



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # _____
MCPB 11/01/07

MEMORANDUM

DATE: October 22, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Acting Supervisor *RK*
Development Review Division

FROM: Joshua C. Sloan *JS*
Development Review Division
(301) 495-4597



REVIEW TYPE: Site Plan Review
CASE #: 8200700160
PROJECT NAME: Baldwin Landing

APPLYING FOR: Six one-family detached residential dwelling units and 36 townhouse units, including six moderately priced dwelling units (MPDUs), on 4.03 acres.

REVIEW BASIS: Section 59-C-1.393(c), Development Approval Procedures under the Optional Method of Development, of the Montgomery County Zoning Ordinance.

ZONE: R-90/TDR-13 – Residential, transferable development rights.
LOCATION: In the northeastern quadrant of the intersection of Yellowstone Way and Chieftain Avenue.
MASTER PLAN: Shady Grove Sector Plan

APPLICANT: Winchester Homes
FILING DATE: 3/2/07

HEARING DATE: 11/01/07

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STAFF RECOMMENDATION

Staff recommends **Approval** of Site Plan 8200700160 for six one-family detached residential units and 36 townhouse units, including six MPDUs, on one 4.03 acre lot. All site development elements as shown on the preliminary, site and landscape plans stamped by the M-NCPPC on September 24, 2007 shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 120070290 as listed in the Planning Board Resolution dated September 14, 2007 (*Appendix A*).
2. Recreation Facilities
 - a. The Applicant must provide one tot-lot and four sitting areas as delineated and detailed on the site and landscape plans.
 - b. All recreation facilities must conform to the M-NCPPC Recreation Guidelines
3. M-NCPPC Park Facility
 - a. The Applicant must provide automobile access via a curb cut along Baldwin Station Way with radii and street width identical to the Private Alley and a four-foot sidewalk from Yellowstone Way to the adjacent M-NCPPC Park as delineated on the site and landscape plans.
 - b. Entrance area to contain adequate barrier to prevent vehicular use until the park site is developed and signage indicating Parkland to be approved by Staff prior to Certified Site Plan approval.
4. Transfer Development Rights (TDRs)
Prior to recording of plat, the Applicant must provide verification that 22 TDRs have been acquired for the proposed development.
5. Moderately Priced Dwelling Units (MPDUs)
 - a. The proposed development must provide 6 MPDUs on-site in accordance with the memorandum from DHCA, dated June 1, 2007 (*Appendix B*). The applicant is not receiving a density bonus for providing MPDUs on-site.
 - b. The Applicant must obtain an agreement pertaining to the construction and staging of MPDUs from DHCA prior to issuance of any building permits.
6. Forest Conservation
The applicant must comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 16, 2007 (*Appendix C*):
 - a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior any demolition, clearing, or grading on the subject property:
 1. The final forest conservation plan must be revised to reflect the requirements found in Section 109.B of the Forest Conservation Regulations (COMCOR 18-01AM).
 2. All financial securities must be submitted to M-NCPPC prior any demolition, clearing, or grading on the subject property.

- b. Final sediment control plan must be consistent with limits of disturbance as shown on the final forest conservation plan, dated 10/16/2007.

7. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated January 30, 2007 unless amended and approved by the Montgomery County Department of Permitting Services (Appendix D).

8. Development Program

The Applicant must construct the proposed development in accordance with a Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. Development Program shall include a phasing schedule as follows:

- a. 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 or the next growing season.
- b. Community-wide pedestrian pathways and recreation facilities, including the tot lot and seating areas, must be completed prior to issuance of the 30th building permit.
- c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- d. On-site landscaping and lighting.
- e. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation, or other features.

9. Clearing and Grading

The Applicant may begin clearing and grading prior to M-NCPPC approval of the Certified Site Plan only after the final Forest Conservation Plan and Sediment Control Plan have been approved and M-NCPPC staff have inspected and approved all tree-save areas and protection devices. The Certified Site Plan must be approved by M-NCPPC prior to issuance of any building permit or recording of plat(s).

10. Certified Site Plan

Prior to Certified Site Plan approval the following revisions must be included and/or information provided, subject to staff review and approval:

- a. Include the final forest conservation approval, stormwater management approval, development program, inspection schedule, and Site Plan Resolution on the Approval or Cover Sheets.
- b. Add a note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- c. Clarify the alternate cemetery access detail.
- d. Label and delineate tot lot fencing
- e. Label fence along Yellowstone Way between Chieftain Avenue and Redland Road.
- f. Label brick pier on sitting area #1 detail.
- g. Change planting note 1) e) to include approval of MNCPPC required for substitutions.

- h. Provide handicapped ramps along Baldwin Station Way at the intersection with the Private Alley near lot 1 and lot 26 and the opposite end of the Private Alley near lot 6 and lot 14.
- i. Curve the angled sidewalk along Yellowstone Way on the opposite side of Chieftain Avenue for easier wheelchair movement.
- j. Provide planting and lighting details for Stormwater Management Plan and Street Tree and Lighting Plan.

PROJECT DESCRIPTION

Executive Summary

Zone	R-90/TDR-13
Master Plan	Shady Grove Sector Plan
Gross Tract Area	4.03 Acres
Dedication	0.20 Acres
Approved Preliminary Plan	120070290
Existing Use	Derwood Bible Church
Proposed Use	6 Detached Residences 36 Townhouses
MPDUs	6
TDRs	22 ¹
Maximum Bldg Height	40 Feet

Site Vicinity & Description



¹ A waiver of the 2/3rds TDR requirement was approved by the Planning Board with the Preliminary Plan.

Location

The 4.03-acre subject property is located in the northeast quadrant of the intersection of Yellowstone Way and Chieftain Avenue at the edge of the Old Derwood Community. The Shady Grove Metro Station is approximately ¼ mile from the subject site to the east-northeast across Redland Road and well within walking distance.

Adjacent Land Uses

Surrounding zones include R-200 to the south, I-1 and R-90 to the west, PD-2 to the north and R-200 and PD-2 to the east. The southern properties are occupied by detached residential homes. The western property is currently undeveloped but multi-family uses are anticipated. There are multi-family units to the north and a new, but undeveloped, M-NCPPC park and an existing cemetery lot to the east.



Aerial View of Subject Site

Existing Site Conditions

The subject site is currently occupied by the Derwood Bible Church, a church office building, and a parking lot. There is no significant vegetation on site, only mowed lawn and some narrow strips of mixed vegetation along the adjacent properties to the north and east. Unfortunately, the only proximate large tree, a 24" sycamore on the property line with the

cemetery lot, will be removed to provide driveway access to the cemetery. The site is in the Upper Rock Creek watershed (Use IV) but not within the Rock Creek Special Protection Area. There are no known rare, threatened, or endangered species on site; nor are there any 100-year floodplains, forests, stream buffers, wetlands, steep slopes, or highly erodible soils.

The soils on site are divided between Glenelg (2B) silt loam with 3-8% slopes and Elioak Silt (4B) with 3-8% slopes. Both soils are well-drained, deep, and suitable for the proposed construction and there are no visible rock features at the surface. The high point of the site is in the southern corner and the site slopes diagonally and relatively evenly across the site to a low point in the northern corner.

There are no known historic properties or features on site.

Previous Approvals

Preliminary Plan 120070290 was approved with conditions for the subject site on September 14, 2007 (Appendix A). This approval limited the site to 42 lots for six one-family detached residential dwelling units and 36 townhouse units, including 12.5% MPDUs. By means of a reminder, the Planning Board found that the Preliminary Plan conforms to the Sector Plan's specific recommendations for the subject site; that existing and forthcoming public facilities will be adequate to support the proposed development; that the lots are appropriate for the location of the subdivision; and that the proposal satisfies the applicable environmental and stormwater management requirements. Last, the Planning Board granted the requested waiver of the TDR requirements in order to satisfy recommendations of the Sector Plan for one-family detached units along Yellowstone Way, and the green area and stormwater management requirements.

As part of the Preliminary Plan approval, several issues were left to be resolved during Site Plan review: the final number of dwelling units and MPDUs, vehicular and pedestrian circulation patterns, parking, sidewalks, signs, recreation facilities, traffic calming measures at the intersection of Yellowstone Way and Chieftain Avenue, and the provision of specific handicapped ramps. Each of these have been addressed as discussed in the proposal description and analysis that follows.

Proposal

As approved during Preliminary Plan review, the Applicant proposes to remove the existing church, office, and parking lot and develop the site with six one-family detached dwelling units and 36 townhouse units. The six detached houses will front along Yellowstone Way with vehicular access to garages on an internal alley. This alley also serves to provide access to several townhouses that front onto Baldwin Station Way and several others that front onto Chieftain Avenue. This private street² curves from the southern corner of the site to a midpoint along the northwestern property line.

Along Baldwin Station Way, a curb cut is proposed across from the first alley to provide for future access to the new park and a gated driveway is provided to the existing cemetery.

² This street and adjacent sidewalks are covered by a public access easement.

Another street, named Mobiley Gift Lane, turns off Baldwin Station Way into the eastern corner of the property and is fronted by six townhouses on the east and three townhouses on the west. Access to the stormwater management pond is provided at the end of Mobiley Gift Lane. This stormwater management pond, located in the northern corner of the property, is an unfenced dry pond with perimeter tree plantings.



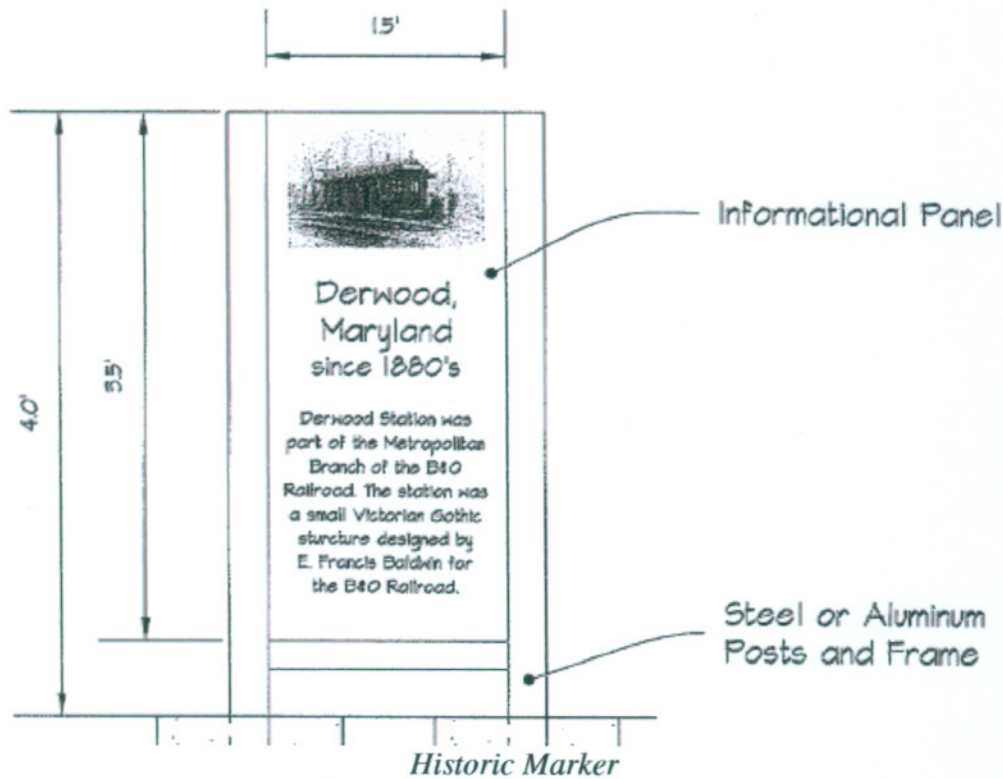
Illustrative Site Plan³

At the intersection of Baldwin Station Way and Mobiley Gift Lane, a fenced and landscaped tot lot is proposed for the subdivision. This tot lot, the sidewalk system, and four proposed sitting areas provide the necessary recreation opportunities for the development and will be further augmented by the adjacent future park. Sidewalks run along Baldwin Station Way from Yellowstone Way to Chieftain Avenue and are also provided along both sides of Mobiley Gift Lane. An off-site sidewalk will be constructed along Yellowstone Way from Chieftain Avenue to the existing sidewalk on Redland Road. The four proposed sitting areas are spread throughout the site: one at the tot lot, one near the cemetery, one in an open space

³ Not shown due to changes during the review period: the sidewalk on the eastern edge of Private Road A (Baldwin Station Way), the curb cut to the adjacent park, several handicapped ramps, and the sitting area between lots 19 and 20 (the sitting area on lot 13 has been removed). Private Road B is now called Mobiley Gift Lane.

between townhouse lots 19 and 20, and one near a historic marker at the corner of Yellowstone Way and Chieftain Avenue.

This historic marker is set between a landscaped area and benches directly along the only sidewalk that parallels Yellowstone Way near the corner of Chieftain Avenue. It is proposed as a gateway feature to the historic Derwood Community. Due to the lack of available right-of way on the confronting and opposite corners, there is little opportunity to provide traffic calming at this intersection. Instead, this sitting area and sign, as well as the subdivision sign, may become part of a larger gateway treatment as the adjacent properties come in for redevelopment. Also, it is worth mentioning that the names for the subdivision and streets reflect the neighboring historic community.



Although the site is densely built, landscaping is used to soften and beautify the subdivision. Street trees and ornamental plantings are provided throughout the site and along the sidewalks to provide shade, color, and habitat. Each of the sitting areas, the entry sign, and the tot lot has enhanced landscaping that includes ornamental shrubs, grasses, and perennials for seasonal color and interest.

PROJECT ANALYSIS

Site Development Standards

The subject site is zoned R-90/TDR-13 and is being developed under the optional method of development with MPDUs. It is, therefore, subject to less stringent zoning requirements but more detailed site plan review. Since much of the discussion of the TDRs and master plan was provided in the Preliminary Plan Review, only a couple issues need be raised here. One is that both one-family detached and one-family townhouse units are permitted in TDR densities from 11-15 with no minimum or maximum percentage requirements. Second, a minimum of 50% of the site must be green area⁴. Given those restrictions, all other development standards are determined by the Planning Board at the time of Site Plan review.

PROJECT DATA TABLE (R-90/TDR-13 w/MPDUs)

Development Standard	Permitted/ Required	Proposed for Approval	
Max. Density of Development (dwelling units/acre)	52	42	
Number of Dwelling Units(minimum)			
Detached units	no minimum	6	
Attached units	<u>no minimum</u>	<u>36</u>	
Total	52	42	
MPDUs (%)	12.5	12.5	
MPDUs (# of units)	6	6	
TDRs	26	22 ⁵	
Minimum Green Area (%)	50	50	
Minimum Green Area (square feet)	87,773	87,924	
Maximum Building Height (feet)	no maximum	40	
Parking Spaces	84	120 ⁶	
		<u>Detached Units</u>	<u>Townhomes</u>
Minimum Lot Area (square feet)	no minimum	3,600	900
Minimum Lot Width (feet)	no minimum	40	16
Minimum Building Setbacks (feet)			
from street	no minimum	15	10
rear yard	no minimum	5	5
side yard	no minimum	5	4
Maximum Lot Coverage (%)	no limit	85	90

⁴ Green Area is defined to include lawns, plantings, sidewalks and walkways, recreational areas, plazas, wooded areas, and watercourses. Fifty percent Green Area is required for TDR densities of 11 or more.

⁵ A waiver of the required 2/3rds minimum TDRs was approved by the Planning Board during Preliminary Plan review.

⁶ There will also be an additional 23 on-street parking spaces available.

TDR AND MPDU CALCULATIONS

Gross Tract Area	4.03 acres	Gross Tract Area	4.03 acres
TDR Factor	x 3.60	Master Plan Designation	x 13
<hr/>		<hr/>	
Base Density	14 units	Permitted Density	52 units
Permitted Density	52 units	TDRs Required	38
Base Density	14 units	Fraction that must be used	2/3
<hr/>		Minimum TDRs	26
TDRs Required	38		

TDRs Proposed 22 (A waiver of the minimum 2/3rds requirement was approved by the Planning Board per Preliminary Plan Resolution 07-135.)

Proposed Units	42 units
Minimum MPDUs	x 12.5%
<hr/>	
MPDUs Required	6
MPDUs Proposed	6

Conformance to Master Plan

As indicated earlier, the Planning Board found that the proposed development is in conformance with the Shady Grove Sector Plan, which contains the following recommendations for the subject site:

- The recommended zoning for the site is R-90/TDR-13.
- A maximum number of 52 dwelling units on site is recommended.
- Townhouses are permitted on site, but Yellowstone Way should be fronted by one-family detached units to maintain compatibility with the existing neighborhood.
- The vehicular pattern should maintain a system of interconnected streets.
- An interpretive program explaining the historic district should be implemented.
- A traffic circle should be installed at the intersection of Chieftain Avenue and Yellowstone Way.

All of these recommendations have been designed into the proposal with the exception of the traffic circle. Due to the required standards of the minimum radii for traffic circles, it is impossible to build one at this time without further dedication of rights-of-way from confronting properties. Instead, the applicant proposes the historic marker and sitting area as a beginning of a gateway feature into the Old Derwood community.

Transportation

Adequate right-of-way dedications on Yellowstone Way and Chieftain Avenue were analyzed by Transportation Planning Staff at the time of Preliminary Plan review and found to meet the necessary requirements. Further, when the adequacy of existing public transportation facilities was analyzed by means of a traffic study, the critical lane volume (CLV) congestion

standard for the Shady Grove Policy Area at the intersection of Crabbs Branch Way and Redland Road was exceeded. But, due to a DPWT Capital Improvements Program (CIP) Project Number 500010 that will reconfigure turning and through lanes, the resulting increased capacity that causes the intersection to fall below the CLV congestion standards and will be adequate.

At the time of Preliminary Plan review, Transportation Planning Staff also analyzed the proposed vehicular and pedestrian circulation systems and found them to be adequate. A few changes have been made to the plan to fine-tune these systems, such as increasing handicapped accessibility and making the connection to the new park. Last, the issue of frontage on private streets was addressed and found to be acceptable for this proposed development.

Environmental

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the subject site prior to submission of the preliminary plan of subdivision. Environmental Planning staff recertified NRI/FSD 420010810 on 3/8/2006. There are no environmentally sensitive features on the subject property.

A preliminary forest conservation plan was approved with the preliminary plan of subdivision (120070270). Under Section 22A-12(f) of Forest Conservation law, plans that use an optional method of development, such as TDRs, are subject to minimum retention requirements. As this property has no existing forest, a minimum of 15% of the property must be afforested. However, because this property is in a high density residential zone, the afforestation requirement can be met through tree canopy coverage. The applicant has proposed meeting this requirement through the use of native canopy trees that, at 20 years, will cover 15% of the site with canopy.

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;.*

A development plan, diagrammatic plan, or project plan was not required for the subject development.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the R-90/TDR-13 zone as demonstrated in the Project Data Table on page 10.

The proposed development meets the necessary minimum requirements for density, parking, and green area. Furthermore, the development provides the minimum number of TDRs, given the waiver granted at the time of Preliminary Plan, and the required MPDUs. There are no other required development standards for the subject site.

According to Section 1.394(b), proposed developments with TDR densities of three or more per acre must be developed in accordance with the purposes and provisions of the PD Zone. The proposed development integrates compatible uses, such as detached homes and townhouses, with existing and foreseeable development. It provides an safe, efficient, and convenient system of housing, sidewalks, roads, and amenities that will encourage community interaction and activity. The diversity of housing types provides choices for residents and the landscaping increases the aesthetic and environmental qualities of the subject site.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Locations of buildings and structures

The six one-family detached residential dwelling units front on Yellowstone Way as recommended in the Shady Grove Sector Plan. This provides a traditional streetscape and complements the existing pattern of detached homes in the Old Derwood community to the south. The townhouses internal to the site and along Chieftain Avenue provide the Sector Plan recommended density and create pleasing internal streetscapes and a good transition to what will be higher density development to the west. The proposed layout of buildings is safe, adequate, and efficient.

b. Open Spaces

The proposed development provides the required 50% Green Area (87,924) square feet. This requirement is achieved by creating the sidewalk network, landscaped areas, recreation facilities, and yards for the proposed homes. This open space is safe, efficient, and adequate given the Sector Plan's density recommendations and the constraints of the site itself.

c. Landscaping and Lighting

The proposed landscaping on the site consists primarily of a mix of native shade and ornamental trees throughout the site and along Yellowstone Way and Chieftain Avenue. Ornamental perennials and shrubs are also proposed around the subdivision sign, the sitting areas, and the tot lot. The combination of trees and ornamental plantings is designed to provide shade, comfort, and beauty for the entire community.

The lighting plan is a simple layout of street lights to provide safe use of the sidewalks and road network at night. These fixtures are a traditional four-sided, pole-mounted luminaire, which will be mounted 12-14 feet above grade along Baldwin Station Way. Separate street lighting will be provided along Chieftain Avenue and Yellowstone Way. All other fixtures will be fixed to the proposed homes and specified during construction.

Both the landscape and lighting plans are designed to provide a safe, efficient, and adequate residential environment.

d. Recreation Facilities

The proposed development complies with the M-NCPPC Recreation Guidelines. Recreation demand is satisfied as shown in the recreation calculations table below. The proposed recreation facilities, including a tot lot, four sitting areas, and the sidewalk network, offer all ages of the community opportunities to gather, play, and enjoy the outdoors. These facilities provide safe, adequate, and efficient provide recreation choices.

Demand Points

Housing Type	Number of Units	D1	D2	D3	D4	D5
		Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
SFD III (<7,000)	6	0.84	1.14	1.38	7.62	0.78
TH	36	6.12	7.92	6.48	46.44	2.52
		6.96	9.06	7.86	54.06	3.30

On-Site Supply Values

Recreation Facility	Quantity Provided	D1	D2	D3	D4	D5
		Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
Tot Lot	1	9.00	2.00	0.00	4.00	1.00
Picnic/Sitting	4	4.00	4.00	6.00	20.00	8.00
Pedestrian System	1	0.70	1.81	1.57	24.33	1.49
		13.70	7.81	7.57	48.33	10.49

Adequacy of Recreation Facilities

	D1	D2	D3	D4	D5
	Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
Supply:	13.70	7.81	7.57	48.33	10.49
Demand:	6.96	9.06	7.86	54.06	3.30
% of Total Demand:	196.78%	86.23%	96.34%	89.40%	317.73%
80% Demand:	5.57	7.25	6.29	43.25	2.64
Difference must be 0 or greater:	8.13	0.56	1.28	5.08	7.85

e. Pedestrian and Vehicular Circulation Systems

Access points to the site are to be provided from Yellowstone Way and Chieftain Avenue. This interconnected street network addresses the recommendations of the Sector Plan and provides a traditional internal streetscape for the proposed community. The alleys allow homes to front on Yellowstone Way and Chieftain Avenue without the visual problem of having most of the front façade being dominated by garage doors. The side street, Mobiley Gift Lane, provides an atmosphere similar to Baldwin Station Way. The layout and design of the vehicular circulation system provides the community with a safe, adequate, and efficient street network.

Internal sidewalks will also be provided to facilitate pedestrian circulation throughout the development. These are provided on Baldwin Station Way, Mobiley Gift Lane, Chieftain Avenue, and on Yellowstone Way all the way to Redland Road. This pedestrian circulation system connects the proposed development to the new park site, the nearby Metro station, and the adjacent community and is a safe, adequate, and efficient network.

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

The one-family detached dwelling units are compatible with the adjacent detached residential development to the south. The townhouses provide a compatible transition to

more dense residential properties to the north and projected development to the west. The heights and lot sizes augment this transition along a continuum from less to more dense development towards the Shady Grove Metro Station. Because the proposed development has a TDR density above three units per acre, it is subject to the provisions of the PD Zone. The proposed development meets the purposes of the PD Zone with respect to providing compatible vehicular, pedestrian, open space, amenity, and land uses. There are no other site plans currently under review for adjacent properties.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

As modified by the Conditions of Approval, the proposed development meets all applicable environmental guidelines and regulations. An NRI/FSD and a preliminary forest conservation plan were approved during the Preliminary Plan review process. The final forest conservation plan meets the required 15% coverage through on-site tree canopy with native trees.

The proposed stormwater management concept consists of on-site channel water quality control via one surface sandfilter and on-site recharge via the use of pervious concrete for the sidewalks and driveways. A waiver of channel protection volume is granted based upon the site's proximity to the existing regional stormwater management facility (Crabbs Branch) and the inability to provide on-site control per DPS requirements as stated in the conceptual stormwater management report.

APPENDICES

- A. Preliminary Plan Resolution
- B. DHCA Memorandum
- C. Environmental Planning Memorandum
- D. DPS Stormwater Management Approval