



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 7
3/04/10

February 25, 2010

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Urban Design and Preservation Division

FROM: Calvin Nelson, Jr., Planner Coordinator/Urban Designer *cn*
Urban Design and Historic Preservation Division

SUBJECT: Mandatory Referral No. 2009742-DGS-1: Third District Police Station – Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, 1997 Approved and Adopted White Oak Master Plan

RECOMMENDATION:

Staff recommends **APPROVAL** to transmit the following comments to Montgomery County Department of General Services to achieve compatibility with adjacent residential development and provide pedestrian connections to New Hampshire Avenue:

1. Provide a 60-foot setback, for the proposed wall and driveway along the western boundary of the property to provide compatibility and to establish a minimum 50-foot wide conservation easement within this setback.
2. Provide a forest buffer within the 50-foot wide conservation easement along the western boundary of the site. For security, maintain an eight to 10 foot clear area between the forest buffer and the security wall.
3. Provide a 60-foot setback and Forest Conservation Area along the northern boundary with no clearing or grading.
4. Submit a preliminary plan for review in accordance Section 50-20 (a) of the Subdivision Regulations, prior to any clearing or grading.
5. Construct a sidewalk on Milestone Drive to New Hampshire Avenue.
6. Provide a pedestrian link, if deemed safe, across Milestone Drive that will connect the existing sidewalk along the east side of New Hampshire Avenue with the sidewalk proposed along the north side of Milestone Drive (along the site frontage).

7. The Department of General Services and the future developer for the remainder of the subject property must submit a traffic study for the entire property for APF purposes at the time an application is filed for the development of the remainder of the property.

The Planning Board should act on the Preliminary Forest Conservation Plan for this site. Staff will be handling this item in a separate staff report.

ISSUES

The staff recommends that the proposed site plan for the Third District Police Station in White Oak be revised. The primary issues include the following:

1. **Compatibility** - The proposed setback along the western property line is not compatible with existing and proposed development, and it should be increased to a minimum of 60 feet with a 50-foot buffer area.
2. **Vegetated Buffer** – A forest buffer that is protected with a conservation easement should be provided along the western boundary adjacent to the existing residences.
3. **Forest Conservation** – Additional setback along the western property line should be provided with the opportunity to preserve and plant additional forest to create a vegetated buffer. This allows more of the forest conservation requirements to be met onsite. The attached Staff Report from the Environmental Planning Division provides additional recommendations for the Forest Conservation Plan.

Resolution of the issues will require a shift of approximately 25-30 feet of the proposed driveways and buildings. This relocation can be accomplished in a minimum of time to avoid delay of construction of the Third District Police Station.

DISCUSSION

Project Location

The site is located in the northeast quadrant of the intersection of New Hampshire Avenue (MD 650) and Columbia Pike (MD Route 29) in White Oak. The 12.79-acre wooded, undeveloped site is zoned R-90/TDR. The site is bounded by single-family detached homes in the Sherbrooke subdivision to the north; by Milestone Drive and Columbia Pike and its off-ramp to the east and south; by three single-family homes and a vacant parcel to the west; by New Hampshire Avenue further to the west; and by a Sunrise Assisted Living facility to the northwest. Seton Drive, an undedicated public street, connects Sherbrooke Woods Lane on the north with Milestone Drive on the southeast. The wooded site has gently rolling topography that also features some steeper slopes (15 to 25 percent and 25 percent and greater) extending along the site's southern edge at Milestone Drive and along Seton Drive.

Site Selection Process

In January 2005, a preliminary plan for 90 townhomes was filed for the subject site. Plans for the proposed development, Topaz Trace #1-05064, were still under review when in August 2006, the County Executive requested the Planning Board to reserve the site for the Third District Police Station. The County Executive's request noted in part that "a site evaluation committee, comprised of County staff and local residents held meetings for several years to study the issues and to determine an optimal location for the Third District Police Station. As a result, a vacant parcel in the northern quadrant of the intersection of New Hampshire Avenue and Route 29 has been identified as the optimal location for the Third District

Police Station.” “The site was chosen because it is central to the district, has access to major roads, is not located directly within a residential neighborhood, and can be accessed by citizens of the district”.

In June 2008, the Montgomery County Planning Department received a request from the Director of the Department of Public Works and Transportation for administrative review of a Mandatory Referral for the acquisition of the site. The Parcels 790, 725, and 731 on Milestone Drive were to be acquired for the primary purpose of relocating the Third District Police Station. On June 6, 2008, the Planning Department administratively approved the Mandatory Referral for acquisition of the property, and noted that a detailed Mandatory Referral would need to be submitted in the future for development of the site. The selection of this site appears in the Capital Improvement Program, Third District Police Station Project No. 47302.

Prior to submitting the Mandatory Referral, the Department of General Services conducted community presentations in June and August, 2009 which gave an overview of the planned police station. The Department of Housing and Community Affairs (DHCA) also showed two housing concepts for the eastern part of the site - a multi-family concept and a townhouse concept. The residential component was not included in the Third District Police Station Mandatory Referral submission and is not a part of this Mandatory Referral.

The proposed police station will replace the existing Silver Spring District Station located at 801 Sligo Avenue, which was constructed in a 1962. The FY09-14 Capital Improvement Program states that the existing facility does not provide adequate work space for staff assigned to the station, lacks essential security features, has no public meeting space, requires replacement of major infrastructure components, and is not equipped to accommodate future technology.

Project Description

The proposed extension of Sherbrooke Woods Lane south to Milestone Drive will divide the 12.79-acre site into two sections. The Third District Police Station will be located on the 4.19 acre western portion of the site. The eastern portion of the site comprises 5.67 acres for future use. Seton Drive, an undedicated public street that connects Sherbrooke Woods Lane on the north with Milestone Drive on the southeast will be removed when Sherbrooke Woods Lane extended is constructed.

The two-story, 32,844 square-foot police station will be set back approximately 175 feet from Milestone Drive. A 57-space public parking area along Milestone Drive in front of the station, and a 135-space, secure parking area for police vehicles at the rear of the station will be provided. There are three access points off of the new Sherbrooke Woods Lane extension. Two access points lead to the secure parking area only, with the third southernmost access point being the public access to the site. The southwestern access point off of Milestone Drive will be a secure access for police only.

The secure area of the station is defined by an eight-foot high security wall setback approximately 58 feet from the site's boundary on the north, by a five-foot high wall topped with a three-foot high metal picket fence along Sherbrooke Woods Lane extended on the east, and by an eight-foot high wall setback eight feet from the property boundary on the west. Three gate controls limit access to the secured parking areas. Gas pumps for the police cruisers only, a trash enclosure, a secure “sally port” for prisoner delivery, a vehicle processing facility, and a motorcycle storage building are located within the secure parking area.

Sidewalks will be provided along both sides of Sherbrooke Woods Lane extended to link with the sidewalks on Heartfields Drive and provide safe pedestrian and bicycle access to the White Oak Library and to the bus stop on New Hampshire Avenue. A sidewalk will also be provided along the north side of Milestone Drive from Sherbrooke Woods Lane extended to New Hampshire Avenue. Because of

insufficient right-of-way along the front of Lot 2, 900 Milestone Drive, a Public Improvement Easement must be acquired for the construction and maintenance of a sidewalk in this area.

The first floor of the station is separated into secured patrol functions and public access areas. The station's public entrance is on the southeast corner of the building where visitors will enter a light-filled lobby area, with easy access to a public meeting room. The west portion of the first floor includes a holding area, evidence processing and storage, patrol meeting, and staff work areas. The main patrol area is entered from two secure entries, and the holding area is entered from a secured "sally port" at the northwest corner of the building. All non-public entry points into the facility will have card reader access and be under constant video surveillance.

The second floor of the facility includes individual and open area offices for staff, interview and interrogation areas, a fitness room, staff locker rooms, showers, and other support areas. The two wings of the building are connected together with a tower that includes the main stairwell, staff gathering area, kitchenettes, and eating areas. The tower also brings natural day lighting into the core of the building.

ANALYSIS

Master Plan Conformance

Staff finds that the proposal is not consistent with the 1997 White Oak Master Plan with respect to compatibility. Although a public facility such as the proposed Police Station was not discussed for this site in the Master Plan, staff believes that the proposed police station is an appropriate use at this location as it is permitted in the R-90 TDR Zone. Staff is concerned about the compatibility of the proposed project as it is currently designed without an appropriate buffer and transition from the existing single-family detached houses to the west. Staff looks at the master plan's reference to the Zoning Ordinance standards for a townhouse development under TDR zoning as a guide to achieving appropriate compatibility for the proposed use. A private development under these standards would be required to provide greater buffer between the new and the existing developments. And it appears that there is enough site area available to move the proposed building and parking away from the existing single-family houses to create a buffer between the proposed police station and the existing neighborhood. (See page1, comments #1 and #2.)

Land for the proposed US29/Stewart Lane/Milestone interchange has been provided. The current desired design option is for a "Skewed Single Point Urban Interchange" The 1997 Approved and Adopted White Oak Master Plan also proposed a Stewart Lane interchange which would eliminate the at-grade intersection of Columbia Pike and Stewart Lane by grade separating the intersection with Stewart Lane bridging Columbia Pike.

Development Standards

The police station site meets the required development standards in the R-90/TDR Zone as summarized in the following table.

Items	Required/Allowed	Proposed
Zone	R-90/TDR	R-90/TDR
Lot Area:		
▪ Police Station area		4.19
▪ Parcel B		5.67
▪ Sherbrooke Lane		0.97
▪ Stewart Lane Intersection		<u>1.96</u>
▪ Total	9,000 sf, minimum	12.79 acres
Density	6 DU/acre	NA
Building Setbacks (feet):		
▪ From Street	30	35
▪ Side		
• One side	8	30
• Sum of both sides	25	30+
▪ Rear	25	25
Building Height (feet)	40	40
Coverage (percent of lot)	30	Less than 30
Parking:		
▪ Secure parking	NA	135
▪ Public parking	NA	57
▪ Total	NA	192

Location of Buildings, Open Space and Circulation

The proposed setback of the building, concrete security wall, and the driveway access along the western property line are not adequate, safe and efficient. Additional setbacks and open space should be provided adjacent to the existing three houses located along the western property line. The proposed site plan locates an eight-foot high concrete security wall approximately 380 feet long within eight feet of the western property line. Because of security concerns, landscaping within eight feet of the wall is not permitted. This security wall faces the front and side yards of three existing homes. The setback and location of the concrete wall are not adequate. The setback of the wall should be increased to a minimum of 60 feet, and a minimum of 50 feet of this proposed setback should become a forest buffer area. This proposed setback provides an improved location of buildings, establishes a natural area adjacent to existing front and side yards, and improves safety for the residences.

Along the northern boundary of the site, a setback of about 60 feet for the concrete security wall has already been proposed. The setback allows for a minimum 50-foot of the setback area to be retained as a natural area, provides the minimum space for forest conservation, extends the existing forest conservation area on the adjacent site, retains large trees, and provides open space adjacent to existing back yards.

Compatibility

The proposed site plan is not compatible with the existing and proposed adjacent development. The setback of the proposed eight-foot high concrete wall located eight feet from the western property line should be significantly increased to achieve compatibility. Staff recommends providing the following to achieve compatibility with the existing homes along the western property line:

- Establish an area of 50 feet within the setback of 60 feet for a forest buffer area protected with a conservation easement that reduces the need for off-site forest conservation
- Extend an existing forest area from the adjacent site
- Locate the proposed eight-foot high concrete security wall 60 feet away from the western property line and away from the existing homes
- Locate the “sally port” for the intake and processing of prisoners farther from the existing homes

To increase the setback to 60 feet and establish compatibility, the proposed Sherbrooke Woods Lane extended can be shifted to the east without significant delay of construction.

Environment - Under a separate staff report, Environmental Planning staff recommends approval of the Preliminary Forest Conservation Plan with conditions. Staff recommends **approval** of the Mandatory Referral for the police station use with the following comment:

Reconfigure the police station layout to provide a minimum 50-foot wide forest buffer in the form of a forest retention and forest planting area along the western property boundary.

Forest Conservation Law - The site is subject to Chapter 22A Montgomery County Forest Conservation Law. Staff recommendations on the Preliminary Forest Conservation Plan are reviewed in a separate Environmental Planning memorandum to the Planning Board. The Planning Board should take action on the Preliminary Forest Conservation Plan during the hearing, which is held jointly with the review of this Mandatory Referral.

Stormwater Management – The Montgomery County Department of Permitting Services (DPS) has reviewed and approved with conditions a stormwater management concept for the police station use, including the extension of Sherbrook Woods Lane. The concept includes many Environmental Site Design (ESD) control measures: an infiltration trench, roadside swales, porous paving for parking spaces, biofilters, and a green roof on the proposed building.

Noise Impacts - The police station use is anticipated to generate a limited amount of noise. There will be trash pickup and fuel delivery on the site. The maintenance and service facilities for the police station are proposed to be located along the rear of the building and clustered within their own utility enclosure. The enclosure is proposed to be located away from existing houses and closer to Sherbrooke Woods Lane Extension.

In addition, the Police Department has stated that sirens and emergency lights will not be used on the station property. The Mandatory Referral report indicates that very few officers will be responding to calls directly from the station. Those who do respond from the station will be instructed not to use sirens or emergency lights until they have exited the facility. Staff believes that the design and operational measures that are proposed will help limit noise that will be generated from this use on the site.

LEED (Leadership in Energy and Environmental Design) Certification - Montgomery County requires LEED Silver certification for all public buildings, and the Third District Police Station and site are being designed to meet LEED Certified – Silver. To achieve a Silver rating, an 80 percent green roof, bio-filtration swales, bio-retention facilities, porous concrete in parking areas, energy efficient windows,

low flow plumbing fixtures, and other sustainable design strategies to maximize energy efficiency and minimize negative impact on the environment will be provided.

Transportation

Staff recommends the following transportation comments be transmitted to the Department of General Services (DGS):

- DGS or the future developer for the remainder of the property must submit a traffic study for the entire property (including the police station) for APF purposes at the time of filing an application for the development of the remainder of the property.
- DGS must provide a pedestrian link, if deemed safe, across Milestone Drive that will connect existing sidewalk along the east side of New Hampshire Avenue with the sidewalk proposed along the north side of Milestone Drive (along site frontage).

Access to the site is proposed from New Hampshire Avenue and Columbia Pike via Milestone Drive, and through the Sherbrooke residential subdivision via an extension of Sherbrooke Woods Lane from Heartfields Drive to Milestone Drive. As part of the extension of Sherbrooke Woods Lane, the existing Seton Drive connection between Milestone Drive and Sherbrooke Woods Lane (an undedicated public street within an easement) will be removed. DGS is currently working with Maryland State Highway Administration (SHA) on finalizing the site access plan.

Adequate lead-in sidewalks are proposed to the police station from adjacent existing/proposed streets. The area is served by Metro and RideOn buses. Metro buses along New Hampshire Avenue include routes C8, K6, and Z2, and along Columbia Pike include routes Z6, Z8, Z9, Z11, Z13, and Z29. The RideOn service along New Hampshire Avenue includes routes 21 and 22, and along Columbia Pike includes route 10.

Local Area Transportation Review - According to *Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines*, a traffic study is required for land uses that generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

To estimate peak-hour trip generation for the proposed Third District Police Station, peak period in/out traffic data (i.e., for three hours in the morning and three hours in the evening) was collected at the Fourth District Police Station located on Randolph Road in Glenmont. Trip generation data was collected at this location for the purposes of this analysis because of the nearly identical size and function of this police station compared to that proposed in White Oak.

Based on street peak-hours observed at the New Hampshire Avenue/Heartfields Drive/Quaint Acres Drive intersection adjacent to the site and trip generation data collected at the Fourth District Police Station, the proposed Third District Police Station will generate approximately 18 trips during the weekday morning peak-hour and 23 trips during the weekday evening peak-hour. Trip generation data collected at the Fourth District Police Station however indicated the station would generate 30 peak-hour trips during the morning and evening peak periods.

Given the early peak traffic activity at police stations compared to street peak-hours and since the property is only being partially developed at this time, staff is accepting the lower trip generation estimates for the proposed police station. Staff is also recommending that DGS and the future developer for the remainder of the property submit a traffic study for the entire property (including the police station) for APF purposes at the time of filing an application for the development of the remainder of the

property. At that time, the applicant would be required to fully consider impact from any additional traffic that will be generated by the police station in excess of the 18 and 23 weekday morning and evening peak-hour trips considered in this mandatory referral review.

Policy Area Mobility Review - To satisfy the PAMR requirements of the APF test, land uses located within the Fairland/White Oak Policy Area are required to mitigate 100% of “new” peak-hour trips. With an estimated maximum peak-hour trip generation of 23 trips in the evening, the Mandatory Referral for the proposed Third District Police Station is proposing to mitigate its impact by providing the following:

- Two new bus shelters, along both sides of New Hampshire Avenue adjacent to the White Oak Library (10 trips),
- 545 feet of sidewalk along Milestone Drive (3 trips),
- 1,560 feet of sidewalk along Sherbrooke Woods Lane (8 trips), and
- A bike locker at the station entrance (2 trips).

Access to Residential Units to the west of Third District Police Station - Immediately to the west of the proposed police station are three single-family residences and a vacant parcel (Parcel 739), which are served by a driveway from Milestone Drive approximately 120 feet to the east of New Hampshire Avenue. The first two lots on the driveway were approved in January 1996 (Preliminary Plan No. 119960280; Milestone Court, via subdivision of Parcel 773) with a condition that “At such time as the internal street network connecting development on Parcels 739, 740, and 626 with New Hampshire Avenue and/or Stewart Lane, then access for the property shall be through these parcels to Quaint Acres Drive and the access to Milestone Drive shall be terminated.”

Parcel 626, to the north of Parcel 739, which extended between New Hampshire Avenue and Milestone Drive, was subsequently developed with the Sherbrooke residential subdivision and the Sunrise Assisted-Living facility. No internal access was provided to New Hampshire Avenue or Columbia Pike in these plans for the three single-family residences and the vacant parcel (as conditioned for the two residential units under Milestone Court subdivision approval in 1996).

With the proposed Third District Police Station built, it will no longer be possible to provide internal access for the three single-family residences and the vacant parcel to New Hampshire Avenue and Columbia Pike. The existing access for these residences and the vacant parcel to Milestone Drive will therefore become permanent.

COMMUNITY OUTREACH

Several community meetings on the police station have been held, the last being on January 28, 2010 at the White Oak Library. On January 27, 2010 staff met with Barry Wides, President of the North White Oak Civic Association and Elizabeth Molloy, President, Sherbrooke Homeowners Association to discuss the proposed Mandatory Referral. The following summarizes the views of the civic associations on the project: the police station and future housing development should be examined together; 100 percent of the forest conservation be done on-site; and the police station should be moved 200 feet from the three existing homes west of the site for compatibility. The Third District Police Station proposed plans and community meeting presentations are also featured on the Department of General Services website.

On February 5, 2010, staff sent notices to local citizen associations, adjoining and nearby property owners and other interested parties of the Mandatory Referral, noting the tentative date of the Planning Board hearing.

CONCLUSION

Staff concludes that the Mandatory Referral meets the applicable standards of the R-90/TDR Zone, but fails to achieve compatibility with the three adjacent homes and an undeveloped parcel that adjoin the site to the west. Staff recommends that the proposed development be revised to achieve compatibility, and to provide adequate pedestrian connections to New Hampshire Avenue.

CN:rb G:/Nelson/man.ref.3rdDistrictPoliceStation.report09

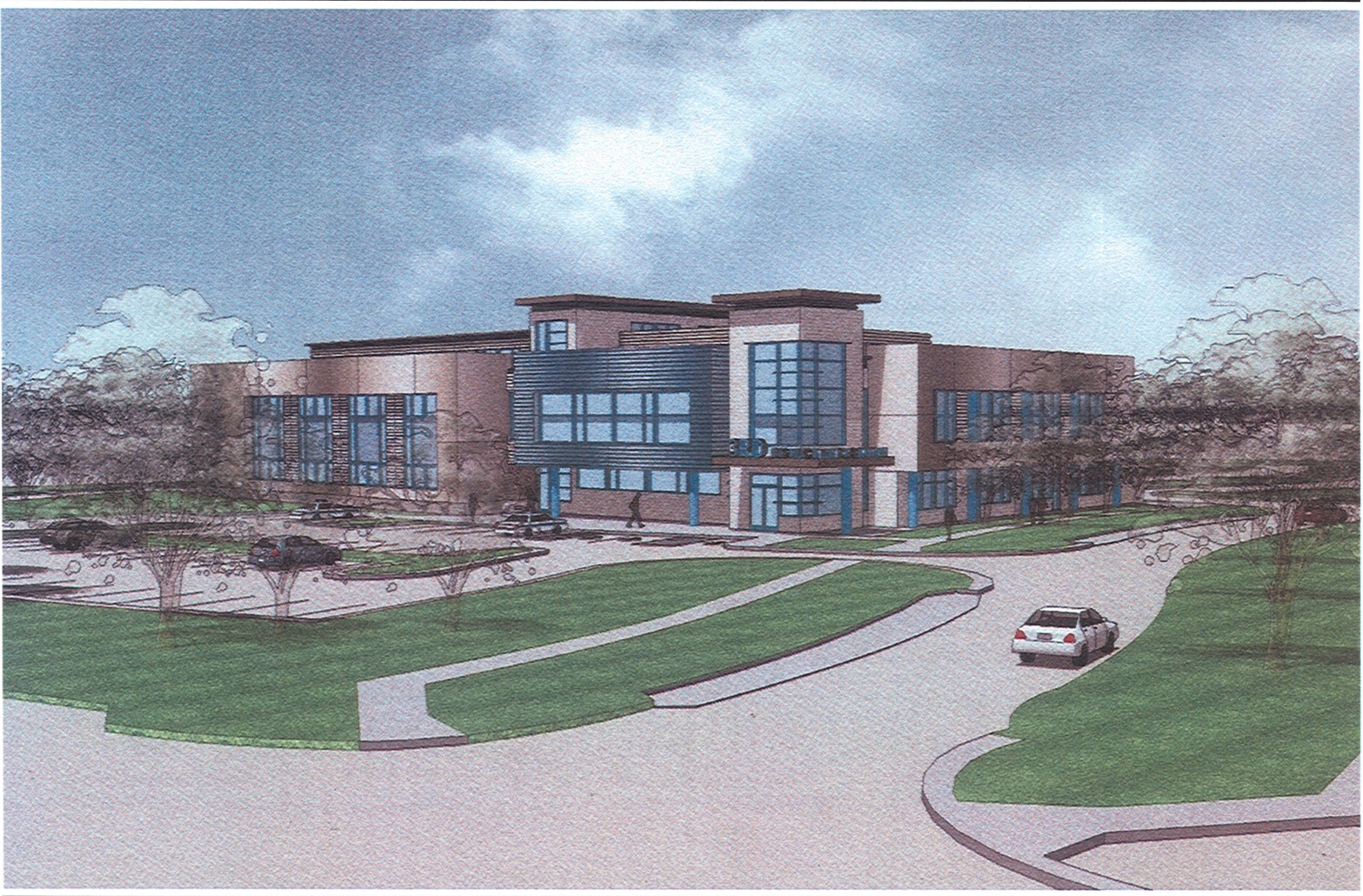
Attachments:

1. Vicinity Map
2. Proposed Plan
3. Perspective
4. Building Elevations
5. Floor Plans
6. Sections and Security Walls
7. Vision Division memo – 2/24/10
8. Environmental Planning memo – 2/22/10
9. Transportation Planning memo – 2/23/10
10. Letter from Councilmember Nancy Navarro – 1/29/10
11. MCCF Article – Elizabeth Molloy and Barry Wides
12. Testimony from Barry Wides (for 3/4/10)

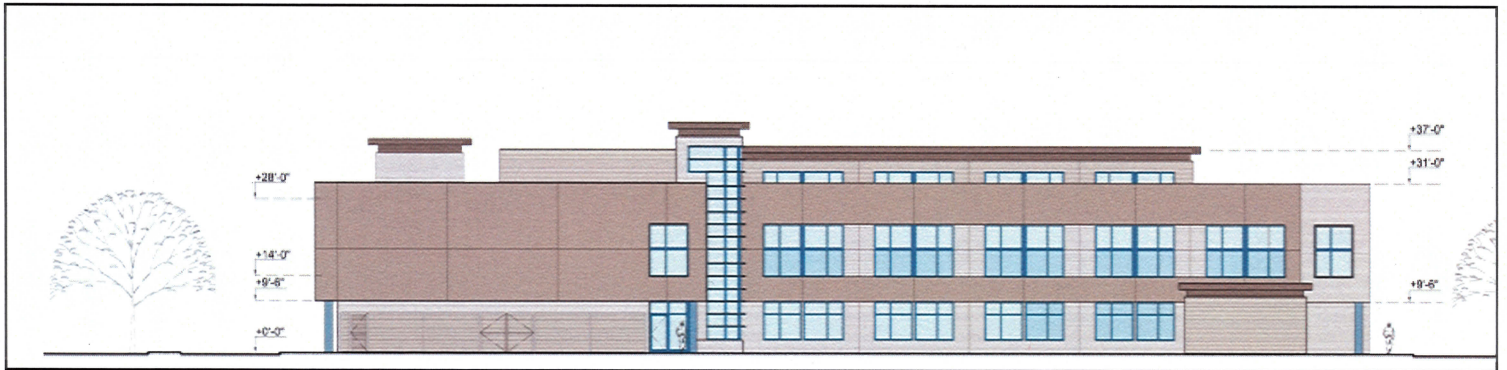
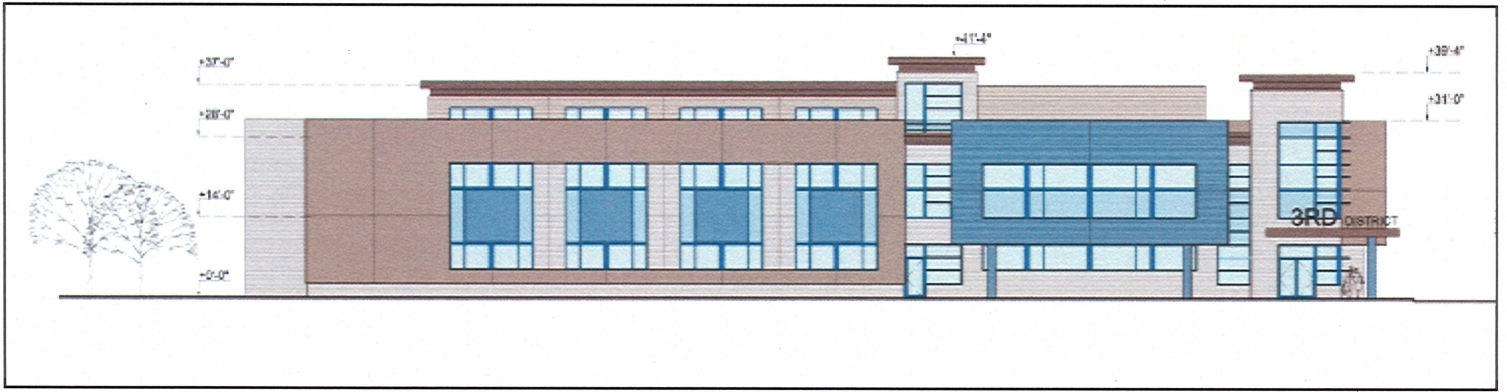


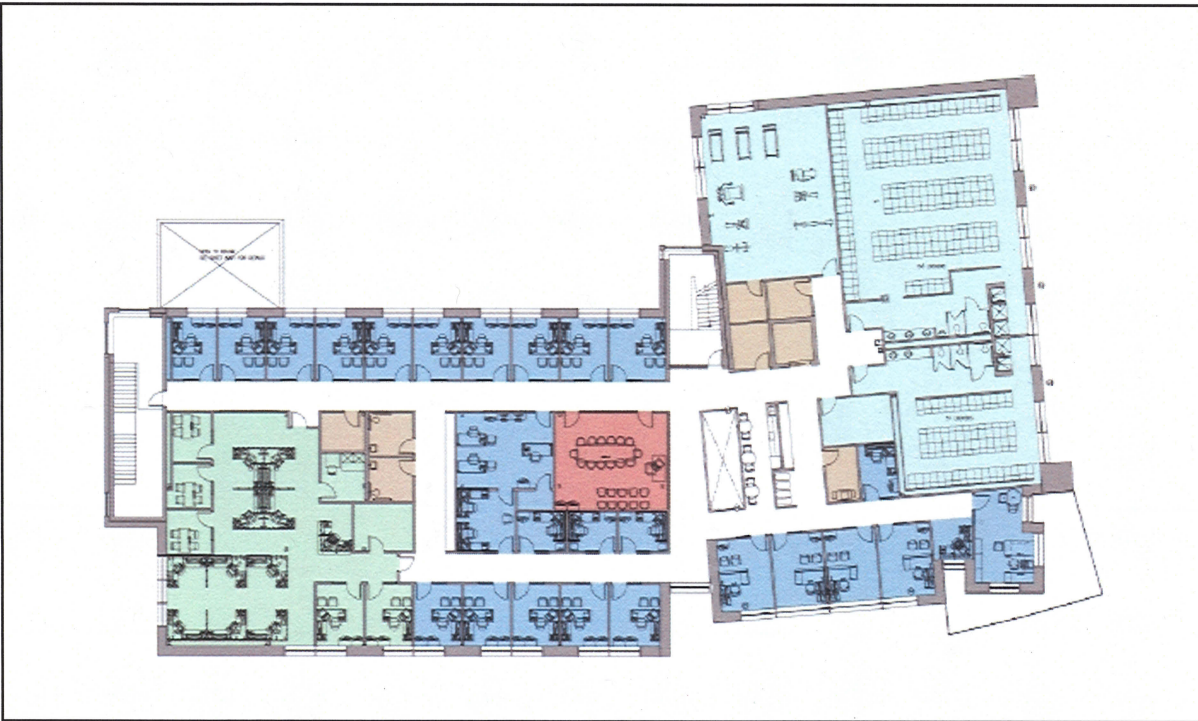


Building Perspective

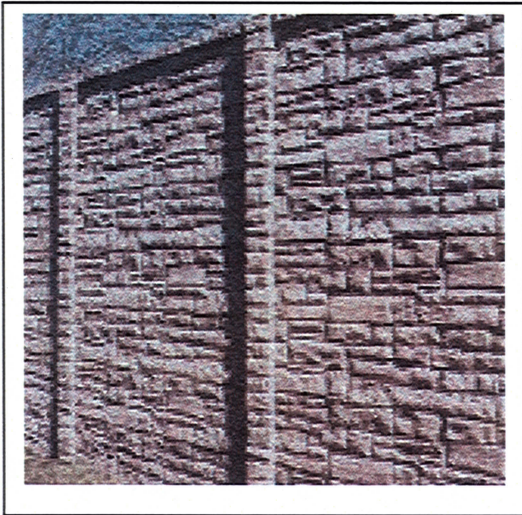
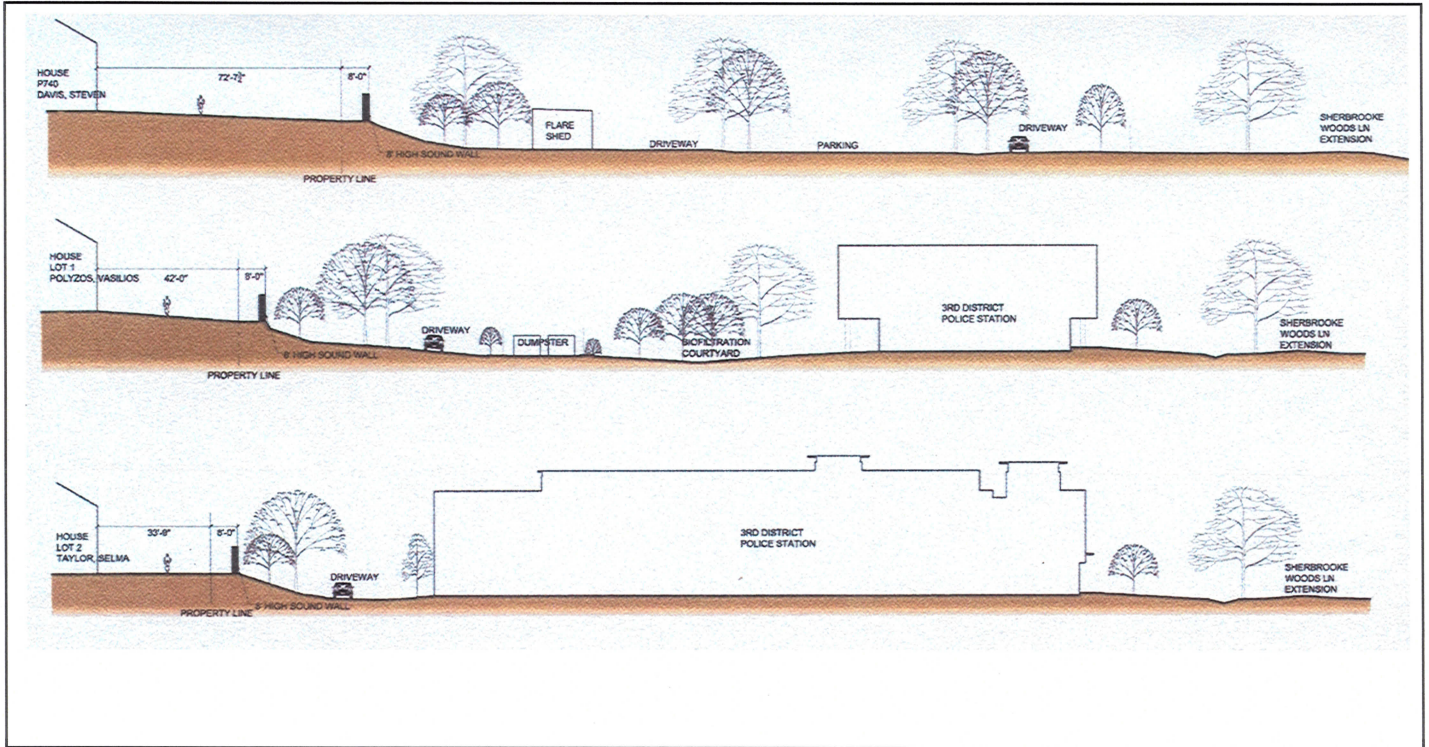


Attachment 4
Building Elevations






Attachment 6
Sections & Security Walls



February 24, 2010

MEMORANDUM

TO: Calvin Nelson, Urban Design Division

FROM: Khalid Afzal, Team Leader, East Transit Corridor Team, Vision Division 
Kristin O'Connor, East Transit Corridor Team, Vision Division

SUBJECT: Third District Police Station, Intersection of Colesville Road and New Hampshire Avenue, Whit Oak, Mandatory Referral #2009742-DGS-1

The subject site is part of a larger group of properties comprising approximately 37 acres located at the intersection of New Hampshire Avenue and Colesville Road and described as the Milestone Properties in the 1997 White Oak Master Plan (pages 20, 21). Since the adoption of the White Oak Master plan in 1997, the northern part of this group of properties has been developed with single family detached houses and an assisted living facility.

The Master plan considered these properties "appropriate for a mix of single-family detached units and single-family attached units." It recommended that detached units "should be located within the northern end of the properties to provide a compatible transition to the existing residential neighborhoods and townhouses should be located near the intersection of US 29 and New Hampshire Avenue." The Master Plan recommended rezoning the southern portion (the subject site) to R-90/TDR at a density of six units per acre.

The Master Plan then addresses the compatibility of new development under R-90/TDR with the adjacent single-family detached housing. It states that the Zoning Ordinance requires developments using TDRs to achieve compatibility with existing adjacent neighborhoods and that in reviewing a site plan for Milestone property, "the Planning Board should assure that the standards are met and that an adequate level of compatibility is achieved. This may mean reducing the number of units allowed under the zone." And it recommends considering appropriate noise buffering for the site.

In reviewing the proposed project and analyzing it with regards to the Master Plan comments and recommendations regarding this site, Community-Based Planning staff believes that the proposal is not consistent with the 1997 White Oak Master Plan. Although a public facility such as the proposed Police Station was not discussed for this site in the Master Plan, staff believes that the proposed police station is an appropriate use at this location. It is a permitted use in the R-90/TDR Zone. However, staff is concerned about the compatibility of the proposed project as it is currently designed without an appropriate buffer and transition from the existing single-family detached houses to the west. Staff looks at the master plan's reference to the Zoning Ordinance standards for a potential townhouse development under TDR zoning as a guide to achieving appropriate compatibility with the adjacent houses. A private development under these standards would be required to provide greater buffer between the new and the existing developments. And it appears that there is enough site area available to move the proposed building and parking away from the existing single-family houses to create a buffer between the proposed police station and the existing neighborhood.

Based on this analysis staff concludes the proposed project as submitted is not consistent with the 1997 White Oak Master plan. It should be modified to achieve better compatibility with the existing neighborhood.



MEMORANDUM

TO: Calvin Nelson, Community-based Planning

VIA: Mark Pfefferle, Acting Chief, Environmental Planning *MP*
Stephen D. Federline, Master Planner, Environmental Planning

FROM: Candy Bunnag, Planner Coordinator, Environmental Planning *CB*

SUBJECT: Mandatory Referral No. 2009713-MCDOT-1
Montgomery County Parking Lot #3

DATE: February 22, 2010

Recommendation

Environmental Planning staff recommends **approval** of the mandatory referral for the police station use with the following comment:

1. Reconfigure the police station layout to provide a minimum 50-foot wide forest buffer in the form of a forest retention and/or forest planting area along the western property boundary.

Background/Proposal

The 12.79-acre subject site lies in the northeastern quadrant of the intersection of New Hampshire Avenue and Route 29. Montgomery County Department of General Services (DGS) owns the majority of the site and proposes two uses. Roughly 2 acres of the site is owned by the Maryland State Highway Administration (SHA). Originally, DGS had considered a police station on the western portion of the site and a multi-family residential use on the eastern portion. However, only the police station is shown on the official mandatory referral submission. In meetings with staff, DGS has indicated that a second use, in addition to the police station, will occur on the site. But at this time, DGS has not stated what the second use will be. The site is zoned R-90/TDR.

Forest Conservation Law

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. As an ex-parte regulatory item, staff recommendations on the Preliminary Forest Conservation Plan are reviewed in a separate Environmental Planning memorandum to the Planning Board. The Planning Board must take action on the Preliminary Forest Conservation Plan during the hearing, which is held jointly with the review of this mandatory referral.

Stormwater Management

Montgomery County Department of Permitting Services (DPS) has reviewed and approved with conditions a stormwater management concept for the police station use, including the extension of Sherbrook Woods Lane (Attachment 1). The concept includes many Environmental Site Design(ESD) control measures: an

infiltration trench, roadside swales, porous paving for parking spaces, biofilters, and a green roof on the proposed building.

Noise Impacts

The police station use is anticipated to generate a limited amount of noise. There will be trash pickup and fuel delivery on the site. The maintenance and service facilities for the police station are proposed to be located along the rear of the building and clustered within their own utility enclosure. The enclosure is proposed to be located away from existing houses and closer to Sherbrooke Woods Lane Extension.

In addition, the Police Department has stated that sirens and emergency lights will not be used on the station property. The mandatory referral report indicates that very few officers will be responding to calls directly from the station. Those who do respond from the station will be instructed not to use sirens or emergency lights until they have exited the facility. Staff believes that the design and operational measures that are proposed will help limit noise that will be generated from this use on the site.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

April 27, 2009

Ms. Cheryl Hannan
Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169

Re: Stormwater Management **CONCEPT** Request
for 3rd District Police Station
Preliminary Plan #:
SM File #: 235445
Tract Size/Zone: 12.79 acres / R-90 / TDR
Total Concept Area: 5 acres
Lots/Block: N/A
Parcel(s): 725, 731, 790
Watershed: Paint Branch

Dear Ms. Hannan:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via various methods as outlined below, including grading of the site to disperse flow. The drainage area boundaries shown on the approved stormwater concept plan are integral to the stormwater concept and must be adhered to in the final design. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Water quality for the building will be provided via green roof.
5. Water quality for the entrance driveway off Milestone Drive will be provided via an Infiltration Trench.
6. Water quality for the extension of Sherbrook Woods Lane will be provided via roadside swale design.
7. Water quality for the parking areas will be provided by a combination of porous paving and bio filters. The drive isles will be constructed of traditional asphalt or concrete paving, while the parking spaces will be constructed of porous concrete.

8. A letter of permission to grade on the adjacent property to the east must be submitted prior to plan approval.
9. This conceptual approval is for the proposed police station and extension of Sherbrook Woods Lane only.

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

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. **Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.**

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



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

RRB:dm mca

cc: C. Conlon
M. Pfefferle
SM File # 235445

QN -ON; Acres: 5
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MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 23, 2010

MEMORANDUM

TO: Calvin Nelson, Jr.
Urban Design Division

VIA: Shahriar Etemadi, Supervisor
Move/Transportation Planning Division 

FROM: Cherian Eapen, Planner/Coordinator
Move/Transportation Planning Division
301-495-4525 

SUBJECT: Mandatory Referral No. 2009742-DGS-1
Proposed Third District Police Station
Parcels P790, P725, and P731
Montgomery County Department of General Services
Northeast quadrant of Columbia Pike (US 29)/New Hampshire Avenue (MD 650)
White Oak
Fairland/White Oak Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject mandatory referral to construct the Third District Police Station in White Oak, on the western half of 12.79 acres of land owned by Montgomery County. The property, comprising Parcels P790, P725, and P731, is located within the Fairland/White Oak Policy Area.

RECOMMENDATION

We have completed our review of the materials submitted for the subject mandatory referral and recommend that the Planning Board transmit the following comments to Montgomery County Department of General Services (DGS):

1. DGS and/or the future developer for the remainder of the subject property must submit a traffic study for the entire property (including the police station) for APF purposes at the time of filing an application for the development of the remainder of the property.
2. DGS must provide a pedestrian link, if deemed safe, across Milestone Drive that will connect existing sidewalk along the east side of New Hampshire Avenue with the sidewalk proposed along the north side of Milestone Drive (along site frontage).

DISCUSSION

Site Location, Access, Parking, Pedestrian Facilities, and Public Transportation

The site for the proposed Third District Police Station is located within the northeast quadrant of Columbia Pike (US 29) and New Hampshire Avenue (MD 650) interchange in White Oak. The site is bounded by Milestone Drive/Columbia Pike to the east and south, New Hampshire Avenue/three residences/a vacant parcel/an assisted-living facility to the west, and Seton Drive/Sherbrooke residential subdivision to the north.

Milestone Drive, which wraps around the property to the south and to the east, is a secondary residential street (that functions to some extent as a primary residential street) within the right-of-way for Columbia Pike and New Hampshire Avenue. Heartfields Drive and Sherbrooke Woods Lane/Seton Drive are also secondary residential streets, and functions as access roads for the Sherbrooke residential subdivision.

Access to the site is proposed from New Hampshire Avenue and Columbia Pike via Milestone Drive, and through the Sherbrooke residential subdivision via an extension of Sherbrooke Woods Lane from Heartfields Drive to Milestone Drive. As part of the extension of Sherbrooke Woods Lane, the existing Seton Drive connection between Milestone Drive and Sherbrooke Woods Lane (an undedicated public street within an easement) will be removed. DGS is currently working with Maryland State Highway Administration (SHA) on finalizing the site access plan.

The proposed police station will include a secure parking lot with 135 spaces, which could be accessed from Milestone Drive as well as Sherbrooke Woods Lane (Extended) and an unsecured public parking lot with 57 spaces, which could be accessed from Sherbrooke Woods Lane (Extended).

Adequate lead-in sidewalks are proposed to the police station from adjacent existing/proposed streets.

The area is served by Metro and RideOn buses. Metro buses along New Hampshire Avenue include routes C8, K6, and Z2, and along Columbia Pike include routes Z6, Z8, Z9, Z11, Z13, and Z29. The RideOn service along New Hampshire Avenue includes routes 21 and 22, and along Columbia Pike includes route 10.

Master Plan Roadway and Bikeway Facilities

The 1997 Approved and Adopted *White Oak Master Plan* describe the following nearby master-planned roadways, pedestrian and bikeway facilities:

1. New Hampshire Avenue, as a north-south major highway (M-12) with a minimum right-of-way width of 120 feet (six-lane divided) between Capital Beltway (I-495) to the south and the Intercounty Connector (ICC) to the north. A Class III bikeway (PB-24) is proposed along the roadway to the south of Randolph Road to I-495 (also, SR-30 in the

March 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*). The master plan also recommends sidewalk improvements along the entire length of the roadway.

2. Columbia Pike (US 29), as a northeast-southwest controlled-major highway (CM-10) between New Hampshire Avenue to the southwest and Paint Branch to the northeast. A minimum right-of-way width of 200 feet (six-lane divided) is recommended for this section of Columbia Pike. The master plan recommends no pedestrian or bikeway facilities for this section of Columbia Pike; however, a dual bikeway (DB-9; shared-use path and shared roadway) is proposed for Columbia Pike to the north of New Hampshire Avenue (to Spencerville Road or MD 198) in the March 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*. The *White Oak Master Plan* recommends an interchange at Stewart Lane, which would eliminate the at-grade intersection of Columbia Pike, Stewart Lane, Old Columbia Pike, and Milestone Drive.
3. Stewart Lane, as a two-lane arterial (A-286) with a minimum right-of-way width of 80 feet, to the east of US 29, between US 29 and Lockwood Drive. The sidewalk and the Class II bikeway (PB-27) recommended for Stewart Lane are now built. Though PB-27 is recommended in the master plan to extend west to New Hampshire Avenue, no direct road facility that could accommodate the bikeway currently exists other than Milestone Drive. Milestone Drive therefore could be considered to fulfill the master plan recommendation.
4. Old Columbia Pike, to the east and parallel to US 29, as a two-lane business district street (B-2) with a recommended minimum right-of-way width of 80 feet between White Oak Shopping Center to the south and Paint Branch to the north. A Class II bikeway (EB-7) exists along the roadway between Paint Branch and White Oak Shopping Center. The master plan recommends an extension of this Class II bikeway (as PB-28) through the White Oak Shopping Center to Lockwood Drive, just to the east of New Hampshire Avenue.

Nearby Transportation Improvement Projects

The Maryland State Highway Administration's (SHA) Consolidated Transportation Program (CTP) includes the following nearby project:

- SHA Project No. MO887B21; Study to construct an interchange at the US 29/Stewart Lane intersection: As part of ongoing planning/design studies for several planned interchanges along Columbia Pike, SHA is developing design concepts for the interchange at Stewart Lane. Currently, the project is on hold and is not funded for construction. Copy of a skewed single point urban interchange design concept for the interchange is included as Attachment No. 1.

Montgomery County Department of Transportation (DOT) is also currently constructing the White Oak Transit Center on Lockwood Drive to the east of New Hampshire Avenue. The construction is scheduled to be completed in March 2010.

Local Area Transportation Review

According to *Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines*, a traffic study is required for land uses that generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

To estimate peak-hour trip generation for the proposed Third District Police Station, peak period in/out traffic data (i.e., for three hours in the morning and three hours in the evening) was collected at the Fourth District Police Station located on Randolph Road in Glenmont. Trip generation data was collected at this location for the purposes of this analysis because of the nearly identical size and function of this police station compared to that proposed in White Oak.

Based on street peak-hours observed at the New Hampshire Avenue/Heartfields Drive/Quaint Acres Drive intersection adjacent to the site and trip generation data collected at the Fourth District Police Station, it was estimated that the proposed Third District Police Station will generate approximately 18 trips during the weekday morning peak-hour and 23 trips during the weekday evening peak-hour. It is noted that trip generation data collected at the Fourth District Police Station however indicated the station would generate 30 peak-hour trips during the morning and evening peak periods.

Given the early peak traffic activity at police stations compared to street peak-hours and since the property is only being partially developed at this time, staff is accepting the lower trip generation estimates for the proposed police station. Staff is also recommending that DGS and/or the future developer for the remainder of the property submit a traffic study for the entire property (including the police station) for APF purposes at the time of filing an application for the development of the remainder of the property. At that time, the applicant would be required to fully consider impact from any additional traffic that will be generated by the police station in excess of the 18 and 23 weekday morning and evening peak-hour trips considered in this mandatory referral review.

Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, land uses located within the Fairland/White Oak Policy Area are required to mitigate 100% of “new” peak-hour trips.

With an estimated maximum peak-hour trip generation of 23 trips in the evening, the mandatory referral for the proposed Third District Police Station is proposing to mitigate its impact by providing the following:

1. Two new bus shelters, along both sides of New Hampshire Avenue adjacent to the White Oak Library (10 trips),

2. 545 feet of sidewalk along Milestone Drive (3 trips),
3. 1,560 feet of sidewalk along Sherbrooke Woods Lane (8 trips), and
4. A bike locker at the station entrance (2 trips).

Access to Residential Units to the west of Third District Police Station

Immediately to the west of the proposed police station are three single-family residences and a vacant parcel (Parcel 739), which are served by a driveway from Milestone Drive approximately 120 feet to the east of New Hampshire Avenue. The first two lots on the driveway were approved in January 1996 (Preliminary Plan No. 119960280; Milestone Court, via subdivision of Parcel 773) with a condition that "At such time as the internal street network connecting development on Parcels 739, 740, and 626 with New Hampshire Avenue and/or Stewart Lane, then access for the subject property shall be through these parcels to Quaint Acres Drive and the access to Milestone Drive shall be terminated" (See Attachment No. 2; Condition No. 3).

Parcel 626, to the north of Parcel 739, which extended between New Hampshire Avenue and Milestone Drive, was subsequently developed with the Sherbrooke residential subdivision and the Sunrise Assisted-Living facility. However, no internal access was provided to New Hampshire Avenue or Columbia Pike in these plans for the three single-family residences and the vacant parcel (as conditioned for the two residential units under Milestone Court subdivision approval in 1996).

With the proposed Third District Police Station built, it will no longer be possible to provide internal access for the three single-family residences and the vacant parcel to New Hampshire Avenue and/or Columbia Pike. The existing access for these residences and the vacant parcel to Milestone Drive will therefore become permanent.

SE:CE:tc
Attachments

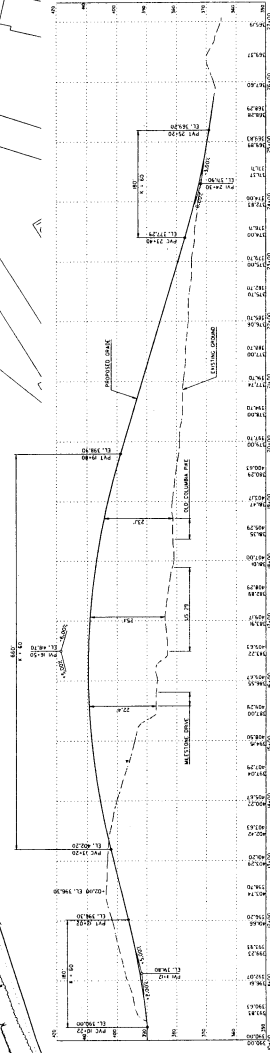
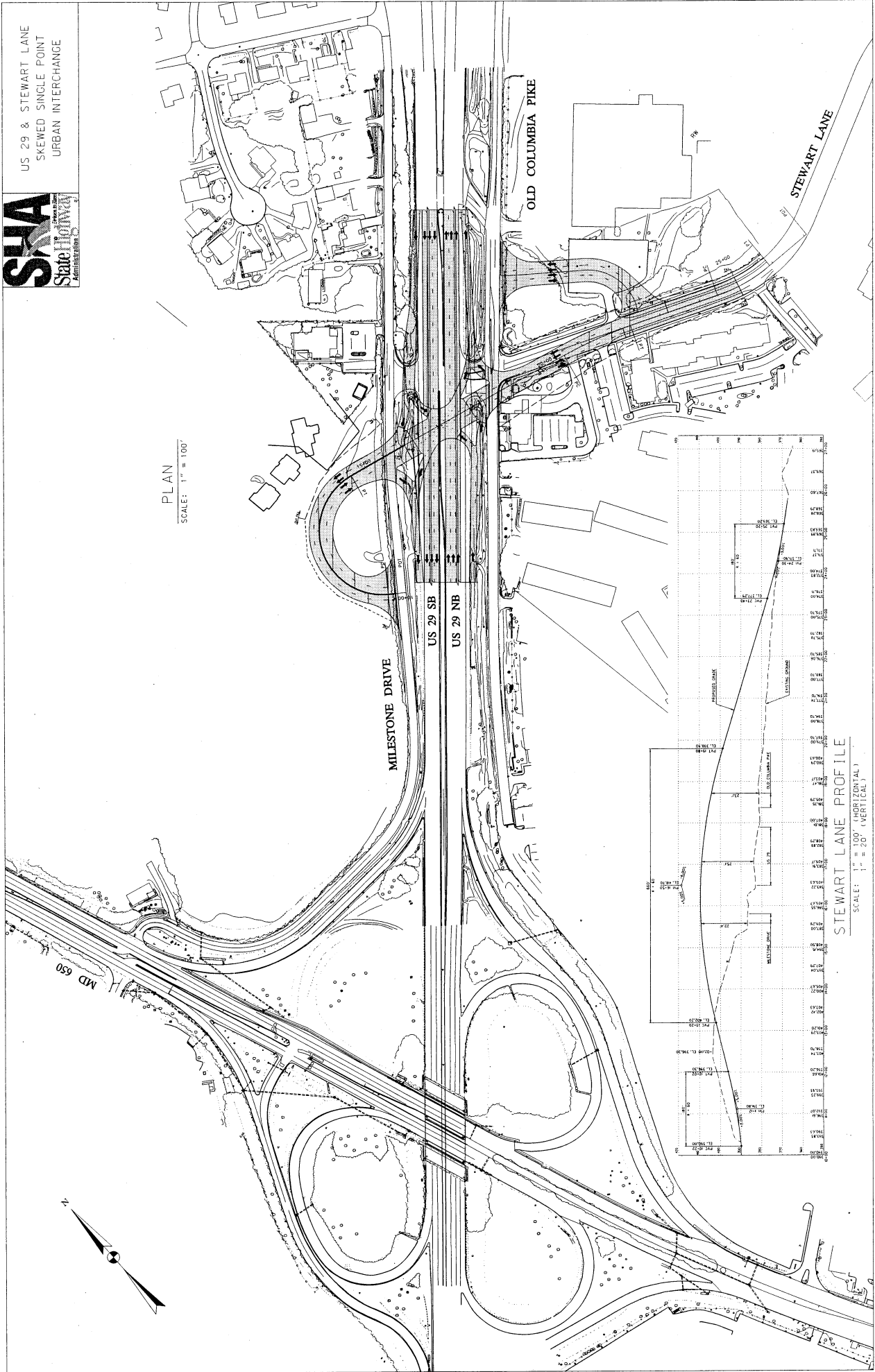
cc: Corren Giles
Greg Leck
Gary Erenrich

mno to Nelson re WO TDPS



US 29 & STEWART LANE
SKEWED SINGLE POINT
URBAN INTERCHANGE

PLAN
SCALE: 1" = 100'



STEWART LANE PROFILE

SCALE: 1" = 100' (HORIZONTAL)
1" = 20' (VERTICAL)

(19)

Attachment No. 1

Date of mailing: January 26, 1996



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6767 Georgia Avenue • Silver Spring Maryland 20910-3760

Action: Approved Staff Recommendation with Modifications
(Motion of Comm. Richardson, seconded by Comm. Holmes, with a vote of 5-0; Comms. Richardson, Holmes, Baptiste, Aron, and Hussmann voting in favor).

Attachment No. 2

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-96028
NAME OF PLAN: MILESTONE COURT

On 09-28-95, BEST DEVELOPMENT, submitted an application for the approval of a preliminary plan of subdivision of property in the R90 zone. The application proposed to create 2 lots on 27300.00 SQ FEET of land. The application was designated Preliminary Plan 1-96028. On 01-25-96, Preliminary Plan 1-96028 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-96028 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-96028, subject to the following conditions:

Approval under the De Minimis Provisions of the FY 96 Annual Growth Policy, subject to:

- (1) Prior to recording of plat(s) submit final grading plan for technical staff approval
- (2) Record plat(s) to reflect delineation of conservation easement over the area of tree preservation
- (3) Provide access easement to adjoining Parcels 739 and 740 for future connection to Milestone Drive. At such time as the internal street network connecting development on Parcels 739, 740, and 626 with New Hampshire Avenue and/or Stewart Lane, then access for the subject property shall be through these parcels to Quaint Acres Drive and the access to Milestone Drive shall be terminated
- (4) Access and improvements as required and approved by MCDOT
- (5) Conditions of MCDEP stormwater management approval dated 11-27-95
- (6) Other necessary easements



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

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OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

January 29, 2010

Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Hanson:

I am writing to you regarding the plan for the Third District Police Station that was recently submitted to the Planning Board for mandatory referral. While I support relocation of the station, I have concerns regarding the current plans for this project.

First, neighbors in the surrounding area are concerned with the seemingly inadequate levels of buffering between the police station and the surrounding neighborhood. The adjacent communities were originally promised large buffers before supporting the Milestone site for a police station, but since the subsequent consideration of housing adjacent to the police station project, that buffering was both dramatically reduced and moved offsite. If the station is relocated to a more central point on the site, a greater buffer can be provided between the existing homes and the new facility. This and other measures should be considered to minimize the project's visual and construction impacts.

In addition, I believe that the plans for the Third District Police Station should provide for 100% on-site forest conservation, in order to minimize the environmental impact on the surrounding community and the nearby Paint Branch Special Protection Area.

I would appreciate your consideration of these points as you review this plan. I believe the Third District Police Station can be designed and built consistent with a commitment to exceptional public safety facilities and environmentally sensitive County development.

Sincerely,

Nancy Navarro
County Councilmember District 4



introduced to correct problems with the current law to cover future years and all counties.

Related Resolution The Executive Committee encourages the membership to approve the following resolution:

“Be it resolved that Montgomery County Civic Federation supports Bill MC14-10 to waive the requirements of state law for FY10 that requires the County to maintain the spending level per student at the same level as that spent in the previous fiscal year”.

New Third District Police Station and Affordable Housing Project Proposed For White Oak
By Elizabeth Molloy, President, Sherbrooke Homeowners Association and Barry Wides, President, North White Oak Civic Association

Montgomery County Government has filed a Mandatory Referral with the Planning Board proposing to move the Third District Police Station from downtown Silver Spring to 4 acres of the 13 acre wooded area on Milestone Drive near the northeast intersection of Columbia Pike and New Hampshire Avenue.

Although the White Oak Master Plan identifies this area as R-90 TDR, the County is proposing to squeeze both the police station and as many as 175 units of affordable housing (either workforce townhouses or affordable rental units) onto this site. Despite a request from local communities to present the County's dual purpose plan at the same time so that the consequences of both proposals could be considered simultaneously, the County maintains that because the housing plan is about a year behind the police station in development, the two uses cannot be considered at the same time. We believe that the whole picture – both uses – should be examined together.

If taken together, the dual use proposal will result in the unnecessary removal of nearly all of this ecologically sensitive forested area less than one-half mile from the Paint Branch.

We are proposing that for the police station project, 100% of the forest conservation be done on-site, significantly expanding the proposed forest conservation area.

The County claims that the forest on the site is "not worth saving." They claim that, except for a few significant trees, the stand is mostly invasive species. Their solution is to remove all but about nine trees from the 13 acres. We oppose this plan as it will result in

significant stormwater and sediment runoff, particularly from the part of the property which is being saved for future county land needs. We are also concerned that more than 2 acres of forest conservation will be done off-site. The forest already exists onsite. Its needless destruction will not only damage but will stand in direct contradiction of the plan's claim to be "green".

Sherbrooke HOA and North White Oak Civic Association have raised a number of other points about the development proposal and have developed an alternative plan for the police station portion of the site that will allow for more forest conservation.

We are very concerned that the planned police station is located so close to existing homes and without an adequate buffer between the two different land uses. In some places the fence surrounding the police station is less than 30 feet from adjoining homes, and the fence is literally right on the property lines of these homes. The proposed police station would be built on land which is currently zoned R-90 TDR. If this construction were subject to Park and Planning "compatibility" rules, a much larger buffer would be required in order for a commercial developer to obtain a rezoning to build a 40-foot commercial building immediately next to residential homes in an R-90 neighborhood.

As an alternative to this proposal, our civic associations are proposing that the police station be moved 200 feet away from existing homes and closer to the intersection of Columbia Pike and Stewart Lane. By moving the police station away from neighboring homes, the county could accommodate all the forest conservation on-site as well as create an additional 4 acre forest preservation area. This is a very sensible approach which maximizes the County's goal of forest conservation and simultaneously providing the necessary buffer between the police station and adjoining residences

Our civic associations propose that this forest preservation area be dedicated to the memory of Rachel Carson who wrote Silent Spring while living in the nearby Quaint Acres community. Our proposal also recommends the establishment of a privately-funded educational exhibit about Rachel Carson at the nearby White Oak Library and self-guided walking tour to the Rachel Carson home in Quaint Acres and the Rachel Carson Greenway in the nearby Northwest Branch.

We will be presenting our alternative plan at the MCCF's February 8 meeting at which we will be seeking approval of a resolution in support of our proposal. We look forward to seeing you at the February 8th meeting.

Testimony of Barry Wides
President, North White Oak Civic Association
In the matter of Mandatory Referral Case No. 2009742-DGS-1
(Third District Police Station)
March 4, 2010

MyGood afternoon, my name is Barry Wides, I live at 11803 Ithica Drive in Silver Spring and currently serve as President of the North White Oak Civic Association.

I am testifying on behalf of the North White Oak Civic Association which, for the past 40 years, has represented approximately 500 families living in the area bounded by New Hampshire Avenue, U.S. 29, and Jackson Road in Silver Spring. I also served on Montgomery County's 3rd District Police Station Site Selection Task Force from 2002 to 2004.

A majority of the members of our civic Association support locating the police station along Milestone Drive. However, our concerns with the plan as proposed are three fold:

1. The plan does not provide sufficient building setbacks and tree buffering for immediately adjacent property owners. .
2. The plan provides that of the 3.31 acres of reforestation/afforestation required, 2.19 acres (66%) will be reforested off site (in a location to be determined later).
3. The Pplan proposes construction of a sStorm water mManagement pPond that is over 300 from the area of disturbance resulting in unnecessary runoff and tree and habitat destruction.

For the reasons se reasons, which I will discuss today, which I, and others, will elaborate on in our testimony, we believe the Planning Board should: (1) recommend the County move the police station security fence 200 feet from the closest existing home, and (2) require the County to do 100% forest conservation (through retention and supplemental plantings) on site (subject to a Category 1 easement); (3) recommend that the sStorm water mManagement Ppond be moved immediately adjacent to the area of disturbance and be planted with trees after the end of the construction period.

Section 1: Background:

In 2002, the late County Councilm Member Marilyn Praisner asked me to serve on the 3rd District Police Station Site Selection Task Force. This Task Force was convened by Anise Key Brown, who at the time was the Director of the East County Services Center.

For a period of about 2 ½ years our Task Force met periodically and visited commercially zoned properties which were on the market [1TR1]including the Tech

Road industrial park and locations further north on U.S. 29 next to [1TR2]non-residential or institutional facilities such as the Seventh Day Adventist Headquarters.

The police and county representatives felt that the Milestone site was the most suitable location for the station because of its being centrally located in the 3rd Police District, visible from and easily accessible to two major thoroughfares, and allowed for the fastest dispatch of patrol cars. However, several of the community representatives, including myself, had concerns that Milestone location was zoned for single family homes and adjacent to a residential neighborhood. To address these concerns, we recommended that if this site were purchased for the police station

In order to assuage these community concerns, county representatives agreed to provide a forest conservation buffer of 200 feet should be preserved to provide buffering from existing homes in order to seek our support for acquisition of this location existing homes..

Over the subsequent several years, various faces changed in the County agencies we were working with. When we were reminded the County of this recommendation when the police station plans were being drawn up, our recommendation for the substantial tree buffering was ignored, and these assurances were forgotten. County Executive Leggett came into office with a different vision for the use of this property. The East County Services Center Director was replaced. And Councilmember Praisner, who asked me to serve on this site selection committee, passed away.

Our civic association continues to believe that while reasonable people can differ about what is the appropriate amount of tree buffering that needs to be maintained, two things are clear.

Number one, "appropriate buffering" is much more than eight feet from an adjacent home.

Number two, the county went forward with the purchase of this prime choice real estate, which averaged about \$500,000 per acre, knowing that its own site selection task force recommended its purchase contingent on preservation of the maximum amount of existing forest, which is now being ignored.

Section 2: On Site Forest Conservation

We recognize that there was no requirement that the county honor the recommendations of this task force. However, we feel very strongly that the County should abide by the letter and spirit of the White Oak Master Plan, the County's Forest Preservation Strategy, and the County's Forest Conservation Law all of which would argue for adoption of our recommendations..

Forest Conservation Proposal Inconsistent with Master Plan

With respect to the Master Plan, there are specific provisions which speak to the preservation of the forest. The 1997 White Oak Master plan provided for the following with respect to future development this site:

- Along U.S. 29 outside of commercial centers, improve compatibility with adjacent residential neighborhoods by heavily buffering with plantings. (see page 29, Third District Police Station Mandatory Referral Narrative Plan Description, September 25, 2009)
- In reviewing a site plan for development of the Milestone property, the Planning Board should assure ... that an adequate level of compatibility is achieved ... [with existing neighborhoods] (see page 22 of 1997 White Oak Master Plan).

We do not believe this standard of compatibility is met by placing the police station and security fence as close to adjacent homes as has been proposed (as little as 8 feet for some homes). Consequently, we have recommended a 200 foot tree buffer in the heavily forested area on the western and northern portion of the site as illustrated in Attachment 1. This 200 foot buffer would utilize approximately 2.20 acres and allow for the entire amount of forest conservation to be done on site.

The County's Forest Conservation Proposal Result in Elimination of Critical Trees Which Act as Buffers Between Incompatible Land Uses

The County's proposal would result in the elimination of trees adjacent to existing properties at 900-904 along Milestone Drive. The plan submitted to the Planning Board proposes building the security fence to within 8 feet around the station almost right up to feet of the adjacent owners' property lines. In the case of the three homes at 900-904 Milestone Drive, the fence is exactly 8 feet from their property line. No plantings have been proposed for the strip between the security fence and the property line of the adjacent property. The forest area we propose to save in the 200 foot buffer between these homes and the perimeter security fence is, in fact, a high quality forest with good structural diversity. The planning Board Tree Technical Manual identifies as one of the factors for forest retention to include trees which act as buffers between incompatible land uses (see page 20 and 28 of Trees Technical Manual). We are asking the Planning Board to recommend the county move the security fence and the footprint for the development 200 feet east in order to provide compatibility to existing homes on the site and save trees. The retention of the existing tree cover provides an immediate opportunity for needed buffering. Even if the County did eventually respond to this criticism and provide some replacement trees and landscaping, the foliage would be much smaller and would not provide needed buffering for years.

The Heavily Forested Area on the Northern and Western Portions of the Milestone Property Meet the Criteria for High Priority Protected Forest Conservation Areas

Section 22A-12 of the Forest Conservation statute identifies "protected areas" as those that should be preserved, if at all possible, when a property is being developed. We have held numerous meetings with the County and have been told that the forest on this site is low quality and not worth saving. However, the portion of the forest our plan proposes to save has good structural diversity and is very much worth saving. It is adjacent to the 3 acre contiguous forest on the property of the Sunrise Assisted Living Nursing Home of approximately 3 acres that is subject to a Type 1 Forest Conservation Easement. This easement was created when this nursing home was constructed a few years ago. The quality of this forest is high and the Planning Board and developer recognized this fact which is why the easement was created. It is hard for us to understand why the continuation of this forest now would be considered "low quality" as has been asserted by the County.

The County's Has Provided No Rationale Why All the Forest Conservation Cannot Be Done On-Site

Our review of the site and the plan indicates that the forest area we are proposing to save would fall into the category of "protected areas" that the statute says the forest conservation plan MUST retain (see section 22A-12 of the Forest Conservation law). Specifically, the Forest Conservation statute says that "the primary objective of the forest conservation plan should be to retain existing trees and avoid reforestation." The statute goes on to say that "the forest conservation plan must retain certain vegetation and specific areas in an undisturbed condition" unless the Planning Director finds that ALL of the following criteria are met:

1. the development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention, and
2. reasonable efforts have been made to protect the specific areas and vegetation listed in the plan, and
3. the development proposal cannot be reasonably altered.

Because the size of the property is five acres larger than the footprint of the police station, there are ample opportunities for the police to move the station further to the east, as illustrated in Attachment 1. In our numerous meeting with the County, we have been given no concrete reason why the police station cannot be moved further east and 100% of the forest conservation done on site. As mentioned previously this 200 foot buffer would connect to "contiguous forest that connects the largest or most vegetated tracts of land within and adjacent to the site" and qualify it as a Priority 1 Area in the Tree Technical Manual (see page 20).

The Plan is Inconsistent with the County's Forest Preservation Strategy

While we recognize that it is not the Planning Board's job to enforce the County's Forest Preservation Strategy, we would like to point out that the policy of not

retaining the maximum amount of trees as is required under the County's own forest conservation law is inconsistent with the County's Forest Preservation Strategy. Specifically the strategy provides ...

Section 3: Storm Water Management Pond

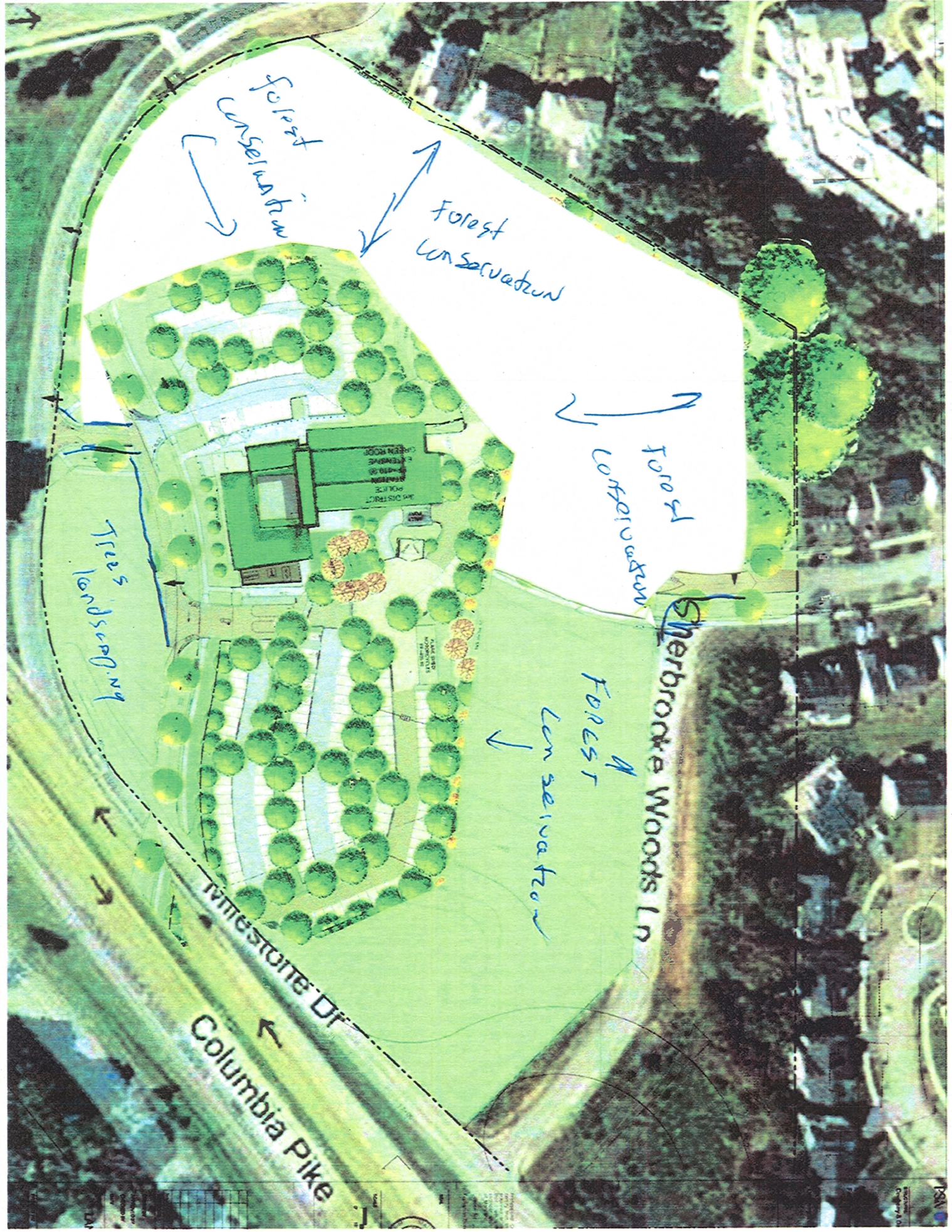
Our third issue relates to the placement of the storm water management pond 300 feet from the area of disturbance. We believe the placement of the pond at this location is driven by an effort by the County maximize future development on the non-police station portion of the site. There are two various housing proposals for the adjacent property which are dictating the location of the storm water management pond more than 300 feet from areas of disturbance for this development. Unfortunately, the desire to maximize future development is also dictating the unnecessary removal of trees to allow for the construction of drainage swales to drain storm water to the pond which is 300 feet away from the perimeter of the police station. In order to mitigate the adverse impact of the construction of the pond on the flora, fauna, and habitats in the area, we are asking the Board to recommend that pond be moved a location immediately adjacent to where the police station is constructed and be planted with trees after the end of the construction period.

Conclusion

In conclusion, we would like to engage in a meaningful discussion with the County's arborist, DGS, Park and Planning staff, and police department to come up with a plan that makes sense for our community. [1TR3] For these reasons, which I, and others, will elaborate on in our testimony, we believe the Planning Board should: (1) recommend the County move the police station security fence 200 feet from the closest existing home, and (2) require the County to do 100% forest conservation on site (subject to Category 1 Conservation Easement); and (3) recommend moving the storm water management pond to immediately adjacent to the area of disturbance.

With this indication of the planning board's direction for development at the this site we believe that much more fruitful discussions about a compatible development can take place.

Thank you for your consideration of our views.



Forest Conservation

Forest Conservation

Forest Conservation

Forest Conservation

Trees Landscaping

Whitestone Dr

Columbia Pike

Sherbrooke Woods Ln

DISTRICT OFFICE
MEETING ROOM
RECEPTION
GREEN ROOM
RESTROOM

A 100 CAR PARKING LOT