, with the balance of building permits obtained in the second 60 month (or 5 year) phase.

Board approval of the 10 year validity period for the determination of APF is appropriate given the size and complexity of the subdivision. As described above, the Property contains over 16.5 acres and abuts existing public roads on all sides. The Project is proposed to include a wide range of building types at varying heights (townhouses with two different widths, 2-over-2 structures, an apartment building, and multiple high-rise mixed-use structures with ground floor retail) that will be built out over a long period of time based on market demand and financing availability. The Project will also incorporate a number of important public benefits, such as public parks, a significant number of MPDUs, and a monetary contribution to school sites. Furthermore, a number of other identified public benefits, such as structured parking, green roofs, cool roofs, energy conservation and generation, and a through-block connection on top of an underground parking garage involve sophisticated engineering and construction techniques that demand significant investment.

IV. COMPLIANCE WITH SECTION 50.4.2.D OF THE SUBDIVISION REGULATIONS

Section 50.4.2.D of the Subdivision Regulations provides the findings that the Planning Board must make before approving a preliminary plan application. The following is an analysis of how the Application satisfies these findings:

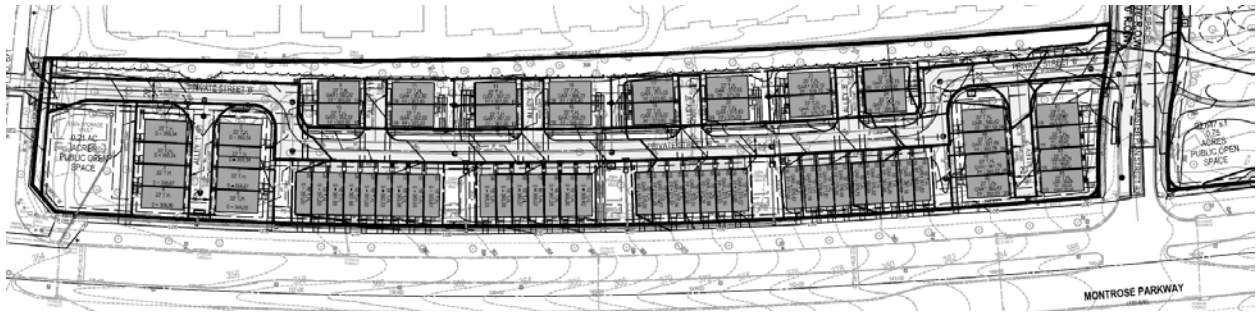
1. *the layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;*

The Project's subdivision layout, including size, width, shape, orientation and density of lots, as well as the location and design of roads, is appropriate in light of the Property's location, the type of development or use contemplated in the Master Plan, and the applicable requirements of Montgomery County's Zoning Ordinance. The Project appropriately incorporates lots

containing townhouses, 2-over-2 buildings, apartment buildings, and mixed-use structures with multi-unit uses over ground floor retail to take full advantage of the property's infill redevelopment potential. Townhouses are offered in two different widths (16 feet and 22 feet) and thoughtfully integrated with 2-over-2 units and multi-family apartments to present a range of residential products that responds to market demand. In order to promote a pedestrian and bicycle friendly design, the Project's structures front either streets with sidewalks or open space. Townhouses and 2-over-2 units include rear-loaded garages served by alleys while the apartment building and mixed-use structures are served by structured and underground parking facilities.

The overall subdivision also uses a design of short blocks and internal streets to encourage diverse mobility options. The Project's compact development pattern is consistent with the objective of achieving infill mixed use development, including needed market-rate and MPDU housing units, near transit, neighborhood services, and employment. Additionally, the Project includes three public open spaces (the East Urban Plaza, Central Public Park, and Western Park) containing approximately 1.40 acres. These public open spaces are dispersed throughout the Property to provide opportunities for recreation, promote community interaction and strengthen links between the Project and surrounding development.

As shown in the following excerpt of the preliminary plan drawing included in the Application, the Project's layout also pays particular attention to the relationship between the existing Cherington residential structures to the north and new townhouses to the south:



Specifically, the Project includes a landscaped buffer at least 20 feet in width to provide effective yet visually-appealing screening. The 16 townhouses closest to the Cherington community are also rotated so that the side facade of only eight units (rather than the front or rear entrances) confront the existing structures to the north. Furthermore, a significant length of Private Street B is shifted south towards Montrose Parkway to create a greater degree of separation between the roadway and the Cherington townhouses. West of Stonehenge Place Extended, the Project includes townhouse units and 2-over-2 structures with building heights significantly less than the zoned maximum of 75 feet. Thus, the Project’s layout and building heights achieve a compatible and harmonious relationship with the Cherington community.

The Project’s roadway design also achieves improved pedestrian, cyclist, and vehicular circulation. As noted above, the Project includes two new north-south streets connecting Montrose Parkway and Montrose Road (Stonehenge Place Extended and Public Street C), two new east-west streets connecting East Jefferson Place to Stonehenge Place and Stonehenge Place with Public Street C (Private Street B and Private Street A, respectively), and a new through-block shared street connecting the intersection of Private Street A and Public Street C with the East Urban Plaza. A third new north-south street (Private Street D) will offer access between Private Street A and an alley for those townhouses located between the Central Public Park and the apartment building. The Application proposes design modifications to public streets to, among other things, expand tree panels, provide wider sidewalks, and eliminate truncations.

These requested alterations will increase opportunities for stormwater management, enhance pedestrian access, and calm traffic. Applicant also seeks to provide private roadways to be maintained by a future homeowners' association. The Application includes statements justifying design modifications to public roads, as well as the use of private roadways.

As shown on the development data table included on the preliminary plan drawing, the Project meets and/or exceeds the applicable development standards of the Zoning Ordinance. The Project's densities and building heights also adhere to the Montgomery County Zoning Map. Additionally, the Project's density and height, as well as general location of lots and public dedications, location and extent of public open space, and location of vehicular access points conform to the approved Sketch Plan.

2. *the preliminary plan substantially conforms to the master plan;*

The Project is also in substantial conformance with the White Flint 2 Sector Plan. The Property is located within Area 1 (Cherington Area) of the Rockville Pike Montrose North District. Sector Plan, pgs. 36-38. The Project's densities, building types, open spaces, street network, and amenities are consistent with the Sector Plan's recognition that "[t]he undeveloped portions of the Wilgus property have the greatest potential for new development" and acknowledgment that "[r]edvelopment in this area would serve as an important link between the Executive Boulevard District and the Pike & Rose development." Sector Plan, pg. 35-36. Additionally, the Project's transition from higher densities and taller buildings along Towne Avenue to proposed townhouses and landscaping on the Property's west approved in the Sketch Plan and carried forward in the Application supports the Sector Plan's "land use and zoning recommendations for the Wilgus property [that] will permit greater intensities and building heights via the CR Zone on the eastern portion, and lower heights and densities via the CRN

Zone on the western portion adjacent to the existing Cherington Townhouses.” Sector Plan, pg. 37.

As shown on the plans, exhibits, and charts submitted with the Application, the Project includes approximately 1.40 acres of public open space, which is effectively dispersed throughout the Property. The Project’s amount of open space overall exceeds the recommended “1.25 acres of open space . . . on the Wilgus property when it is developed,” including “the area south of the existing townhouses” and “as a neighborhood green on the central or eastern portion of the Wilgus property.” *Id.* By providing a minimum 20-foot-wide landscaped buffer with extensive plantings to maximize natural screening both at the ground level and at elevation, setting back townhouse units from the shared property line at least as far as the Cherington residential structures, and rotating townhouses units so only the side façade of new buildings confront existing townhouses in the Cherington neighborhood, the Project offers “appropriate transitions between the two communities, including landscaping.” *Id.*

Applicant’s landscape architects and arborists explored keeping some existing specimen trees, but determined a thickly landscaped buffer with over 250 new diverse plantings was deemed to provide better screening at both the ground level and at elevation, avoid a hazardous condition created by compromising the health of remaining isolated trees, and best balance the advancement of other important Sector Plan recommendations, such as providing new housing proximate to existing transit, jobs, and commercial services. Furthermore, this area was always intended to be developed but held in reservation and development prevented for over forty (40) years because of the possible construction of Montrose Parkway. Thus, replanting the buffer area with over 250 new deciduous trees, new evergreen trees, new ornamental trees, and new

evergreen shrubs will provide a landscape screen between new and existing townhouses and provide compatibility.

Furthermore, the Project is harmonious with the design and connectivity recommendations for the Property listed on pages 37 and 38 of the Sector Plan. Specifically, the Project will:

- Establish a pattern of short blocks and internal streets to promote walkability

Consistent with the Sketch Plan and as implemented in the Application, the Project breaks up the existing Property with blocks of appropriate length that are contained in a grid pattern of internal streets, include comfortable sidewalks, and provide attractive landscaping. The street network offers north-south roadways that offer multiple connections between Montrose Parkway and Montrose Road (including an extension of Stonehenge Place) and provide access to new residential units. The Project also includes new east-west roadways that link East Jefferson Street with Stonehenge Place, and Stonehenge Place with the new through-block connection on the eastern portion of the Property. The inclusion of sidewalks, as well as a shared street linking the multi-use buildings with East Urban Plaza and Towne Road, will encourage walkability by offering multiple convenient routes through the Property to surrounding neighborhoods and amenities.

- Locate maximum building heights at the eastern end of the Property along Towne Road

The Application implements the sketch plan and massing drawings included in the Sketch Plan by placing the tallest buildings at the eastern end of the Property along Towne Road and stepping down building heights towards the Cherington townhouses and East Jefferson Street. Applicant appropriately proposes three multi-use buildings up to 200 feet in height near Towne Road closest to the most intensive development approaching and along Rockville Pike.

- Reduce building heights toward the existing Cherington townhouse development to establish a compatible relationship with the existing residential development

West of the proposed multi-use building, the Project tapers down building heights approaching the Cherington townhouses. Specifically, the Project transitions from the multi-use buildings up to 200 feet in building height along the eastern portion of the Property to townhouses up to 50 feet adjacent to the existing Cherington townhouses. The Project also provides 2-over-2 and townhouses structures east of the Cherington community with building heights significantly less than the 75 foot maximum allowed per zoning.

- Enhance pedestrian areas along Towne Road to improve pedestrian connectivity between northern and southern districts

The Project also improves pedestrian areas along Towne Road to upgrade streetscape and pedestrian connectivity. The East Urban Plaza, will contain landscaped areas, integrate seating, be lined by commercial uses, and offer a link via a through-block connection/shared street. These improvements to the built environment provide a new welcoming gathering area, enliven pedestrian activity, create infill development along both sides of Towne Road, and activate important streets within the vicinity of the Property.

- Extend Stonehenge Place as a public street to connect between Montrose Parkway and Montrose Road

Consistent with the recommendations of the White Flint 2 Sector Plan, the Project includes an extension of Stonehenge Place as a public street to Montrose Road. This improvement will offer one of the Project's two proposed north-south connections between Montrose Parkway and Montrose Road.

- Create open spaces, including an area with a minimum 1.25 acres, for public use that are connected to the overall open space network.

The Project also integrates a thoughtful system of public open spaces in excess of the 1.25 acre area recommended in the Sector Plan. As shown in the Application and as discussed above, Applicant proposes approximately 1.40 acres of public open space in three distinct areas spread throughout the Property: the East Urban Plaza along Towne Road, the Central Public Park fronting Stonehenge Place along Montrose Parkway, and the Western Park at the intersection of Montrose Parkway and East Jefferson Street. These areas are expected to accommodate a wide range of programming, including open lawns for recreation, dog parks, fitness areas, pathways, and seating areas. *See also* Sector Plan, pg. 88. The East Urban Plaza is expected to be lined by ground-level activating uses, incorporate specialty paving, and contain street furniture. The location of and amenities for these public open spaces will be coordinated with Parks Department and DPS staff during preliminary plan review and finalized at the time of site plan(s).

In addition to these public open spaces, the Project also provides approximately 0.45 acres as a vegetated buffer between the Project and the Cherington townhouses. Applicant has selected a planting palette that is intended to offer a year-round green screen both at the ground level and at elevation in this area.

- Provide screening via fencing, a hedge, tree planting or other appropriate means between the existing Cherington townhouses to the north, and any new development to the immediate south

The Project will also include effective screening in a landscaped buffer as well as compatible building setbacks and building orientation to offer an appropriate relationship between the Cherington townhouses and the Project's townhouses to the south. In accordance with the Sketch Plan, the Project provides a minimum 20-foot-wide vegetated buffer between the Cherington townhouse community to the north and proposed townhouse development to the

south. This area is expected to be densely landscaped with new deciduous trees, evergreen trees, ornamental streets, and evergreen shrubs that will create a pleasing natural buffer. Additionally, the Project's townhouses in this area will be set back from the shared property line at least as far as the Cherington townhouses to create a harmonious relationship. The Project's townhouses closest to Cherington will also be rotated so that the side facades of these new units will confront the existing residential structures across the shared property line.

Lastly, the Project conforms to the general recommendations for the overall White Flint 2 planning area. The Project will advance the Sector Plan's vision of achieving "infill and transitional development at key locations" near Pike & Rose and transit, supporting a "broad range of affordable housing options in the Plan area" with 15% MPDUs and "missing middle" building types, and providing "compatib[ility] with existing residential neighborhoods." Sector Plan, pg. 2; *see also* Sector Plan, pg. 24. The Project's new grid of local roads will "permit alternative ways to navigate the Plan area and provide links to adjacent communities" while accommodating "the expansion of the 2010 *White Flint Sector Plan* street network" and "new bikeways that link to the 2010 *White Flint Sector Plan* area and the City of Rockville." Sector Plan, pg. 20; *see also* Sector Plan pg. 26. The Project intends to incorporate compatible urban design for successful integration with existing communities, complete streets with sidewalks and bike facilities, a shared street through-block connection, and new programmed open spaces effectively apportioned in multiple parks to "recognize the unique context and development challenges of individual areas," "promote walkability[,] variety in new building height[, and] a livable environment for existing and future residents[.]" Sector Plan, pgs. 20-21; *accord* pgs. 24, 26.

The Project also facilitates the Sector Plan's objective to provide new infill housing, especially affordable units, in an area near significant amounts of retail, employment opportunities, and public transit. Sector Plan, pg. 58. Offering 15% of the Project's dwelling units as MPDUs will also achieve "the highest priority public benefit for new residential development under the optional method of development" in a planning area where only one development has provided MPDUs. Sector Plan, pgs. 21, 7, 58. Additionally, the Project's townhouses, 2-over-2 structures, apartment buildings, and multi-family units in mixed-use buildings will create "a range of unit types, including for families, seniors, and persons with physical challenges." Sector Plan, pg. 59.

Furthermore, the Project supports the Sector Plan's sustainability recommendations to "establish a landscaped area between the southern boundary of the existing Cherington townhouse community and the proposed new development on the Wilgus property" by planting over 250 new deciduous trees, evergreen trees, ornamental trees, and evergreen shrubs proposed plantings in the approximately 0.45 acre buffer area that will provide a pleasant green screen throughout the year at both ground level and at elevation. Sector Plan, pg. 62. The Project intends to "incorporate multiple layers of native vegetation in landscaping," while the expected design for the Central Public Park and Western Park promote "green features (soft landscaping) in required open space areas[.]" Sector Plan, pgs. 62-63. The stormwater management concept plan prepared for the Application also uses "ESD techniques to reduce impervious areas." Sector Plan, pg. 63.

The Property's location and Applicant's proposal for new compact, walkable, and mixed-use development convenient to existing and proposed transit, bike and pedestrian facilities, and personal services will also reduce reliance on the automobile as well as greenhouse gas

emissions. Sector Plan, pgs. 64-66. Short blocks, a through-block connection, pathways through new welcoming public open areas, ample sidewalks, and new and existing bicycle infrastructure will also encourage residents of the Project and existing surrounding communities to use non-auto modes of transportation. Sector Plan, pg. 64. Per the public benefits schedule included in the Sketch Plan, the Project will also provide important amenities to advance sustainable development, including a bikeshare station, cool roofs, vegetated roofs and energy conservation and generation for the Project's high-rise building, and the purchase of BLTs. Sector Plan, pg. 64.

With respect to mobility, the Project's location near Metrorail and future BRT, the introduction of a new road system in short walkable blocks, the extension of Stonehenge Place to Montrose Road (identified as Business Street B-2), the accommodation of recommended bicycle facilities along Towne Road, the location of new uses fronting the existing shared-use path along Montrose Parkway, and the introduction of mixed-use infill development on the Property will "improve the street grid, particularly on the western side on the Plan area," "reduce single occupancy vehicle usage," and "enhance[] street connections within the Plan area to benefit all users[.]" Sector Plan, pgs. 70-71, 73, 76-77. Portions of the Property (Parcels N208, N279, N174, and N231) will be subject to the NADMS goals in the White Flint Sector Plan's staging and are exempt from LATR and TPAR as they are located within the White Flint Special Taxing District. Sector Plan, pgs. 71, 80, 102, 104-05.

The Project's anticipated design, landscaping, and programming of the East Urban Plaza, Central Public Park, and Western Park recognize the importance of thoughtful open spaces, especially to those living in urban areas, include open lawns and other attractive landscaping, address the lack of quality open space in the planning area, and assist in meeting demand for

such amenities. Sector Plan, pgs. 84, 86. These public open spaces will include neighborhood amenities, help create community cohesion, provide opportunities for gathering, create areas for passive and active recreation, and be easily accessed from the existing shared-use path along Montrose Parkway. Sector Plan, pgs. 84, 88. Applicant will continue coordinating with Parks Department and DPS staff regarding programming and design during the preliminary plan and subsequent site plan reviews.

Although the Sector Plan also recommends that “each and every development application should be thoroughly evaluated for a potential school site,” including an area for a school would not be appropriate on the site given its size, location, shape, and other planning priorities. Sector Plan, pgs. 96, 104. The latter includes the Sector Plan’s emphasis on providing significant amounts of new affordable housing in a range of building types, creating compatible development near the Cherington townhouses, including a certain amount and range of open spaces, and the Sector Plan’s recognition of the Property’s unique potential to provide infill development in a centrally located area.

The Project will include 15% MPDUs, which is the Sector Plan’s highest priority public benefit for new residential development (in a planning area that has only one development provide MPDUs), as well as proposes other desired identified benefits including major public facilities for new neighborhood public parks and open spaces, connectivity and mobility for advanced dedication for Stonehenge Place Extended and a through-block connection offering new links between the Property and the Rockville Pike corridor, and protection and enhancement of the natural environment for energy conservation and generation and vegetated roofs (for high rise buildings), and cool roofs. Sector Plan, pg. 104. Furthermore, the Sketch Plan’s public

benefit schedule includes a proportional financial contribution towards a school or park with athletic fields within the Sector Plan area. *See* Resolution, pg. 19.

3. *public facilities will be adequate to support and service the area of the subdivision;*

Public facilities are projected to be adequate to support and service the area of the Project's subdivision in accordance with the 2016-2020 Subdivision Staging Policy ("SSP").

A. Transportation

The SSP generally requires that Local Area Transportation Review ("LATR") must be completed for any subdivision projected to generate at least 50 person peak-hour person trips. For such a subdivision, LATR assess transportation capacity for a variety of modes: motor vehicle adequacy for projects expected to generate 50 or more peak hour person trips, pedestrian system adequacy for projects expected to generate 50 or more peak hour pedestrian trips, bicycle system adequacy for projects expected to generate 50 non-motorized trips, and transit system adequacy for projects expected to generate 50 transit trips.

Portions of the Property (Parcels N208, N279, N174, and N231) are exempt from LATR standards because they are located within the White Flint Special Taxing District. Instead, an ad valorem tax is assessed on these properties to fund identified transportation infrastructure projects. Parcel N273, on which the Application proposes 64 townhouses, is not located within the White Flint Special Taxing District.

There will be adequate transportation capacity to serve this portion of the Property for multiple reasons. First, Applicant has requested an extension of a previous determination of APF made in Preliminary Plan No. 199029A, which approved the development of the Property with approximately 308,000 square feet of office uses. This request, which was filed on November 22, 2017, seeks to extend and apply the previous APF determination to 68 townhouses on the

portion of the Property located outside the White Flint Special Taxing District (on which the Application now proposes 64 townhouses). Pursuant to Planning staff's request, Applicant's traffic engineer also conducted an LATR analysis dated October 19, 2018 to assess adequacy of transportation facilities. After determining that only motor vehicle adequacy was required under LATR and the SSP, the LATR analysis concluded that there was sufficient capacity to serve 68 townhouses. Planning staff subsequently concurred with the methodology used in Applicant's LATR analysis, which is still valid as the Project now proposes 64 townhouses on the portion of the Property outside the White Flint Special Taxing District (rather than 68).

B. Schools

The SSP standard for assessing school adequacy examines projected capacity on both a cluster-wide and individual school basis. There is adequate capacity on a cluster-wide basis if projected utilization in five years' time is up to 120%. Adequate capacity exists at an individual school if projected utilization in five years' time is up to 120% and there is a seat deficit of up to 110 seats at the elementary school and 180 seats at the middle school. If projected enrollment on a cluster-wide basis exceeds 120% projected utilization, the Planning Board cannot approve a residential subdivision within that cluster. If the estimated capacity at an individual elementary or middle school exceeds the 120% projected utilization and the respective seat deficit thresholds, the Board cannot approve a residential subdivision within that specific school's service area.

The Property is served by Luxmanor Elementary School, Tilden Middle School, and Walter Johnson High School. Under the FY 2020 school test adopted by the Planning Board and effective July 1, 2019, there is currently a moratorium at the high school cluster level based upon a projected utilization of 129.3% at Walter Johnson High School in the 2024-25 school year.

The preliminary FY 2021 school test conducted on November 1, 2019 derived from the MCPS Superintendent's recommended FY 2021 capital budget and recommended FY 2021-2026 CIP, however, presently projects that the Walter Johnson High School will be taken out of moratorium effective July 1, 2020. This is based on an approved CIP project that will reassign students between Walter Johnson High School and the reopened Woodward High School in September 2025. Thus, although there is presently a moratorium on residential subdivisions within the Walter Johnson High School cluster, it is presently anticipated that there will be adequate school capacity under the FY 2021 school test results effective July 1, 2020.

C. Water and Sewerage Facilities

The SSP provides that an application must be considered adequately served by water and sewerage if the proposed subdivision is located in an area in which water and sewer service is presently available (e.g., categorized as W-1/S-1). Per the Montgomery County online Zoning Map, the Property is located within the W-1 and S-1 water and sewer categories. Therefore, there are adequate water and sewerage facilities to serve the Project.

D. Police, Fire, and Health Services

Under the SSP, the Planning Board must consider the programmed services to be adequate for police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated. There is no evidence to rebut this presumption. As such, the Project will be serviced by adequate police, fire, and health services.

4. *all Forest Conservation Law, Chapter 22A requirements are satisfied;*

As shown on the Preliminary Forest Conservation Plan included with the Application, the Project meets all applicable requirements of Chapter 19 of the Montgomery County Code.

Applicant is also seeking a variance to remove specimen trees on the Property and has submitted a justification statement with the Application in support of its request.

5. *all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied;*

As shown on the Sediment and Erosion Control and Stormwater Management Plans included with the Application, the Project meets all applicable requirements of Chapter 19 of the Montgomery County Code.

6. *any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M; and;*

The Applicant has neither actual nor constructive knowledge of any burial site included in the Montgomery County Cemetery Inventory and located within the subdivision boundary.

7. *any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

As noted above, the Project complies with the binding elements and applicable conditions of the approved Sketch Plan for the Property.

V. CONCLUSION

Applicant respectfully requests that the Planning Board grant approval of the Application. As explained above and shown in the materials submitted with the Application, the Project satisfies the findings that the Planning Board must make to approve a preliminary plan under Section 50.4.2.D of the Subdivision Regulations.

Respectfully submitted,

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