MEMORANDUM

DATE: July 5, 2007

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor
Development Review Division
(301) 495-4542

FROM: Stephen Smith
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board Agenda for July 19, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220070830 – 220070900 Leesborough (8)
PLAT NO. 220070830 - 220070900

Leesborough
Located on the east side of Georgia Avenue (MD 97), approximately 300 feet south of Arcola Avenue
RT-15 zone: 145 Lots, 13 Parcels
Community Water, Community Sewer
Master Plan Area: Kensington - Wheaton
Batchellors Forest, LLC, Applicant

The record plat has been reviewed by M-NCPFC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120040680 (formerly 1-04068), and Site Plan 820040270 (formerly 8-04027), as approved by the Board and that any minor modifications reflected on the plat do not alter the intent of the Board’s previous approval of the aforesaid plans.

PB date: 07/19/07
RECORD PLAT REVIEW SHEET

Plan Name: Leeborough Good Counsel  Plan Number: 120040680
Plat Name: Leeborough 14-8  Plat Number: 220070830
Plat Submission Date: 1/9/07  DRD Plat Reviewer: MTA
DRD Prelim Plan Reviewer: Rathy Lonon

Initial DRD Review:
Signed Preliminary Plan – Date 9/26/06  Checked: Initial LA  Date 3/12/07
Planning Board Opinion – Date 2/8/05  Checked: Initial PW  Date 1/3/07
Site Plan Req’d for Development? Yes  No  Verified By: PW (initial)
Site Plan Name: Leeborough  Site Plan Number: 820040270
Planning Board Opinion – Date 2/8/05  Checked: Initial PW  Date 1/3/07
Site Plan Signature Set – Date 3/12/07  Checked: Initial BD  Date 5/30/07
Site Plan Reviewer Plat Approval: Checked: Initial PW  Date 7/2/07

Review Items: Lot # & Layout  Lot Area  Zoning  Bearings & Distances
Coordinates  Plan #  Road/Alley Widths  Easements  Open Space
Non-standard BRLs  Adjoining Land  Vicinity Map  Septic/Wells
TDR note  Child Lot note  Surveyor Cert  Owner Cert  Tax Map

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Final DRD Review:
Initial  Date
DRD Review Complete: SJS  7/3/07
Engineer Notified (Pick up Mark-up): SJS  4/17/07
Final Mylar w/Mark-up & PDF Rec’d: SJS  6/28/07

Board Approval of Plat:
Plat Agenda: SJS  7/19/07
Planning Board Approval: 
Chairman’s Signature: 

DPS Approval of Plat:
Engineer Pick-up for DPS Signature: 
Final Mylar for Reproduction Rec’d: 

Plat Reproduction:
Addressing: 
File Card Update: 
Final Zoning Book Check: 
Update Address Books with Plat #: 
Update Green Books for Resubdivision: 
Notify Engineer to Seal Plats: 
Engineer Seal Complete: 
Complete Reproduction: 
Sent to Courthouse for Recordation: 

July 2006
RECORD PLAT REVIEW SHEET

Plan Name: Leesborough Good Counsel
Plat Name: Leesborough
Plat Submission Date: 2/15/06
DRD Plat Reviewer: P. L. A.
DRD Prelim Plan Reviewer: Ratington

Initial DRD Review:
Signed Preliminary Plan – Date 9/26/06 Checked: Initial CRT Date 3/12/07
Planning Board Opinion – Date 2/18/05 Checked: Initial PL Date 1/30/09
Site Plan Req’d for Development? Yes ✔ No ❋ Verified By: P. L. A. (initial)
Site Plan Name: Leesborough Site Plan Number: 020640270
Planning Board Opinion – Date 2/18/05 Checked: Initial PL Date 1/30/07
Site Plan Signature Set – Date 3/12/07 Checked: Initial PL Date 5/30/07
Site Plan Reviewer Plat Approval: Checked: Initial PL Date 7/2/07

Review Items: Lot # & Layout ✔ Lot Area ✔ Zoning ✔ Bearings & Distances ✔
Coordinates ✔ Plan # ✔ Road/Alley Widths ✔ Easements ✔ Open Space ✔
Non-standard BRls ✔ Adjoining Land ✔ Vicinity Map ✔ Septic Wells ✔
TDR note ✔ Child Lot note ✔ Surveyor Cert ✔ Owner Cert ✔ Tax Map ✔

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Final DRD Review:
DRD Review Complete: Initial SRS Date 7-3-07
(All comments rec’d and incorporated into mark-up)
Engineer Notified (Pick up Mark-up): SRS 4-17-07
Final Mylar w/Mark-up & PDF Rec’d: SRS 6-28-07

Board Approval of Plat:
Plat Agenda: SRS 7-19-07
Planning Board Approval: SRS
Chairman’s Signature: SRS

DPS Approval of Plat:
Engineer Pick-up for DPS Signature: SRS
Final Mylar for Reproduction Rec’d: SRS

Plat Reproduction:
Addressing: SRS
File Card Update: SRS
Final Zoning Book Check: SRS
Update Address Books with Plat #: SRS
Update Green Books for Resubdivision: SRS
Notify Engineer to Seal Plats: SRS
Engineer Seal Complete: SRS
Complete Reproduction: SRS
Sent to Courthouse for Recordation: SRS

July 2006
RECORD PLAT REVIEW SHEET

Plan Name: Leesboro Good Counsel  Plan Number: 120040680
Plat Name: Leesboro  Plan Number: 220070850
Plat Submission Date: 1/05/07  DRD Plat Reviewer: M
DRD Prelim Plan Reviewer: Rathy Lenten

Initial DRD Review:
Signed Preliminary Plan – Date 9/26/06  Checked: Initial  CAC  Date 3/12/07
Planning Board Opinion – Date 2/8/06  Checked: Initial  P  Date 1/3/09
Site Plan Req’d for Development? Yes  No  Verified By: PW (initial)
Site Plan Name: Leesboro  Site Plan Number: 8200600270
Planning Board Opinion – Date 2/8/06  Checked: Initial  P  Date 1/3/09
Site Plan Signature Set – Date 3/12/07  Checked: Initial  JSB  Date 5/30/07
Site Plan Reviewer Plat Approval: Checked: Initial  RAK  Date 7/2/07

Review Items: Lot # & Layout  Lot Area  Zoning  Bearings & Distances  Coordinates  Plan #  Road/Alley Widths  Easements  OK  Open Space  OK
Non-standard BRLs  Adjoining Land  Vicinity Map  OK  Septic/Wells  N/A  TDR note  N/A  Child/Lot note  N/A  Surveyor Cert  OK  Owner Cert  OK  Tax Map

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(All comments rec’d and incorporated into mark-up)
Engineer Notified (Pick up Mark-up): JSB  4-17-07
Final Mylar w/Mark-up & PDF Rec’d: JSB  6-28-07

Board Approval of Plat:
Plat Agenda: JSB  7-19-07
Planning Board Approval:  
Chairman’s Signature:  

DPS Approval of Plat:
Engineer Pick-up for DPS Signature:  
Final Mylar for Reproduction Rec’d:  

Plat Reproduction:
Addressing:  
File Card Update:  
Final Zoning Book Check:  
Update Address Books with Plat #:  
Update Green Books for Resubdivision:  
Notify Engineer to Seal Plats:  
Engineer Seal Complete:  
Complete Reproduction:  
Sent to Courthouse for Recordation:  

No.____
**RECORD PLAT REVIEW SHEET**

Plan Name: Leeborough | Good Counsel  
Plat Name: Leeborough 4-43  
Plat Submission Date: 1/10/06  
DRD Plat Reviewer:  
DRD Prelim Plan Reviewer: Kathy Conlon  

**Initial DRD Review:**
Signed Preliminary Plan – Date: 9/24/06  
Planning Board Opinion – Date: 2/8/06  
Site Plan Req'd for Development? Yes ✔ No ❌  
Site Plan Name: Leeborough  
Planning Board Opinion – Date: 2/8/06  
Site Plan Signature Set – Date: 3/12/07  
Site Plan Reviewer Plat Approval:  

Review Items: Lot # & Layout ✔ Lot Area ✔ Zoning ✔ Bearings & Distances ✔ Coordinates ✔ Plan # ✔ Road/Alley Widths ✔ Easements ✔ Open Space ✔ Non-standard BRLs ✔ Adjoining Land ✔ Vicinity Map ✔ Septic Wells ✔ TDR note ✔ Child lot note ✔ Surveyor Cert ✔ Owner Cert ✔ Tax Map ✔

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**Final DRD Review:**
DRD Review Complete: ✔

**Board Approval of Plat:**
Plat Agenda: ✔
Planning Board Approval: ✔
Chairman’s Signature: ✔

**DPS Approval of Plat:**
Engineer Pick-up for DPS Signature: ✔
Final Mylar for Reproduction Req’d: ✔

**Plat Reproduction:**
Addressing: ✔
File Card Update: ✔
Final Zoning Book Check: ✔
Update Address Books with Plat #: ✔
Update Green Books for Resubdivision: ✔
Notify Engineer to Seal Plats: ✔
Engineer Seal Complete: ✔
Complete Reproduction: ✔
Sent to Courthouse for Recordation: ✔
**RECORD PLAT REVIEW SHEET**

Plan Name: Leaborough Good Counsel  
Plat Name: Leaborough A  
Plat Submission Date: 1/5/07  
DRD Plat Reviewer:  
DRD Prelim Plan Reviewer:  

**Initial DRD Review:**
- Signed Preliminary Plan – Date: 9/26/06  
- Planning Board Opinion – Date: 2/28/05  
- Site Plan Req'd for Development? Yes  
- Site Plan Name: Leaborough  
- Planning Board Opinion – Date: 2/28/05  
- Site Plan Signature Set – Date: 3/12/07  
- Site Plan Reviewer Plat Approval – Date: 7/2/07  

Review Items: Lot # & Layout, Lot Area, Zoning, Bearings & Distances, Coordinates, Plan #, Road/Alley Widths, Easements, Open Space, Non-standard BRLs, Adjoining Land, Vicinity Map, Septic Wells, TDR note, Child Lot, Surveyor Cert, Owner Cert, Tax Map.

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**Final DRD Review:**
- DRD Review Complete: Initial: Final  
- Engineer Notified (Pick up Mark-up):  
- Final Mylar w/Mark-up & PDF Rec’d:  

**Board Approval of Plat:**
- Plat Agenda:  
- Planning Board Approval:  
- Chairman’s Signature:  

**DPS Approval of Plat:**
- Engineer Pick-up for DPS Signature:  
- Final Mylar for Reproduction Rec’d:  

**Plat Reproduction:**
- Addressing:  
- File Card Update:  
- Final Zoning Book Check:  
- Update Address Books with Plat #:  
- Update Green Books for Resubdivision:  
- Notify Engineer to Seal Plats:  
- Engineer Seal Complete:  
- Complete Reproduction:  
- Sent to Courthouse for Recordation:  

Date: 7/2/07
**RECORD PLAT REVIEW SHEET**

Plan Name: Leesbrough Good Counsel  Plan Number: 120640680

Plat Name: Leesbrough 64-8  Plat Number: 220670410

Plat Submission Date: 1/5/07

DRD Plat Reviewer: Matt

DRD Prelim Plan Reviewer: Kathy Lounsbury

**Initial DRD Review:**

Signed Preliminary Plan – Date: 9/24/06  Checked: Initial CAC  Date: 3/12/07

Planning Board Opinion – Date: 2/18/05  Checked: Initial RW  Date: 1/30/07

Site Plan Req’d for Development? Yes  No  Verified By: RW (initial)

Site Plan Name: Leesbrough  Site Plan Number: 8320040270

Planning Board Opinion – Date: 2/18/05  Checked: Initial RW  Date: 1/30/07

Site Plan Signature Set – Date: 3/10/07  Checked: Initial RW  Date: 5/21/07

Site Plan Reviewer Plat Approval: Checked: Initial RW  Date: 7/2/07

Review Items: Lot # & Layout  Lot Area  Zoning  Bearings & Distances

Coordinates  Plan #  Road/Alley Widths  OK  Easements  OK  Open Space N/A

Non-standard BRLs N/A  Adjoining Land OK  Vicinity Map OK  Septic/Wells N/A

TDR note N/A  Child Lot note N/A  Surveyor Cert OK  Owner Cert OK  Tax Map OK

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**Final DRD Review:**

DRD Review Complete:  SGS

(All comments rec’d and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):  SGS

Final Mylar w/Mark-up & PDF Rec’d:  SGS

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**DPS Approval of Plat:**

Engineer Pick-up for DPS Signature:  

Final Mylar for Reproduction Rec’d:

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|                   | Final Zoning Book Check: | Update Address Books with Plat #: |
|                   |                         | Update Green Books for Resubdivision: |
|                   |                         | Notify Engineer to Seal Plats: |
|                   |                         | Engineer Seal Complete: |
|                   |                         | Complete Reproduction: |
|                   |                         | Sent to Courthouse for Recordation: |

No. _____
# RECORD PLAT REVIEW SHEET

**Plan Name:** Reuborne

**Plan Name:** Good Counsel

**Plan Number:** 120040680

**Plat Number:** 220070890

**Plat Submission Date:** 1/05/07

**DRD Plat Reviewer:** Patricia

**DRD Prelim Plan Reviewer:** Kathy

### Initial DRD Review:

- **Signed Preliminary Plan - Date:** 9/24/06  (Checked: Initial 11/23/06)
- **Planning Board Opinion - Date:** 2/8/06  (Checked: Initial 3/12/07)
- **Site Plan Req'd for Development?** Yes
- **Site Plan Name:** Reuborne
- **Site Plan Signature Set - Date:** 3/12/07  (Checked: Initial 3/12/07)
- **Site Plan Reviewer Plat Approval - Checked:** Initial 3/20/07

**Review Items:**
- Lot # & Layout
- Lot Area
- Zoning
- Bearings & Distances
- Coordinates
- Road/Alley Widths
- Easements
- Open Space
- Non-standard BRLs
- Adjoining Land
- Vicinity Map
- Septic Wells
- TDR note
- Child Lot note
- Surveyor Cert
- Owner Cert
- Tax Map

### Agency Reviews Req'd:

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### Final DRD Review:

- **DRD Review Complete:**
- **Initial Date:** 3/05
- **Date:** 7/3/07
- **Engineer Notified (Pick up Mark-up):** 3/05
- **Final Mylar w/Mark-up & PDF Rec'd:** 6/28/07

### Board Approval of Plat:

- **Plat Agenda:** 3/05
- **Planning Board Approval:**
- **Chairman's Signature:**

### DPS Approval of Plat:

- **Engineer Pick-up for DPS Signature:**
- **Final Mylar for Reproduction Rec'd:**

### Plat Reproduction:

- **Addressing:**
- **File Card Update:**
- **Final Zoning Book Check:**
- **Update Address Books with Plat #:**
- **Update Green Books for Resubdivision:**
- **Notify Engineer to Seal Plats:**
- **Engineer Seal Complete:**
- **Complete Reproduction:**
- **Sent to Courthouse for Recorrdation:**

### Comments:

- **Initial OK**
- **No Comments**
# RECORD PLAT REVIEW SHEET

Plan Name: Leoborough  Good Counsel  
Plat Name: Leoborough  W-8  
Plat Submission Date: 4/15/07  
DRD Plat Reviewer: PTA  
DRD Prelim Plan Reviewer: Andy Longman  

## Initial DRD Review:
- Signed Preliminary Plan – Date: 9/24/06  
- Planning Board Opinion – Date: 2/8/07  
- Site Plan Req’d for Development? Yes  
- Site Plan Name: Leoborough  
- Planning Board Opinion – Date: 5/28/07  
- Site Plan Signature Set – Date: 5/28/07  
- Site Plan Reviewer Plat Approval – Date: 7/2/07  

Review Items: Lot # & Layout, Lot Area, Zoning, Bearings & Distances, Coordinates, Plan #, Road/Alley Widths, Easements, Open Space, Non-standard BRLs, Adjoining Land, Vicinity Map, Septic/Wells, TDR note, Child lot note, Surveyor Cert, Owner Cert, Tax Map.

<table>
<thead>
<tr>
<th>Agency Review Reqs’d</th>
<th>Reviewer</th>
<th>Date Sent</th>
<th>Due Date</th>
<th>Date Rec’d</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Environment</td>
<td>M0</td>
<td>11/1/07</td>
<td>11/30/07</td>
<td>12/24/07</td>
<td><strong>City Easement needed on deed</strong></td>
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<tr>
<td>Research</td>
<td>Bobby Fleury</td>
<td></td>
<td></td>
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<td>SHA</td>
<td>Doug Mills</td>
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<td>Doug Powell</td>
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<td>DRO</td>
<td>Steve Smith</td>
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## Final DRD Review:
- DRD Review Complete: 503  
- Engineer Notified (Pick up Mark-up): 503  
- Final Mylar w/Mark-up & PDF Rec’d: 503  

**Board Approval of Plat:**
- Plat Agenda: 503  
- Planning Board Approval: 7/19/07  
- Chairman’s Signature:  
- **DPS Approval of Plat:**
- Engineer Pick-up for DPS Signature:  
- Final Mylar for Reproduction Rec’d:  

## Plat Reproduction:
- Addressing:  
- File Card Update:  
- Final Zoning Book Check:  
- Update Address Books with Plat #:  
- Update Green Books for Resubdivision:  
- Notify Engineer to Seal Plats:  
- Engineer Seal Complete:  
- Complete Reproduction:  
- Sent to Courthouse for Recordation:  

Initial Date 2/3/07  
Final Date 7/19/07
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4300, www.mncppc.org

Date Mailed: FEB 08 2005

Action: Approved Staff
Recommendation with modifications
Motion of Commissioner Bryant,
seconded by Commissioner Wellington,
with a vote of 5-0;
Chairman Berlage and Commissioners.
Bryant, Perdue, Robinson, and
Wellington voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-04068
NAME OF PLAN: Leesborough (Good Counsel)

The date of this written opinion is FEB 08 2005 (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 in Circuit Court within thirty days of
the date of this written opinion, consistent with the procedural rules for the judicial
review of administrative agency decisions (Rule 7-203, Maryland Rules of Court -
State).

On 3/9/04, Batchellors Forest, L.L.C. submitted an application for the approval of
a preliminary plan of subdivision of property in the RT-15 zone. The application
proposed to create 190 lots on 13.86 acres of land located at 200 feet south of Arcola
Avenue directly fronting Georgia Avenue (MD 97) and Amherst Avenue, in the
Kensington Wheaton master plan area. The application was designated Preliminary
Plan 1-04068. On 11/4/04, Preliminary Plan 1-04068 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.

The record for this application ("Record") closed at the conclusion of the public
hearing, upon the taking of an action by the Planning Board. The Record includes: the
information on the Preliminary Plan Application Form; the Planning Board staff-
generated minutes of the Development Review Committee meeting(s) on the
application; all correspondence and any other written or graphic information concerning
the application received by the Planning Board or its staff following submission of the application and prior to the Board’s action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board’s action; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

During the hearing, oral testimony was provided by Mr. Joe Davis on behalf of the Montgomery County, Wheaton Redevelopment Program supporting the position taken to continue negotiations with the applicant to negotiate the acquisition of the Rafferty Center and the land surrounding the Rafferty Center in concert with County efforts to acquire the WMATA parcel. The Rafferty Center and area directly surrounding the Rafferty Center, including buildings 1-5 and open play area will be placed in reservation as part of Preliminary Plan No. 1-04068 until September 30, 2006, in order to structure a deal with the applicant, Montgomery County and WMATA.

Written testimony was provided from Ms. Joan Rubin, Vice President of Wheaton Regional Park Neighborhood Association, who recognized that the Applicant had met county parking requirements but had questions regarding the calculation of parking spaces for the units and the Rafferty Center.

The applicant, who was represented by counsel, agreed with the revised conditions presented by staff at the hearing and addressed concerns from the community as well as the reservation area proposed for the Rafferty Center. The applicant agreed to keep the Commission apprised of progress of the negotiations for the retention of the Rafferty Center.

Nobody presented written evidence or testimony at the public hearing in opposition to the plan, and the record of this application does not contain any contested issues.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies; the applicant’s position; and other

---

1 The hearings on Preliminary Plan 1-04068 and Site Plan 8-04027 for the subject development were combined. As such, some of the testimony provided at the hearing addressed Site Plan issues as well as Preliminary Plan issues.

2 The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and
evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that with the conditions of approval:

a) The Preliminary Plan No. 1-04068 substantially conforms to the Kensington Wheaton master plan.

b) Public facilities will be adequate to support and service the area of the proposed subdivision.

c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("DPS") that the Stormwater Management Concept Plan meets DPS' standards.

f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

**CONDITIONS OF APPROVAL**

Finding Preliminary Plan No. 1-04068 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04068, subject to the following conditions:

1) Approval under this preliminary plan is limited to 201 dwelling units.

2) Record a plat of reservation to place the existing Rafferty Center; the open space area to the west of the Rafferty Center, and the 24 units (buildings 1 through 5), for a period not beyond September 30, 2006. During the reservation period, the applicant shall have the right to enter into the reservation area and demolish the school building except the Rafferty Center.

Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.
3) 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.

4) Record plat to reflect dedication of 60 feet from centerline of Georgia Avenue.

5) Construct east-west private street connection from Georgia Avenue (Dawson Street extended) to Amherst Avenue to public street standards.

6) Coordinate with State Highway Administration regarding change to access improvements on Georgia Avenue prior to recordation of plat(s)

7) Compliance with conditions of DPWT letter dated, October 29, 2004, unless otherwise amended.

8) Provide a 24-foot wide ingress-egress and utility easement on future Dawson Avenue and Street "C" and continuing from Street "C" to the common property line as shown on the preliminary plan for future connection to WMATA (P920) site to the south.

9) Provide proper notification to prospective home purchasers of future connection to WMATA site as outlined in Site Plan condition #3.

10) No clearing, grading or recording of plats prior to signature set approval.

11) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.

12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.

13) Final numbers of MPDU’s as per condition #11 above to be determined at the time of site plan.

14) 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.

15) 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.

16) Other necessary easements.
CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, February 3, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Commissioners Berlage, Perdue, Bryant, Robinson, and Wellington voting in favor of the motion, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 1-04068, Leesborough (Good Counsel).

[Signature]
Certification As To Vote of Adoption
Technical Writer
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan No.: 8-04027
Project: Leesborough

The date of this written opinion is (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 in Circuit Court within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions (Rule 7-203, Maryland Rules of Court - State). This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On November 4, 2004, Site Plan Review #8-04027 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.

THE SUBJECT PROPERTY

The 13.86-acre site is situated south of Arcola Avenue between Georgia Avenue and Amherst Avenue and is the present location of Good Counsel High School. The front of the site on Georgia Avenue contains the High School and parking which wraps completely around the entire building. There are three entrances into the school site from Georgia Avenue and an additional entrance from Amherst Avenue behind the one-family detached units that back up to the site. In the center of the site, east of the main building,
Leesborough
Site Plan No. 8-04027
Page 2

is the lighted running track and ball field. The field is terraced approximately twenty feet lower than the existing building and is separated by bleachers. The site levels off for about 160 feet and then drops off sharply 25-30 feet toward Amherst Avenue. The overall site changes in elevation by approximately 50 feet from Georgia Avenue to Amherst Avenue.

The parking areas contain shade trees and shrubs in the island areas and there is foundation planting around the existing building. Larger shade trees, forming a hedgerow on the northern property line, provide a buffer to the existing residential homes that front on Arcola Avenue and back to the site. Additional buffers of primarily shade trees exists at the northeastern property line along Amherst Avenue and the back of the apartment building in the southeast corner of the site.

The surrounding neighborhood includes the property at the intersection of Georgia Avenue and Arcola Avenue, which is the new location of the Wheaton Rescue Squad (Plat book 609, page 89). An overflow gravel parking lot for the school is directly east of the Wheaton Rescue Squad site. Directly across Arcola Avenue, at the intersection of Georgia Avenue is the Wheaton Regional Library and its associated parking, and directly north of the Library is the Montgomery County Recreational Center containing the Wheaton Community Center and the Wheaton Youth Center.

The residential properties surrounding the subject site are all part of different blocks in the Blueridge Manor subdivision. The section to the north of the property is Block 5 (Plat Book A-5) contains one-family detached units, while the section across Amherst Avenue is Block 1 (Plat Book 179, page 39), contains one-family residential properties and zoned R-90. The residential subdivision across Georgia Avenue is known as Wheaton Hills and is zoned R-60. Southeast of the subject site is the Blueridge Manor apartment complex, a 2.5-to-3-story brick building, (Plat book 176, page 18) that is zoned R-20. The vacant WMATA site (Plat book 530, Page 28 [Parcel 920]) directly to the south is zoned R-90/TDR. The properties across Georgia Avenue are zoned R-90.

BACKGROUND

Schematic Development Plan

Zoning application No. G-798 was approved on June 17, 2003 for the reclassification of 14.74 acres of the site from the R-90 Zone to the RT-15 Zone. The site was rezoned from R-90 to RT-15 by Local Map Amendment (G-798) and adopted as Resolution (No. 15-226) on June 17, 2003. Binding Elements of the Re-Zoning Application include provisions addressing retention of the Rafferty Center, buffers to adjacent properties, establishment of community open space and numbers and types of units.
PROPOSED DEVELOPMENT

The applicant proposes to develop the existing Good Counsel High School site in Wheaton with 190 dwelling units. The Development Plan permitted a maximum of 201 dwelling units. The breakdown of units consists of 139 one-family attached units, 45 multi-family condominium units and 6 one-family detached units, including a total of 24 moderately priced dwelling units ("MPDUs") on the site.

Vehicular and Pedestrian Circulation

There are two public access points into the site: one from Georgia Avenue and the second access from Amherst Avenue. The access from Georgia Avenue is a right-in, right-out only turning movement, preventing vehicles from turning left into the site from southbound Georgia Avenue. The access from Amherst Avenue is a 24-foot-wide full turning movement in and out of the site. Vehicular circulation in the property consists of a private road network with alleys and main driveways to serve all of the units. All of the units are rear loaded garage units, with the exception of the townhouses on the southern boundary that back up to the apartments and the townhouses on the northern boundary whose ends face the adjacent one-family detached units.

There is no public vehicular circulation for the existing Rafferty Center on the subject property. Civic and community groups will be permitted to park in the surface parking facility behind the Wheaton Rescue Squad station for events and meetings. Montgomery County ("County") is entering into negotiations with the applicant to place a portion of the property in reservation in order to secure a larger land area for the Rafferty Center that could accommodate on-site parking, pedestrian access and a better visual setting for the Rafferty Center.

Pedestrian circulation consists of ten-foot wide stamped concrete sidewalks from the proposed entrance off of Georgia Avenue to the first internal intersection. An 8-foot-wide Class I bikeway is proposed along the Georgia Avenue frontage with a 5-foot grass panel and a double row of shade trees. Pedestrian circulation consists of 4-foot-wide sidewalks adjacent to the private drives through the site to serve all of the units and 5-foot-wide sidewalks parallel to the two private streets. A direct pedestrian system connects the primary entry from Georgia Avenue to Amherst Avenue through the site. A sidewalk connects the Rafferty Center to the surface parking facility that is part of the Wheaton Rescue Squad currently under construction. A connection is also being made to Amherst Street at the southeastern property corner for a more direct route to the post office and commercial retail shops to the south and east.
Building Design and Layout

The applicant proposed four different types of units with varying footprints and sizes as shown on the plan. Six one-family detached units are opposite the existing one-family units that front on Amherst Avenue. The consistency of one-family unit types on Amherst Avenue provides a component of compatibility to the existing neighborhood. The forty-five condominium units are located with frontage on Georgia Avenue while the remaining condos are located in the southwest corner of the site. The condo units are two over one units with the MPDUs located on the bottom floor. A minimum of three tandem parking spaces are provided for each condo building. The remaining 139 townhouses consist of front-loaded and rear-loaded garages. The standard front-loaded garages are located on the southern boundary and back up to the adjacent two-story Blue Ridge apartment buildings and the townhouses on the northern boundary whose ends face the adjacent one-family detached units. The remaining townhouses are accessed via alleys while the fronts of the units are situated in a mews type setting. The approved binding element of the Schematic Development Plan allows a 35-foot height limit for the structures.

The mix of unit styles serves as a transition from the apartment and commercial uses to the south and one-family detached units to the north and east of the site.

Landscape and Lighting

Landscaping consists of a complement of street trees in tree panels along Dawson Avenue, the primary entry into the property from Georgia Avenue. This streetscape is a formal treatment with 10-foot-wide stamped concrete that terminates into a private amenity plaza at the intersection with Street 'D'. The intent of the formal streetscape was to highlight the primary entry into the site and accent the CBD type streetscape leading to Georgia Avenue. The remainder of the private streets contains shade trees at the intersections and near the parallel parking bays. The alleys consist of primarily flowering trees, shrubs and groundcover to provide definition and scale in the islands. A combination of paving treatments and patterns will be provided in the alleys to further accentuate the alley conditions. Conditions have been placed on the site plan to allow for screening of above ground utilities in the parking islands. The mews areas in the front of the townhouse units will include centralized seating areas and ornamental tree and shrubs.

The eight-foot-wide bike path along Georgia Avenue includes a staggered double row of Zelkovas for the entire property frontage. The formal open play area in front of the Rafferty Center is lined with shade trees to define the oval walkway and create an entry to the building. Amherst Avenue contains street trees 50 feet on center and is consistent with the typical suburban streetscape for a primary right-of-way.
Evergreen screening will be on the southern boundary for the adjacent apartment buildings and drive aisles that provide access for the condos. An afforestation area will be provided at the northern boundary to provide screening and buffering to the adjacent one-family detached homes. The plant material in this area has been increased in size to lessen the impact of the new development to the existing homes. This area will also be placed in a Category I Forest Conservation easement for protection.

The proposed lighting consists of a traditional style luminaire, listed as Hadco Baltimore V65, mounted on sixteen foot-tall cast aluminum poles. Light fixtures are proposed along the primary entrances and interior loop roads for safety of the residents of the units. No fixtures are proposed directly adjacent to property lines. Reflectors and refactors of the fixtures will be installed on all lights in proximity to residential properties to negate glare.

Recreation

The applicant is claiming credit for providing a tot lot, open play area, pedestrian system and indoor community space within the Rafferty Center to satisfy the requirements of the Recreation Guidelines. The tot lot and open play area are located in the northwest corner of the site directly in front of the Rafferty Center. In addition to seating near the tot lot, three other seating areas have been incorporated into amenity plaza areas located at the intersecting streets for visibility and use. The applicant needs the Rafferty Center to satisfy their recreation requirements. Off-site credit is being taken for activity areas in Wheaton Regional Park and Wheaton Community Center.

The applicant is being required to provide an alternate plan to show how the recreation requirements are being satisfied if the Rafferty Center is not retained since credit is being taken for proposed activity within the building. The revised plan must be reviewed and approved by the Planning Board prior to release of the 133rd building permit.

Forest Conservation

The applicant has a planting requirement of 2.08 acres, which will be met through a combination of on-site landscaping to satisfy their forest conservation requirements. The proposed afforestation area will be placed in a Category I forest conservation easement. Trees for this area have been increased from the standard size of ¾-1" caliper to 2" caliper for the purpose of a denser screen to the adjacent residential properties. A split-rail fence is also required at the edge of the easement area to prevent damage to installed plant material and clearly identify the area as a protected easement.
Leesborough
Site Plan No. 8-04027
Page 6

This property has an approved stormwater management concept by MCDPS dated August 24, 2004. Stormwater management consists of on-site water quality control via construction of multiple structural sand filters; and, on-site recharge, via recharge trenches.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

During the hearing, oral testimony was provided by Mr. Joe Davis on behalf of the Montgomery County, Wheaton Redevelopment Program supporting the position taken to continue negotiations with the applicant to negotiate the acquisition of the Rafferty Center and the land surrounding the Rafferty Center in concert with County efforts to acquire the WMATA parcel. The Rafferty Center and area directly surrounding the Rafferty Center, including buildings 1-5 and open play area will be placed in reservation as part of Preliminary Plan No. 1-04068 until September 30, 2006, in order to structure a deal with the applicant, Montgomery County and WMATA.

Written testimony was provided from Ms. Joan Rubin, Vice President of Wheaton Regional Park Neighborhood Association, who recognized that the Applicant had met county parking requirements but had questions regarding the calculation of parking spaces for the units and the Rafferty Center.

The applicant, who was represented by counsel, agreed with the revised conditions presented by staff at the hearing and addressed concerns from the community as well the reservation area proposed for the Rafferty Center. The applicant agreed to keep the Commission apprised of the progress of the negotiations for the retention of the Rafferty Center.

Nobody presented written evidence or testimony at the public hearing in opposition to the plan, and the record of this application does not contain any contested issues.

FINDINGS

Based on all of 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.

The site plan is consistent with the approved Schematic Development Plan and binding elements as part of the Re-Zoning Classification for the RT-15 Zone (G-798) approved by Resolution No. 15-226 on June 17, 2003.
2. The Site Plan meets all of the requirements of the zone in which it is located.

The Site Plan meets all of the requirements of the RT-15 Zone as demonstrated in the following Project Data Table:

**PROJECT DATA TABLE**

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<tr>
<th>Zoning:</th>
<th>RT-15</th>
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<tr>
<td>Proposed Use:</td>
<td>139 one-family attached, 6 one-family detached and 45 multi-family condominium dwelling units</td>
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<td>Development Method:</td>
<td>RT-15 with MPDUs</td>
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<td>Total Site Area:</td>
<td>13.86 acres</td>
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<tr>
<th>Development Standard</th>
<th>Permitted or Required</th>
<th>Proposed</th>
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<tr>
<td>Permitted Density:</td>
<td>201*</td>
<td>190</td>
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<td></td>
<td>(139 one-family attached, 6 one-family detached &amp; 45 multi-family condos)</td>
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<td>Minimum Tract Area:</td>
<td>1.0 ac.</td>
<td>13.86 ac.</td>
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<tr>
<td>Coverage Limitations: (%)</td>
<td>30%</td>
<td>46%</td>
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<tr>
<td>Min. Green Space</td>
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<tr>
<td>Community Open Space:</td>
<td>2.0 ac.*</td>
<td>2.6 ac.</td>
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<tr>
<td>Max. Building Height (ft.):</td>
<td>35</td>
<td>35</td>
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<tr>
<td>Minimum Building Setbacks (ft.):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From any public street</td>
<td>20</td>
<td>55 *</td>
</tr>
<tr>
<td>Georgia Avenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amherst Avenue</td>
<td></td>
<td>50 *</td>
</tr>
<tr>
<td>From any adjoining lot:</td>
<td>Side/end unit 8</td>
<td>8</td>
</tr>
<tr>
<td>Rear</td>
<td>20</td>
<td>20</td>
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<tr>
<td>Parking:</td>
<td>380spaces</td>
<td>472 spaces</td>
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<tr>
<td>Residential</td>
<td>(2 spaces per unit @190 units)</td>
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*Binding Element of G-798
MPDU CALCULATIONS

MPDUs Required @ 12.5%  24 dwelling units
MPDUs Provided  24 dwelling units

RECREATION CALCULATIONS

<table>
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<tr>
<th>Demand Points (Required per 100 d.u's)</th>
<th>Tots</th>
<th>children</th>
<th>teens</th>
<th>adults</th>
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<td>SFD III (6)</td>
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<td>1.10</td>
<td>1.40</td>
<td>7.60</td>
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<tr>
<td>Townhouses (139)</td>
<td>23.6</td>
<td>30.60</td>
<td>25.0</td>
<td>179.0</td>
<td>9.70</td>
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<td>Garden Units (45)</td>
<td>5.00</td>
<td>6.30</td>
<td>5.40</td>
<td>53.10</td>
<td>7.20</td>
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<td><strong>Total Demands Pts.</strong></td>
<td><strong>29.40</strong></td>
<td><strong>38.00</strong></td>
<td><strong>31.80</strong></td>
<td><strong>239.70</strong></td>
<td><strong>17.70</strong></td>
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Supply Points

**On-Site Facilities:**

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<th>Pedestrian system</th>
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<th>7.60</th>
<th>6.30</th>
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<td>Open Play Area I</td>
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<td>12.00</td>
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<tr>
<td><strong>Tot Lot</strong></td>
<td><strong>9.00</strong></td>
<td><strong>2.00</strong></td>
<td><strong>0.00</strong></td>
<td><strong>4.00</strong></td>
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**Space (Rafferty Bldg)**

<table>
<thead>
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<th>Picnic/Sitting Areas (6)</th>
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<tr>
<td></td>
<td>2.90</td>
<td>5.70</td>
<td>9.50</td>
<td>71.60</td>
<td>7.10</td>
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<tr>
<td><strong>Total On-Site Supply</strong></td>
<td><strong>26.80</strong></td>
<td><strong>30.30</strong></td>
<td><strong>36.80</strong></td>
<td><strong>243.00</strong></td>
<td><strong>30.10</strong></td>
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</table>

**Total Off-Site Credit**

| Total Supply Points        | 36.20  | 40.90  | 36.80 | 243.00 | 30.10  |
|                           | 123%   | 108%   | 116%  | 102%   | 170%   |

*Off-site credit is being taken (max. 35%) for Wheaton Regional Park, Wheaton Community Center.
3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

a. Location of Buildings and Structures

The location of the buildings is adequate and efficient to the surrounding road network and urban setting. The buildings were designed to provide frontage on the primary roads with the rear of the property being served by private alleys. The front of the buildings have been placed as close to the street frontage as possible while still allowing for steps, street trees and lights as well as amenity landscaping and features such as ornamental fencing.

Twenty-four Moderately Priced Dwelling Units (MPDU's) have been selectively integrated into the framework of the market rate townhouse and condominium units. This provides for a mix of design and unit type within each block.

The applicant will negotiate the transfer of ownership of the Rafferty Center building to the Montgomery County Department of Recreation by the end of a reservation period established between the two parties and conditioned on the preliminary plan. If retained, the Rafferty Center will be maintained by the Montgomery County Department of Recreation as conditioned by the Development Plan and binding elements of the zoning reclassification for maintenance by a public entity.

The applicant is being required to provide an alternate plan to show how the recreation requirements are being satisfied if the Rafferty Center is not retained since credit is being taken for proposed activity within the building. The revised plan must be reviewed and approved by the Planning Board prior to release of the 133rd building permit through a site plan amendment process. This revised plan may impact or change the location of some of the proposed units and open space.

b. Open Spaces

Open space for this project is adequate, safe, and efficient and provides the necessary buffers to adjacent properties and uses while meeting the requirements of the zone.
Binding element number 13 of the rezoning classification required that two acres of community space be provided along the northern boundary of the site. The two acres could include reforestation areas; open play areas, as well as the Rafferty Center. The location of the open space provides for a buffer to the adjacent residential properties that front on Arcola Avenue and a physical separation from the Wheaton Rescue Squad to the proposed units on the site. The open space that provides the separation from the residences will be placed in a Category I forest conservation easement and planted with oversized plant material for a more effective screen. The open space situated around the Rafferty Center will include an open play area, tot lot and seating areas for the community.

If the Rafferty Center is not retained by Montgomery County, the applicant must submit a revised plan for review by the Planning Board demonstrating how the alternative open space and recreation amenities will be accommodated for the subdivision.

Additional open space is provided at the center of the site in the shape of a central plaza visually prominent to the residents of the site. The internal green space between the fronts of the townhouse units will form a mews setting with ornamental planting and private sitting areas.

c. Landscaping and Lighting

The landscaping and lighting proposed is adequate and efficient.

Landscaping consists of a complement of street trees in tree panels along Dawson Avenue, the primary entry into the property from Georgia Avenue. This streetscape is a formal treatment with 10-foot-wide stamped concrete that terminates into a private amenity plaza at the intersection with Street 'D'. The remainder of the private streets contains shade trees at the intersections and near the parallel parking bays. The alleys consist of primarily flowering trees, shrubs and groundcover to provide definition and scale in the islands. Conditions have been placed on the site plan to allow for screening of above ground utilities in the parking islands. The mews areas in the front of the townhouse units will include centralized seating areas and ornamental tree and shrubs.

The eight-foot-wide bike path along Georgia Avenue includes a staggered double row of Zelkovas for the entire property frontage, while Amherst
Avenue contains the standard street trees at 50 feet on center. The formal open play area in front of the Rafferty Center is lined with shade trees to define the oval walkway and create an entry to the building.

Additional landscaping is provided for screening along the property boundaries to buffer the adjacent apartment complex to the north. Landscaping is also provided at the end of the alleys for the condo units for screening of potential development on the WMATA property. Plant material in the afforestation area at the northern end of the property has been increased in size from the typical planting requirement for screening of adjacent one-family detached units. This planted buffer area is approximately 50-feet in width.

Nineteen foot-tall poles, including fixture and mounting height, are proposed along the primary entrances and interior loop roads for safety of the residents of the units. Reflectors and refractors of the fixtures will be installed on all lights in proximity to residential properties to negate glare.

d. Recreation

The proposed recreational facilities are adequate, safe and efficient.

The applicant is providing a tot lot, open play area, pedestrian system and indoor community space within the Rafferty Center to satisfy the requirements of the Recreation Guidelines. The applicant needs the Rafferty Center to satisfy their recreation requirements. Off-site credit is being taken for activity areas in Wheaton Regional Park and Wheaton Community Center.

The tot lot and open play area are located in the northwest corner of the site directly in front of the Rafferty Center. In addition to seating near the tot lot, three other seating areas have been incorporated into amenity plaza areas located at the intersecting streets for visibility and use.

The applicant is required to provide an alternate plan to show how the recreation requirements will be satisfied if the Rafferty Center is not retained since credit is being taken for proposed activity within the building. The revised plan must be reviewed and approved by the Planning Board prior to release of the 133rd building permit. The plan would need to address location of the recreation amenities, open space and relation to existing and proposed units.
Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is adequate, safe, and efficient, providing pedestrian connections and crossings on the private streets.

Vehicular circulation consists of two access points from Georgia Avenue and Amherst Avenue. The following streets will be 24-foot-wide private roads: Dawson Avenue and Street D at the intersection of Amherst Avenue and the first alley. The entrance from Georgia Avenue is a direct line into the site terminating at a T-intersection, which forms a loop road that connects to the access point at Amherst Avenue. Private courts and alleys serve all of the townhouse, condo and one-family detached units. Nearly all of the unit types have rear-loaded garages except for the townhouse units on the southern boundary adjacent to the existing apartment complex at Blueridge Manor and the townhouses on the northern boundary whose ends face the adjacent one-family detached units.

Although the Rafferty Center will be preserved and maintained by the Montgomery County Department of Recreation, there is no public vehicular circulation for the building. The present concept is that civic and community groups will be permitted to park in the surface parking facility behind the Wheaton Rescue Squad for events and meetings.

Pedestrian circulation consists of 4-foot-wide sidewalks adjacent to the private drives through the site to serve all of the units and 5-foot-wide sidewalks parallel to the two private streets. A direct pedestrian system connects the primary entry from Georgia Avenue to Amherst Avenue through the site. A sidewalk connects the Rafferty Center to the surface parking facility that is part of the Wheaton Rescue Squad currently under construction. A connection is also being made to Amherst Street at the southeastern property corner for a more direct route to the post office and commercial retail shops.

The site plan also incorporates improvements for pedestrian circulation via an 8-foot-wide Class I bikeway within the right-of-way on Georgia Avenue. The bikeway will provide greater pedestrian circulation to downtown Wheaton and the metro and bus stations.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The locations of the buildings are compatible with existing uses and adjacent development.
The proposed mix of one-family detached and attached uses to the north, south and east are compatible with the surrounding development comprised of primarily of one-family detached units to the north and west and multi-family to the south. The multi-family units along Georgia Avenue and on the southwestern boundary create an area of low-to-medium density that is in keeping with the transitional neighborhood to the south.

The mix of unit styles serves as a transition from the apartment and commercial uses to the south and one-family detached units to the north and east of the site.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The planting requirement of 2.08 acres will satisfy the forest conservation requirements through a combination of on-site landscaping and off-site forest plantings for optional method projects. The afforestation area will be placed in a Category I forest conservation easement and will consist of 2” caliper trees, providing a substantial buffer to the adjacent one-family detached homes north of the site.

6. The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

**PLANNING BOARD ACTION AND CONDITIONS**

The Montgomery County Planning Board APPROVES Site Plan Review #8-04027 for 6 one-family detached dwelling units, 139 one-family attached units and 45 multi-family units on 13.86 gross acres in the RT-15 Zone with the following conditions:

1. **Rafferty Center**

   a. During the reservation period, the applicant shall continue good-faith negotiations with Montgomery County for the purpose of securing property around the Rafferty Center for additional open space, parking and access as described in the letter dated October 15, 2004, from Montgomery County Mid-County Services to the Honorable Derick P. Berlage. Six months before the expiration of the reservation period required as part of the approval of Preliminary Plan No. 1-04068, the applicant shall provide the Planning Board with a report regarding the status of these good-faith negotiations with Montgomery County.
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b. If an agreement between the applicant and Montgomery County cannot be reached, and the Rafferty Center cannot be retained, the applicant shall amend the approved site plan to show an alternate layout and design that addresses the open space and recreation requirements, as well as the overall design intent. The revised site plan must be approved by the Planning Board prior to the issuance of the 133rd building permit.

2. Development Plan Conformance

The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-798 and associated Development Plan.

3. WMATA Access

The applicant shall provide a 24-foot-wide ingress/egress easement on Dawson Avenue and Street 'C' from Georgia Avenue to the WMATA property (Parcel 920) to the south of the subject site to accommodate future development of the WMATA property. The access shall be referenced in the Homeowners Association documents and on the record plat. Language shall be included in the Homeowners Association documents, which provides notification for the potential for future development on the WMATA property (Parcel 920) through the subject site.

4. Site Design

a. Provide architectural drawings showing brick/masonry facades or similar type product material (not vinyl siding) for the fronts and sides of all of the buildings visible from the public street and internal driveway.

b. All retaining walls shall be constructed of masonry to complement the building facades. Provide a detail of the retaining walls on the site plan.

c. Provide a utility plan and layout for the alleys and drives. Meters, A/C units and other utilities shall be combined where possible so as not to compete with planting in the islands.

d. Provide the location of the mailbox clusters on the site plan. The locations of the clusters shall not impede the visibility of the prominent amenity features on the site plan such as the amenity plazas or central gathering areas. A letter from the U.S. Post Office shall be provided at signature set accepting the proposed locations.
e. Enlarge the seating and plaza area at the west end of Street 'D' and north of building #5 to become a more visible plaza area for residents of the community and visitors of the Rafferty Center.

f. Relocate end units 38, 61 and 88 to buildings 25, 20 and 18, respectively, to create a better view shed from the amenity plaza to Street 'C'.

5. Landscaping

a. Provide shade trees on the south side of Street 'C' in front of buildings 12, 19 and 26.

b. Provide additional planting around the seating area at the intersection of Street 'B' and 'D'.

c. Provide additional foundation planting for the buildings facing Georgia Avenue.

d. Provide 4' x 10' tree pits with amended soil panels on Dawson Avenue. Shade trees in the tree pits shall be spaced approximately 30 feet on center.

e. Remove the privacy wood fence that provides screening of the pad spaces to the units. The screening for the pad spaces to the units shall be constructed of materials to complement the building facades. Provide a detail of the screening at signature set.

f. All meters and utilities located within the islands between all units shall be screened with evergreen shrubs or masonry walls to match the building facades.

g. Relocate the central feature in the mews (units 61 and 88) to line up with the amenity plaza and relocated units.

h. Provide a typical foundation-planting plan for the fronts of the units.

i. Provide additional features that complement the architecture or hardscape elements in the mews and in the fronts of the units that reflect the amenity plaza and urban design elements such as ornamental fencing and paving patterns to complement the facades.

6. Lighting

a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.

b. All light fixtures shall be full cut-off fixtures.

c. Deflectors/refractors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

e. The height of the light poles shall not exceed 19 feet including the mounting base and fixture.

f. Relocate the fixture adjacent to unit 114 outside of the sidewalk.

g. Relocate the fixture adjacent to unit 26 and the stormwater management facility outside of the sidewalk.

7. **Pedestrian Circulation**

a. Provide a sidewalk connection to the Rafferty Center from Street ‘D’ north of unit 141, if the Rafferty Center is retained.

b. Provide a five-foot clear area from the tree pits to the back of the sidewalk on Dawson Avenue. Sidewalk on Dawson Avenue and amenity plaza areas to be stamped concrete.

c. Provide an eight-foot-wide concrete Class I bikeway parallel to the east side of Georgia Avenue.

8. **Recreation Facilities**

Provide a tot lot; open play area, pedestrian system, 6 seating areas and indoor community space in the Rafferty Center to satisfy the requirements of the Recreation Guidelines.

9. **Maintenance Responsibility**

The applicant and subsequent homeowners association shall be responsible for maintaining recreation facilities that are under their control. If the Rafferty Center and open space area to the west of the Rafferty Center, including the 24 units (buildings 1-5) are acquired by the County, the Montgomery County Department of Recreation shall be responsible for maintaining the Rafferty Center and surrounding land acquired. In addition, the homeowners association shall be responsible for maintaining the plaza amenity areas, lighting, landscaping and elements of the streetscape that are under their control.
10. **Moderately Priced Dwelling Units (MPDUs)**

The proposed development shall provide (24) twenty-four (or 12.5 percent of the total number of units) Moderately Priced Dwelling Units (MPDUs) on the site.

11. **Transportation**

The applicant shall comply with the conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated October 15, 2004.

12. **Forest Conservation**

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 25, 2004 [Appendix C]:

a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permits.

b. Record plat of subdivision shall reflect a Category I and II conservation easement over all areas of afforestation and forest conservation.

c. The applicant shall plant the afforestation area in the first planting season after the issuance of the building permit for properties adjoining the forest conservation area.

d. Applicant shall construct a split rail fence in the Category I easement to delineate the planting area and also to protect the trees within the forest conservation easement.

13. **Noise Attenuation**

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 25, 2004 to attenuate noise from Georgia Avenue (MD 97):

a. Certification from an engineering firm that specializes in acoustical analysis, that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour, is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification from the engineer that specializes in acoustical analysis shall be reviewed and approved by M-NCPPC Environmental Planning staff
prior to issuance of building permits. Any changes that may affect acoustical performance, after the issuance of a building permit, shall be approved by the acoustical engineer in advance of installation and M-NCPPC Environmental Planning staff prior to their implementation.

b. Applicant shall conduct an outdoor-to-indoor noise analysis of constructed units to ensure the 45 dBA Ldn interior noise level is achieved within the unmitigated 65 dBA Ldn contour after construction and shall present verification of noise levels to M-NCPPC Environmental Planning staff prior to occupancy of the residential units.

c. For all residential dwelling units to be constructed within the 65 dBA Ldn unmitigated noise contour, the applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by existing and future highway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and with all Deeds of Conveyance. Notification shall be provided to M-NCPPC staff prior to issuance of any building permit.

d. Provide the 70 dBA and 65 dBA lines on the site plans.

14. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated August 24, 2004.

15. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 133rd building permit that Applicant’s recorded Homeowners Association Documents incorporate by reference the Covenant.

16. Development Program

Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:
a. Streets tree planting shall progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.

b. Community-wide pedestrian pathways, including the 8-foot-wide Class I bikeway, and recreation facilities (except the indoor community space), including the tot lot, open play area and amenity plazas, shall be completed prior to issuance of the 133rd building permit.

c. Landscaping associated with each street and building shall be completed as construction of each facility is completed.

d. Afforestation Area shall be planted to start the two-year warranty and maintenance period upon completion of units 49, 50, 99 and 100 and Street ‘C’. Forest Conservation signs shall be placed at the end of each street and alley to inform residents of the area to be planted.

e. Pedestrian pathways including sidewalks in the front of the units and connections to the public and private roads shall be completed as construction of each building and street is completed.

f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

g. Coordination of each section of the development and roads.

h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

17. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

18. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

a. Development program, inspection schedule, and Site Plan Opinion.

b. Limits of disturbance.
c. Methods and locations of tree protection.

d. Forest Conservation easement areas.

e. MPDU and recreation facility calculations. Applicant shall provide a note on the site plan indicating the supply taken for the Rafferty Center and that a revised plan must be submitted to the Planning Board for review and approval prior to release of the 133rd building permit if the Rafferty Center is not retained.

f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

g. All other items specified in the site design, landscape, lighting, recreation, pedestrian circulation, maintenance responsibility and forest conservation conditions of approval above.

h. Details of the masonry walls and fences, ornamental features and paving elements associated with the front yards.

19. **Homeowners Association Documents**

Applicant shall provide documentation to prospective buyers in the Homeowners Associations Documents with regard to maintenance responsibility of the plant material, paving, benches and amenities between the building and curb line, which includes the public utility easement (PUE). The Homeowners Association Documents shall also contain language concerning the public ingress/egress easement to the WMATA site (Parcel 920) to Georgia Avenue and potential for future development through the subject site. The Homeowners Association documents shall be reviewed and approved by M-NCPPC staff prior to approval of signature set.

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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]
CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, February 3, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Commissioners Perdue, Bryant, Robinson, and Wellington voting in favor of the motion, and Commissioner Berlage abstaining, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board’s findings of fact and conclusions of law for Site Plan 8-04027, Leesborough (Good Counsel).

[Signature]

Certification As To Vote of Adoption
Technical Writer