

MEMORANDUM

DATE: September 29, 2006
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief
 Michael Ma, Supervisor
 Development Review Division
 FROM: Robert A. Kronenberg
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Limited Site Plan Amendment**
 CASE #: **82004018A**
 PROJECT NAME: Potomac Edge
 APPLYING FOR: Approval to modify heights for the proposed units from 39 feet to 42 feet, relocate the paddock fence by 1 foot behind the Public Improvement Easement parallel to Travilah Road, relocate a storm drain from the east side of lot 30 to between lots 29 and 30, and change the stormwater management facility from underground to above ground.
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
 ZONE: R-200/TDR-3
 LOCATION: Located on Travilah Road in the southern quadrant of the intersection with Lake Winds Way in Potomac, Maryland
 MASTER PLAN: Potomac Master Plan
 APPLICANT: Maryland Development Company, LLC
 FILING DATE: March 16, 2006
 HEARING DATE: October 12, 2006

STAFF RECOMMENDATION:

Staff recommends **Approval** of the Site Plan Amendment (82005024A) to modify heights for the proposed units from 39+/- feet to 42 feet, relocation of the paddock fence by 1 foot behind the public improvement easement parallel to Travilah Road, relocation of a storm drain from the east side of lot 30 between lots 29 and 30 and to change the stormwater management facility from underground to above-ground. The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan (No. 820040180) and Preliminary Plan (No. 120040460) remain in full force and effect, except as modified by this amendment.

Summary

Plan Approval

The Preliminary Plan of subdivision #120040460 and Site Plan #820040180 were approved by the Planning Board on June 10, 2004 (Planning Board Opinion mailed out June 23, 2004) for 34 one-family dwelling units in the R-200/TDR-3 Zone, including 8 Transfer Development Rights (with one reduction of one TDR from the 2/3 minimum TDR requirement) and a reduced width tertiary road.

The signature set for the site plan was approved on October 14, 2005 and the Planning Board approved the record plat on December 22, 2005.

Analysis of the Limited Amendment

Applicant's Requests

As final engineering for this site has been completed, the Applicant has determined that the proposed homes would exceed the 39-foot height limitation originally prescribed in the data table and on the approved site plan. This is due primarily to final grading associated with the proposed units and the location of the exact measuring point that will be used to determine the height. The Applicant has determined that the maximum height of the proposed houses would need to be increased by 3 feet in order to accommodate the final street/site grading and the houses, as defined by the Montgomery County Zoning Ordinance.

The proposed site plan application presented to the Planning Board has not changed in terms of house locations and building layout, access, landscaping or amenities. The envelope of the one-family detached units will be the same as originally shown to the Board; however, the height of the proposed buildings has increased due to determination of the proposed measuring point and final grading for each lot. The Applicant is seeking a limited amendment to modify the data table to reflect the increased height, from 39+/- feet to 42 feet. The maximum height permitted with the approved site plan was 50 feet.

In addition to the height modification, the Applicant is proposing to relocate the paddock fence by 1 foot behind the public improvement easement parallel to Travilah Road, relocate the storm drain from the east side of lot 30 to between lots 29 and 30 and change the stormwater management facility from underground to above ground. The change to the stormwater management facility was required by the Department of Permitting Services due to regulatory changes to facilities.

Staff Position

Staff reviewed the application and has met with the Applicant to discuss the height of the proposed units with regard to determining the measuring point and the height increase from 39+/- feet to 42 feet. The proposed building footprints and the architectural drawings provided by the Applicant have not changed from the original submittal; therefore, flexibility should be permitted within the confines of the zone to allow the increase in height.

Additionally, there is no impact to the lot layout or overall subdivision with the changes to the relocated storm drain or the stormwater management facility.

PROJECT DATA TABLE (R-200/TDR-3 Zone)

Development Standard	Permitted/ Required	Approved for Site Plan 820040180	Proposed for Site Plan Amendment 82004018A
Min. Lot Area (sf): [Div. 59-C-1.625(a)(1)]	4,000	5,500	5,500
Max. Density of Development (d.u./ac.)	3	2.56	2.56
Number of Dwelling Units One-family detached unit	39	34	34
Min. Building Setbacks (ft.)			
Front (from a street)	not specified*	20	20
Side	not specified	4/12 total	4/12 total
Rear	not specified	20	20
Min. TDRs (Transfer Density Rights):	9 (with 2/3 provision)	8 (waiver of 2/3 option)	8 (waiver of 2/3 option)
Min. Lot Width at Street (ft.):	not specified**	55	55
Min. Green Area (%)	35	70	70
Max. Impervious Area (ac.):	not specified	3.19	3.19
Max. Building Coverage (ac.):	not specified	1.68	1.68
Max. Building Height (ft.):	not specified***	39+/-	42
Parking Spaces:			
One-family detached (2 sp./unit @ 34)	68	68	68
<u>TDR Calculations</u>			
Permitted Number of Units with TDR (13.13 x 3)	39 dwelling units		
Base Density (2 d.u. x 13.13)	26 dwelling units		
TDRs required for max. density (39 - 26)	13 TDRs		
2/3 TDRs (13 x 0.66 = 8.58)	9 TDRs		
Proposed Number of Units	34 dwelling units		
TDRs Required (34 - 26)	8 TDRs		

- * 20 feet shown as permitted on approved site plan
- ** 25 feet shown as permitted on approved site plan
- *** 50 feet shown as permitted on approved site plan

ATTACHMENTS

- A. Site Description and Vicinity
- B. Planning Board opinions for Preliminary Plan 120040460 and Site Plan 820040180.
- C. Letter from the Applicant dated March 15, 2006.
- D. Memoranda from Agencies
- E. Draft Resolution

ATTACHMENT A

Site Description and Vicinity

The property is located along the southeast frontage of Travilah Road, at its intersection with Lake Winds Way, approximately 1.25 miles east of the intersection with Darnestown Road (MD 28). The Big Pines Local Park is located approximately 1,000 feet northwest of the property across Travilah Road. Directly to the south of the site is an active gravel quarry, which spans toward MD 28 to the east and Travilah Road/Duffel Mill Road to the west. The overall development of Trville is south and east of the site near Shady Grove Road.

The site is currently under construction for the infrastructure and utilities.



ATTACHMENT B



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: June 23, 2004

PRELIMINARY PLAN: #1-04046
SITE PLAN: #8-04018

PROJECT: Potomac's Edge

Action for Preliminary Plan: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Wellington, with a vote of 5-0, Commissioners Berlage, Wellington, Perdue, Robinson and Bryant voting for.

Action for Site Plan: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 5-0, Commissioners Berlage, Wellington, Perdue, Robinson and Bryant voting for.

The date of this written opinion is June 23, 2004 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before July 23, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-04046 is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On June 10, 2004, Site Plan Review #8-04018 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the zone in which it is located;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board approves Preliminary Plan 1-04046 and Site Plan 8-04018 for 34 one-family homes in the R-200/TDR-3 Zone, including 8 Transfer Development Rights (with a reduction of one TDR from the 2/3 minimum TDR requirement), and a reduced-width tertiary road, subject to the following conditions:

Preliminary Plan

1. Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
2. Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
3. Record plat to reflect common ingress/egress and utility easements over all shared driveways.
4. Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
5. Compliance with the conditions of approval of the MCDPS stormwater management approval.
6. Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
7. This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
8. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
9. Other necessary easements.

Site Plan

1. Stormwater Management
Conditions of MCDPS stormwater management concept approval dated December 9, 2003.
2. Transportation Planning
Conditions of the Montgomery County Department of Public Works and Transportation (DPWT) memo dated May 28, 2004, including:
 - a. Provide 5-foot public sidewalks with streetscape within the Rights-of-Way along Travilah Road;
 - b. Provide any necessary dedication for future widening;
 - c. For the internal public reduced-width tertiary street: provide a Public Utilities Easement/Public Improvements Easement (PUE/PIE); provide a minimum 10 feet from the back edge of the sidewalk to the curbline; provide a minimum 20 feet from the back edge of the sidewalk to the building face (garage front) to prevent the intrusion of parked vehicles into the sidewalk; label dimensions on signature set drawings;
 - d. Provide a bus shelter or bench along southbound side of the Travilah Road frontage;
 - e. Coordinate with DPWT CIP Project #500101, Travilah Road Phase I, prior to building permit;
3. Environmental
Conditions of MNCPPC Environmental Planning (EPD), dated June 4, 2004, including:
 - a. Demonstrate via certification from a professional acoustical engineer that the building shell will attenuate current noise level to an interior noise level not to exceed 45 dBA Ldn and exterior noise levels for rear yards facing Travilah Road at a level equal to or less than 60 dBA Ldn;
 - b. Submission of the final Forest Conservation Plan (including grading and tree protection information prior to release of the Sediment and Erosion Control Plan);

- c. Provide **fencing** for the perimeter of all forest conservation areas, as specified by EPD staff, except as follows:
 - i. No fencing on Parcel A's westerly edge where it joins a contiguous forest conservation area on the adjacent property;
 - ii. No fencing where any forest conservation area fronts on Potomac Oaks Drive;
 - iii. No fencing on Parcel E for forest conservation purposes;
 - iv. No fencing on Parcel G for forest conservation purposes;
 - v. No fencing on Parcel C at the sides of Lots 30 and 31 for forest conservation purposes;
- d. Removal of all **debris, trash and undesirable invasive growth** (as specified by EPD Staff) prior to clearing and grading;
- e. Posting of **bond**, as per Final Forest Conservation Plan requirements, including cost estimates as specified by EPD staff;
- f. Tree Protection Plan:
To the extent that the required on-site stormwater management and the required on-site reforestation and afforestation can still be accommodated on-site, then the Tree Protection Plan will be modified for the following:
 - i. Applied to the 27-inch Northern Red Oak (Tree #14): Verify tree location and root zone; provide tree protection plan, subject to review and approval by staff; prior to issuance of building permit;
 - ii. Tree protection plan as applied to the 22.5-inch White Oak within Conservation Area A; amend Forest Conservation Plan to move Limits of Disturbance east of trunk of 22.5" DBH white oak at minimum a distance of 6 feet and apply appropriate tree protection measures.

4. Signature Set

Prior to signature set approval of the site/landscape plans, the following revisions shall be made and/or information provided, for review and approval by planning staff:

- a. General Information
 - i. Provide details of recreational equipment, furnishings, signage, walls or fencing, including materials; retaining walls to be constructed of masonry materials;
 - ii. Provide final architectural elevations for Unit 1 and Unit 34 (all facades);
 - iii. Provide site elevation(s) and architectural façade elevations for all units with rears facing Travilah Road; provide details showing dimensions, location and materials for all decks facing Travilah Road;
 - iv. Provide the development program inspection schedule;
 - v. Label the PUE-PIE (showing dimensions) along Potomac Oaks Drive;
 - vi. Methods and location of tree protection;
 - vii. Forest Conservation areas and boundaries;
 - xi. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - x. Limits of Disturbance;
- b. Site and Landscape Design
 - i. Provide architectural and landscape treatment to **screen rear decks and patios** from Travilah Road; screening must be provided as sight-tight fencing or parapet walls constructed in compatible building materials; add a mixture of evergreen trees and flowering ornamental trees along Street A, between the property lines and the side yard fencing;
 - ii. The **facades** for Unit 1 and Unit 34 must provide windows and brick facing materials for walls facing the public roadways, including Street A (side elevations) and Travilah Road (rear elevations);
 - iii. Provide **fencing** along Street A constructed with masonry materials, compatible with

- stone columns and privacy fencing facing Travilah Road, subject to staff review and approval prior to signature set;
- ii. Limit all **driveway curb cuts** to **20** feet in width and no greater than 18 feet in width at the sidewalk; show dimensions on site plan signature set.
- iii. Provide **street trees** 40-50 feet on center along Travilah Road within the Right-of-Way the full length of the site; coordinate street tree species with Master Plan recommendations;
- iv. Provide 15 additional street trees along Potomac Oaks Drive;

5. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents (if applicable) for review and approval prior to approval of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
 - i. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
 - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development;
 - iii. Landscaping associated with each building shall be completed as construction of each is completed;
 - iv. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed;
 - v. Coordination of each section of the development and roads;
 - vi. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
- c. No clearing or grading prior to M-NCPPC approval of signature set of plans.

ATTACHMENT C



15850 Crabbs Branch Way
Suite 200
Rockville, MD 20855
Telephone 301-417-0200
Facsimile 301-975-0169

March 15, 2006

Mr. Robert Kronenberg
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

**Re: Potomacs Edge
Apex No.: 150060**

Dear Robert:

Per our March 6, 2006 meeting, we are submitting the Potomac Edge Site Plan Signature Set for a minor amendment to the approved Site Plan 8-04018. The changes that we have made to the approved signature set of Site and Landscape Plans are as follows:

- Moved the three rail fence along Travilah Road from one foot outside of the road right of way to eleven feet outside of the right of way to stay out of the Public Improvements Easement and allow for the 5-foot sidewalk along the property frontage.
- Moved the storm drain outfall from between Parcel C and lot 30 to be between lots 30 and 29 due to elevation constraints in the storm drain design.
- Changed the water quantity facility from an underground structure to an above ground water quantity facility. This change was required due to a change in Montgomery County Department of Permitting Services policy on underground facilities. We have included a copy of the approved Stormwater Management Concept for this change.
- Changed the proposed building height from 39 feet to 42 feet as indicated in note 15 on sheet 2. The maximum building height permitted in this zone is 50 feet.

To aid in your review of these changes we have added a revision note 1 and added a 1 with a triangle around it where the changes were made on the Site and Landscape Plans. Please contact our office if you require additional information.

Sincerely,
Apex Engineering

A handwritten signature in black ink, appearing to read 'Karen V. Carpenter', with a stylized flourish at the end.

Karen V. Carpenter, RLA
Project Manager

cc: Ed Duafala - Maryland Development Company, LLC

ATTACHMENT D



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

October 7, 2005

Mr. David Waterman
Apex Engineering
15850 Crabbs Branch Way, Suite 200
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Potomac's Edge
SM File #: 209706
Tract Size/Zone: 13 acres/R-200
Total Concept Area: 13 acres
Parcel(s): 192, 235,254,310,311,284,783
Watershed: Watts Branch

Dear Mr. Waterman:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via a pond and on-site water quality control and onsite recharge via a surface sand filter and dry wells.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review. Please remember that all stormwater structures must be designed based on the entire area draining to them, not just the site area.
3. An engineered sediment control plan must be submitted for this development.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial 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 to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind 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 shall be required.



If you have any questions regarding these actions, please feel free to contact Nadine Vurdelja Pionka at 240-777-6334.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN209706

cc: C. Conlon
S. Federline
SM File # 209706

ON - onsite; Acres: 13
QL - onsite; Acres: 13
Recharge is provided

ATTACHMENT E

MCPB No. XX-XX
Site Plan No. 82004018A
Project Name: Potomac Edge
Hearing Date: October 12, 2006

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on March 16, 2006, Maryland Development Company, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82004018A ("Amendment") for approval of the following modifications:

1. Approval to modify heights for the proposed units from 39 to 42 feet;
2. Relocation of the paddock fence by 1 foot behind the public improvement easement along Travilah Road;
3. Relocation of a storm drain from the east side of lot 30 to between lots 29 and 30;
4. Change the stormwater management facility from underground to above ground.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 15, 2006 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on September 28, 2006, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82004018A; and

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-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is _____
(which is the date that this opinion is mailed to all parties of record); and

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 written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *