



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

**MCPB HEARING DATE:** July 14, 2011

**REPORT DATE:** June 30, 2011

**TO:** Montgomery County Planning Board

**VIA:** John Carter, Area 3 Chief  
 Robert Kronenberg, Area 1 Supervisor

**FROM:** Sandra Pereira  
 Area 3 Lead Reviewer  
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**SUBJECT:** **Limited Site Plan Amendment 82007002A, Poplar Run (formerly known as Indian Spring)**  
 Revisions to SWM facilities and adjacent lots, building setbacks, recreation area, landscape, lighting and paving, 310.37 acres, located on the east side of Layhill Road approximately 1,300 feet south of the intersection with Middlevale Lane, R-90 and R-200 Zone, Kensington-Wheaton Master Plan.

**APPLICANT:** Winchester Homes

**FILING DATE:** May 7, 2010

**RECOMMENDATION:** Approval with conditions

**SUMMARY:** Limited amendment to revise three SWM facilities, per DPS' comments, and as a result to adjust nearby lots and park dedication line. Rear alley setbacks were adjusted on the Unit E lots to accommodate a detached garage option. The amendment includes several minor changes to Poplar Run Drive, and the Clubhouse and surrounding recreation area. In addition, the amendment updates certain landscaping, lighting and decorative paving features. No community concerns have been raised.

Approval signatures

		<i>JAC</i>		
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## RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 82007002A: Poplar Run. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on April 11, 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 120060510 as listed in the Planning Board Resolution dated January 4, 2007 unless amended. 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, as amended.

2. Site Plan Conformance

The proposed development must comply with the conditions of approval for Site Plan 820070020 as listed in the Planning Board Resolution dated February 20, 2008 [MCPB No. 08-26], except as amended by this application.

3. Landscaping

Adjust location of street trees at the Rabbit Hollow Place (Enclave) to avoid conflicts with the proposed driveways and to accommodate a minimum of seven (7) additional street trees in front of the townhouse rows.

4. Certified Site Plan

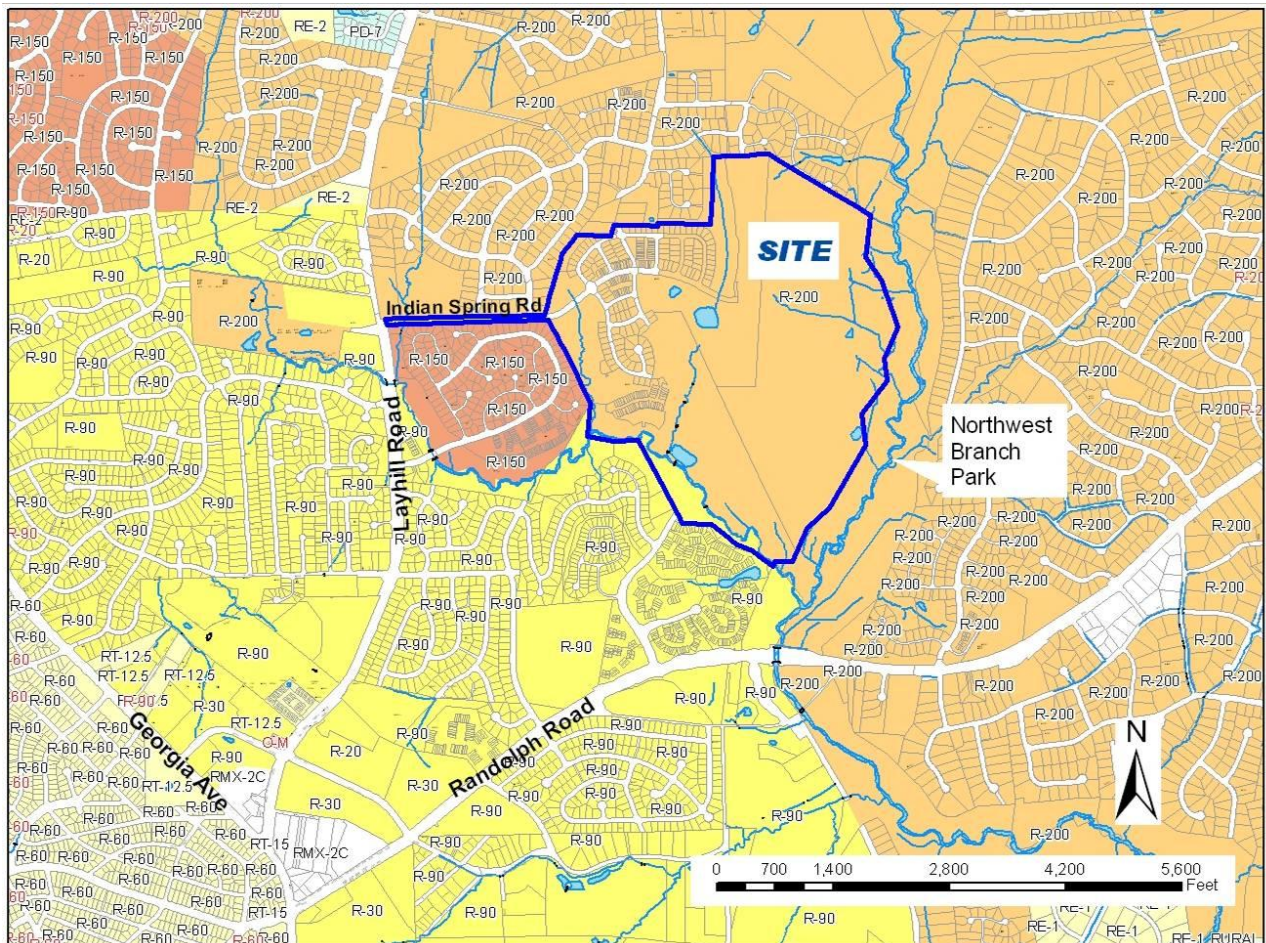
Prior to approval of the Certified Site Plan, the following revisions must be made and information provided subject to Staff review and approval:

- a) Provide four (4) additional parking spaces in the Community Center area for a total of 98 parking spaces.
- b) Include parkland dedication exhibit dated April 6, 2011 as part of the Certified Site Plan and update park dedication acreage on the data table.

# SITE DESCRIPTION

## Vicinity

The property is located on the east side of Layhill Road, just west of the Northwest Branch Park and north of Randolph Road. It is bounded to the north by the Layhill View community, to the west by the Middlebridge community, and to the south by the Tivoli community. A private driveway enters the site from Layhill Road; Foggy Glen Road adjoins the site to the north; and Tivoli Lake Boulevard enters the site from the south. The property is located within the Kensington-Wheaton Planning Area consisting of surrounding existing one-family detached neighborhoods developed under the R-200, R-150 and R-90 Zones. One-family detached units abut the majority of the property with the exception of a small pocket of townhouses to the south near the Tivoli Lakes Boulevard terminus. The site is zoned R-200 with a small portion zoned R-90.

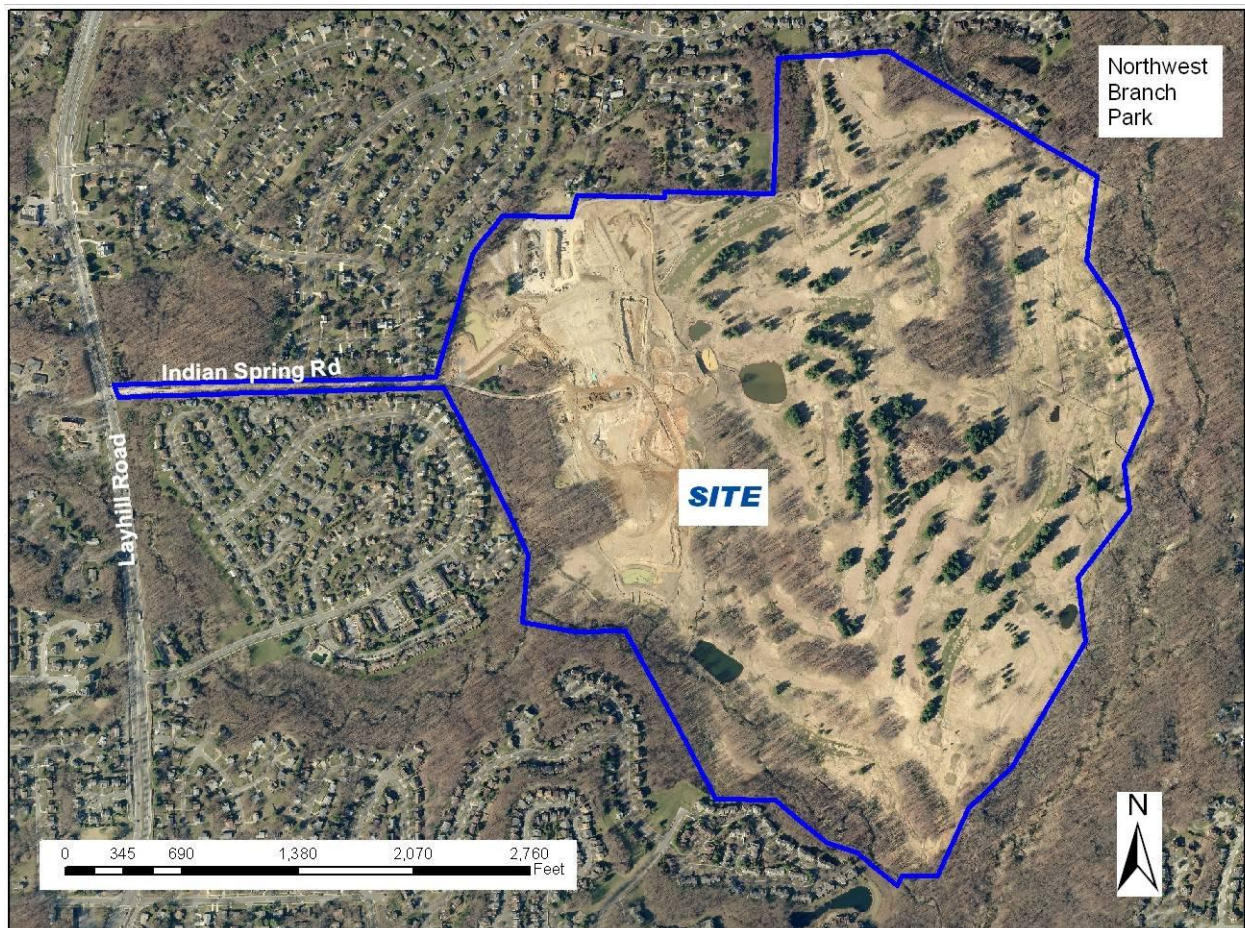


Vicinity Map

## Site Analysis

Before the residential subdivision was approved, the majority of the land cover on the 310-acre site was associated with the Indian Springs Country Club, which included a golf course, tennis courts, swimming pool, and other country club facilities. Of the approximately 99.5 acres of environmental buffers on the site, 72.4 acres had been in golf course use. Some buffer areas are fully forested. Others were partly or completely within the golf course and were covered in grasses that were mowed down to the stream channel. Floodplains cover 45.8 acres of the site, all of which had been in golf course use.

The site lies within the Northwest Branch watershed (State Use IV, or recreational trout waters). The main stem of Northwest Branch lies to the east in M-NCPPC parkland and Bel Pre Creek, a major tributary of Northwest Branch, lies within the site adjacent to the southern property boundary. Five smaller streams also flow within the site. Northwest Branch Stream Valley Park surrounds the property to the south and east.



*Aerial Photo (2010)*

## PROJECT DESCRIPTION

### Previous Approvals

On September 21, 2006, the Planning Board approved with conditions Preliminary Plan No. 120060510 (MCPB No. 06-89) for 773 one-family lots on 308 acres.

On October 11, 2007, the Planning Board approved with conditions Site Plan No. 820070020 (MCPB No. 08-26) for 773 dwelling units (471 one-family detached and 302 townhouse units), including 15 percent MPDUs, on 310.37 acres. [Appendix A]

### Proposal



*Illustrative Plan*

The Applicant requests the following modifications:

- 1) Poplar Run Drive
  - a. Modification to the entry sign per County comments. Sign panel and sign wall lowered to a height of approximately 5 feet.
  - b. Decorative Pump House and wall feature removed per County comments. Six trees have been added to replace the Pump House.
  - c. Additional understory landscape enhancements, including small shrubs and groundcover, along Poplar Run Drive to complement the existing trees to remain and retaining wall.
  - d. Additional storm drain to be located at the end of Middlevale behind retaining wall per County request.
- 2) Clubhouse and recreation area layout



*Illustrative rendering of the Clubhouse and recreation area*

- a. The Clubhouse footprint has been reduced to approximately 3,369 SF as result of final engineering and design. Overall, the 2-story Clubhouse still provides indoor community space consistent with the floor area requirements of the M-NCPPC Recreation Guidelines. The exercise room was eliminated.
- b. The parking lot area serving the Clubhouse has swapped locations with the play area and storm water management facilities. The parking is now located to the west of the entry drive and cul-de-sac drop off for the Clubhouse and closer to Moonlight Trail Drive. The approved number of parking spaces will be maintained at 98 spaces.
- c. A volleyball court has been added to expand the recreation opportunities for this community and to replace the indoor exercise room.
- d. The playground has been relocated slightly to the north to accommodate the volleyball court.
- e. A pedestrian ramp connecting the handicap spaces to the building has been added.

- f. Landscaping has been modified accordingly.
- g. Recreation calculations have been updated accordingly (see tables below). As the calculations indicate, the recreation supply points meet the demand points (within 10%) for each population category. Therefore, the recreation amenities proposed adequately meet the recreation requirements of the proposed development. The site plan still meets all the recreation requirements onsite.
- h. The size of the pool pump houses has been adjusted slightly to accommodate the required pool equipment per code requirements.

<b>Demand</b>		D1	D2	D3	D4	D5
Housing Type	Number of Units	Tots	Children	Teens	Adults	Seniors
		0 to 4	5 to 11	12 to 17	18 to 64	65+
SFD II (7,000-19,999)	311	40.43	74.64	77.75	329.66	34.21
SFD III (<7,000)	160	22.40	30.40	36.80	203.20	20.80
TH	302	51.34	66.44	54.36	389.58	21.14
		114.17	171.48	168.91	922.44	76.15

<b>On-Site Supply</b>		D1	D2	D3	D4	D5
Recreation Facility	Quantity Provided	Tots	Children	Teens	Adults	Seniors
		0 to 4	5 to 11	12 to 17	18 to 64	65+
Tot Lot	1	9.00	2.00	0.00	4.00	1.00
Play Lot	1	0.00	9.00	3.00	4.00	1.00
Picnic/Sitting	10	10.00	10.00	15.00	50.00	20.00
Open Play Area I	2	12.00	18.00	24.00	60.00	4.00
Open Play Area II	3	9.00	12.00	12.00	30.00	3.00
Volleyball	1	2.00	2.00	3.00	8.00	1.00
Bike System	1	5.71	17.15	25.34	138.37	7.62
Pedestrian System	1	11.42	34.30	33.78	415.10	34.27
Nature Trails	1	5.71	17.15	25.34	138.37	11.42
Natural Areas	1	0.00	8.57	16.89	92.24	3.81
Swimming Pool	2	12.56	70.31	69.25	461.22	22.85
Wading Pool	1	17.13	8.57	0.00	46.12	3.81
Indoor Community Space	1	11.42	25.72	50.67	276.73	30.46
total:		105.94	234.77	278.27	1724.15	144.23

<b>Adequacy of Facilities</b>	D1	D2	D3	D4	D5
Gross Total Supply	105.94	234.77	278.27	1724.15	144.23
90% Demand	102.76	154.34	152.02	830.2	68.54
Adequate?	yes	yes	yes	yes	yes

- 3) SWM ponds & bio-retention facilities
  - a. Stormwater management facilities #4, 6, 7 and nearby residential lots have been relocated and reconfigured in response to comments from DPS, Water Resources Section, to avoid potential dam breach concerns.
  - b. Park dedication line adjusted to provide a 15-foot setback from the toe of the slope of any SWM ponds in response to comments from DPS, Water Resources Section. The total park dedication acreage remains at approximately 74.24 acres; however, the final number may be adjusted slightly at the time of record plat.
  - c. Enhanced landscape has been added to the SWM ponds.
  - d. Soaring Wing Lane was realigned and the lot lines adjusted to accommodate the relocation of the SWM pond. Landscape and lighting adjusted.



*Illustrative rendering of Redspire Drive and Soaring Wing Lane with the adjusted lot layout*

- 4) Alley Setback for Unit E
  - a. Revised rear alley setback on the Unit E lots from 20' to 10' to accommodate a detached garage option. Data table has been updated accordingly.
- 5) Lot relocation



- a. One single family detached lot was relocated from Phase 3 along Soaring Wing Lane to Phase 2 along Redspire Drive between Lots 24 and 25 on the V Block as a result of the revisions to the SWM facilities in Phase 3.
- 6) Street names
  - a. Street names have been revised in coordination with M-NCPPC.
- 7) Street trees/landscaping
  - a. All Red Oaks along Poplar Run Drive have been replaced with Chinese Elm, per Montgomery County Chief of Tree Maintenance.
  - b. All Greenspire Linden have been replaced with Silver Linden, per Montgomery County Chief of Tree Maintenance.
  - c. All Chinese Elms along Deer Highlands Way and Redspire Drive have been replaced with Swamp White Oak, per Montgomery County Chief of Tree Maintenance.
  - d. Additional landscape buffering to be provided behind three single family lots above Enclave townhomes.
- 8) Lighting
  - a. All street lights along Poplar Run Drive, Tivoli Lake Boulevard, Soaring Wing Lane and at the clubhouse drive and parking lot have been changed to the decorative globe fixture. Mounting height at 12 feet and light intensity at 70w HPS is consistent with other street light fixtures proposed.
  - b. Streetlight locations have been revised to match the approved streetlight permit plans per County requirements for Phase 1A, 1B, 1C, and 1D.
  - c. Photometric plans have been updated to reflect proposed fixtures and revised locations.
- 9) Decorative paving
  - a. Decorative stamped asphalt or painted asphalt paving has been added to the private entry road at the Enclave.
  - b. Along Poplar Run Drive, stamped asphalt or painted crosswalks were added to emphasize the pedestrian realm and as a traffic calming measure as allowed by MCDOT.
  - c. Addition of pedestrian refuge islands in medians with depressed curbs at crosswalks location. Two ramps to be utilized at each corner of these intersections.
- 10) Park Dedication Areas
  - a. Public Use Trail and Maintenance Easements will be provided where park use trails cross HOA property.

## **PROJECT ANALYSIS**

### **Master Plan**

The proposed amendment maintains conformance with the 1989 Kensington-Wheaton Master Plan vision and recommendations. The master plan specifically recommends that the road network between Tivoli Lakes Boulevard and the existing Indian Spring access road be designed to prevent cut-through traffic movement between Layhill Road and Randolph Road. The proposed improvements to the road network, such as the stamped asphalt or painted crosswalks, further provide for traffic calming and prevent cut-through traffic movement between Layhill Road and Randolph Road.

### **Transportation and Circulation**

The proposed changes will continue to provide safe, adequate and efficient vehicular and pedestrian circulation. The decorative paving will serve as a traffic calming measure. The pedestrian refuge islands and the crosswalks will improve pedestrian safety in the development.

### **Environment**

The proposed changes have also triggered an amendment to the Final FCP. Since the proposed changes will not result in more than a total of 5,000 square feet of additional forest clearing, the Final FCP amendment is considered to be a minor amendment and will be reviewed by the Planning Director or the Director's designee. This is consistent with COMCOR 22A.00.01.13(A)(1) of the County Forest Conservation Regulations.

On-site stormwater management will change as a result of relocating and reconfiguring several stormwater management facilities. DPS, Water Resources Section has confirmed acceptance of these changes without the need to revise the SWM concept.

### **Development Standards**

The site is zoned R-90 and R-200. The proposed development meets the purpose and requirements of the R-90 and R-200 zones, utilizing the MPDU option. 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.

*Data Table for the R-90 and R-200 Zone, MPDU Option*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved with 820070020</b>	<b>Proposed for Approval &amp; Binding on the Applicant</b>
<b>Min. Building Setbacks (feet)</b>			
One-family detached			
Min. separation from edge of rear alley to rear Garage (5' building cantilever or 10' deck Cantilever permitted for upper level(s))	Not specified	20	10

### **COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and meeting requirements. Notice of the amendment was sent to all parties of record on June 8, 2011 giving 15 days for comments. Staff has not received correspondence on this matter.

## **CONCLUSION**

Staff recommends approval of the Limited Site Plan Amendment with conditions. The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval and the site remains compatible with existing and proposed development adjacent to the site. The location of buildings and structures, vehicular and pedestrian circulation, open space, landscaping and lighting remain adequate, safe and efficient. The Site Plan Amendment is in conformance with the Kensington-Wheaton Master Plan and the development standards in the R-90 and R-200 Zone.

## **APPENDICES**

- A. Prior Resolution
- B. Agency Correspondence

# Appendix A



FEB 20 2008

## MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 08-26  
Site Plan No. 820070020  
Project Name: Poplar Run (formerly Indian Spring)  
Date of Hearing: October 11, 2007

### MONTGOMERY COUNTY PLANNING BOARD

#### 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 July 13, 2006, Winchester Homes ("Applicant"), filed an application for approval of a site plan for 773 dwelling units, including up to 15% MPDUs, on 310.37 acres, with supporting infrastructure, recreational amenities and open space ("Site Plan" or "Plan") on 310.37 acres of R-90 and R-200-zoned land, located on the east side of Layhill Road, approximately 1,300 feet south of the intersection with Middlevale Lane ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820070020, Poplar Run (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated September 28, 2007 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 staffs of other governmental agencies, on October 11, 2007, 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 October 11, 2007 the Planning Board approved the Application subject to conditions on the motion of Commissioner John Robinson; seconded by Commissioner Cryor; with a vote of 5-0, Commissioners Bryant, Cryor, Hanson, Lynch and Robinson voting in favor.

Approved as to  
Legal Sufficiency:

*DBL 1/31/08*

8787 Georgia Avenue, Silver Spring, Maryland 20910

Chairman's Office: 301.495.4605 Fax: 301.495.1320

M-NCPPC Legal Department  
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NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES Site Plan No. 820070020 for a maximum of 773 dwelling units (471 one-family detached and 302 townhouse units),<sup>1</sup> including 15% MPDUs, a community center for the development and modification of the MPDU lot size to 1300 square feet, on 310.37 acres in the R-90 and R-200 zones, subject to the following conditions:

1. Preliminary Plan Conformance  
The proposed development shall comply with the conditions of approval for Preliminary Plan 120060510 as listed in the Planning Board opinion dated January 4, 2007.
2. Landscaping
  - a. Provide typical landscape package for front yard of townhouse units.
  - b. Plant material selections may be substituted according to the alternate plant list to address issues with availability of material, replacements and site considerations during construction.
3. Lighting
  - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
  - b. All light fixtures shall be cut-off fixtures.
  - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
  - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
  - e. The height of the light poles within the pool area shall not exceed 18 feet including the mounting base.
  - f. Lighting associated with the community center/clubhouse shall be no greater than 18-feet tall.
  - g. Lighting associated with the private streets and common areas shall be no greater than 14-feet tall.
  - h. Label or use a symbol on all street lights which will have house-side shield to prevent light levels from spilling to adjoining residential properties. Add a confirmatory statement that there will be no light levels above 0.50 footcandles beyond the right of way line or residential property line, as it pertains to Street A.
4. Pedestrian Circulation

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<sup>1</sup> The Applicant was required as a condition of Preliminary Plan approval to reserve in whole and dedicate in part a 10-acre school site. Forty three of the 773 proposed units would have been located on this 10-acre site. If MCPS acts on the school site reservation, the number of units that the Applicant will be permitted to build under this approval is 730. But as described in Condition 8 below, if MCPS does not act on the school site reservation, the Applicant will be permitted to build an additional 43 units on the school site.

Provide an 8' minimum width hard surface trail from the existing Foggy Glen Drive terminus on the north side of the proposed development, to the existing Tivoli Lake Boulevard terminus located south of Bel Pre Creek.

5. Recreation Facilities

- a. The Applicant shall provide the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant shall provide the following recreation facilities: 10 picnic/sitting areas, 1 tot lot, 1 play lot, 2 open play areas (types I and II) , natural areas and trails as well as a swimming and wading pool within the clubhouse area.
- c. Indicate the square footage of the Indoor Community Space and Exercise Room, and describe the equipment or station in the Indoor Fitness Facility. Note standards in the Recreation Guidelines.

6. M-NCPPC Park Facility

The Applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Research Analysis in the memorandum dated September 20, 2007:

- a. Applicant to establish and dedicate to M-NCPPC a 35' minimum width green corridor, as shown on the Plan, through the subject property from the existing Foggy Glen Drive terminus on the north side of the subject property to the existing Tivoli Lake Boulevard on the south side. The green corridor should be primarily located away from roads, outside of the floodplain and stream buffers, and away from private residences and fences, wherever possible, and give the impression and feel to the user of a park like setting. Exact alignment and width of the dedicated green corridor to be determined by time of Certified Site Plan.
- b. Applicant to construct within the dedicated parkland an 8' minimum width hard surface trail from the existing Foggy Glen Drive terminus on the north side of the proposed development to the existing Tivoli Lake Boulevard terminus located south of Bel Pre Creek. Exact trail alignment to be determined by time of Certified Site Plan. Trail to be constructed to park standards and specifications and include necessary bridges, stream crossings and adequate signage. Trail will cross Bel Pre Creek on the same bridge as the proposed road crossing and be located such that it connects with the sidewalk system currently located along Tivoli Lake Boulevard. Trail to be adequately separated from the roadway for user safety.
- c. Applicant to provide a natural surface trail connection from the community sidewalk and hard surface trail system to the master planned Rachel Carson Greenway Trail located on the east side of Northwest Branch. Trail to be located approximately as shown on the Plan and to include necessary boardwalks and a bridge across Northwest Branch. Exact location of trail and bridge to be acceptable to M-NCPPC staff and determined prior to Certified Site Plan. Trail and bridge to be constructed to park standards and specifications within existing and dedicated parkland to allow adequate public access to the trail.

- d. Applicant to dedicate to M-NCPPC all land as indicated on the Site Plan along Northwest Branch and Bel Pre Creek to be added to current stream valley parkland. Land to be conveyed at time of record plat and to be free of trash and unnatural debris with boundaries staked and signed to delineate between parkland and private property. Existing ponds within the dedicated parkland to be removed by Applicant prior to conveyance, if M-NCPPC staff determines such removal to be desirable.
  - e. Wherever possible, any stormwater management ponds and structures are to be located on HOA owned land and all hard surface and natural surface trails required by these Conditions are to be located on dedicated parkland. When this is not practical due to engineering or environmental limitations, then easements, acceptable to both Applicant and M-NCPPC staff, must be established to give the HOA the right and obligation to repair and maintain any stormwater structures located on parkland, and to give M-NCPPC the right to maintain, repair and police, and the public the right to freely use, any trails or portions thereof that are located on HOA owned property.
  - f. Applicant to procure a Park Permit prior to construction of the trails or stream crossings on parkland. Minor adjustments or changes to the park amenities resulting from any adjustment of final easement and trail alignments, bridge details or locations, signage, or other such changes required during the park permitting process, shall not require an amendment to this Site Plan.
7. Moderately Priced Dwelling Units (MPDUs)  
The proposed development shall provide 15 percent MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs to Chairman Hanson dated July 2, 2007. The Applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs on-site.
- a. The Applicant shall provide 116 Moderately Priced Dwelling Units (15% of the total number of units), consistent with Chapter 25A.
  - b. The MPDU agreement shall be executed prior to the release of the first building permit.
  - c. All of the required MPDUs shall be provided on-site.
8. School Site Dedication  
The amount of the 10-acre school site that the Applicant must dedicate to MCPS pursuant to Condition 12 of the Preliminary Plan is 3 acres. If MCPS does not act on the reservation by acquiring the property in reservation prior to its expiration, the Applicant shall be permitted to proceed with the development of the 43 platted lots located in the area dedicated and reserved for the school site.
9. Transportation  
The Applicant shall comply with the following conditions of approval from the Department of Permitting Services Right-of-Way Permitting and Plan Review Section in the memorandum dated July 20, 2007:
- a. Extend length of chokers by 10 feet. The choker should measure 50 feet from the extension of the intersecting curb line to the tangent of the choker.



- b. The 12-foot wide median islands on Street A should have a mountable curb (MC101.01), a two-foot wide decorative (stamped concrete) traffic bearing collar, a tree, and a 'half' bullet nose design.
  - c. Traffic circles should have a six-foot wide, decorative (stamped concrete) traffic bearing collar, one to three trees and grass or low growing plant material (see MC704.01 Allowable Greenspace Plantings).
  - d. The proposed retaining walls on Street A and Tivoli Lake Boulevard are acceptable in the right of way where the adjacent property is not or will not be controlled by the HOA. DPWT Design Section will need to sign-off on the retaining wall plans at permitting.
  - e. Street H at Street B should intersect at no less than 70 degrees.
  - f. The median island on the east leg of Street O should be widened, lengthened and tapered to provide a better transition from the west leg. It can be treated similar in design to the median islands proposed for Street A.
  - g. The Applicant will be responsible for developing a plan and installing all traffic signs (Stop, One Way, etc.) and pavement markings (centerlines, etc.) on the public roads. This includes all necessary parking restriction signs as mandated by the Fire Marshall or DPWT. The signing and marking plan should be submitted to DPWT for approval concurrent with the storm drain and paving plans for the site.
  - h. All landscaping or any non-standard feature, other than street trees, allowed within the public right of way on the circles, medians, and at the community entrances, will be the responsibility of the HOA and will require a Maintenance and Liability Agreement prior to permitting. (The interiors of the two squares will be HOA property and, thus, are not subject to this requirement.)
  - i. The Applicant shall construct a traffic circle that will function safely and efficiently within the existing public right of way at the intersection of Tivoli Lake Boulevard and Osterport Drive, if acceptable to DPS and DPWT, and the Tivoli HOA. The construction of the traffic circle shall be constructed concurrently with the road improvements to Tivoli Lake Boulevard.
  - j. Two curb ramps will be provided on each corner at intersecting streets (only one corner at T intersections). The ramps will be located as close to the intersection as feasible and will be perpendicular to the radius (curb return). The exact locations of the ramps will be determined at permitting.
10. Forest Conservation
- The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated September 28, 2007:
- a. The proposed development shall comply with the conditions of the final forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. These conditions include, but are not limited to, the following:
    - i. Permanent markers (such as fences or signs) that clearly identify the

- boundaries of forest retention and forest planting areas, in addition to environmental buffer areas.
  - ii. Revise the invasive plant management plan to require removal and control of non-native, invasive plants starting in the first year of forest planting.
  - iii. Add a planting plan and schedule for forest bank areas, including access to allow for maintenance of planted areas.
  - iv. Include detailed plans for restoration work within the environmental buffers.
- b. Record plat of subdivision shall show all areas of forest retention, forest planting, and environmental buffers within Category I conservation easements or park dedication.
  - c. The M-NCPPC inspector will determine, as part of the pre-construction meeting, trees in a forest stand and located along the limits of disturbance that may be protected and those that will be removed. The inspector may also require mitigation to replace trees that help create forest canopy along the limits of disturbance that are removed as part of this inspection. Mitigation rate will be up to an inch-per-inch diameter at breast height of trees of native stock.
  - d. Applicant must submit detailed design plans for the reconstruction of the stream bank and construction of pathways for pedestrian and wildlife use through the culvert for Tivoli Lakes Boulevard for review and approval by Staff of M-NCPPC Environmental Planning and Department of Parks Natural Resources. The detailed design for the stream bank and pathways through the culvert must be consistent with the Conceptual Span profiles dated May 2006, by Loiderman Soltesz Associates, Inc.
11. Stormwater Management  
The proposed development is subject to Stormwater Management Concept approval conditions dated September 14, 2007 unless amended and approved by the Montgomery County Department of Permitting Services.
12. Common Open Space Covenant  
Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 541st building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.
13. Development Program  
Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. Development Program shall include a phasing schedule as follows:
- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
  - b. Local Recreational Facilities

All Local Recreational Facilities shall be completed prior to the issuance of the 212nd building permit for the units in Phase I. (This number represents 70 percent of 302 units located in Phase I). The recreation facilities in Phase I include the natural areas and 3 sitting areas. Landscaping and lighting associated with the Recreational Facilities shall be installed no later than 6 months after the completion of those facilities.

- i. All Local Recreational Facilities shall be completed prior to the issuance of the 229<sup>nd</sup> building permit for the units in Phase II. (This number represents 70 percent of 327 units located in Phase II). The recreation facilities in Phase II include the play lot, natural areas and trails and 7 sitting areas. Landscaping and lighting associated with the Recreational Facilities shall be installed no later than 6 months after the completion of those facilities.
  - ii. All Local Recreational Facilities shall be completed prior to the issuance of the 101st building permit for the units in Phase III. (This number represents 70 percent of 144 units located in Phase III). The recreation facilities in Phase III include the natural areas and trails and remainder of the pedestrian system. Landscaping and lighting associated with the Recreational Facilities shall be installed no later than 6 months after the completion of those facilities.
- c. Community-Wide Recreational Facilities
- i. All Community-Wide Recreational Facilities shall be completed prior to the issuance of the 436<sup>th</sup> building permit. (This number represents 70 percent of 629 units located in Phases I and II). Community-wide facilities include the pool, pool house and community center, tot lot, gazebo in the community square, open play areas and the phase I and II portion of the 8-foot-wide hard surface hiker/biker path. Landscaping and lighting associated with the community-wide facilities shall be installed no later than 6 months after the completion of those facilities.
  - ii. Community-wide facilities in Phase III, including the remainder of the 8-foot-wide hard surface hiker/biker path and the natural surface connections to the Rachel Carson Greenway Trail and necessary bridges or boardwalks, shall be completed prior to the issuance of the 101 building permit (this number represents 70 percent of 144 units located in Phase III). Landscaping and lighting associated with the community-wide facilities shall be installed no later than 6 months after the completion of those facilities.
  - iii. The hard surface path connection associated with the Tivoli Lakes road connection, starting at Hugo Circle to the first intersecting street in the community (currently Street K), shall be constructed along with the road connection.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

- e. On-site landscaping and lighting associated with the construction of the private roads and common areas shall be installed no later than 6 months after the completion of those roads and common areas.
  - f. Provide each section of the development with necessary roads.
  - g. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
14. Clearing and Grading  
No clearing or grading prior to M-NCPPC approval of the certified site plan.
15. Certified Site Plan  
Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:
- a. Development program, inspection schedule, site plan index, and site plan resolution.
  - b. Limits of disturbance.
  - c. Methods and locations of tree protection.
  - d. Forest Conservation easement areas.
  - e. MPDU, TDR, and recreation facility calculations.
  - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - g. Location of outfalls away from tree preservation areas.
  - h. All residential lots to meet the minimum square footage: 6,000 sf for one family detached; 1500 sf for one family attached; and 1300 sf for MPDU one family attached.
  - i. Show required parking for Community Center as 97 spaces (1 space per 7 persons in pool; pool capacity of 677 persons).
  - j. Show a calculation for required and provided interior green space for the parking area.
  - k. Provide the building restriction lines and setbacks on each lot.
  - l. Provide an alternate plant schedule for substitutions.

BE IT FURTHER RESOLVED that all site development elements as shown on Poplar Run drawings stamped by the M-NCPPC on August 29, 2007, 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, 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 an approved development plan nor a project plan is required for the subject development.

2. *The Site Plan meets all of the requirements of the R-90 and R-200 zones and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As conditioned, the Site Plan meets all of the requirements of the R-200 and R-90 zones, utilizing the MPDU option, as demonstrated in the Project Data Table below.

#### **Requirements of the R-200 and R-90 zones**

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. Based on this data table and other evidence and testimony of record, the Planning Board finds that the Application meets all of the applicable requirements of the R-200 and R-90 Zones. The Planning Board also finds that the Site Plan is consistent with the Preliminary Plan of subdivision for maximum percentage (40%) of one-family attached units, citing that the Preliminary Plan resolution incorrectly states the maximum percentage for both the one-family detached and attached units, when the provision in the zoning ordinance is specific to maximum percentage for the one-family attached. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

#### **Data Table**

Development Standards Approved by  
the Planning Board and Binding on  
the Applicant

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Min. Tract Area (ac.):	310.37
Gross Tract Area (ac.):	310.37 <sup>2</sup>
Net Useable Area (ac.):	310.37

Dedication (ac.):

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<sup>2</sup> Acreage per the approved Preliminary Plan is 308.36. Acreage per the final boundary survey is 310.37 acres. Permitted and proposed density is based on the density per the approved Preliminary Plan.

Street	44.46
M-NCPPC Park	74.24
Net Tract Area (ac.):	191.67
Max. Density of Development (d.u./ac.)	
R-200 Zone with MPDU Option (2.44 du/ac. x 297.56)	726
R-90 Zone with MPDU Option (4.39 du/ac. x 10.80)	<u>47</u>
Total Density Permitted	773
Total Density Permitted with 10 ac. School Site Reservation	730
Number of Dwelling Unit	
One-family detached unit	61%/471 du's
Townhouse	<u>39%/302 du's</u>
Total	100%/773 du's
Phasing and MPDU Calculations:	
Without School Site Reservation	
Phase I: (302 du's total)	49 MPDUs (16%)
Phase II: (327 du's total)	47 MPDUs (14%)
Phase III: (144 du's total)	<u>20 MPDUs (14%)</u>
Total	116 MPDUs (Unit A)
With School Site Reservation	
Phase I: (259 du's total)	43 MPDUs (17%)
Phase II: (327 du's total)	47 MPDUs (14%)
Phase III: (144 du's total)	<u>20 MPDUs (14%)</u>
Total	110 MPDUs (Unit A)
Min. Building Setbacks (ft.)	
<u>One-family detached</u>	
Primary setback from public street	25
Setback from street on corner lot when Adjoining lot does not front on that street	15
Rear yard (front load garage unit)	15
Rear yard (alley loaded garage unit to lot line)	0
Side yard	4

Min. separation from edge of rear alley to rear Garage (5' building cantilever or 10' deck Cantilever permitted for upper level(s))	20
Setback from adjacent lots not developed under The R-200/MPDU option Equal to abutting lot 30	Required setback (30' for R-200 lots)
Min lot width at front building line for Panhandle/flag lots 29-31(Block V) and Lots 12-14 (Block U)	75
<u>Townhouse</u>	
Primary setback from Public Street (when front of house is oriented to public street)	15
Primary setback from lot line adjacent to private Street (D unit connection)	15
Secondary setback from Public Street (when side of house is oriented to public street)	10
Side	0
Rear (to lot line) for A, B & C units	0
Rear (to lot line) for D units	0
Min. separation from edge to rear alley to rear Garage (5' building cantilever or 10' deck Cantilever permitted for upper levels)	20
Min. separation between end units	10
<u>Accessory Buildings</u>	
Primary setback from Public Street (when front of house is oriented to public street)	60
Secondary setback from Public Street (when side of house is oriented to public street)	15
Side	5
Rear (to lot line)	5
Min. separation from edge of rear alley to Accessory building	5
Min. Green Area (ac.):	
Townhouse (301 du x 2,000 sf/du)	217
Max. Building Height (ft.):	
Main Building	40
Accessory Structure	25
Min. Lot Area (ft.):	
One-family detached	6,000

Townhouse	1,500 for market- Rate units and 1,300 for MPDUs
Max. Lot Coverage (sf):	Not Specified
Min. Lot Width at Street Line for One-family detached lots (ft.):	25
Parking Spaces	
<u>Garages</u>	
'A' Townhouse MPDU units with one car garage	116
'B', 'C' & 'D' Townhouse units with two car garages	372
'E', 'F' & 'G' Townhouse units with two car garages	942
<u>Driveways</u>	
'A' Townhouse MPDU units with one parking pad space	116
'B', 'C' & 'D' Townhouse units with two parking pad spaces	372
'E', 'F' & 'G' Townhouse units with two parking pad spaces	942
Community Center and Pool	99
Private Parking	<u>20</u>
Total	2,979

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 locations of the buildings and structures are safe, adequate and efficient.

The proposed units are concentrated into four separate development pods, connected by an overall road network with intervening stream valleys. The units are a mix of one-family detached and townhouses



throughout the development along with the required MPDUs integrated within the framework of the community. The development provides opportunities to reduce the visual impact and "tunnel effect" through the orientation and mix of units and unit types. The pool and clubhouse facility is centrally located to provide recreational amenities and a community gathering place for the development. The play structures are located throughout each phase of the development to provide additional recreational facilities and amenities.

In approving the Preliminary Plan, the Planning Board required the Applicant to reserve an entire school site, and to dedicate a portion of that school site "proportionate to the number of elementary school age children that MCPS forecasts will be generated by the Indian Spring subdivision relative to the number 600, which would warrant dedication of the entire school site..." But because the precise number of units to be developed, and therefore the number of students the development would generate, would not be determined until site plan, the Preliminary Plan approval provided that "the area to be dedicated shall be determined at site plan..." Based on the formula established at Preliminary Plan, the amount of the school site to be dedicated by the Applicant is 3 acres.

At Preliminary Plan, the Planning Board stated that "[a]t the time of site plan" the condition requiring reservation of the entire school site and dedication of a pro rata portion of it "may be modified or eliminated if the Planning Board determines that the site is no longer necessary or appropriate for reservation and/or dedication." The Planning Board further stated that it expected "the Applicant, MCPS, Montgomery County Government and Staff, prior to review of the site plan by the Planning Board, to work together to determine whether this site is needed or whether there are alternative school sites that are preferable and feasible." The Applicant argued at the Hearing that alternative school sites were preferable to the Poplar Run site, and requested that the Preliminary Plan requirement to reserve the school site be eliminated. Alternatively, the Applicant requested that the Preliminary Plan requirement to dedicate a pro rata portion of the school site be eliminated. The Planning Board heard testimony for and against eliminating the requirement for reservation/dedication of a school site as part of the Poplar Run development, and after hearing these arguments did not choose to modify the Preliminary Plan requirement.

Under the Preliminary Plan condition requiring reservation and partial dedication of the school site, the total number of units that can be built on the subject site is 730. However, that condition also provided that if

MCPS does not act on the reservation the school site may be used for development. Therefore, based on the staff's recommendation for approval of an alternative plan showing development of the 10-acre school site, the Planning Board approves the development of a maximum of 773 lots (730 lots, plus an additional 43 lots on the school site), but the additional 43 units may be developed only if MCPS does not act on the school site reservation in a timely manner. The Applicant provided two separate plan sheets; one depicting the site to remain in reservation showing a proposed school site, and the other depicting the layout of the proposed 43 lots. The layout with the 43 lots provides for the mix of units permitted by the zone and allocates the appropriate number of MPDUs and amenities.

Retaining walls are located throughout the site to maintain grades in the rears of the lots, along the roadways leading into the community and where the stream valleys may be impacted by the proposed home sites. The placement of the units along the edge increases the visual exposure by providing vistas and viewsheds into the natural areas.

The Planning Board explored opportunities to open up the viewsheds even further if certain proposed lots could be distributed elsewhere in the site. The Applicant stated that lots had been revised and redesigned on the northern boundary to provide the unrestricted views, and that additional modifications would alter the grading and possibly impact the environmental buffers. The Planning Board did not request a modification to the Site Plan to accommodate wider viewsheds and believed the Plan as presented did provide and increase the visual exposure and access to the park areas and environmental areas over the lot layout that had been shown at Preliminary Plan.

b. Open Spaces

The Site Plan proposes approximately 217 acres of open/green space, representing nearly 70 percent of the gross tract area. The green space is comprised of primarily the stream valley buffers and areas between units and along the perimeter of the property. The open space will provide for an adequate and efficient buffer to the surrounding neighborhoods, as well as protection of environmentally sensitive resources.

c. Landscaping and Lighting

The proposed landscaping on the site is comprised of shade trees in the lawn panels of the street rights-of-way and within the planting islands of

the surface parking facilities. The buffers surrounding the stormwater management facilities consist of a mix of shade, evergreen and flowering trees along with shrubs. The planting around the pool/clubhouse contains a mix of accent plantings and shade and evergreen trees and shrubs along with specialty paving and lighting.

The lighting plan consists of the standard light pole and fixtures within the county right-of-way that are spaced and organized with respect to the location of the street trees and utilities. The private streets are illuminated with 14-foot-tall colonial-style light fixtures. The lighting around the community center is primarily 18-foot-tall poles. Staff has conditioned a lower pole height of 18-feet for the lighting around the community center from what was originally approved.

As conditioned, the proposed landscaping and lighting are adequate, safe and efficient.

d. Recreation Facilities

Recreation demand is satisfied as shown in the recreation calculations table on page 15 and is in conformance with the minimum requirements of the M-NCPPC Recreation Guidelines.

The recreation amenities provide for a variety of outdoor exercise and play opportunities by providing numerous open play areas within close proximity to housing. The proposed Northwest Branch Trail, to be constructed by the Applicant, provides for local and regional recreational opportunities. The recreation facilities have been sited to become part of each neighborhood by their central location and sitting areas. Their attractive designs will make the play areas a desirable part of the community and open space systems.

Recreation facilities include 10 picnic/sitting areas, 1 tot lot, 1 play lot, 2 open play areas (types I and II) , natural areas and trails as well as a swimming and wading pool within the clubhouse area.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation systems are safe, adequate and efficient.

The street connections to the site are in accordance with the approved Preliminary Plan; however, significant changes were made during site plan

review with respect to the addition of a traffic circle on Street A, paired pedestrian refuge islands at two intersections on Street A, the relocation of the northern traffic circle to the intersection of Tivoli Lane and Street N, the use of chokers at three intersections along Tivoli Lake Boulevard; and the addition of a square with stop sign on Tivoli Lake Boulevard at Street O.

The Poplar Run-Tivoli Lake Boulevard connection, as designed with the public square, traffic circles and traffic calming measures, provides the benefits of a primary residential road that collects vehicular traffic from the adjoining residential communities and distributes vehicular traffic to local arterial roads. The proposed improvements to the road network provide for traffic calming to discourage non-local traffic movement between Layhill Road and Randolph Road.

The revisions to the layout provide an interconnected grid throughout the development that respects the natural environmental features and vehicular and pedestrian movement. The street network links the individual neighborhoods, along with circles and squares placed appropriately at natural breaks, requiring motorists to slow down to navigate the traffic pattern safely.

The Countywide Park Trails Master Plan that was approved by the Planning Board in 1998 provides for a hard surface trail from Alderton Drive south to Wheaton Regional Park. This trail has major regional significance by linking the Matthew Henson Trail to the Northwest Branch trail system, thereby ultimately enabling users to travel on bicycle or foot along the entire Northwest Branch Stream Valley Park hard surface trail system to the Master Planned Matthew Henson Trail and then west to connect with the Rock Creek Trail system. This trail connection is recommended in the Plan to be located outside the Northwest Branch stream valley to best protect the natural resources. Consequently, the Applicant is dedicating a green corridor through the development for the trail that is outside stream buffers and will best serve the residents of the proposed development as well as other trail users passing through. This alignment will also provide the most logical trail crossing of Bel Pre Creek. To enhance protection of the existing parkland and aquatic resources therein, the Applicant will be dedicating considerable additional parkland along both the Northwest Branch and Bel Pre Creek.

In addition, the path provides an opportunity to link the proposed community, as well as existing nearby residents, to Northwest Branch Stream Valley Park and the master planned Rachel Carson Greenway Trail that lies on the east side of Northwest Branch. This Plan includes the

proposed construction by Applicant of a natural surface trail from the sidewalks and trails within the development to the Rachel Carson Greenway Trail, including a pedestrian bridge over Northwest Branch.

Internal sidewalks connect the home sites to the public and private streets within the neighborhood.

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

The various structures, including the residential buildings, clubhouse and retaining walls, are compatible with existing and proposed adjacent development. The residential land uses, mix of units and density as proposed are compatible with internal land uses.

The height and massing of the buildings is consistent with the neighboring communities, which are comprised of primarily one-family detached units, for the various land uses and unit types. The establishment of the development standards, specifically height, lot size and setbacks, illustrates a compatible relationship with the standards expressed within the surrounding communities.

The activity associated with the proposed residential uses will not cause any negative effect on adjacent residential uses.

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

There are 99.5 acres of environmental buffers onsite. Currently, 72.4 acres of these buffer areas are in golf course use. Buffers on site have been disturbed to varying degrees because of the existing golf course use. Some buffer areas are fully forested and are considered to be high priority for preservation. Others are partly or completely within the golf course and are covered in grass that has been mowed down to the stream channel. Still other parts have stream channels that have been partly or completely piped or been converted to aesthetic ponds. Staff is not recommending buffers for long sections of the existing piped stream channels.

Floodplains cover 45.8 acres of the site, all of which are in golf course use. Much of the upland topography on the site is rolling, with some areas of steep slopes along parts of wooded stream valleys adjacent to the flat floodplains of Northwest Branch and Bel Pre Creek. There are numerous individual trees

and tree stands that exist throughout the site. Many of these trees are 24 inches or greater in diameter at breast height or are specimens.

The existing forest cover, which is 32.05 acres, is less than the afforestation threshold (46.24 acres). In such a situation, the Forest Conservation Law states that all existing forest must be retained and forest planting must occur on-site so the total on-site forest retention and planting is equal to the afforestation threshold, at a minimum (Section 22A-12(f)(2)(C) of the Forest Conservation Law, as stated above). The Planning Board may waive the forest retention requirement if it finds that retaining all of the forest is "not possible" and the Applicant must provide the "maximum possible" on-site retention and on-site forest planting (Section 22A-12(f)(3), as stated above).

At the preliminary subdivision stage, staff and the Planning Board found that retention of all of the existing forest is not possible and the Applicant should be permitted to clear up to the proposed amount of 2.50 acres. Some of the forest clearing is unavoidable because of the need to connect to existing sewer lines, construct the entrance road from Layhill Road, and construct Tivoli Lakes Boulevard extended. Other forest clearing is due to grading associated with some proposed lots and internal subdivision roads. Most, but not all, of the individual proposed forest clearing areas are either small or on the edges of forest stands. Of the 32.05 acres of existing forest, 2.50 acres are proposed to be cleared, which is slightly less than 8 percent of the existing forest. In addition, 19.19 acres of on-site forest planting are proposed to meet the forest conservation plan requirements. This planting, in combination with the proposed 29.55 acres of on-site forest retention, will result in a total of 48.74 acres of required forest retention and planting. This exceeds the minimum on-site forest requirement of 46.24 acres (i.e., the afforestation threshold, as stated in Section 22A-12(f)(2)(C) of the Forest Conservation Law).

The proposed stormwater management concept consists of (1) on-site channel protection measures via dispersion in some areas and via construction of twelve detention ponds for other areas; (2) on-site water quality control via non-structural methods as well as construction of 30 Montgomery County Sand Filters and three structural filtration facilities; (3) onsite recharge via flow dispersion; (4) impervious area disconnection; (5) installation of dry wells; and (6) other non-structural methods.

BE IT FURTHER RESOLVED, that this resolution 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 FEB 20 2008 (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**

At its regular meeting, held on Thursday, February 7, 2008, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Cryor, with Chairman Hanson, Vice Chair Robinson, and Commissioners Bryant and Cryor present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820070020, Poplar Run.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board

## Appendix B



## Pereira, Sandra

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**From:** Brian Richards [brichards@studio39.com]  
**Sent:** Thursday, June 02, 2011 10:44 AM  
**To:** Ed Wallington; Bilgrami, Khursheed  
**Cc:** Lemon, Michael; Pereira, Sandra  
**Subject:** RE: Poplar Run--walkways

Yes, this is the same product we have proposed.

**BRIAN RICHARDS, ASLA, LEED AP**  
PROJECT MANAGER / LANDSCAPE ARCHITECT

## STUDIO39

Landscape Architecture, P.C.  
6416 Grovedale Drive, Suite 100-A  
Alexandria, Virginia 22310  
**T:** 703.719.6500 x127  
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**From:** Ed Wallington [mailto:[ewallington@lsassociates.net](mailto:ewallington@lsassociates.net)]  
**Sent:** Thursday, June 02, 2011 10:44 AM  
**To:** Bilgrami, Khursheed  
**Cc:** Brian Richards; Lemon, Michael; Pereira, Sandra  
**Subject:** RE: Poplar Run--walkways

Brian, please confirm you are using this imprint material referenced below

---

**From:** Bilgrami, Khursheed [mailto:[Khursheed.Bilgrami@montgomerycountymd.gov](mailto:Khursheed.Bilgrami@montgomerycountymd.gov)]  
**Sent:** Thursday, June 02, 2011 8:43 AM  
**To:** Ed Wallington  
**Cc:** Brian Richards; Lemon, Michael; Pereira, Sandra  
**Subject:** RE: Poplar Run--walkways

Ed,

Thanks for your email. County has used imprint paving material in the past for crosswalks. The information regarding this material can be found at the following:

<http://www.statewidetrafficsafety.com/JarvisUSAImprintbrochure.pdf>

Well, imprinting is sort of same thing like stamping asphalt. However, the imprint material has its own specs when it comes to surface preparation and installation process.

Thanks

Khursheed ("KB") Bilgrami

Area Engineer, Division of Traffic Engg. & operations  
MCDOT - Montgomery County  
100 Edison Park Drive, 4th Floor  
Gaithersburg MD 20878

-----Original Message-----

**From:** Ed Wallington [mailto:ewallington@lsassociates.net]

**Sent:** Thursday, June 02, 2011 8:29 AM

**To:** Bilgrami, Khursheed

**Cc:** Brian Richards; Lemon, Michael; Pereira, Sandra

**Subject:** Poplar Run--walkways

KB, Sandra Pereira is reviewing a site plan amendment and would like to hear confirmation from your office that MCDOT is supportive of our design concept to have stamped asphalt walkways in Poplar Run Drive and Tivoli Lake Blvd. Public Right-of Ways. We met earlier this year and you indicated that MCDOT was supportive.

- 1) Brian, please send a followup email to all with a brief description of the stamped asphalt detail you have proposed on the landscape plan
- 2) KB, can you then please email all noting MCDOT is supportive of our proposal to use the stamped asphalt in Poplar Run Drive and Tivoli Lake Blvd.

Thank you both for helping with this confirmation

## Pereira, Sandra

---

**From:** Etheridge, Mark [Mark.Etheridge@montgomerycountymd.gov]  
**Sent:** Monday, June 06, 2011 11:11 AM  
**To:** Ed Wallington; Powell, Doug; Gries, William  
**Cc:** Pereira, Sandra; Bunnag, Candy; Lemon, Michael; Burgoon, Larry(Winchester Homes, Inc.); mratz@esatoday.com  
**Subject:** RE: Poplar Run-Parks line at ponds

Ed –

DPS is OK with the current placement of the ponds, so long as the 15-foot area below the embankments is maintained in grass. This is a State requirement through the MD-378 Pond Specifications. Moving the Park line out 15-feet from the tow of the embankment will meet this requirement.

Mark Etheridge, CPESC, CPSWQ  
Senior Permitting Services Specialist  
Water Resources Section  
Department of Permitting Services  
255 Rockville Pike, 2<sup>nd</sup>. Fl.  
Rockville, MD 20850  
240-777-6338  
240-777-6339 fax

-----Original Message-----

**From:** Ed Wallington [mailto:ewallington@lsassociates.net]  
**Sent:** Monday, June 06, 2011 11:13 AM  
**To:** Powell, Doug; Gries, William  
**Cc:** Pereira, Sandra; Bunnag, Candy; Etheridge, Mark; Lemon, Michael; Burgoon, Larry(Winchester Homes, Inc.); mratz@esatoday.com  
**Subject:** Poplar Run-Parks line at ponds

At our meeting on June 1, we discussed the need to adjust the park dedication line to be in coordination with the 3 revised swm ponds. We reviewed the 3 ponds at the meeting, the ponds were revised to address MCDPS comments related to potential dam breach concerns.

In short, we all agreed it would be best to maintain 15 feet of swm easement area below the toe of the ponds, and set the parks line at that location, in this way the swm easement area and parks area do not overlap. This is not a new requirement, MCDPS has always required that 15 feet be left free and clear of tree planting at the toe of slope of large ponds, and this restriction is already recognized and noted on the cover sheet of the previously approved FFCP.

Mark, could please confirm that the revised swm design for ponds 4, 6 and 7 that you have reviewed this year are generally acceptable to MCDPS, based on the understanding that there will be 15 feet of no plant area at the toe of slope, and that you favor a design with the parks line a minimum of 15 feet from the toe of slope. Sandra has requested your concurrence prior to completing her staff report for the pending Site Plan Amendment. Thank you in advance.

I will send out an exhibit representing such in the next day two.