



Memorandum

TO: Eric Willis, Chief, Property Acquisition Section
Montgomery County Department of Transportation

VIA: *PB* Patrick Butler, Chief, Upcounty Planning Division
Montgomery Planning

FROM: *TS* Tanya Stern, Planning Director
Montgomery Planning

RE: Right-of-Way Abandonment Case No. AB-774
Portions of Liberty Mill Road (22,446 square feet total)
1989 Germantown Master Plan
Germantown West Policy Area

DATE: January 18, 2023

Recommendation

Staff supports the abandonment petition for a portion (22,446 square feet total) of the Liberty Mill Road right-of-way (ROW) and recommends that it be abandoned through the County Council's action on this petition. An access and maintenance easement should be granted to Pepco within the abandonment area to enable continued maintenance of existing power transmission lines.

This memorandum hereby transmits the following staff comments to the Montgomery County Department of Transportation (MCDOT) and Montgomery County Department of General Services (DGS) in accordance with Montgomery County Code Chapter 49-62, "Abandonment and Closing Rights-of-Way: Abandonment Authority; Scope of Article; Procedures." This item has not been heard by the Montgomery County Planning Board.

Discussion

On March 2nd, 2021, the Maryland - National Capital Park and Planning Commission (M-NCPPC) received Abandonment Petition No. AB-774, in accordance with Section 49-62(g) of the County Code (Attachment A). The Applicant is Kingsview Station Joint Venture, requesting an abandonment of the public right-of-way contained within the Subject Property located at 13520 Clopper Road, Germantown. The Subject Property is subject to the approved Local Map Amendment (LMA) H-131 and is currently under review for two joint development applications, Preliminary Plan 120210210, and Site Plan 820210130.

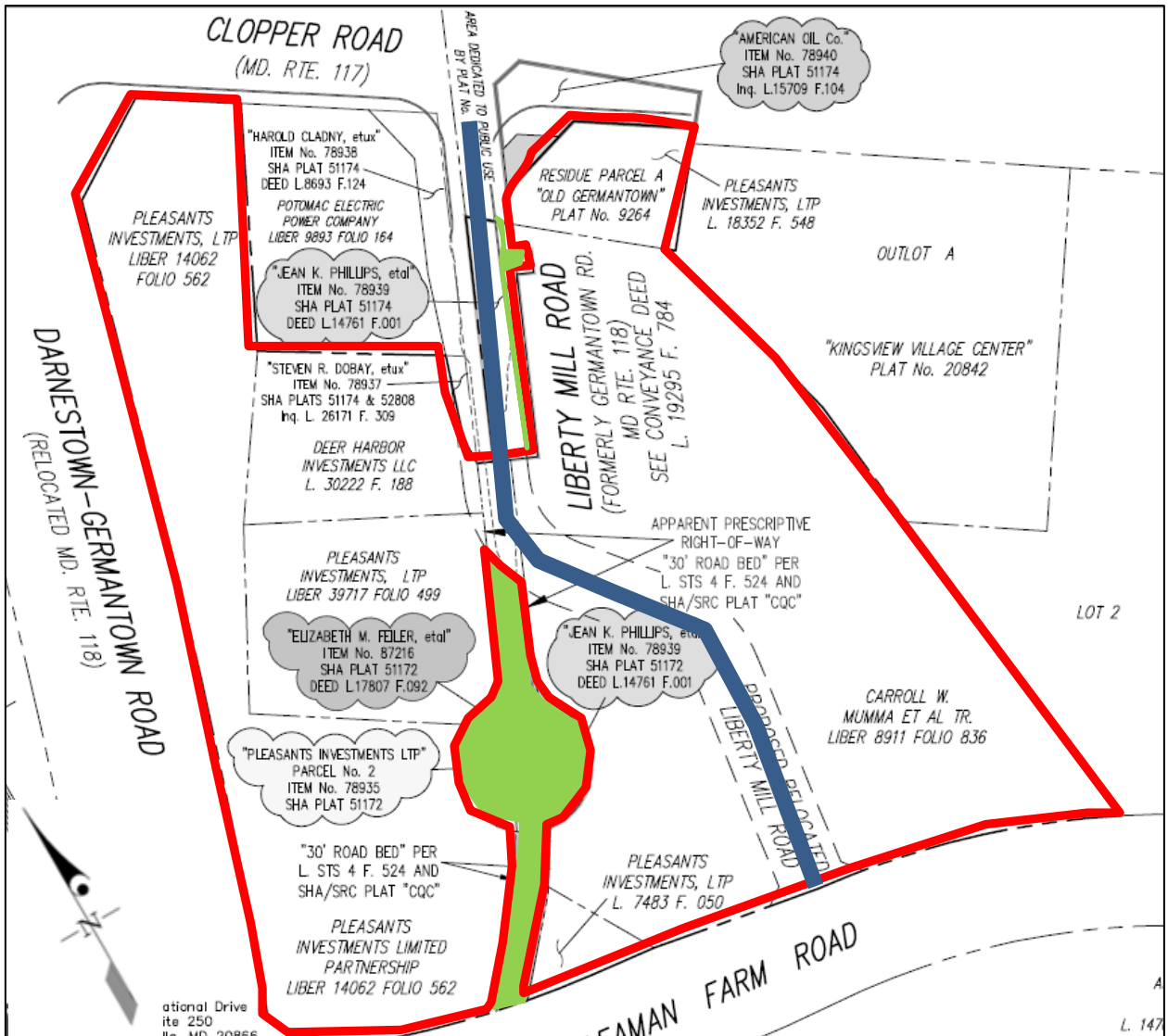


Figure 1: Subject Property Map (Property outlined in red, abandonment in green, realigned Liberty Mill Rd. in blue)

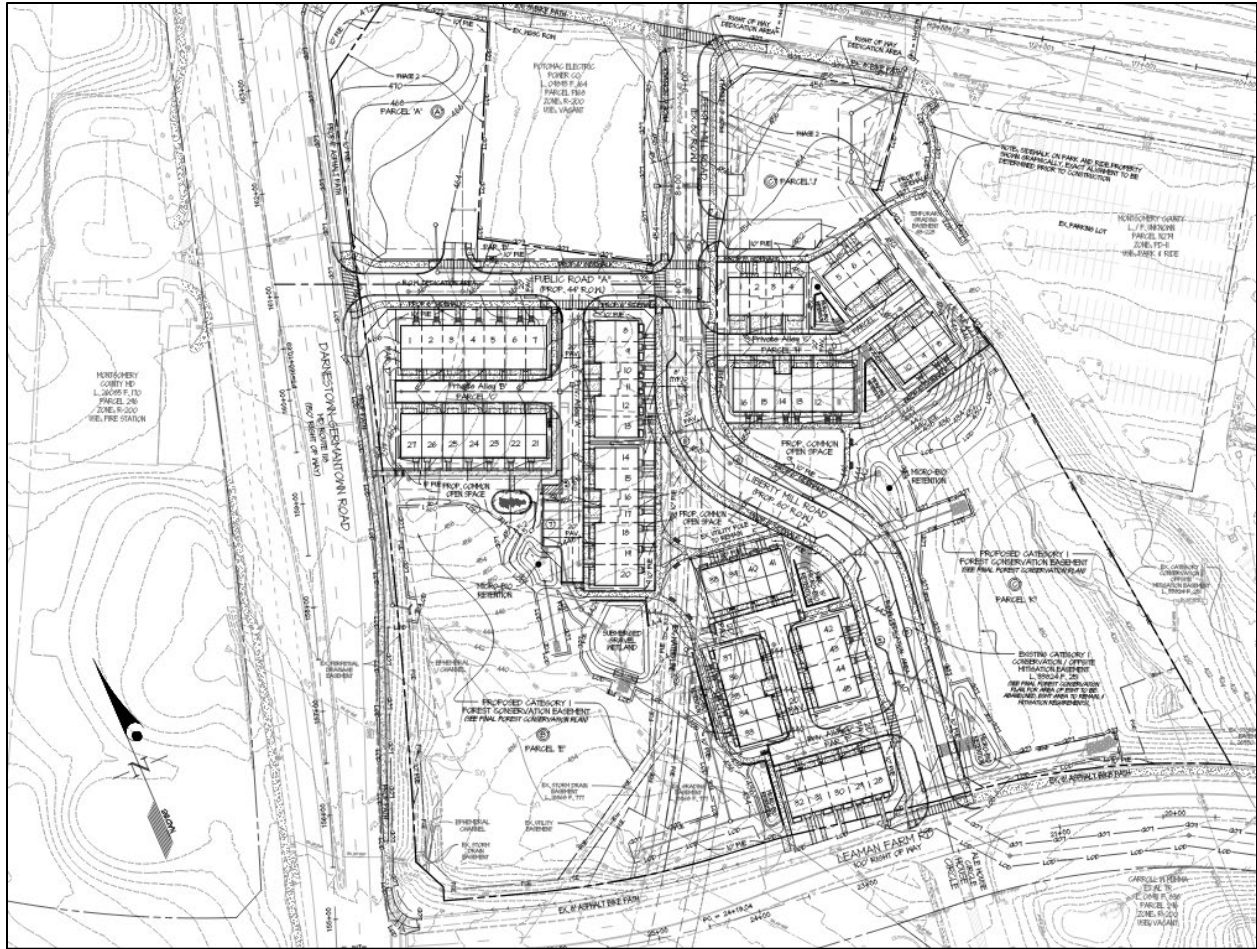


Figure 2: Application for Kingsview Station, Preliminary Plan 120210210 and Site Plan 820210130

Currently, the Subject Property is vacant. Under the Preliminary and Site Plan applications, which are consistent with the approved LMA H-131, the Subject Property will be improved with a mixed-use development of retail uses and townhomes. As proposed in these applications, this residual portion of Liberty Mill Rd. will be realigned and reconstructed (Figs. 1 and 2) by removing the cul-de-sac. A new road alignment is proposed to connect the existing access on Clopper Rd. in the north to Leaman Farm Rd. at Alehouse Cir. in the south. Full inter-parcel vehicular and pedestrian movement will be accommodated on this realigned road. These applications, which are under review, must meet all safety and adequacy requirements as determined by Planning Staff, MCDOT, Montgomery DPS and Montgomery Fire and Rescue Services. These applications will receive an additional full public hearing before the Planning Board.

As stated in the Application, the majority of remaining ROW (15,314 sf) on site was acquired through historic prescriptive use, with records dating back to the mid 1800's. Present day Liberty Mill Rd. previously served as Germantown Rd. through central Germantown, until Germantown Rd. was realigned and rebuilt in its current form as a highway in the 1980's. Following this realignment, the remaining portions of Liberty Mill Rd. were retained to serve local traffic, while the portion of the road within the subject property was terminated with a cul-de-sac. Additional

ROW was acquired fee-simple (7,132 sf) following this realignment for the remaining portions of the area under review for the abandonment. While the acquisition process for these portions differs, and the fee-simple portioned is retained under the ownership of DGS, both portions serve the sole purpose of ROW for this section of Liberty Mill Rd. In the years since, this portion of road has remained unused and is currently unmaintained and closed to traffic. No abandonment of any active part of Liberty Mill Rd. is proposed.



Figure 3: Closed off Area of Proposed Abandonment and Pepco Transmission Lines

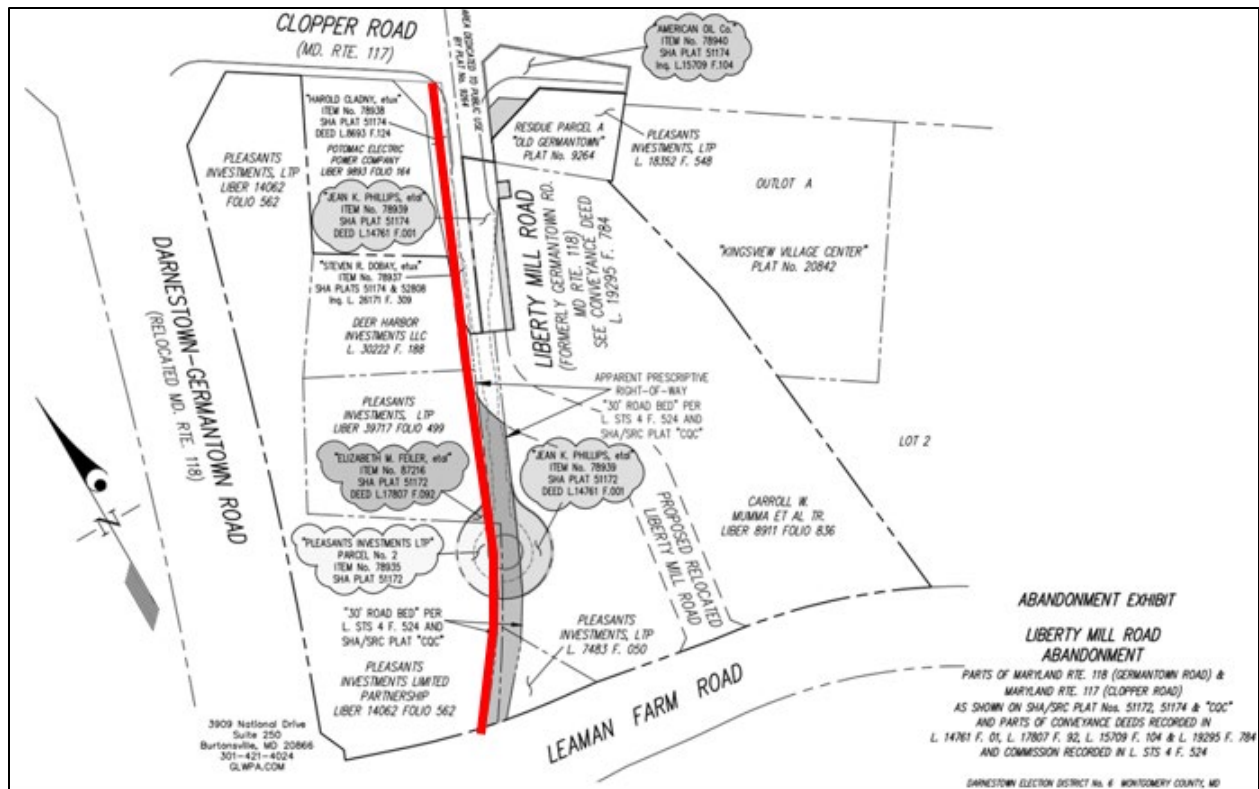


Figure 4: Pepco Transmission Line (in red)

A Pepco transmission line remains on the subject property, which runs parallel to the ROW alignment from Clopper Rd. in the north and to Lehman Farm Rd. in the south. As part of the Preliminary and Site Plan applications, maintenance access will be provided along the proposed realignment of Liberty Mill Rd. as well as through public utility easements. An interim access and maintenance easement should be granted to Pepco within the abandonment area to enable continued maintenance of the transmission lines while these plans are reviewed. These transmission lines may also be moved as part of the application.

Necessary Findings

Section 49-63(c)(1) -(2) of the Montgomery County Code (the "Code") authorizes the County Council to abandon a right-of-way, including a public road, upon a finding that:

1. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
2. The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed

Furthermore, Section 49-62(a) of the Code defines right-of-way, as the following:

any road, street, alley, crosswalk, pedestrian walkway, shared use path, water main, sanitary sewer, storm sewer, or storm drainage right-of-way used at any time by the public, including use by pedestrians and bicyclists.

The existing ROW is no longer needed for public use. Without a public through connection to any public road or access to any existing development, this portion of ROW does not serve a public purpose. Through access and maintenance of the existing road has been discontinued for at least a decade without detriment to any landowner or the public at large. However, an access and maintenance easement should be granted to Pepco within the abandonment area to enable continued maintenance of the existing power transmission lines. The existing Subject Property is undeveloped, which does not require public access for any safety or health concerns. Through the review and approval of LMA H-131, as well as the initial review of Preliminary Plan 120210210 and Site Plan 820210130, Planning Staff agrees with the Applicant that the proposed realigned and rebuilt Liberty Mill Rd. will provide greater public benefit than the existing alignment and dedication area. The connection to Lehman Farm Rd. is spaced further back from the Lehman Farm / Germantown Rd. intersection as compared to the existing ROW alignment, which is a safety and operations improvement. Additionally, the access to Lehman Farm Rd. as proposed aligns with the existing Alehouse Cir. intersection, providing enhanced through connectivity. Therefore, Staff concludes that the portion of right-of-way identified in the Abandonment Petition No. AB-774 is not necessary for present or future public use. This portion of right-of-way is not necessary to protect the health, safety and welfare of residents. The abandonment is consistent with the *1989 Germantown Master Plan*, *2018 Master Plan of Highways and Transitways*, and *2018 Bicycle Master Plan*. Staff is recommending approval of Abandonment Case No. AB-774 for the abandonment of 15,314 sf of existing prescriptive ROW and 7,132 sf of fee-simple ROW (for a combined total of 22,446 sf) of ROW dedication.

Attachments

- A. Request for Abandonment



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Abandonment - Liberty Mill Road in Germantown, MD	Executive Order No. 22-21	Subject Suffix
Originating Department: Transportation	Department Number PA 3-21	Effective Date 2/22/21

1. Pursuant to Section 49-62 of Montgomery County Code (2014) as amended, the County Executive or his Designee shall conduct a virtual Public Hearing

At 1:00 p.m. on Tuesday, May 4th, 2021 via the internet-based platform known as Zoom™

to consider an application received from Lerch, Early & Brewer, Chtd., representing Kingsview Station Joint Venture (the "Applicant"), seeking the abandonment of several sections of Liberty Mill Road in Germantown.

2. The Hearing shall be conducted virtually via Zoom™. A link to the virtual meeting space will be provided to all registrants several days prior to the Hearing date. Special accommodations will be addressed as needed
3. After the aforesaid Hearing, the presiding Hearing Officer shall report the Officer's findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Approved as to Form and Legality:
Office of the County Attorney

Robert Birenbaum

By: _____
Date: 02/08/2021

Distribution:
Department of Transportation
Department of Finance
Office of County Attorney

APPROVED:
A. Jerome Fletcher

Jerome Fletcher
Assistant Chief Administrative Officer
Date: 2/22/21



Robert G. Brewer
301-657-0165
rgbrewer@lerchearly.com

Elizabeth C. Rogers
301-841-3845
ecrogers@lerchearly.com

March 2, 2021

VIA ELECTRONIC AND HAND DELIVERY

Mr. Marc Elrich
County Executive
c/o Mr. Christopher Conklin, Director
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Rockville, MD 20850

Re: Abandonment of a Portion of Liberty Mill Road
Germantown, Maryland

Dear Mr. Elrich:

We are writing on behalf of Kingsview Station Joint Venture (the “Applicant”) to request abandonment of portions of the Liberty Mill Road right-of-way in Germantown, Maryland, as more particularly shown on Exhibit “A” (the “Subject Right-of-Way”). The requested abandonment is necessary to facilitate the realignment and extension of Liberty Mill Road, in connection with the redevelopment of the surrounding property.

Currently, Liberty Mill Road dead ends in a cul-de-sac just north of Leaman Farm Road. However, the Applicant is proposing to reconfigure this public street to complete the connection between Clopper Road and Leaman Farm Road (a connection that has not existed at this location since the relocation of MD 118). The new Liberty Mill Road has been designed to maintain the existing access point along Clopper Road and, in accordance with the intersection spacing requirements of the Subdivision Ordinance, to align with Ale House Circle on the south side of Leaman Farm Road¹ (*see* Exhibit “B”). To facilitate this improved public roadway, the

¹ The proposed alignment and configuration of Liberty Mill Road was thoroughly vetted by M-NCPPC and MCDOT in connection with the Local Map Amendment and will be finalized in connection with the forthcoming Preliminary Plan.

Applicant is seeking to abandon only those portions of the existing right-of-way that fall outside of the proposed new Liberty Mill Road right-of-way, including:

- (1) 7,013 square feet (\pm), shown in red, which is part of the original 30' roadbed for MD 118, the right-of-way for which was acquired through prescriptive use. The public need for the roadway is documented through the Commission dated June 21, 1850 and recorded at Liber STS 4, Folio 524, and the configuration of the roadbed was subsequently shown on SHA/SRC Plat "CQC". The State Highway Administration of the Department of Transportation and the Board of Public Works of Maryland conveyed all rights, title and interest in this land to Montgomery County, Maryland by Road Conveyance Deed dated May 24, 2001 recorded among the Land records for Montgomery County at Liber 19295, Folio 784 (*see* Exhibit "C").
- (2) 3,745 square feet (\pm), shown in yellow, which is part of the cul-de-sac bulb constructed in connection with the relocation of MD 118. It is presumed that this portion of the roadbed was acquired through prescriptive use. Although shown on SRC Plat No. 51172, the Applicant has been unable to find any further documentation regarding the creation of this right-of-way in the Land Records (*see* Exhibit "D").
- (3) 4,556 square feet (\pm), shown in grey, which is part of the original 30' roadbed for MD 118, the right-of-way for which was acquired through prescriptive use. The public need for the roadway is documented through the Commission dated June 21, 1850 and recorded at Liber STS 4, Folio 524, and the configuration of the roadbed was subsequently shown on SHA/SRC Plat "CQC" (*see* Exhibit "C" for copies of the Commission and CQC Plat).²
- (4) 1,246 square feet (\pm), highlighted in orange, that was included in a larger tract of land taken by Montgomery County, Maryland for the relocation of MD 118, as evidenced by the Inquisition dated May 30, 1997, and recorded in the Land Records of Montgomery County, Maryland at Liber 15709, Folio 104 (*see* Exhibit "E").
- (5) 5,330 square feet (\pm), highlighted in green, conveyed to Montgomery County, Maryland for the relocation of MD 118, as evidenced by that certain Deed dated February 12, 1997, and recorded in the Land Records of Montgomery County, Maryland at Liber 14761, Folio 001, (*see* Exhibit "F").

² Because this portion of the road is no longer physically present and because we can find no other documents in the Land Records or from the State Highway Administration documenting its precise boundaries, there is nothing from which a metes and bounds description can be prepared for this portion of the Subject Right-of-Way.

(6) 556 square feet (\pm), highlighted in blue, conveyed to Montgomery County, Maryland for the relocation of MD 118, as evidenced by Deed dated December 16, 1999, recorded in the Land Records of Montgomery County at Liber 17807, Folio 092 (see Exhibit "G").

Additionally, the Applicant is concurrently seeking the disposition of 7,132 square feet (\pm) of Liberty Mill Road (described in paragraphs 4, 5 and 6 above and shown on Exhibit "H") that is owned in fee simple by Montgomery County. The Applicant will file a separate application with the Department of General Services for the disposition of these portions of Liberty Mill Road.

As discussed in detail below, the abandonment and disposition will facilitate the development of this vacant and underutilized property, located in the southeast quadrant of the intersection of MD-118 and Clopper Road (the "Property"), with a context sensitive, mixed-use, predominately residential development. The portion of right-of-way subject to this request for abandonment is no longer necessary for present or future public use. In fact, the requested abandonment will facilitate improved public pedestrian and vehicular circulation, as compared to the existing conditions.

I. Property Background and History of Right-of-Way

The Property is currently undeveloped and is comprised of several individual parcels, generally bounded to the north by Clopper Road (MD 117), Germantown Road (MD 118) to the west, the Germantown Commuter Parking Lot and Kingsview Village Center Commercial to the east, and Leaman Farm Road to the south.³ Liberty Mill Road runs through the approximate center of the Property and terminates in a cul-de-sac just north of Leaman Farm Road. The existing right-of-way is poorly maintained and also presents safety concerns – because the right-of-way is an dead-end street and surrounded by vacant land on all sides, there are no "eyes on the street" for this portion of Liberty Mill Road.

Liberty Mill Road was previously operated as MD-118, prior to its expansion and relocation in the 1980's. Given the age of the Liberty Mill Road right-of-way, the records regarding the creation of the original roadbed are somewhat incomplete. To our knowledge, the public need for the roadway was first referenced in a "Commission" dated June 21, 1850 and recorded at Liber STS 4, Folio 524 (the "1850 Commission"). The 1850 Commission reflects a determination that a public need existed for the creation of a 30' roadbed for public convenience, and estimates the damages that would have been due to the individual property owners impacted by the road construction. However, there is no language in this document indicating the land

³ The parcel located in the southwest quadrant of the intersection of Liberty Mill Road and Clopper Road, more particularly known as part of Parcel P168 in the "Friend in Need" Subdivision, is owned by Potomac Electric Power Co. ("Pepco") and is not part of the Property.

was actually conveyed or taken. Subsequently, the 30' roadbed was reflected on a State Roads Commission Plat (Plat "CQC"). Although this Plat contains "grant and convey" language, there are no signatures or other evidence to sufficiently demonstrate that the conveyance was effectuated through the Plat. As such, based on our research and these records, the original 30' roadbed appears to have been acquired through prescriptive use. Only a portion of this original roadbed is still physically present today, although we are seeking abandonment based on the right-of-way delineated on Plat "CQC", to provide a clean record of title moving forward.⁴ The rights, interest, and title to the former MD-118 right-of-way (running south of MD 117 and continuing to the intersection with Wisteria Avenue), which includes part the Subject Right-of-Way,⁵ was subsequently transferred from SHA to Montgomery County by Road Conveyance Deed dated May 24, 2001 and recorded at Liber 19295, Folio 784 (*see* Exhibit "C").

The western half of the cul-de-sac also appears to have been acquired through prescriptive use. Although this portion of the road is reflected on SHA/SRC Plat No. 51172, we can find no corresponding documentation recorded among the Land Records concerning the dedication and/or conveyance of this right-of-way. Therefore, this portion of the Subject Right-of-Way also is presumed to have been acquired through prescriptive use.

The other portions of the cul-de-sac bulb, along with the segments of the right-of-way on the east side of Liberty Mill Road and at the intersection of Clopper Road and Liberty Mill Road, which are included in this abandonment application, were acquired by the State Highway Administration or Montgomery County.

II. Proposed Redevelopment

In accordance with the County's goals, as expressed through *1989 Approved and Adopted Germantown Master Plan* (the "Master Plan"), the Applicant is proposing to redevelop the Property with a mixed-use, predominately residential development. Specifically, the Applicant proposes to redevelop the Property with up to 61 residential townhouse units and 12,000 square feet of non-residential use (the "Project"). To facilitate this redevelopment, the Applicant recently obtained approval of Local Map Amendment No. H-131, which rezoned the Property from R-200 and R-200/TDR 6.0 Zones to the CRNF-1.0, C-0.25, R-0.75, H-55' Zone. To

⁴ Given that the 30' roadbed was created through prescriptive use, any rights to the portion of the road south of the cul-de-sac bulb would have terminated when the cul-de-sac was constructed, and thus no longer put to public use for which it was initially created. Nonetheless, the portion of the Subject Right-of-Way between the cul-de-sac bulb and Leaman Farm Road is being included in this Application for purposes of creating a clean record of title as this project moves forward.

⁵ The right-of-way subject to the Road Conveyance Deed specifically includes the right-of-way beginning at the cul-de-sac located 0.12 miles south of MD 117 (Clopper Road). As such, the Deed does not appear to include the portion of the Subject Right-of-Way that falls between Lemman Farm Road and the cul-de-sac bulb, presumably because this portion of the right-of-way was no longer being used and/or physically present at the time the Road Conveyance Deed was effectuated. However, through the Road Conveyance Deed, SHA clearly intended to transfer all of its right, title and interest to the old MD 118 roadbed.

accommodate the redevelopment, the Applicant will soon be filing a Preliminary Plan of Subdivision to subdivide the Property into a series of lots and parcels.

The Applicant initially proposed to create a series of private streets within the Project. However, after extensive discussions with M-NCPPC Staff and MCDOT Staff in connection with the Local Map Amendment, the Applicant has redesigned the Project to provide public road connections to Leaman Farm Road, Clopper Road and Germantown Road (*see* Exhibit “B”). Particularly relevant to this discussion, the Project includes the realignment and reconstruction of Liberty Mill Road through a central s-curve road that runs through the approximate center of the Property, connecting Clopper Road and Leaman Farm Road. As such, the Project will greatly improve pedestrian and vehicular circulation by replacing the existing, poorly maintained, dead-end road with an activated through street.

The proposed roadway has been strategically designed to maintain the existing access point along Clopper Road and, in accordance with intersection spacing requirements of the Subdivision Ordinance, to align with the current access point on the southern side of Leaman Farm Road – Ale House Circle. The proposed alignment and configuration of Liberty Mill Road was thoroughly vetted by M-NCPPC and MCDOT in connection with the Local Map Amendment and will be finalized in connection with the forthcoming Preliminary Plan. This Application seeks merely to abandon those portions of the existing right-of-way that fall outside the new Liberty Mill Road.

III. Discussion of Required Findings

Pursuant to Section 49-63 of the Montgomery County Code, a right-of-way may be abandoned if:

1. *The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or*
2. *The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed. In assessing health, safety, and welfare issues, the Council may consider:*
 - a. *any adopted land use plan applicable to the neighborhood;*
 - b. *safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic; and*
 - c. *changes in fact and circumstances since the original dedication of the right-of-way.*

As explained more fully below, the proposed abandonment satisfies these requirements.

1. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future.

The right-of-way requested to be abandoned is no longer necessary for present or anticipated public use. The right-of-way was originally created circa 1920 as part of old MD 118. Since the expansion and relocation of MD 118 in the 1980's, the Subject Right-of-Way is no longer being used for the purposes for which it was created. As discussed above, the Subject Right-of-Way is a poorly maintained, dead-end street, surrounded by vacant land on all sides. As such, the current roadway no longer provides any real pedestrian or vehicular circulation. Rather, the abandonment will facilitate improved pedestrian and vehicular circulation through the realignment and reconstruction of Liberty Mill Road, which will complete the connection between Clopper Road and Leaman Farm Road. This Application merely seeks abandonment of those portions of the Subject Right-of-Way that fall outside of the new, proposed Liberty Mill Road right-of-way.

2. The abandonment is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned.

- a. *The abandonment promotes the goals and objectives of the Germantown Master Plan.*

The Property is located within the *1989 Approved and Adopted Germantown Master Plan*. Specifically, the Property falls within the eastern portion of the Clopper Village planning area (Analysis Area CL-6), which is recommended to include a Village Center to serve the nearby Kingsview Village. The Village Center was to include up to 170,000 square feet of retail development and professional office space with most of the area (approximately 90%) devoted to retail use. The remaining portion of the Analysis Area was recommended for residential development and the construction of a park and ride facility. The park-and-ride facility and Village Center were developed just east of the Property. The Property is the only portion of the Analysis Area that remains undeveloped.

The proposed abandonment will promote the goals of the Master Plan, by facilitating the redevelopment of this vacant, underutilized Property, located at this prominent intersection, with a mixed-use, predominately residential development. The Project will provide additional housing and retail uses in close proximity to transit, including the Germantown MARC station and various bus lines, as envisioned by the Master Plan. The Project will also significantly improve connectivity – the Project incorporates a series of internal public streets that break up the Property into a series of smaller blocks, with access to MD 118, Clopper Road and Leaman Farm Road.

b. The abandonment will improve pedestrian safety and vehicular circulation.

The abandonment will result in an enhanced road network and improved pedestrian safety. As mentioned above, the current right-of-way terminates in a cul-de-sac within this vacant property – as such, there are no “eyes on the street” for this stretch of road. Furthermore, given the lack of public use, the road is poorly maintained.

The Project will improve vehicular and pedestrian circulation by reintroducing an alternative connection between Clopper Road and Leaman Farm Road (as opposed to along MD 118). The new Liberty Mill Road will have sidewalks along both sides of the street and will be activated through commercial and residential uses. The proposed buildings have been designed to frame the street and on-street parking will be provided, where feasible. As a result, the Project, through the requested abandonment, will facilitate the creation of a walkable street and enhanced pedestrian and vehicular connection.

c. The abandonment is supported by the changes in fact and circumstances since the original dedication of the right-of-way.

As discussed above, with the expansion and relocation of MD 118, the Subject Right-of-Way is no longer being used for the purposes for which it was created. The current dead-end, poorly maintained road serves no real pedestrian or vehicular purpose. As such, the Applicant is proposing to reconstruct Liberty Mill Road, to recreate the connection between Clopper Road and Leaman Farm Road. However, as a result of current conditions, the roadway must be realigned. The roadway has been designed to maintain the existing access point along Clopper Road and, in accordance with the intersection spacing requirements of the Subdivision Regulations, to align with Ale House Circle (located on the south side of Leaman Farm Road). This alignment results in an s-curve road that runs through the approximate center of the Property. To facilitate the reconstruction of this roadway, the Applicant is seeking to abandon those portions of the existing right-of-way that fall outside of the new Liberty Mill Road right-of-way.

IV. Conclusion

For all the reasons discussed above, we respectfully request approval of the subject abandonment. Enclosed in support of this request are the following materials:

1. \$2,500 filing fee;
2. Overall street abandonment exhibit, depicting the areas to be abandoned (Exhibit “A”);
3. Floating Zone Plan for Local Map Amendment H-131 (Exhibit “B”);
4. Metes and bounds description of the area to be abandoned, and associated, relevant deeds and plats (Exhibits “C”, “D”, “E”, “F” and “G”); and
5. Disposition exhibit (Exhibit “H”); and
6. Adjoining and confronting property owners & HOA/Civic Association list (Exhibit “I”).

Thank you for your consideration of this request.

Sincerely,


Robert R. Brewer


Elizabeth C. Rogers

cc: Eric Willis
Greg Ossont
Patrick Butler (electronic copy)
Dan Fryer (electronic copy)
Kevin Foster (electronic copy)

CLOPPER ROAD
(MD. RTE. 117)

AREA DEDICATED TO PUBLIC USE
BY PLAT No. 9264

"AMERICAN OIL Co."
ITEM No. 78940
SHA PLAT 51174
Inq. L.15709 F.104

"HAROLD CLADNY, etux"
ITEM No. 78938
SHA PLAT 51174
DEED L.8693 F.124

POTOMAC ELECTRIC
POWER COMPANY
LIBER 9893 FOLIO 164

PLEASANTS
INVESTMENTS, LTP
LIBER 14062
FOLIO 562

"JEAN K. PHILLIPS, etal"
ITEM No. 78939
SHA PLAT 51174
DEED L.14761 F.001

"STEVEN R. DOBAY, etux"
ITEM No. 78937
SHA PLATS 51174 & 52808
Inq. L. 26171 F. 309

DEER HARBOR
INVESTMENTS LLC
L. 30222 F. 188

RESIDUE PARCEL A
"OLD GERMANTOWN"
PLAT No. 9264

PLEASANTS
INVESTMENTS, LTP
L. 18352 F. 548

OUTLOT A

"KINGSVIEW VILLAGE CENTER"
PLAT No. 20842

DARNESTOWN-GERMANTOWN ROAD
(RELOCATED MD. RTE. 118)

LIBERTY MILL ROAD
(FORMERLY GERMANTOWN RD.
MD RTE. 118)
SEE CONVEYANCE DEED
L. 19295 F. 784

APPARENT PRESCRIPTIVE
RIGHT-OF-WAY
"30' ROAD BED" PER
L. STS 4 F. 524 AND
SHA/SRC PLAT "CQC"

PLEASANTS
INVESTMENTS, LTP
LIBER 39717 FOLIO 499

"ELIZABETH M. FEILER, etal"
ITEM No. 87216
SHA PLAT 51172
DEED L.17807 F.092

"JEAN K. PHILLIPS, etal"
ITEM No. 78939
SHA PLAT 51172
DEED L.14761 F.001

LOT 2

"PLEASANTS INVESTMENTS LTP"
PARCEL No. 2
ITEM No. 78935
SHA PLAT 51172

"30' ROAD BED" PER
L. STS 4 F. 524 AND
SHA/SRC PLAT "CQC"

CARROLL W.
MUMMA ET AL TR.
LIBER 8911 FOLIO 836

PLEASANTS
INVESTMENTS, LTP
L. 7483 F. 050

PLEASANTS
INVESTMENTS LIMITED
PARTNERSHIP
LIBER 14062 FOLIO 562

PROPOSED RELOCATED
LIBERTY MILL ROAD

LEAMAN FARM ROAD

ABANDONMENT EXHIBIT

LIBERTY MILL ROAD
ABANDONMENT

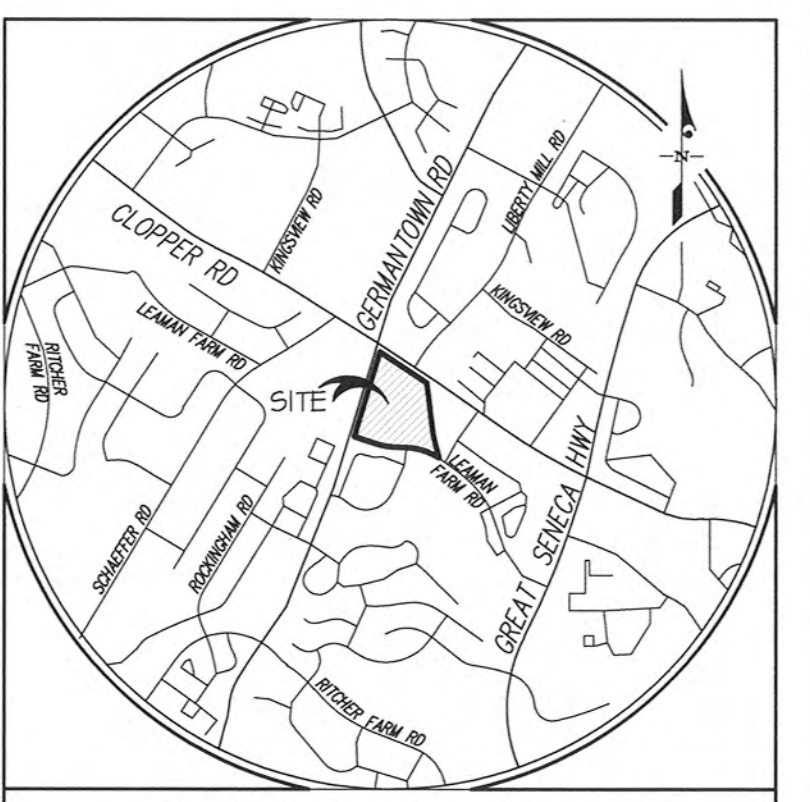
PARTS OF MARYLAND RTE. 118 (GERMANTOWN ROAD) &
MARYLAND RTE. 117 (CLOPPER ROAD)
AS SHOWN ON SHA/SRC PLAT Nos. 51172, 51174 & "CQC"
AND PARTS OF CONVEYANCE DEEDS RECORDED IN
L. 14761 F. 01, L. 17807 F. 92, L. 15709 F. 104 & L. 19295 F. 784
AND COMMISSION RECORDED IN L. STS 4 F. 524

DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MD



3909 National Drive
Suite 250
Burtonsville, MD 20866
301-421-4024
GLWPA.COM

KINGSVIEW STATION FLOATING ZONE PLAN



VICINITY MAP
SCALE: 1" = 2,000'

NAD83 GRID: 225N43 - TAX MAP: ET343

LEGEND

- PROPOSED BUILDING
- EXISTING BUILDINGS
- PROPERTY LINE
- PROP. CONTOURS
- EX. CONTOURS
- EX. STREAM
- EX. CURB
- PROP. CURB
- EX. SIDEWALK
- PROP. SIDEWALK
- EX. ELECTRIC
- EX. GAS
- EX. SEWER
- PROP. SEWER
- EX. WATER
- PROP. WATER
- EX. STORM DRAIN
- PROP. STORM DRAIN
- PROP. LOD
- EX. OVER HEAD POLE
- EX. UTILITY POLE
- EXISTING TREE LINE
- MAPPED SOILS BOUNDARY LINE
- FCE FOREST CONSERVATION EASEMENT AREA
- US EX. FENCE
- EB EX. MATERS OF US
- SB EPHEMERAL STREAM
- EB STREAM BUFFER PER APPROVED NRI
- WB ENVIRONMENTAL BUFFER
- WB WETLAND BUFFER
- EXISTING TREE
- FIELD SURVEYED SPECIMEN TREE & CAZ
- SLOPES 25% OR GREATER

GENERAL NOTES

1. Owner/Applicants: Kingsview Station, A Joint Venture c/o Pleasants Development 24012 Frederick Road Suite 200 Clarksville, MD 20886
2. Boundary survey by: Charles P. Johnson & Associates, May 2018
3. Topography by: Charles P. Johnson & Associates, May 2018
4. Master Plan: Germantown Master Plan
5. NRI/PSD by: GLW, P.A. NRI/PSD Plan No. 420182910 Approved: August 7, 2018
6. Watershed & Use Class: Middle Great Seneca Creek (IV-F)
7. There are no known Special Protection Areas (SPA) or FMA Areas on site.
8. There is no floodplain on site per FEMA Map #24031C0110D.
9. Wetlands were flagged by Wetland Studies and Solutions, INC on May 10, 2018.
10. There are no known Rare, Threatened or Endangered Species on site.
11. The property is not listed on the Locational Atlas and Index of Historic Sites.
12. Parcel 214, 322, 330, 536, & N210 Existing Water Category: N-3 Existing Sewer Category: S-3
13. Parcel 220 & 274 Existing Water Category: N-5 Existing Sewer Category: S-5 Proposed Water Category: N-1 (Pending) Proposed Sewer Category: S-3 (Pending)
14. Utility Companies: Gas - Washington Gas Electric - PEPCO Water & Sewer - WESG Telephone - Verizon Cable -

SITE DATA

Existing Site Area:	10.28 Ac. (Includes existing ROW Area)
Parcel - 220	0.71 Ac.
Parcel - 274	1.00 Ac.
Parcel - 322	2.86 Ac.
Parcel - 330	4.42 Ac.
Parcel - 536	0.11 Ac.
Parcel - N210	0.42 Ac.
ROW Parcels	0.20 Ac.
Existing Zoning:	R-200 & R-200 TDR/6
Existing Use:	Vacant
Proposed Zone:	GRNF (Commercial Residential Neighborhood - Floating) (GRNF-1.00, C-0.25, R-0.15, H-55')
Proposed Use:	Commercial & Residential Townhouses
Development Program:	Single Phase
Commercial Uses:	12,000 SF
Residential Townhouses:	61 DU
MPDUs Provided (12.5%)	0 DU

DEVELOPMENT STANDARDS - GRNF ZONE

FAR (Floor Area Ratio) Commercial:	Allowed/Required Per Master Plan Village Center 170,000 SF Max.	Proposed 0.25 FAR (411,450 SF)
Residential:	Per Master Plan II DU/Ac	0.15 FAR (335,950 SF)
TOTAL FAR:	N/A	1.0 FAR (447,400 SF)
Building Height:	Per Master Plan recommendation	55' Max. Ht.
Open Space:	10% min.	10% Public Open Space - Commercial Area 10% Common Open Space - Townhouse Area

PARKING PROVIDED:
All Parking Shall Conform To Zoning Code Standards.

BINDING ELEMENTS:

1. No more than 12,000 sf of commercial building area.
2. No more than 61 townhouse dwelling units.
3. A maximum building height of 50'



PROFESSIONAL CERTIFICATION

I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Landscape Architect under the laws of the State of Maryland.

License No.: B07

Expiration Date: January 31, 2021

Date: 4/15/20

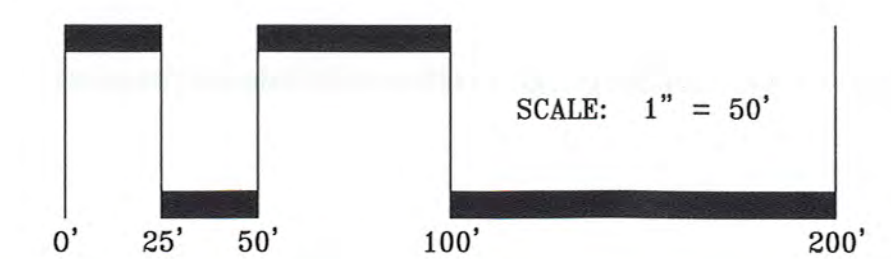


Kevin A. Foster
Landscape Architect
Geisick, Little & Weber, P.A.

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN (EXHIBIT NUMBER 376) APPROVED BY THE DISTRICT COUNCIL ON 3/31/2020 BY RESOLUTION NUMBER 15-402 IN APPLICATION NUMBER 18-4-151

Hearing Examiner: Kevin A. Foster
Date: 4/20/2020
Hearing Examiner's Name Printed: Kevin A. Foster

DESIGNED BY:	KAF			
DRAWN BY:	KAB			
CHECKED BY:	KAF	8/8/19	Revised Layout	
DATE:				



PREPARED FOR:
KINGSVIEW STATION, A JOINT VENTURE
c/o PLEASANTS DEVELOPMENT
24012 FREDERICK ROAD, SUITE 200
CLARKSBURG, MD 20871
ATTN: CLARK WAGNER
301-428-0800 x 1013

SCALE:	1"=50'
ZONING:	SEE SITE DATA
DATE:	JAN., 2020
TAX MAP - GRID:	ET-343

PROJECT: FLOATING ZONE PLAN
KINGSVIEW STATION
PARCELS 210, 220, 274, 322, 330, 536

DARDNOTW ELECTION DISTRICT No. 06
MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No. 18020
SHEET 1 OF 1