



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

**MCPB
ITEM #8
6/16/11**

**MCPB HEARING
DATE:**

June 16, 2011

REPORT DATE:

June 2, 2011

TO:

Montgomery County Planning Board

VIA:

John Carter, Chief *JAC*
Area 3

FROM:

Sandra Pereira *SP*
Area 3 Lead Reviewer
301.495.2186
sandra.pereira@mncppc-mc.org



SUBJECT:

Limited Site Plan Amendment 82008019A, Batchellor's Forest
6 MPDUs and 31 market rate units with revised lot configurations and new water and sewer connections; located on the east and west side of Batchellors Forest Road, approximately 3,000 feet south of the intersection with Doctor Bird Road; 93.64 acres; RNC Zone; 2005 Olney Master Plan

APPLICANT:

SM Batchellor's Forest, LLC

FILING DATE:

February 22, 2011

RECOMMENDATION:

Approval with conditions

**EXECUTIVE
SUMMARY:**

The Amendment is consistent with a decision by the Maryland Court of Special Appeals to require the Applicant to build six MPDUs instead of the five the Applicant originally proposed. The revised unit mix consists of 6 MPDUs and 31 market rate units. The amendment proposes to eliminate one market rate unit and add one MPDU townhouse, while maintaining the approved total of 37 units. The Amendment also includes revisions to WSSC easements, lot configurations and landscaping in the affected areas.

STAFF RECOMMENDATION AND CONDITIONS

The proposed modifications to the site plan, including unit mix and WSSC easements, do not alter the overall design character of the development with respect to the original approval and the site remains compatible with existing and proposed development adjacent to the site. The proposed modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, landscaping, or lighting.

Staff recommends approval of Site Plan Amendment 82008019A, Batchellors Forest, for the amendments delineated above. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on January 18, 2011 are required except as modified by the following conditions.

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan **120060850** as listed in MCPB No. 08-15, and corrected MCPB No. 11-21, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

2. Site Plan Conformance

The proposed development must comply with the conditions of approval for site plan **820080190** as listed in MCPB No. 09-95, dated September 14, 2009 and corrected on December 8, 2009, as amended.

3. Rural Open Space

A Rural Open Space Easement must be recorded in the Montgomery County Land Records for the 65.6-acre area designated as private Rural Open Space (Block A: Parcels C, D, E and Lot 13; Block B: Parcel A; Block C: Parcel A, as shown on the Certified Site Plan). Reference to the recorded easement is to be noted on the record plat(s). The Greater Sandy Spring Green Space Inc. will be a co-holder with M-NCPPC of this Easement.

SITE DESCRIPTION

The 93.64-acre property is zoned RNC and is located on both sides of Batchellors Forest Road in the Olney Master Plan area. 17.2 acres are located adjacent to William H. Farquhar Middle School on the east side of Batchellors Forest Road. The remaining 75.4 acres are located on the west side of Batchellors Forest Road adjacent to the Our Lady of Good Council High School. The future Old Vic Boulevard will bisect the western portion of the property and terminate at Batchellors Forest Road opposite one of the Farquhar Middle School entrances.

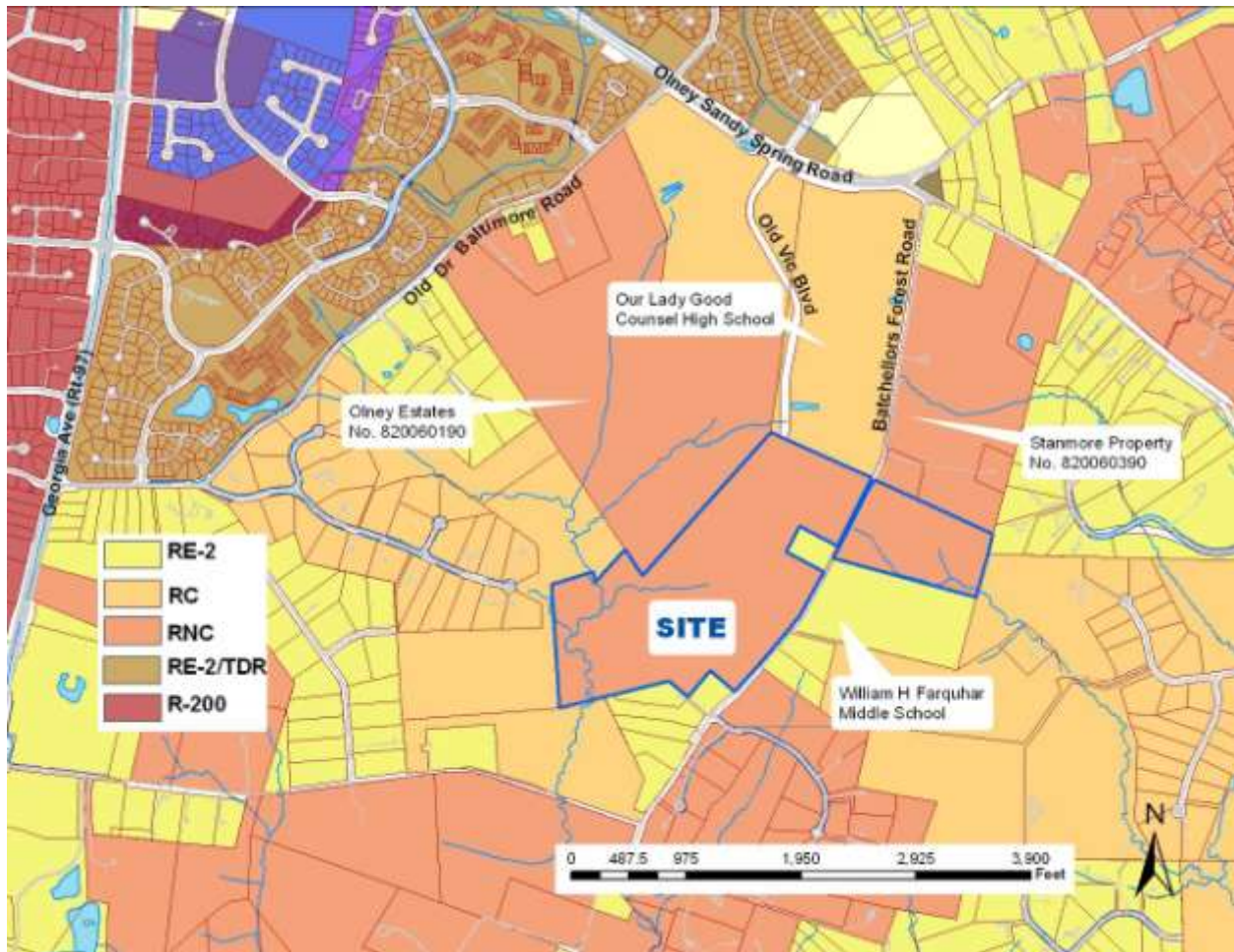


Figure 1: Vicinity Map

Nearby recently approved applications include the Stanmore Property (formerly Hyde Property) (Preliminary Plan No. 120061100 and Site Plan No. 820060390), and Olney Estates (Preliminary Plan No. 120050920 and Site Plan No. 820060190). The general character in the southeast quadrant of Olney is fairly low-density in nature and has significant environmental resources. Batchellors Forest Road, the only through road in this quadrant, has been designated as a rustic road due to its visual attributes.

Site Analysis

The majority of the property is an open field for agricultural use with forested stream valleys in the central and western sections of the property. The site is located in the Northwest Branch watershed (Use IV streams). The property contains two streams; an intermittent tributary to Northwest Branch, and an actual mainstem of Northwest Branch. A 100-year floodplain and about 1.75 acres of wetlands are associated within the two streams. Another small stream originates on the portion of the property that lies to the east of Batchellors Forest Road.

The property includes approximately 21 acres of existing forest and 23 acres of environmental buffers. The remainder of the site is an open field. The majority of the site lies on the west side of Batchellors Forest Road and generally slopes westward towards the forested stream valley and floodplain. The portion of the property that lies to the east of Batchellors Forest Road slopes southeastward towards the partially forested stream valley that flows along the southern property boundary.

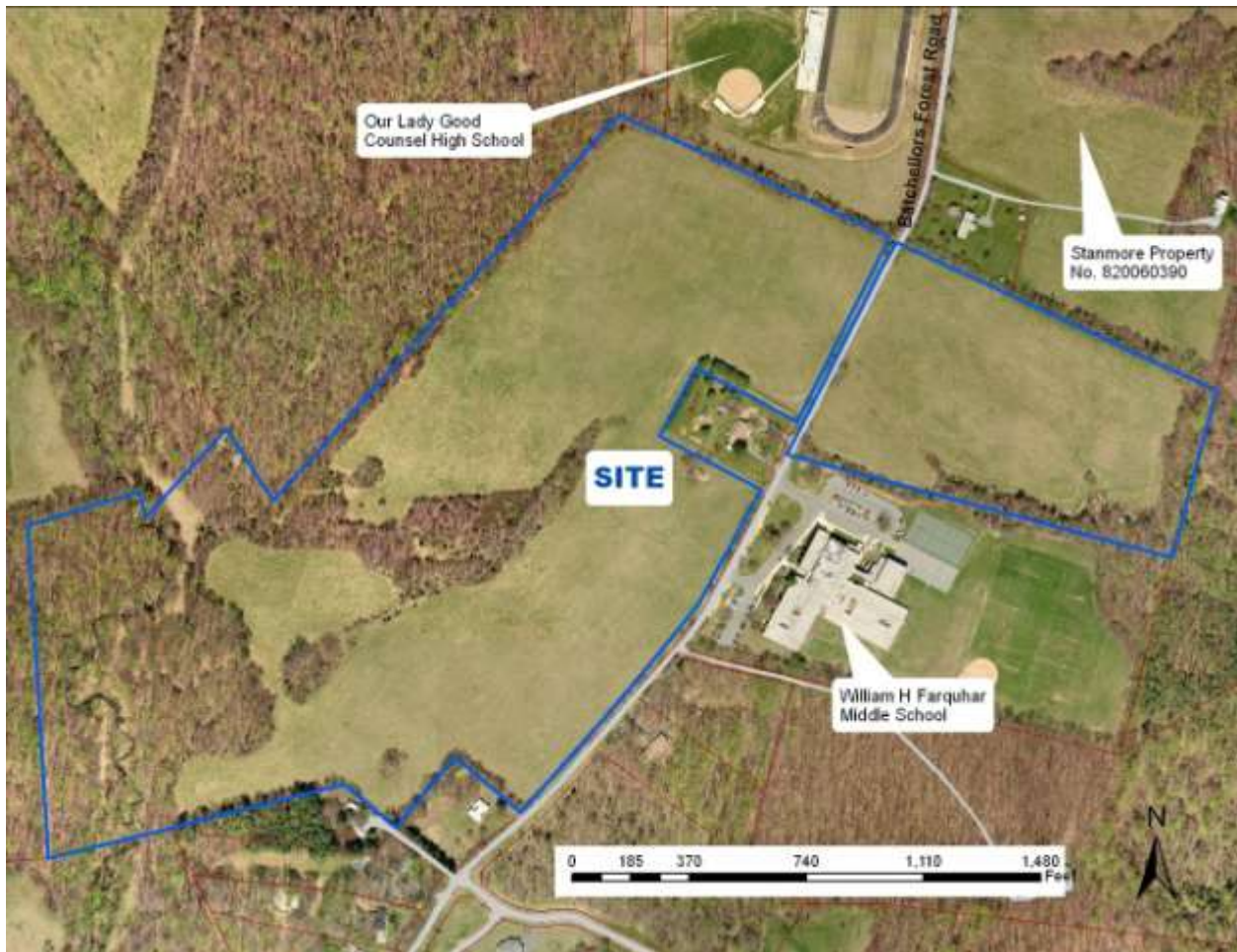


Figure 2: Aerial Photo

AMENDMENT DESCRIPTION

Previous Approvals

This plan is subject to the conditions of **Preliminary Plan No. 120060850**, which was approved for 37 lots on 94 acres of land on July 26, 2007 (MCPB No. 08-15, and corrected MCPB No. 11-21).

On July 30, 2009, the Planning Board approved with conditions **Site Plan No. 820080190** for 37 lots including 32 one-family detached dwelling units and 5 one-family attached MPDUs, on 93.64 acres (MCPB No. 09-95, dated September 14, 2009 and corrected on December 8, 2009).

Background

The Planning Board originally approved the preliminary plan on January 11, 2008. Two rounds of appeal ensued, first in Circuit Court and then in the Court of Special Appeals. The appeal concerned the proper methodology for calculating the number of MPDUs required for the Batchellors Forest subdivision. The Court of Special Appeals Case No. 02702 – September Term 2008 upheld the Planning Board’s decision to require the Applicant to build six MPDUs instead of the five the Applicant proposed, but required the Board to adopt a slightly modified calculation methodology. The preliminary plan resolution was corrected to reflect the methodology ordered by the Court of Special Appeals and mailed out on March 30, 2011.

Proposal

The Applicant requests the following modifications to the Site Plan:



Figure 3: Overall Plan with amendment areas labeled

1. One market rate unit converted into one MPDU
 - a) Lot 13, Block A, formerly shown on Street "A" (now labeled as Brompton Circle) with a one-family detached unit, was eliminated. The resulting 7 Lots surrounding the area of common open space were reconfigured and regarded to accommodate the loss of one lot (see Figure 4 below). This change benefits the layout by providing greater setbacks for the corner units abutting Old Vic Boulevard.
 - b) One additional MPDU townhouse was added to the 2 MPDUs located on Victoria Place (formerly labeled as Street "B"). As a result, lots immediately adjacent to the MPDU's have been reconfigured and regarded to accommodate the new unit (see Figure 5 below).
 - c) New lot configurations and layout have led to minor changes to several development standards including minimum lot areas for townhouses and one-family detached, rural open space and common open space. The Project Data Table below outlines these changes. Revised condition of approval #3 captures the new designations for the rural open space parcels consistent with those proposed on the record plats.
 - d) Landscaping has been revised for each affected lot.



Figure 4: New lot configuration for Brompton Circle (formerly labeled as Street 'A')



Figure 5: Additional MPDU on Victoria Place

2. Water and sewer service

In order to minimize water and sewer connections to Batchellors Forest Road, Lot 13 – Block A and Lot 10 – Block B will be connected to the internal roads for water and sewer service.

- a) A 20-foot house connection easement has been added between Lots 1 and 2, Block B, in order to provide water and sewer service to Lot 10, Block B. This WSSC easement will overlap with the rural open space easement on HOA property.
- b) The LOD at Lot 13, Block A has been revised to accommodate water and sewer house connections from Victoria Place. This WSSC easement will overlap with the rural open space easement on Lot 13.

3. Coordination with DOT’s review comments on the Storm Drain and Paving Plan

- a) Include curb returns at the entrance to Farquhar Middle School where the crosswalk from the proposed development crosses Batchellor's Forest Road.
- b) Provide a crosswalk on Old Vic Boulevard at the north leg of Brompton Circle with appropriate sidewalk connections on both sides of Old Vic Boulevard.

PROJECT ANALYSIS

Master Plan

The proposed development maintains conformance with the 2005 Approved and Adopted Olney Master Plan recommendations for properties in the southeast quadrant as well as specific recommendations for the subject site. The proposed WSSC easements on the rural open space parcels will not impact the character of the open space because all of the utilities will be below grade.

Transportation and Circulation

The proposed amendment does not affect vehicular or pedestrian traffic.

Environment

The proposed amendment is in compliance with the original approval of the Final Forest Conservation Plan. On-site stormwater management will not change.

Development Standards

The site is zoned RNC. The intent of the RNC Zone is to preserve open land, environmentally sensitive natural resources and rural community character that would be lost under conventional, large-lot development. The proposed development meets the purpose and requirements of the zone by preserving open land, environmentally sensitive natural resources, and rural community character. This is accomplished by providing residential development in clusters and maintaining broad vistas of open space.

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 is included on the certified site plan.

Project Data Table for the RNC Zone, Optional Method of Development

Development Standard	Permitted /Required	Approved with 820080190	Proposed for Approval & Binding on the Applicant
Min. Area of Development (acres) 59-C-9.575(a)	10	93.64	93.61
Max. No. of Dwelling Units			
		37	37
One-family detached units	n/a	32	31
One-family attached units (MPDUs)	n/a	5	6
Min. Lot Area (sq. ft.)			
One-family detached units	4,000	10,700	14,580
MPDUs	n/a	3,500	2,684
Rural Open Space			
	65-85%	69.8%	70.5%
Common Open Space (SF)	n/a	82,023	81,979

As required by the zone, the development continues to provide a diversity of lot sizes. The smallest lot is 2,684 square feet for a townhouse MPDU and the largest is 439,959 square feet for Lot 13 – Block A, a conservation lot which includes a significant portion of rural open space. The average lot size is 33,100 square feet, but the majority of the lots fall within the 19,000-28,999 square feet range. In addition, the development continues to provide a diversity of house sizes. The diversity in lot and house sizes is compatible with the surrounding development and rustic character of this area, and is consistent with the purpose and intent of the zone.

PUBLIC NOTICE

A notice regarding the subject amendment was sent to all parties of record by the Applicant on January 17, 2011. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff received no inquiries regarding the proposed modifications; however, Staff received several inquiries regarding the timing of the approved dedication to Parks. The application was initially filed as a consent agenda item but due to the inquiries regarding the park dedication the application was changed to a limited amendment on the Board's regular agenda.

Consistent with Condition #4 of the Site Plan Resolution (Appendix A), the Applicant is required to dedicate to the M-NCPPC 17.1 acres east of Batchellors Forest Road, immediately north of the existing Farquhar Middle School. Parents with children attending Farquhar Middle School are concerned about the plans to relocate students while renovations to the school are underway, and have contacted staff from the Parks and Planning Departments to inquire about a potential future land swap with MC Public Schools (see resident's correspondence in Appendix B). A potential land swap is not pertinent to this amendment and future coordination between Parks and MCPS regarding a land swap should be continued after the dedication to Parks is completed.

Staff has contacted the Applicant in regards to this matter, and the Applicant has expressed their commitment to advancing the project as quickly as possible to plat recordation once they receive site plan approval for this amendment (Appendix B). The Applicant will convey the property over to M-NCPPC at the time of record plat, which is Staff's recommended method.

APPENDICES

- A. Prior Resolution
- B. Correspondence

Appendix A



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

Agenda Date: November 12¹⁹, 2009
Agenda Item No. 1

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Sandra Pereira, Senior Planner *SP*

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

DATE: November 4, 2009

Re: Correction to the Resolution of Site Plan No. 820080190, Batchellors Forest

Attached please find a redlined version of the resolution for Site Plan No. 820080190 (Batchellors Forest), which corrects two errors. The resolution was mailed out to all parties of record on September 14, 2009. Both corrections are on the footnotes of the data table and are related to the orientation of Lot 24 – Block A.

First, the footnote (b) on page 8 should add Lot 24 – Block A to the list of proposed lots that have side yards abutting lots not developed under the optional method. The drawings stamped by MNCPPC on May 15, 2009, show the correct side setback.

Second, the footnote (c) on page 8 should delete Lot 24 – Block A from the list of proposed lots that have rear yards abutting existing lots not developed under the optional method. The rear yard of Lot 24 does not abut the property line.

Staff is requesting that the Planning Board approve the corrections to the resolution so that a replacement page may be mailed out to all parties of record to reflect the redlined modifications on pages 8.



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

MCPB No. 09-95
Site Plan No. 820080190
Project Name: Batchellors Forest
Date of Hearing: July 30, 2009

MONTGOMERY COUNTY PLANNING BOARD

CORRECTED RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on February 7, 2008, Oxbridge Development at Batchellors Forest, LC ("Applicant"), filed an application for approval of a site plan for 37 lots including 32 one-family detached dwelling units and 5 one-family attached MPDUs ("Site Plan" or "Plan") on 93.64 acres of RNC-zoned land, located on Batchellors Forest Road approximately 3,000 feet south of the intersection with Doctor Bird Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820080190, Batchellors Forest (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 16, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 30, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 30, 2009 the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre; seconded by

Approved as to
 Legal Sufficiency:

Christina Sounts 11/16/09

Commissioner Cryor; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson and Wells-Harley voting in favor, and Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080190 for 37 lots including 32 one-family detached dwelling units and 5 one-family attached MPDUs, on 93.64 gross acres in the RNC zone, subject to the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120060850 as listed in the Planning Board Resolution dated January 11, 2008 and the Amended Resolution dated July 30, 2009. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT [now DOT] conditions, and DPS stormwater conditions.

Environment

2. Forest Conservation & Tree Save

The development must comply with the conditions of approval of the Final Forest Conservation Plan. The Applicant must comply with the conditions of approval from M-NCPPC Environmental Planning in the memorandum dated July 15, 2009.

3. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated July 2, 2007 unless amended and approved by the Montgomery County Department of Permitting Services.

Parks, Open Space, & Recreation

4. M-NCPPC Department of Parks

- a) Applicant to convey to M-NCPPC the approximately 17.1 acre portion of Subject Property designated as Parcel A that lies east of Batchellors Forest Road, for use as a local park consistent with the Olney Master Plan. Land to be conveyed to M-NCPPC in fee simple by deed acceptable to M-NCPPC Staff, at the time of record plat. Property to be marked with boundary posts in locations acceptable to Department of Parks Staff, and to be conveyed free of any trash and unnatural debris.

- b) Applicant to place a sign on the dedicated parkland, acceptable to M-NCPPC Department of Parks Staff, that identifies it as parkland that will include active recreation amenities.

5. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant shall provide verification to M-NCPPC Staff prior to issuance of the 20th building permit that the Applicant's recorded Homeowners Association Documents are incorporated by reference in the Covenant.

6. Rural Open Space

A Rural Open Space Easement must be recorded in the Montgomery County Land Records for the 65.6-acre area designated as private Rural Open Space (Parcel A: Blk B; Parcel C: Blk A; Lot 15, Blk A, as shown on the Certified Site Plan). Reference to the recorded easement is to be noted on the record plat(s). The Greater Sandy Spring Green Space Inc. will be a co-holder with M-NCPPC of this Easement.

7. Recreation Facilities

The Applicant must provide two picnic/sitting areas, an open play area II, a pedestrian system, nature trails, and natural areas.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to picnic/sitting areas, open play area II, pedestrian system, nature trails, and natural areas.

Transportation

9. Transportation

Provide typical driveway apron treatment at Street B for the shared driveway leading to Lot 19 and Lot 20.

10. Road Signs

- a) Install a stop sign on Old Vic Boulevard at Batchellors Forest Road and on the Farquhar Middle School driveway at the direction of the Department of Permitting Services and Montgomery County Public Schools by the time that the new four-way intersection opens to traffic.
- b) Install a stop sign on the overlength cul-de-sac (designated as Street B on the plans) at Batchellors Forest Road at the direction of the Department of Permitting Services.

Density & Housing

11. Moderately Priced Dwelling Units (MPDUs)

- a) The Applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs on-site.
- b) Elevations for MPDU units must be provided to DHCA prior to Certified Site Plan approval.
- c) MPDU construction schedule to be approved by DHCA prior to Certified Site Plan approval.
- d) The MPDU Agreement to Build shall be executed with DHCA prior to the release of any building permits in accordance with Chapter 25A.
- e) If the decision for Civil Action No. 292245-V regarding the number of MPDUs is reversed upon appeal, the Applicant must increase the number of MPDUs from 5 to 6 and may meet this requirement by replacement of a one-family detached unit with a one-family attached unit through the minor site plan amendment (consent item) process.

Miscellaneous

12. Architecture

Provide architectural treatment of the two groups of MPDU townhouses to have an outward appearance of one-family detached units consistent with the rest of the development.

13. Public Schools

The Applicant must construct a pedestrian connection from the terminus of Old Vic Boulevard at Batchellors Forest Road to the existing sidewalk on the William H. Farquhar Middle School site in an alignment as shown on the drawing on Appendix D of the Staff Report.

Site Plan

14. Site Design

- a) Relocate Lot 14 behind Lot 21 and next to Lot 19 with access off Street B so that it is part of this residential cluster.
- b) Shorten the shared driveway for Lots 19 and 20 by locating it directly off the cul-de-sac on Street B.
- c) Eliminate the natural surface path north of Old Vic Boulevard.
- d) Ensure that Lot 23 meets the minimum of 25 feet of lot frontage on the public street.

15. Landscaping

- a) Provide additional plantings in front of the two individual lots fronting on Batchellors Forest Road (Lots 10 & 15).
- b) Provide additional plantings on the side of Lot 9 and 16 that are visible from Batchellors Forest Road.
- c) Provide additional plantings in the rear of Lots 1 through 9 and the Rural Open Space area immediately adjacent to them to create naturalistic clumps of trees and vegetation, which will help screen the houses from Batchellors Forest Road.

16. Development Program

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

- a) 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.
- b) The development program must provide phasing for installation of on-site landscaping and lighting.
- c) 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.
- d) On-site amenities including, but not limited to benches, play structure, open play area, and natural areas must be installed prior to release of the 30th building permit.
- e) Community-wide pedestrian pathways, including the natural surface trail between the two residential clusters and the sidewalks along the public streets, must be completed prior to issuance of the 30th building permit.
- f) Onsite landscaping associated with each building shall be completed as construction of each building is completed.
- g) Provide each section of the development with necessary roads.
- h) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

17. Certified Site Plan

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

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.

- b) Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Modify data table to reflect development standards enumerated in the Staff Report.
- d) Correct building restriction line (BRL) on individual lots.
- e) Ensure consistency of all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED that all site development elements as shown on Batchellors Forest drawings stamped by the M-NCPPC on May 15, 2009, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference except as modified herein, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The Site Plan meets all of the requirements of the RNC zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The approved use is allowed in the RNC Zone and the Site Plan fulfills the purposes of the zone by preserving open land, environmentally sensitive natural resources, and rural community character. This is accomplished by providing residential development in clusters and maintaining broad vistas of open space.

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the RNC Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table for the RNC Zone, Optional Method of Development

Development Standard	Development Standards Approved by the Planning Board and Binding on the Applicant
Min. Area of Development (acres) 59-C-9.575(a)	93.64
Density (du/ac) Per Olney Master Plan (p.28)	0.39 ^(a)
MPDUs	15%
Max. No. of Dwelling Units	37
One-family detached units	32
One-family attached units (MPDUs)	5
Min. Lot Area (sq. ft.)	
One-family detached units	10,700
One-family attached units (MPDUs)	3,500
Min. Setback from Street (feet)	20
Min. Yard Setback (feet)	
Side yard	8
Side yard, abuts lot not developed under the optional method ^(b)	20
Rear yard	30
Rear yard, abuts lot not developed under the optional method ^(c)	35
Min. Lot width (feet)	
One-family detached unit	25
One-family attached units (MPDUs)	20
Max. Building Height (feet)	35
Max. Lot Coverage (%)	
One-family detached unit	35
Accessory Structures Setbacks (feet)	
Rear	5
Side	5
Street	60
Rural Open Space	69.8%
Common Open Space (sq. ft.)	82,023

- (a) The approved density reflects a density bonus for providing 15 percent MPDUs on-site.
- (b) Lot 1, Blk B adjacent to RC Zone; Lot 24 & 27, Blk A adjacent to RE-2
- (c) Lots 2423-27, Blk A adjacent to RE-2

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

a. Buildings and Structures

The buildings and structures are located in two clusters at a lower elevation away from Batchellors Forest Road. The elevation and location of the houses have been sited appropriately to maintain broad vistas of open space and to preserve the rustic character of the Batchellors Forest Road as envisioned by the Master Plan. The development also responds to the natural resources onsite and takes advantage of the existing forest line to screen some units from the road. The dwellings in the cluster with 19 one-family detached houses and 3 one-family attached houses are located along the proposed extension of Old Vic Boulevard. Some of the houses face an area of Common Open Space, which strengthens it as a gathering place for the residents of the neighborhood. The other cluster with 11 one-family detached houses and 2 one-family attached houses is located close to the southern property edge and is accessed via an over-length cul-de-sac off Batchellors Forest Road. Two additional one-family detached houses are located along Batchellors Forest Road with setbacks from the road that are similar to those of the existing houses. The Planning Board finds that the locations of the buildings and structures are adequate, safe and efficient, while maintaining the rural character of the area and preserving environmentally sensitive natural resources.

b. Open Spaces

The open space provided is divided into Common Open Space, intended for common use by the residents of the neighborhood, and Rural Open Space, intended to protect rural features and other sensitive areas and to maximize common boundaries with Rural Open Space on adjacent tracts. The most significant Common Open Space is centrally located, bordered by a loop road with houses, and has amenity features, making it a true gathering point for the neighborhood residents. The other areas of Common Open Space contain surface features, such as storm water management facilities, which are allowed by the Zoning Ordinance, but make them less usable for the community.

The approximate 65 acres of Rural Open Space are located primarily along Batchellors Forest Road, in order to maintain the existing broad vistas of open space and to preserve the rural character of this road. Additional areas include the stream valley and existing forest which protect these environmentally

sensitive natural resources. The approximate 17.1 acres of Rural Open Space on the east side of Batchellors Forest Road will be conveyed to M-NCPPC for use as a local public park for active recreation purposes consistent with the Olney Master Plan. The Planning Board finds that the open space provided satisfies the provisions of the zoning and is safe, adequate and efficient in addressing the needs of the residential use and the recommendations of the Master Plan.

c. Landscaping and Lighting

The landscaping on individual lots consists of a traditional foundation planting area for the house with shade trees that provide scale to the houses. The remaining landscaping screens the storm water management facilities and defines the areas where the public amenities are located. The areas of Rural Open Space adjacent to Batchellors Forest Road are integral to the character of the road and will remain open without plantings except for the edges abutting the new houses where naturalistic clumps of trees will be planted to screen the houses. Street trees and lighting within the public roadway are provided along the two streets to enhance the pedestrian environment. The lighting provided will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The Planning Board finds that the landscaping and lighting are adequate, safe, and efficient.

d. Recreation Facilities

The recreation facilities provided include two picnic/sitting areas, an open play area II, a pedestrian system, nature trails, and natural areas. This development meets all the recreation requirements onsite through these facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. The Planning Board finds that the facilities being provided adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation.

e. Vehicular and Pedestrian Circulation

The site is accessed from the realigned Old Vic Boulevard Extended, a through road that terminates at Batchellors Forest Road opposite one of the William H. Farquhar Middle School entrances, as recommended by the Master Plan; and via an overlength cul-de-sac from Batchellors Forest Road. The layout of the two public streets provides safe, adequate and efficient access to the developable portions of the Property, while allowing for the preservation of forest, environmentally sensitive areas, and open space.

The pedestrian circulation system consists of 5-foot concrete sidewalks along the two public streets, an 8-foot asphalt path along the Old Vic Boulevard Extended, and a natural surface pedestrian path connecting the two residential clusters.

Because Batchellors Forest Road is a designated rustic road, it is precluded from any changes or improvement that may alter the character of the road, including the construction of sidewalks. The pedestrian circulation system provides safe, adequate and efficient pedestrian access within the site and to the surrounding area, including to the William H. Farquhar Middle School and Our Lady of Good Counsel High School, which are both within walking distance of the site. Intersection improvements at Old Vic Boulevard Extended and Batchellors Forest Road, including crosswalks, will improve pedestrian safety in accessing the Farquhar Middle School. The Planning Board finds that the pedestrian and vehicular circulation is safe, adequate, and efficient.

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

The approved residential use is compatible with the adjacent and confronting residential and institutional uses. This development groups the units into two residential clusters, which minimizes the fragmentation of forest, the impacts on environmentally sensitive areas, and the access points onto Batchellors Forest Road. The two clusters are located away from this road so as to be only partially visible in order to preserve exceptional vistas of open fields, which is a central element to the rustic character of Batchellors Forest Road.

The development provides a diversity of lot sizes ranging from 3,599 square feet for a townhouse MPDU to 426,250 square feet on Lot 15, a conservation lot which includes a significant portion of Rural Open Space. The majority of the lots fall within the 19,000-23,999 square feet range. In addition, the development also provides diversity in house sizes ranging from a minimum of 888 square feet ground coverage to a maximum of 4,472 square feet ground coverage. The Planning Board finds that the diversity in lot and house sizes is compatible with the surrounding development and rustic character of this area, and is consistent with the purpose and intent of the zone.

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.*

The Final Forest Conservation Plan (FFCP) will clear 1.57 acres of forest, preserve 19.53 acres, and plant 6.84 acres of forest. Where forest retention or planting occurs on HOA land, a Category I conservation easement will be placed over the area to provide permanent protection. Forest preservation or planting on land that will be dedicated as M-NCPPC parkland will not have a conservation easement. The Site Plan, as amended by Staff's conditions of approval, will comply with the County Forest Conservation Law.

The stormwater management concept consists of on-site channel protection measures via construction of three detention facilities; on-site water quality control via construction of six Montgomery County Sand Filters (MCSF's); and onsite recharge via open section roadway swales and other nonstructural measures such as rooftop disconnection.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 8 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with Commissioners Hanson, Presley, and Wells-Harley voting in favor of the motion and Commissioner Alfandre absent, with a four-member Board, at its regular meeting held on Thursday, November 19, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

Appendix B

Pereira, Sandra

From: Truett Young [YOUNGJT@stanleymartin.com]
Sent: Tuesday, May 10, 2011 9:41 PM
To: Pereira, Sandra
Cc: Burns, Ray; Randy Brown; Carly N. Schrader
Subject: RE: Batchellors Forest, parks dedication

Sandra,

It was nice speaking with you today.

As I mentioned on the phone earlier, at this point our company is making every effort to advance the project quickly a possible. Now that we have received our approval for the Amendment to the Preliminary Plan we submitted, we are working our way through the site plan and record plat process.

As I indicated earlier, our company is not interested in conveying the property over to MNCPP via a deed prior to the entire record plat being approved and recorded. We would gladly transfer it at the time of record plat recordation.

I am copying Ray and Carly Schrader from our office on this email. They would have a better handle on when we anticipate the record plat being approved and ready to record.

Please feel free to contact Carly or me with any additional questions.

Thanks,
Truett

J. Truett Young
Director of Land Estimating and Contracting
STANLEY MARTIN HOMES
11111 Sunset Hills Road, Suite 200
Reston, Virginia 20190
703.964.5167 - direct
703.926-9297 - cell
703.715.8076 - fax
www.StanleyMartinHomes.com

From: Pereira, Sandra [mailto:Sandra.Pereira@mncppc-mc.org]
Sent: Tuesday, May 10, 2011 2:17 PM
To: Truett Young
Subject: FW: Batchellors Forest, parks dedication
Importance: High

Truett,

Thanks for your phone call today. Please see correspondence below sent to Ray Burns yesterday including the resident's email.

Sandra

Sandra Pereira, RLA
Senior Planner, Area 3

M-NCPPC Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring, MD 20910

Pereira, Sandra

From: Robin Bruckner [Robin.Bruckner@noaa.gov]
Sent: Thursday, May 05, 2011 12:27 PM
To: Pereira, Sandra
Subject: Re: Batchellors Forest, Resolution

Follow Up Flag: Follow up
Flag Status: Flagged

Sandra,

Thanks for your continued research on and responses to my many questions. Last night, several Montgomery County parents made presentations to MCPS to request they think more broadly about identifying and selecting the most beneficial options for the Farquhar Middle School modernization project, for our children, and not just for the life-cycle of a school building. Do you know if anyone representing M-NCPPC was there last night?

Mr. James Song, Director of MCPS Dept of Facilities was there, and indicated he had been in touch with M-NCPPC to discuss the possibility of a land swap. Of course, we all recognize that this is only a possible option once there is a commitment on the part of the landowner to convey the land early enough so that MCPS can design a building for it, even if the actual deeding of the land to M-NCPPC does not take place until closer to final design or construction.

*Mr. Song indicated last night that he would need some sign of commitment by this August in order to move forward with considering the land swap option as part of the feasibility study recommendation. *This is not alot of time!

Parents are invested in keeping the process moving; as you indicate below, even if the landowner is willing and we get over the first obstacle of landowner commitment/timing, there are additional hurdles including public hearings that you mention below. For this reason, while we fully expect MCPS to continue working directly with M-NCPPC to explore this option, *there is a small group of parents working hard on this issue that would like to meet with M-NCPPC staff directly so that we fully understand what has to happen and under what timelines.* We are willing to assist in any way possible, including by serving as a point of communication to the greater community that is following this issue so that we do not complicate the County's work. For that reason, I have been appointed as the primary point of contact for the local community to explore this issue further with M-NCPPC, and wanted to let you know.

I would appreciate working with you to set up a meeting for a small group of parents to speak with key decision-makers within the M-NCPPC on this proposal at your earliest convenience.

Thanks so much!

Robin

Pereira, Sandra wrote:

>
> Robin,
>
> The developer has until April 30, 2015 (or 61 months from the mailing
> of the preliminary plan resolution, which was March 30, 2011) to
> record the plats for their property. The timing of the plat
> recordation is driven by the developer and housing market. A building

> permit for the new homes cannot be granted until those plats are
> recorded.
>
> We expect that the park dedication will occur by a deed transfer to be
> followed by a plat for the property. Staff's opinion is that the
> timing of the plat recordation will not be a big obstacle to the land
> swap process should it move forward. The Planning Board typically
> prefers land to be conveyed by record plat, but our Land Acquisition
> Specialist, Bill Gries, said conveyance by deed can occur prior to the
> plat.
>
> Although Bill Gries did not seem opposed to the idea of a land swap
> with Schools, there are many additional factors and feasibility
> studies needed in order to make the final determination including
> public hearings by the Planning Board. Bill was alerted to your
> meeting tomorrow with Public Schools and offered to send a Park staff
> person to attend. He will contact Mary Pat Wilson to learn more about
> the meeting.
>
> Best regards,
>
> Sandra
>
> -----Original Message-----
> From: Robin Bruckner [mailto:Robin.Bruckner@noaa.gov]
> Sent: Monday, May 02, 2011 1:56 PM
> To: Pereira, Sandra
> Subject: Re: Batchellors Forest, Resolution
>
> Sandra,
>
> Thank you so much!
>
> I read the relevant section and still have questions.....how much time
>
> would the landowner have to convey the property to M-NCPPC once
>
> certified site plans are approved? When I spoke with Cathy Connlon
> about
>
> 2 weeks ago, she said due to extensions on this application she
> thought
>
> it could be as late as some time in 2015, so I am hoping to get a
> solid
>
> response from you as you are the lead reviewer on this project.
>
> Is there any way that M-NCPPC could encourage or require the landowner
>
> to convey the land/record plat soon after the certified site plans are
>
> approved? If so, would this require another correction to the existing
>
> resolution? (Even if a land swap were not going to work, this property
>
> could still potentially be used as a construction staging area if it

>
> were in county ownership to increase safety of students if Farquhar
>
> Middle School were rebuilt on its existing property while students
>
> occupied the existing school.)
>
> Does the record plat for the entire development have to be done at the
>
> same time, or can it be done in pieces?
>
> Thanks for your assistance, your responses to these questions are
>
> important for a group of parents that are developing a presentation
> for
>
> MCPS officials...we are working on this tonight, for presentation to
>
> MCPS officials on Wednesday.
>
> Thanks so much!
>
> Robin
>
> Pereira, Sandra wrote:
>
> >
>
> > Robin,
>
> >
>
> > I'm attaching the Planning Board Adopted Resolution for Batchellors
>
> > Forest, 820080190. Please see page 2, condition 4, in regards to the
>
> > Parks dedication. Let me know if you have any other questions.
>
> >
>
> > <<Adopted Resolution_820080190.pdf>>
>
> >
>
> > Sincerely,
>
> >
>
> > ***Sandra Pereira, RLA*
>
> > Senior Planner, Area 3
>
> >
>
> > M-NCPPC Montgomery County Planning Department
>
> > 8787 Georgia Avenue, Silver Spring, MD 20910

>
> > ***phone* (301) 495-2186 :: ***** fax* (301) 495-1306
>
> > sandra.pereira@mncppc-mc.org
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>
> Robin J. Bruckner
>
> NOAA Fisheries, Office of Habitat Conservation
>
> Community-based Restoration Program (CRP)
>
> 1315 East West Highway F/HC3 Room 15860
>
> Silver Spring, MD 20910
>
> Phone: 301-713-0174 x153
>
> cell: 301-395-3871
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> FAX: 301-713-0184
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> www.restoration.noaa.gov
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