



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

**Staff Report: Gallery Park (previously approved as "Eastside")
Preliminary Plan Amendment 120050101A
Site Plan Amendment 82005038A**

ITEM #:

MCPB HEARING

DATE: September 23, 2010

REPORT DATE: September 13, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RM*
Cathy Conlon, Supervisor *CC*
Robert Kronenberg, Supervisor *RAK*
Development Review Division

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APPLICATION

DESCRIPTION: Revision of lot and building layouts, reduction of units, and modifications to the conditions of approval for 256 units on approximately 23.82 acres in the PD-11 Zone; located at 13000 Shawnee Lane, approximately 80 feet east of Gateway Center Drive in the Clarksburg Master Plan area.

APPLICANT: Miller and Smith at Eastside, LLC

FILING DATE: April 21, 2010

RECOMMENDATION: Approval of revised final water quality plan, preliminary plan amendment, and site plan amendment with conditions

EXECUTIVE

SUMMARY: The preliminary plan and site plan amendments were reviewed concurrently for conformance with the PD-11 zone and the recommendations of the Clarksburg Master Plan. The final water quality plan has been modified to accommodate changes to the site. The proposed development would create up to 70 lots for 70 fee-simple townhouse units and 29 parcels that would contain 186 condo-regime townhouse units, and several parcels for private roads and open space owned by the homeowners association. The total number of units is 9 less than previously approved and 34 less than the maximum density allowed by the zone. Significant open space, landscaping, and pedestrian paths will be incorporated into the design. Vehicular access will be provided at two points along Shawnee Lane where substantial road improvements will be made.

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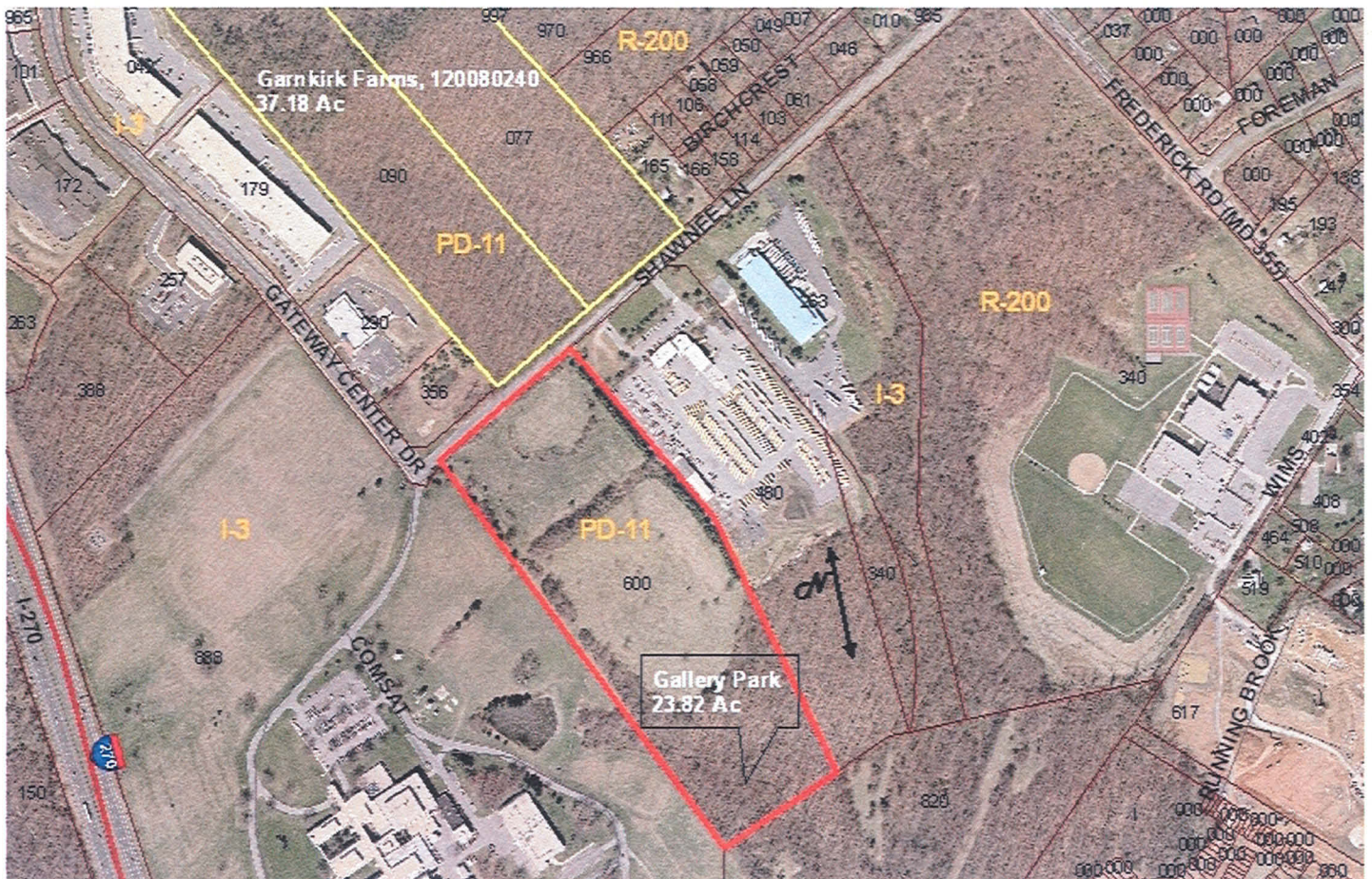
SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Site Vicinity

The property is located within the Transit Corridor District Study Area of the Clarksburg Master Plan. It fronts on Shawnee Lane, which becomes Comsat Drive at the intersection of Shawnee Lane and Gateway Center Drive, approximately 80 feet south of the property. Further to the west is Interstate 270; Frederick Road (MD 355) is located approximately 2000 feet to the east of the property.

To the west and northwest, the site is adjacent to the LCOR property and Gateway 270 Corporate Office Park in the I-3 zone. Directly north of the site is a PD-11 zoned property approved, but not yet built, for 408 detached, two-over-two, townhouse, and multi-unit dwellings. A public school bus depot in the I-3 zone abuts the property to the east. To the south is a tributary of Little Seneca Creek on R-200 zoned land.



Vicinity Map

Site Analysis

The site is in a Special Protection Area and, therefore, requires review and approval of a final water quality plan. The current amendment has modified the original water quality plan approved by the Board in order to accommodate changes to the site layout. These changes have been reviewed and recommended for approval by the appropriate agencies. Until recently, much of this land was open field and woodland. Although much of the woodland is being preserved in a conservation easement, grading has begun for the roads under the prior approval (not shown on the older aerial view below).



Site Aerial View

PROJECT DESCRIPTION

Previous Approvals

Zoning Case G-824

District Council Resolution 15-881 approved application G-824 on February 1, 2005. This approval granted the rezoning of the 23.8211-acre subject property from the R-200 zone to the PD-11 zone for up to 290 townhome units subject to certain binding elements:

1. MPDUs
All required MPDUs will be provided on the Property.
2. Road Improvements
The Applicant or its successors or assigns (the "Applicant") will improve or fund the transportation capacity improvement of Shawnee Lane, a County Road, to an arterial standard from Gateway Center Drive to Frederick Road (MD 355). Any additional right-of-way or associated easements necessary for the improvement will be acquired or funded by the Applicant.

3. Connections to Shawnee Lane and Adjoining Properties
Consistent with the Clarksburg Master Plan objectives for strong pedestrian and vehicular linkages and accessibility to transit stops and throughout the neighborhood, sidewalk and road connections will be provided to: (1) improved Shawnee Lane to the north, (2) LCOR's Comsat property to the west, and (3) the Board of Education's property to the east.
4. Recreational Facilities
All required recreational facilities will be provided on the Property.
5. Forest Conservation
All required forest conservation measures will be provided on the Property.
6. Stream Valley Preservation
With the exception of possible sewer outfalls, the existing wooded stream valley on the Property will be preserved in its entirety.
7. Stormwater Management
With the exception of possible upgrading of the existing stormwater management facility on the Post Office property, all stormwater management facilities will be provided on the Property.
8. Gateway Center Drive and Stringtown Road Extended
At or prior to preliminary plan of subdivision, Applicant shall meet with DPWT [DOT] and the Technical Staff of M-NCPPC to determine what if any modifications to the intersection at Gateway Center Drive and Stringtown Road are required to meet LATR standards, and Applicant will undertake such changes in accordance with the schedule specified by DPWT [DOT] and the Technical Staff of M-NCPPC.

Preliminary Plan 120051010

The Montgomery County Planning Board issued its Opinion for Preliminary Plan 120051010 on November 27, 2006. This opinion granted approval of 81 lots and 2 parcels for 285 residential dwelling units, including 39 MPDU's, subject to conditions. Several of these conditions of approval are subject to modification by this amendment.

Site Plan 820050380

The Montgomery County Planning Board issued its Resolution on Site Plan 820050380 and the Final Water Quality Plan on June 20, 2007. This resolution granted approval of 265 dwelling units, including 34 MPDUs on 23.82 acres, subject to conditions.

Proposal

The proposed amendment requests several changes to the preliminary and site plan approvals. The changes do not alter compliance with the binding elements of the rezoning case. These modifications are summarized below:

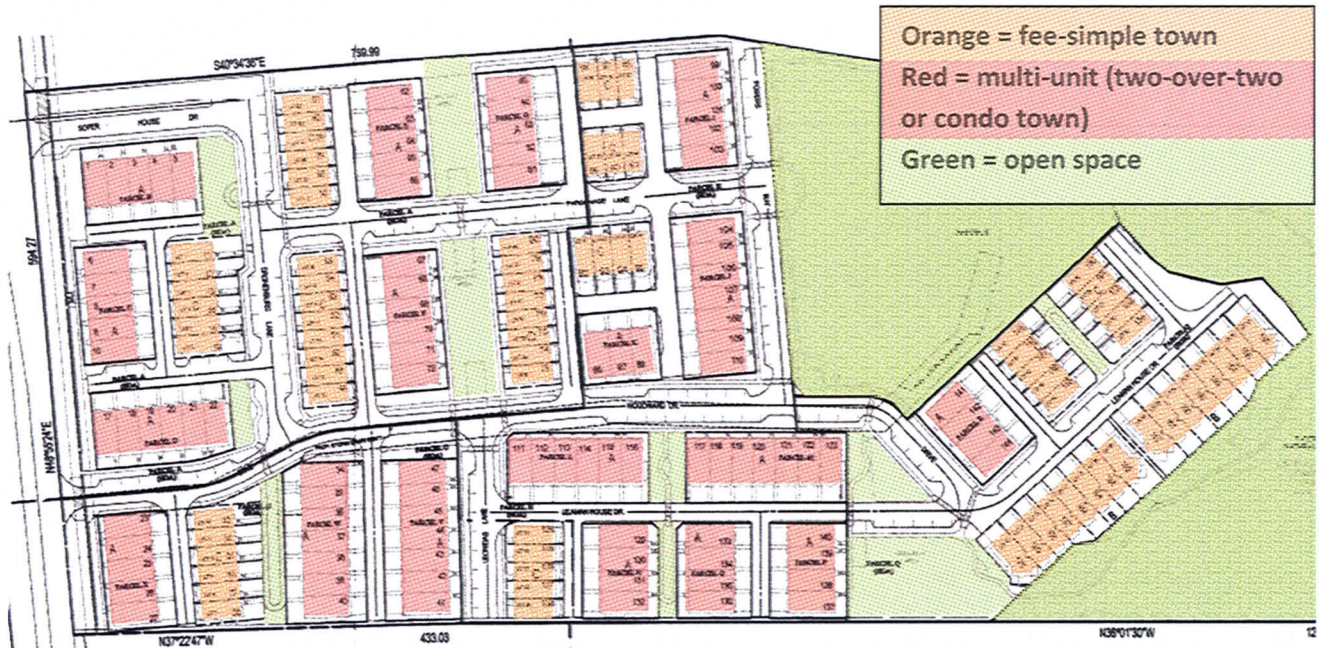
1. Decrease the number of units (29 less than approved by the original preliminary plan and 9 less than approved by the original site plan);
2. Change in multi-unit building type from two-over-two condominiums to condominium townhomes;
3. Simplification and consolidation of building and street layout;
4. Increase in amount of open space and landscaped area; and

5. Modification of conditions associated with specifics of the amendment.

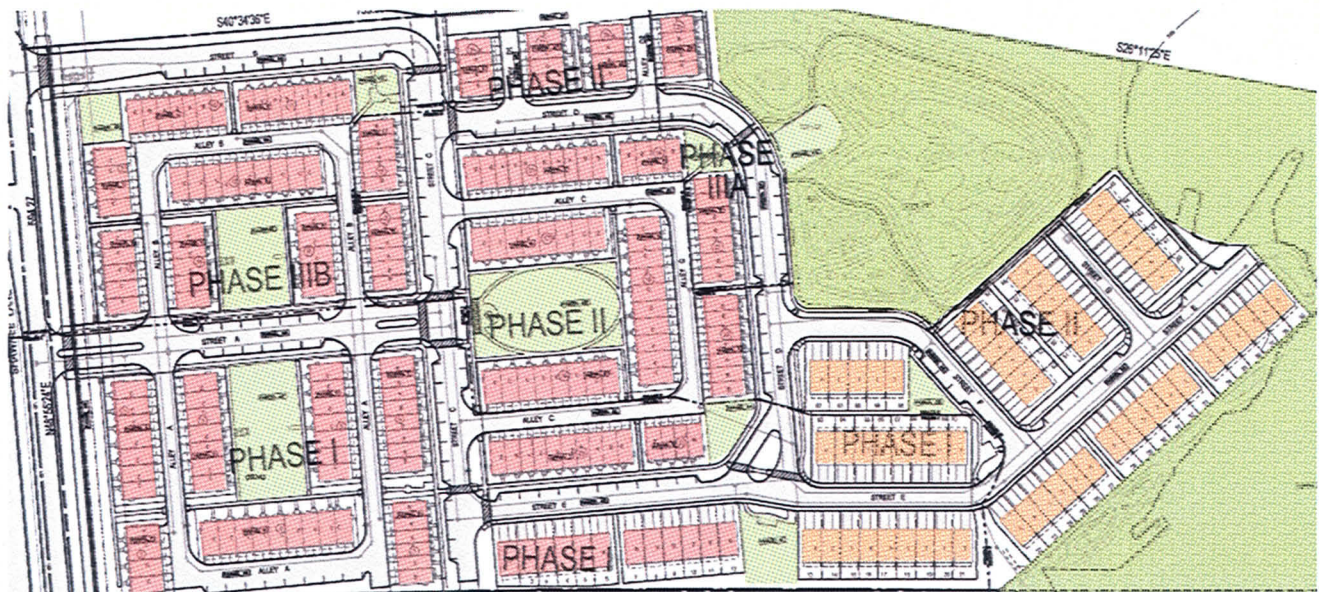
Summary of Approvals and Building Types

| Application | Total Units | Two-Over-Twos | Condominium Townhomes | Fee-Simple Townhomes |
|----------------------------|-------------|---------------|-----------------------|----------------------|
| Rezoning G-824 | 290 | 232 | 0 | 58 |
| Preliminary Plan 120051010 | 285 | 226 | 0 | 59 |
| Site Plan 820050380 | 265 | 190 | 0 | 75 |
| Subject Amendment | 256 | 0 | 186 | 70 |

Comparison of Roadway, Open Space, and Building Layouts



Original Layout



Amended Layout

Revised Layout

The amended plan enlarges and centralizes the right-in/right-out entrance from Shawnee Lane to act as the primary spine for the site. The eastern entrance remains largely unchanged and will continue to provide a possible shared access point to any redevelopment of the bus depot site. The axis of the central spine road terminates in a large community open space and is flanked on each side by additional open spaces midway along its length. Each of these three large open spaces is bordered by condominium townhomes that front the open space on three sides and have vehicular alleys behind them shared by additional rings of townhomes. A few small groupings of townhomes radiate out from this pattern. Finally, a spur road along the southwest edge of the site provides access to the sticks of fee-simple townhomes, which are largely surrounded by conservation and stormwater areas. The tot-lot that was previously located at the end of a stick of townhomes and surrounded by streets has been tucked into the stormwater facility area. Parallel parking is provided along the internal streets in addition to parking on driveways and within garages.

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any citizens or community groups as of the date of this report.

DEVELOPMENT ISSUES

Recreation Facilities

The proposed development satisfies the quantitative requirements of the Recreation Guidelines approved by the Montgomery County Planning Board. The mix and number of units proposed by this development requires supply of recreation facilities equal to the quantities shown in the table below.

| <i>Recreation Demand Calculations</i> | | | | | |
|---------------------------------------|-------|----------|-------|--------|---------|
| Age Group: | Tots | Children | Teens | Adults | Seniors |
| Points: | 31.85 | 41.16 | 34.92 | 310.38 | 34.08 |

This is accomplished by provision of the facilities and their associated “demand” points below.

| <i>On-Site Recreation Supply Calculations</i> | | | | | | |
|---|----|---------------------------------|--------------|---------------|---------------|---------------|
| Facility | # | Value of Facility Per Age Group | | | | |
| | | Tots | Children | Teens | Adults | Seniors |
| Tot Lot | 1 | 9 | 2 | 0 | 4 | 1 |
| Picnic/Sitting Area | 12 | 12 | 12 | 18 | 60 | 24 |
| Open Play Area I (10,000sf min) | 1 | 6 | 9 | 12 | 30 | 2 |
| Open Play Area II (5,000sf min) | 2 | 6 | 8 | 8 | 20 | 2 |
| Bike System | 1 | 1.59 | 4.12 | 5.24 | 46.56 | 3.48 |
| Pedestrian System | 1 | 3.18 | 8.23 | 6.98 | 139.67 | 15.66 |
| Nature Trails | 1 | 1.59 | 4.12 | 5.24 | 46.56 | 5.22 |
| Natural Areas | 1 | 0 | 2.06 | 3.49 | 31.04 | 1.74 |
| Total Supply | | 39.36 | 49.53 | 58.95 | 377.83 | 55.1 |
| Total Demand (from above) | | 31.85 | 41.16 | 34.92 | 310.38 | 34.08 |
| Difference | | +7.51 | +8.37 | +24.03 | +67.45 | +21.02 |

As one can see, the recreation “supply” exceeds the “demand” for each age group. In addition, there are some qualifying recreation facilities within 1 mile of the site. These include a multi-age playground, a picnic/sitting area, a multi-purpose court, and 2 tennis courts. These off-site facilities are not, necessary to meet the requirements of the recreation guidelines, which is important because one of the binding elements requires the required recreational facilities to be provided onsite. Further, these facilities are similar to those approved by the Board with the original application (that had one additional picnic/sitting area and did not have the bike system.

The recreation opportunities – especially for children – has led Staff to conclude that a greater diversity of directed play options would greatly benefit this community that will have upwards of a couple hundred children living in it. Tots and children have different requirements and benefit from a diversity of apparatuses. Staff recommends, therefore, that the proposed “tot lot” be slightly modified to fit the specifications of a “play lot” and that a separate, more focused and simple tot lot be provided in a more central area – specifically, carved out of the easternmost open play area.

This can be accomplished with only the following modifications:

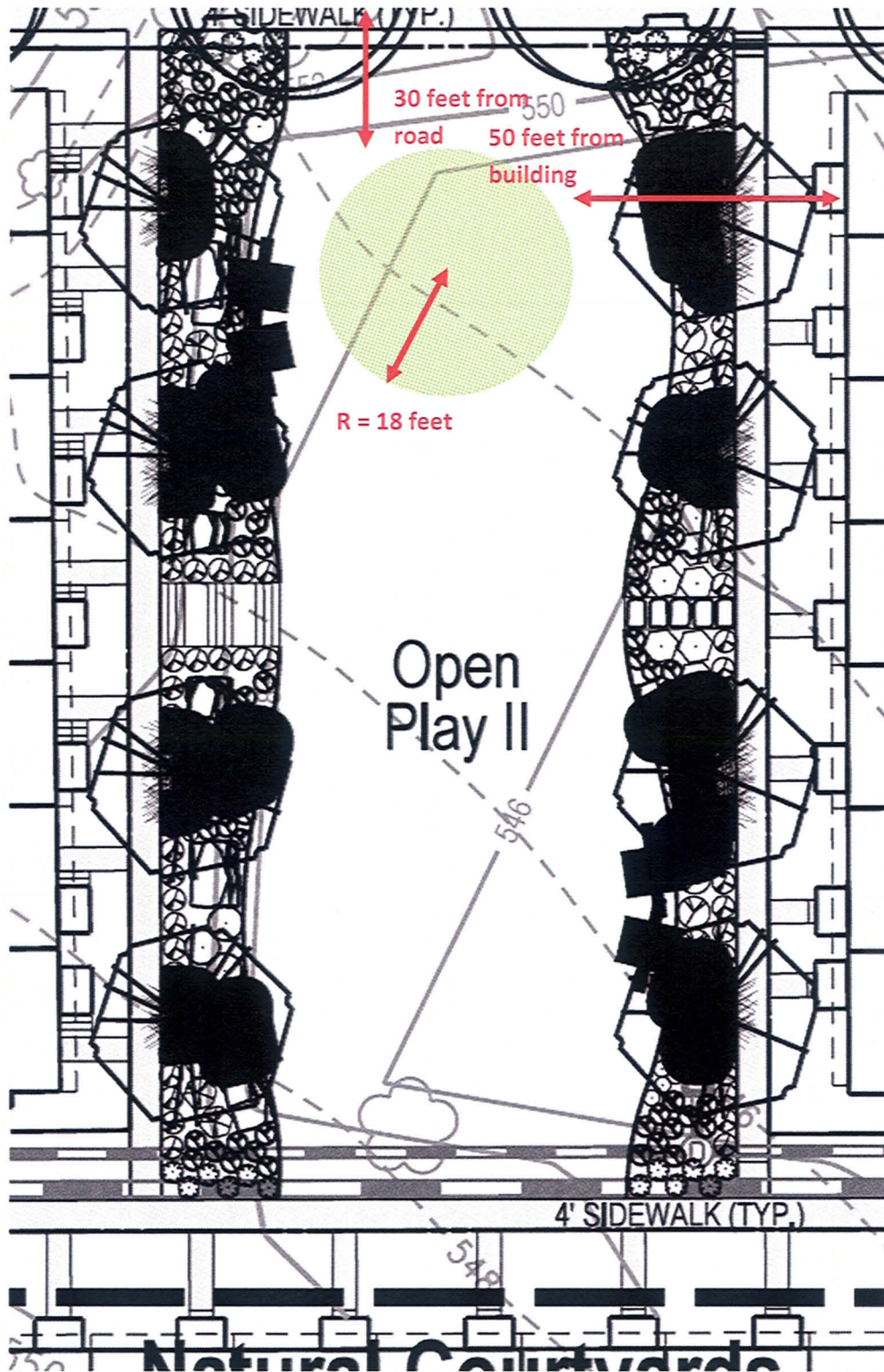
1. The mini moon ladder in the proposed tot lot should be changed to something requiring balance and/or creative play. Examples of balancing apparatuses include odd shaped balance beams and stepping stools or stumps. Examples of creative play apparatuses include mock pirate or Viking ships or trains. This will allow it to qualify as a “play lot” at its existing size.



2. A simple, age-appropriate tot lot should be provided in the larger open play area II. This tot lot should include low climbing, swinging, sliding, and other activities. Examples of apparatuses that provide such uses are play houses, sand boxes, and swing sets.



3. This tot lot must be around 1,000 square feet, which allows more than 5,000 square feet of the area to remain as lawn to continue to meet the dimensions required by the guidelines. No fence should be provided unless within 30 feet of the road, one shade tree should be planted near the center of the area.



Parameters for Recommended Tot Lot

SECTION 2: PRELIMINARY PLAN REVIEW

Master Plan Conformance

The Clarksburg Master Plan recommends residential units be located in designated areas near employment uses and along the Corridor Cities transitway. The preliminary plan for Eastside is consistent with the master plan in that it proposes housing adjacent to existing employment uses and near property designated as a future site for transit services. Furthermore, development within the PD-11 zone as proposed is consistent with the recommended PD-9, PD-10, or PD-11 zoning for the site, also outlined in the 1994 Clarksburg Master Plan. The proposed density of 10.75 units per acre is consistent with the designated 9-12 units per acre residential land use density described in the Transit Corridor District Land Use Plan on page 55. The master plan also emphasizes recreational linkages and construction of an 8 foot-wide shared use path along the Property's Shawnee Lane street frontage and connecting to Gateway Center Drive to allow riders to continue along Gateway Center Drive to reach the recreational facilities of the greenway in this area. The preliminary plan provides these features.

Adequate Public Facilities

Roads and Transportation Facilities

Site Access and Vehicular/Pedestrian Circulation

The access points and vehicular circulation system approved in the original preliminary plan included two points of ingress and egress to the development on Shawnee Lane, one full access (Soper House Drive) in the northwestern corner of the Property and one right-in/right-out only near the southwestern end of the site (Woodward Drive). The amended preliminary plan retains the access point in the northwestern corner of the Subject Property where there will be three lanes—one entering and two exiting the site. This access will be reconstructed and widened in the future to have two egress and two ingress lanes when the adjoining school bus depot property is developed and this access point is ultimately shared between Gallery Park and the adjoining property. Woodward Drive has been removed on the amended plan and a new, monumental entrance onto Street A is proposed north of the Woodward Drive location in the center of the Property's Shawnee Lane frontage. Street A terminates at Street C where a community green in the center of the site provides a vista for those traveling along Street A. The original preliminary plan called for all private streets and alleys/driveways, and all streets and alleys/driveways are still proposed to be private in this amendment. There are many units that are proposed to front on green space with private alley access to the rear.

Four foot-wide sidewalks are proposed along all internal private streets, and an 8 foot-wide shared use path is proposed along the Shawnee Lane property frontage. Two four foot wide lead-in sidewalks from Shawnee Lane will be located parallel to the new, monumental Street A access lanes. Crosswalks are required at the intersections of all private streets within the development. Vehicular and pedestrian access will be safe and adequate with the proposed private improvements included in this preliminary plan amendment.

Local Area Transportation Review (LATR)

As part of the previous preliminary plan review, four local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The intersection of Gateway Center

Drive and Stringtown Road Extended exceeded the acceptable congestion standard of 1,450 CLV during the PM peak hour. As a result, the Applicant was required to reconfigure the exclusive northbound through lane on Gateway Center Drive as a second exclusive northbound left-turn lane, as outlined in condition #6 in the November 27, 2006 Opinion. This intersection improvement mitigated the site-generated trips for Gallery Park that exceeded the congestion standard and allows the intersection to operate at or below the acceptable 1,450 CLV congestion level. The Applicant was also required to dedicate and/or acquire 120 feet of right-of-way for Shawnee Lane from Gateway Center Drive to Frederick Road (MD 355) and construct Shawnee Lane as a four-lane divided arterial roadway. The Applicant has proceeded to satisfy this preliminary plan condition of approval and has plans under review to construct the road as required. The Gallery Park preliminary plan amendment remains in compliance with respect to the LATR requirements of the preliminary plan. Further LATR analysis is not required as part of this amendment because the Applicant proposes a reduction in density which results in fewer proposed vehicular trips during the morning and evening peak periods.

Policy Area Mobility Review (PAMR)

This preliminary plan amendment application is not subject to PAMR requirements because the original preliminary plan was submitted prior to inclusion of PAMR in the 2009-2011 Annual Growth Policy requirements.

Public Street Frontage

Section 50-29(a)(2) of the Subdivision Regulations states that individually recorded lots shall abut on a street or road which has been dedicated to public use, or which has acquired the status of a public road. Multifamily and condominium units which are not located on individually recorded lots may abut a private street or right-of-way. The proposed subdivision includes a combination of streets and alleys/driveways, none of which will be dedicated to public use. Therefore, a finding needs to be made that all the individually recorded lots abut at least one street that can otherwise attain the status of a public road. In staff's opinion, this finding must be based upon the proposed roads being: fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to meet minimum public road standards, except for right-of-way and pavement widths.

In this subdivision, it is staff's opinion that, with one exception, the proposed streets which provide frontage for individually recorded lots meet the minimum standards necessary to make the finding that they have attained the status of a public road. These standards include: minimum pavement widths and turning radii; appropriate circulation pattern and terminus; adequate parking design; and sidewalks with minimum tree panels. Proposed townhouse Lots 41-51, however, abut private Street G which cannot attain the status of a public road since it does not provide appropriate circulation or terminus. Since Street G is the only frontage provided for the lots, it is staff's opinion that a waiver of Section 50-29(a)(2) is needed to permit the proposed configuration. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist which prevent full compliance with the requirements.

The layout proposed by the Applicant in this preliminary plan amendment is a design that continues to meet master plan goals of density near proposed transit, creation of a neighborhood that incorporates a mix of housing types and densities, and green areas dispersed throughout. The configuration of the lots for which this waiver is necessary does facilitate the creation of internal green spaces between lots on the west side of Street G and east side of Street F and ensures lots on the east side of Street G face green space along the perimeter of the site. As discussed during Planning

Board review of similar types of projects, staff supports a waiver of the lot frontage requirement where it can be found that it supports the desired design principles for the subdivision. In staff's opinion, the waiver is justified since the overall amendment requires less pavement for roads, and greater connectivity between private streets and alleys than the previous preliminary plan. Montgomery County Fire and Rescue has reviewed the proposed alley for fire access to the lots and determined that all the houses will be adequately served by emergency vehicles. Street G will also be adequate to provide public utilities to the lots. Based on these findings, staff recommends waiver of the frontage requirement for proposed Lots 41-51. In staff's opinion, the waiver is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed multi-family and one-family attached dwelling units. The site is served by public water and sewer. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses and health services are operating within the standards set by the Growth Policy Resolution currently in effect. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) which has determined that the property has adequate access for emergency vehicles.

Environment

Special Protection Area (SPA) Requirement

The Subject Property is located within the Clarksburg SPA, therefore, development of the Property is subject to the Special Protection Area Law and a water quality plan is required. Under the SPA law, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of the water quality plan. MCDPS reviewed and conditionally approved the elements of the preliminary water quality plan under their purview. The Planning Board's responsibility is to determine if the environmental guidelines for special protection areas, forest conservation requirements, and site imperviousness requirements are satisfied.

Environmental Guidelines

The NRI/FSD for the Subject Property indicates 6.43 acres of existing forest, 5.4 acres of environmental buffers, and no wetlands or floodplains. The only slopes greater than 15 percent are located within the environmental buffers. A first order stream diagonally crosses the back quarter of the property. The forest is concentrated in the back third of the property. The environmental buffers are forested except for 0.22-acres, which will be forested by the Applicant per the environmental guidelines. The only encroachment into the environmental buffers is for a natural surface trail and necessary stormwater management conveyances. There are no stormwater management facilities or drywells proposed for the environmental buffer. All environmental buffers will be included in a category I forest conservation easement. The preliminary plan amendment protects environmentally sensitive features on the Subject Property in compliance with the Environmental Guidelines.

Forest Conservation

A Preliminary Forest Conservation Plan (with preliminary plan 120051010) was approved by the Board in an opinion dated November 27, 2006 and a Final Forest Conservation Plan (with site plan 820050380) was approved by the Board in an opinion dated June 20, 2007. Since the Applicant proposes to develop this property as a planned unit development it must comply with Section 22A-

12(f) of the Montgomery County code. This section requires planned unit developments to meet the appropriate forest conservation threshold on site. The Applicant will meet the requirements of Section 22A-12(f) and all forest conservation requirements through forest retention on the Subject Property. The preliminary plan amendment complies with the requirements of the Montgomery County Forest Conservation Law and previously approved final forest conservation plan.

Site Imperviousness

The Subject Property is located within the Clarksburg SPA. There are no impervious limits in this SPA. The total amount of impervious surfaces proposed, based on the water quality plan, is 9.80 acres. This is an overall impervious amount of approximately 41 percent over the entire 23.82-acre property. The overall imperviousness for this development is comparable with other developments in Montgomery County using PD-11 standards.

Stormwater Management/Water Quality Plan

As part of the water quality plan the following site performance goals were established:

1. Maintain the natural on-site stream channels.
2. Minimize storm flow run off increases.
3. Minimize increases to ambient water temperatures.
4. Minimize sediment loading.
5. Maintain stream base flows.
6. Protect springs, seeps, and wetlands.
7. Identify and protect stream banks prone to erosion and slumping.
8. Minimize nutrient loading and control insecticides, pesticides and toxic substances.

The MCDPS Stormwater Management Section approved the stormwater management concept and water quality plan for the site on September 10, 2010. Water quantity control for this site will be provided via an extended detention dry pond. This structure will provide channel protection volume for the one-year storm with a maximum detention time of 24 hours per state standards. Quality control will be provided via a combination of structures that includes recharge trenches, surface sand filters, bioswales, microbiofilters and biofilters. These practices are place in series that will provide redundancy.

Since open section roads will not be feasible due to the proposed zoning of the site, capacity for additional water quality volume will be provided in the proposed water quality and recharge structures. Areas that are intended for vehicular use are to be pretreated prior to entering any water quality structures. The primary water quality structures must be sized to treat a minimum of one-inch over the proposed impervious area with additional volume (1/4" over the impervious area) provided for open section offset.

The revisions to the FWQP include replacing surface sand filters and structural sand filters with biofilters and microbiofilters. Also, several bioswales were added to the plan. These surface bio-features replace several underground structures and surface sand filters and are more in keeping with the ESD design goals.

Compliance with Zoning Ordinance and Subdivision Regulations

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets the requirement and standards of all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The

proposed lot size, width, shape and orientation are appropriate for the multi-family units proposed on parcels where the underlying land will stay in common ownership. The proposed lot size, width, shape and orientation are also appropriate for the one-family attached units proposed on individual lots 1 through 70. Parcels under common ownership and maintenance are also being created to accommodate private streets with underlying public use and access easements as well as parcels for HOA land.

The proposed subdivision was reviewed for compliance with the dimensional requirements of the PD-11 zone as specified in the Zoning Ordinance. The proposed development meets all dimensional requirements for area, frontage, width, and setbacks in that zone. Proposed green area (62.36%) for the site exceeds the minimum 50% green area required by the zone. A summary of this review is included in the Project Data Table in the Site Plan Review section. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the preliminary plan amendment.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Approval of Revised Final Water Quality Plan and Preliminary Plan Amendment 12005101A pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions, which supersede the conditions of the original preliminary plan approval (120051010):

- 1) Approval under this preliminary plan is limited to 70 lots and 29 parcels for 256 residential dwelling units; 12.5 percent of the units must be Moderately Priced Dwelling Units (MPDUs).
- 2) The Applicant must comply with the conditions of approval for the forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) The Applicant must comply with the binding elements of Rezoning Case G-824.
- 5) The Applicant must dedicate and/or acquire 120 feet of right-of-way for Shawnee Lane from Gateway Center Drive to Frederick Road (MD 355), and construct Shawnee Lane to a four-lane divided arterial roadway. Any additional right-of-way or associated easements necessary for construction of Shawnee Lane will be acquired or funded by the applicant. The Applicant must acquire or fund the cost of condemnation by Montgomery County Department of Public Works and Transportation (DPWT) for all necessary right-of-way for the entire length of Shawnee Lane prior to issuance of the building permit for the 91st dwelling unit. Construction of Shawnee Lane must be complete and open to traffic prior to issuance of the building permit for the 201st dwelling unit.
- 6) The Applicant must provide the following improvements at the intersection of Stringtown Road Extended and Gateway Center Drive prior to issuance of the building permit for the 91st dwelling unit:
 - a. Exclusive dual northbound left turn lanes on Gateway Center Drive, by redesignating one exclusive northbound through lane as an exclusive left turn lane with particular design requirements to be approved by DPWT.
 - b. The third lane on the northbound movement on Gateway Center Drive will be designated as a shared through and right turn lane.

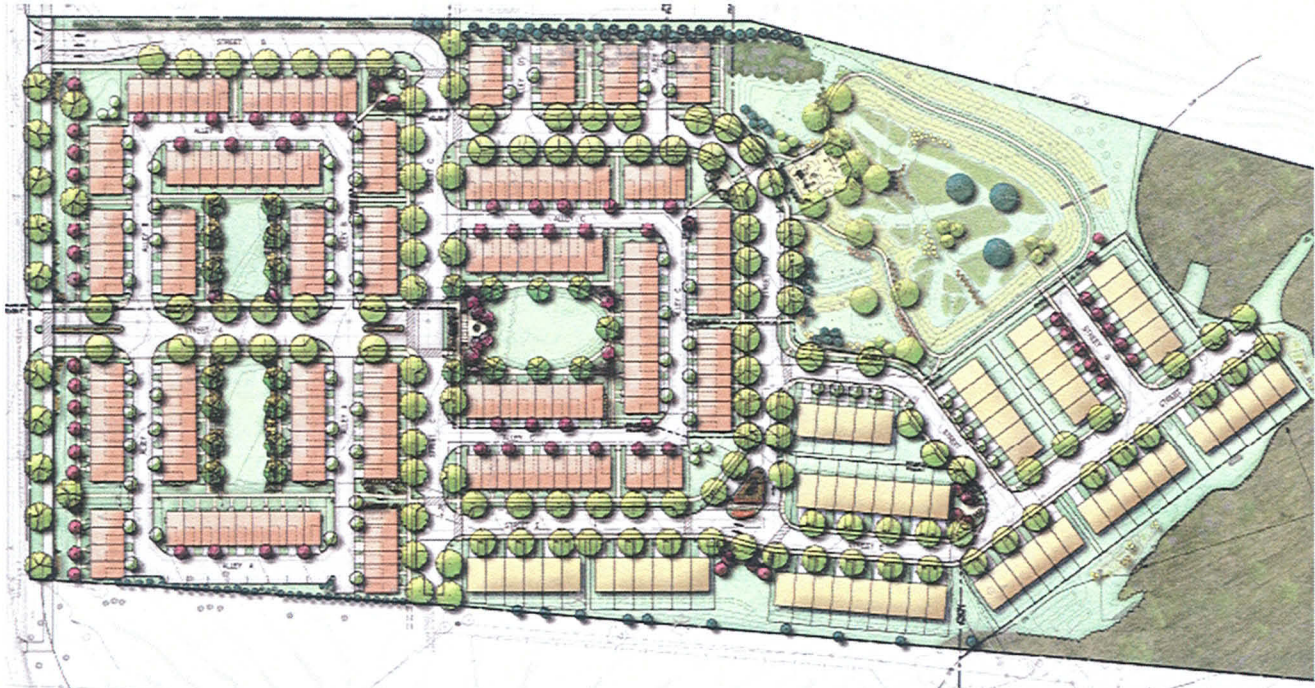
- c. The Applicant is responsible for all changes required to the traffic signal system as a result of the change in lane configuration at this location.
- 7) The Applicant must construct two 4-foot wide lead-in sidewalks from Shawnee Lane along Street A as shown on the preliminary plan. Construction must occur in accord with the Site Plan Development Program.
- 8) The Applicant must provide a Class I, shared-use path along the south side of Shawnee Lane and extend it to the future intersection with Gateway Center Drive. This improvement must be complete prior to issuance of the building permit for the 201st dwelling unit.
- 9) Final approval of the number and location of buildings, dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths to be determined at site plan.
- 10) No clearing, grading or recording of plats prior to certified site plan approval.
- 11) The site plan must reflect the following design standards with respect to proposed roads, including the alleys/driveways:
 - a. All roads must be built to the structural standards of a tertiary road.
 - b. All roads must have a paved surface minimum of 20 feet, exclusive of parking.
 - c. On-street parallel parking must be 8 feet wide and protected by bump-outs, especially at all intersections.
 - d. The radii at intersections for through streets to adjacent properties must be at least 25 feet.
 - e. The radii at intersections for interior streets and alleys/driveways that serve as fire access must be at least 25 feet.
 - f. All sidewalks shall be 4 feet wide with a 6-foot minimum tree panel.
- 12) The record plat must reflect public use, common ingress/egress and utility easements over all roads and alleys/driveways. The public use, common ingress/egress and utility easement over Street C must extend to the property line and must grant abutting property owners permission to connect to Street C in the future.
- 13) The record plat(s) must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 14) The record plat(s) must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). The Applicant must provide verification to Commission staff prior to release of the 201st building permit that Applicant’s recorded HOA Documents incorporate by reference the Covenant.
- 15) The Applicant must comply with the conditions of approval of the Montgomery County Department of Transportation (MCDOT) letter dated May 9, 2006. These conditions may be amended by MCDOT provided they do not conflict with other conditions of the preliminary plan approval.
- 16) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 17) The Applicant must comply with the conditions of the MCDPS Final Water Quality Plan and stormwater management approval letter dated September 10, 2010. These conditions may be amended by MCDPS provided they do not conflict with other conditions of the preliminary plan approval.
- 18) The validity periods for the preliminary plan and the Adequate Public Facilities (APF) review will expire on November 27, 2014 unless, prior to that date, a request for an extension is filed.
- 19) Other necessary easements must be shown on the record plat(s).

SECTION 3: SITE PLAN REVIEW

AMENDMENT ANALYSIS

Building and Street Layout

The building layout has improved compared to the originally approved site plan. The units are more logically located around a hierarchy of streets and open spaces and situated to reduce the amount of paved streets necessary. Likewise, the street network is more logical and, therefore, navigable. This layout also allows for 20 additional parallel parking spaces for visitors in a less fractured pattern.



Illustrative Plan

Pedestrian Circulation

Like the previous plan, pedestrian circulation is provided along the internal streets and through the open spaces. A trail is provided around the biofiltration areas and a shared-use path is provided along the frontage to connect to adjacent properties. Bike racks are provided at the play area along the trail.

Building Heights

The proposed building heights remain unchanged: 55 feet to the midpoint of the roof for the condominium townhomes and 40 feet to the midpoint of the roof for the fee-simple townhomes.

Landscaping and Open Space

The proposed landscaping provides the “buffer” recommended along Shawnee Lane, street trees along the internal street network, and significant plantings around the open spaces. A large are of the site will be held in its natural state, protected by a conservation easement. The open spaces, themselves, provide sufficient space for play and relaxation and visually attenuate the mass of the structures. With the conditioned addition of more diverse play equipment, the open spaces will serve the community’s health and social needs. The landscaping and quality of the open spaces are

improvements over the originally approved plans.

Conclusion

The proposed site plan amendment, as conditioned, is not significantly different from the technical aspects of the original approval. The qualitative differences, however, are improvements regarding the layout, circulation patterns, open space, and environmental impacts.

DEVELOPMENT STANDARDS

The proposed development is located in the PD-11 zone, which was created to provide medium-density, planned-development primarily for residential use. More detail on the purposes of the zone can be found in the findings section of this staff report.

The table below demonstrates the proposed development’s compliance with the Zoning Ordinance and the previously approved Site Plan 820050380.

Project Data Table for the PD-11 Zone

| Development Standard | Permitted/ Required | Approved by Site Plan 820050380 | Proposed Amendment |
|---|--------------------------------|--|--|
| Gross tract area (acres) | n/a | 23.82 | 23.82 |
| Maximum building height¹ (feet) | | | |
| Condominium towns | n/a | 55 | 55 |
| Fee-Simple towns | n/a | 40 | 40 |
| Minimum green area (% of gross tract area) | 50 | 59.4 | 62.36 |
| Maximum density of development (units) | 290 approved by rezoning | 265 | 256 |
| Minimum unit type (%) | | | |
| Multi-family (condominium towns) | 35 | 74 | 72.7 |
| Townhouse (fee-simple towns) | 20 | 26 | 27.3 |
| Minimum building setbacks (feet) | | | |
| Tract boundary | n/a | 5 | 5 |
| Shawnee Lane right-of-way | n/a | n/a | 15 |
| Primary front property line | n/a | 20 front-loaded; 5 rear-loaded; 0 multi-family | 5 condo towns; 20 fee-simple towns |
| Side (end units) | n/a | 0 front-loaded; 3 rear-loaded; 0 multi-family | 0 condo towns; 5 fee-simple towns |
| Rear | n/a | 5 towns; 20 multi-family | 0 condo towns; 5 fee-simple towns |
| Between condominium town buildings | n/a | 10 | 10 |
| Fee-Simple Town Lot Size (square feet) | n/a | 1,100 | 1,100 |
| MPDUs (% of units) | n/a | 12.7 | 12.5 |
| Minimum Parking Spaces | | | |
| Occupant | Varies ² | 570 | 480 |
| Visitor | n/a | 82 | 102 |
| Total | 419 | 652 | 582 |

¹ As measured from the average elevation of finished ground surface along the front of the building to the midpoint of the roofline except for those units within 35 feet of Shawnee Lane, which will be measured from the centerline grade of Shawnee Lane.

² At a rate of 1.25 per two-bedroom multi-family, 1.5 per three-bedroom multi-family, and 2 per townhome.

FINAL FOREST CONSERVATION PLAN (FFCP)

The revised FFCP substantially conforms to the existing approval with some minor modifications. Most importantly and as conditioned, the area and protective measures will remain unchanged.

FINDINGS

As stated earlier, this amendment does not differ significantly from the technical aspects of the original approval and, thus, from the findings made with Site Plan 820050380. The following section details any modifications of the original findings necessitated by this amendment.

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.*

This project remains in conformance with the binding elements of rezoning approval G-824.

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.*

This amendment meets the purposes of the PD zones enumerated below:

- a. Implementation of the general plan and area master plan;
- b. Encouragement of social and community interaction and activity and creation of a distinctive character and identity;
- c. Provision of a range of housing types;
- d. Preservation of trees;
- e. Provision of open space that is conveniently located and that functions for the general benefit of the community for relaxation, recreation, and social activity;
- f. Provision of pedestrian circulation networks separated from vehicles and linking the open spaces and recreation areas;
- g. Encouragement of development on a larger scale; and
- h. Achievement of a “maximum of safety, convenience and amenity” to “assure compatibility and coordination of each development with existing and proposed surrounding land uses”.

As the data table on page 17 shows, the proposed amendment meets the requirements of the zone and meets or exceeds the standards approved with the original application.

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

The differences between the approved site plan and this amendment are generally quantitative and qualitative improvements. In short, the proposed buildings are arranged in a safer, more adequate, and more efficient layout than the original approval. The amended layout is conducive to more efficient open space, safer pedestrian connections, and landscaping, lighting, and site character that is at least equally adequate. The vehicular circulation modifications create a better system of linked hierarchical streets and alleys. As conditioned,

the recreation facilities will better serve the needs of the community than the original approval. Together, these several aspects of the plan better meet the intended purposes of the zone through a safer, more adequate, and more efficient design.

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

There is no significant change in compatibility with other uses or site plans proposed by this amendment.

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.*

This amendment does not propose a significant change to the approved final forest conservation plan and, as conditioned, continues to meet the applicable requirements of Chapter 22A.

MCDPS approved the proposed storm water management concept on September 10, 2010. The revisions to the FWQP include replacing surface sand filters and structural sand filters with biofilters and microbiofilters. Also, several bioswales were added to the plan. These bio-features at the surface replace several underground structures and surface sand filters and are more in keeping with the ESD design goals.

SITE PLAN RECOMMENDATION AND CONDITIONS

Approval of revised final water quality plan and site plan amendment 82005038A for 256 units, including 12.5% MPDUs on approximately 23.82 acres in the PD-11 Zone. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on July 27, 2010, are required except as modified by the following conditions:

1. Development Plan Conformance

The proposed development must comply with the binding elements of the approved District Council Resolution 15-881 for rezoning case G-824.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 120050101A, unless amended and approved by the Planning Board.

3. Forest Conservation

- a. The proposed development must comply with the conditions of the approved final forest conservation plan.
- b. Show originally approved easement area and remove permanent stormwater management facilities not shown on FFCP dated November 15, 2007 per staff review prior to certified site plan.

4. Maintenance

The Applicant is responsible for maintenance of on-site landscaping and green area until turned-over to the HOA.

5. Recreation Facilities

- a. The Applicant must meet the square footage requirements for all of the applicable proposed recreation elements, unless a smaller area for the tot lot or play lot is approved by Staff, and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the following recreation facilities with changes outlined in the Staff Report and approved by Staff: 1 tot lot; 1 play lot; 12 picnic/sitting areas; 1 open play area I; 2 open play areas II; 1 bike system; 1 pedestrian system; 1 nature trail; and 1 natural area.

6. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide 12.5 percent MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated September 8, 2010.
- b. The revised MPDU agreement to build shall be executed prior to the release of any building permits.

7. Common Open Space Covenant

Record plat of subdivision must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). Applicant must provide verification to M-NCPPC staff prior to issuance of the 200th building permit that Applicant’s recorded Homeowners Association Documents incorporate by reference the Covenant.

8. Landscape Surety

The Applicant must provide a 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 must include plant material, on-site lighting, recreational facilities, and site furniture within the relevant phase of development. Surety to be posted prior to issuance of first building permit within each relevant phase of development and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c. Completion of plantings by phase, 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 landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

9. Development Program

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

- 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 play areas, sidewalks, trails, and bike racks must be completed prior to issuance of the 200th building permit.
- e. Pedestrian pathways and seating areas associated with each phase must be completed as construction of each area is completed.
- f. Provide each section of the development with necessary roads.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

10. Certified Site Plan

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

- a. Minor corrections and clarifications to site details and labeling;
- b. Changes addressing conditions above; and
- c. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution.

APPENDICES

- A. Rezoning Resolution
- B. Preliminary Plan Opinion 1200501010
- C. Site Plan Resolution 820050380
- D. Agency Approval Letters