

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAY 03 2023

MCPB No. 23-017  
Site Plan No. 820220180  
Preston Place and Lake Apartments  
Date of Hearing: March 9, 2023

## CORRECTED RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on May 19, 2022, Toll Mid-Atlantic LP Company, Inc. ("Applicant") filed an application for approval of a site plan to allow the construction of 147 single-family-attached (townhouse) units and associated site features on 12.61 acres of land in the R-30 and R-60 zones, located On Manor Road, 75 feet west of Jones Bridge Road ("Subject Property"), in the Bethesda/Chevy Chase Policy Area and 2013 Chevy Chase Lake Sector Plan ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820220180, Preston Place and Lake Apartments ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 13, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 9, 2023, the Planning Board held a public hearing on the Application<sup>1</sup> and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Piñero, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, Commissioners Bartley, Hedrick, and Pedoeem voting in favor.

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<sup>1</sup> The public hearing was originally scheduled for February 23, 2023, at which time the Planning Board voted to grant a continuance to the public hearing of March 9, 2023 to allow the re-noticing of the application.

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Approved as to  
Legal Sufficiency: /s/ Emily Vaias  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220180 for the construction of 147 single-family-attached (townhouse) units and associated site features on the Subject Property, subject to the following conditions:<sup>2</sup>

**Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of up to 147 townhouse units.

2. Height

The development is limited to a maximum height of 40 feet for Principal Buildings and 25 feet for Accessory Structures, as specified in Section 59.4.1.7.C.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated January 9, 2023 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 15 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

**Open Space, Facilities and Amenities**

4. Common Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 164,911 square feet of common open space (30% of net lot area) for the entire Project. Phase 1 must include a minimum of 47,519 square feet and Phase 2 must include a minimum of

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<sup>2</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

117,392 square feet of common open space, as illustrated on the Certified Site Plan.

- b) Before the issuance of the final Use and Occupancy Certificate for each phase of development, all common space areas on the Subject Property must be completed, as shown on the Certified Site Plan.

5. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the required recreation facilities as shown on the Certified Site Plan. The Certified Site Plan must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.
- c) Recreation Facilities for each phase must be completed before issuance of the final Use and Occupancy Certificate for each phase.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the pedestrian pathway linking Manor Road and Capital Crescent Trail within Phase 1 (Lake Tract), and the pedestrian and bicyclist pathway linking Manor Road and Capital Crescent Trail within Phase 2 (Preston Tract).

**Environment**

7. Forest Conservation

The Applicant must comply with the following conditions of the Final Forest Conservation Plan ("FFCP"):

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.

- c) As part of the preconstruction meeting with the Planning Department Forest Conservation Inspector and prior to any staging, clearing, grading, or demolition necessary to construct the project (including demolition of the existing buildings and paving), the Applicant (or builder as applicable) must obtain the services of a tree care firm having the following minimum qualifications: International Society of Arboriculture (ISA) Certified, Tree Risk Assessment Qualification (TRAQ) Certified, Maryland Licensed Tree Care Expert, and ISA Board Certified Master Arborist. The tree care firm must also demonstrate experience with projects similar in scope to the Chevy Chase Crossing Tree Save Plan. Alternate qualifications/experience may also be considered, subject to approval by MNCPPC Staff. The tree care firm must perform or directly oversee all the necessary tree care work for this project including pre and post construction maintenance and monitoring.
- d) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- e) Before recordation of the plat or the start of any demolition, clearing, grading, or construction, whichever comes first, for each respective phase of development, the Applicant must:
  - i) Install permanent conservation easement fencing and signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - ii) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
  - iii) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for any new forest planting and for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP. The final amounts and extents will be determined as part of the certified FFCP.

- f) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed to satisfy the reforestation requirement for an approximate total of 1.40 acres of mitigation credit consisting of 0.78 acres associated with Phase 1 and approximately 0.62 acres associated with Phase 2 (the final amount to be determined as part of the certified FFCP). The off-site requirements may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Rock Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
- g) Before certification of the FFCP, the Applicant must correct/address the following items:
  - i) The net tract area for the forest conservation worksheet and associated notes must be revised to clearly reflect the net tract area as being the area contained within the current property boundaries plus the offsite LOD.
  - ii) Any disturbance or clearing associated with the slope stabilization and storm drain outfall work on the east side of the new trail alignment (including the offsite portions) must be reforested or otherwise naturalized with plantings as shown on the Forest Conservation Plan.
  - iii) The tree save plan addressing impacted trees must be prepared by a Maryland-licensed tree care expert who is also an ISA-certified arborist that has related plan preparation experience.
  - iv) The plans must address phasing and tree preservation details to adequately protect the trees to remain and the trees declared as removal with intent to save. The tree save plan must also include a program to communicate the tree preservation details to construction personnel prior their site entry.
  - v) Specifications for soil restoration and soil amendments associated with the landscape and lawn areas must be provided on the plans for review and approval by MNCPPC Staff.
  - vi) The tree protection fence and root pruning must be revised to be located within the LOD.
  - vii) The final scope, locations and details for the environmental enhancement plantings and invasive control work must be shown on the Final Forest Conservation Plan and approved by M-NCPPC Staff prior to certification of the FFCP. The scope of work must begin before issuance of the first above grade building permit for Phase 2 and include the following:

- a. One acre of invasives control in with the overall stream valley buffer area (which may include work within portions of the unbuilt ROW if permission is granted); and
  - b. Stabilization of the exposed sewer lines/utilities near the proposed stream work areas.
- viii) The Applicant must coordinate with Staff to address any necessary corrections and clarifications prior to certification of the FFCP.
8. The Applicant must install the Afforestation/Reforestation plantings, as shown on the certified FFCP, in the first planting season following stabilization of the applicable disturbed area.
  9. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the applicable phase of the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling at least 305 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff provided that the changes do not affect the related Site Plans.

## **Transportation & Circulation**

### **10. Transportation**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated January 3, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

### **11. Pedestrian & Bicycle Circulation**

- a) The Applicant must construct the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations.
  - i) Before issuance of the final use and occupancy permit for the first 63 units constructed in Phase 1, the Applicant must construct the following:

- a. a six-foot-wide sidewalk with five and-one-half-foot-wide buffer (except around trees to be saved, where the typical buffer width will be less as shown on the Certified Site Plan), from traffic on the south side of Manor Road along the Phase 1 (frontage of the Lake Tract) and continuing across the Chevy Chase Mews on Manor Road as shown on the Certified Site Plan.
- ii) Before issuance of the final use and occupancy permit for the units to be constructed in Phase 2, the Applicant must construct the following:
  - a. a six-foot-wide sidewalk with five and-one-half-foot-wide buffer (except around trees to be saved, where the typical buffer width will be less as shown on the Certified Site Plan), from traffic on the south side of Manor Road along Phase 2 (frontage of the Preston Tract) continuing to the intersection with Jones Bridge Road as shown on the Certified Site Plan.

## 12. Shared Use Path Connections

- a) Phase 1: In the event the Purple Line work in the vicinity of the Project is not completed, before issuance of the final use and occupancy permit for the 63<sup>rd</sup> unit in Phase 1, the Applicant must construct a publicly accessible shared use path located on the eastern side of the Lake Tract that connects Manor Road to the southern property line with a minimum width of seven feet to the southern Property line. If the Purple Line is completed before the issuance of the final Use and Occupancy certificate for the 63<sup>rd</sup> unit, the entire trail, including the portion located within the right-of-way of the Capital Crescent Trail shall be fully constructed to intersect with the Capital Crescent trail prior to the issuance of the final use and occupancy permit for the 63<sup>rd</sup> unit. The exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, in coordination with the construction of the Purple Line Light Rail bi-county transit project.
- b) Phase 2: In the event the Purple Line work in the vicinity of the Project is not completed, before issuance of the final Use and Occupancy Certificate for the 84<sup>th</sup> unit to be constructed in Phase 2, the Applicant must construct a publicly accessible shared use path located adjacent to the Coquelin Run right-of way, with a minimum width of 12 feet to the southern Property line. If the Purple Line is completed before the issuance of the final Use and Occupancy Certificate for the 84<sup>th</sup> unit, the Applicant must construct the following prior to the issuance of the final Use and Occupancy Certificate for the 84<sup>th</sup> unit:

- i) The entire Coquelin Run trail including the remaining portion of the trail located within the right-of-way to intersect with the Capital Crescent trail with the exact location, design, and construction to comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, in coordination with the construction of the Purple Line Light Rail bi-county transit project; and
- ii) Subject to final approval by the Chevy Chase Mews Homeowner's Association ("HOA"), the Applicant shall construct a trail connecting both phases of the Project, oriented east/west, across the Chevy Chase Mews property, with a minimum width of seven feet.
- iii) The Applicant shall make good faith efforts to receive final approval from the Chevy Chase Mews HOA for the east-west trail on the Chevy Chase Mews property. However, if the Chevy Chase Mews HOA fails to approve the east-west trail on the Chevy Chase Mews' property, it will not preclude issuance of the final Use and Occupancy Certificate for Phase 2 and will not be a violation of the Site Plan.

### 13. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 31, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

## **Site Plan**

### 14. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units, as determined by M-NCPPC Staff.
- c) Provide "Type E high-visibility architectural treatment" for the townhouse end-units on Lot 43 and Lot 54.



- d) Five Units in Phase 1 and 11 Units in Phase 2 are subject to the “high visibility architectural treatment” as shown on the Certified Site Plan.
- e) Five Units in Phase 1 and eight Units in Phase 2 are subject to the “specialty architectural treatment” as shown on the Certified Site Plan.
- f) Provide architectural elevations illustrating the enhanced design for the rear of units to face the new pedestrian and bicyclist path along Coquelin Run (Lots 25-38).

15. Landscape and Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) The Applicant must utilize pervious pavement in areas not encumbered by conflicting utilities to construct the trail at the eastern side of the Property.
- f) Update the canopy exhibit to include a table of the corresponding tree plantings using proposed tree species and their 20-year projected canopy sizes found in the Trees Technical Manual. The revised canopy exhibit must demonstrate that the overall canopy cover level will be retained or improved. The exhibit must be included in the certified Site Plans and all associated plans are to be updated for consistency.
- g) Update all planting lists/specifications to follow American Standard for Nursery Stock (ANSI Z60.1), as applicable.

**16. Site Plan Surety and Maintenance Agreement**

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate for each phase, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant for each phase. The Agreement for each phase must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to trees and plant material, site and street lighting, recreational facilities, site furniture, retaining walls, fences, railings, private roads and sidewalks, private utilities, onsite shared use paths, and storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The Applicant shall provide separate bonds for each of the off-site portions of the shared use paths as follows:
  - i) Phase 1: that portion of the trail located within the off-site right-of-way that connects Manor Road to the Capital Crescent trail on the eastern side of the Lake Tract.
  - ii) Phase 2: one bond for that portion of the trail located within off-site right-of-way that connects Manor Road to the Capital Crescent Trail adjacent to the Coquelin Run, and a second bond for the east-west trail located on the Chevy Chase Mews Property.

**17. Development Program**

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

### 18. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and Preliminary Plan resolution, and phasing plan on the approval or cover sheet(s).
- b) Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
  - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
- c) Clarify notes regarding overall phasing and work within the Purple Line ROW.
- d) Fire and Rescue Access plan must be included in the Certified Site Plan.
- e) Modify the data table to reflect development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Revise photometric plans to show pedestrian-scale lighting provided in active common open space areas.

- h) Update sheets to delineate Phase 1 and Phase 2 and include notes as necessary for extents of frontage improvements.
- i) Add a note indicating that residential backyard fences fronting on common open space areas must be limited to no more than four feet in height.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Preston Place and Lake Apartments, 820220180, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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. When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:***

***a) satisfies any previous approval that applies to the site;***

The Application conforms to the requirements of Preliminary Plan No. 120220130, which was reviewed and approved concurrently by the Board.

***b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

***c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

**d) satisfies applicable use standards, development standards, and general requirements under this Chapter;**

**i. Division 4.4.9 R-60 & Division 4.4.14 R-30 Zone**

The Project spans both the R-60 Zone and the R-30 Zone. The Applicant proposes entirely Townhouse Living, within the R-30-zoned portion of the Site, which is a permitted use. The R-60 zone is located on the most eastern portion of the Site (Phase 2) abutting the Coquelin Run and will be improved with a shared use path connection, landscaping, stormwater, and other recreational amenities. As demonstrated in Table 6 below, the Project satisfies the development standards for the R-30 Zone MPDU optional method of development and any applicable standards of the R-60 Zone.

*Table 1: Site Plan Data Table*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area (Usable Area) R-60 Zone</b>	3 acres	70,194.94 sf (1.61 acres)
Prior Dedication	n/a	0
Proposed Dedication	n/a	423.15 sf (0.01 acres)
<b>Tract Area (Usable Area) R-30 Zone</b>	11,700 square feet	479,309.52 sf (11.00 acres)
Prior Dedication	n/a	0
Proposed Dedication	n/a	5,460.52 sf (0.13 acres)
<b>Total Tract Area</b>		549,504.46 sf (12.61 acres)
<b>Site</b>		
<b>R-30 Zone Usable Area</b>	479,309.52 sf	
<b>Base Density (DU/AC)</b>	14.50 (max)	13.36
<b>R-60 Zone Usable Area</b>	70,194.94 sf	
<b>Base Density</b>	7.26 (max)	0
<b>Total Usable Area</b>	142,380 (min)	549,504.46 sf
<b>Density (DU/AC)</b>	171 units (max)	147 units
<b>MPDU requirement</b>	15% (22 units)	15.65% (23 units)
<b>MPDU Bonus Density</b>	0	0
<b>Common Open Space (min sf)<sup>1, 3</sup></b>		
R-30 Zone	25% min/119,827 sf	164,911 sf
R-60 Zone	20% min/14,039 sf	
<b>Coverage (max)<sup>1</sup></b>		
R-30 Zone	30% max/143,793 sf	156,132 sf
R-60 Zone	40% max/28,078 sf	
<b>R-30 MPDU Optional Method Placement and Height<sup>2</sup></b>		
<b>Lot</b>		

<b>Lot Area (min)</b>		
Townhouse	800 sf	854 sf
<b>Lot Width at front building line (min)</b>		
Townhouse	14 ft	14 ft
<b>Placement – Principal building<sup>1</sup></b>		
Front setback from public street	10 ft	10 ft
Front setback from private street	4 ft	4 ft
<b>Side street setback</b>		
Townhouse	5 ft	5 ft
Side or rear setback (internal)	Determined at site plan	0 ft
Side or rear setback (Purple Line)	Determined at site plan	10 ft
Side or rear setback abutting property not in application (western)	Equal to required setback for detached house in abutting zone	10 ft
<b>Rear setback, alley</b>	4 ft	4 ft
<b>Placement – Accessory Structures<sup>4</sup></b>		
Front setback	5 ft behind front building line	5 ft
<b>Side street setback</b>	Same as principal building	5 ft
Side or rear setback	Determined at site plan	0 ft
Side or rear setback abutting property not in application (western)	Equal to required setback for detached house in abutting zone	4 ft
<b>Rear setback, Alley</b>	4 ft	4 ft
<b>Height<sup>5</sup></b>		
Principal Building	40 ft	40 ft
Accessory Structure	25 ft	25 ft

<sup>1</sup>Optional Method MPDU Development may occur across different zones per the limitations contained in Section 59.4.4.2.A.2

<sup>2</sup>No units are proposed within the R-60 Zoned portion of the Site

<sup>3</sup>Common Open Space subject to requirements of Section 59.6.3.5

<sup>4</sup>Notwithstanding any setback encroachments allowed Per Section 59.4.1.7.B.5

<sup>5</sup>Notwithstanding any setback encroachments allowed Per Section 59.4.1.7.C.3

*Table 2: Parking Data Table*

Parking	Minimum Required	Provided
Residential	2 per unit (market rate) 1 per unit (MPDU)	
<b>Phase 1</b> (63 total units)		
Market Rate	110	110
MPDU	8	16
Visitor Parking	0	16
Subtotal	128	142
<b>Phase 2 Parcel</b> (84 total units)		
Market Rate	138	138
MPDU	15	30
Visitor Parking	0	22
Subtotal	153	190
<b>Total</b>	<b>281</b>	<b>332</b>

ii. ***Division 59-6 General Development Standards***

***(1) Division 6.1 Site Access***

All vehicular access to the Sites two parcels will continue to be provided by Manor Road. The existing eastern access point within Phase 1 will be eliminated, and all vehicles will access the Site at the proposed new intersection of Private Road A and Manor Road. Access to Phase 2 will be provided by two new roads intersecting with Manor Road, located in approximately the same location of the existing driveway entrances. The Site access points have been evaluated by MCDOT staff and were approved during review of the subject Preliminary Plan.

Pedestrian and bicycle access will be increased to the Site and to the Capital Crescent trail by the construction of three new shared use paths that will be open for public use as well. Two of the shared use paths will connect Manor Road to the Capital Crescent Trail through the Site, and the third will connect the two phases to each other.

***(2) Division 6.2 Parking, Queuing and Loading***

As required by Section 59-6.2.4.B, single-family residential units outside of a reduced parking area are required to provide two off-street parking spaces per unit.

The Project proposes 2 vehicular parking spaces for each market rate townhouse unit and 2 parking spaces for each MPDU, in conformance with the parking requirements of Section 59-6.2.4.B. The Applicant is choosing not to apply the reduced parking rates for the MPDU units. Additionally, the Application includes 38 visitor spaces across both parcels, available as parallel parking on the internal private streets. Public on-street parking will continue to be available on Manor Road. Given the proximity of the future Chevy Chase Lake Purple Line station just west of the Site, the parking program provided exceeds the minimum requirements and will provide sufficient parking for the proposed development.

All loading will occur on the private roads, alleys, and on private driveways. The Zoning Ordinance does not require dedicated spaces for vehicle queuing or loading for the Townhouse Living use proposed.

### ***(3) Division 6.3 Open Space and Recreation***

In accordance with Section 59-4.4.2.A.2.c., the open space requirement for the project must be calculated as if the R-30 and R-60 areas were developed individually. As shown in Table 6 in Finding 2.d. above, cumulatively a minimum of 133,866 square feet of Common Open Space is required and the Site Plan exceeds the requirement by providing 164,911 square feet of Common Open Space. As conditioned, the common open space will be delivered with each phase, with Phase 1 providing 47,519 square feet and Phase 2 providing 117,392 square feet.

Recreational amenities for the townhouse community are proposed within both phases. These consist of pedestrian trails including two new future connections between Manor Road and the Capital Crescent Trail, fitness stations along a trail, natural area, open lawn spaces, seating, and picnic areas. The recreation supply and demand adequacy evaluation shows that the proposed recreational elements are adequate to serve the proposed development.

### ***(4) Division 6.4 General Landscaping and Outdoor lighting***

Landscaping and outdoor lighting is proposed as part of the Project. Streetlights are located along private roads and pedestrian-scale bollard lights are to be provided to illuminate trail corridors and some of the common open space areas. As conditioned herein, appropriate levels of outdoor lighting will be provided to ensure safe and attractive nighttime illumination. Landscaping is provided throughout the development and includes a mix of canopy and ornamental trees as well as a variety of shrubs.



*e) Satisfies the applicable requirements of:*

*i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The Montgomery County Department of Permitting Services (MCDPS) approved a Stormwater Concept Plan on December 7, 2022. The Stormwater Concept Plan proposes to meet required stormwater management goals via the use of 6 Microbioretention cells, 7 Storm Filters, and Underground Pipe Storage.

*ii. Chapter 22A, Forest Conservation.*

The Final Forest Conservation Plan will meet the requirements of Chapter 22A, as conditioned. The Final Forest Conservation Plan complies with the Environmental Guidelines and Forest Conservation Law. The Project is subject to a forest conservation plan that has been submitted with the application. The Subject Property contains 1.21 acres of forest of which approximately 0.91 acres will be retained within a Category I Conservation Easement. There is approximately 0.30 acres of forest removal resulting in a reforestation requirement of approximately 0.60 acres and an afforestation requirement of approximately 0.80 acres, totaling approximately 1.40 acres. The Applicant proposes to address the reforestation/afforestation requirements by payment of a fee-in-lieu or an offsite bank. The disturbed areas of SVB will replanted to the extents possible but with the use variance mitigation trees and supplemental native plantings rather than traditional reforestation plantings. As conditioned, the Final Forest Conservation Plan meets the standards of Chapter 22A.

*f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Project will provide a total of three vehicular access points from Manor Road into the Site with a well-integrated sidewalk network on all proposed private streets interior to the Site. In addition to the sidewalk network, the Applicant proposes two shared use paths from Manor Road and an additional pedestrian sidewalk from Phase 1. The shared use paths, one in each phase, will connect to the Capital Crescent Trail to the south, with amenities such as seating, landscaping, and lighting along the paths. The shared use path in Phase 1 will also connect through the Mews Property between the Lake Tract and the Preston Tract, to a wandering east/west trail through the Lake Tract for ultimate connection to the shared use path along the Coquelin Run. The pedestrian circulation system has been well integrated into the townhouse layout, providing a pedestrian scale massing that is appropriate for the R-30 and R-60 zone and tying into proposed common open space throughout the entire Project Site.

Parking will be provided along various portions of the private streets and each individual lot. As proposed, the Project provides safe, well-integrated parking, circulation patterns, building massing, open spaces and site amenities.

***g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;***

#### **Land Use**

The Site Plan substantially conforms with the 2013 *Chevy Chase Lake Sector Plan*. The Sector Plan affirmed the residential zoning of the Site and the Proposal for residential development is consistent with the Plan's general recommendation for preserving the residential character of the neighborhood. The Plan includes no specific Land Use recommendations for the Site. However, the Sector Plan recommends a shared-use path be developed within the existing dedicated right-of-way associated with Coquelin Run, directly east of Phase 2. The Application provides this shared use path on the subject site adjacent to Coquelin Run.

#### **Environment**

The Project addresses several of the environmental recommendations contained in the 2013 *Chevy Chase Lake Sector Plan*.

#### **Coquelin Run & Environmental Enhancements**

The Sector Plan recommendations encourage support stream and forest restoration projects to stabilize banks, remove invasive species, restore native forest structure, and prevent further stream erosion. Environmental enhancements are recommended by the Sector Plan, even if there are no direct stream valley buffer or forest impacts associated with a given project. Therefore, the direct impacts to the resources which are to be protected and enhanced per the Sector Plan require that an increased scope of environmental enhancements is necessary.

The Applicant proposes to stabilize two areas of active erosion within the Stream Valley Buffer (SVB) which are associated with storm drainage from the current development, which is located entirely within Phase 2 of the proposal. Both areas will be replanted and naturalized to the extent possible, areas outside of the existing/proposed utility easements and right-of-ways will be reforested, and the onsite areas will be placed in a Category I Conservation Easement.

The Project has been conditioned to require the Applicant to implement a program to control invasive species within the SVB. The control of invasive species can occur

regardless of the timing of the Phase 2 construction, and the environmental enhancements will achieve the vision of the Sector Plan regarding forest restoration projects. A standard 5-year maintenance and management agreement will also be implemented to ensure the success of the overall environmental enhancements.

In Phase 2, the proposed work includes limits of disturbance that partially overlap two locations of exposed utilities which have been undermined by stream erosion. One or both of the exposed conduits are believed to be sewer lines. As conditioned, the Applicant will be required to expand the scope of work to stabilize the exposed utilities which could otherwise have an adverse impact on the Coquelin Run Stream.

#### Tree Canopy

Page 49 of the Sector Plan recommends:

*"the expansive tree cover in Chevy Chase Lake - 50 percent of the Plan Area - is an important part of the community's character, as well as its ecological health...New development should also retain or improved canopy cover throughout the Plan Area, within street medians, along new and existing streets, and in surface parking areas."*

The submitted Canopy Exhibit generally shows that the proposed conditions will result in a modest increase in the overall canopy cover associated with the site. As conditioned, the Applicant will update the Canopy Exhibit to include a table of the corresponding tree plantings using proposed tree species and their 20-year projected canopy sizes found in the Trees Technical Manual. Furthermore, as conditioned the Canopy Exhibit will be updated to reflect the replanting efforts within the SVB.

#### Sustainable Sites

The Sector Plan recommends (on Page 22) to "[p]romote sustainable site and building design to mitigate negative environmental impacts." In response to this recommendation the Applicant proposes pervious pavement for the exercise equipment pads located along the Coquelin Run on the eastern portion of the Site and indicated that buildings are subject to the residential green construction code. In addition to the proposed exercise equipment pads, the Planning Board will require the utilization of pervious pavement for the construction of the entire trail at eastern side of the Property, where it does not conflict with subsurface utilities. As conditioned, the pervious paving will help address the Sector Plan recommendation on sustainable sites and mitigates some of the environmental impacts of the development, particularly for the proposed trail located in the stream valley buffer.

## **Transportation**

According to the 2018 *Master Plan of Highways and Transitways*, Manor Road is Minor Arterial Road, further classified as an Arterial Connector by the 2021 *Complete Streets Design Guide*, with a master-planned right-of-way width of 70 feet. The existing, platted right-of-way width of Manor Road along the Site frontage is 60 feet. As conditioned the Applicant will dedicate an additional five feet of right-of-way between the Manor roadway centerline and the property line as part of Phase 1. The Applicant will also widen the sidewalks on the south side of Manor Road to six-feet-wide and ensure a buffer width of five-and-one-half-feet. The sidewalk improvements will be split into two projects across two phases. Phase 1 will include the construction of the sidewalks along the Lake Tract and across the Chevy Chase Mews on Manor Road property (offsite). Phase 2 will continue the sidewalk reconstruction along the south side of Manor Road along the Preston Tract (east) all the way to the intersection with Jones Bridge Road.

The 2018 *Bicycle Master Plan* envisioned a sidepath along the south (Site) side of Manor Road. However, during review of the Chevy Chase Lake Block B Project (Site Plan No. 82016019B) the Planning Board determined that the shared use path would be better suited on the north side of Manor Road. Reasons included the presence of the North Chevy Chase Elementary School on the north side of Manor Road, steep grades on the south side of Manor Road that were approved as part of the Chevy Chase Lake B project that would make it impossible to install along the site's frontage, and the presence of utility poles and guy wires along the south side that were not present on the north side. The Chevy Chase Lake B plans were certified with a note that a future 12-foot sidepath would be installed by others on the north side. For these reasons, the Applicant of the Subject Application is not required to participate in the sidepath on Manor Road.

As conditioned, the Applicant is required to construct the master-planned shared use path that will connect Manor Road to the Capital Crescent Trail, adjacent to the Coquelin Run public right-of-way prior to the final use and occupancy permit of the Phase 2. The Applicant also proposes a shared use path with Phase 1 connecting Manor Road and the Capital Crescent Trail, and a third that will connect the two phases as part of Phase 2 of the Project.

*h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new*

***adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

As discussed in Preliminary Plan No. 120220130 Finding 3, adequate public facilities exist to support the Project. The Applicant has requested, and the Findings support an extended APF period of 9 years with the proposed phasing. Public facilities including schools, police and fire protection, water, sanitary sewer, public roads and storm drainage are adequate to serve the development as proposed.

***i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and***

The Property is in the R-30 and R-60 zones and the proposed townhouse development is compatible with the character of its residential neighborhood. The height and density of the development will serve as an appropriate transition in between the mixed-use, high-rise development to the west currently under construction (Chevy Chase Lake Block B), which will include the future Purple Line station, existing single-family detached residential neighborhood to the north and east, and the existing townhouse development located between Phase 1 and 2.

***j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.***

As noted in the previous finding, the Property is residentially zoned and is compatible with the character of its residential neighborhood.

- 3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.***

This requirement is not applicable as the Site Plan does not include a restaurant with a drive-through.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.***

This requirement is not applicable as the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

BE IT FURTHER RESOLVED that this Resolution 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 § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution remains April 10, 2023 (which is the date that the original resolution was mailed to all parties of record).

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 Hedrick, seconded by Commissioner Bartley, with a vote of 3-0; Chair Zyontz, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Pedoeem and Pinero were necessarily absent, at its regular meeting held on Thursday, March 23 24, 2023, in Wheaton, Maryland and via video conference.~~

\_\_\_\_\_  
\_\_\_\_\_  
Jeffrey Zyontz, Chair  
\_\_\_\_\_  
Montgomery County Planning Board

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a Corrected Resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of 3-0-2; Chair Zyontz, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioners Pedoeem and Piñero abstaining, at its regular meeting held on Thursday, April 20, 2023, in Wheaton, Maryland and via video conference.

  
\_\_\_\_\_  
Jeffrey Zyontz, Chair  
Montgomery County Planning Board

MAY 03 2023





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Preston Place and Lake Apartments  
Preliminary Plan No. 120220130 and  
Site Plan No. 820220180  
Corrected Resolution