



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

MCPB
Item #
December 11, 2008

DATE: December 1, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division
Ralph Wilson, Zoning Supervisor, Development Review Division 

FROM: Elsabett Tesfaye, Planner Coordinator (301)-495-1301 

SUBJECT **REMAND—Local Map Amendment No. G-849: “Darnestown at Travilah”:**
Reclassification of 4.92 acres of land from the R-90 Zone to the RT-8 Zone for up to 39 townhouse units, located at the north side of Darnestown Road, approximately 400 feet west of its intersection with Travilah Road, Rockville, Maryland.

FILING DATE: February 8, 2006
PLANNING BOARD June 22, 2006, December 11, 2008
PUBLIC HEARING: June 27, 2006, December 22, 2008

STAFF RECOMMENDATION:

The applicant has undertaken an extensive noise analysis of potential impacts from off-site sources including activities on the Public Service Training Academy site. The applicant has also submitted a significantly improved schematic development plan that depicts a coherently organized site design to mitigate potential off-site impacts, both from Darnestown Road and activities at the training academy. The revised plan represents a superior esthetic appeal and a more efficient on-site circulation than the previous plan. The revised plan, coupled with the applicant’s written response and the noise analysis report, sufficiently addresses the four elements of the remand order. For these reasons, staff recommends approval of the proposed rezoning and revised schematic development plan.

I. APPLICATION SUMMARY

Applicant

Fifty LLC

Location

The north side of Darnestown Road, approximately 400 feet west of its intersection with Travilah Road, Rockville, Maryland.

Site Size

4.92 AC

Current Zone and Use-

R-90 Zone (residential, single)

Master Plan

1990 Shady Grove Study Area

Proposed Amendment

Reclassification of 4.92 acres of land from the R-90 Zone to the RT-8 Zone for up to 39 townhouse units.

Green Area

55% (113,000 SF)

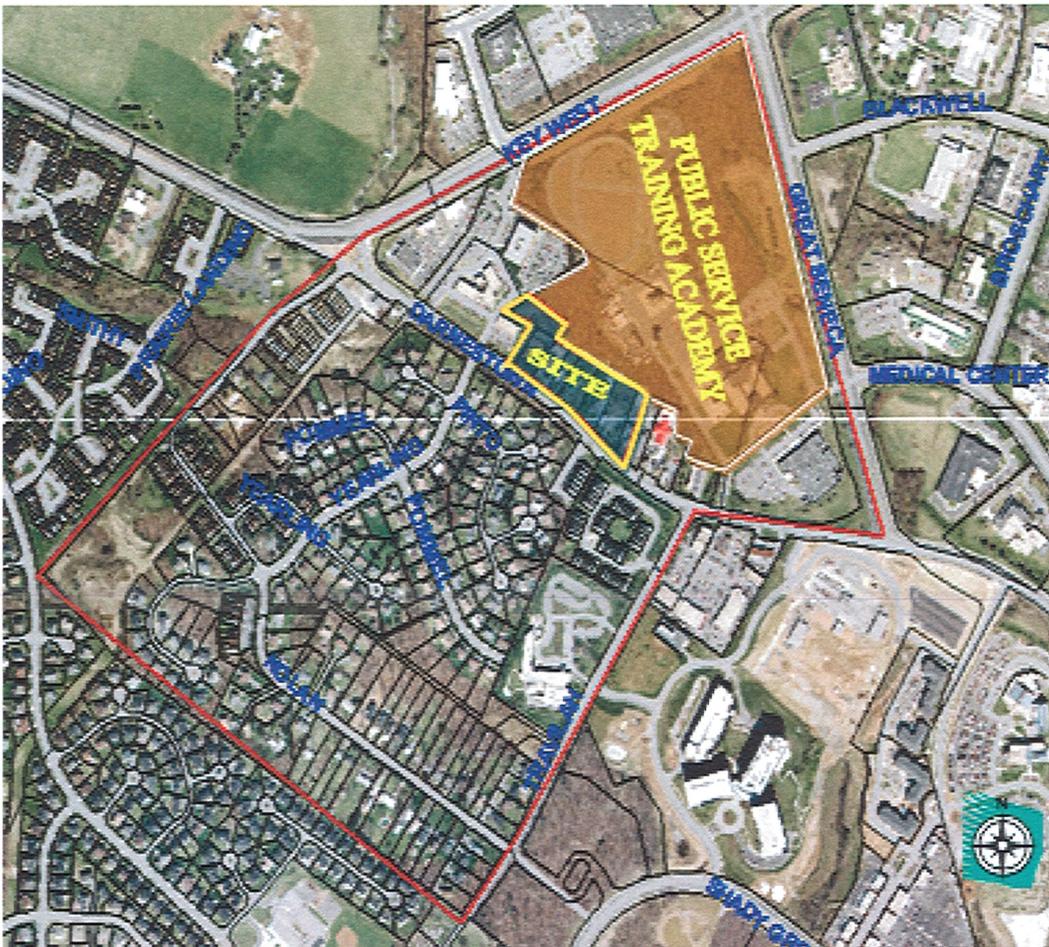
Parking spaces

164 Garage and Surface spaces

I. BACKGROUND

The County Council remanded G-849 (see attached Order) to the Planning Board for a more detailed analysis of compatibility with the Public Service Training Academy (PSTA) located adjacent to the site (north), considering, in particular, noise impacts from the Training Academy.

Pursuant to the remand, the applicant submitted a number of documents including a noise analysis for the Training Academy, a revised schematic development plan, and an illustrative landscape plan. The materials provided adequately address the compatibility concerns with the PSTA site as the site exists today and taking into consideration the potential relocation of the Public Service Training Academy as outlined in the County Executive's "Montgomery County Proposed Use Initiative", as well as in the status report on the Gaithersburg West Master Plan that the planning staff presented to the Planning Board on October 2, 2008.



In the revised schematic development plan the applicant has completely redesigned the site to address the concerns raised in the remand order. Important improvements include better on-site circulation, less impervious surface, more landscaping, effective screening and buffering. The

revised plan retains the originally proposed density of 39 townhouse units, including five MPDUs.

The revised plan also offers 12 textual binding elements. The Environmental Planning staff is recommending that the language of binding elements Nos. 5, 6, and 7 be revised to require that additional landscaping and noise barriers be provided by the applicant to improve noise protection measures.

Binding elements Nos. 2 thru 7, 10 and 11 of the revised schematic development plan address important design and landscape elements that will need to be evaluated thoroughly at site plan. At the current stage of review (zoning), it is more practical to identify these particular issues on the schematic development plan as "Design Elements for consideration at site plan" rather than listing them as a binding element of the schematic development plan.

II. CASE STATUS

On February 8, 2006, Local Map Amendment G-849 was filed requesting reclassification of ten assembled parcels, with a combined total of 4.92-acre of land, from the R-90 Zone (residential, one-family) to the RT-8 Zone (residential-townhouse at a density of eight units per acre). The applicant proposes to develop the property with 39 one and two-car-garage townhouses. A total of 166 parking spaces, including garage, driveway, and on street spaces, was proposed.

Technical staff reviewed the application and, in a report dated June 22, 2006, recommended approval of the application and the associated schematic development plan. Four members of the Planning Board considered the case and recommended approval of the application by a 3 to 1 vote. The transmittal letter from the Planning Board Chairman to the County Council indicated that the one member of the Board who voted against the application did so on the grounds of insufficient information about the plan and a lack of specific noise mitigation measures. The transmittal letter also made the following additional findings regarding compatibility with the adjacent uses:

- ◆ The Board is not persuaded that the proposed Schematic development plan adequately addresses the issue of noise mitigation for the areas adjoining the Public Service Training Academy (north) and the Darnestown Road (south). The Board determined it to be critically important that particular attention be given to noise mitigation and urges the Hearing Examiner to place special emphasis on the need for a serious evaluation of alternative solutions as well as mitigation options, at the public hearing, to ensure that the proposal meets the noise standards.

Subsequent to the Planning Board's consideration of the matter, the applicant submitted supplemental information to the Hearing Examiner to establish that the proposed mitigation measures would reduce noise to below the prescribed 65 dB maximum level in backyards and common seating areas near Darnestown Road. The applicant also added the two additional binding elements addressing outdoor noise at the rear portion of the property and common

seating area near Darnestown Road. The Hearing Examiner recommended approval of the application with the associated schematic plan and revised binding elements. The County Council remanded G-849 back to the Planning Board to undertake the following:

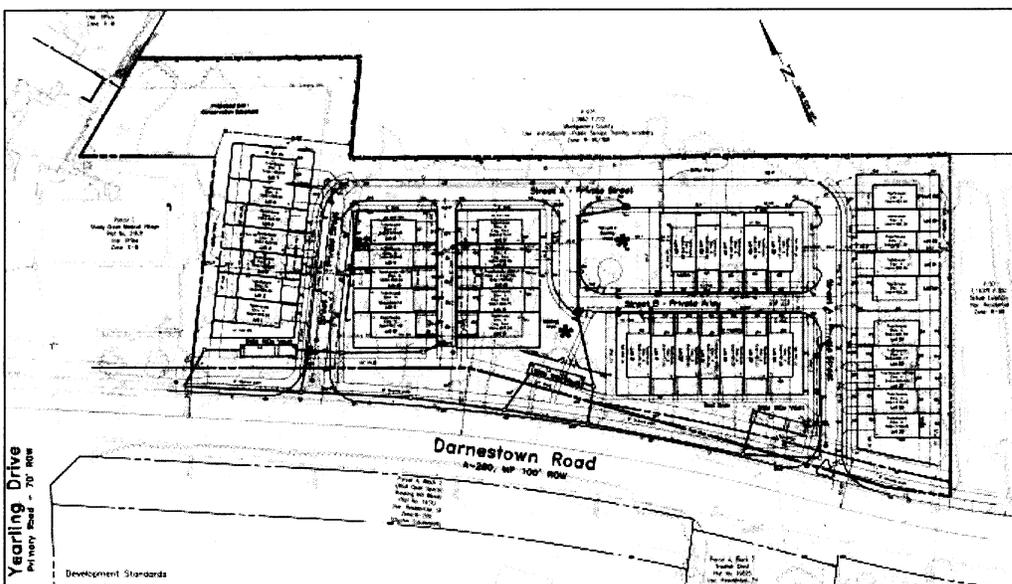
- A more detailed analysis of activities currently taking place on the site of the Public Service Training Academy, adjacent to the property proposed for rezoning, as well as planned future activities at the Training Academy.
- A more detailed analysis of whether the density and placement of homes shown on the development plan proposed in this case are appropriate at this location, abutting the training Academy.
- A more extensive analysis of noise impact on the subject site from the Training Academy, including noise impacts from the expanded facilities and activities that have already been approved for the Training Academy.
- A supplemental recommendation to the District Council on the merits of the subject application.

The property owners and its representatives have been pursuing a rezoning of the property since 2006. Fifty LLC, an owner of part, and contract purchaser of part of the property, and a party to the original application, is serving as Applicant. Pursuant to the Remand Order, the applicant has submitted revised plans, a noise study, a revised Land use and Zoning Analysis Report and a revised draft declaration of covenants.

III. SCHEMATIC DEVELOPMENT PLAN

Originally proposed plan

FIGURE 1: PREVIOUS SCHEMATIC DEVELOPMENT PLAN



The previous schematic development plan proposed 39 residential townhouses, including the required 12.5 percent MPDUs. Five of the proposed 39 dwelling units were to be MPDUs. A total of 166 parking spaces, including 20 guest spaces, were proposed for the development.

The 34 market units would have two-car garages and two additional driveway parking spaces. The five MPDUs would have single-car garages with one additional space in the driveway. The unit type proposed would be a mixture of front-loaded (accessed from a private street) and rear-loaded (accessed via a private alley) dwellings. The previous plan also offered a 23-foot buffer between the subject site and the Public Service Training Academy, planted with deciduous and evergreen trees and under-story plant material. It also offered construction of a solid 6-foot fence along the property line between the subject site and the Training Academy

The previous schematic development plan depicted two driveway access points from Darnestown Road with a right-in and right-out access restriction for the eastern driveway. The western driveway access is proposed for a full movement, including a center turn lane. Darnestown Road at this location is classified as a county arterial road with 100 feet right-of-way.

Revised schematic development plan

As is the case with the original plan, the revised schematic development plan proposes 39 residential townhouse units, including the required five MPDUs. A total of 164 parking spaces, including 19 guest spaces, are proposed for the development.

FIGURE 2: ILLUSTRATIVE LANDSCAPE PLAN



The revised SDP proposes a group of homes to be sited parallel to the two sides of the rectangular shaped parcel and three groups (or “sticks”) of units facing Darnestown Road. Unlike the previous plan that depicts some units facing each other, the revised plan shows all of the units facing onto an open space or green area abutting Darnestown Road. The green area will incorporate a seating area and an open play area for children. In addition, a more formal tot-lot is proposed in the northwest corner of the property, far removed from Darnestown Road. In contrast to the earlier plan, the revised schematic development plan proposes an approximately 8-foot high forested berm with a 6-foot high solid wood fence¹ on top of the berm to serve as a visual and noise barrier between the proposed townhouses and the rescue practice area, which is the use on the training academy site located closest to the proposed development.

In sum, the revised Schematic development plan offers improved on-site circulation, less impervious surface, more landscaping, and more screening and buffering features than that previously proposed.

Revised Binding Elements

The following are the applicant’s revised textual binding elements as shown on the revised schematic development plan.

1. *All units, including MPDUs, to have brick front facades. The two units with sides facing Darnestown Road shall also have brick facades.*
2. *Landscaping to be provided along the boundary of the property. Plant material and location to be determined at site plan review.*
3. *Landscape design along Darnestown Road to include, but is not limited to, intermittent masonry walls and/or piers, decorative fencing and screening landscape materials. The final landscape design shall be determined at time of site plan.*
4. *Applicant agrees to provide on the Property a minimum of 18,000 square feet of the required .74 acre (or 32,234 sq ft.) Conservation Easement as a Category II Conservation Easement. The actual Forest Conservation Areas to be determined at time of site plan.*
5. *Applicant will provide along the property’s northern boundary line, adjacent to Parcel 925, a soil berm that is approximately 8’ at its peak, and tapers to grade at either end, the extent of such berm to be determined at time of site plan. A 6’ fence, constructed of wood or other appropriate material, shall be provided on the berm (if such berm is deemed appropriate at time of site plan), with final design and location determined at time of site plan.*

¹ The applicant has included this berm and the fence provision in the revised binding elements. However, upon reviewing the applicant’s noise study that was provided to address one of the items in the Council’s Remand Order, the environmental Planning staff has recommended that the applicant further revise the language of this binding element so that details of the berm can be better refined at site plan.

6. *Applicant shall include notification in sales contracts to initial homebuyers, and in Homeowner Association Documents of the Property's adjacency to the existing County Public Safety Training Academy, if applicable, which has approved uses, including, but not limited to a fire and rescue station, helipad, driver training course, burn building, an urban search and rescue area and canine training unit.*
7. *Building shell will be designed to achieve an average projected interior DNL of 45dB or lower in habitable rooms. The average projected ground-level exterior DNL will not exceed 65 dB in unit rear yards, the tot lot, and the seating area along Darnestown Road.*
8. *Applicant agrees to dedicate its proportionate share of the necessary right-of-way width along Darnestown Road, as recommended in the Shady Grove Study Area Master Plan, adopted in July 1990.*
9. *Applicant agrees that an eight-foot wide shared path will be located within the public right-of-way.*
10. *Applicant agrees to plant 6-8 foot evergreen trees along the Property's eastern boundary line, adjacent to Parcel 50. Exact location of evergreen trees shall be determined at time of site plan.*
11. *Applicant agrees to install a minimum 6 foot high wood fence along its eastern property line, adjacent to Parcel 50. The fence shall begin where the existing wood fence on Parcel 50 ends and shall extend, at a minimum, to the end of Lot 30. The exact fence location shall be determined at time of site plan.*
12. *Applicant agrees to include in Homeowner Association documents that parking by residents is not permitted on Parcel 50.*

Environmental Planning Staff is recommending that binding elements 5, 6, and 7 be revised as follows to require that additional landscaping and noise barriers be provided by the applicant to improve noise protection measures:

- #5 Applicant will provide along the property's northern boundary line, adjacent to Parcel 925, a ***combined landscaped berm and barrier that is approximately 14' at its peak***, and tapers to grade at either end. ***An acoustically-effective barrier shall be provided on the berm. The final design, location, and landscaping of the berm, and materials of the barrier*** shall be determined at time of site plan.
- #6 Applicant shall include notification in sales contracts to initial homebuyers, and in Homeowner Association Documents of the property's adjacency to the existing County Public Safety Training Academy, if applicable, which has approved uses, including, but not limited to a fire and rescue station, helipad, driver training course, burn building, an urban search and rescue area and canine training unit. ***A noise analysis will be made available by the applicant to the initial homebuyer***

upon request.

- #7 Building shell will be designed to achieve an average projected interior DNL of 45dB or lower in habitable rooms *for any units, or parts thereof, where exterior noise equals or exceeds 65 dBA DNL*. The average projected ground-level exterior DNL will not exceed 65 dB in unit rear yards, the tot lot, and the seating area along Darnestown Road.

Binding Elements 2 thru 7, 10 and 11 need to be addressed in detail at site plan review. These elements should be referenced on the schematic development plan as Design Elements to be addressed at site plan.

IV. MASTER PLAN

Community Based Planning restated its initial position in finding the proposed rezoning and revised schematic development plan consistent with the 1990 Approved and Adopted Shady Grove Study Area Master Plan: The Community Planning Staff has offered the following comments (please see attached Memorandum Dated November 21, 2008):

The revised LMA G-849 application has been submitted with significant plan improvements and added technical analysis in response to the Council's remand of the prior application which was reviewed and approved by staff, the Planning Board (June 22, 2006) and the Hearing Examiner.

The land use, schematic development plan, and proposed rezoning from R-90 to RT-8:

1. Are in compliance with the 1990 Shady Grove Study Area Master Plan;
2. Comply with Intent and Purpose sections (59-C-1.721) of the R-T Zone; and
3. Provide an appropriate transition between the adjacent established residential neighborhood southwest of Darnestown Road and other uses that are adjacent to the subject property, including current uses at the abutting PSTA site to the north. The proposed use would also be compatible with potential redevelopment of the PSTA site.

Staff's recommendations within the concluding section of the prior application (June 5, 2006) also apply to the subject application and are included (with additions) as follows:

There are a number of detailed issues that will need to be addressed as part of site plan review. Careful attention should be paid to enhance the property line (area) adjacent to the PSTA. Of primary importance is the juxtaposition of the residential uses and the operations of the PSTA. The important functions of the PSTA (or any future uses associated with potential redevelopment) should not be compromised or diminished due to an increasing residential presence adjacent to the site. At the same time the residential site should be carefully planned to minimize impacts from the PSTA (or any redevelopment at the PSTA site).

Additionally, regarding design considerations that will be addressed in any subsequent plan reviews, staff expects that the applicant will make every effort to implement a model project. The project should fit the anticipated future of the Gaithersburg West Planning Area as an exemplary walkable, transit oriented, mixed use community. Staff expectations include a significant response to green design and LEED standards and high quality architecture and placemaking elements.

V. DEVELOPMENT STANDARDS

As it is the case in the original schematic development plan, the revised schematic development plan meets or exceeds all applicable development standards of the RT-8 zone. Below are the development data provided in both the earlier and the new plans.

TABLE 1—DEVELOPMENT STANDARD

Current Development Standards: RT-8 (59-C-1.73)	Required	Proposed (Original SDP)	Proposed (Revised SDP)
Minimum Lot Area	20,000 SF	214,197 SF (4.92) AC	214,197 SF (4.92) AC
Maximum Density du/ac	8 DU/AC (39 units)	8 DU/AC (39 units Max including 12.5% MPDUs)	8 DU/AC (39 units Max including 12.5% MPDUs=5 units)
Maximum Building Height	35 FT	35 FT	35 FT
Minimum Building Setback			
<ul style="list-style-type: none"> • From one family detached • From any public street • From an adjoining lot <ul style="list-style-type: none"> ○ Side (end unit) ○ Rear 	30 FT 25 FT 10 FT 20 FT	30 FT 25 FT 10 FT 25 FT	30 FT 25 FT 10 FT 20 FT
Maximum Building Coverage (59-C-1.74(c))	40%	20%	25%
Minimum Green area(59-C-1.74(d))	45%	53% Min	55%
Minimum Parking	2/DU-78 spaces	166 spaces	164 spaces

VI. REMAND ORDER

Local Map Amendment G-849 was remanded on October 26, 2006 for the Planning Board to undertake an analysis of the following:

1. **A more detailed analysis of activities currently taking place on the site of the Public Service Training Academy (PSTA) adjacent to the property proposed for rezoning, as well as planned future activities at the Training Academy. This analysis should examine whether the existing and planned future activities at the Training Academy are compatible with the construction of a residential development on the subject property at the proposed density, and whether either the residents of the new development or the Training Academy would be adversely affected over the long – term by the close proximity of the two uses. This analysis should also include a detailed review of the location of the various existing and proposed facilities on the Training Academy site, and their distances from the closest homes proposed on the subject property.**

The applicant has submitted information gathered by a consultant who is familiar with the Public Service Training Academy Site and the various activities and uses on the site.

Two supporting documents were used by the consultant:

- (1). *A Status Report: Gaithersburg West Master Plan:* A report prepared by the Community Based Planning Division and presented to the Montgomery County Planning Board on October 2, 2008. The report indicates that the County Executive’s Office is exploring options for relocating the Training academy along with several county facilities. It also identifies the Training Academy as being “one of the few locations in the area where a new neighborhood could be created, one supported by transit, retail, civic spaces, and possibly a public school” The report finds the Training Academy as an excellent location for a new, transit –served residential community.
- (2). *Montgomery County Property Use Initiative:* A document released by The Montgomery County Executive’s Office which proposes initiatives to provide adequate space for the continued growth and expansion of county government related uses such as The Public service training Academy:

The consultant concluded that:

The PSTA use closest to the proposed development is the Urban Search and Rescue training ground, which consists of a seemingly helter-skelter conglomeration of building parts and concrete boxes. It is, however, a carefully constructed and orchestrated pattern of nooks and crannies to simulate a building collapse. This conglomeration is used to train rescue dogs as well as training people on how to extricate wounded people from awkward and dangerous situations.

This area is used for training only sporadically, with no specific time or schedule. For lack of a better name, call it the Rescue Practice Area (RPA). The RPA is the use area closest to the subject property. In

deference to that use, therefore, the applicant proposes to place an approximately 8-foot berm with a 6-foot fence on top of it to act as a visual and noise barrier between that use and the proposed townhomes. The USAR area is used only occasionally and primarily during the day, when most people are at work. There may be occasions when it is used in the evenings and on weekends, but the physical separation of the berm and solid fence will screen and attenuate the impact of that occasional use.

Staff is in general agreement with the applicant's analysis of existing and future activities on the Public Service Training Academy site in terms of its compatibility with the proposed development for the subject site. As noted in Environmental Planning staff's findings, the Training Academy is not likely to add operations to the current facility closer to the subject site, as that portion of the facility is currently developed. Other than the fire station, it is unlikely that any of the un-built training Academy's activities (please see item 4 below for details) that were referenced in the Mandatory Referral presented to the Planning Board in 2006 will be constructed on the Property. But even with the unlikely addition of the uses referenced in the Mandatory Referral, the proposed townhouse development will still be compatible with Training Academy.

2. A more detailed analysis, particularly in light of the investigation called for under item 1, above, of whether the density and placement of homes shown on the Development Plan proposed in this case is appropriate at this location, abutting the Training Academy.

A combination of innovative site design, building orientation, buffering that includes a berm with "acoustically-effective" barrier, landscaping, and on-site forest conservation would significantly minimize potential impacts both from Darnestown Road (south, front) and the Public Service Training Academy, (north, rear). With regard to the development of the property with townhouses, staff's finding remains the same as in the earlier review of the application, in that the proposed development is more in character with the prevailing development pattern in the area than the existing single-family detached homes that are gradually being converted to nonresidential uses.

The Public Service Training Academy site that abuts the subject property to the north is zoned R-90/TDR. As such, it is suitable for a mix of a single-family attached and detached dwellings at a density not too dissimilar to the existing (across Darnestown Road) and proposed (the subject property) residential developments if the Training Academy should vacate the property at some future time. Therefore, the proposed development would be compatible with existing as well as future land uses in the surrounding area.

3. A more extensive analysis of noise impacts on the subject site from the Training Academy, including anticipated noise impacts from the expanded facilities and activities that have already been approved for the Training Academy.

The applicant has submitted an extensive noise analysis prepared by HUSH Acoustics,

LLC. The analysis is based on 24/7 measurements conducted over a 2-week period in May, 2008. The noise analysis report was reviewed by Environmental Planning staff who found that the revised application addresses all of the concerns raised by the District Council in its remand. Environmental Planning Staff has provided the following comments and recommendations (please see attached Memorandum November 20, 2008 for the full analysis)

Noise and Site Design

The applicant has redesigned the site layout with a focus on evaluation and reduction of noise from the PSTA, while also improving noise mitigation from Darnestown Road. Along the property's shared PSTA frontage, the plan was redesigned to include an 8 foot high landscaped berm planted with evergreen trees, with an additional 6 foot high acoustically- effective fence/barrier on top of the berm. The berm will provide noise reduction from the PSTA for the lower levels of the townhouses and, with the additional evergreen plantings will create a visual barrier to the adjacent PSTA. Visual barriers act as a positive psychological barrier to reduce annoyance from noise, although the measured benefit of vegetation is minimal.

Furthermore, the site was redesigned to provide greater noise compatibility from Darnestown Road, which the noise analysis indicates is the louder and most prevalent noise source affecting the property. This is a clear improvement from the application as it was originally proposed. The design of this new plan has more units parallel to Darnestown Road, creating a de facto noise barrier which tucks activity areas behind the dwelling units (decks, rear yards), and enhances the areas for privacy and quiet enjoyment at both the ground and upper floor areas. For those units that are perpendicular to Darnestown Road, the rear yards will have noise mitigation walls (wing walls) that face Darnestown Road and extend perpendicular to Darnestown Road. The applicant has considered architecturally-integrated walls/bump-outs – wing walls - (functioning as noise barriers) into the townhouse design to affect multi-story noise mitigation. This detail can be further evaluated in later stages. An additional community gathering area is planned central to the site: a noise wall is proposed to surround this area on three sides from the Darnestown Road side.

The second part of the remand is to evaluate any future, potential noise impacts of PSTA operations on the residential use of the subject parcel. According to the applicant, public pronouncements by the County Executive's Office, the County Council, and from staff briefings to the Planning Board make it clear that the PSTA will eventually move to another location, making the issue of noise compatibility moot. The PSTA is unlikely to add operations to the current facility closer to the subject site as that portion of the PSTA is currently developed. If those uses described in the PSTA's Mandatory Referral were as noted below we still believe the PSTA is compatible with the subject Local Map Amendment.

PSTA Planned Improvements

On January 26, 2006, the Planning Board reviewed a Mandatory Referral for the PSTA. The PSTA proposed to add the following improvements to their property as follows:

- ❖ 66,807 square-foot instruction building in the form of a second floor.
- ❖ Construction of a new fire station consisting of approximately 10,000 square feet in the southern portion of the building.
- ❖ Construct a canine support facility of 1,350 square feet with offices and kennels adjacent to the canine training area.
- ❖ Provide an asphalt surface of 3,600 square feet for the existing helicopter landing pad with windsock and use-activated lighting.
- ❖ Add 200 parking spaces to the 107 existing spaces.
- ❖ Add an access point on Darnestown Road with a 6-foot wide double sliding gate
- ❖ Close an existing entrance point on Darnestown Road, removing paving and restore landscaping.

As noted above, based on County Executive, and Planning Board staff recommendations to relocate the PSTA services, it is unlikely that, other than the fire station, any of the un-built PSTA activities will be constructed on the property. Many of the unbuilt uses are similar in nature or less intense from a noise perspective, than those uses currently existing and studied within the Hush Noise Analysis. Thus, the PSTA and the townhouse development are compatible even with the unlikely addition of the above referenced uses on the PSTA site.

If built, the fire station would be located on the southern portion of the PSTA property, far removed from the subject property. Fire stations are typically constructed within residential neighborhoods. Given the distance of the proposed fire station from the proposed townhouse development, we expect no adverse impact different than any other similar relationship throughout the County.

Noise Study Results

A revised noise study and mitigation analysis was submitted by Hush Acoustics dated November 17, 2008 that further addresses the PSTA noise impact issue. Given the random timing of the PSTA noise events, staff concurs in the noise consultant's monitoring protocol. Again, staff recognizes that these operations serve an essential public purpose and are in the public interest....."

...In staff's professional judgment, sufficient evidence has been presented to make an affirmative finding that the residential use proposed in the zoning application is compatible with existing and planned PTSA operations. The principal reasons supporting this conclusion include:

- 1) The small number and percentage of peak noise events coming from PSTA operations as compared with others in the ambient environment;
- 2) The compatibility or *fit* of such sounds with others in the ambient environment (i.e., they are common, not unique; no discrete tonal qualities; not dominant by peak or number); and
- 3) The application has added significant mitigation to PSTA noise through a commitment to construct a landscaped noise berm/barrier. The ground floor of the townhouses can expect a minimum reduction of at least half of the perceived loudness.

In summary, noise from PSTA operations is deemed to be an acceptable impact to the proposed residential development on the subject site.

Staff has also reviewed the proposed binding elements addressing the noise issue (#'s 5, 6, and 7). Staff supports these elements only with language changes to allow appropriate site design flexibility without acoustical compromise as highlighted below:

- ♦ #5 Applicant will provide along the property's northern boundary line, adjacent to Parcel 925, a ***combined landscaped berm and barrier that is approximately 14' at its peak***, and tapers to grade at either end. ***An acoustically-effective barrier shall be provided on the berm. The final design, location, and landscaping of the berm, and materials of the barrier shall be determined at time of site plan.***
- ♦ #6 Applicant shall include notification in sales contracts to initial homebuyers, and in Homeowner Association Documents to property's adjacency to the existing County Public Safety Training Academy, if applicable, which has approved uses, including, but not limited to a fire and rescue station, helipad, driver training course, burn building, an urban search and rescue area and canine training unit. ***A noise analysis is available for review upon request.***
- ♦ # 7 Building shell will be designed to achieve an average projected interior DNL of 45dB or lower in habitable rooms ***for any units, or parts thereof, where exterior noise equals or exceeds 65 dBA DNL.*** The average projected ground-level exterior DNL will not exceed 65 dB in unit rear yards, the tot lot, and the seating area along Darnestown Road.

4. A supplemental recommendation to the District Council on the merits of the subject Local Map Amendment application.

The subject site is appropriate for residential development in the RT-8 Zone. Through creative site design, effective buffering and screening and adequate setbacks, the applicant's revised schematic development plan demonstrates compatibility of the proposed project with the adjacent Public Service Training Academy and existing and planned operations and activities on that site.

As noted, the applicant undertook an extensive noise analysis of potential impacts from offsite sources including activities on the Public Service Academy site. The applicant has also submitted a significantly improved schematic development plan that depicts a coherently organized site design to mitigate potential offsite impacts, both from Darnestown Road and activities on the Training Academy. Moreover, the revised site plan represents a superior esthetic appeal and a more efficient onsite circulation than the earlier plan. The revised plan, coupled with the applicant's written response and the noise analysis report, sufficiently address the four elements of the Council's Remand Order.

VII. PUBLIC FACILITIES

There is no change from the previous findings of adequacy in terms of water and sewer services, transportation and school capacity (see attached letters and e-mail communications).

VIII. COMMUNITY CONCERNS

At the time of this writing, staff has not received any comments from the community either in support or opposition to the subject proposal.

IX. CONCLUSION

Staff finds that the revised schematic development plan (revised: 9/25/08, received: 10/25/08) and associated documents have fully addressed the Council's concerns as specified on the Remand Order issued October 26, 2006. The proposed development is both appropriate at this location and compatible with the adjacent Public Service Academy site and all other existing and proposed land uses in the neighborhood. Staff recommends approval of the proposed rezoning and the revised schematic plan.

tesfaye/staffreport120108/G-849

ATTACHMENTS

Vicinity Map with Local Map Amendment G-849 and PSTA



Map compiled on November 18, 2008 at 11:28 AM | Site located on base sheet no - 220NW10 | Date of Orthophotos: April 2006 - Used with permission from Montgomery County Government

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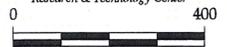
Key Map



N



Research & Technology Center



1 inch = 400 feet
1 : 4800

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR
MONTGOMERY COUNTY, MARYLAND**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660/fax (240) 777-6665**

APPLICATION NO. G-849

NOTICE OF REMAND TO PLANNING BOARD

Local Map Amendment No. G-849: Stacey P. Silber, Attorney for Winchester Homes, Inc., Contract Purchaser, requests rezoning from the R-90 Zone to the RT-8 Zone of ten parcels of land located on the north side of Darnestown Road, approximately 400 feet west of the intersection of Darnestown Road and Travilah Road, Gaithersburg, consisting of 4.91729 acres in the 9th Election District.

Please take notice that, pursuant to the enclosed Order of Remand, the County Council for Montgomery County, sitting as District Council for that portion of the Maryland-Washington Regional District lying within Montgomery County, Maryland, has remanded the above numbered matter to the Planning Board for further analysis.

As directed by the Order of Remand, upon receipt of the Planning Board's recommendation and supporting analysis from its Technical Staff, the Hearing Examiner will reopen the record in this matter and provide for public comment or an additional public hearing, as appropriate. Additional notification will be provided at that time.


Françoise M. Carrier
Hearing Examiner

Notice forwarded this 30th day of October , 2006 to:

Applicant and Counsel
Adjoining and confronting property owners
Local Civic Associations

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

**IN THE MATTER OF:
WINCHESTER HOMES, INC.,
Applicant**

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Zoning Application No. G-849

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ORDER OF REMAND

For the reasons stated during the Council deliberations on the above-cited Local Map Amendment Application on October 24, 2006, it is hereby ordered this 26th day of October, 2006, by the County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District lying within Montgomery County, Maryland, that this matter be remanded to the Montgomery County Planning Board to undertake the following:

(1) A more detailed analysis of activities currently taking place on the site of the Public Service Training Academy adjacent to the property proposed for rezoning, as well as planned future activities at the Training Academy. This analysis should examine whether the existing and planned future activities at the Training Academy are compatible with the construction of a residential development on the subject property at the proposed density, and whether either the residents of the new development or the Training Academy would be adversely affected over the long-term by the close proximity of the two uses. This analysis should also include a detailed review of the location of the various existing and proposed facilities on the Training Academy site, and their distances from the closest homes proposed on the subject property.

(2) A more detailed analysis, particularly in light of the investigation called for under item (1), of whether the density and placement of homes shown on the Development Plan proposed in this case is appropriate at this location, abutting the Training Academy.

(3) A more extensive analysis of noise impacts on the subject site from the Training Academy, including anticipated noise impacts from the expanded facilities and activities that have already been approved for the Training Academy.

(4) A supplemental recommendation to the District Council on the merits of the subject Local Map Amendment application.

Upon receipt of the Planning Board's recommendation and supporting analysis from its Technical Staff, the Hearing Examiner is directed to reopen the record in this matter and provide for public comment or an additional public hearing, as appropriate, and to submit a supplemental report and recommendation to the District Council for its consideration.



George L. Leventhal, President
Montgomery County Council



MEMORANDUM

TO: Elsabett Tesfaye, Development Review

FROM: Stephen Federline, Environmental Planning 

DATE: November 20, 2008

SUBJECT: G-849 Rezoning application for Darnestown at Travilah (Remand)

The Environmental Planning staff has reviewed the Remand of Zoning Application G-849 referenced above. In staff's professional judgment, sufficient evidence has been presented to make an affirmative finding that the residential use proposed in the zoning application is compatible with existing and planned PTSA operations. The principal reasons supporting this conclusion include:

- 1) The small number and percentage of peak noise events coming from PSTA operations as compared with others in the ambient environment;
- 2) The compatibility or *fit* of such sounds with others in the ambient environment (i.e., they are common, not unique; no discrete tonal qualities; not dominant by peak or number); and
- 3) The application has added significant mitigation to PSTA noise through a commitment to construct a landscaped noise berm/barrier. The ground floor of the townhouses can expect a minimum reduction of at least half of the perceived loudness.

In summary, noise from PSTA operations is deemed to be an acceptable impact to the proposed residential development on the subject site.

Staff has also reviewed the proposed binding elements addressing the noise issue (#'s 5, 6, and 7). Staff supports these elements only with language changes to allow appropriate site design flexibility without acoustical compromise as highlighted below:

➤ #5 Applicant will provide along the property's northern boundary line, adjacent to Parcel 925, a ***combined landscaped berm and barrier that is approximately 14' at its peak***, and tapers to grade at either end. ***An acoustically-effective barrier shall be provided on the berm. The final design, location, and landscaping of the berm, and materials of the barrier shall be determined at time of site plan.***

#6 Applicant shall include notification in sales contracts to initial homebuyers, and in Homeowner Association Documents to property's adjacency to the existing County

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Public Safety Training Academy, if applicable, which has approved uses, including, but not limited to a fire and rescue station, helipad, driver training course, burn building, an urban search and rescue area and canine training unit. *A noise analysis is available for review upon request.*

7 Building shell will be designed to achieve an average projected interior DNL of 45dB or lower in habitable rooms *for any units, or parts thereof, where exterior noise equals or exceeds 65 dBA DNL.* The average projected ground-level exterior DNL will not exceed 65 dB in unit rear yards, the tot lot, and the seating area along Darnestown Road.

Background

On June 27, 2008 the Montgomery County Planning Board reviewed the staff analysis for rezoning case G-849 Darnestown at Travilah and approved the staff recommendation for approval. On October 26, 2008 the County Council remanded the case back the Montgomery County Planning Board.

Analysis

This remand directed staff to evaluate the noise compatibility between the Public Safety Training Academy (PSTA) and the proposed residential townhouse use of the property. As staff understands the remand, the directive is that the record of this zoning application must demonstrate compatibility with existing and planned PTSA operations, as verified by the Planning Board in public hearing.

There are two noise standards which are appropriately applied to evaluate compatibility for the residential uses on this site. The impacts of highway noise (Darnestown Road) are evaluated using MNCPPC criteria for noise compatible development (unmitigated noise levels of **65 dBA Ldn** or above require analysis of noise mitigation measures). Impacts from the PSTA are governed by the noise standards included in the Montgomery County Noise Ordinance (Chapter 31B in the County Code), which provide an **instantaneous ceiling of 65 dBA daytime and 55 dBA nighttime.** The focus of the remand is on the noise from the PSTA, and its effect on, and compatibility with the proposed townhouse use. The applicant has approached the remand in two ways. They have conducted an extensive noise analysis of potential impacts from offsite sources including activities at the PSTA. They have also redesigned the site in a creative way to mitigate potential offsite impacts, both from Darnestown Road and PTSA activities.

Noise Impacts from Off-Site Sources

The study approach was for the applicant to have a professional noise evaluation of the sites' off site impacts from the PSTA and further analyzed opportunities to minimize potential impacts from Darnestown Road.

Highway Impacts Hush Acoustics LLC in a June 17, 2008 Report considered the impacts of Darnestown Road on the subject Property. Hush concluded that with standard

mitigation measures, including the noise barriers (as wing walls) by lots 1 and 39 and at the seating area, noise sensitive locations on the project site will be below the DNL level of 65 dB. Staff uses the 65 dBA DNL standard for purposes of determining the need for examination of noise mitigation opportunities from transportation source noises. If the unmitigated noise limit is exceeded (as it is in this case), reasonable and feasible measures should be evaluated to provide significant noise reduction of at least 5 dBA, consistent with county and SHA policies. (Note: a seven decibel (7 dBA) reduction is the minimum design objective per Montgomery County's Transportation Noise Policy). Specific measures can be further defined at time of site plan. The indoor noise requirement is for interior areas to be less than or equal to 45 dBA DNL: staff concurs in the Hush report's finding that the 45 dBA limit can be met using modest upgrades to typical building construction measures.

PSTA Impacts While the remand was directed to the Montgomery County Planning Board, the appropriate noise standard for evaluating noise impact from the PSTA's operations is the Montgomery County Noise Ordinance, which is enforced by the Environmental Policy and Compliance section of the County Department of Environmental Protection, headed by Mr. Stan Edwards. Mr. Edwards confirmed that there is no explicit ordinance language which would exempt PSTA operations from the ordinance's standards. Staff notes that the noise ordinance regulates excessive noise from its source at the receiving property line: in this case, the source is operations on the PSTA. However, it is recognized that the PSTA provides an essential public service by training local personnel in how to deal with the emergencies they regularly face in their jobs.

The applicant's PSTA noise evaluation was two-fold. Onsite noise meters at the shared PSTA property line recorded actual noise levels, and secondly, both actual and planned individual noise-producing activities at the County Public Service Training Academy (PSTA) were identified on a sequential basis so that potential noise occurrences from the PSTA could be evaluated. As the noise producing noise activities on PSTA are not conducted at a time certain, long term noise monitoring was necessary to catch all peak sounds, without discriminating among PSTA-related, highway-related, and ambient background noise. Thus noise generating activities from other area uses such as a nearby day school with active children's play area, on site lawn maintenance equipment, and Darnestown traffic would also be picked up by the noise meters.

A two-week 24-hour-a-day noise metering protocol was used. The meters were set with microphones 15 feet above the ground on trees facing the PSTA. The sound meters were set to record and report average, maximum and minimum A-weighted sound levels during each one minute interval. Also, one of the meters at the north east portion of the site (closest to PSTA activities) was programmed to record actual audio files whenever the sound level exceeded 70 dBA.

The approach by the applicant's consultant, Hush Acoustics LLC, was to conduct a noise analysis of PSTA activities based on actual recorded sound levels on the applicants' site. The study results are listed later in the report. The peak levels were evaluated from the

information in these actual audio recordings to attempt to isolate and identify those associated with PSTA activities.

As earlier stated, the remand must demonstrate compatibility with existing and planned PSTA operations. Actual PSTA operations in this instance were based upon a two-week, 24-hour-a-day noise monitoring period including a mid test evaluation of meter calibration. During the two week noise test, it was determined that the PSTA was engaged in a typical Fire Rescue Recruit class training exercise as well as other academy operations, including automobile extractions, aerial apparatus operations, class B drivers training (driving fire trucks), flashover tests and engine testing. The activity list on a day-by-day sequential basis was provided by Fire Chief Clemens.

Noise and Site Design

The applicant has redesigned the site layout with a focus on evaluation and reduction of noise from the PSTA, while also improving noise mitigation from Darnestown Road. Along the property's shared PSTA frontage, the plan was redesigned to include an 8 foot high landscaped berm planted with evergreen trees, with an additional 6 foot high acoustically- effective fence/barrier on top of the berm. The berm will provide noise reduction from the PSTA for the lower levels of the townhouses and, with the additional evergreen plantings will create a visual barrier to the adjacent PSTA. Visual barriers act as a positive psychological barrier to reduce annoyance from noise, although the measured benefit of vegetation is minimal.

Furthermore, the site was redesigned to provide greater noise compatibility from Darnestown Road, which the noise analysis indicates is the louder and most prevalent noise source affecting the property. This is a clear improvement from the application as it was originally proposed. The design of this new plan has more units parallel to Darnestown Road, creating a de facto noise barrier which tucks activity areas behind the dwelling units (decks, rear yards), and enhances the areas for privacy and quiet enjoyment at both the ground and upper floor areas. For those units that are perpendicular to Darnestown Road, the rear yards will have noise mitigation walls (wing walls) that face Darnestown Road and extend perpendicular to Darnestown Road. The applicant has considered architecturally-integrated walls/bump-outs – wing walls - (functioning as noise barriers) into the townhouse design to affect multi-story noise mitigation. This detail can be further evaluated in later stages. An additional community gathering area is planned central to the site: a noise wall is proposed to surround this area on three sides from the Darnestown Road side.

The second part of the remand is to evaluate any future, potential noise impacts of PSTA operations on the residential use of the subject parcel. According to the applicant, public pronouncements by the County Executive's Office, the County Council, and from staff briefings to the Planning Board make it clear that the PSTA will eventually move to another location, making the issue of noise compatibility moot. The PSTA is unlikely to add operations to the current facility closer to the subject site as that portion of the PSTA is currently developed. If those uses described in the PSTA's Mandatory Referral were as

noted below we still believe the PSTA is compatible with the subject Local Map Amendment.

PSTA Improvements

On January 26, 2006, the Planning Board reviewed a Mandatory Referral for the PSTA. The PSTA proposed to add the following improvements to their property as follows:

- * 66,807 square foot instruction building in the form of a second floor.
- * Construction of a new fire station consisting of approximately 10,000 square feet in the southern portion of the building.
- * Construct a canine support facility of 1,350 square feet with offices and kennels adjacent to the canine training area.
- * Provide an asphalt surface of 3,600 square feet for the existing helicopter landing pad with windsock and use-activated lighting.
- * Add 200 parking spaces to the 107 existing spaces.
- * Add an access point on Darnestown Road with a 6-foot wide double sliding gate.
- * Close an existing entrance point on Darnestown Road, removing paving and restore landscaping.

As noted above, based on County Executive, and Planning Board staff recommendations to relocate the PSTA services, it is unlikely that other than the fire station, any of the unbuilt PSTA activities will be constructed on the Property. If any of the above referenced uses were built, many of the uses are similar in nature or less intense from a noise perspective, than those uses currently existing and studied within the Hush Noise Analysis. Thus, we still believe that the PSTA and the townhouse development are compatible even with the unlikely addition of the above referenced uses on the PSTA site.

If built, the fire station would be located on the southern portion of the PSTA property, far removed from the subject Property. Fire stations are typically constructed within residential neighborhoods. Given the distance of the proposed fire station from the proposed townhouse development, we expect no adverse impact different than any other similar relationship throughout the County.

Noise Study Results

A revised noise study and mitigation analysis was submitted by Hush Acoustics dated November 17, 2008 which further addresses the PSTA noise impact issue. Given the random timing of the PSTA noise events, staff concurs in the noise consultant's

monitoring protocol. Again, staff recognizes that these operations serve an essential public purpose and are in the public interest.

From a detailed analysis of the recorded audio files, the consultant was able to define peak levels from all sources, and to further identify the quantity, amplitude, and source of sounds likely to emanate from PSTA activities. Table 1 and Table 2 from the noise report highlight the noise information gathered in the analysis.

Table 1. Recorded Audio Files and Range of Maximum Sound Levels for Each Event at Location M1

* PSTA		
Apparent Noise Source	Number of Noise Events	Range of Maximum Sound Levels for Event (dBA)
Bird	82	70.0-84.8
Sirens on Darnestown Road	45	70.5-85.9
Loud vehicle on Darnestown Road	15	70.2-76.1
* Single fire truck horn sounding – possibly from PSTA (all between the hours of 7:04 am and 7:30 pm)	7	71.5-77.4
Thunder	6	70.1-85.9
Probably aircraft	6	70.2-79.9
Aircraft	5	71.1-77.2
* Concrete drilling maybe at the USAR training area (twice on Friday May 9 at 1:24 p.m., and once on Sat. May 10 at 7:55 a.m..)	3	70.3-71.5
Back up beeper	4	70.1-71.7
* Possibly concrete anchor shot (May 13 11:36 am, 11:51 am, 12:03 pm)	3	76.5-79.6
Rain	3	71.3-73.8
Unknown	3	70.1-71.1
* Unidentified equipment with a popping hammer-like sound at end (Wednesday May 21 twice at 10:53 a.m. and once at 12:49 p.m.)	3	70.5-71.6
* Chainsaw likely at roof simulator near USAR site (May 19 at 2:23 pm)	1*	72.9
Motorcycle (May 15 at 8:06 a.m., & quieter Sun. May 18 at 4:49 p.m.)	2	78.7-78.4
Helicopter (one helicopter passing producing 2 events)	1*	80.3
Kids screaming at day care center	1	70.3
* Sirens on Darnestown Road or possibly PSTA	1	70.4
Bell	1	70.7
* Equipment, probably a saw (Wednesday May 21 at 5:58 pm)	1	70.3

Table 2. Highest Maximum Sound Levels for Each Event at Location M1

Apparent Noise Source	Highest Maximum Sound Level, dBA
Sirens on Darnestown Road	85.9
Thunder	85.9
Bird	84.8
Helicopter	80.3
Probably aircraft	79.9
* Possibly concrete anchor shot	79.6
Motorcycle	78.4
* Single fire truck horn sounding – possibly from PSTA	77.4
Aircraft	77.2
Loud vehicle on Darnestown Road	76.1
Rain	73.6
* Chainsaw likely at roof simulator near USAR site	72.9
Back up beeper	71.7
* Unidentified equipment with a popping hammer-like sound at end	71.6
* Concrete drilling maybe at the USAR training area	71.5
Unknown	71.1
Bell	70.7
* Sirens on Darnestown Road or possibly PSTA	70.4
Kids screaming at day care center	70.3
* Equipment, probably a saw	70.3

These tables include noise coming from the PSTA, and noise coming from transportation and other sources in the ambient environment. A staff examination of these tables leads to several conclusions about noise on the subject site, with a focus on the noise coming from the PSTA:

- 1) Sounds levels from all sources are in the range expected in a dense suburban environment near a busy highway;
- 2) Noises from Darnestown Road (vehicles, sirens, motorcycles, etc.) , are by far the main and predominant source of noise affecting the site, both in the number of high noise events, and peak levels of individual noise events;
- 3) There are noise events emanating from select activities on the PSTA site which exceed the daytime property line noise standard of 65 dBA in the County's noise ordinance;

- 4) The number of peak noise events from the PSTA is small – 19 total >70 dBA events of short duration over a two week monitoring period – as compared to the overriding numbers of peaks from natural and transportation sources in the vicinity;
- 5) All monitored peak (>70 dBA) noise events occurred during the daytime hours. Staff would extrapolate this data and presume that nearly all peak events over the noise ordinance limit of 65 dBA would occur within daytime hours; and
- 6) Sounds from PSTA operations are not unique, nor do they have distinct tonal qualities as compared with those within its ambient noise environment. Concrete drilling, chainsaws, horns, and backup beepers are common noises in a construction environment.

The applicant's effort in the site's design to further mitigate sounds for the PSTA. The applicant's study suggests the combined berm/barrier would mitigate PSTA sounds an additional 13-19 dBA. While mitigation at these levels in the field is very hard to attain, staff would certainly agree that the berm/barrier would be able to reduce the perceived loudness of PSTA noise at least by half. This correlates to a reduction of at least 10 dBA, and people hearing the mitigated sound would say the noise is about half as loud.

Conclusion

In staff's professional judgment, sufficient evidence has been presented to make an affirmative finding that the residential use proposed in the zoning application is compatible with existing and planned PSTA operations. The principal reasons supporting this conclusion include:

- 4) The small number and percentage of peak noise events coming from PSTA operations as compared with others in the ambient environment;
- 5) The compatibility or *fit* of such sounds with others in the ambient environment (i.e., they are common, not unique; no discrete tonal qualities; not dominant by peak or number); and
- 6) The application has added a significant mitigation to PSTA noise through a commitment to construct a landscaped noise berm/barrier. The ground floor of the townhouses can expect a minimum reduction of at least half of the perceived loudness.

In summary, noise from PSTA operations is deemed to be an acceptable impact to the proposed residential development on the subject site.

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

November 21, 2008

MEMORANDUM

TO: Elsabett Tesfaye, Planner Coordinator, Zoning Section, Build Division

VIA: Glenn Kreger, Acting Chief, Vision Division
Sue Edwards, Team Leader, North Central Transit Corridor Team *Sue*
Nancy Sturgeon, Planner Coordinator, North Central Transit Corridor Team

FROM: Ronald Cashion, RA, AICP, Planner Coordinator, Urban Designer *RC*
North Central Transit Corridor Team
Vision Division

SUBJECT: Local Map Amendment Application G-849
Darnestown at Travilah

STAFF RECOMMENDATION

Approval: This proposed rezoning and Schematic Development Plan (SDP) is consistent with the Approved and Adopted July 1990 Shady Grove Study Area Master Plan.

The plan for 39 townhouses, including 5 Moderately Priced Dwelling Units and an open space forecourt, can be an appropriate transitional land use between the residential neighborhood adjacent and south of Darnestown Road and the existing Public Service Training Academy (PSTA) adjacent and north of the subject property.

The proposed use can also serve as a compatible transition to moderate or high density development that may be planned and may occur in the event that the current uses at the Public Service Training Academy are relocated.

BACKGROUND / REQUESTED REZONING

The subject property and proposed plan comprise 4.92 acres (214,197 square feet) and 39 townhouses located on the north side of Darnestown Road northwest of the intersection of Travilah and Darnestown Roads. Refer to **Attachment 1**, G-849 and PSTA Sites.

The proposed plan includes the assembly of 10 parcels, and proposes rezoning from the current R-90 designation to RT-8.0.

The applicant, Fifty LLC, is submitting the current plan (filed to the Hearing Examiner on October 24, 2008) subsequent to a previous plan filed by Winchester Homes and reviewed by staff and the Planning Board, June 22, 2006. The previous plan was approved for the RT-8 Zone by staff, the Planning Board, and the Hearing Examiner, however the Planning Board and the Hearing Examiner had reservations concerning issues of noise mitigation. Added technical

analysis was undertaken and while the Hearing Examiner recommended approval the County Council remanded the application to the Planning Board for further analysis. The Council remand requested the Planning Board to undertake a more detailed analysis of the following:

1. Existing and planned activities of the Public Service Training Academy;
2. Whether the proposed density and placement of homes is appropriate at this location, abutting the PSTA;
3. Noise impacts on the subject site; and
4. A supplemental recommendation to the Council

The new applicant, Fifty LLC, and an associated professional team, have continued analysis of plan considerations resulting in the current revised application. The applicant has undertaken additional planning and design analysis and technical studies and has met in worksessions with County representatives and Planning Department staff. Additionally, at the request of staff, the applicant successfully renegotiated contracts with involved land owners to retain the same 10 lots as were included in the prior plan.

MASTER PLAN GUIDANCE

The Approved and Adopted July 1990 Shady Grove Study Area Master Plan addresses the subject property in the Land Use Plan exhibit (page 49, Figure 5.1) and in text associated with the PSTA Area (pages 67 and 68).

The Land Use Plan designates the properties north of and adjacent to Darnestown Road as "Residential 7-10 Dwelling Units Per Acre." At 7.9 units/acre the proposed plan is consistent with this density designation.

The Shady Grove Master Plan specifically addresses the PSTA property, its important gateway location, and the entire frontage divided into numerous parcels-all of which have driveway access to Darnestown Road, a four lane, undivided highway.

The Plan states the need to address "how to promote the coordinated development of the Darnestown Road frontage in light of the fragmented ownership pattern." The Shady Grove Master Plan lists strategy items summarized as follows:

1. Encourage the joint redevelopment of (frontage) parcels by designating the area as suitable for eight units/acre.
2. Allow eight units/acre only if access is from a new frontage service road along Darnestown Road.
3. Explore service road access even if the parcels along Darnestown Road are not redeveloped.
4. Consider acquisition of the frontage lots for public use due to the proximity of the lots to the PSTA, the potential need for public facilities in the area, and the opportunity for unified redevelopment in public ownership.

A separate Master Plan guideline restates these objectives and encourages the “assemblage of properties to allow comprehensive redevelopment, served by a frontage road, in accord with the land use recommendations.”

Relative to the above and compatibility of the proposed development to the Master Plan:

1. An advantage of the plan as proposed is the consolidation of the 10 existing parcels and the seven existing access locations at the Darnestown frontage into two access locations.
2. Transportation staff has examined the access configuration and agrees with the plan with the added provision of a separate left turn lane to serve the south access drive.
3. Transportation staff is supportive of the plan without an added full, parallel service lane.
4. The plan is a redevelopment; hence public acquisition of this frontage is not required for consolidation of the existing lots. Irrespective of the potential for relocation, the PSTA has not indicated a need to expand beyond the current property if its uses remain at the current location. Previous staff review (June 5, 2006) of the prior application referenced the PSTA site and operations and the determination by the County that acquisition of the Darnestown Road properties was not necessary for the expanded operations of the PSTA.

PLAN ANALYSIS

Surrounding Land Uses

The 4.92-acre subject property is on the northeast side of and fronts Darnestown Road. It is within the triangular area dominated by the PSTA site (R-90/TDR Zone) and bounded by Darnestown Road, Key West Avenue and Great Seneca Highway. A medical office building (O-M Zone) is adjacent to the northwest property boundary and a dance studio (special exception in the R-90 Zone) separates the subject property and a day care center nearby and to the southeast.

An established residential neighborhood (detached houses in the R-200/TDR Zone) and townhouses (in the RT-10 Zone) are located directly across Darnestown Road and to the southwest of the site.

Summary of the the Revised G-849 Plan

The applicant’s analysis and response to the October 26, 2006 Council remanded Application has resulted in a revised plan and improved submittal. The overall revised site design is significantly improved. The revised plan:

1. Is much better organized internally and is characterized by a strong Darnestown Road orientation with most of the townhouses facing Darnestown Road;
2. Includes a spacious open frontage area;
3. Contains less on site road area with less impervious paving;
4. Includes a berm, a screening fence and trees integrated to provide a visual and noise buffer in the rear yard area adjacent to the PSTA property;
5. Includes provisions for potential pedestrian connections to the adjacent PSTA property.

The application meets the requirements of the Intent and Purpose sections (59-C-1.721) of the R-T Zone which state:

The purpose of the R-T Zone is to provide suitable sites for townhouses:

- (a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or
- (b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.

Regarding the applicant's response to the remand of the prior submittal the consultant team has prepared significant analysis addressing noise and compatibility considerations of the PSTA.

1. Detailed responses to the remand by the applicant are included in the October 24, 2008 LMA submittal, and in a prior July 2008 submittal prepared for Fifty LLC by Site Solutions Inc.
2. The applicant's PSTA noise analysis for the proposal, prepared by Hush Acoustics LLC, is also included in the October 24, 2008 LMA submittal and states: "The design goal is to ensure that the proposed Day-Night Average Sound Level (DNL) not exceed 65 dB in outdoor activity areas or 45 dB inside the houses." The consultant's outdoor measurements were "between 54.7 and 62.0 dB" stated as "clearly below the county limit of 65 dB." These criteria are included in the applicant's Binding Elements and Covenants.

With the proposed Schematic Development Plan and redevelopment the current seven (7) driveway curbcuts at Darnestown Road would be replaced with two (2) access locations for the proposed 39 residential townhouses.

Binding Elements

The Schematic Development Plan as resubmitted (Sheets 1 and 2, January, 2008) lists Binding Elements inclusive of 12 provisions (Sheet 1) which apply and should remain as binding with the SDP pending further detailed recommendations as may occur with review of the application or with future site plan reviews.

These provisions, which are also included in the Declaration of Covenants section of the application submittal, resulted from added design and technical analysis undertaken subsequent to the remanded application.

CITIZENS CONCERNS

During recent community meetings related to the current and evolving Gaithersburg West Master Plan citizens have recognized the opportunities for walkable, mixed-use, transit oriented development associated with a new plan for the entire Life Sciences area. The Gaithersburg West

Master Plan will consider whether to recommend realignment of the Corridor Cities Transitway to ultimately serve the PSTA if the training functions of the property relocate. Citizens have also expressed concern that new plans and development may outpace the necessary infrastructure and that planned densities could be excessive in terms of impact to established surrounding neighborhoods.

The LMA G-849 project as revised and proposed fits in terms of the need for both mixed uses in the area and in terms of citizens' desires for transitional land uses between established residential neighborhoods and areas planned for new development.

CONCLUSION

The revised LMA G-849 application has been submitted with significant plan improvements and added technical analysis in response to the Council's remand of the prior application which was reviewed and approved by staff, the Planning Board (June 22, 2006) and the Hearing Examiner.

The land use, Schematic Development Plan, and proposed rezoning from R-90 to RT-8:

1. Is in compliance with the 1990 Shady Grove Study Area Master Plan;
2. Complies with Intent and Purpose sections (59-C-1.721) of the R-T Zone; and
3. Provides an appropriate transition between the adjacent established residential neighborhood southwest of Darnestown Road and other uses that are adjacent to the subject property, including current uses at the abutting PSTA site to the north. The proposed use would also be compatible with potential redevelopment of the PSTA site.

Staff recommendations within the concluding section of the prior application (June 5, 2006) also apply to the subject application and are included (with additions) as follows:

There are a number of detailed issues that will need to be addressed as part of site plan review. Careful attention should be paid to enhance the property line (area) adjacent to the PSTA. Of primary importance are the juxtaposition of the residential uses and the operations of the PSTA. The important functions of the PSTA (or any future uses associated with potential redevelopment) should not be compromised or diminished due to an increasing residential presence adjacent to the site. At the same time the residential site should be carefully planned to minimize impacts from the PSTA (or any redevelopment at the PSTA site).

Additionally, regarding design considerations that will be addressed in any subsequent plan reviews, staff expects that the applicant will make every effort to implement a model project. The project should fit the anticipated future of the Gaithersburg West Planning Area as an exemplary walkable, transit oriented, mixed use community. Staff expectations include a significant response to green design and LEED standards and high quality architecture and placemaking elements.

Attachment

N:/ Cashion/Vision CBP Memo G-849

Tesfaye, Elsabet

From: Kim, Ki
Sent: Tuesday, November 18, 2008 5:04 PM
To: Tesfaye, Elsabet
Subject: RE: G-849 Darnestown at Trivial

Transportation Planning staff has reviewed the revised Schematic Development Plan as submitted in connection with the remand of G-849 application and found that there is no transportation issue. The applicant will need to address MCDOT's comments, mostly involved with minor changes on the plan such as labeling street names and street width and curb return radii and entrance configuration at the time of preliminary plan.

Ki Kim

Transportation Planner/Coordinator

Tesfaye, Elsabet

From: Duhamel, Linda [Linda.Duhamel@montgomerycountymd.gov]
Sent: Tuesday, November 18, 2008 4:15 PM
To: Tesfaye, Elsabet
Cc: Kim, Ki; Leck, Gregory; Adams, David
Subject: G-849 Darnestown at Travilah-MC DOT Comments
Attachments: 20081117-Zoning Application Comments.doc

Hi Elsabeth,

The MCDOT comments regarding the subject rezoning application are attached. Please note that we have some concerns regarding the sight distance at the Street C intersection but we will address those during the preliminary plan process.

Linda Duhamel, PE
Montgomery County Department of Transportation
Division of Traffic Engineering and Operations
101 Orchard Ridge Drive, 2nd Floor
Gaithersburg, MD 20878
240-777-2118 p
240-777-2080 f

MCDOT Comments on Rezoning Application
New Layout Rec'd November 7, 2008

G-849 (DARNESTOWN AT TRAVILAH)

1. Provide Right-of-Way dedication for Darnestown Road per M-NCPPC-Transportation Planning requirements;
2. Label Good Earth Court on Schematic Development Plan for clarity;
3. Provide sight distance study at preliminary plan stage; sight distance for vehicles traveling west on Darnestown Road appears to be limited at the Street C intersection;
4. Details of the entrance configurations at Street A and Street C to be determined at preliminary plan stage; additional measures to clearly restrict movements to right in-right out at both entrances will be required similar to the configuration that currently exists at Good Earth Court; separate acceleration and deceleration lanes may also be necessary;
5. Required utility relocations along Darnestown Road will be the responsibility of the applicant;
6. Label roadway widths and curb return radii at preliminary plan stage;
7. Coordinate with MCFRS regarding fire department access at preliminary plan stage;
8. Provide drainage study at preliminary plan stage;

Tesfaye, Elsabet

From: Shen, David [dShen@wsscwater.com]
Sent: Tuesday, November 18, 2008 6:10 PM
To: Tesfaye, Elsabet
Subject: WSSC Comments on Zoning Application No. G-849 (Remand)

Dear Ms. Tesfaye,

We have reviewed the above-referenced Zoning Application which was received in our office on Nov 7, 2008.

This Application has actually been reviewed in April 2006 and our review concluded that there is no significant impact to the WSSC water and sewer systems due to this zoning change from R-90 to RT-8. The same comments as of April 2006 forwarded to you by Beth Forbes still applies.

Thanks for the opportunity to review this Application.

David C. Shen, P.E.
Development Planning Unit Coordinator
WSSC Development Services Group
301-206-8558 (voice)
301-206-8232 (fax)

Tesfaye, Elsabet

From: Pionka, Nadine [Nadine.Pionka@montgomerycountymd.gov]
Sent: Wednesday, November 19, 2008 1:45 PM
To: Tesfaye, Elsabet
Subject: Darnestown at Travilah

Elsabet,

I met on this project this morning, and the engineer has shown DPS that the stormwater management easement is not within the actual open play area. The actual limits of the open plan area had not been delineated on the stormwater concept plans. So DPS is ok with the plans as far as the stormwater easement is concerned. I would think the concept will be approved soon.

Thanks,

Nadine

Nadine Vurdelja Pionka, LEEDap, CPESC
Senior Permitting Services Specialist
Water Resources Section
Division of Land Development
Department of Permitting Services
240-777-6334
240-777-6339 fax



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November 19, 2008

Ms. Elsabett Tesfaye
Community-Based Planning Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Ms. Tesfaye:

This letter is sent to update our previous response to Zoning Application No. G-849, known as "Darnestown at Travilah," located on the north side of Darnestown Road, approximately 400 feet west of its intersection with Travilah Road, in Rockville, Maryland. Our last letter concerning this rezoning was sent to you on June 28, 2006. This letter updates enrollment projections for affected schools, and capital projects that are scheduled. In addition, since the 2006 letter a new Census Update Survey has been conducted and student generation rates have changed slightly.

The number of units proposed for the "Darnestown at Travilah" project is 39 townhouse units. Based on average yield factors derived from the Maryland National Capital Park and Planning Commission 2005 Census Update Survey, the impact of this project is estimated to be approximately nine (9) elementary, seven (7) middle and four (4) high school students.

This property is located within the Stone Mill Elementary School, Cabin John Middle School and Wootton High School service areas. Enrollment at Stone Mill Elementary School is projected to remain within capacity for the six-year forecast period. Cabin John Middle School is undergoing modernization in 2009 and 2010, and is projected to have space available when this project is completed in August 2011. Enrollment at Wootton High School currently exceeds capacity and is projected to exceed capacity in the future. Please see enclosed pages from the Montgomery County Public Schools FY2010 Capital Budget and FY 2009-2014 Amended Capital Improvements Program.

The current growth policy school test (FY 2009) finds high school enrollment in the Wootton cluster exceeds 105 percent of capacity. Therefore, a high school facilities payment is required to obtain subdivision approval in this cluster.

Sincerely,

Bruce H. Crispell, Director
Division of Long-range Planning

BHC:lmt

Enclosures

Copy to: Mr. Bowers, Mr. Lavorgna, Ms. Turpin

Division of Long-range Planning

2096 Gaither Road, Suite 201 ♦ Rockville, Maryland 20850 ♦ 240-314-4700 ♦ Fax 240-314-4707

Tesfaye, Elsabett

From: Penn, Joshua

Sent: Thursday, November 20, 2008 2:15 PM

To: Tesfaye, Elsabett; Federline, Steve

Subject: RE: FINAL: g849_darnestownattravilahremand_docx.doc- NO MARKUPS

Elsabett,

There is no issue with the PFCP. The board has not taken any action on the FCP and it was determined at the time of the original application the FCP would be dealt with at the time of the preliminary plan. All the details are available in the original staff report from Michael Zamore to you, under the forest conservation section.

Josh Penn
Senior Planner
Environmental Planning Division
M-NCPPC