

APPROVAL
Carrie Sanders 11/03/21

MCPB No. 21-082
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Highway (MD 119) and Key West Avenue (MD 28), the Applicant will pay a fee-in-lieu to the MCDOT representing two percent the cost of an improvement (with a 40 percent contingency) to mitigate storage for the eastbound left for the intersection of Key West Avenue (MD 28) and Great Seneca Highway (MD 119), subject to the review and approval of MCDOT and the MSHA. Initially, the state Highway Capacity Manual analysis found queuing issues for the southbound left movement, but following an additional microsimulation analysis, the Applicant identified the eastbound movement as the more constrained movement.

The Applicant will submit a plan for review and approval to MCDOT showing the design to mitigate the queuing for the eastbound left turn lane at Darnestown Road and Great Seneca Highway intersection. The design will require coordination with the Department of Permitting Services and should account for any other relevant potential improvement, including improvements required of Site Plan No. 820010103.

Pedestrian Adequacy Test

For the 2016 LTR Guidelines, the Applicant performed the pedestrian adequacy test. The required delay analysis suggests that, in some cases, average pedestrian crossing wait time exceeds vehicular delay, suggesting that crossing conditions should not be worsened with vehicular improvements. The Applicant must also "fix or fund" the improvements to all public pedestrian infrastructure within 500-feet of the Subject Property that does not comply with the Americans with Disabilities Act ("ADA") requirement.

b. **Other Public Facilities and Services**
The Project will be adequately served by public water and sewer, and dry utilities including gas, electricity, and telephone, and police, fire, and health services.

i. Schools Capacity

This Project is subject to the 2020-2024 Growth and Infrastructure Policy and the updated FY2022 Annual School Test, which is effective as of July 1, 2021. The proposed Project is served by Stone Hill Elementary School, Cabin John Middle School and Thomas S. Wootton High School. With a net of 630 units that are not age-restricted, the Project is estimated to generate 66 elementary school students, 33 middle school students and 47 high school students within an Infill Impact Area. These estimates do not exceed the adequacy outlines and therefore, no partial Utilization Premium Payments are required.

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6. All public roads meeting the requirements and findings under Chapter 50.4.3.E.2.a for narrower than standard road right-of-way

The majority of the townhouses and two-over-trees within the Project will be served by 20-foot-wide-private-alleyways. All other streets within the Preliminary Plan will be public streets dedicated for public use. Areas for a road on a subdivision plan must include the full width of all right-of-way recommended for the applicable road classification in the adopted master plan and in the Road Design and Construction Code. However, the Board may approve a narrower than standard road right-of-way if it meets minimum fire access requirements and the Board finds that a narrower right-of-way is environmentally preferable, improves compatibility with adjoining properties, or allows better use of the tract.

The Project includes the following modified public roads:
• Street A East with 50-foot right-of-way
• Street B East with 50-foot right-of-way
• Street C West with 46-foot right-of-way
• Street C East with 48-foot right-of-way
• Street D with 59-foot right-of-way
• Blackwell Road with 73-foot right-of-way

MCDOT granted waivers for right-of-way modifications for all streets with the exception of Medical Center Drive, which MCDOT has accepted as intended in the County Code Section 50.4.3.E.2.a. The modified standards are intended to create a safe and urban street network consistent with the recommendations of the 2010 Great Seneca Science Corridor (GSSC) Master Plan. These modifications also dovetail with the Montgomery County Complete Streets (MCCS) version 1.0 draft by maximizing safety through calming traffic patterns, sustainability through more stormwater management facilities, and vitality through creating a space welcoming to pedestrians. MCDOT accepts the reduced width right-of-way as allowed in County Code Section 50.4.3.E.2.a, as they all meet minimum fire access requirements, are environmentally preferable, improve compatibility with adjoining properties, and allow better use of the tracts under consideration.

The Planning Board supports the proposed right-of-way width modifications for the above noted roadways as allows on the Preliminary Plan, with final details to be determined at Site Plan.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for ten (10) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.5), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

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ii. Adequate Public Facilities and Phasing

Per Section 50.4.3.1.5.a of the Subdivision Regulations, the applicable validity period for Adequate Public Facilities (APF) remains valid for no less than 5 and no more than 10 years after the Preliminary Plan is approved. The Applicant is seeking a 10-year (120 month) APF Validity Period, subject to the following phasing schedule, as conditioned:

- Phase I: A minimum of 4 building permits (for the multifamily buildings) must be issued within 60 months of the Initiation Date of the Preliminary Plan as defined in Section 50.4.2.0 of the Subdivision Code.
- Phase II: A minimum of 114 building permits must be issued within 96 months of the Initiation Date of the Preliminary Plan.
- Phase III: The balance of the building permits must be issued within 120 months of the Initiation Date of the Preliminary Plan.

To allow a validity period longer than the specified minimum, the Board must find that the size or complexity of the subdivision warrants the extended validity period and would not be adverse to the public interest. The extended 10-year validity period for the determination of APF is appropriate given the expansive 44.8 acres of land that comprises the Project, the multi-phase project and complexity of the subdivision. It is in the public interest to allow the longer validity period since the Project will incorporate recommendations envisioned by the Master Plan, including a mix of building types at varying heights (townhouses with different widths, 2-over-2 stacked townhouses, and a mid-rise apartment building (one with retail) that will be strategically constructed over a long period of time, based on market demand and financing availability. Therefore, the Planning Board approves the 10-year APF Validity Period.

4. The Applicant satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSI) was approved for this Site on May 29, 2019. The Site slopes from northwest to southeast to a stream that crosses the eastern side of the Property parallel to Great Seneca Highway. There are 720 linear feet of stream channel on the Site, along with 3.35 acres of stream buffer. The stream drains to the Muddy Branch, which is a Maryland State Use Class I-P stream. There is no 100-year floodplain on the Subject Property. There is a small area of wetlands (0.09 acres) associated with the stream channel. The Site contains 8.58 acres of forest and includes a number of specimen-size trees. The Application includes just over 0.8 acre of

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stream buffer encroachment where Blackwell Road extended across the eastern side of the Site. The Application complies with the Environmental Guidelines.

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Preliminary Forest Conservation Plan shows that 5.87 acres of forest are to be cleared for development, including some off-site disturbance. Based on the forest removed, net tract area, zoning, and 2.97 acres of forest retention, the total reforestation and offset requirement is 11.74 acres. The Applicant will fulfill the planting requirement through off-site forest banking. If forest bank credits are not available, a fee-in-lieu of planting may be paid. The on-site forested stream buffer and all areas of forest retained for forest conservation credit must be placed in a Category I Forest Conservation Easement.

B. Forest Conservation Variance

Section 22A-12(b) (3) of County code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Code. The Code requires no impact to trees that: measure 30 inches or greater; dbh; are part of an historic site or designated with an historic structure; are designated as a national, state, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on April 2, 2021 because the plan would create an impact to the CRZ of six (6) trees that are considered high priority for retention under Section 22A-12(b) of the County Code. Five (5) of these trees will be removed; the sixth tree will be saved. The Application included a variance request letter specifying the amount of critical root zone disturbance for the trees to be saved.

Unwarranted Hardship Basis - Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship,

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denying an applicant reasonable and significant use of a property. There would be an unwarranted hardship if a variance were not considered.

Justification:

The GSSC Master Plan recommendations and zoning have identified the former Public Safety Training Academy site for substantial residential and mixed-use development to provide housing within the Life Sciences Center. The Master Plan also includes substantial services and infrastructure for this Property, including two Master Plan roads, right-of-way for the proposed Corridor Cities Transitway and the LSC Loop trail, and park and recreation facilities. A school site is being reserved on another property just to the south of the former PSTA Site. While much of the existing site is unforsited, there are several areas where specimen size trees have grown up in the middle of the area planned for development, or along the edges of the proposed development where grading and infrastructure requirements must be accommodated. Denying the variance request would interfere with efficient development of the property, provision of required street grids, and the infrastructure needed to support the development.

Denial of the variance would constitute a hardship to the Applicant as the proposed mixed use of the Property, including public spaces and roads, is significant and reasonable and consistent with the Master Plan. This finding must be met when determining whether or not to consider a variance for the project. Based on this finding, a variance can be considered.

Specific justification for trees that was not provided was provided in the variance request letter. A summary of that justification cited in the variance request is summarized below:

- Tree No. 4 is in an area where unavoidable impacts are caused by required grading and stormwater management facilities.
- Trees No. 6 and 7 are in the center of the area proposed for development where retention of the trees would provide efficient development of housing and a walkable street grid consistent with the Master Plan's urban design guidelines.
- Tree No. 10 is unwarrantedly impacted by housing units that have been pushed back by a requirement to provide a public right-of-way.

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- Tree No. 32 stands where parking must be provided to serve onsite commercial uses, as well as a retaining wall required to create the necessary grades for efficient use of the lands.
- One additional tree, No. 17, will be slightly impacted by grading necessary to construct nearby townhouses. The minimal CRZ disturbance (six percent) will allow the tree to be preserved.

Variance Findings - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted. The Board makes the following findings necessary to grant the Variance:

1. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.

Impacts to specimen trees are a result of the GSSC Master Plan and zoning recommendations for the Site, including dense residential and mixed-use development and substantial public transportation infrastructure facilities, as well as for infrastructure needed to support the development. The Planning Board has determined that the impacts to the trees subject to the variance requirement cannot be avoided. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

2. The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant, but on required plan elements.

3. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.

The requested variance is not a result of land or building use on a neighboring property.

4. Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.

The variance will not violate State water quality standards or cause measurable degradation in water quality.

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Mitigation for Protected Trees

The specimen trees being removed must be replaced by planting one inch (caliper) of new trees for each four inches diameter removed, using planting stock of no less than 3 inches caliper. In a few years, the replacement trees should attain sufficient size to replace the lost water quality treatment benefits of the trees removed. In this case, 161 diameter inches of specimen trees are being removed; therefore, the Applicant must plant at least 40.25 caliper inches of new native shade trees on site to replace the specimen trees being removed. When submitted, the Final Forest Conservation Plan must show the locations of variance replacement trees, each at least three inches caliper, and totaling at least 40.25 caliper-inches.

Variance Recommendation
The FCPC meets all applicable requirements of Chapter 22A of the County Code. Therefore, the Planning Board approves the Preliminary Forest Conservation Plan and variance request with the conditions cited.

Noise
The Development abuts Great Seneca Highway to the east and Key West Avenue to the north which both carry significant traffic volume generating road noise that could negatively affect interior noise levels and open spaces. A noise study must be submitted with the Site Plan application analyzing existing and projected traffic noise levels and making recommendations for mitigating noise according to the requirements of the Planning Department's Noise Guidelines.

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

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Division on June 24, 2021. The Application will meet stormwater management goals through environmentally sensitive design options (ESD) and alternative stormwater management practices are proposed to treat impervious run-off from the Project, including nano-bio-facilities, flow-splitters, corrugated metal pipe detection units, and cartridge treatment facilities, etc.

DEPARTMENT OF GENERAL SERVICES
January 10, 2020
Montgomery County, MD is the owner of the Former Public Safety Training Academy located at 9710 Great Seneca Highway, Rockville, MD 20850 ("Property"). The Property includes the following parcels of land:
Parcel 850 (L-04047 F-00001) Tax Account #00773933
Parcel 925 (L-03862 F-00772) Tax Account #00773922
Part Parcel A (L-16172 F-00223) Tax Account #03237465
Parcel 66 (Parcel V) (Part # 20532) Tax Account #03210078
This letter hereby authorizes The Elms at PSTA, LLC, and/or Kathryn Kubit as Authorized Signatory to sign and file any and all application documents and permits on behalf of Montgomery County, MD in connection with the redevelopment of the Property, including but not limited to NRI/FSI, DAP, Sketch Plan, Concept Plan, Preliminary Plan, Preliminary and Final Forest Conservation Plans, Site Plan Applications (collectively, the "Applications").
This authorization includes preparing the Applications and all related materials needed to support the Applications and filing and processing the Applications and all supporting materials with the applicable governmental bodies.

DEPARTMENT OF PERMITTING SERVICES
June 24, 2021
The following items will need to be addressed prior to Planning Board approval of the Site Plan:
1. Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submitted must specifically refer to the appropriate phase.
2. The first submitted SDP must include an investigation of Permeable Paving (PP) as an ESD measure to meet the proposed Shared Use Path on Great Seneca Highway and/or Medical Center Drive. If it is determined PP is not practicable, then alternative SWM, such as compensation in ESD or structural on-site measures, must be provided. A waiver will not be granted.
This letter must appear on the Site Development Stormwater Plan(s) and Final Engineering Plans at the final submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided in this office, or additional information received during the development process, or a change in an applicable Executive Regulation may constitute grounds for resubmit or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request must be required.
If you have any questions regarding these actions, please feel free to contact Mary Ferdy at 240-777-4232 or at mary.ferdy@montgomerycountymd.gov.
Sincerely,
Mark C. Emergen, Manager
Water Resources Section
Division of Land Development Services
MCE: mcf
CC: M. Blandford
EM File # 285681
Based on a review by the Department of Permitting Services Staff, the stormwater management concept for the above-mentioned site is acceptable. The stormwater management concept process to meet required stormwater management goals of Environmental Site Design to the Maximum Extent Practicable with micro-innovation and bio-swale facilities. Volume unable to be treated in ESD measures will be treated in structural facilities. The site ultimately drains to Shady Grove Regional Facility #5.
This concept includes the removal of the eight on-site SWM facilities which provided management for the former PSTA. Five other facilities are located on adjacent land to be incorporated into this subdivision as needed for the extension of Medical Center Drive. Those facilities will remain.
SWM for improvements to the adjacent SHA Right-of-way of Key West Avenue will be approved by SHA but will be required to be incorporated into the Sediment Control Plan for this project.

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Office of Planning and Development
160 Messers Street, 160 Floor - Rockville, Maryland 20850
www.montgomerycountymd.gov/plandev
2425 Rockville Drive, 7th Floor, Wheaton, MD 20997 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

RODGERS CONSULTING
19847 Century Boulevard, Suite 200, Germantown, Maryland 20874
Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com

NOTE: UNLESS SPECIFICALLY NOTED ON THIS PLAN DRAWING, THE BUILDING FOOTPRINTS, BUILDING HEIGHTS, ON-SITE PARKING, SITE CIRCULATION, AND SIDEWALKS SHOWN ON THE PRELIMINARY PLAN ARE ILLUSTRATIVE. THE FINAL LOCATIONS OF BUILDINGS, STRUCTURES AND HARDSCAPE WILL BE DETERMINED AT THE TIME OF SITE PLAN APPROVAL. PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS, SUCH AS SETBACKS, BUILDING RESTRICTION LINES, AND BUILDING HEIGHT, FOR EACH LOT.
NOTE: UTILITIES SHOWN ARE FOR INFORMATIONAL PURPOSES AND ARE SUBJECT TO CHANGE AT FINAL ENGINEERING. PUES SUBJECT TO COORDINATION WITH UTILITY.
NOTE: FINAL FAR TO BE DETERMINED AT SITE PLAN NOT TO EXCEED 0.50
NOTE: FINAL NUMBER OF PARKING SPACES, SIDEWALK AND BIKE PATH THEMS AT INTERSECTIONS WILL BE FINALIZED AT SITE PLAN.
07-PREL-120200100-002B
PRELIMINARY PLAN #120200100
WSSC MAP 220NW10
TAX MAP FS341, GRID FS41

PROFESSIONAL CERTIFICATION
The undersigned agrees not to exceed the number of lots set forth on Preliminary Plan Approved No. 120200100, to adhere to the adequate public facility findings and to comply with all Approval Conditions.
Developer: THE ELMS AT PSTA, LLC KATHRYN KUBIT
Company Contact Person
Address: 9710 GREAT SENECA HWY
ROCKVILLE, MD 20850
Phone: (202) 734-9750
Signature: *Kathryn Kubit*
PROFESSIONAL CERTIFICATION
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32599, Expiration Date: 1/22/22.
WILLIAM KUBIT
Digital Seal
WILLIAM KUBIT
Date: 2021/11/03
21:17:54 -0400
PROFESSIONAL CERTIFICATION
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32599, Expiration Date: 1/22/22.
WILLIAM KUBIT
Digital Seal
WILLIAM KUBIT
Date: 2021/11/03
21:17:54 -0400

REVISION	DATE	REVISION	DATE	REVISION	DATE

APPLICANT:
THE ELMS AT PSTA, LLC
ATTN: KATHRYN KUBIT
1355 BEVERLY ROAD, SUITE 240
MCLEAN, VA 22101
PHONE: (703) 734-9750
OWNER:
MONTGOMERY COUNTY
EOB 101 MONROE STREET
ROCKVILLE, MD 20850
PARCEL 850, L.04047 F.003, PARCEL 925, L.3862 F. 772 AND PART A, L.16172 F.223
ELECTION DISTRICT No. 9
MONTGOMERY COUNTY, MARYLAND

PSTA SITE
RODGERS CONSULTING
19847 Century Boulevard, Suite 200, Germantown, Maryland 20874
Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com

BY	DATE
DESIGNED	
DRAWN	
REVIEWED	

RODGERS CONTACT:
RELEASE FOR
BY: _____ DATE: _____

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		

RODGERS CONTACT:
RELEASE FOR
BY: _____ DATE: _____

RESOLUTION & APPROVALS
CERTIFIED PRELIMINARY PLAN
SCALE: N/A
JOB NO: 0643T
DATE: AUGUST 2021
SHEET No. 28 OF 13