



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

MCPB No. 09-06
Site Plan No. 82006012A
Project Name: Piedmont Crossing
Hearing Date: January 22, 2009

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on December 10, 2008, Toll MD II, LLC. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82006012A ("Amendment") for approval of the following modifications:

1. To remove condition #8 from the resolution;
2. Add one single family attached lot along Amity Drive; and
3. Change the phasing associated with the development.


WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated January 12, 2009 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on January 22, 2009, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82006012A; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

Approved as to
Legal Sufficiency: 

8787 Georgia Avenue, N.W., Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

BE IT FURTHER RESOLVED, that the date of this written resolution is **FEB 23 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 written opinion, 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 Robinson, seconded Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday January 22, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board



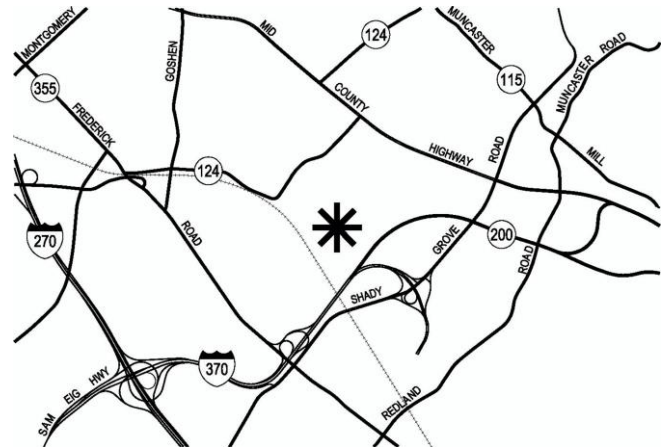
Addendum to Staff Report: Piedmont Crossing, Site Plan No. 82006012C

- Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301.495.4653
- Khalid Afzal, Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301.495.4650
- Nkosi Yearwood, Senior Planner, Area 2 Division, nkosi.yearwood@montgomeryplanning.org , 301.495.1332

Completed: February 12, 2014

Description

This memorandum includes a description of Site Plan Amendment No. 82006012A, which was omitted from the February 7, 2014 Staff Report. The Staff report indicated that Site Plan No. 820060120 approved 62 single family dwelling units on the Subject Property. It actually approved 61, and Site Plan Amendment No.82006012A increased the approved single family units to 62. In total, Site Plan Amendment No.82006012A added one single family attached lot along Amity Drive, changed the phasing associated with the development, and removed Condition No. 8 from Site Plan No. 820060120. This addendum does not change any of the proposed



Summary

- The Planning Board previously approved Site Plan No. 820060120, Piedmont Crossing, by Resolution No. 08-78 on July 31, 2008; [Site Plan No. 82006012A, Piedmont Crossing, by Resolution No. 09-06 on February 23, 2009](#); and Site Plan Amendment No. 82006012B, Piedmont Crossing was approved as a Director Level approval on June 5, 2012.
- Resolution No. 09-06 is attached to this staff report addendum.



Piedmont Crossing, Site Plan No. 82006012C

NY Nkosi Yearwood, Senior Planner, Area 2 Division, Nkosi.Yearwood@montgomeryplanning.org, 301.495.1332

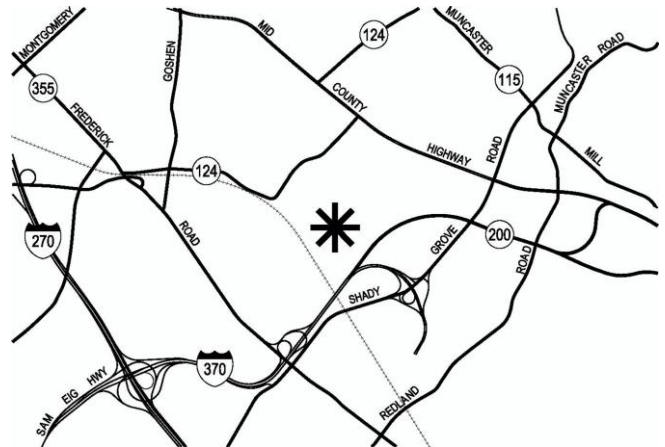
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Completed: February 7, 2014

Description

- Modification to revise the proposed neighborhood park layout and to modify the development program associated with the proposed park;
- Located along Amity Drive, approximately 250 feet west of Bounding Bend Court;
- On 35.74 acres of land in the R-90 Zone in the Shady Grove Sector Plan area;
- Applicant: Toll MD II, LLC; filed on January 9, 2014.



Summary

- Staff recommends approval of the Site Plan Amendment with conditions.
- The Planning Board previously approved Site Plan No. 820060120, Piedmont Crossing, by Resolution No. 08-78 on July 31, 2008 and Site Plan Amendment No. 82006012B, Piedmont Crossing was approved as a Director Level Amendment on June 5, 2012.
- Staff has received one phone call from an adjacent property owner.

RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan Amendment No. 82006012C Piedmont Crossing. All site development elements submitted to M-NCPPC on January 9, 2014 are required, except as modified by the following conditions:

Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820060120 as listed in the Montgomery County Planning Board Resolution No. 08-78 and Site Plan No. 82006012B, except as amended by this Application.

Amend the following Site Plan No. 820060120 conditions:

Condition No. 6 (b) (iv) (11)-M-NCPPC Park Facility

~~Reduce the proposed 4 foot height retaining wall to 30 inch maximum height to avoid the need to provide railings and to enhance playground safety. This may require a small portion of an additional retaining wall of the same or lower height to be installed. Final location of wall to be determined by Staff.~~

Install an 18-inch seat wall between the play area and the sidewalk to the north, and a series of 30-inch tall paver retaining walls between the playground and the environmental buffer to the south.

Condition No. 12 Development Program

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

- b. Community-wide pedestrian pathways and recreation facilities, including the M-NCPPC recreation facilities, on-site recreation facilities and trail connections, shall be completed prior to issuance of the ~~43rd~~ 60th building permit.
 - i. The proposed neighborhood park must be completed by the Applicant and accepted by the Department of Parks as substantially complete prior to the issuance of the 60th building permit, or June 1, 2014, whichever comes first. If the construction schedule is delayed due to weather conditions, the June 1, 2014 deadline may be extended by the Parks Staff.
 - ii. The neighborhood park must be constructed in accordance with the approved Site Plan and the Park Construction Permit. Minor field adjustments can be approved by the Parks Staff as needed.

New Site Plan No. 82006012C Condition:

Surety

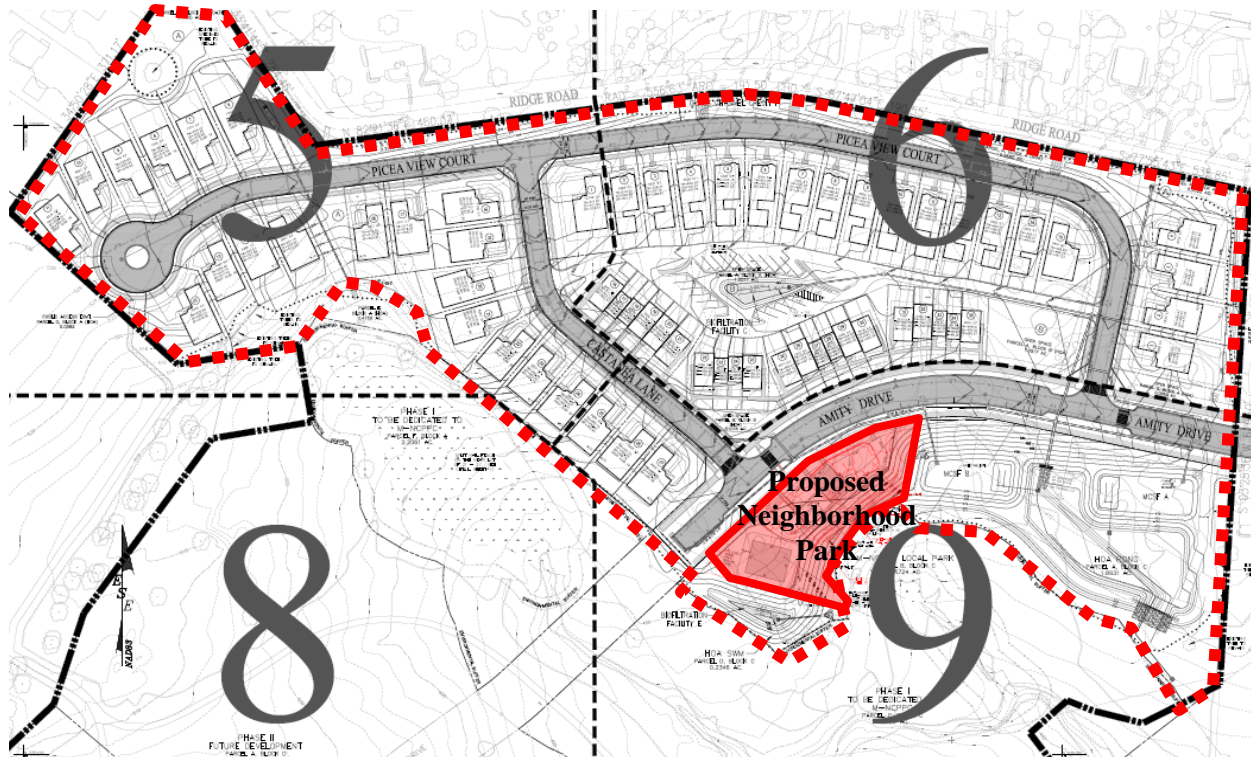
Prior to the issuance of the 57th building permit, the Applicant must enter into a Site Plan Surety and Maintenance agreement with the Planning Board in a form approved by the Office of General Counsel. The agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and construction of the neighborhood park, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material, on-site lighting, paving, equipment, and all associated improvements.
- c. The bond or surety shall be tied to the final completion of the neighborhood park and be released after the completion of punch-list items, including all as-built documents and transfer of warranties.

SITE DESCRIPTION

Vicinity

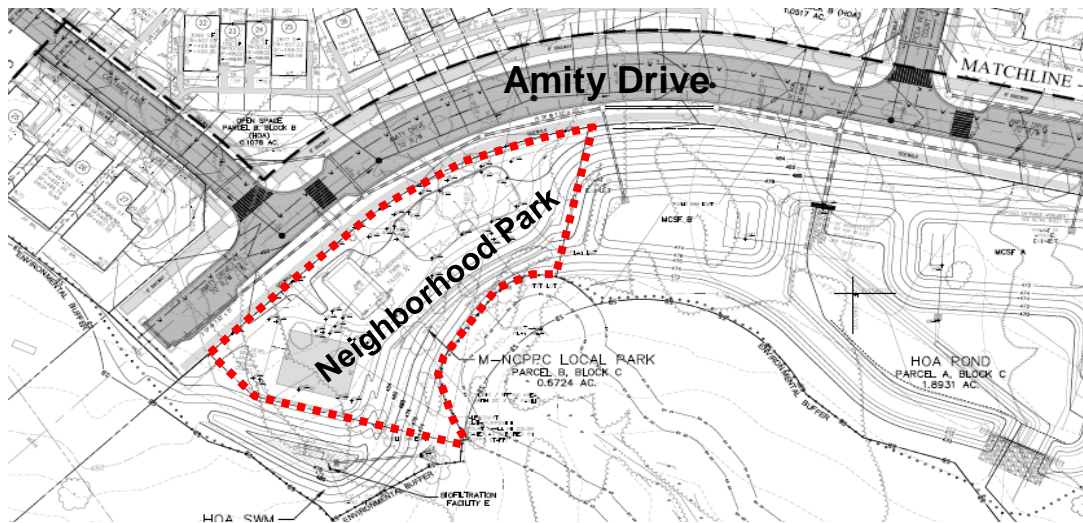
Piedmont Crossing is located on 35.74 acres of R-90 zoned land in the northern section of the Shady Grove Sector Plan area. The site is bounded by Ridge Road to the north, which is in the Town of Washington Grove; the Mill Creek South residential community to the east; and parkland to the south and west.



Overview of Piedmont Crossing

Site Analysis

The proposed neighborhood park will feature an open play area, a half basketball court, picnic benches and multi-age play equipment. Two stormwater management facilities are east of the neighborhood park and environmental buffers are to the south. Fifty-four of the approved 62 residential units have been built.



Vicinity of the proposed neighborhood park

PROJECT DESCRIPTION

Previous Approvals

Previous Piedmont Crossing approvals are:

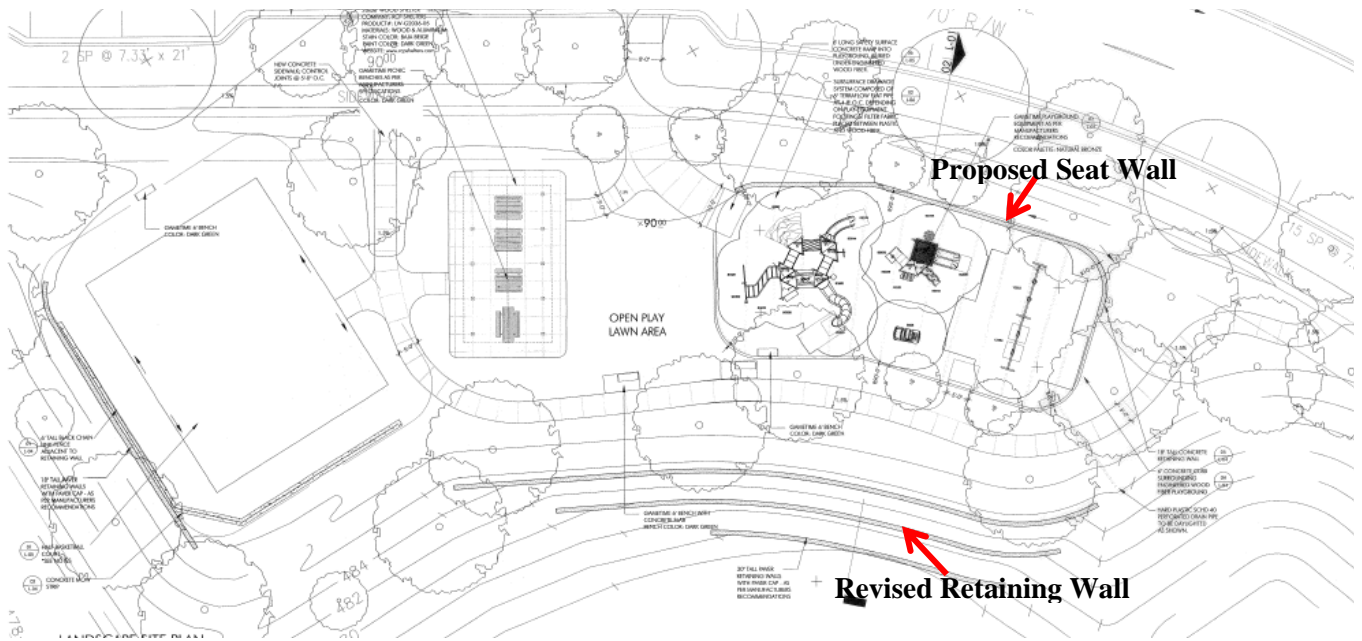
- Preliminary Plan No. 12002022, Casey Property at Mill Creek, approved by the Planning Board on July 11, 2005 for 184 residential units on 65.59 acres.
- Preliminary Plan Amendment No. 12002022A, Casey Property at Mill Creek, approved by the Planning Board on October 2, 2008 extended the Adequate Public Facilities (APF) validity period for the development.
- Site Plan No. 820060120, Piedmont Crossing, approved by the Planning Board (MCPB Resolution No. 08-78), on July 31, 2008 for 62 residential units and a neighborhood park on 35.74 acres.
- Site Plan Amendment No. 82006012B, approved as a Director Level Amendment on June 5, 2012, permitted several modifications, including updating street trees, street lights and community entrance piers and sign.

Proposal and Background

Condition No. 6 (b)(iv)(11) of the approved Site Plan No. 820060120 required the Applicant to reduce a four-foot high retaining wall on the south side of the proposed neighborhood park to 30 inches in height. Subsequent to the Board's approval (and the Certified Site Plan approval) the Department of Parks asked the Applicant to revise the layout of the proposed park. The Applicant worked with the Parks Staff to revise the proposed layout, which incorporated Parks Staff's desired changes. The revised layout has replaced the long retaining wall - eight feet high at its highest point - with a series of three retaining walls, each 30 inches high, between the proposed park and the environmental buffer to the south; and a new seat wall is located between the playground and the sidewalk on the north side of the park.

The second proposed amendment pertains to the timing of the release of building permits. Condition No. 12(b) of Site Plan No. 820060120 required that the neighborhood park and other recreation facilities be completed prior to the issuance of the 43rd building permit. However, as the Applicant and the Parks Staff worked on a revised park layout, the construction of housing units continued and the Montgomery County Department of Permitting Services (DPS) issued 11 more building permits than conditioned in the approved Site Plan. As a result, the approved development has received 54 building permits. The Applicant is requesting the release of four additional building permits after the approval of this amendment and the release of the last four building permits to be conditioned upon the completion of the revised neighborhood park and other amenities as conditioned in the original Site Plan approval.

The Parks Staff has recommended approval of this modification and indicated that the revised layout of the park meets their request. Staff supports the Applicant’s request and recommends replacing the two conditions for Site Plan No. 820060120 as stated in the front of this report.



Proposed neighborhood park revised layout

ANALYSIS AND FINDINGS

Master Plan

The proposed Site Plan Amendment maintains conformance with the Shady Grove Sector Plan (2006) recommendations for the subject property.

Transportation and Circulation

The proposed amendment does not affect vehicular, pedestrian or bicyclist circulation.

Environment

The proposed amendment maintains compliance with Chapter 22A regarding forest conservation.

Development Standards

The proposed amendment does not alter the development standards approved with the original Site Plan.

COMMUNITY OUTREACH

The Applicant has met all the proper signage, noticing, and submission meeting requirements. A resident on Ridge Road called for additional information on the proposed amendment.

CONCLUSION

The proposed Site Plan Amendment does not alter the overall design of the development in relation to the original approval, and the proposed project remains compatible with existing and proposed development adjacent to the site. The modification does not impact the compatibility or efficiency, adequacy, and safety of the site with respect to structures and uses, vehicular and pedestrian circulation, open space, landscaping, or lighting. All previous approvals remain in full force and effect, as modified by this Amendment.

APPENDIX

- A. Site Plan Resolution MCPB No. 08-78
- B. Site Plan Director Level Amendment

JUL 31 2008



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

MCPB No. 08-78
Site Plan No. 820060120
Project Name: Piedmont Crossing
Date of Hearing: November 1, 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 September 8, 2005, Toll Brothers, Inc. ("Applicant"), filed an application for approval of a site plan for 62¹ one-family dwelling units, including 12.5 percent MPDUs ("Site Plan" or "Plan") on 35.74 acres of R-90-zoned land, located on Amity Drive, approximately 250 feet west of the intersection with Bounding Bend Court; and, further is bounded to the west and north by Ridge Road and will include the future extension of Amity Drive and a portion of the future Inter County Connector ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060120, Piedmont Crossing (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 12, 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 November 1, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC LEGAL DEPARTMENT

~~DATE~~ ^{7/17/08} the Applicant requested approval for 62 units, Planning Board staff only recommended approval of 61 units.

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

WHEREAS, on November 1, 2007 the Planning Board voted to approve the Application subject to conditions on the motion of Commissioner Lynch; seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Bryant, Cryor, Hanson, Lynch and Robinson voting in favor.

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. 820060120 for 61 one-family dwelling units (41 one-family detached, 20 townhouses), including 12.5 percent MPDUs, on 35.74 gross acres in the R-90 zone, subject to the following conditions:

1. Preliminary Plan Conformance

The development shall comply with the conditions of approval for Preliminary Plan No. 120020220 as listed in the Planning Board Opinion dated July 11, 2005.

2. Site Design

- a. Remove the retaining wall from the Legacy Open Space site adjacent to lot 11 in Block A, and in-lieu-of a wall, grade the adjacent slope at a minimum of 5:1 to accommodate future tree planting, subject to approval by M-NCPPC Park Planning and Stewardship.
- b. Remove one one-family detached unit east of Street 'A', reducing the total number from five units to four units, in order to increase compatibility and consistency with the approved Preliminary Plan.
- c. Provide a water line stub to the northern property line to allow for future hookups to parcels along Ridge Road that are currently served by private wells in the event that the individual wells fail or are contaminated during or after construction.

3. Landscaping

- a. Provide street trees at a minimum spacing of 40 feet on center and a maximum spacing of 50 feet on center, except where physical site improvements do not allow for the spacing. Any deviation from the minimum standards needs to be approved in writing by the Department of Permitting Services ("DPS"), the Department of Public Works and Transportation ("DPWT") and M-NCPPC, if the spacing exceeds the minimum standards due to physical site improvements.
- b. Prior to Staff approval of the Landscape Plan, Applicant shall meet and try to come to an agreement with the Town of Washington Grove and adjacent residents of Bounding Bend Court regarding the planted buffer between Ridge Road and Street A. Based on this review, the Applicant and Town of Washington Grove and the residents of Bounding Bend Court may seek

- adjustments for Staff review and approval as part of the final landscape plan in this area. The plant material shall include a mix of evergreen and deciduous trees and shrubs and shall be native, wherever possible.
- c. Planting associated with the Legacy Open Space site shall be reviewed and approved by M-NCPPC Park Planning and Stewardship.

4. Pedestrian Circulation

- a. Provide an 8-foot-wide hard surface trail connection from the southwest side of Brown Street to future Amity Drive, subject to a grant of easement by the adjacent property owner, the Town of Washington Grove. Alternatively, if the easement is not granted, the Applicant will provide a trail connection from Amity Drive through the Legacy Open Space to Ridge Road within the Town of Washington Grove subject to a grant of easement by the property owner as necessary. This alternative connection will be taken as far as possible given the geographic limits of Phase I. The final location of the bikeway connection is subject to review and approval by Staff in consultation with the Town of Washington Grove.
- b. Provide an 8-foot-wide bikeway on the north side of Amity Drive.

5. Recreation Facilities

- a. The Applicant shall specify 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: ten (10) picnic/sitting areas, one (1) tot lot, one (1) multi-age play area, one (1) half multi-purpose court II, one (1) play lot, natural area and a pedestrian system.
- c. Remove the credit for the off-site facilities since the demand points are satisfied on-site.

6. M-NCPPC Park Facility

- The Applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Stewardship in the memorandum dated August 30, 2007, as modified by the Planning Board at the Hearing:
- a. Dedication of all designated park open space areas to M-NCPPC, including the approximately 0.9 acre neighborhood park site on the south side of the temporary terminus of Amity Drive, the stream valley areas that lie between the developed portions of the development including the buffers, wetlands and sufficient upland area to allow for construction of natural surface trails, and the approximately 12 acre Legacy Open Space Natural Area. The areas are identified on the Site Plan as Parcel B, Blocks A & C; Parcel C, Block C; Parcel E, Block A and Parcel F, Block A. Dedicated land to be free of trash and unnatural debris with the boundaries adequately marked and signed to delineate between parkland and private properties. Location and design of boundary

markers and signs to be approved by M-NCPPC Department of Parks ("Parks") staff. Land for Dedication to be conveyed by time of record plat, except the Legacy Open Space Natural Area that has already been transferred by Applicant to M-NCPPC pursuant to Preliminary Plan conditions of approval.

- b. Applicant to construct on the neighborhood park site the following recreation facilities:
- i. Multi-Age Playground with minimum size of 10,000 square feet and maximum grade of 2%.
 - ii. Adequately sized Picnic Area with shelters and tables
 - iii. Basketball/Multipurpose Court sized as acceptable to M-NCPPC Parks staff:
 - iv. Neighborhood park amenities details to include:
 - 1) Plan Submittals - All plans submitted for park permit shall comply with the M-NCPPC design standards for park facilities, including all details and technical specifications.
 - 2) Playground Equipment - All playground equipment supplied for this park shall comply with the M-NCPPC specifications.
 - 3) Playground Safety Sign - Remove the age appropriate safety signs in the playground area as requested by the M-NCPPC legal department.
 - 4) Safety Surfacing Wood Carpet - Replace the 8-inch depth of wood fiber with a 12-inch minimum compacted depth and provide a drainage system under the wood fiber.
 - 5) Adaptative Swing Seats - Replace (2) of the tot swings on the Site Plan with adaptive swing seats with coated chains which will accommodate a 3 ½-inch outside diameter top rail design.
 - 6) Accessible Playground Transfer Platform - Provide a transfer station for the 5-12 age play equipment and label its location on applicable plans.
 - 7) Benches with backs/armrests - Replace the four 6-foot length Tuffclad benches on the Plan with four 6-foot benches with backs and armrests (such as the Gametime Sedona Series or equal). Armrests on benches must meet the Americans with Disabilities Act ("ADA") proposed amended standards. Also, provide one additional 6-foot bench with back and armrests adjacent to the tot swings to accommodate seating needs for the swing bay area. Rotate the bench (located in the SW corner) in the 5-12 age group play area so that all play equipment can be viewed.
 - 8) Zip Slide/Deck - Replace the single zip slide on the Plan with a double zip slide (2-5 age equipment) to accommodate more users and provide an adequate size deck to accommodate the double slide width opening requirements.

- 9) Timber Edging/Walls- Replace the 24-inch length rebar on the Plan with 30-inch length rebar, countersink the rebar and place wood plugs with exterior grade glue.
 - 10) Sidewalk Location - Relocate the proposed sidewalk to occur adjacent to the proposed parking near the playground, subject to DPS approval as required.
 - 11) Retaining Wall Height - Reduce the proposed 4-foot height retaining wall to 30-inch maximum height to avoid the need to provide railings and to enhance playground safety. This may require a small portion of an additional retaining wall of the same or lower height to be installed. Final location of wall to be determined by Staff.
 - 12) Playground Slopes - Regrade the park playground to provide 2% maximum slopes to reduce the proposed 30-foot length by 8-foot high slopes currently proposed 3:1 and 4:1 grading, the multi-purpose court shall remain at the proposed 1% maximum slope with a north-south orientation.
 - 13) Concrete Picnic Pad - Provide a concrete pad (30-foot x 40-foot minimum) for the (20-foot x 30-foot) picnic pavilion.
 - 14) Accessible Route- Reduce the proposed 8 percent sidewalk ramp connections within the park to a 5 percent maximum slope to meet ADA sidewalk standards, if possible.
 - 15) Tree Species - Replace the proposed Aristocrat Pear trees with a mix of tree species: October Glory Red Maple, Yoshino Cherry, and Little Leaf Linden. Provide 4 additional shade trees at 2 ½" - 3" caliper for shade along the south side of the swing set area. All trees shall be located a minimum of 20 feet from the playground edging. Provide deer protection measures for all trees per standards and specifications.
 - 16) Basketball Court - The proposed ½ basketball court shall be color coated as specified by M-NCPPC Parks staff.
- c. Adequate parking to be provided adjacent to the neighborhood park and sufficient access (including handicap access) to be provided from the parking to the park facilities. Parking and access to include:
- i. On-Street Parking - Delineate all Amity Drive on-street parking as requested by DPWT to identify shared parking for the park users.
 - ii. Crosswalks - Provide two striped crosswalks, at the intersection of Amity Drive and Street 'B', for egress from the proposed accessible ramps to the park; this will promote safe connections to the park.

- iii. Sidewalk Location - Relocate the proposed sidewalk along Amity Drive to occur adjacent to the proposed parallel parking spaces for ease of pathway access, subject to DPS approval.
 - iv. Ramps - Eliminate the proposed ramp shown at the northwest side of the Amity Drive and Street 'B' intersection; this ramp serves no purpose since no connection is provided nor is it required.
 - d. Natural surface trails to be provided by Applicant within the dedicated open space and sufficient access to the trail system from the communities adjacent to the parkland. Trail locations to be coordinated with and acceptable to M-NCPPC Parks staff and constructed to park standards and specifications. Trail amenities to include:
 - i. Connections - Provide one connection from the park to the stream valley trail at Amity Drive. Location to be identified with Staff at time of preconstruction meeting.
 - ii. Natural Surface Trail Plan - Provide a natural surface trail plan that complies with all M-NCPPC design standards and technical specifications.
 - iii. Alignment - Align trail to avoid the historic quarry locations and any archaeological historical artifacts located on the Property.
 - iv. Specimen Tree Locations - Delineate all specimen trees and locate trail a minimum of 10 feet away from specimen trees to protect tree roots.
 - e. Applicant to obtain a Park Permit for construction of any amenities on dedicated parkland. Minor modifications to the agreed construction of amenities made pursuant to the Park Permit process or as agreed by the parties may be made without the need to revise or amend the Site Plan.
7. Moderately Priced Dwelling Units (MPDUs)
- a. The development shall provide 12.5 percent MPDUs of the total number of units proposed for Phase I on-site.
 - b. The MPDU agreement shall be executed prior to the release of any building permits for Phase I.
 - c. All of the required MPDUs shall be provided on-site.
8. Transportation
- The Applicant shall comply with the following conditions of approval from M-NCPPC- Transportation Planning in the memorandum dated September 4, 2007, as modified by the Planning Board at the Hearing:
- a. Phase I of the development must be limited to a maximum of 65 dwelling units.
 - b. The Applicant must retain the transportation-related conditions of approval required to satisfy the APF approval for Preliminary Plan No. 120020220, unless modified by the recommendations below.

- c. The Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and the Montgomery County Department of Public Works and Transportation ("DPWT") to participate in the Greater Shady Grove Transportation Management Organization ("TMO") and the Share-A-Ride District. The TMAg must be signed and executed by all parties prior to issuance of building permits.
- d. The Applicant must provide the shared use path connection between Brown Street in the Town of Washington Grove and the future Amity Drive subject to a grant of easement by the adjacent property owner, the Town of Washington Grove. Final location of the bikeway to be determined by M-NCPPC Staff in consultation with the Town of Washington Grove.
- e. The Applicant must coordinate with the Maryland State Highway Administration ("SHA") regarding the status of the proposed alternative technical concept for the Intercounty Connector prior to submitting a Phase II Site Plan.
- f. The portion of Parcel C, Block C must be dedicated to M-NCPPC for public use.

9. Forest Conservation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 9, 2007, as modified by the Planning Board at the Hearing:

- a. Compliance with the conditions of approval of the final forest conservation plan
- b. Applicant to submit a tree save plan for the long-term protection of the 44" Black Tupelo.
- c. Applicant in conjunction with DPS and MCDEP and M-NCPPC to explore ways to get increased water surface flow to the northern wetland bordered by Lots 12-16 and 20-27.
- d. Applicant to submit a plan for annual wetland monitoring to cover pre-development evaluation and for a period of time out to 5-years beyond post-development completion. This plan to be submitted and approved prior to Certified Site Plan.
- e. Applicant to construct a split-rail fence at the back of Lots 21-27 to delineate the edge of the forest saved area.
- f. The Applicant shall place four lots (lots 12-15, block A) in reservation and shall be released only after a site specific geotechnical analysis indicates that adverse impacts to the upland drainage area does not negatively impact the groundwater recharge to the wetlands.

10. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated January 8, 2007 unless amended and approved by DPS.

11. 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 Staff prior to issuance of the 43rd building permit (the same number used for completion of amenities) that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

12. Development Program

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

- a. Street tree planting and the installation of street lights shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. Community-wide pedestrian pathways and recreation facilities, including the M-NCPPC recreation facilities, on-site recreation facilities and trail connections, shall be completed prior to issuance of the 43rd building permit.
- c. On-site landscaping and lighting associated with the units, recreation facilities and amenities shall be completed as construction of each unit or facility is completed, but no later than six months after completion of those facilities.
- d. The buffer area on the north side of Street 'A' (adjacent to Ridge Road) shall be installed upon completion of Street 'A', but no later than six months after completion of both Street 'A' and the associated stormwater facility.
- e. Provide the water line stub and associated easements
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- g. Provide each section of the development with necessary roads.
- h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation and other features.

13. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the Certified Site Plan.

14. 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. Undisturbed stream buffers as shown on the Site Plan and forest conservation plan.

- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest conservation easement areas.
- f. MPDU, TDR, and recreation facility calculations.
- g. Note stating that Staff must inspect tree-save areas and protection devices prior to clearing and grading.
- h. Details of the buffer planting plan for buffer strip between Street 'A' and Ridge Road.
- i. Provision of the water line stub.

15. Escrow for Wells

The Applicant shall post a bond or letter of credit for \$150,000 in escrow to be received and held by the Town of Washington Grove prior to the commencement of construction (as used in this condition "commencement of construction" includes any associated grading). The bond or letter of credit shall secure payment of up to a maximum of \$10,000 to the title owner(s) of any lot or parcel of land currently improved by a residence served by a well along Ridge Road in the Town of Washington Grove (15 total lots or parcels) not to exceed a total cumulative payment of \$150,000 to all owners. The owner(s) will be entitled to the payment of up to \$10,000 if the well serving the residence located on one of the 15 lots or parcels fails during the period of time from the commencement of construction of Phase 1 of the proposed development to one (1) year after the notice of the final building inspection of the last remaining house of Phase 1.

With consent of the owner(s), the Applicant's well consultant shall inspect the 15 wells before construction commences. After final building inspection of the last remaining house of Phase 1, Applicant shall notify the 15 owners and the Town escrow agent of the final building inspection date. In addition to the final building inspection date, the notification shall include the contact information for the Applicant and notice to the owners that the one (1) year time period for making a claim for a failed well begins from the date of the notice. If, up to one (1) year after the notice of final building inspection of the last remaining house of Phase 1, any of the 15 owners reports a failed well to the Applicant and the Town escrow agent, Applicant's well consultant will again inspect the well. Should the Applicant agree that the well has failed or should testing, conducted at the Applicant's expense, confirm that the well has failed the Maryland State domestic water supply well yield standards as a result of construction, the Applicant shall pay the owner(s) a payment of an amount not to exceed \$10,000, which the owner(s) will have the option of using towards either (i) re-drilling the well, or (ii) connecting to the water line stub to be provided by the Applicant under Condition No. 14.

If the Applicant fails to pay the owner(s) as required by this condition, then the Town escrow agent shall call on the bond or letter of credit in the amount required to make payment. Upon payment to an owner(s) by the Applicant or Town escrow agent, the bond or letter of credit shall be reduced accordingly. One (1) year after notice of final inspection of the last remaining house of Phase I, the Town escrow agent shall release and return the remaining bond or letter of credit to the Applicant. In no event shall the Applicant be required to pay more than \$10,000 per lot or parcel or a cumulative amount of more than \$150,000, pursuant to this condition.

BE IT FURTHER RESOLVED that all site development elements as shown on Piedmont Crossing drawings stamped by the M-NCPPC on April 30, 2007, and the Landscape Plan stamped on May 1, 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.*

An approved development plan or a project plan is not required for the subject development.

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

The Board finds that the subject Site Plan for Phase I complies with the development standards for the R-90 zone including density, number and type of units, height, setbacks, and lot area. The following Project Data Table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Project Data Table (R-90 zone)

Development Standards	Development Standards Approved by the Planning Board and Binding on the Applicant
<hr/>	
Gross Site Area (ac.):	
Phase I	35.74
Phase II and II	20.85
MSHA ICC Reservation	<u>9.510</u>
Total Site Area	66.09
Phase I Site Area:	
Gross Site Area	35.74
Less Street Dedication	2.66
Amity Drive (1.26 acres)	
Street A (1.07 acres)	
Street B (0.33 acres)	
Less Park Dedication	
Pcl. B, Blk A	12.01
Pcl. E, Blk A	2.21
Pcl. F, Blk A	1.81
Pcl. B, Blk C	0.91
Pcl. C, Blk C	<u>4.34</u>
Net Site Area	11.80
Min. Tract Area (ac.):	35.74
Max. Density of Development (d.u./ac.)	1.73
	61 d.u.'s
Number of Dwelling Units	
One-family detached	41
One-family attached (incl. MPDUs)	<u>20</u>
Total	61
Min. Lot Area (sf.):	
One-family detached	5,277
Townhouse	1,566
Min. Building Setbacks (ft.)	
<u>One-family detached</u>	
from street	25
rear yard	20
side yard	5

<u>One-family attached (townhouse)</u>	
from street	25
rear yard	20
side yard	5 for end units
<u>Accessory Buildings</u>	
from street	25
rear yard	5
side yard	5
Min. Lot Width at Street (ft.):	
One-family detached	25
Min. Green Area (sf.)	21,327 sf/du (1,386,250 sf)
Max. Building Height (ft.):	
One-family detached	40
One-family detached	40
Accessory Structure	25
Parking Spaces	
Detached units	47
Attached units	30
Visitor	<u>6</u>
Total	83

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 buildings and structures on the Subject Property are safe, adequate and efficient.

The units on the northern portion of the Property face Ridge Road and enhance the character of the existing neighborhood and street frontage. The northwestern quadrant respects the back-to-back relationship with the adjacent homes and is sited close to the road to avoid grading conflicts and issues with detached garages.

The units along Amity Drive resemble a neo-traditional neighborhood with an emphasis on the fronts of the units. The units have detached garages in the rear of the units and are accessed via a private alley.

Retaining walls are placed in areas in the rear of the units backing to the stream valley buffers as well as within the park site to accommodate grading. Conditions have been added to eliminate and/or reduce the size of the retaining walls within the park site and along the boundary of the Legacy Open Space site to accommodate grading and planting requirements.

b. Open Spaces

The open space provided on the Phase I Plan for the Property is safe, adequate and efficient.

The Phase I Plan proposes approximately 31.82 acres of open space, or 89 percent of the Property. The open space includes approximately 11.78 acres of Legacy Open Space property (also known as the "Historic Grove"), over 21 acres of parkland dedication for active and passive use, and the area located between units and along the perimeter of the Property.

Additionally, the open space incorporated into the planted buffer along Ridge Road provides for an increased efficiency and compatibility with the adjacent properties to the north.

c. Landscaping and Lighting

Landscaping and lighting is safe, adequate and efficient.

The landscaping on the site consists of shade trees within the county right-of-way with spacing approximately 50 feet on-center and a mix of shade, evergreen and flowering trees along the perimeter of the Property. The northern perimeter of the Property, adjacent to Ridge Road, contains a mix of native and non-native deciduous and evergreen trees, shrubs and groundcover that provides a buffer to the existing neighborhood. The Applicant is supplementing the buffer on-site with an additional 15 feet of native plantings on an area of property owned by the Town of Washington Grove. The supplemental buffer is in addition to the 30-foot-wide planted buffer on the subject site, bringing the total width of the buffer to 55 feet. The planting buffer between Ridge Road and Street 'A' requires the approval of the Town of Washington Grove. The Applicant will try to come

to an agreement with the Town, adjacent property owners on Bounding Bent Court and Staff concerning this planted buffer. The selected materials will also be planted in a manner to preserve existing trees along the road edge.

The recreation areas include shade trees and evergreen trees to provide a distinction between the public and private areas and a boundary for the facilities. Planting adjacent to the Legacy Open Space site will be reviewed and approved by M-NCPPC Park Planning and Stewardship to ensure that non-native invasive plant material is selected.

The lighting consists of street lights within the public rights-of-way. No additional private on-site lighting will be provided in the private alleys.

d. Recreation Facilities

The overall recreation facilities have been incorporated into the park to include a multi-age play area, picnic shelter and sports courts. In addition to the programmed facilities, the development will provide for natural features such as the stream valleys with integrated trails. Recreation facilities are based upon a calculation of the number and type of units provided within the development, as well as community facilities offered by the Applicant.

The recreation facilities are in compliance with the M-NCPPC Recreation Guidelines and the facilities are safe, adequate and efficient.

The Piedmont Crossing project will provide significant open space and needed recreation amenities, both of which will be a significant benefit to the communities in this area.

e. Vehicular and Pedestrian Circulation

Access to the site and the internal pedestrian circulation and walkways, as shown on the Plan along with implementation of the approved conditions, will provide for a safe, adequate and efficient movement of vehicular, pedestrian and bicycle traffic.

Vehicular access to the site is provided from the existing terminus of Amity Drive that connects directly to Washington Grove Lane and to Shady Grove Road via Epsilon Drive. The Phase I Site Plan development is located on the north side of the master-planned ICC right-of-way and west of the existing terminus of Amity Drive. A portion of the Amity Drive

Extended alignment will be determined as part of the Phase II Site Plan. The portion of Parcel C, Block C to be dedicated to M-NCPPC as part of the Phase I Site Plan will be dedicated to public use, as opposed to parkland, to retain flexibility for roadway and shared-use path alignment decisions that will occur at the time of the Phase II Site Plan review.

The vehicular circulation from Amity Drive for the proposed development consists of two access points on the northern portion of Amity Drive.

An eight-foot-wide shared use path (Class I bikeway) is provided on the north side of Amity Drive and will eventually connect with Crabbs Branch Way to the south.

In addition to the shared-use path along Amity Drive Extended, a shared-use path will connect Brown Street in the Town of Washington Grove to the Amity Drive Extended. This path connection, approximately 150 feet in length, is recommended in the Shady Grove Sector Plan and shown on the Site Plan as an Alternate 8-foot Bikeway. The bikeway path connection requires the approval of the adjacent property owner, the Town of Washington Grove, for a portion of the alignment. Alternatively, if the path connection is not installed in this location, it will need to be provided through the Legacy Open Space site to Ridge Road in the Town of Washington Grove. This alternative connection will be taken as far as possible given the geographic limits of Phase I. A portion of the bikeway path will be determined when the Amity Drive Extended alignment is established for vehicular connection as part of the Phase II Site Plan.

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

As conditioned, the structures and uses are compatible with other uses and other site plans and with adjacent development.

The proposed lots located directly south of Ridge Road are compatible with respect to the zoning, the height of the structures in relation to the existing structures, and the orientation of the units to the street (front to front). The proposed lots are screened and separated from the northern boundary of the site by approximately 55 feet of landscape buffer, which is comparable to the existing structures and enhances compatibility. In addition to the landscape buffer, Street 'A', the public road that is to parallel Ridge Road will emphasize the separation, reinforcing compatibility along the northern boundary of the site.

In its decision approving the Preliminary Plan Application for the Property, the Board found that, as presented, the Application met the standards and requirements of the Subdivision Regulations. However, the Board indicated that it would determine the compatibility of specific lots, and in particular the lots located adjacent to the Legacy Open Space parcel, during its review of the Site Plan given the possibility that the size, number and location of the lots would be reconfigured or reduced. In response to citizen correspondence concerning the number of proposed lots, the Board clarified that it had never made a commitment to reduce the number of lots approved for the Preliminary Plan. The Board explained that the only commitment it made was to look at the compatibility of specific lots as set forth in its Preliminary Plan Opinion.

The R-90 zone of the Property permits lots to be developed to a size of 5,000 square feet, measuring approximately 50 feet wide by 120 feet deep. Across Ridge Road existing properties are zoned at a lower density, thus permitting larger lots, roughly measuring 95 feet wide by 250 feet deep. Because of this transition in zoning from the less dense area of the existing lots, which allows for larger lot sizes, to the more dense area of the proposed lots, which allows for smaller lot sizes, the Board finds that the removal of one of the five proposed lots along Street 'A', located in the northeast quadrant of the site, enhances the compatibility between the proposed lots and the existing lots in the adjacent development across Ridge Road. Specifically, as a result of the reduction in the number of the proposed lots, on average, the relationship of the lots between the proposed lots and the existing lots will not exceed a ratio of 2 to 1, which is similar to approvals by the Board in cases where there were comparable transitions in density.

In accordance with the above finding, the Board finds compatibility for a total of 61 units, rather than the 62 proposed by the Applicant. However, the Board notes that if the Applicant can find a compatible location to place an additional lot, the Board may consider approving a total of 62 units through a future site plan amendment. Consideration of the site plan amendment will be, as always, subject to the Applicant obtaining approval for the relocated lot from other County agencies with review authority.

Aside from compatibility in terms of lot size and location, the architecture presented by the Applicant represents a vernacular style of the 1930's era, with an emphasis on the front façade of the units to complement the varying styles evident in the Town of Washington Grove. Additionally, the detached garage structures, which create interconnected pedestrian alleys, enhance compatibility by placing an emphasis on pedestrian circulation and connectivity that reflects a strong characteristic of the nearby Town of Washington Grove.

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.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the entire 66.07-acre site and approved on January 4, 2005. The Planning Board approved the preliminary forest conservation plan for the entire site on July 11, 2005. There are three forested wetlands on this project called Wetland North, Wetland East and Wetland South. There are also two streams associated with these wetlands.

There are environmental buffers associated with each stream and wetland in this phase. These areas will be protected by Category I forest conservation easements. The environmental buffers around all wetlands are a minimum of 40-feet which is 15-feet greater than the minimum wetland buffer required by the Maryland Department of Environment. For intermittent and perennial streams, all stream buffers are a minimum of 125-feet from the top of the stream bank. Both the wetland and stream valley buffers are consistent with the environmental buffers recommended in the Planning Board's Guidelines for Environmental Management for Use IV watersheds.

There are 17-acres of existing forest in Phase I. Of this total, 0.62-acres of forest are included in the SHA reservation for the ICC. This leaves a net total of 16.38-acres of forest on-site.

The Town of Washington Grove testified that the development would negatively compromise the water supply to the existing wells for the fifteen properties bounding Ridge Road. In response to that concern, the Applicant proffered a condition (condition No. 15) whereby it will assume financial responsibility for the failure of any of the wells in accordance with the terms of Condition No. 15. The Applicant's responsibility to each property owner is capped at a maximum of \$10,000. At the owner's discretion, the property owner may choose to use the amount (up to \$10,000) to either tap into the water line stub to be provided by the Applicant, or to drill a new well.

The proposed stormwater management concept consists of (1) on-site channel protection measures via construction of a detention pond; (2) on-site water quality control via construction of two Montgomery County Sand Filters (MCSF's), biofiltration, infiltration, and nonstructural measures; and on-site recharge via infiltration, storage below the sand filters, and nonstructural measures.

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 JUL 31 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).

* * * * *

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 Robinson, seconded by Commissioner Hanson, with Commissioners Hanson, Robinson, and Cryor voting in favor of the motion, and Commissioners Alfandre and Presley abstaining, at its regular meeting held on Thursday, July 24, 2008, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board



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

Memorandum

TO: Rose Krasnow, Interim Planning Director
VIA: Glenn Kreger, Chief
Joshua Sloan, Supervisor
Area 2 Planning Division
FROM: Lori Shirley, Planner Coordinator
Area 2 Planning Division
RE: Piedmont Crossing
SITE PLAN #82006012B
DATE: June 1, 2012

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DARC Intake Section is also not required; however, submittal of the application to DARC is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On March 6, 2012, Toll MD II, LLC ("Applicant") filed a site plan amendment application designated Site Plan No. 82006012B ("Amendment") for approval of the following modifications:

1. Adding a detail for the community entrance piers and sign as required by M-NCPPC prior to installation.
2. Updating the street trees and street lights along the public roads so that they match the approved street light plan reviewed by the Montgomery County Department of Transportation and Standard No. MC-700.01.
3. Providing detailed grading for the swale in the rear yards of Lots 1-4 to ensure proper drainage to Amity Drive.

Approval signatures

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4. Relocating a proposed tree on Open Space Parcel G, Block A that is located directly in front of the proposed 10' x 10' sign casement so that it will not obstruct one's view of the sign.
5. Adding white vinyl as an alternate material to wood on the detail (Sheet 17) for the split rail fence that runs along the rear property line of Lots 21-27.
6. Removing the dry wells that are shown in the rear yards of Lots 1-4 on the Landscaping and Lighting Plan; and
7. Removing three existing trees and adding nine new trees in the landscape buffer in the rear yards of Lots 1-4.

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on May 15, 2012. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



Rose Krasnow, Interim Planning Director



Date Approved