



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

Staff Report: Site Plan 820070140, Cabin Branch, Toll Phase 1

ITEM #: _____

MCPB HEARING

DATE: April 26, 2010

REPORT DATE: April 16, 2010

TO: Montgomery County Planning Board

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

FROM: Joshua Sloan, Coordinator *JS*
Development Review Division
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**APPLICATION
DESCRIPTION:**

Final water quality plan, final forest conservation plan, and site plan for 248 units, including 128 detached single-family units, 94 townhouses, and 26 city homes (two-over-twos) on 57.29 acres; in the MXPB and RMX-1/TDR Zone; located west of I-270 and bounded by Clarksburg Road to the north and west and West Old Baltimore Road to the south, in the Clarksburg Master Plan area.

APPLICANT: Toll MD X Limited Partnership

FILING DATE: February 13, 2007

RECOMMENDATION: Approval with conditions

**EXECUTIVE
SUMMARY:**

The Cabin Branch development is envisioned as a residential and commercial mixed-use center. This detailed site plan is one of several implementing the approved Infrastructure Site Plan 820050150. The infrastructure plan approved the general street layout, stormwater facility locations, coarse grading, park and school sites, conceptual recreational facilities plan, and an overview of the disbursement of MPDUs. This site includes only residential uses and a community center that will serve the larger Cabin Branch area. While the property is split-zoned, all of the residential development for this application will be within the RMX-1/TDR-zoned envelope and is calculated on the larger 251.80 acre RMX-1/TDR tract.

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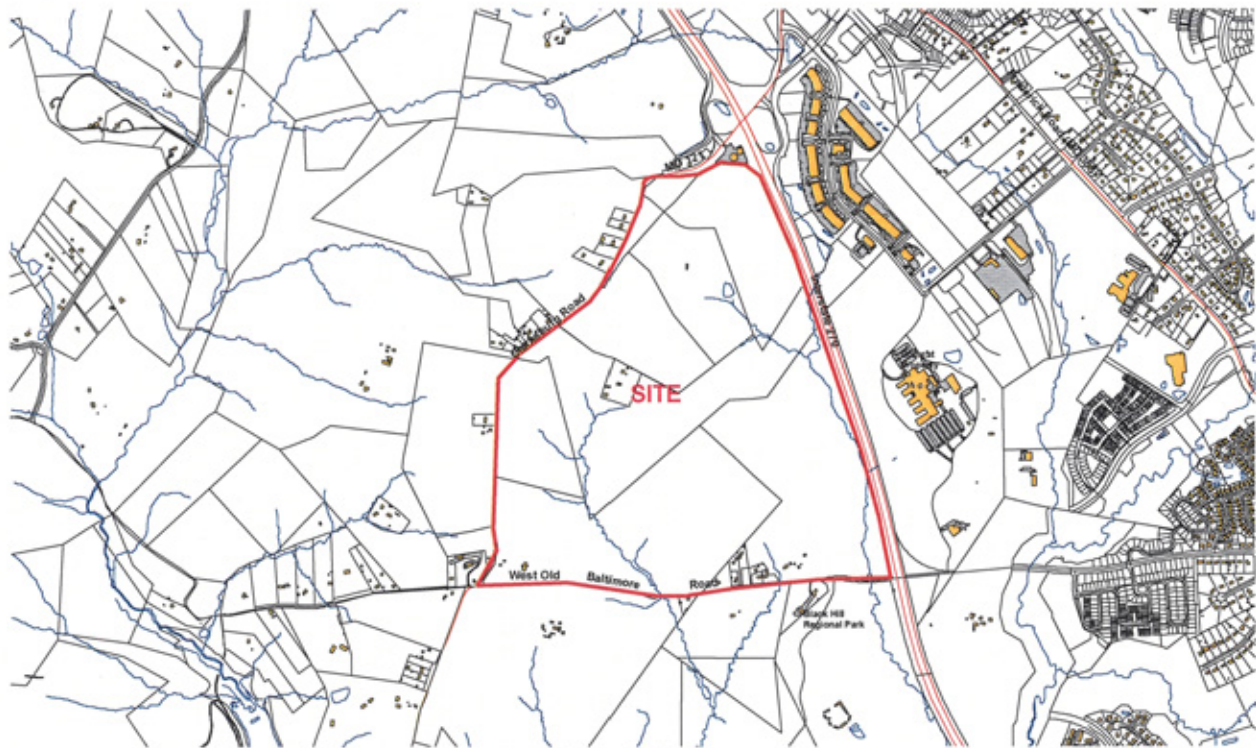
CABIN BRANCH OVERVIEW

The subject site is part of the larger Cabin Branch development that is being reviewed in stages based on approved preliminary plans and the infrastructure site plans. The following overview presents the overall context of the development.



Vicinity

The entire tract is bounded by I-270 to the east, West Old Baltimore Road to the south, and Clarksburg Road (MD 121) to the north and west. The properties along West Old Baltimore Road include a number of one-family detached homes as well as the entrance to Black Hill Regional Park via Lake Ridge Drive, near the intersection with I-270. There are also numerous one-family detached homes fronting Clarksburg Road surrounded by working farms, such as the Linthicum Property. To the east of I-270 are the Gateway 270 Business Center, Comsat, Little Bennett Regional Park and the Clarksburg Town Center. Clarksburg Road and West Old Baltimore Road connect with Frederick Road (MD 355), which runs generally parallel to I-270 to the east. Ten Mile Creek, a class IV stream to the west of the site, flows south into Little Seneca Lake, which is surrounded by Black Hill Regional Park. Ten Mile Stream Valley Park is also located west of the site on the north side of West Old Baltimore Road.



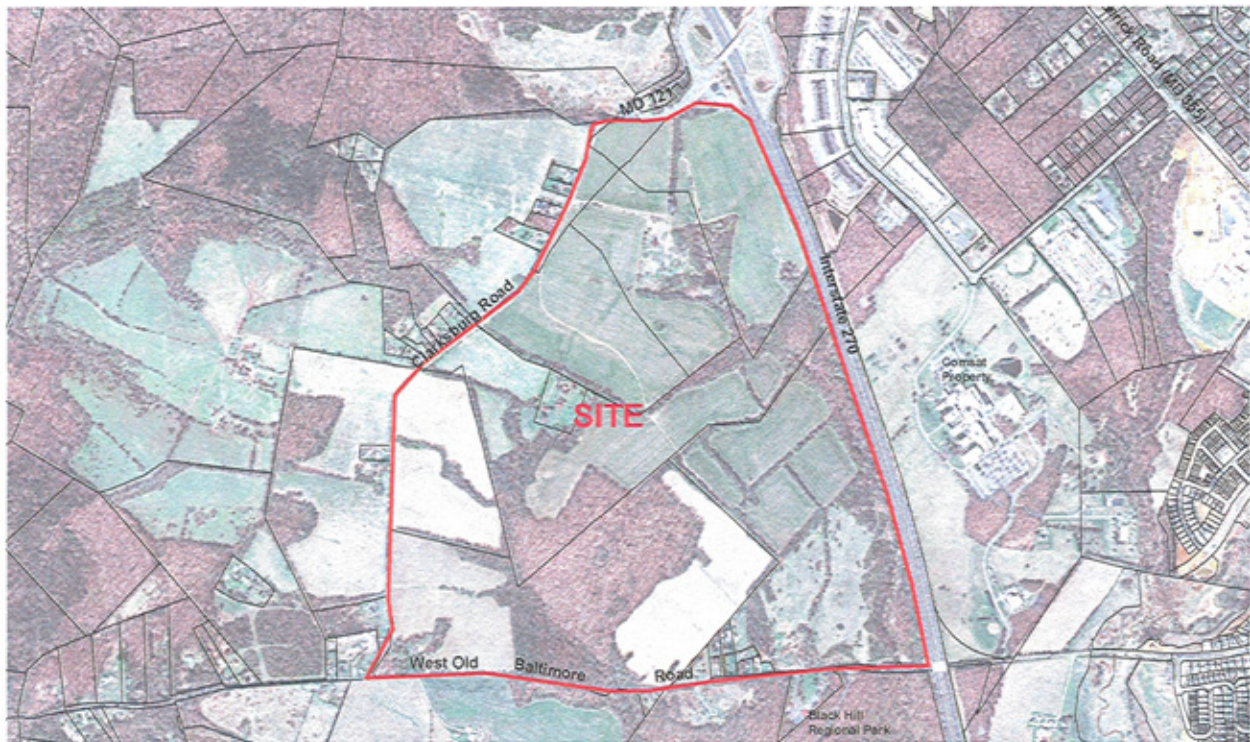
Vicinity Map

Site Analysis

The overall Cabin Branch development consists of 535.30 acres of existing farmland and forested stream buffers. The site is located within the Clarksburg Special Protection Area and the Little Seneca Creek watershed. Two major stream buffers exist on the site: one of which parallels the majority of the eastern boundary of the site along I-270, the other running from north to south within the western portion of the site south of Clarksburg Road to West Old Baltimore Road.

Much of the site is active farm fields separated by forested buffers and hedgerows to accommodate runoff and best management practices for cultivation. The farming activity is prevalent along Clarksburg Road and visible from I-270 and West Old Baltimore Road. Much of the forest is encompassed within the two stream valley buffers on the site.

A number of structures, including the historic Magee house and farm buildings, are located throughout the property, primarily on the high points overlooking the farming activities.



Aerial Photo

Area-Wide Approvals

Zoning/Development Plan

The Cabin Branch Project is a 535-acre, multi-phased, mixed-use community involving several developers and owners. Approximately 284 acres of the subject property was rezoned from the RE-1/TDR, RMX-1/TDR, and I-3 Zones to the MXPDP Zone by Local Map Amendment G-806 by the District Council on September 9, 2003. The remainder of the property remains in the RMX-1/TDR zone. The MXPDP zoning request and Development Plan application set forth the total non-residential square footage, the maximum number of dwelling units, the location of streets and open spaces and the overall concept of a mixed-use community. The land use plan portion of the Development Plan application reflects a wide range of potential uses, densities and building heights within each of four development areas, indicating specific uses, building locations and configurations. The Development Plan included nine binding elements related to TDRs, MPDUs, trip reduction measures, total number of units, and non-residential square footage. The zoning case left final design considerations, including the building locations and configurations, to be determined during site plan review.

Preliminary Plan 120031100, 12003110A, & 12003110B

The preliminary plan for the development was approved by the Planning Board on June 22, 2004 for 1,600 residential dwelling units, 1,538,000 square feet of non-residential space and 500 elderly housing units, based upon adequacy of public facilities. Additional residential and non-residential densities required an amendment to the Preliminary Plan based upon key transportation improvements. The preliminary plan was amended twice, the final amendment being approved by the Planning Board on October 6, 2008 for an additional 286 dwelling units and 882,000 square feet of non-residential uses within the overall boundaries of the development tract area. The increase in density associated with the amended Preliminary Plan is the same maximum density approved by the Development Plan.

Infrastructure and Roads Only Site Plan 820050150

The Infrastructure and Roads Only Site Plan was approved by the Planning Board on September 19, 2007 establishing a road network for future development; identifying primary site features such as stormwater management; and setting the framework for construction and phasing of the entire development. An amendment was filed on August 17, 2007 in accordance with the original approval that specifically relates to the improvements along West Old Baltimore Road and impacts to adjacent properties. This amendment was approved by the Planning Board on April 3, 2008 concurrently with the amended preliminary plan and mandatory referral for the water tower in the northeast corner of the site.

Mandatory Referral for the Water Tower

Mandatory Referral MR 08001-WSSC-1 for an elevated water storage tank to serve the Cabin Branch neighborhood and surrounding area was reviewed concurrently with the limited site plan amendment and preliminary plan amendment and was approved on April 3, 2008.

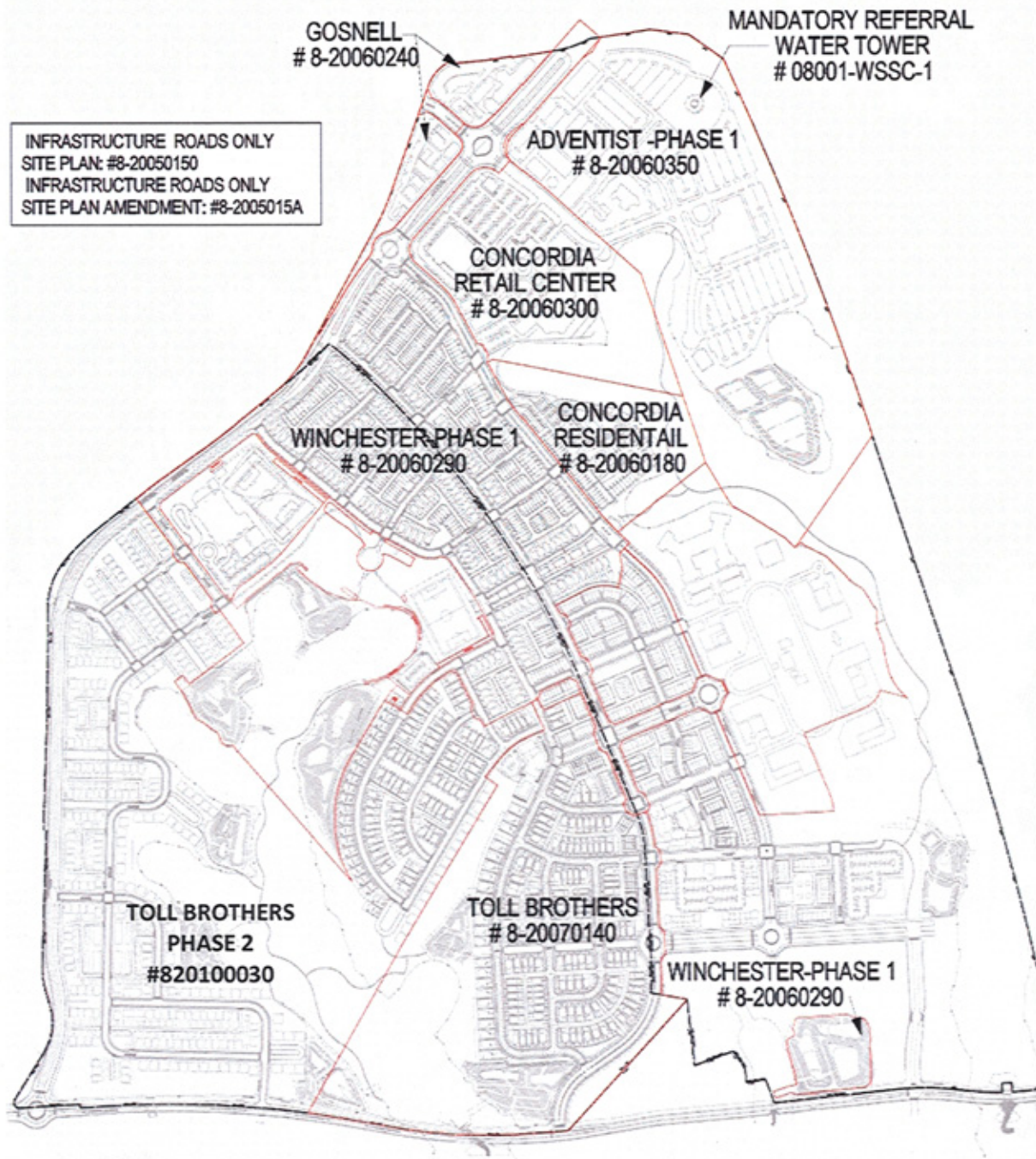
Approved and Pending Cabin Branch Site Plans

The following site plans have been submitted for the Cabin Branch development:

- Site plan 820060180, Concordia Residential, for 116 townhouse and two-over-two units, including 6 MPDUs, and 7,208 square feet of ground floor office.
- Site plan 820060240, Gosnell Commercial, for 108,744 square feet of hotel, 6,800 square feet of Office, 3,480 square feet of retail and 4,800 square feet of commercial space.
Review is concurrent with the subject site plan application.
- Site plan 820060290, Winchester Phase 1, for 429 residential dwelling units, consisting of 151 one-family detached, 182 townhouses, and 96 two-over-two multi-family units, including 64 MPDUs and 128 TDRs; and local park and school sites. Approved October 20, 2008.
- Site plan 820060300, Concordia Retail, for 87,878 square feet of commercial retail and 4,387 square feet of employment.
- Site plan 820060350, Cabin Branch Adventist Phase I Medical Office Building, for 234,000 square feet of medical office space.
- Site plan 820100030, Toll Phase 2, for 317 residential units, consisting of 174 one-family detached units, 65 townhouses, and 78 garden apartment units, including 40 MPDUs.

Additional site plans are expected for other portions of the development, including the elderly housing. Each site plan will need a final water quality approval from the Montgomery County

Department of Permitting Services and will need to account for previous approvals to provide a cumulative reporting for the total development. Each site plan will conform to the Design Guidelines incorporated into the approval of site plan 820060290 for Winchester Phase 1. The site plans in the queue have been reviewed and analyzed in context with the subject site plan. The overall planning of the Cabin Branch development is consistent with the uses and density proposed in the approved and amended development plan, preliminary plan, and infrastructure plan.



TOLL PHASE 1 SITE DESCRIPTION

The project boundaries of the subject site lie outside the formal boundaries of the Clarksburg Special Protection Area (SPA), but a water quality plan is still required because this development is part of the larger development which is in the SPA. The site drains to the Cabin Branch Creek (Use I-P non-SPA stream) which empties into Little Seneca Lake. The natural resources for the subject properties are delineated in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans #420020070, #420020080, #420020100 and #420033400. Staff approved the NRI/FSDs in 2003. The Planning Board approved the infrastructure and roads-only site plan and the final water quality plan for the infrastructure plan on June 14, 2007. Amendments to the final forest conservation plan and detailed final water quality plans are required for each detailed site plan.

The subject project area contains 30.76 acres of forest, 0.67 acres of wetland, 2.10 acres of floodplain, and 8.28 acres of stream buffer. There are steep slopes (> 25%) on the property and highly erodible soils. All steep slopes and erodible soils that may impact and are adjacent to the stream buffer are included within the environmental/stream valley buffer for increased protection of these environmentally sensitive areas.

PROJECT DESCRIPTION

Previous Approvals

This site is subject to the development, preliminary, and infrastructure site plans (as amended) as described above. This limits overall development within the Cabin Branch tract area to:

- 1,886 residential units (20% max multi-family)
- 2,420,000 sf of commercial uses
- 500 senior housing units

The binding elements of the development plan apply to the 285.5-acre MXPDP portion of Cabin Branch. The assumptions regarding overall development, however, cross zoning boundaries and need to be taken into consideration for each site plan within the Cabin Branch tract.

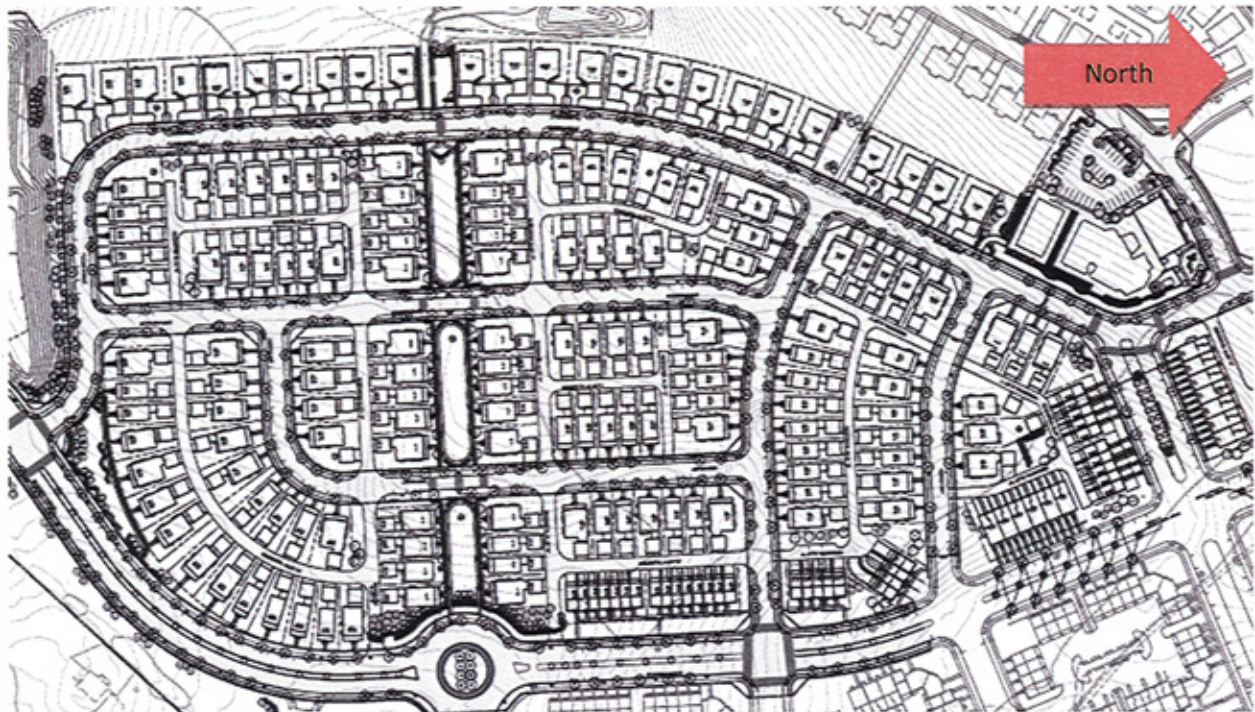
1. Assuming 1,676 residential units, including 210 MPDUs for the entire 535-acre tract, 635 TDRs are required. [The total number of units for the entire Cabin Branch area was not set by the Development Plan – only the density within the MXPDP area.]
2. Prior to issuance of the 100th residential unit building permit, sites for a school, local park, and recreation facility will be dedicated.
3. Trip reduction measures must be approved by the preliminary plan.
4. A gridded network of interconnected public and private streets must be approved by MNCPPC and DOT.
5. Area D of the development plan (“predominantly employment with public uses, retail, and residential”) must have a grid pattern street network with street-lined building facades along Newcut Road.

6. All streets will have “pedestrian-friendly” designs and must conform to a “Cabin Branch community Streetscape Plan” approved by MNCPPC and DOT.
7. Road A-207 [in area D] must be an open-section arterial road that maintains the rural character of the Black Hill Regional Park entrance.
8. Up to 500 units for independent living for senior adults or persons with disabilities may be provided.
9. On street parking will be provided on all streets adjacent to retail facilities.

For the purposes of the subject site plan, only binding elements 1 and 2 have any impact, especially because the number of MPDUs is 236, which was established with the Infrastructure Plan. The site plan must conform to the overall unit count, MPDU, and TDR calculations; and will provide the location of the recreation facility.

Proposal

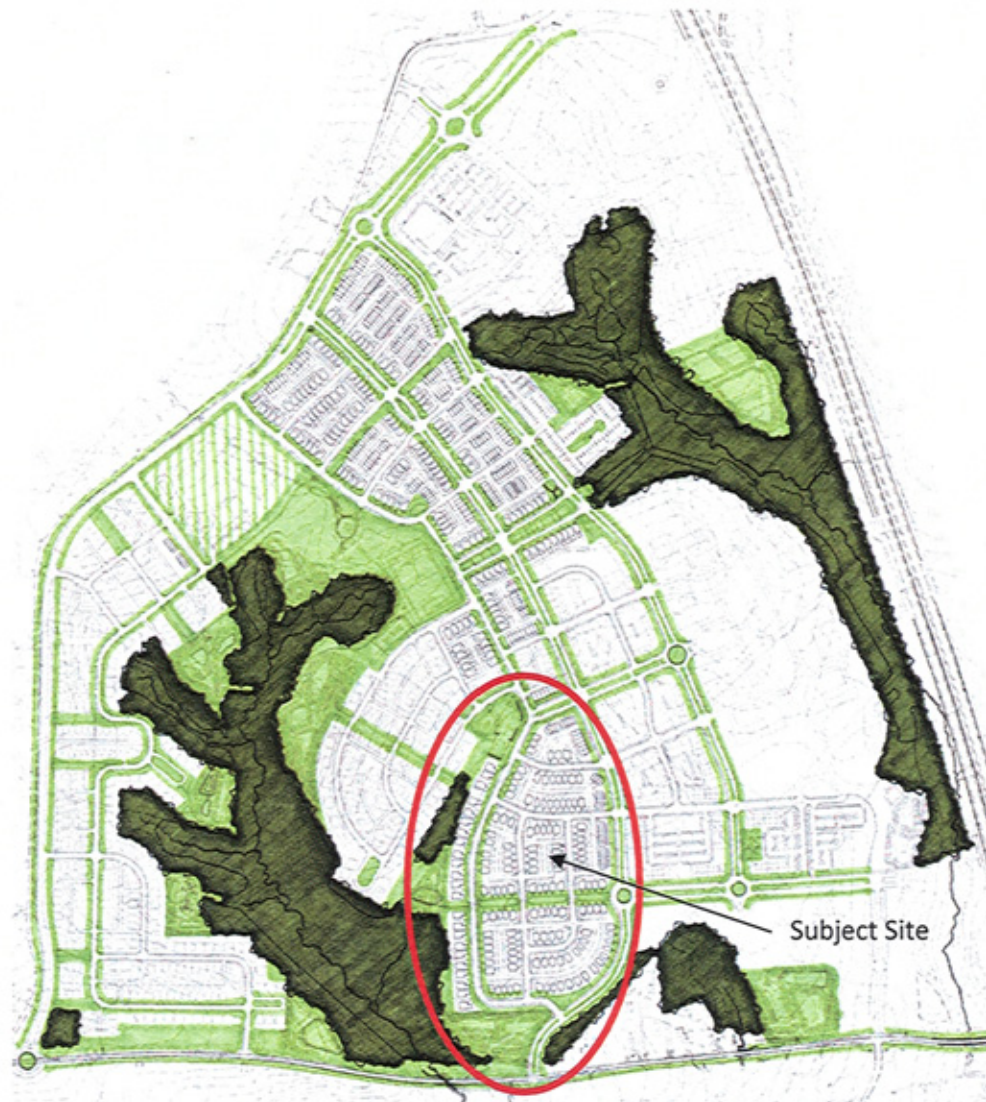
The proposed development would create one section of the larger residential neighborhood in Cabin Branch. Consisting of 128 detached units, 94 townhouses, and 26 two-over-twos, this section provides a transition from the somewhat denser residential area to the north and the east to the open space to the west and south. The northwestern corner of the subject site provides the location for a community recreation facility that acts as a hinge around which the rest of the residential development swings.



Illustrative Plan

One of Cabin Branch’s primary roads, Broadway Avenue, runs along the eastern edge of the subject site. This is the only area of the site zoned MXPDP; everything to the west of this vehicular spine is in the RMX-1/TDR zone. From this arterial road run several east/west public streets – from the north: Skimmer Street, Harrier Way, Dovekie Court, and Fulmer Avenue,

which turns sharply and runs north again roughly parallel to Broadway Avenue. Within the grid formed by these streets are numerous private alleys and two internal north/south public streets, Moorhen Place and Limpkin Lane.



Overall Open Space Concept

A shared-use trail traverses the site across the front of the community center and along Fulmer Avenue to the southern entrance of Broadway Avenue. This trail and sidewalks along all of the streets provide access between West Old Baltimore Road and Black Hill Regional Park to the south and the retail, employment centers, and school to the north and east. The entire western edge of the subject site is bounded by open space that will be partially used for stormwater facilities, while the remainder will be dedicated to the M-NCPPC Department of Parks.

Open spaces bisect the site in a series of connected linear parks that run from a traffic circle on the eastern edge of the site at a three way intersection of primary internal roads to a playground on the western edge of the development. Further parks and open spaces are located near the

southern edge of the development, along the western edge of the site, and at the community center.

As mentioned earlier, all of the streets have sidewalks and most of the houses face public streets with rear-loaded garages served by private alleys. Along the western edge, however, the houses have front-loaded garages because of their proximity to the stream valley. Street trees, light posts, benches, and ample plantings in the interstitial open spaces provide a pleasing suburban impression.

PROJECT ANALYSIS

Master Plan

Master Plan Guidance and Compliance

- The recommendation for a transit-oriented residential neighborhood is met by providing pedestrian access to bus stops through an excellent system of internal walkways that extend beyond the outside limits of the plan. This also furthers the goal concerning “strong interrelationship” among the mix of land uses that are provided to the east and north of the subject site.
- The 175-foot buffers on both sides of streams are generally provided as encouraged in the Master Plan.
- The maximum proposed density provided is within the Cabin Branch Neighborhood recommendation of 2 to 4 units per acre.
- The recommended unit mix distribution for the overall plan is met. The remaining site plans must be consistent as approvals accrue and the unit mix becomes more solidified.

Unit Type	MP %	Proposed %	Proposed #
One-family detached	45 - 55	56	128
Townhouse	35 - 45	44	100
Multi-family	10 - 20	0	0

- A Master Plan objective for the Cabin Branch development is to “Maximize access to the open space system” by:
 - Locating public/civic uses adjacent to the stream valleys, and
 - Locating residential streets adjacent to stream valleys on at least one side outside the buffer, and
 - Fronting houses onto the greenway from across the residential roads
- The plan should be improved in one respect to further address the open space goal: the storm water management areas at the south entry drive must be designed as a visual amenity.
- The proposal adequately responds to the provision to create “a suitable transition to the rural open space character south of West Old Baltimore Road toward Boyds”.

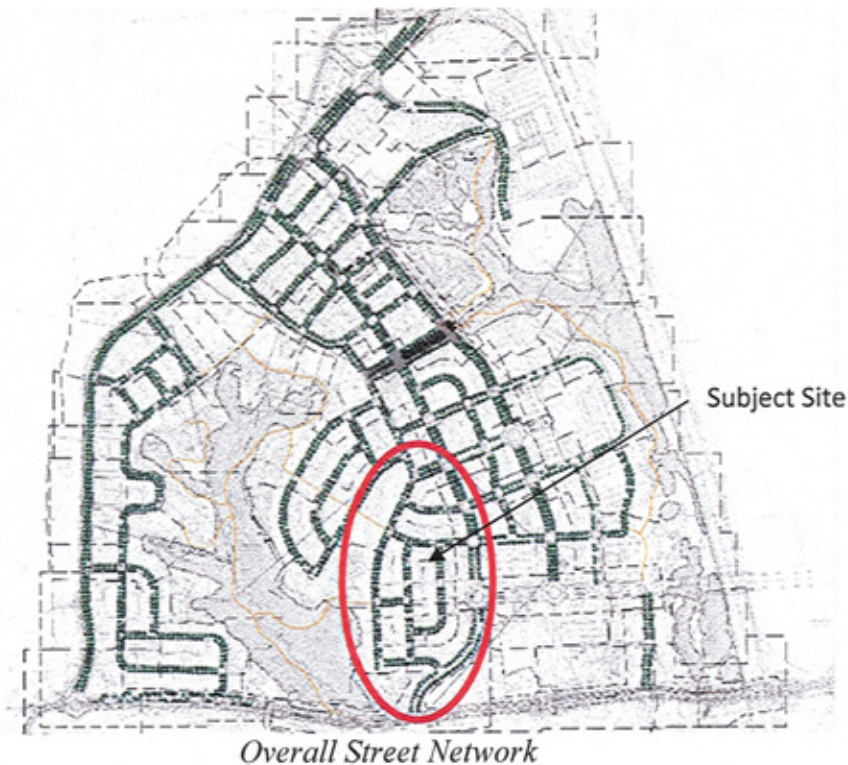
- The Cabin Branch section of the Master Plan concludes with the objective to “place special emphasis on protection of the west fork of Cabin Branch because of its high water quality and tree cover”. Due to the importance of water quality protection in Clarksburg and the pending applicable new stormwater requirements, staff expects that the final water quality plan be detailed with some level of environmental site design facilities and low impact development techniques.

Transportation and Circulation

A policy area transportation review was completed as part of preliminary plan amendment 12003110B. According to this review, several improvements must be constructed according to a staging plan approved with the amendment. In the case of the subject site plan, no access for construction or residents should be allowed from West Old Baltimore Road until two major improvements are completed:

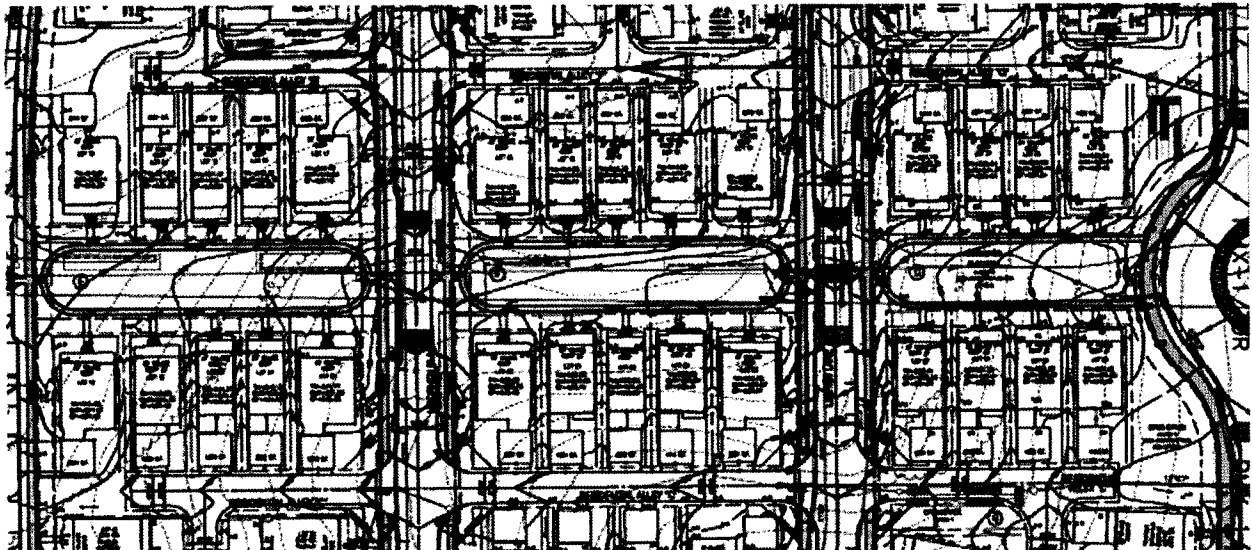
- Improvement of the section of West Old Baltimore Road from the intersection with Broadway Avenue to the intersection with Clarksburg Road to a two-lane arterial roadway and
- Improvement of Clarksburg Road between the intersection with West Old Baltimore Road and to the frontage of the area approved under site plan 820060290, Winchester Phase 1.

Until that time, all construction and resident traffic must enter the site from the north along Broadway Avenue or East from Newcut Road.



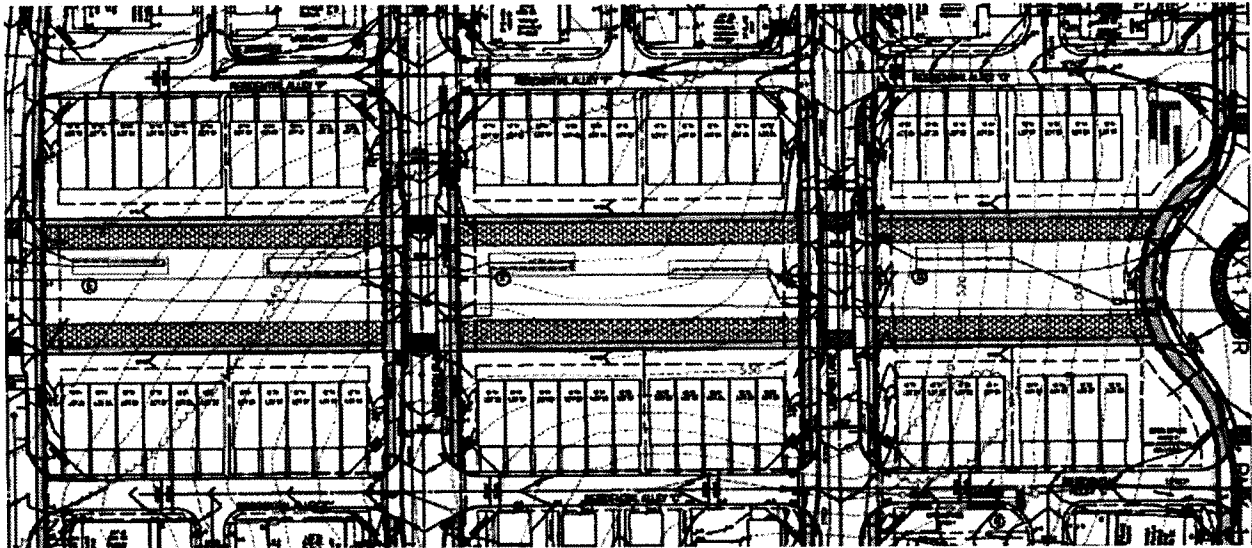
As discussed in the description of the proposal, a gridded network of streets, alleys, and sidewalks provides interconnected access within the site and to adjacent sites via roads and sidewalks. This will allow pedestrians and cyclists to use the site with an ease similar to cars and, hopefully, decrease the desire to use a car for short trips to the local store or park.

The original application for this site plan specified 156 detached units and 60 townhouses/city homes. Because some of the detached units did not front onto a public road, as required by section 50-29 (a)(2) of Chapter 50, the Subdivision Regulations, the layout was modified to replace detached units with townhouse units, resulting in the final unit numbers specified in the project data table below. The original preliminary plan did not include the currently proposed site plan layout, so a specific finding that the alleys have “acquired the status of public roads” has not been made under the Subdivision Regulations. However, subdivision section staff has reviewed the proposed layout and support such a finding in this case. The current layout and location of units generally conforms to the approved preliminary plan and will be adequate to serve the units. The townhouses fronting on green space are accessed by private driveways that will not have the status of a public road, however, fire and rescue access is provided and parking will be available on nearby public roads. In staff’s opinion, a waiver of lot frontage is justified in this case based on the practical difficulties associated with implementing design principles that the approved Development Plan and pending Site Plan want to achieve. Although final action on this waiver needs to be taken as part of a future preliminary plan amendment, staff believes that the Board can proceed with action on the subject site plan based upon these findings. A preliminary plan amendment is forthcoming with the next site plan review for this development, and the formal waiver finding can be made at that time. Last, because the units themselves do not have “man doors”¹ facing the alley, but only garage entrances, the mews between the units will be redesigned to allow emergency vehicle access along a “grass-pave” system in the front of the units.



Detached Unit Layout from Original Application

¹ Also called an entry door or walk door, i.e., a door accessible from the outside to provide access for people – not cars.



Townhouse Layout from Revised Application

Environment

The approved infrastructure site plan, 820050150, included approval of an overall final forest conservation plan and water quality plan for the 540-acre development with an expectation that these approvals would be refined and amended as appropriate as individual site plans are submitted. This is necessary because the infrastructure site plan only showed the main infrastructure requirements such as the primary roads, park locations, and major stormwater management facilities without the details of final grades, unit type and locations, secondary roadways, or public amenities. As the limits of disturbance and lot configurations are finalized through individual site plans for each section, information must be transferred to the forest conservation plan to satisfy the requirements of a final forest conservation plan.

Water quality plans are required as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS conditionally approved the elements of the final water quality plan under their purview on December 24, 2007 and gave final approval for the water quality plan on December 9, 2009. The Planning Board's responsibility is to determine if the forest conservation requirements, environmental guidelines for special protection areas, and site imperviousness requirements have been satisfied.

Forest Conservation

The subject site plan will amend final forest conservation plan #820050150. In this 57.29-acre portion of the forest conservation plan, the Applicant is proposing to remove 22.90 acres of forest, retain 7.86 acres of forest, plant 2.44 acres of forest, and provide 2.47 acres of landscape credit through the planting of street trees.

The forest conservation plan indicates that the Applicant will meet the conservation threshold onsite and that they will meet all planting requirements through a combination of onsite forest retention, onsite planting of all un-forested stream buffers, and landscape credit. The forest conservation plan requirements for the subject site plan are already included in forest conservation plan #820050150. The Applicant is proposing some additional forest removal or

encroachment into the environmentally sensitive areas other than what was previously approved under #820050150. This encroachment totals 0.19 acres (8,125.3 sq. ft.) and is the result of two SWM pond outfalls increasing in both width and length.

Approval of site plan #20070140 will amend forest conservation plan #20050150 by providing greater detail on lot configurations, stormwater management locations, grades, and the limits of disturbance on the subject property. This amendment will supplement the existing information in forest conservation plan #820050150 and provide sufficient detail to allow the applicant to meet the requirements necessary for construction of this portion of the Cabin Branch development.

Environmental Guidelines

The environmental guidelines for SPAs require examination of many issues to achieve site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The NRI/FSDs for the various properties included in this plan identified the environmentally sensitive areas on site, which include wetlands and wetland buffers, floodplains, streams and stream buffers. As recommended in Chapter V of the *Environmental Guidelines: Special Protection Areas*, the stream buffer must be reforested. Where forest does not currently exist in the stream buffers, the Applicant will plant new forests. Further, the Applicant will place forest conservation easements on the environmental buffers and all forest retention areas.

The only encroachments into the environmental buffers associated with this plan are for necessary stormwater management conveyances, natural surface trails, and required water and sewer line infrastructure. Site plan #820070140 does propose an additional 0.19 acres of encroachments into the environmentally sensitive areas when compared to the previously approved Infrastructure Site Plan #820050150.

Environmental Planning expects continued compliance with the infrastructure site plan final water quality condition that requires the Applicant to honor the approved stream buffers, that all permanent stormwater management facilities, except for necessary conveyances, be kept out of the stream buffer and that no temporary sediment control facilities be located in forested stream buffers. The *Environmental Guidelines* permit temporary sediment control facilities, which were approved for use on this site, in un-forested portions of stream buffers. If the Applicant is prohibited from any encroachment into the stream buffers, it will offer the permanent protection required by the *Environmental Guidelines*. At the same time, it may require reconfiguring the lots/roadways outside the stream buffers, and/ or result in a loss in developable area approved by the Planning Board.

Site Imperviousness

There are no impervious limitations within this portion of the Clarksburg SPA, however, the SPA regulations allow M-NCPPC to review imperviousness and to work with the Applicant to reduce imperviousness. The estimated impervious area proposed for the entire Cabin Branch site is less than 45 percent, but is greater for some individual site plans. An estimate of the typical impervious area per lot type will be calculated and reviewed with the certified site plan.

Water Quality Plan

As part of the final water quality plan, several site performance goals were established for the project:

1. Protect the streams and aquatic habitat.
2. Maintain the natural onsite stream channels.
3. Minimize storm flow run off increases.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize increases in ambient water temperatures.
6. Minimize sediment loading.
7. Maintain stream base flows.
8. Protect springs, seeps, and wetlands.
9. Minimize nutrient loadings.
10. Control insecticides, pesticides, and toxic substances.

One of the performance goals is to protect springs, seeps, and wetlands. It is M-NCPPC's responsibility to protect these environmental elements through the delineation of stream and wetland buffers. The buffers were identified on the appropriate approved NRI/FSD and will be protected with conservation easements except for areas of necessary encroachment for SWM outfalls.

Development Standards

The subject site is zoned MXPDP and RMX-1/TDR. All of the development in the subject site plan is located on the RMX-1/TDR-zoned area of the site; the MXPDP area only accounts for 1.06 acres along a Broadway Avenue.

The RMX-1/TDR Zone is established by the zoning ordinance as a "residential-mixed use development, community center"; there is no purpose or intent clause. Generally, the objectives of the RMX-1/TDR zone focuses on the integration of residential and commercial uses within a community oriented center, while utilizing the transferable development rights to increase the density. The proposed development is utilizing the standard method of development within the provisions of the RMX-1/TDR zone to provide for a mix of residential unit types. The commercial areas will follow with subsequent plans addressing the commercial aspects of the overall development.

The land uses are those allowed in the R-200/TDR zone, which permits the proposed detached and townhouse units. The following data table indicates the proposed development's compliance with the Zoning Ordinance. The MPDU and TDR calculations are based on the entire RMX-1/TDR area, not on a specific site plan, and follow in a separate table.

Project Data Table for the RMX-1/TDR-Zoned Area

Development Standard	Permitted/Required	Proposed for Approval
Gross Tract Area (acres)	n/a	55.17
Public Road Dedications (acres)	n/a	10.19
Net Tract Area (acres)	n/a	44.98
Base Density w/use of TDRs (units per acre) Approved by	11 ²	4.33
Base Density (# of units)	606	248
Density w/MPDU Bonus (# of units)	739	248
Detached Units (total)	n/a	128
Two-Over-Twos (total)	n/a	26
Townhouses (total)	n/a	94
Building Height (feet)		
Two-Over-Twos	n/a	65
Detached Unit & Community Center	n/a	55
Townhouse	n/a	45
Building Setbacks (feet)		
Front (detached/town & 2s)	n/a	12/10
Rear	n/a	0
Side Street (detached/town & 2s)	n/a	12/10
Side Interior Lot	n/a	4
Side Alley	n/a	4
Green Area (%)	50 ³	49 (27.99 acres)
Parking Spaces (per unit)	2	2
Parking Spaces (community center)	n/a	39

² This factor was limited by the preliminary plan 12003110A to +/-3.22 for the entire development, which was then amended by preliminary plan 12003110B, which added 286 units but did not recalculate the maximum units per acre. The subject site plan meets the standards of the zone, regardless, and as detailed in the subsequent table, meets the density restrictions for the entire Cabin Branch development area.

³ Must be provided over entire RMX-1/TDR area; see separate table.

Project Data Table Compared to Entire Cabin Branch Area

Development Standard	Entire Cabin Branch Site	Subject Site Plan 820070140
Gross Tract Area (acres)	535.30	57.29
MXPD Zoned Area (acres)	283.5	1.06
RMX-1/TDR Zoned Area (acres)	251.80	56.23
Density (dwelling units)	1886	248
Density (employment square feet)	2,300,000	0
Density (retail square feet)	120,000	0
MPDUs	236	31 ⁴
TDRs	609	93
Green Area (acres)	192.29	27.99

⁴ Individual site plans may have less than 12.5% MPDUs, however, the overall requirement for MPDUs is spread throughout the development and must conform to the approved infrastructure site plan.

Recreation Facilities

Demand		D1	D2	D3	D4	D5
		Tots	Children	Teens	Adults	Seniors
Housing Type	Number of Units	0 to 4	5 to 11	12 to 17	18 to 64	65+
SFD III (<7,000)	128	17.92	24.32	29.44	162.56	16.64
TH	94	15.98	20.68	16.92	121.26	6.58
Garden (4 or less)	26	2.86	3.64	3.12	30.68	4.16
		36.76	48.64	49.48	314.50	27.38

On-Site Supply		D1	D2	D3	D4	D5
		Tots	Children	Teens	Adults	Seniors
Recreation Facility	Quantity Provided	0 to 4	5 to 11	12 to 17	18 to 64	65+
Tot Lot	1	9.00	2.00	0.00	4.00	1.00
Play Lot	1	0.00	9.00	3.00	4.00	1.00
Open Play Area I	4	24.00	36.00	48.00	120.00	8.00
Open Play Area II	2	6.00	8.00	8.00	20.00	2.00
Bike System	1	1.84	4.86	7.42	47.18	2.74
Pedestrian System	1	3.68	9.73	9.90	141.53	12.32
Nature Trails	1	1.84	4.86	7.42	47.18	4.11
Natural Areas	1	0.00	2.43	4.95	31.45	1.37
Swimming Pool	1	2.02	9.97	10.14	78.63	4.11
Wading Pool	1	5.51	2.43	0.00	15.73	1.37
total:		53.89	89.29	98.83	509.68	38.01

Adequacy of Facilities		D1	D2	D3	D4	D5
a.	Gross Total Supply	53.89	89.29	98.83	509.68	38.01
b.	35% of Total Supply	18.86	31.25	34.59	178.38	13.3
c.	Max Off-Site Supply	0	0	0	0	0
d.	Total Supply	53.89	89.29	98.83	509.68	38.01
e.	90% Demand	33.09	43.78	44.54	283.05	24.65
f.	Adequate?	yes	yes	yes	yes	yes
g.	Less Than 50 Units	476.76	total demand		429.09	90% demand
h.	Adequate Total?	yes				
i.	80% Demand	29.41	38.92	39.59	251.6	21.91
j.	Adequate Individual?	yes	yes	yes	yes	yes

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

FINDINGS

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

The project conforms to the binding elements of local map amendment G-806 that concern the entire Cabin Branch Development Area. These binding elements are summarized:

1. Assuming 1,676 residential units, including 210 MPDUs for the entire 535-acre tract, 635 TDRs are required.
2. Prior to issuance of the 100th residential unit building permit, sites for a school, local park, and recreation facility will be dedicated.
3. Trip reduction measures must be approved by the preliminary plan.
4. A gridded network of interconnected public and private streets must be approved by MNCPPC and DOT.
5. Area D of the development plan (“predominantly employment with public uses, retail, and residential”) must have a grid pattern street network with street-lined building facades along Newcut Road.
6. All streets will have “pedestrian-friendly” designs and must conform to a “Cabin Branch community Streetscape Plan” approved by MNCPPC and DOT.
7. Road A-207 [in area D] must be an open-section arterial road that maintains the rural character of the Black Hill Regional Park entrance.
8. Up to 500 units for independent living for senior adults or persons with disabilities may be provided.
9. On street parking will be provided on all streets adjacent to retail facilities.

Specifically, the project is providing a portion of the MPDUs and TDRs required for the overall development. Further, the project will be subject to the binding element that the sites for a school, local park, and recreation facility be dedicated prior to issuance of the 100th residential unit building permit for any site plan approved within the limits of G-806. The project also provides the interconnected, pedestrian-friendly streets required by binding elements 4 and 6.

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

The proposed uses are allowed in the RMX-1/TDR Zone and the site plan fulfills the purposes of the zone by providing a mix of residential unit types within the context of a larger mixed-use community.

As the project data table on page 17 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the

proposed development is under all the maximum standards allowed; the proposed development standards also meet the restrictions of prior approvals. With respect to green space the proposed development provides an adequate portion of green space of nearly 28 acres.

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

The buildings and structures of the proposed development are located along an interconnected grid of public and private streets. Most residences face internal green space or front on streets with rear-loaded garages. Only where constrained by the need to protect stream buffers are front-loaded garages used. This layout will create an aesthetically pleasing suburban environment for residents and visitors. The number and location of MPDUs is less than 12.5 % since the previous Winchester I plan provided 15% of the total number within their plan boundaries. The total required number of MPDUs for the entire neighborhood will be provided throughout the development and evaluated with each detailed site plan. The locations of the residential units are adequate and efficient and do not pose any safety concerns on the site.

The community center is centrally located to provide safe, adequate, and efficient access to neighborhood recreation facilities. Additional facilities, such as a play area, tot lot, and several open spaces, are provided throughout the site and connected by bike trails and sidewalks. Landscaping is provided throughout the site and on each individual lot; some open space is used for stormwater management; and colorful plantings are placed at key, high-visibility intersections. Street trees and lighting are provided along the street to enhance the pedestrian environment. This lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The open spaces, landscaping, and site details adequately and efficiently address the needs of the residents and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. The well-connected system of trails, sidewalks, streets, and alleys meets the recommendations of the Master Plan and Infrastructure Plan, and is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

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

The proposed residential uses are compatible with the other proposed residential, retail, and employment uses within the entire Cabin Branch neighborhood. In fact, the entire site was conceptually designed as an integrated mixed-use neighborhood and approved by one development plan that set overall goals for the area. The subject site plan meets the objectives of this overall concept. The individual residences are in scale with the

nearby buildings and are located such that they will not adversely impact existing or proposed adjacent uses.

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

As conditioned, the proposed development will meet all applicable requirements for water resources protection and forest conservation law. Specifically, the stormwater management system has been designed with several goals in mind:

1. Protect the streams and aquatic habitat.
2. Maintain the natural onsite stream channels.
3. Minimize storm flow run off increases.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize increases in ambient water temperatures.
6. Minimize sediment loading.
7. Maintain stream base flows.
8. Protect springs, seeps, and wetlands.
9. Minimize nutrient loadings.
10. Control insecticides, pesticides, and toxic substances.

This will be accomplished through specific facilities, minimization of impervious areas, and through rigorous protection of environmental buffers.

Regarding forest conservation, the approved final forest conservation plan is being amended to account for small changes in areas of disturbance for grading and stormwater facilities.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820070140, Cabin Branch Toll Phase 1, for 128 detached dwelling units, 96 townhouses, and 26 city homes (two-over-twos) on 57.29 gross acres in the RMX-1/TDR and MXPD zones. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on August 25, 2009 are required except as modified by the following conditions:

Conformance with Previous Approvals

1. Development Plan Conformance
The proposed development must comply with the binding elements of the development plan G-806.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 12003011B as listed in the Planning Board Resolution dated October 6, 2009 unless amended. This includes but is not limited to all references to road phasing, density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

3. Infrastructure and Roads Only Site Plan

The proposed development shall comply with the conditions of approval for the Infrastructure Plan 82005015A as listed in the Planning Board opinion dated June 9, 2008, or as amended.

Environment

4. Forest Conservation & Tree Save

- a. The proposed development must comply with the conditions of the approved forest conservation plan 820050150 as amended to reflect approval of the final forest conservation plan for site plan 820070140.
- b. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.
- c. All prior approvals not modified by the subject forest conservation plan and water quality plan that encumber this site concerning forest conservation and water quality remain in effect.

5. Stormwater Management

The proposed development is subject to Special Protection Area Final Water Quality Plan approval conditions dated December 9, 2009 unless amended and approved by the Montgomery County Department of Permitting Services.

6. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified site plan except as specified in the conditions of approval for the Infrastructure Plan.

Parks, Open Space, & Recreation

7. M-NCPPC Department of Parks

- a. Provide dedication of land to the Department of Parks as delineated on the submitted plans, subject to minor changes per the certified site plan review by staff, prior to the first residential building permit.
- b. Provide final detail and location of natural surface trail(s) prior to approval of certified site plan.

8. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to M-

NCPPC staff prior to issuance of the 100th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

9. Recreation Facilities

- a. The Applicant shall meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the following recreation facilities: community center with swimming pool and wading pool, tot lot, play lot, open play area I, open play area II, and all trails and sidewalks indicated on plan.

10. Maintenance of Community-Wide Amenities

Community-wide amenity features such as HOA playgrounds, trails, sidewalks, and open spaces; retaining walls, parking facilities, and structures within HOA open spaces, streetscape elements and natural features, must be maintained by Cabin Branch Management, LLC until completed and turned over to the HOA, at which time the HOA will be responsible.

Transportation

11. Commuting Services

- a. Develop and maintain a ride-share bulletin board on the Cabin Branch intranet website, available to all residents and employees at Cabin Branch. This website must be operational prior to issuance of the first residential building permit in Cabin Branch.
- b. Facilitate carpool and vanpool matching for all residents and employees of the Cabin Branch site.
- c. Install permanent transit information kiosks/display areas in all office buildings and community centers to display bus route (and eventually Corridor Cities Transitway) schedules and maps. Locations and designs of the kiosks/displays must be identified in coordination with, and approved by, DPWT/DOT Commuter Services and installed prior to issuance of use and occupancy permits for each applicable building.

Density & Housing

12. Transfer of Development Rights (TDRs)

- a. Prior to the recording of each residential plat for the Toll Phase 1 site plan, the Applicant must provide verification that the proportional number of TDRs relevant to that plat has been acquired for the proposed development.
- b. The Toll Phase 1 site plan is required to acquire 93 TDRs.
- c. The total development for Cabin Branch will be required to provide 609 TDRs, assuming approval of the mix and density approved in the Development Plan and Infrastructure Site Plan.

13. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide 31 Moderately Priced Dwelling Units for the Toll Phase 1 site plan, consistent with Chapter 25A.
- b. The total development for Cabin Branch must provide 12.5 percent for the total number of dwelling units.
- c. An agreement for the provision of MPDUs between the Applicant and DHCA must be executed prior to the release of the first building permit.
- d. All of the required MPDUs must be provided on-site.

Site Plan

14. Site Plan Amendments

- a. Minor modifications to landscaping, lighting, recreation and paving materials may be approved by M-NCPPC and documented with M-NCPPC and DPS Site Plan Enforcement. These minor modifications include substitution of materials (planting, lighting, recreation facilities), relocation due to placement of utilities and modifications to grading. Minor modifications can be adjusted in the field only with the approval of M-NCPPC. Minor modifications will be considered “Administrative” or “Director Level” amendments in accordance with the Development Manual procedures.
- b. Major modifications to the site plan must follow the procedures outlined in Development Manual.

15. Design Guidelines

- a. The proposed development must comply with the Design Guidelines dated June, 2008, or as amended and approved by the Planning Board.
- b. An approval form from the Town Architect must accompany each building permit application stating that the proposed building is in conformance with the approved certified site plan and with all of the aspects of the Cabin Branch Design Guidelines.
- c. Each building permit will be reviewed by the Planning Director or “designee” for conformance to the approved Design Guidelines. Unless the Director or designee rejects the permit for non-compliance with the Design Guidelines within ten (10) days of transmittal, it shall be deemed approved. If the building permit application is regarded as not in conformance with the guidelines, then the Director and Town Architect will meet to discuss the discrepancy. If the two parties cannot agree on a suitable approach to provide conformance to the guidelines, then the Planning Board will decide the resolution.
- d. The administration of the Design Guidelines will be the responsibility of the Town Architect and the Cabin Branch Management, with the exception of variations or exceptions to the guidelines, which shall be approved by the M-NCPPC Planning Director or designee. If the town architect and Planning Director do not agree, then the matter will need to go the Planning Board possibly as a minor amendment to the site plan.

16. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down- light fixtures must be at least semi-cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles on any private parking area or alley may not exceed 15 feet including the mounting base.
- f. Lighting in the public right-of-way shall conform to the DPWT and/or DPS standards for spacing, location and fixture type.

17. Landscape Surety

The Applicant shall provide a surety (performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. The surety must be posted prior to issuance of first building permit and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

18. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Community-wide pedestrian pathways and recreation facilities, including the tot lot, community center, play lot, and open spaces, must be completed prior to

issuance of the 160th building permit for this site or the 500th building permit for the entire Cabin Branch development, whichever comes first.

- e. Landscaping associated with each community-wide facility must be completed as construction of each facility is completed.
- f. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- g. Provide each section of the development with necessary roads.
- h. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, reforestation, commuter services, and other features.

19. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.
- e. Provide/modify final details, specifications, calculations, alternate plant list, and clarifications consistent with the findings and conditions of the staff report as necessary.
- f. Provide final details of the community center and related amenities.

APPENDICES

- A. Preliminary Plan Resolution
- B. Infrastructure Site Plan Resolution
- C. Final Water Quality Plan Approval