



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

**Staff Report: Limited Site Plan Amendment 82004027C, Leesborough**

**CONSENT ITEM #:**

**MCPB HEARING**

**DATE:** July 29, 2010

**REPORT DATE:** July 15, 2010

**TO:** Montgomery County Planning Board

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

**FROM:** Sandra Pereira, Senior Planner  
Development Review Division  
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**APPLICATION DESCRIPTION:** Limited Amendment to remove the Rafferty Center and replace it with an open field for recreation and 4 additional townhouses (including one MPDU); adjustments to the landscaping, walkways, parking layout, and recreation calculations; RT-15 zone; 13.86 acres; located on Georgia Avenue, approximately 200 feet South of Arcola Avenue; Kensington-Wheaton.

**APPLICANT:** Batchellors Forest, LLC c/o Centex Homes

**FILING DATE:** June 11, 2010

**RECOMMENDATION:** Approval of the Limited Amendment

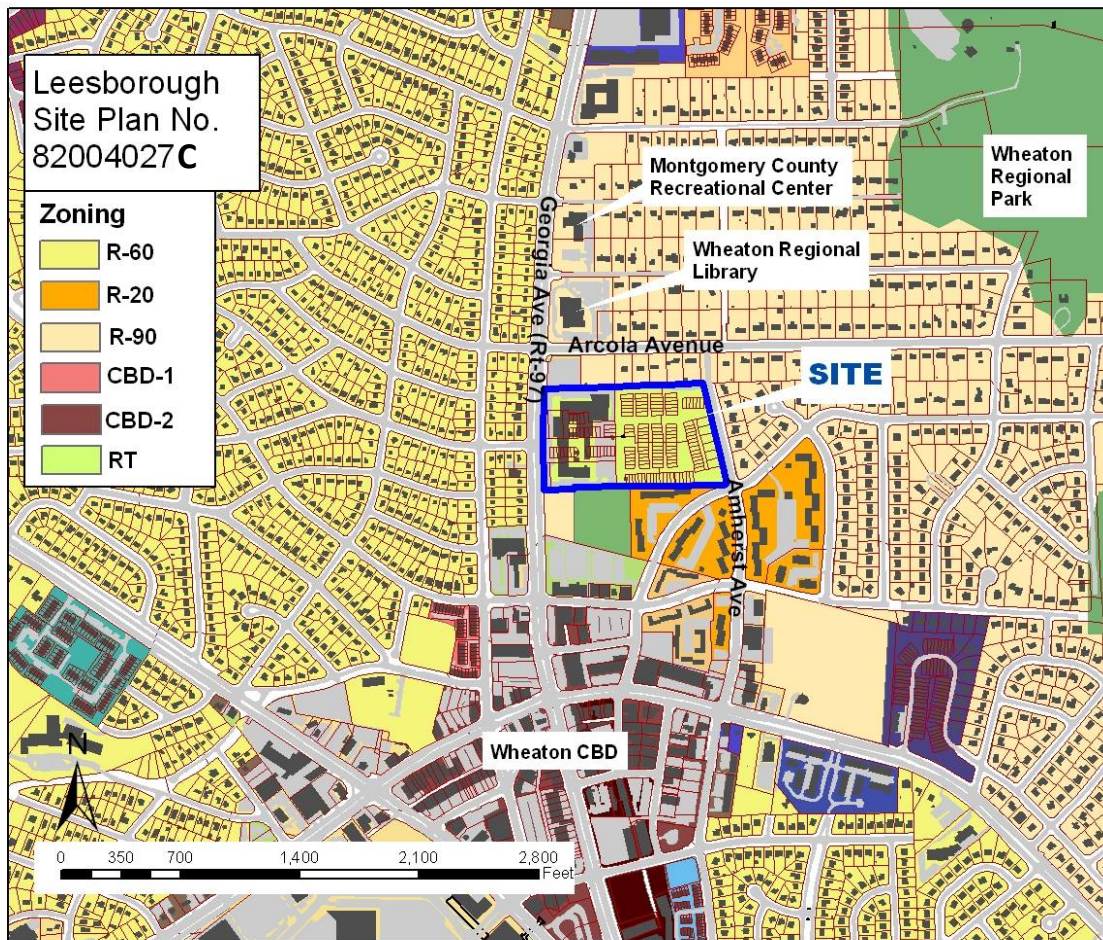
**EXECUTIVE SUMMARY:** Limited Amendment to remove the Rafferty Center and replace it with an open field for general play and 4 additional townhouses including one MPDU. These modifications require adjustments to the landscaping, walkways, parking layout, recreation calculations and conditions of approval. Amenities will be added to commemorate the history of the Rafferty Center.

## SITE DESCRIPTION

### Vicinity

The subject site is located approximately 200 feet south of the intersection of Arcola Avenue and Georgia Avenue, and is bound by Georgia Avenue to the west and Amherst Avenue to the east in Wheaton, Maryland. The property immediately south of the intersection of Georgia Avenue and Arcola Avenue is the new location of the Wheaton Rescue Squad. The property immediately north of this intersection is occupied by the Wheaton Regional Library and its associated parking. Directly north of the Library is the Montgomery County Recreational Center containing the Wheaton Community Center and the Wheaton Youth Center.

The residential properties surrounding the subject site are all part of different blocks in the Blueridge Manor subdivision. The section to the north of the property is Block 5 and contains one-family detached units and is zoned R-90, while the section across Amherst Avenue is Block 1 and contains one-family detached residential properties and is zoned R-90. The residential subdivision across Georgia Avenue is known as Wheaton Hills and is zoned R-60. Southeast of the subject site is the Blueridge Manor apartment complex that is zoned R-20. The vacant WMATA site directly to the south is zoned R-90/TDR.



*Vicinity Map*



### Site Analysis

The subject site was formerly occupied by Good Counsel High School, which has relocated to the Olney area. The school structures and associated facilities have been demolished, with the exception of the Rafferty Center on the north portion of the site. Currently, the site is under construction consistent with the approved Leesborough site plan. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features on site.



*Construction activities onsite*



*Existing tot lot onsite (Rafferty Center in the background)*

## AMENDMENT DESCRIPTION

### Previous Approvals

On June 17, 2003, the County Council approved Local Map Amendment No. G-798 (Resolution No. 15-226), for the reclassification of 14.74 acres from the R-90 Zone to the RT-15 Zone. Binding elements of the Rezoning approval included provisions addressing retention of the Rafferty Center, buffers to adjacent properties, establishment of community open space and numbers and types of units.

On November 4, 2004, the Planning Board approved with conditions **Preliminary Plan No. 120040680** (Resolution dated February 8, 2005) for a maximum of 201 dwelling units.

On November 4, 2004, the Planning Board approved with conditions **Site Plan No. 820040270** (Resolution dated February 8, 2005) for 190 dwelling units, including 6 one-family detached dwelling units, 139 one-family attached units and 45 multi-family units [Appendix A].

On September 18, 2008, the Planning Board approved with conditions **Minor Site Plan Amendment No. 82004027A** (Resolution dated September 24, 2008) to improve the Georgia Avenue frontage and Amherst Avenue access, and to upgrade internal landscape and hardscape features.

On July 9, 2009, the Planning Department Director approved **Administrative Site Plan Amendment No. 82004027B**, for modifications to the location of the HVAC units, landscaping, retaining walls, and hardscape elements.

### Proposal

The Applicant requests the following modifications to the Site Plan:

#### 1. Removal of the Rafferty Center

The Applicant is proposing to remove the Rafferty Center and replace it with an open field and 4 townhouse units. Although binding element No. 2 of the Zoning Text Amendment (G-798) states "... Rafferty Center (multi-purpose recreational facility) must be retained for public use, provided that a public entity assumes responsibility, with adequate parking, visibility and pedestrian access," the County has determined that it will no longer pursue the development of the Rafferty Center. In other words, the Rafferty Center had to be retained for public use only if a public entity assumed responsibility for it, but the County has now determined that due to current economic realities, it makes more sense to develop a full service community recreation center on a site in the southwest quadrant of the intersection of Georgia Avenue and Randolph Road [Appendix B]. Since no public entity will now assume responsibility for the Rafferty Center, it no longer has to be retained. Therefore, by amending the approved site plan "to show an alternate layout and design that addresses the open space and recreation requirements, as well as the

overall design intent,” the Applicant has satisfied Condition 1.b) and 18.e) of the original site plan approval [Appendix A].

## 2. Creation of an open field

The Rafferty Center will be replaced with a park, named after Robert Rafferty. This park will be mostly open and used for general play and it will complement the open play area, tot lot and seating areas immediately to the west. Combined, these areas represent the majority of the open space and recreation opportunities available onsite. New pathways will connect the new field to the approved sidewalk system making it accessible to the residents of the community. Piers with signage will identify the eastern entrance of the park, and a gazebo with landscaping will act as a focal point for those approaching from the east. The landscaping has been adequately adjusted to accommodate the new park. The modifications to the site continue to satisfy binding element No. 2 of G-798 requiring a “minimum two-acre community open space on-site, visible and accessible from a public street.”

## 3. Addition of 4 townhouses

The Amendment proposes to add 4 townhouses fronting onto the new Robert Rafferty Park and rear loaded from Fleeter Drive. The proposed total number of units is 194, which is still below the maximum of 201 dwelling units allowed by binding element No. 1 of G-798 and the approved Preliminary Plan. As a result of increasing the total number of units, the number of MPDUs has been adjusted from 24 to 25. The additional MPDU will be located on Lot 100, which has been approved by DHCA [Appendix B].

## 4. Adjustments to on-street parking

The Amendment proposes to adjust the layout of the on-street parking on the east side of the existing Rafferty Center. Instead of having parallel parking spaces, the amendment proposes perpendicular spaces. This will allow for safer and more efficient in/out movement to access these parking spaces. In addition, spaces will be provided to replace the parking spaces that were displaced by the four additional townhouse units. As a result, the amendment maintains the number of regular parking spaces for this area, and adds one handicap parking space.

## 5. Revisions to recreation calculations

The Amendment is revising the recreation calculations to reflect the elimination of the Rafferty Center, which was used to satisfy part of the recreation requirements. Instead, the Applicant will receive credit for an additional Open Play Area I (‘Robert Rafferty Park’). The previously approved seating area at the intersection of Leesborough Circle and Little Sorrel Way will be replaced by a gazebo with sheltered seating. Overall, this development will provide a tot lot, 2 open play areas, a pedestrian system, and 6 seating areas, combined with offsite credit for proximity to the facilities at the Wheaton Regional Park and Wheaton Community Center, to satisfy the requirements of the M-NCPPC Recreation Guidelines as shown on the tables below.



## *Recreation Calculations*

LEESBOROUGH- RECREATIONAL REQUIREMENTS (194. D.U)					
	RECREATIONAL DEMAND				
	D1	D2	D3	D4	D5
	TOTS	CHILDREN	TEENS	ADULTS	SENIORS
SFD III (LOTS 7,500 S.F.) 6 D.U. * 100 = 0.06	14x0.06 = 0.8	19 X 0.06 = 1.1	23 X 0.06 = 1.4	127 X 0.06 = 7.6	13 X 0.06 = 0.8
TOWNHOUSES 143 D.U. * 100 = 1.43	17 X 1.43 = 24.3	22 X 1.43 = 31.5	18 X 1.43 = 25.7	129 X 1.43 = 184.5	7X1.43 = 10.0
GARDEN UNITS 45 D.U. * 100 = 0.45	11 X 0.45 = 5.0	14 X 0.45 = 6.3	12 X 0.45 = 5.4	118 X 0.45 = 53.1	16 X 0.45 =7.2
REQUIRED DEMAND	30.1	38.9	32.5	245.2	18.0
RECREATIONAL SUPPLY					
RECREATION TYPE	TOTS	CHILDREN	TEENS	ADULTS	SENIORS
TOT LOT (1)	9	2	0	4	1
OPEN PLAY AREA I (10,000 S.F.) - 2	12	18	24	60	4
PEDESTRIAN SYSTEM	0.10 x 30.1 = 3.0	0.20 x 38.9 = 7.8	0.20 x 32.5 = 6.6	0.45 x 245.2 = 110.3	0.45 x 18.0 = 8.1
PICNIC / SITTING (6 EACH)	6 x 1 = 6.0	6 x 1 = 6.0	6 x 1.5= 9.0	6 x 5 = 30.0	6 x 2 = 12.0
ON-SITE SUPPLY PROVIDED	30	33.8	39.6	204.3	25.1
OFF-SITE CREDIT (WHEATON REGIONAL PARK, WHEATON COMMUNITY CENTER)	35% x 30.0 = 10.5	35% x 33.8 = 11.8	35% x 39.6 =13.9	35% x 204.3 = 71.5	N/A
TOTAL PROVIDED	40.5	45.6	53.5	275.8	25.1

### 6. Addition of Terrace Walls

The Amendment is adding short terrace walls on Lots 7, 8, 9, and 139-141 for the respective units to conform to the maximum building height allowed. These walls, between 1 and 2 feet in height, help to define the private realm and do not obstruct the pedestrian circulation system.

## PROJECT ANALYSIS

### Master Plan

The proposed amendment maintains conformance with the master plan recommendations.

### Transportation and Circulation

The proposed amendment does not affect vehicular circulation. The pedestrian circulation has been adjusted to include new pathways in the new 'Robert Rafferty Park'. These pathways will connect to approved paths and sidewalks and will contribute to a well-connected pedestrian circulation system that is safe, adequate, and efficient.

### Environment

The proposed amendment does not affect the Forest Conservation requirements. However, the Applicant is modifying the final forest conservation plan to reflect the site plan as amended, specifically for the removal of the Rafferty Center and the additional lots.

### Development Standards

The subject site is zoned RT-15. The proposed amendment meets the purpose and requirements of the zone. The following data table indicates the proposed development's compliance with the

Zoning Ordinance. Only the standards that are affected by the proposed amendment are listed; a comprehensive modified data table will be included on the certified site plan.

*Project Data Table for the RT-15 Zone with MPDUs*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved w/ 820040270</b>	<b>Proposed for Approval</b>
<b>Density</b> (no. of units)	201	190	194
<b>MPDUs</b>	12.5%	12.5% (24)	12.5% (25)
<b>Unit Types</b> - Townhouses - One-family detached - Multi-family condos	n/a	139 6 45	143 6 45
<b>Community Open Space</b> <sup>a)</sup> (acres)	2.0	2.6	2.5
<b>Green Area (% of lot)</b>	30 (4.12 acres)	46 (6.42 acres)	48.8 (6.70 acres)
<b>Parking Spaces</b>	388 (2 spaces/d.u.)	472	473

<sup>a)</sup> Per Binding Element of G-798

## **COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendment was sent to all parties of record on June 18, 2010, giving 15 days for comments. The Montgomery County Department of Recreation held two community meetings, on June 10, 2010, and July 14, 2010, to inform the public about the history of the Rafferty Center, the decision making process not to pursue its development, and future recreation plans for the area. A resident from the Leesborough community contacted Staff and attended the July 14<sup>th</sup> meeting in opposition to the removal of the Rafferty Center because it was going to provide needed recreation opportunities for the residents and the Wheaton community. The resident also expressed concerns that once the Rafferty Center is removed, the recreation facilities provided for this development are not adequate to meet the recreation needs of the residents, especially children. County Staff informed the resident that the County was no longer pursuing the development of the Rafferty Center due to current economic realities, but would instead develop a full service community recreation center on a site in the southwest quadrant of the intersection of Georgia Avenue and Randolph Road. Site Plan staff informed the resident that the application meets the minimum recreation requirements as established by the 1992 *M-NCPPC Recreation Guidelines*. However, in response to the resident's concerns, the Applicant has agreed to provide additional play equipment that supports activities for children ages 5-9 to enhance the existing tot lot.

## RECOMMENDATION AND CONDITIONS

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval and the site remains compatible with existing and proposed development adjacent to the site. This Limited Site Plan Amendment will remove the Rafferty Center and replace it with an open field for recreation and 4 additional townhouses (including one MPDU), which required adjustments to the landscaping, walkways, parking layout and recreation calculations. These modifications do not impact the efficiency, adequacy, or safety of the site with respect to building locations, vehicular and pedestrian circulation, open space, landscaping, or lighting.

Staff recommends approval of the Limited Site Plan Amendment 82004027C, Leesborough, for the modifications delineated above. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on June 11, 2010 are required except as modified by the conditions below. These conditions replace or modify certain previously approved conditions as indicated below.

1. Development Plan Conformance

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

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 120040680 as listed in the Planning Board Resolution dated February 8, 2005, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

3. Site Plan Conformance

The proposed amendment must comply with the conditions of approval for site plan 82004027B as listed in the Approval Memorandum dated July 9, 2009, as amended. Unless amended by this application, all previous approvals remain in full force and effect.

4. Forest Conservation & Tree Save

The Applicant must submit a forest conservation plan to reflect the site plan as amended, specifically for the removal of the Rafferty Center and the additional lots, by certified site plan [Appendix B].

5. Development Program

The Applicant must construct the proposed development in accordance with the Development Program approved with the original site plan #820040270, except for condition 16.b) which shall be replaced with the following condition:

- a. Community-wide pedestrian pathways, including the 8-foot-wide Class I bikeway, and recreation facilities, including tot lot, open play area and amenity plazas, approved as part of Site Plan No. 820040270, shall be completed prior to issuance of the 133<sup>rd</sup> building



permit. The open play area and gazebo, proposed as part of this Amendment, shall be completed prior to issuance of the 165<sup>th</sup> building permit.

6. Recreation Facilities (replaces condition 8 on the original site plan approval #820040270)  
The Applicant must provide a tot lot, 2 open play areas, pedestrian system, and 6 seating areas to satisfy the requirements of the M-NCPPC Recreation Guidelines.
7. Moderately Priced Dwelling Units (MPDUs) (replaces condition #10 on the original site plan approval #820040270)  
The proposed development must provide (25) twenty-five (or 12.5 percent of the total number of units) MPDUs on-site in accordance with Chapter 25A of the Montgomery County Code, and the Department of Housing and Community Affairs letter dated June 25, 2010 [Appendix B].
8. 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 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. Update and submit all sheets in the set for certified site plan.
  - e. Ensure consistency of all details and layout between site plan and landscape plan.
  - f. Provide details of the gazebo and piers proposed.
  - g. Provide more variety of plant material around gazebo; include deciduous shrubs and ornamental grasses.
  - h. Provide a second row of shade trees between the proposed sidewalk and the curb of the new perpendicular parking spaces.
  - i. Provide additional play equipment in proximity to the existing tot lot that supports activities for children ages 5-9.

## **APPENDICES**

- A. Prior Resolution(s)
- B. Agency Letters

# Appendix A

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

Date Mailed: FEB 08 2005

Action: Approved Staff  
Recommendation with modifications  
Motion of Commissioner Bryant,  
seconded by Commissioner Wellington,  
with a vote of 4-0;  
Commissioners Bryant, Perdue,  
Robinson, and Wellington voting in  
favor. Chairman Berlage necessarily  
absent.

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Site Plan No.: 8-04027  
Project: Leesborough

The date of this written opinion is FEB 08 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal in Circuit Court within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions (Rule 7-203, Maryland Rules of Court - State). This site plan shall remain valid as provided in Section 59-D-3.8.

**INTRODUCTION**

On November 4, 2004, Site Plan Review #8-04027 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

**THE SUBJECT PROPERTY**

The 13.86-acre site is situated south of Arcola Avenue between Georgia Avenue and Amherst Avenue and is the present location of Good Counsel High School. The front of the site on Georgia Avenue contains the High School and parking which wraps completely around the entire building. There are three entrances into the school site from Georgia Avenue and an additional entrance from Amherst Avenue behind the one-family detached units that back up to the site. In the center of the site, east of the main building,



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

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

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

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

## **BACKGROUND**

### **Schematic Development Plan**

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

## **PROPOSED DEVELOPMENT**

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

### **Vehicular and Pedestrian Circulation**

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

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

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

### Building Design and Layout

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

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

### Landscape and Lighting

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

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



Evergreen screening will be on the southern boundary for the adjacent apartment buildings and drive aisles that provide access for the condos. An afforestation area will be provided at the northern boundary to provide screening and buffering to the adjacent one-family detached homes. The plant material in this area has been increased in size to lessen the impact of the new development to the existing homes. This area will also be placed in a Category I Forest Conservation easement for protection.

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

### Recreation

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

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

### Forest Conservation

The applicant has a planting requirement of 2.08 acres, which will be met through a combination of on-site landscaping to satisfy their forest conservation requirements. The proposed afforestation area will be placed in a Category I forest conservation easement. Trees for this area have been increased from the standard size of  $\frac{3}{4}$ -1" caliper to 2" caliper for the purpose of a denser screen to the adjacent residential properties. A split-rail fence is also required at the edge of the easement area to prevent damage to installed plant material and clearly identify the area as a protected easement.

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

### **SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD**

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

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

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

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

### **FINDINGS**

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development.

The site plan is consistent with the approved Schematic Development Plan and binding elements as part of the Re-Zoning Classification for the RT-15 Zone (G-798) approved by Resolution No. 15-226 on June 17, 2003.

2. The Site Plan meets all of the requirements of the zone in which it is located.

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

**PROJECT DATA TABLE**

Zoning:	RT-15
Proposed Use:	139 one-family attached, 6 one-family detached and 45 multi-family condominium dwelling units
Development Method:	RT-15 with MPDUs
Total Site Area:	13.86 acres

<u>Development Standard</u>	<u>Permitted or Required</u>	<u>Proposed</u>
Permitted Density:	201*	190 (139 one-family attached, 6 one-family detached & 45 multi-family condos)
Minimum Tract Area:	1.0 ac.	13.86 ac.
Coverage Limitations: (%)		
Min. Green Space	30%	46%
Community Open Space:	2.0 ac.*	2.6 ac.
Max. Building Height (ft.):	35	35
Minimum Building Setbacks (ft.):		
From any public street	20	
Georgia Avenue		55 *
Amherst Avenue		50 *
From any adjoining lot:		
Side/end unit	8	8
Rear	20	20
Parking:		
Residential	380spaces	472 spaces
(2 spaces per unit @190 units)		

\*Binding Element of G-798



MPDU CALCULATIONS

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

RECREATION CALCULATIONS

	<u>Tots</u>	<u>children</u>	<u>teens</u>	<u>adults</u>	<u>seniors</u>
<b>Demand Points (Required per 100 d.u's)</b>					
SFD III (6)	0.80	1.10	1.40	7.60	0.80
Townhouses (139)	23.6	30.60	25.0	179.0	9.70
Garden Units (45)	<u>5.00</u>	<u>6.30</u>	<u>5.40</u>	<u>53.10</u>	<u>7.20</u>
<b>Total Demands Pts.</b>	<b>29.40</b>	<b>38.00</b>	<b>31.80</b>	<b>239.70</b>	<b>17.70</b>

**Supply Points**

On-Site Facilities:

Pedestrian system	2.9	7.60	6.30	107.40	8.00
Open Play Area I	6.00	9.00	12.00	30.00	2.00
Tot Lot	9.00	2.00	0.00	4.00	1.00

**Indoor Community**

<b>Space (Rafferty Bldg)</b>			<b>2.90</b>	<b>5.70</b>	<b>9.50</b>	<b>71.60</b>	<b>7.10</b>
Picnic/Sitting Areas (6)	<u>6.00</u>	<u>6.00</u>	<u>9.0</u>	<u>30.00</u>	<u>12.00</u>		
<i>Total On-Site Supply</i>	<i>26.80</i>	<i>30.30</i>	<i>36.80</i>	<i>243.00</i>	<i>30.10</i>		
<b>Total Off-Site Credit</b>	9.40*	10.60*	N/A	N/A	N/A		
<b>Total Supply Points</b>	<b>36.20</b>	<b>40.90</b>	<b>36.80</b>	<b>243.00</b>	<b>30.10</b>		
Percent of Requirements	123%	108%	116%	102%	170%		

\*Off-site credit is being taken (max. 35%) for Wheaton Regional Park, Wheaton Community Center.

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

- a. Location of Buildings and Structures

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

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

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

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

- b. Open Spaces

Open space for this project is adequate, safe, and efficient and provides the necessary buffers to adjacent properties and uses while meeting the requirements of the zone.

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

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

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

c. Landscaping and Lighting

The landscaping and lighting proposed is adequate and efficient.

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

The eight-foot-wide bike path along Georgia Avenue includes a staggered double row of Zelkovas for the entire property frontage, while Amherst



Avenue contains the standard street trees at 50 feet on center. The formal open play area in front of the Rafferty Center is lined with shade trees to define the oval walkway and create an entry to the building.

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

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

d. Recreation

The proposed recreational facilities are adequate, safe and efficient.

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

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

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

e. Vehicular and Pedestrian Circulation

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

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

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

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

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

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

The locations of the buildings are compatible with existing uses and adjacent development.

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

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

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

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

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

#### **PLANNING BOARD ACTION AND CONDITIONS**

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

1. Rafferty Center
  - a. During the reservation period, the applicant shall continue good-faith negotiations with Montgomery County for the purpose of securing property around the Rafferty Center for additional open space, parking and access as described in the letter dated October 15, 2004, from Montgomery County Mid-County Services to the Honorable Derick P. Berlage. Six months before the expiration of the reservation period required as part of the approval of Preliminary Plan No. 1-04068, the applicant shall provide the Planning Board with a report regarding the status of these good-faith negotiations with Montgomery County.

- b. If an agreement between the applicant and Montgomery County cannot be reached, and the Rafferty Center cannot be retained, the applicant shall amend the approved site plan to show an alternate layout and design that addresses the open space and recreation requirements, as well as the overall design intent. The revised site plan must be approved by the Planning Board prior to the issuance of the 133<sup>rd</sup> building permit.

2. Development Plan Conformance

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

3. WMATA Access

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

4. Site Design

- a. Provide architectural drawings showing brick/masonry facades or similar type product material (not vinyl siding) for the fronts and sides of all of the buildings visible from the public street and internal driveway.
- b. All retaining walls shall be constructed of masonry to complement the building facades. Provide a detail of the retaining walls on the site plan.
- c. Provide a utility plan and layout for the alleys and drives. Meters, A/C units and other utilities shall be combined where possible so as not to compete with planting in the islands.
- d. Provide the location of the mailbox clusters on the site plan. The locations of the clusters shall not impede the visibility of the prominent amenity features on the site plan such as the amenity plazas or central gathering areas. A letter from the U.S. Post Office shall be provided at signature set accepting the proposed locations.



- e. Enlarge the seating and plaza area at the west end of Street 'D' and north of building #5 to become a more visible plaza area for residents of the community and visitors of the Rafferty Center.
- f. Relocate end units 38, 61 and 88 to buildings 25, 20 and 18, respectively, to create a better view shed from the amenity plaza to Street 'C'.

5. Landscaping

- a. Provide shade trees on the south side of Street 'C' in front of buildings 12, 19 and 26.
- b. Provide additional planting around the seating area at the intersection of Street 'B' and 'D'.
- c. Provide additional foundation planting for the buildings facing Georgia Avenue.
- d. Provide 4' x 10' tree pits with amended soil panels on Dawson Avenue. Shade trees in the tree pits shall be spaced approximately 30 feet on center.
- e. Remove the privacy wood fence that provides screening of the pad spaces to the units. The screening for the pad spaces to the units shall be constructed of materials to complement the building facades. Provide a detail of the screening at signature set.
- f. All meters and utilities located within the islands between all units shall be screened with evergreen shrubs or masonry walls to match the building facades.
- g. Relocate the central feature in the mews (units 61 and 88) to line up with the amenity plaza and relocated units.
- h. Provide a typical foundation-planting plan for the fronts of the units.
- i. Provide additional features that complement the architecture or hardscape elements in the mews and in the fronts of the units that reflect the amenity plaza and urban design elements such as ornamental fencing and paving patterns to complement the facades.

6. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors/refractors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- e. The height of the light poles shall not exceed 19 feet including the mounting base and fixture.
- f. Relocate the fixture adjacent to unit 114 outside of the sidewalk.
- g. Relocate the fixture adjacent to unit 26 and the stormwater management facility outside of the sidewalk.

7. Pedestrian Circulation

- a. Provide a sidewalk connection to the Rafferty Center from Street 'D' north of unit 141, if the Rafferty Center is retained.
- b. Provide a five-foot clear area from the tree pits to the back of the sidewalk on Dawson Avenue. Sidewalk on Dawson Avenue and amenity plaza areas to be stamped concrete.
- c. Provide an eight-foot-wide concrete Class I bikeway parallel to the east side of Georgia Avenue.

8. Recreation Facilities

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

9. Maintenance Responsibility

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

10. Moderately Priced Dwelling Units (MPDUs)

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

11. Transportation

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

12. Forest Conservation

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

- a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permits.
- b. Record plat of subdivision shall reflect a Category 1 and II conservation easement over all areas of afforestation and forest conservation.
- c. The applicant shall plant the afforestation area in the first planting season after the issuance of the building permit for properties adjoining the forest conservation area.
- d. Applicant shall construct a split rail fence in the Category I easement to delineate the planting area and also to protect the trees within the forest conservation easement.

13. Noise Attenuation

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

- a. Certification from an engineering firm that specializes in acoustical analysis, that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour, is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification from the engineer that specializes in acoustical analysis shall be reviewed and approved by M-NCPPC Environmental Planning staff

prior to issuance of building permits. Any changes that may affect acoustical performance, after the issuance of a building permit, shall be approved by the acoustical engineer in advance of installation and M-NCPPC Environmental Planning staff prior to their implementation.

- b. Applicant shall conduct an outdoor-to-indoor noise analysis of constructed units to ensure the 45 dBA Ldn interior noise level is achieved within the unmitigated 65 dBA Ldn contour after construction and shall present verification of noise levels to M-NCPPC Environmental Planning staff prior to occupancy of the residential units.
- c. For all residential dwelling units to be constructed within the 65 dBA Ldn unmitigated noise contour, the applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by existing and future highway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and with all Deeds of Conveyance. Notification shall be provided to M-NCPPC staff prior to issuance of any building permit.
- d. Provide the 70 dBA and 65 dBA lines on the site plans.

14. Stormwater Management

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

15. Common Open Space Covenant

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

16. Development Program

Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:



- a. Streets tree planting shall progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. Community-wide pedestrian pathways, including the 8-foot-wide Class I bikeway, and recreation facilities (except the indoor community space), including the tot lot, open play area and amenity plazas, shall be completed prior to issuance of the 133rd building permit.
- c. Landscaping associated with each street and building shall be completed as construction of each facility is completed.
- d. Afforestation Area shall be planted to start the two-year warranty and maintenance period upon completion of units 49, 50, 99 and 100 and Street 'C'. Forest Conservation signs shall be placed at the end of each street and alley to inform residents of the area to be planted.
- e. Pedestrian pathways including sidewalks in the front of the units and connections to the public and private roads shall be completed as construction of each building and street is completed.
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- g. Coordination of each section of the development and roads.
- h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

17. Clearing and Grading

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

18. Signature Set

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

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.

- c. Methods and locations of tree protection.
- d. Forest Conservation easement areas.
- e. MPDU and recreation facility calculations. Applicant shall provide a note on the site plan indicating the supply taken for the Rafferty Center and that a revised plan must be submitted to the Planning Board for review and approval prior to release of the 133<sup>rd</sup> building permit if the Rafferty Center is not retained.
- f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- g. All other items specified in the site design, landscape, lighting, recreation, pedestrian circulation, maintenance responsibility and forest conservation conditions of approval above.
- h. Details of the masonry walls and fences, ornamental features and paving elements associated with the front yards.

19. Homeowners Association Documents

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

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY  
Dyo 1/28/05  
MUNICIPAL CLERK

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

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



Certification As To Vote of Adoption  
Technical Writer

## Appendix B





**DEPARTMENT OF GENERAL SERVICES**

Isiah Leggett  
*County Executive*

David E. Dise  
*Director*

June 21, 2010

Ms. Rose G. Krasnow, Division Chief  
Development Review  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Ms. Krasnow:

Montgomery County has recently reviewed the retention and development of the Rafferty Center for a County recreation facility. After extensive and detailed analysis of the project it was determined that the cost of developing the Rafferty Center, combined with the challenges of operating it in conjunction with the Wheaton Recreation Center a block away made this a less than optimal solution. County Executive Isiah Leggett has therefore determined that the County will no longer pursue the development of the Rafferty Center. Instead, the County will develop a full service community recreation center on a site in the southwest quadrant of the intersection of Georgia Avenue and Randolph Road. This will result in providing the greater Wheaton community with the best solution to its long term recreational interests.

The County will not enter into an agreement with the applicant of the Leesborough development for the use of the Rafferty Center. Montgomery County will not further consider use of the Rafferty Center and has no objection to its removal and/or the approval of an alternate use of the property.

Sincerely,

David Dise, Director

cc: Gabriel Albornoz  
Natalie Cantor

Office of the Director

101 Monroe Street, 9th Floor • Rockville, Maryland 20850

[www.montgomerycountymd.gov/dgs](http://www.montgomerycountymd.gov/dgs)



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

June 25, 2010

Sandra Pereira, Development Review Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: Site Plan Amendment No. 82004027C, Leesborough

Dear Ms. Pereira:

I understand that the above site plan amendment has been submitted to the Planning Department. The applicant, Centex Homes, is proposing to demolish the existing gymnasium on the property and replace it with four (4) additional townhouses and community open space.

The four (4) additional townhouses generate a requirement for one (1) additional MPDU in the development. In lieu of providing the MPDU within the four (4) new townhouses, the applicant is proposing to locate the additional MPDU on Lot 100, within the same development.

The Department of Housing and Community Affairs (DHCA) recommends Approval of the applicant's proposal, for the following reasons:

1. The MPDU on Lot 100 will be the same 18 foot wide front load garage model as the other townhouse MPDUs in the development, whereas the four (4) new townhouses will be 20 foot wide, rear load garage models. The 18 foot wide MPDU townhouse floor plan has already been reviewed and approved by DHCA.
2. If the MPDU is located on Lot 100, it will be built sooner than if the MPDU is located in the additional townhouses.

Please let me know if you need anything further.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Keith Tunell, Centex Homes  
Joseph T. Giloley, Chief, Division of Housing and Code Enforcement, DHCA  
Christopher J. Anderson, Manager, Single Family Housing Programs, DHCA  
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**Division of Housing and Code Enforcement**

Code Enforcement  
FAX 240-777-3701

Moderately Priced  
Dwelling Unit  
FAX 240-777-3709

Housing Development  
and Loan Programs  
FAX 240-777-3691

Landlord-Tenant Affairs  
FAX 240-777-3691