



Joint Hearing - MCC & PC
SK-9497-2023
Exhibit #53

April 21, 2023

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By E-Mail

Mayor Jud Ashman and
Members of the City Council

John Bauer, Chair and
Commissioners of the Planning Commission

City of Gaithersburg
31 S. Summit Avenue
Gaithersburg, MD 20877

Re: SK-9497-2023 – 770 Muddy Branch Road

Dear Mayor Ashman and Council Members and Chair Bauer and Commissioners:

Muddy Branch Investments LLC (“Applicant”) is the owner of 770 Muddy Branch Road (the “Property”) in Gaithersburg (the “City”). Applicant has filed SK-9497-2023 (the “Sketch Plan Application”) to redevelop the Property with up to 380 multi-family dwelling units in multiple structures up to five stories in height, a variety of green areas, and other amenities (collectively, the “Project”). The purpose of this letter is to respond to comments, questions, and testimony raised at the March 20, 2023 joint public hearing on the Sketch Plan Application.

Vehicular Circulation

During the public hearing, questions were raised regarding the adequacy of transportation facilities for Applicant’s proposed project, as well as the functionality of the intersections of Muddy Branch Road and School Drive, and the intersection of Timberbrook Lane, School Drive, and the Property’s existing driveway (the “Driveway”). The following is a discussion of these topics.

Adequacy of Transportation Facilities

Under Chapter 24 of the Gaithersburg City Code (the “Zoning Ordinance”), the adequacy of public facilities to serve a proposed development in the MXD Zone is considered at the time of schematic development plan (“SDP”) review. See § 24-160D.10(b)(5) of the Zoning Ordinance. With regard to transportation facilities, this analysis is conducted through the submission and approval of a Traffic Impact Study (“TIS”) during the SDP review process. See § 24-245 of the Zoning Ordinance; City’s Traffic Impact Study Standards and Regulation. As such, a TIS analyzing the adequacy of transportation facilities is not normally submitted as part of sketch plan review.

In order to be proactive, Applicant’s traffic engineer Lenhart Traffic Consulting, Inc. prepared a preliminary TIS in consultation with City staff to study whether the Muddy Branch Road and School Drive intersection and the intersection of Timberbrook Lane/School Drive/Property’s existing driveway have adequate transportation capacity per City standards to accommodate the anticipated trips generated by the Project. A subsequent memo prepared by Lenhart Traffic Consulting, which is attached hereto as Exhibit “A” (the “Traffic Memo”), confirms that both intersections will operate with a level-of-service (“LOS”) of “A” (the best possible LOS) when future trips generated by the Project are included. The City’s Traffic Impact Study Standards provide a LOS of “D” or greater (the equivalent of the City’s congestion standard of a CLV less than or equal to 1,450) is adequate. Therefore, it is anticipated that the Project will be served by adequate transportation facilities because the relevant intersections have a LOS of “D” or higher. The Montgomery County Department of Transportation (“MCDOT”) has also reviewed the TIS.

Applicant notes the final scope of the TIS will be reviewed and approved by City staff as part of subsequent SDP review in accordance with the Zoning Ordinance and the City’s Traffic Impact Study Standards and Regulation.

Intersection Functionality

- Sight Distance

As part of its analysis, Applicant’s traffic engineer reviewed the adequacy of site distance at the intersection of Muddy Branch Road and School Drive. The Traffic Memo notes there appears to be adequate sight distances based on existing intersection geometry, aerial photography, and Google street view imagery. Specifically, the Traffic Memo concludes there are clear sight lines for vehicles turning right from School Drive to Muddy Branch Road. There is also ample space within the existing median for vehicles to turn left from School Drive to Muddy

Branch Road via a two-stage movement (a common maneuver at divided highways such as Muddy Branch Road). It is reasonable to expect the level of comfort at this intersection would improve with the potential addition of the traffic light discussed below.

During the joint public hearing, comments were also raised regarding the safety of the Muddy Branch Road and School Drive intersection. In response, Applicant's traffic engineer reviewed publically available crash data. Although all traffic accidents are tragic and regrettable, the Traffic Memo observes that 15 total crashes have occurred at this intersection over the past seven years, with only one considered by the County to be severe. The Traffic Memo also determines that applying the crash data to the average yearly traffic for this intersection results in a crash rate of 0.34 crashes per one million vehicles. For background, the Traffic Memo states the Maryland State Highway Administration uses a ratio of one crash per million vehicles as a threshold for investigation. Therefore, the Traffic Memo concludes that the intersection of Muddy Branch Road and School Drive currently operates safely based on existing physical conditions and objective data. As noted earlier, it is also reasonable to anticipate the safety of this intersection would improve with the addition of the traffic light and associated pedestrian circulation enhancements identified below.

- Restriping of Existing Driveway

The current intersection of Timberbrook Lane/School Drive/Property's driveway is not currently striped, but it does contain a stop bar and a crosswalk across School Drive along Muddy Branch Road. As explained in the Traffic Memo, Applicant proposes to restripe this intersection by marking two outbound lanes (accommodating one lane allowing a combination of left hand turns and through traffic on School Drive, with another lane allowing right hand turns only), one inbound lane, a new centerline, and a new stop bar. Each new lane would be striped to achieve a minimum lane width of 10 to 10.5 feet in compliance with Montgomery County standards. This restriping will enhance the safety of existing conditions and permit the efficient circulation of vehicular traffic through this intersection. Final pavement markings will be reviewed and approved by the County and/or City as part of subsequent development review.

- Potential Signalization/Pedestrian Enhancements

As part of the Traffic Memo, Applicant's traffic engineer also conducted a Traffic Signal Warrant Analysis ("TSWA") to determine whether a traffic signal was warranted at the intersection of Muddy Branch Road and School Drive/Timberbrook Lane/the Driveway. The results of the TSWA, which are referenced in the Traffic Memo, conclude a traffic light at this intersection is not warranted under existing

conditions. A traffic light, however, would be warranted when the maximum traffic volume and trips generated by the proposed Project are included. This conclusion was reviewed by and concurred with by MCDOT. Applicant anticipates that signalization would also include pedestrian enhancements, such as crosswalks, countdown pedestrian signals, and accessible pedestrian signals.

Applicant notes Muddy Branch Road is a Montgomery County road not under the City's jurisdiction. Therefore, the review of traffic signal plans and pedestrian related improvements would need to be reviewed and permitted by Montgomery County.

- Queueing Analysis

In response to comments made at the joint public hearing, Applicant also examined the anticipated queueing at the Timberbrook Lane/School Drive/Property's driveway intersection with the addition of the Project. A queueing analysis included in the Traffic Memo estimates that once the proposed Project, traffic light, and pedestrian improvements are included, one vehicle or less will be queued within the Driveway along Timberbrook Lane under the *95th percentile* queueing results (near worst case scenario). Importantly, the Traffic Memo concludes this outcome is about the same as under existing conditions with traffic from Timberbrook Lane only. Under proposed conditions from 95th percentile results, any queued vehicles are expected to travel through the traffic signal in a single cycle, thereby clearing all waiting vehicles from the intersection.

The queueing analysis included in the Traffic Memo also finds that when *average* queue lengths are considered (instead of the near worst case scenario of 95th percentile queue lengths), no queueing on Timberbrook Lane or the Property's driveway are expected with the addition of the Project. As such, the Traffic Memo determines the intersection will continue to operate safely and efficiently.

- Turning Movements

Additionally, Applicant's traffic engineer has considered whether a range of vehicles (e.g., passenger vehicles and fire trucks) can safely maneuver in and out of the intersection of Muddy Branch Road with Timberbrook Lane/School Drive/Driveway after development of the Project. The turning movements included in Applicant's Traffic Memo depict these vehicle types will be able to make safe turning movements within the existing intersections when accessing and leaving the proposed Project.

- Single Point of Access

Other comments related to the Project's single proposed point of vehicular access from Muddy Branch Road. Applicant believes the analyses presented in the Traffic Memo and summarized above regarding appropriate sight distance, existing crash data, new restriping, potential signalization and pedestrian improvements, the accommodation of anticipated queueing, and the ability to allow proper turning movements for vehicles all confirm the Project's single point of access is safe, adequate, and efficient. Applicant's Traffic Memo also observes that a single point of access is a common design in the City, including at the adjacent Timberbrook Condominiums (single point of access at Timberbrook Lane) and adjacent Lakelands Ridge (single point of access at High Gables Drive) and that there is no inherently dangerous condition created by a single point of access that would preclude emergency vehicle access, especially considering the low-speed/low-volume conditions expected to be generated by the Project.

Compatibility

Building Height

Applicant's Project proposes several multifamily apartment buildings up to five stories in height to be located in the interior of the Property and along Muddy Branch Road. In response to comments raised at the joint public hearing regarding building height, Applicant observes although some portions of the Property are at higher elevation than surrounding land, there will be a compatible and appropriate relationship between proposed and existing development. This is achieved through, among other things, the introduction of solely residential uses in the Project, the integration of considerable setbacks between the building faces of current and new residential structures, the addition of new significant landscaping buffers to screen views, and the benefit from existing trees and vegetation.

Screening

As noted in its statement of justification (Exhibit 2 to the Sketch Plan Application), as well as referenced during the joint public hearing, Applicant has met several times with adjacent communities (Timberbrook Condominiums, Lakelands Ridge HOA, and Shady Grove Village II) to discuss the Project, including landscaping, buffering, and cut-through pedestrian access. This outreach includes on-site visits where Applicant walked the Property with community representatives.

For example, Applicant has coordinated with the Lakelands Ridge HOA to conduct an assessment of an existing retaining wall between the two properties. Furthermore, Applicant has discussed with the Lakelands Ridge HOA that the most

effective strategies for screening existing development from the Project vary along the shared property line. For example, additional landscaping may be more effective in some areas, while fencing may be more appropriate in other areas. Applicant will continue to coordinate and communicate with representatives from the adjacent communities on these and other topics. Applicant also acknowledges that compatibility between existing and proposed development, including landscaping, buffering, and screening, will be reviewed in greater detail during the subsequent SDP and final site plan review processes.

Environmental Remediation

Comments have also been raised regarding environmental remediation of the Property related to its past uses by the US federal government. As noted during the joint public hearing, Applicant has been accepted into the Voluntary Cleanup Program (the "VCP") administered by the Maryland Department of the Environment (the "MDE"). According to MDE, the purpose of the VCP is to encourage the investigation of eligible properties with known or perceived controlled hazardous substance contamination, protect public health and the environment, accelerate cleanup of properties, and provide liability releases and finality to site cleanup.

Applicant has been working through remedial work required under the VCP in coordination with MDE and Applicant's environmental consultants. Applicant has been deemed an "inculpable person" under the VCP and has completed soil remediation, with building demolition underway. Applicant intends to finish the balance of the work by the end of the year. Applicant expects that once remediation is complete, MDE will issue a No Further Requirements Determination stating there are no further requirements related to the investigation of controlled hazardous substances at the Property.

Conclusion

Applicant appreciates the opportunity to address the comments and questions raised at the March 20, 2023 joint public hearing and looks forward to the Planning Commission's discussion on the Sketch Plan Application currently scheduled for May 3, 2023. Applicant may provide additional responses and supporting materials for inclusion in the Mayor and City Council's record. Applicant is excited to advance the Sketch Plan Application through the development review process and provide much needed new housing convenient to commercial uses, employment opportunities, and transportation infrastructure.

Sincerely,

MILES & STOCKBRIDGE P.C.

Phillip A. Hummel / KDM

Phillip A. Hummel

cc: Clark Wagner, Pleasants Development
Ross Ostrander, Pleasants Development