



White Oak Property, Preliminary Plan Amendment No. 11991099A, Site Plan Amendment No. 82005018C

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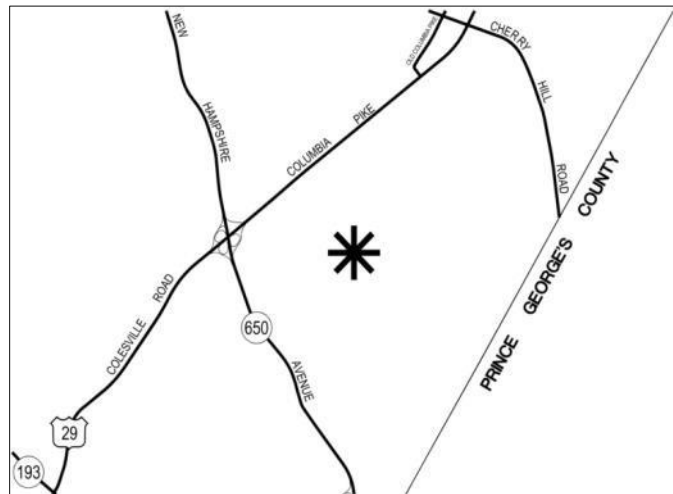
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Completed: 5/8/14

Description

- Request to add 3.04 acres of land to an approved Preliminary Plan of subdivision in order to build 22 additional townhomes, including 4 MPDUs, and associated recreational/open space;
- Located on Stewart Lane approximately 350 feet east of its intersection with Lockwood Drive within the 1997 *White Oak Master Plan*;
- 29.34 gross acres, R-90 Zone;
- Filing date: 4/3/2013;
- Applicant: White Oak Investments, LLC



Summary

- Staff recommends approval of the amended Preliminary and Site Plans, with conditions.
- The proposed amendment will add 22 townhomes to the existing 106 units for a total of 128 townhomes.
- Staff recommends approval of an over-length turnaround pursuant to Section 50-26(b).
- Consistent with previous approvals for the larger property, Staff supports all 22 units on the Subject Property to be townhouses as allowed by §59-C-1.62, Optional Method of Development that includes Moderately Priced Dwelling Units (MPDUs).

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan 11991099A subject to the following conditions:

1. The Applicant must comply with all the conditions of approval for Preliminary Plan No. 119910990, except as modified by this Amendment.
2. Approval is limited to twenty-two (22) additional one-family attached lots including a minimum of 15 percent moderately priced dwelling units (MPDUs) and associated Homeowners Association (“HOA”), stormwater management and park parcels on the 3.04 acres added to the approved Preliminary and Site Plan by this amendment.
3. Prior to issuance of the first building permit, the Applicant must satisfy the Transportation Policy Area Review (“TPAR”) test by making a TPAR Mitigation Payment, pursuant to the 2012-2016 Subdivision Staging Policy, equal to 25 percent of the General District Transportation Impact Tax. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
4. The private street network must be located within its own parcel, separate from the rest of the development, and the Record Plat must reflect a public use and access easement over the private streets and adjacent parallel sidewalks. The Applicant must construct the private internal streets to the applicable Montgomery County secondary residential street structural standards and must construct all sidewalks to applicable ADA standards.
5. At the time of Record Plat, the Applicant must dedicate to the Maryland-National Capital Park and Planning Commission (M-NCPPC), approximately two (2) acres (Parcel O and Parcel P) adjacent to existing Paint Branch Stream Valley Park.
6. Prior to the approval of Certified Plans, the Applicant must provide maintenance access easements to park dedication areas as approved by M-NCPPC Parks staff. The final location of the easements must be shown on the Certified Preliminary Plan, Certified Site Plan, Final Forest Conservation Plan, and Record Plat.
7. Prior to issuance of sediment control permit, the Applicant must amend and record by plat the Category I Conservation Easement to remove 0.04 acres to accommodate the additional stormwater management facilities.
8. Prior to issuance of sediment control permit, a Category I Conservation Easement must be recorded by Record Plat on 0.15 acres of forest planting area required as mitigation for forest easement removal to accommodate the additional stormwater management facilities.
9. The Planning Board has accepted the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) in its letter dated January 14, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCFRS provided that amendments do not conflict with other conditions of approval for the Preliminary Plan Amendment.

10. The Applicant must make a School Facilities Payment to the Department of Permitting Services (DPS) at the elementary school level at the “single-family attached” unit rate for all units for which a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code and as determined by DPS.
11. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan Amendment with respect to lot configuration, right-of-way location, width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to approval of a Certified Site Plan.
12. The Certified Preliminary Plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
13. The Applicant must show all necessary easements on the Record Plat.
14. The Adequate Public Facility (APF) approval for the Preliminary Plan Amendment will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of a total of 22 townhouses including 4 MPDUs on approximately 3.06 acres in the R-90 Zone. All site development elements as shown on the latest electronic version as of the date of this staff report, submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

1. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan No. 119910990 and Preliminary Plan Amendment No. 11991099A.
2. Site Plan Conformance
The Applicant must comply with the conditions of approval for Site Plan No. 820050180, and Site Plan Amendments No. 82005018A and 82005018B, except as amended by this Application.
3. Transportation
The Applicant must provide four bike parking spaces (inverted-U bike rack, or equivalent approved by Staff that conforms to American Pedestrian and Bicycle Professionals Guidelines) near the proposed tot lot on Regent Manor Court.

4. Environment
 - a. The limits of disturbance shown on the approved Sediment Control Plans must be consistent with the limits of disturbance shown on the Amended Final Forest Conservation Plan.
 - b. Prior to issuance of sediment control permit, the Applicant must provide financial surety to M-NCPPC for the required 0.82 acres of forest planting.

5. Moderately Priced Dwelling Units (MPDUs)

Prior to issuance of the first building permit, the Applicant must execute an Agreement-to-Build with the Department of Housing and Community Affairs (DHCA) to provide the required 15 percent MPDUs (four townhouses).

6. Recreation Amenities

The Applicant must provide the following recreation amenities in accordance with the 1992 *Montgomery County Planning Board Recreation Guidelines*, as shown on the Certified Site Plan:

 - a. One Tot Lot; and
 - b. Pedestrian paths.

7. Maintenance

Maintenance of all on-site open space and recreation amenities, including paving, plantings, lighting, benches, and play equipment, is the responsibility of the Applicant and subsequent owner(s).

8. Architecture

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on the Certified Site Plan. Minor changes and adjustments can be made subject to Staff approval.

9. Financial Surety and Maintenance Agreement

Prior to issuance of the first 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 that outlines the responsibilities of the Applicant. 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 facilities, which, upon Staff approval, will establish the surety amount.
 - b. The cost estimate must include plant material, on-site lighting, play equipment, private roads, paths and associated improvements.
 - c. The bond or surety shall be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.

10. Development Program

The Applicant must construct the development in accordance with a development program, which will be reviewed and approved by Staff prior to the Certified Site Plan approval, and must include the following items:

- a. A phasing, or sequence, for the various stages of construction of the approved development.
- b. Demolition of existing structures, and clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, Staff inspection, and approval of all applicable environmental protection devices.
- c. Street lamps and sidewalks adjacent to each building must be installed prior to release of any Use-and-Occupancy Certificate for the respective building. Street tree planting may wait until the next planting season.
- d. Prior to the issuance of the building permit for the last stick of townhouses, the Applicant must construct a connection from the proposed tot lot to the existing natural surface path to the Park.
- e. Phasing for installation of on-site landscaping and lighting, if applicable.
- f. Phasing of applicable dedications, stormwater management, sediment and erosion control, afforestation, and other features.

11. Certified Site Plan

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

- a. Include the Amended Final Forest Conservation Plan approval, stormwater management concept approval, development program, and Planning Board Resolution of approval.
- b. Revise the recreation amenities table and all Site Plan and landscape/lighting plan sheets to be consistent with the Recreation Amenities Calculations Table approved by the Planning Board.
- c. Ensure consistency of all details and layout between architecture, site, and landscape plans.

SECTION 2: SITE DESCRIPTION

SITE VICINITY

The Subject Property is located off of Stewart Lane, approximately 350-feet east of its intersection with Lockwood Drive. It is zoned R-90 and located in the 1997 *White Oak Master Plan* area and within the pending *White Oak Science Gateway Master Plan* area. Abutting the Property to the south is the Food and Drug Administration campus, zoned RE-2. To the north and east is M-NCPPC parkland, which is part of the Paint Branch Stream Valley Park and zoned R-90 and RE-2. Directly to the west and southwest are several apartment complexes that range in height from two to four stories and are zoned R-20.

Stewart Lane beyond its intersection with Lockwood Drive is a 60-foot wide right-of-way and is the only access to the Subject Property.

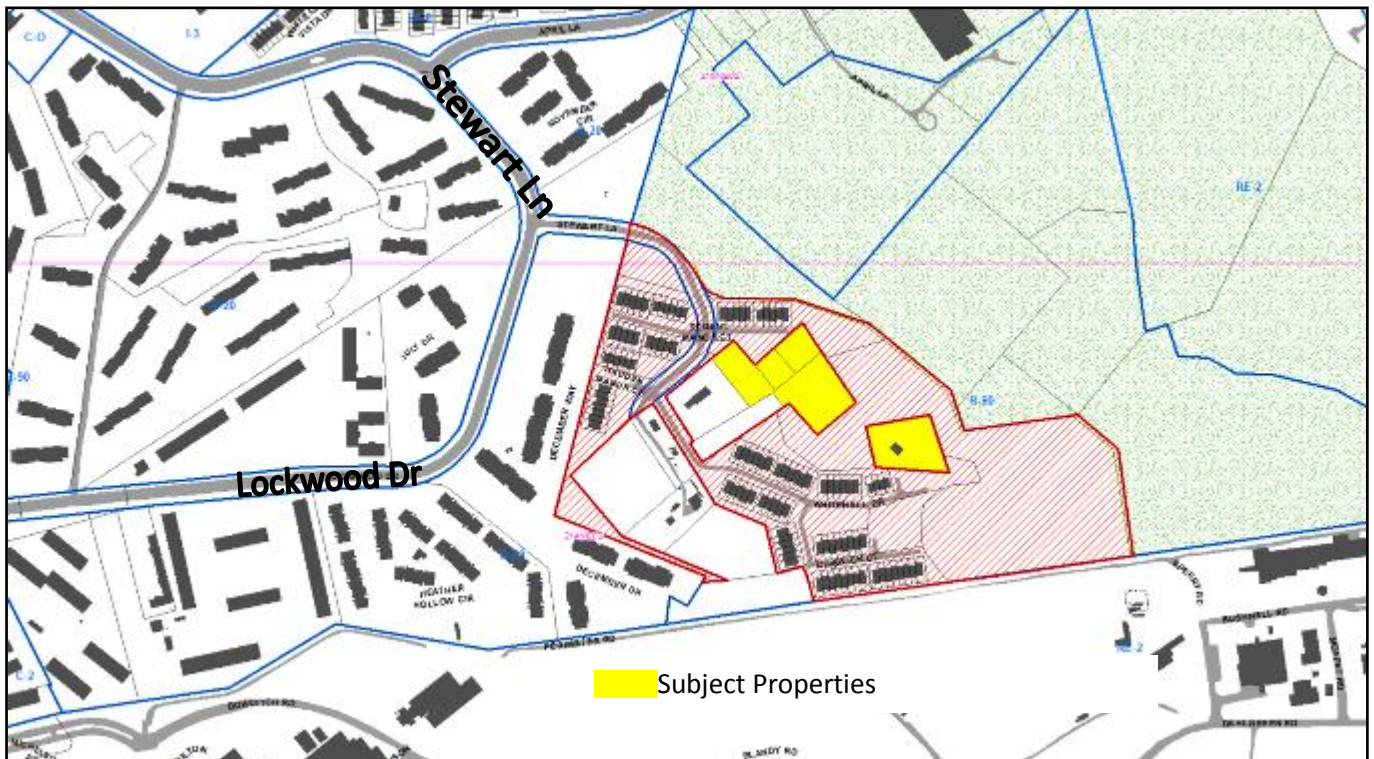


Figure 1: Vicinity Map

SITE ANALYSIS

The Subject Property comprises 29.34 gross acres, including the 3.04 acres added by this amendment, and is currently improved with 106 townhouse units, a vacant single-family dwelling, open spaces, trails and tot lots. The existing townhouse units are three levels, have brick façades, and provide front-loading, one- and two-car garages (see Figure 2). Existing landscaping includes a variety of deciduous and evergreen trees. Parcels P56, P82, P108, P110, and P158 are proposed to be added to the approved development (see Figure 3). These Parcels have forested areas, and P158 contains an abandoned single-family home, which is proposed for demolition. The Property is currently served by public water and sewer.



Figure 2: Existing Conditions



Figure 3: Aerial Photo

The entire Property is within the Paint Branch watershed – a Use III watershed, but is not within the Upper Paint Branch Special Protection Area. It generally slopes from northwest to southeast by approximately 150 feet and is bisected by a tributary of the Paint Branch Creek. There are 1.67 acres of environmental buffers associated with the stream, with 1.01 acres of environmental buffer forested. The existing single-family house on P158 proposed for demolition is within the environmental buffer for the stream located on the Subject Property.

SECTION 3: DESCRIPTION OF THE PROPOSED AMENDMENTS

A) PREVIOUS APPROVALS

The Planning Board approved a Preliminary Plan, Site Plan and Site Plan Amendments on the larger property for 106 townhomes, including 16 MPDUs, on 26.30 acres of land in the R-90 Zone as follows (see Attachment 1):

- Preliminary Plan 119910990, approved with conditions (Planning Board Opinion dated May 28, 2003) for up to 100 percent single-family attached dwelling units pursuant to §59-C-1.621 of the Montgomery County Zoning Ordinance. The APF was approved under the “Alternative Review Procedure for Expedited Development Approval (a.k.a. Pay and Go) of the FY 2003 Annual Growth Policy. In lieu of submitting a traffic study to satisfy Local Area Transportation Review (LATR) test and mitigating new peak-hour trips to satisfy the Policy Area Review test, the Applicant entered into an “Expedited Development Approved Excise Tax Agreement” with the Montgomery County Planning Board and paid an excise tax per housing unit approved.
- Site Plan 820050180, approved with conditions (Planning Board Opinion dated April 12, 2005) for 106 one-family attached dwelling units, including 16 MPDUs, on 26.30 gross acres in the R-90 Zone (MPDU Development Option).
- Site Plan Amendment 82005018A, approved with conditions (Planning Board Resolution 06-28, dated October 2, 2006) included development standards for the MPDUs, corrected setbacks for lots abutting the subdivision, and revised the lot lines to accommodate utility easements and refinement of building product type (brick facades).
- Site Plan Amendment 82005018B, approved with conditions (Planning Board Resolution 07-214, dated December 6, 2007) to modify the top of fence to pointed pickets and change grading along Warwick Court.

B) PROPOSED AMENDMENTS

Preliminary Plan Amendment

Since the original Preliminary Plan was approved, the Applicant has acquired five new (Figure 3) properties (Parcels P56, P82, P108, P110 and P158) that total 3.04 acres, and is seeking to amend the approved Preliminary Plan of Subdivision to add the five new properties to the approved Preliminary Plan in order to add 22 lots for construction of 22 townhouses including 15 percent MPDUs (see Attachment 2 and Figure 4).



Figure 4: Amended Preliminary Plan

Site Plan Amendment

The proposed Site Plan Amendment will allow 22 additional townhouses, the relocation and enlargement of the existing tot lot, and modification of the existing stormwater management area (see Attachment 3). Similar to the approved plan for the larger property, the added parcels will be developed under the optional method of development allowed by §59-C-1.6, Development including moderately priced dwelling units. The proposed density includes an allowable increase over the standard density limits of the R-90 Zone because the Applicant is proposing to provide 15 percent of total units as MPDUs. The proposed development will have similar lots sizes, building setbacks, yards and building heights as the existing townhouses for both the market-rate and MPDU units. All market-rate townhouses will have a two-car garage and a 2-car driveway. The MPDU units will have one-car garages with one-car driveways. Nine additional on-street parking spaces for residents and guests are also proposed.

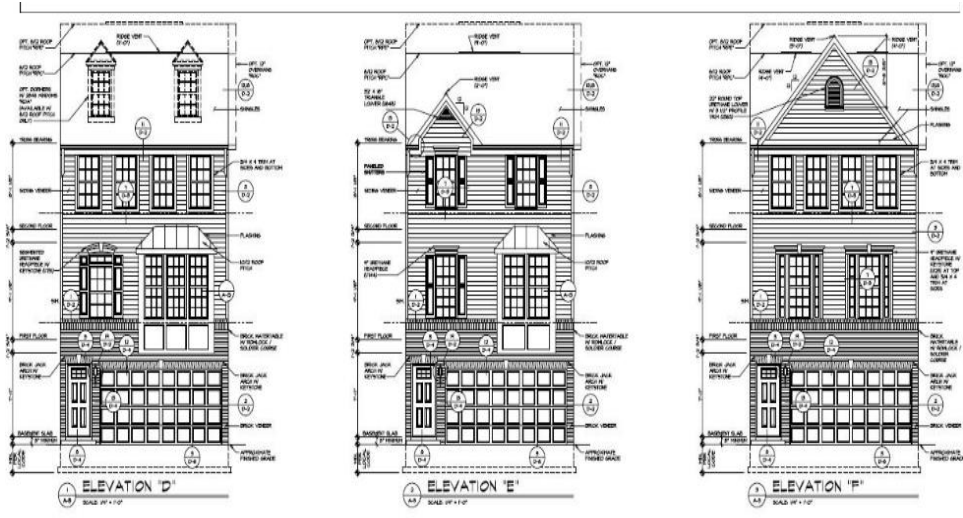


Figure 5: Schematic Building Elevations

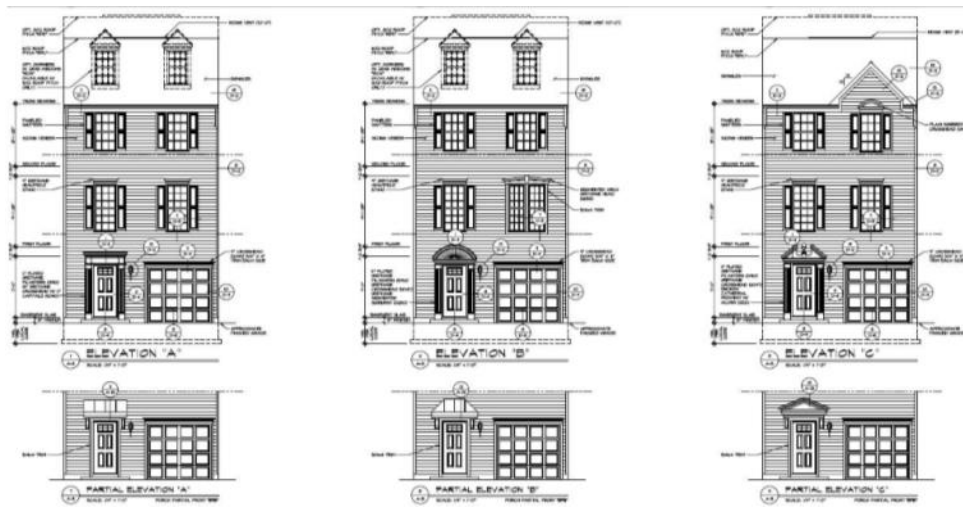


Figure 6: Schematic Building Elevations, MPDUs



Figure 7: Illustrative Rendering

SECTION 4: PRELIMINARY PLAN ANALYSIS AND FINDINGS

MASTER PLAN

The 1997 *White Oak Master Plan* emphasizes the positive attributes of the various communities within the Plan area and envisions them to remain primarily residential in nature. It identifies elements that can strengthen the existing communities, such as protection of natural resources, a variety of housing for residents of all ages and incomes, and infill developments to follow existing residential patterns and be compatible with surrounding neighborhoods. The proposed development achieves the Plan's vision through the protection of stream buffers, and dedication of property to the M-NCPPC to be added to the Paint Branch Stream Valley Park (Parcels O and P). It supports the Master Plan's housing objectives by providing more than the minimum 12.5% required MPDUs and by maintaining compatibility with the surrounding neighborhoods through a unit type that is consistent with adjacent development.

It is also consistent with the vision of the pending *White Oak Science Gateway Master Plan*, which supports the existing development pattern in this area.

PUBLIC FACILITIES

Master-Planned Roadway Status

The *White Oak Master Plan* does not list Regent Manor Court or Whitehall Drive as master-planned roadways. Both streets are private, secondary residential streets with approximately 30-foot-wide rights-of-way and five-foot wide sidewalks connecting to Stewart Lane. At its intersection with Whitehall Drive, Stewart Lane is classified as a secondary residential roadway. Bikeways are not designated on these local private streets.

Available Transit Service

Ride-On bus route 10 and Metrobus routes Z6 and Z8 provide transit service with half-hour headways between weekday buses. Bus stops are located along nearby Lockwood Drive and parts of Stewart Lane.

Transportation Adequate Public Facilities Test

The Planning Board approved the Adequate Public Facilities (APF) test for 106 townhouses under the Preliminary Plan No. 119910990 approved on March 27, 2003. According to the Montgomery County Resolution No. 17-601, *2012-2016 Subdivision Staging Policy* (TL1 Standards and Procedures), if use and occupancy permits for 75% of the originally approved development were issued more than 12 years ago, those units will be considered existing houses and not included in the LATR analysis of new units. In this case, all of the use and occupancy certificates were released less than 12 years ago. Therefore, a traffic study was required to include all 128 townhouses (22 proposed and 106 already approved).

Table 1 below shows the number of existing, new and total peak-hour trips generated by the 128 townhouses during the weekday morning (6:30 a.m. until 9:30 a.m.) and evening (4:00 p.m. until 7:00 p.m.) peak hours. Accordingly, the Property will generate a total of 63 weekday morning and 96 weekday evening peak-hour trips.

Table 1: Peak-Hour Trips Generated

Residential Land Use	Number of Units	Type of Trips	Weekday Peak-Hour	
			Morning	Evening
Existing Townhouse Units	106	Existing	51	86
Proposed Additional Units	22	New	12	10
Total Townhouse Units	128	Total	63	96

The two studied intersections will have Critical Lane Volume (CLV) values below the maximum congestion standard of 1,475 (Table 2, below). Therefore, the LATR test is satisfied. Table 2 shows the calculated CLV values at the study intersections for the following traffic conditions:

1. Existing traffic conditions include the traffic generated by the existing 106 townhouse units and all other existing developments;

2. Background traffic conditions include the existing traffic, plus the trips generated from approved but unbuilt nearby developments; and
3. Total traffic conditions include the background traffic, plus the traffic impact of the 22 additional townhouse units.

Table 2: Critical Lane Volume

Analyzed Intersection	Weekday Peak Hour	Congestion CLV Standard	Traffic Condition		
			Existing	Background	Total
New Hampshire Avenue (MD 650) and Lockwood Drive	Morning	1,475 Fairland/ White Oak	1,256	1,470	1,471
	Evening		1,194	1,352	1,353
Lockwood Drive and April Lane	Morning		313	313	318
	Evening		345	345	347

A transportation impact tax payment is required to satisfy the TPAR test because the proposed 22 townhouse units will generate three or more new peak-hour trips. The required payment is \$49,725 (25% of 18 X \$11,050 per unit) based on current DPS rates.

Other Public Facilities and Services

The Subject Property is currently serviced by public water and sewer.

The application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Property has appropriate access for fire and rescue vehicles (see Attachment 4).

The proposed project is within the Blake High School Cluster, which is currently adequate (under 105% utilization) at the high and middle school levels. However, at the elementary school level the Cluster is over the 105% utilization rate, and the applicant will be required to pay the impact tax for all new units.

Other public facilities and services, such as police, fire and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect, and will be adequate to serve the proposed dwelling units.

ENVIRONMENT

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420130100) for the Subject Property on October 31, 2012. A tributary to the Paint Branch bisects the Property from west to east, and there are steep slopes and highly erodible soils leading down to the stream. The Subject Property has 1.67 acres of environmental buffers associated with the stream, with 1.01 acres of the environmental buffer forested. There are a total of 1.22 acres of high priority forest on the added properties. There is currently a single-family dwelling located on P158 located within the environmental buffer.

The entire Property is within the Paint Branch watershed – a Use III watershed, but is not within the Upper Paint Branch Special Protection Area. The proposed development complies with the Environmental Guidelines by removing the existing vacant single-family dwelling from the environmental buffer and restricting the proposed development to areas outside of the environmental buffer.

All areas of unforested environmental buffer will be planted, and all environmental buffer and forested areas outside the buffer will be protected by a Category I Conservation Easement, if not dedicated to Montgomery County Department of Parks.

Forest Conservation

The Planning Board approved a Final Forest Conservation Plan (FFCP) with a Site Plan (#820050180) on February 10, 2005, which required the Applicant to dedicate approximately 11.0 acres to the Montgomery County Department of Parks, and placed approximately 0.14 acres in a Category I Conservation Easement.

The proposed amendment to the FFCP (Attachment 5) covers a total tract area of 30.61 acres and includes the five parcels proposed for the additional 22 townhouses and off-site improvements included on the previous approvals. The proposed amendment to the FFCP includes a total of 11.53 acres of forest retention and 0.82 acres of forest planting. It proposes an additional 0.07 acres of forest to be removed, of which 0.04 acres is currently protected by a Category I Conservation Easement. This removal of forest and Category I Conservation



Figure 8: *Contour Intervals at White Oak Property*

Easement are needed to accommodate the new stormwater management facilities required for the development of the proposed 22 Lots (Figure 8). The Applicant has proposed to mitigate for the easement loss by planting 0.15 acres of forest and placing those 0.15 acres into a Category I Conservation Easement. The remaining 0.67 acres of forest planting will occur on land to be dedicated to the Montgomery County Department of Parks.

Minimum Retention

Since the Subject Property is being developed using the MPDU development option for the R-90 Zone, it must follow Section 22A-12(f)(2)(B) of County code, which states: “In a planned development or a site developed using a cluster or other optional method in a one-family residential zone, on-site forest retention must be equal to the applicable conservation threshold in subsection (a).” For this property, the conservation threshold is 20% of the 30.61 acres in the FFCP, or 6.12 acres. The proposed FFCP amendment continues to meet this requirement by retaining 11.53 acres of forest.

Forest Conservation Variance

Section 22A-12(b)(3) of County code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree’s Critical Root Zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Code. The code requires no impact to trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; or are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species, or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on August 7, 2013 for the trees impacted by the proposed layout (Attachment 6) and revised it on October 24, 2013 and January 10, 2014. The Applicant proposes to remove five trees greater than 30 inches DBH and to impact but not remove seven trees greater than 30 inches DBH that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law. The following table describes the impacts to the trees proposed to be removed.

Table 3: Proposed Tree Removal

ID	Type	DBH	Condition	Comments
82	Southern red oak	37”	Fair	This tree is located at the edge of the developable area and will be impacted by grading and townhouse development.
117	Red maple	45”	Good	This tree is freestanding and located in the center of the developable area of the Property.
119	Tulip poplar	34”	Good	This tree is located at the edge of the forest and the critical root zone will be impacted on the uphill side by grading and stormwater management facilities.

ID	Type	DBH	Condition	Comments
175	White oak	30"	Fair	This tree is located adjacent to the stormwater management facilities. The Applicant is showing the tree as removed and mitigating for its loss but will use stress reduction measures to try to save this tree.
206	Paulownia	41"	Good	This tree will be impacted by stormwater management facilities.

Table 4 below describes the trees proposed to be impacted, but not removed:

Table 4: Trees to be impacted, but not removed

ID	Type	DBH	Condition	Comments
78	Tulip poplar	41"	Good	This tree will be impacted by the demolition of the existing house.
98	White oak	44"	Good	This tree is off-site and will be minimally impacted by grading associated with the development.
165	Tulip poplar	32"	Good	This tree will be impacted by the demolition of the existing house.
184	Tulip poplar	36"	Good	This tree will be minimally impacted by stormwater management facilities.
210	Tulip poplar	32"	Good	This tree is off-site will be minimally impacted by stormwater management facilities.
216	White oak	31"	Good	This tree is off-site will be minimally impacted by stormwater management facilities.
217	Tulip poplar	39"	Good	This tree is off-site will be minimally impacted by stormwater management facilities.

Unwarranted Hardship

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. The variance is necessary because of the severe environmental site constraints that include steep slopes, environmental buffers or forest cover over more than 60% of the additional acreage. Development has been constrained to less environmentally sensitive areas of the site to minimize forest loss and environmental buffer impacts. Therefore, leaving the requested trees in an undisturbed state would result in an unwarranted hardship.

Variance Findings

Based on the review of the variance request and the proposed Amended Final Forest Conservation Plan, staff makes the following findings that granting the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as any development on the Subject Property is constrained due to the large areas of steep slopes and environmental buffers. These trees lie outside of the forest or stream buffer and would likely be disturbed under any scenario of development for this property. Granting a variance request to remove five trees and disturb the CRZs of seven trees for the purposes of developing townhouses is not unique to this Applicant. This variance is necessary to achieve the County goals of providing housing while protecting the sensitive environment of the Paint Branch. Therefore, staff believes that is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. It is based on the locations of the trees and the disturbance needed to develop the Subject Property under any scenario.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the unique conditions and constraints of the Subject Property and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Proposed Amendment allows for the removal of existing encroachments, and includes additional plantings within the environmental buffer, which will help protect water quality. The requested variance will not violate State water quality standards or cause a measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove five trees and to impact but not remove seven trees. Generally, mitigation is not recommended for trees impacted but retained. The Applicant will plant 16, 3-inch caliper, native shade trees as part of the Amended FFCP as mitigation for the loss of five specimen trees. These plantings will be located within the environmental buffer and will help protect water quality.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On January 14, 2014, Staff forwarded the request to the County Arborist, who has recommended approval (Attachment 4).

Variance Recommendation

Staff recommends that the variance be granted.

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

The application has been reviewed for compliance with Chapter 50 of the Montgomery County Code, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The proposed development substantially conforms to the recommendations of the White Oak Master Plan. It meets all requirements established in the Subdivision Regulations, provided the Planning Board grants greater than 50% of the units to be townhomes (discussed in more detail below) and approves the proposed turnaround to be longer than 500 feet.

More than 50 percent of the units as townhouses

Section 59-C-1.6 prescribes the procedure and standards for Development that include moderately priced dwelling units, and allows townhouses in the R-90 Zone for a development under the optional method of development pursuant to §59-C-1.621, footnote 1, of the Zoning Ordinance, which requires at least 50 percent of the units to be townhouses. This section also allows the Planning Board to approve a development in which up to *"100% of the total number of units are one-family attached dwelling units, upon a finding that (1) a proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits, or (2) limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site. However, any increase in any dwelling unit type above the standard percentage allowed must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit. Any development that exceeds the maximum percentage of allowable dwelling unit types must be compatible with adjacent existing and approved development."*

The Subject Property is encumbered by several environmental elements, such as a stream valley buffer, steep slopes and forest that cover more than 60% of its land area. A 100% townhouse development will protect the environmentally sensitive areas through multiple conservation measures, such as greater buffers for the stream valley and steep slopes than if developed as one-family detached units, and additional areas of reforestation. There are 1.67 acres of environmental buffers associated with the stream, with 1.01 acres of environmental buffer forested. There are a total of 1.22 acres of high priority forest on-site. The forest planting is not required to meet requirements of Chapter 22A, but does support the granting of 100% townhouse units.

The proposed development of 100% townhouses will achieve the same level of compatibility as a development with a maximum of 50% townhouses. As fully described under the Site Plan section of this report, the proposed development is of similar characteristics (e.g., building height, scale and massing) to the existing developments and any developments within the surrounding neighborhood.

Staff carefully considered the 100% townhouses proposal and recommends granting this request because the proposed lot arrangement will be the least intrusive within the environmental context of the Subject Property, will maintain compliance with the Zoning Code, and will be compatible with the surrounding neighborhood.

Lot Frontage on a Private Street

Section 50-29(a)(2) of the Subdivision Regulations requires “... *that individually recorded lots shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road.*” The proposed townhouse lots will be on individually recorded lots and will front onto private streets. Therefore, in order to approve the proposed Preliminary Plan Amendment, the Planning Board must find that the proposed private streets have acquired the status of a public road. This finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to minimum public road standards, except for right-of-way and pavement widths.

The proposed private street with frontage to the proposed individually recorded townhouse lots meets the minimum standards necessary to make the finding that it has the status of a public road. These standards include 20-foot pavement width, 25-foot or larger curve radii, an appropriate circulation pattern, and an appropriate paving cross-section. As a condition of this report, the proposed private road will also be placed within an easement that ensures it remains fully accessible to the public.

Road and Street Design Standards

Section 50-26(b) of the Subdivision Regulations allows the Planning Board to approve cul-de-sacs and turnarounds only if they will produce an improved street layout because of the unusual shape, size or topography of the subdivision. The Planning Board must not approve a turnaround or cul-de-sac longer than 500 feet, when measured on its centerline. However, the Board may approve a greater length because “...*of the property shape, size, topography, large lot size or improved street alignment...*”

The extension of these existing turnarounds is highly desirable because it will continue the existing pattern of development with minimal disturbance of steep slopes and the stream valley buffer. It will also avoid excessive pavement in or near the existing natural resources that could result from entirely new access roads for the proposed units.

When extended to accommodate the six new units proposed for Parcel 158, Whitehall Drive will be approximately 550 feet long from the intersection of Whitehall Drive and Chiswick Court to its eastern terminus. Staff supports the proposed over-length street (approximately 50 feet longer than the standard 500-foot maximum) for the same reasons described above: the

extended-length eastern segment of Whitehall Court will help protect sensitive environmental resources, and it will avoid excessive impervious surface by creating a more compact development pattern consistent with the existing development on the larger site.

SITE PLAN FINDINGS

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.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Property is Zoned R-90, whose purposes include: encourage social and community interaction and activity; provide a broad range of housing types; preserve and take the greatest possible aesthetic advantage of trees; provide open space for the general benefit of the community; encourage pedestrian circulation networks; and assure compatibility and coordination of each development with existing and proposed surrounding land uses. The zone allows the proposed use, with provisions stated below.

The Applicant proposes to amend the approved Site Plan to include an additional 22 townhomes, including four MDPU's, under the Optional Method of Development in the R-90 Zone for projects including Moderately Priced Dwelling Units pursuant to §59-C-1.6 of the Zoning Ordinance. One-family attached units are a permitted use under the R-90 Zone Optional Method, but the maximum percentage of attached units (townhouses) allowed is 50 percent. The balance must be one-family detached units. However, per §59-C-1.62, footnote 1, the Planning Board may approve up to 100 percent of the units as one-family attached units, upon a finding that: *(1) a proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits; or (2) limits on development at that site would not allow the applicant to achieve MPDU's under Chapter 25A on-site. Any increase above the standard percentage allowed must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit.*

The Applicant is requesting 100 percent of the total additional units as one-family attached units. Staff finds that the proposed development with 100-percent one-family attached units is more desirable from an environmental perspective than a development that would result from adherence to the standard 50 percent limit, as discussed above.

The following data table indicates the proposed development’s compliance with the applicable standards of the Zoning Ordinance. The Site Plan meets all the development standards of the zone.

Table 5: Project Data Table (R-90 Zone/MPDU Option)

Development Standard	Permitted/ Required	Previously Approved/Built	Proposed with Addition
Min. Tract Area (ac)	N/A	26.30	29.34
Max. Density of Development (du/ac) (59-C-1.622)	4.39	4.39	4.39
Max. Number of Dwelling Units (29.34 ac X 4.39)	128	106	128
Max. Percentage of one-family attached lots (%)	50	100 ¹	100
Min. Number of MPDUs at 15%	20	16	20 (16 existing + 4 proposed)
Min. Yard Requirements for lots that abut a lot Not development under MPDU provisions (ft.) (59-C-1.623)			
Rear Yard	20	20	20
Side Yard	20	20	20
Min. Yard Requirements (feet) (59-C-1.624):			
Front Yard	N/A	20	20
Side Yard	N/A	8	8
Rear Yard	N/A	20	20
Min. Lot Area (sf) (59-C-1.625)	1,500	1,500	1,500
Max. Building Height (feet) (59-C-1.626)	40	40	40
Min. Green Area (59-C-1.627) (2,000 sf per unit)	256,000	888,824	83,842 for added portion 972,666 Total Green Area
Parking spaces (59-E-3.7)			
Attached Units (2 per unit)	256	212 ²	56 (for new units)
Visitors		30	9 (for new units)
Total parking spaces		242	65 (for new units)
<i>Total Proposed Parking Spaces</i>			<i>307</i>

¹ The Planning Board approved a Preliminary Plan (11991099) of up to 100% one-family attached dwelling units pursuant to §59-C-1.62 of the Montgomery County Zoning Ordinance.

² As previously approved, the 90 market-rate units include 2 driveway spaces per unit. Lots 29 -32 (MPDU units) include a parking space in the garage and the driveway. The remaining MPDUs have 2 designated parking spaces in the parking areas directly in front of the units.

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

a. Locations of buildings and structures

The proposed townhouses are similar to what has been built in the existing development, and are located on the site to take full advantage of the varying slopes to accommodate walkout situations. The locations of the buildings are clustered to maximize the preservation of open space, including area containing steep slopes. The proposed development extends pedestrian and bicycle paths to provide access to new units and existing and proposed recreation amenities and open spaces.

b. Open Spaces

The Applicant will dedicate approximately 2 acres of environmental buffers to the Parks Department for addition to the adjacent stream valley park. In addition, the Applicant will provide recreation amenities per the Planning Board's Recreation Guidelines as described below.

c. Landscaping and Lighting

The proposed landscaping consists of a mix of shade, evergreen and flowering trees along the existing streets. The proposed trees are similar to the existing trees within the townhome community, and consistent with previous approvals, the new street trees are within ten-foot wide grass panels along Regent Court and Whitehall Drive.

The proposed lighting for the new townhomes will closely match the lighting in the existing townhome community and will consist of the lantern-style fixtures on 14-foot tall poles, spaced similarly to existing poles but varied as needed to accommodate adequate coverage. Proposed light fixtures near the proposed townhomes will be equipped with deflectors/refractors to prevent glare.

The proposed landscaping and lighting will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors.

d. Recreation Amenities

The Applicant is proposing relocation and expansion of an existing tot. The proposed tot lot is double the size of the existing tot lot, and located at the end of extended Regent Manor Court. It will consist of safety tiles, activity panels for toddlers, swings and a play structure. It will be enclosed by a timber border, and include proper drainage. The structure will be located near the street to provide adequate visibility and easy access while ensuring safety of the children. The Applicant also proposes a re-alignment of the natural surface trail to connect with the relocated tot lot and sidewalks that terminate at Regent Manor Court. Table 6 below contains the Recreation Amenity Calculations based on the total development. The previously approved amenities exist on-site and are in good condition.

The proposed Site Plan Amendment meets the Planning Board Guidelines for recreation amenities. As reflected in the outline and data tables below, the development (existing and proposed addition) will provide adequate, safe, and efficient recreation amenities.

Table 6: Recreation Amenity Calculations

	Tots	Children	Teens	Adults	Seniors
Demand Points					
Unit Type					
Attached units (128)	21.76	28.16	23.04	165.12	8.96
Total Required Points	21.76	28.16	23.04	165.12	8.96
Supply Points					
Tot Lot (2)	9.00	2.00	0.00	4.00	1.00
Multi-Age Playground (1)	9.00	11.00	3.00	7.00	1.00
Picnic/Sitting (4)	4.00	4.00	6.00	20.00	8.00
Open Play Area II (3)	9.00	12.00	12.00	30.00	3.00
Pedestrian System	2.18	5.63	4.61	74.30	4.03
Nature Trails (1)	1.09	2.82	3.46	24.77	1.34
Natural Areas (1)	0.00	1.41	2.30	16.51	0.45
Total Supply Points	34.27	38.86	31.37	176.58	18.82
% of Demand	157%	138%	136%	107%	210%

e. Pedestrian and Vehicular Circulation Systems

The proposed project will promote safe and efficient movement of vehicles. Vehicular circulation will not change on the existing developed portion of the overall site. The circulation routes, access points, and movements have been reviewed to ensure minimal conflicts with pedestrians and found to be in accordance with code requirements.

Pedestrian and bicycle access is provided from the sidewalk at Stewart Lane/Lockwood Drive to the main entrance of the entire property (DOT has requested, but not required, that the Applicant work with them on pedestrian safety improvements along Lockwood Drive from the site entrance at Stewart Lane to Oak Leaf Drive, one mile to the south). The existing sidewalk system within the development consists of four-foot wide sidewalks and natural surface trails. The proposed amendment will extend the existing four-foot wide sidewalks, and continue the 4-foot wide natural surface trail from Whitehall Drive through Parcel B to connect with the relocated tot lot on Regent Manor Court. This network will continue to provide adequate, safe, and efficient pedestrian and vehicular circulation systems.

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

The proposed townhouses are compatible with existing uses and developments on adjacent properties regarding scale, massing, and design. The fronts and sides of the units will contain brick or masonry facades for a consistent appearance with the existing townhouses and will continue to be compatible with the surrounding neighborhood.

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. Forest Conservation

This plan is in compliance with the Planning Board's Environmental Guidelines and Montgomery County Forest Conservation Law (Chapter 22A of the Code). Staff recommends approval of the Amended Final Forest Conservation Plan as part of the Site Plan Amendment with the conditions cited in this Staff Report.

- b. Stormwater Management

This development has an approved Stormwater Concept from the Department of Permitting Services (DPS) dated September 25, 2012. (See Attachment 4.)

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. As of the date of this report, staff has received verbal and written communications on this Application. Citizen concerns include interruption of wildlife habitat, decrease of open space, increased traffic, and overcrowding. Staff believes that with the addition of over 2 acres of dedicated park land, coupled with multiple forest conservation measures, removal of structures within the floodplain, and minimizing the development's footprint, the Applicant has minimized the environmental impacts of this development. With regards to increased traffic and overcrowding, the project has been reviewed for transportation circulation and adequacy, and is not anticipated to exceed the applicable congestion standards for this area.

ATTACHMENTS

1. Previous Approval
2. Preliminary Plan
3. Site Plan
4. Agency Approval Letters
5. Final Forest Conservation Plan
6. Applicant's Variance Request
7. Citizen Comments

ATTACHMENT 1



Date Mailed: May 28, 2003

Action: Approved Staff Recommendation

Motion of Comm. Robinson, seconded by Comm. Bryant with a vote of 3-0;

Comms. Berlage, Bryant, Robinson voting in favor

Comms. Perdue temporarily absent and Wellington necessarily absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-91099

NAME OF PLAN: WHITE OAK PROPERTY

On 06/22/99, PAINT BRANCH PARTNERSHIP submitted an application for the approval of a preliminary plan of subdivision of property in the R-90 zone. The application proposed to create 106 lots on 26.3 acres of land. The application was designated Preliminary Plan 1-91099. On 03/27/03, Preliminary Plan 1-02110 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02110 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02110.

Approval, Pursuant to the Annual Growth Policy Alternative Review Procedures for Expedited Development Approval ("pay-and-go"), Subject to the Following Conditions

- 1) Prior to MCPB release of building permits, applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of one hundred six (106) single family attached units and pay to the Montgomery County Department of Finance the balance of the expedited development approval excise tax prior to receipt of building permits, as provided by County law
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Fairland - White Oak Master Plan unless otherwise designated on the preliminary plan
- 4) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Fairland - White Oak Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition

- 5) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- 6) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 7) Record Plat to reflect all areas under Homeowners Association ownership and all stormwater management areas
- 8) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 9) Dedication to MNCPPC of the land adjacent to the northeast side of the entrance road (proposed Stewart Lane) between the road and current parkland up to the first proposed set of town homes. Curb cut to be provided to allow access to this land
- 10) Dedication of Parcel 207 and adjacent stream valley buffer area to MNCPPC for park purposes. All dedicated land to be conveyed free of trash and unnatural debris and signed to park standards
- 11) Applicant to provide 4-foot wide natural surface trails within the development for resident access to adjacent parkland. Trails to be designed and constructed to park standards; access points to be coordinated with park staff
- 12) Final access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 13) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 14) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 15) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 16) Provide a minimum of sixteen (16) MPDU's dependent on Condition No. 14 above
- 17) All driveway access connections to parcels not included in the subdivision are to be identified on the final record plat and the Homeowner Association documents must provide for the continued provision of such access until other direct access to a public road is provided in the future
- 18) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 19) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 20) Other necessary easements

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Date of Mailing: APR 12 2005

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Site Plan No.: 8-05018

Project: White Oak

Date of Hearing: February 10, 2005

Action: APPROVAL SUBJECT TO CONDITIONS. (Motion to approve was made by Commissioner Wellington; duly seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Berlage, Perdue, Bryant, Wellington, and Robinson voting in favor.)

The date of this written opinion is APR 12 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal 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 of Court – State). This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On February 10, 2005, Site Plan Review #8-05018 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

THE SUBJECT PROPERTY

The subject property is located on Stewart Lane approximately 350 feet east of the northeastern intersection with Lockwood Drive ("Subject Property"). The 26.30-acre site is bordered by the Montgomery-White Oak Apartments directly to the west and southwest, ranging in height from 2-4 stories and zoned R-20. The property abutting the site directly to the south is the White Oak Naval Surface Warfare Center (NSWC) (Pcl. 700), containing a variety of government complexes and a public golf course. This property is zoned RE-2. The Subject Property encompasses approximately 14 parcels, some of which are improved with one-family homes and others that are vacant. These

out parcels currently access Stewart Lane and are zoned R-90. The property to the north and east of the subject site is owned by M-NCPPC and is part of Paint Branch Stream Valley Park. The Park property is zoned R-90 and RE-2.

BACKGROUND

Preliminary Plan #1-91099 was approved on May 28, 2003, for 106 one-family attached dwelling units with conditions. The Planning Board's approval of the Preliminary Plan included approval of up to 100 percent one-family attached dwelling units pursuant to Sect. 59-C-1.621 of the Montgomery County Zoning Ordinance.

PROPOSED DEVELOPMENT

White Oak Investments, LLC, ("Applicant") proposed to construct 106 one-family attached units, including 16 MPDUs, on 26.30 acres in White Oak, Maryland. The proposed development is utilizing the MPDU development option in the R-90 Zone, increasing the project's density while providing a greater percentage of MPDUs on the property. The Subject Property is comprised of fourteen (14) parcels with direct access from Stewart Lane, via Stewart Drive.

The proposed development is separated into two development pod areas by virtue of the outlying parcels that are not part of this development. The first development pod area, located along the western boundary, contains approximately 44 townhouse units near the extended segment of Stewart Lane. The second development pod area consists of the remaining 62-townhouse units primarily to the east of the parcels that are not part of the development. The latter development area is accessed via Private Street E running east to west from Stewart Lane to the northern portion of the southern stream buffer.

Vehicular Circulation

Stewart Lane is an existing 26 foot-wide paved public road within a 60 foot-wide right-of-way that extends east from Lockwood Drive to provide access to numerous parcels, including the Subject Property. Stewart Lane/Lockwood Drive provides an alternative connection between New Hampshire Avenue and US 29. The proposed subdivision extends Stewart Lane into the site and terminates the right-of-way at the northwest corner of Parcels 139 and 194. The street will terminate as a T-intersection in order to provide future connections to potentially landlocked parcels surrounding the Subject Property.

The townhouses will gain direct access through a series of private streets that connect to Stewart Lane. All of the units front onto the private streets. Off-street parking bays will be provided for the MPDUs in the western tract area. The Applicant will provide garage townhouse MPDU units in the eastern development area to address compatibility within the site in context with the market-rate units.

As stated in the site plan review issues on page 7 of the Staff Report, Staff expressed concern that adequate access be provided to Stewart Lane for the parcels that could potentially become landlocked through the site plan and development process. The approved preliminary plan identified ingress/egress and utility easements to all of the parcels requiring access to Stewart Lane through the proposed development. The only deviation from the preliminary plan is the minor realignment of the access to Parcel 158. This site plan provides an improved access to Stewart Lane via Private Street E, rather than the circuitous route anticipated in the subdivision process.

Pedestrian Circulation

The sidewalk system within the right-of-way for Stewart Lane will be extended into the Subject Property and consists of 5-foot-wide sidewalks separated by a 10-foot green panel for street trees. All of the remaining sidewalks associated with the private streets and lead walks to buildings will be 4-feet-wide. The parking areas associated with the MPDUs will provide a 2-foot-wide grass panel to separate the integrated sidewalk system. The separation provides for continuous pedestrian movement without conflicts from the parking lot.

A 4-foot-wide natural surface trail will be provided from Private Street B to Private Street E through the dedicated parkland and the homeowners' association parcels (A and C). The connection will provide residents an alternative access to the community recreational areas as well as to trails within the surrounding existing parkland.

Environmental/Forest Conservation

Approximately 11.2 acres of forest will be preserved and placed in a Category I Forest Conservation Easement. Much of the easement area is in the stream buffer and will be dedicated to M-NCPPC for parkland. Forest conservation requirements have been met through the preservation of existing forests, including 10.61 acres of priority forest. No additional planting will be required.

Site Plan No. 8-05018

White Oak

Page 4

The stream buffer will be impacted in two areas for the stormwater management outfall area and extension of the sewer line through Parcel B and the existing parkland. Specifically, the 8" sanitary sewer outfall extends approximately 1340 feet (or 0.25 mile) through existing and proposed parkland. According to the Applicant, the size and depth/elevation of the sewer will be adequate to serve the entire area, including all developable acreage on the out-parcels. Therefore, no other outfalls will be necessary or allowed through M-NCPPC parkland. The precise alignment through parkland may be refined, and will be subject to all park permit requirements.

The Planning Board's approval of the Preliminary Plan included approval of up to 100 percent one-family attached dwelling units pursuant to Sect. 59-C-1.621 of the Montgomery County Zoning Ordinance. In addition to the standard conservation easements, approximately 0.60 acres of forested land outside the stream buffer southeast of Parcel 158 (0.52 acres) and east of Lot 41 (0.08 acres at the east end of Street F) will be placed in a conservation easement or dedicated to parkland.

The Applicant proposed to retain the stream buffer areas that are tributaries to the Paint Branch and contain environmentally sensitive natural elements such as wetlands and steep slopes. The stream buffers will be placed in Category I Forest Conservation Easements limiting future construction or encroachment in and around the buffers.

Open Space/Green Space

The plan proposes approximately 20 acres of green space, or 77 percent of the property, between units and along the perimeter of the property. The green space consists of dedicated parkland within the stream buffer; open play area for recreation, buffer areas, and stormwater management parcels. The green space along with existing trees and environmentally sensitive areas will provide buffers to adjacent uses and create internal community interaction and separation. Approximately 11 acres, or 42 percent of the total site area, will be dedicated to M-NCPPC for the Paint Branch Stream Valley Park.

The R-90 Zone requires a description of the procedures and methods to be followed for assuming the common use and adequate maintenance of common open space for the proposed project. The site plan contains a standard condition (No. 13) that defines maintenance and use of the common open space for properties in a pre-recorded covenant (liber 28045, folio 578); however, the Applicant will provide additional

language in the homeowners' association documents that provides for maintenance and use of the open space that will be regulated by the future HOA.

The proposed stormwater management concept, approved by the Montgomery County Department of Permitting Services ("DPS") on November 20, 2003, and reconfirmed on January 18, 2005, consists of (1) on-site channel protection measures via construction of two dry detention facilities; (2) on-site water quality control via construction of two Montgomery County Sand Filters (MCSF's); and (3) on-site recharge via dry wells and storage below the sand filters. Channel protection volume is not required for an area of off-site bypass because the one-year post development peak discharge at the proposed outfall is less than or equal to 2.0 cfs.

The site plan shows the location of a regional stormwater management facility at the entrance to the site to the north of the extension of Stewart Lane. The facility was considered in the design of the site and part of the reconfirmation of the concept approved by DPS.

Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along the entrance to the site from Stewart Lane. The access from Stewart Lane will contain three terraced walls with planting to accent the entry into the site and provide for a physical and visual buffer from the proposed units to the stormwater management facility.

Street trees are provided in the 10-foot-wide grass panels within the extended Stewart Lane right-of-way to continue the pattern of Willow Oaks installed in the segment of Stewart Lane to Lockwood Drive. The pattern of street trees will continue on Private Street E that provides service to the eastern portion of the development in front of the townhouse units.

Evergreen screening will be provided on the south side of the tot lot adjacent to parcels 56, 82, and 108 to buffer the recreational activity from the existing residences. A mix of evergreen and deciduous screening will also be provided on the southern end of the multi-age play area adjacent to the proposed townhouses and the stormwater management facility.

The proposed lighting for Stewart Lane will comply with the standard lighting specifications for public roads and is proposed to consist of a Colonial style fixture on

metal poles. The exact location and fixture type in the public road will be determined and approved by DPS.

The proposed lighting for the private streets will closely match the proposed lighting for the public streets and will consist of the New London fixtures on 12-foot-tall poles. Lighting on the private streets is spaced approximately 70 on center, although this may vary to accommodate adequate coverage. Additional light fixtures have been proposed by the visitor parking areas, located near the townhouse units and multi-age play lot. Light fixtures near the existing one-family detached homes will be equipped with deflectors/refractors to negate glare onto the adjacent parcels.

Recreation Requirements

The Applicant proposed four locations for centralized recreational facilities to address the separation of the two development pod areas. A tot-lot is proposed on the south side of Private Street B, which consists of a toddlers Eagle Play structure and benches on safety tiles. The play structure will be enclosed by a timber border and will include proper drainage. The structure will be located as close to the street as possible to provide adequate distance from the existing one-family detached homes. A passive play area including seating is located northeast of Private Street C and adjacent to proposed unit 12. This location is depressed to accommodate grading for the road while creating a common central area for the entire site.

An open play area is proposed at the southwestern end of the property near the terminus of Private Street D. The open play area will be a level area for outdoor recreational activities. A multi-age recreational facility is being provided south of Private Street E and west of the proposed stormwater management facility. This facility will include a multi-level, interconnected play structure with safety tiles and seating areas. Appropriate fencing will be provided to separate the play area and stormwater management area to address safety concerns.

Recreation requirements are also being satisfied by the installation of the 4-foot-wide natural surface trail through the dedicated parkland.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Staff recommended approval of the Site Plan subject to the conditions listed in its memorandum dated February 4, 2005 ("Staff Report"), and the proposed revisions to condition No. 7, which proposed revision was submitted to the Planning Board at the

hearing. Environmental Planning Staff explained both in its handout and in oral testimony the need for the proposed revision. Board members recommended certain clarifying language to proposed Condition 7.d., which would allow Environmental Planning Staff the opportunity to review and approve the hydraulic planning analysis prior to recordation of the plat. The Applicant's legal counsel appeared at the hearing and testified that the Applicant agreed with Staff's recommendations, including the recommended revisions to Condition 7.d. and the Board's changes to Staff's proposed language to that condition.

In addition to the Applicant's representatives, only one speaker testified at the hearing. The speaker stressed the need for sediment and erosion control measures, forest conservation, and well-designed stormwater management facilities, noting that Staff had shared and advanced these concerns and that the application before the Board addressed the aforementioned concerns. The speaker added that the Staff Report addresses with great specificity almost all her issues and concerns. The speaker commented that it appeared to her that one grouping of eight townhomes was located over a tributary to the Paint Branch. The speaker testified that her greatest concern was the amount of traffic that would be generated by this development and its impact in an already heavily congested area.

In its rebuttal testimony, the Applicant responded to the concerns of the speaker. First, the Applicant's engineer testified that the Staff-approved Natural Resources Inventory had determined that the feature the speaker had identified as a tributary is, in fact, an eroded swale. The Applicant added that it is aware that the site is environmentally sensitive and that, during construction, sediment control requirements would be followed. Second, responding to the speaker's traffic concerns, the Applicant testified that, as noted in the Staff Report, the preliminary plan application (#1-91099) had been approved under the Expedited Development Approval Excise Tax; and that 10% of the Pay-and-Go fee had already been paid and that the remainder would be paid to contribute to improvements in the area. He added that the road into the community was a public road, which would provide safe and adequate access, as had been analyzed at the time of preliminary plan review. Correcting an error in the Staff Report, Applicant's counsel advised the Board that the Applicant has until May 2005 to record plats.

Staff did not dispute the rebuttal testimony of the Applicant. In response to Board questioning, Staff confirmed that the proposed public road accessing the site would provide sufficient capacity to handle the undeveloped parcels located within the Subject Property.

FINDINGS

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

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

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 zone in which it is located.

The Site Plan meets all of the requirements of the R-90 Zone (MPDU Option) as demonstrated in the project Data Table in the Staff Report.

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

- a. Buildings

The 3-story townhouses are located on the site to take full advantage of the varying slopes to accommodate walkout situations. All of the units, with the exception of two sticks of MPDUs, are garage units fronting on the private streets. The MPDU grouping in the eastern tract will be garage units to address compatibility, in context with the market-rate units.

The majority of the units are located with the sides of the units along the proposed Stewart Lane. The fronts and sides of these units will contain brick or masonry facades for context and appearance with the neighboring apartment complexes and adjacent one-family homes. The rear and sides of the units at the entrance to the site will also be brick or masonry to address compatibility and appearance.

Additionally, based on testimony presented at the hearing and other evidence of record, including the approved Natural Resources Inventory, the Board further finds that the group of eight townhomes pointed out by the speaker is not located over a tributary to the Paint Branch. Based on the evidence of record, the Board finds the location of all buildings and structures on the site to be adequate, safe, and efficient.

b. Open Spaces

The plan proposes approximately 20 acres of green space, or 77 percent of the property, between units and along the perimeter of the property, although a major portion of the green space consists of dedicated park area within the stream buffer. In addition to the green area surrounding the units and within the stream buffer, open play areas for recreation and stormwater management parcels are included in the overall acreage. The green space, along with existing trees and environmentally sensitive areas, will provide buffers to adjacent uses and create internal community interaction as well as separation. Approximately 11 acres or 42 percent of the total site area will be dedicated to M-NCPPC for the Paint Branch Stream Valley Park.

The R-90 Zone requires a description of the procedures and methods to be followed for assuring the common use and adequate maintenance of common open space for the proposed project. The site plan contains a standard condition (No. 13) that defines maintenance and use of the common open space for properties in a pre-recorded covenant (liber 28045, folio 578); however, in addition, the Applicant will provide additional language in the Homeowners Association Documents that will identify specific use and maintenance of the common open space.

The proposed stormwater management concept consists of (1) on-site channel protection measures via construction of two dry detention facilities; (2) on-site water quality control via construction of two Montgomery County Sand Filters (MCSF's); and (3) on-site recharge via dry wells and storage below the sand filters. Channel protection volume is not required for an area of off-site bypass because the one-year post development peak discharge at the proposed outfall is less than or equal to 2.0 cfs.

Based on the uncontested evidence of record, as discussed herein, the Board finds the location of open spaces on the site to be adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along the entrance to the site from Stewart Lane. The access from Stewart Lane will contain three terraced walls with planting to accent the entry into the site and provide for a physical and visual buffer from the proposed units to the stormwater management facility.

Street trees are provided in the 10-foot-wide grass panels within the extended Stewart Lane right-of-way to continue the pattern of Willow Oaks installed in the segment of Stewart Lane to Lockwood Drive. The pattern of street trees will continue on Private Street E that provides service to the eastern portion of the development in front of the townhouse units.

Evergreen screening will be provided on the south side of the tot lot adjacent to parcels 56, 82 and 108 to buffer the recreational activity from the existing residences. A mix of evergreen and deciduous screening will also be provided on the southern end of the multi-age play area adjacent to the proposed townhouses and the stormwater management facility.

Foundation planting is provided for each unit type to include a mix of shrubs and groundcover. The public utility easements (PUEs) have been placed adjacent to the public right-of-way for Stewart Lane and in the rear yards of the proposed townhouse units to allow for street trees and flowering trees in front of the units. The relocation of the PUEs permits a greater flexibility for the appearance and function of the streetscape and planting in the front of the units along the private streets.

The lighting plan proposes Colonial style fixtures, which consist of asymmetric panels and 70-100 watt high-pressure sodium bulbs.

The proposed lighting for Stewart Lane will comply with the standard lighting specifications for public roads and is proposed to consist of a Colonial style fixture on metal poles. The exact location and fixture type in the public road will be determined and approved by Montgomery County Department of Permitting Services.

The proposed lighting for the private streets will closely match the proposed lighting for the public streets and will consist of the New London fixtures on 12-foot-tall poles. Lighting on the private streets is spaced approximately 70 apart, although this may vary to accommodate adequate coverage. Additional light fixtures have been proposed near the visitor parking areas situated by the townhouse units and multi-age play lot. Light fixtures near the existing one-family detached homes will be equipped with deflectors/refractors to negate glare onto the adjacent parcels.

The Board finds, based on the uncontested evidence, including Applicant's Landscape and Lighting Plan, that the proposed landscaping and lighting is adequate, safe, and efficient.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above.

The proposed recreation facilities include four locations for centralized recreational facilities to address the separation of the two development pod areas. A tot-lot is proposed on the south side of Private Street B, consisting of a toddlers Eagle Play structure and benches on safety tiles. The play structure will be enclosed by a timber border and will include proper drainage. The structure will be located as close to the street as possible to provide adequate distance from the existing one-family detached homes. A passive open play area including seating is located northeast of Private Street C and adjacent to proposed unit 12. This location is depressed to accommodate grading for the road and units, however the location is a central gathering area for the entire site.

An open play area is proposed at the southwestern end of the property near the terminus of Private Street D. The open play area will be a level area for outdoor recreational activities. A multi-age recreational facility is being provided south of Private Street E and west of the proposed stormwater management facility. This facility will include a multi-level and interconnected play structure with safety tiles and seating areas. Appropriate fencing will be provided to separate the play area and stormwater management area to address safety concerns.

Recreation requirements are also being satisfied by the installation of the 4-foot-wide natural surface trail through the dedicated parkland. The final location of the trail will be determined by staff and the Applicant prior to construction.

Based on the uncontested evidence of record, the Board finds the proposed recreation facilities to be adequate, safe, and efficient.

e. Vehicular and Pedestrian Circulation

Stewart Lane is an existing 26 foot-wide paved public road within a 60 foot-wide right-of-way that was extended from Lockwood Drive to provide access to numerous parcels and the subject site. Stewart Lane/Lockwood Drive provides an alternative connection between New Hampshire Avenue and US 29. The proposed subdivision is extending Stewart Lane into the site and terminating the right-of-way at the northwest corner of parcel 139 and 194. The termination of the paved area will be a T-intersection in order to provide future connections to potentially landlocked parcels surrounding the subject site.

The townhouses will gain direct access through a series of private streets that connect to Stewart Lane. All of the units front onto the private streets. Off-street parking bays will be provided for the MPDUs in the first development pod area, however, the Applicant has agreed to provide garage townhouse MPDU units in the eastern development area to address compatibility within the site among the market-rate units.

Staff was concerned about adequate access to Stewart Lane for the parcels that could potentially become landlocked through the site plan and development process. The preliminary plan identified ingress/egress and utility easements to all of the parcels requiring access to Stewart Lane. The only deviation from the preliminary plan is the minor realignment of the access to parcel 158. This site plan improves access from this parcel to Stewart Lane, via Private Street E, rather than the circuitous route anticipated in the subdivision process.

The Applicant is proposing direct frontage onto the extended Stewart Lane for parcels 82 (Matthews), 134 (Van Vu), 139 (Washington) and 194 (Wilkerson). In addition, an outlot will be created for the land area between parcels 82 and 134 and Stewart Lane should the parcels further subdivide. The outlots would be owned by the future homeowners association and deeded over at such time as the respective parcels subdivide. The remaining parcels 108 (Hyson), 56 (Jones), 158 (Hunter), 245 (Colachico) and 299 (Taggert) will gain access to the extended Stewart Lane via a series of ingress/egress easements through the proposed private streets. The driveway access points from Stewart Lane to these parcels will be improved during construction. Staff advised the Board that the Applicant has agreed to extend paved access from the proposed private drives and Stewart Lane to the respective parcels, except where the existing access does not change. The ingress/egress easements, as shown on the site plan will be delineated on the record plat.

Pedestrian circulation consists of a sidewalk system internally that leads to the public road network with access to Stewart Lane/Lockwood Drive, as well as a natural surface path system.

The sidewalk system within the right-of-way for Stewart Lane will be extended into the subject site and will consist of 5-foot-wide sidewalks separated by a 10-foot green panel for street trees. All of the remaining sidewalks associated with the private streets and lead walks to buildings will be 4-foot-wide. The parking areas associated with the MPDUs will provide a 3-foot-wide grass panel for trees to separate the integrated sidewalk system. The separation provides for continuous pedestrian movement without conflicts from the vehicular parking.

A 4-foot-wide natural surface trail will be provided between Private Street B and E through the dedicated Parkland (parcel B) and the Homeowners Association parcels (A and C). The connection will provide residents an alternative access to the community recreational areas as well as to trails within the surrounding parkland.

The Board notes that traffic issues were addressed at the time of the preliminary plan review, as reported by the Applicant's testimony at the hearing.

Based on the uncontested evidence of record, the Board finds the proposed vehicular and pedestrian circulation to be adequate, safe, and efficient.

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

The proposed development is compatible with the adjacent uses and developments in terms of height, density, type of building and location of the proposed units. The height is limited to forty feet, which is comparable to the three and four-story Montgomery-White Oak apartments to the east and southeast. The location of the proposed townhouses fronting on Private Street B creates a more consistent street frontage for the 1-story existing detached homes south of the private street. The townhouses in the eastern development pod are physically removed and separated by elevation and forest from the existing detached homes.

The plan proposes a unit type that is consistent with the adjacent apartments and townhouses and is transitional in nature to the one-family detached units on the adjacent parcels. A compatibility finding was addressed with the approved preliminary plan to comply with the provisions of Sect. 59-C-1.621 of the Montgomery County Zoning Ordinance to provide 100 percent townhouses.

Based on the uncontested evidence of record, the Board finds that each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

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

Approximately 11.2 acres of forest will be permanently preserved and placed in a Category I Forest Conservation Easement. Much of the easement area is in the stream buffer and will be dedicated to M-NCPPC for parkland. Forest conservation requirements have been met through the preservation of forested, including 10.6 acres of priority forest. No additional planting is required due to the amount of forest being preserved. The stream buffer will be impacted in two areas for the stormwater management outfall area and extension of the sewer line through Parcel B to the existing parkland.

The Board notes, as stated in the Staff Report, that an environmental finding was addressed at the time of preliminary plan approval, concerning the provisions of Sect. 59-C-1.621 of the Montgomery County Zoning Ordinance to provide 100 percent townhouses in-lieu-of the maximum 50 percent required by the R-90 Zone development standards.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review #8-05018 for 106 one-family attached dwelling units, including 16 Moderately Priced Dwelling Units (MPDUs), on 26.30 gross acres in the R-90 Zone (MPDU Development Option) with the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 1-91099 as listed in the Planning Board opinion dated May 28, 2003.
2. Site Design
 - a. Provide dimensions for the proposed ingress/egress easements.
 - b. Include outlots x and y, as shown on the site plan, on the record plat and site plan, as well as a general note for the future use of outlots.
 - c. Provide public utility easements for all of the lots.

- d. Provide the locations of the mailbox clusters on the site plan. The locations of the mailbox clusters shall not impede pedestrian circulation or be a visual detriment to the open space areas within the site.
- e. The fronts of units 1-7, sides of units 1, 13, 14 and 24, as well as the rear of units 1-5 and 24-34 shall contain brick or masonry facades to be compatible with the surrounding apartments and existing one-family detached units.

3. Landscaping

The public utility easements for the private streets shall be located in the rear of the townhouse units, where feasible, to provide a free and clear area for trees and foundation planting.

4. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors 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 or adjacent to residential properties.
- e. The height of the light fixtures shall not exceed 12 feet including the mounting base.

5. Pedestrian Circulation

- a. Provide a 4-foot-wide natural surface trail from Private Street B to Private Street E through the dedicated Parkland (Parcel B) and the Homeowners Association Parcels (A and C). Exact location of trail alignment and construction specifications shall be coordinated with, and approved by M-NCPPC staff.
- b. The sidewalks in front of the non-garage MPDU units shall be 4-feet-wide and separated by a 2-foot grass strip from the parking bay.

6. Recreation Facilities

- a. Provide detail specifications of the Toddlers Play Area and Children's Play Area including the safety tiles, micro-engineered wood chips, fencing, timber borders and appropriate underdrains within the play areas.
- b. Provide a detail for proper access into the play area to accommodate handicap accessibility.

7. M-NCPPC Park Facility

The Applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Resource Analysis, Countywide Planning Division in the memorandum dated January 3, 2005:

- a. The Applicant shall dedicate to M-NCPPC the areas previously identified on the Preliminary Plan (#1-91099) as the land adjacent to the northeast side of the entrance road (proposed Stewart Lane) between the road and current parkland up to the first proposed set of townhomes. Dedication of parkland shall not include any stormwater management ponds or facilities. Land to be conveyed immediately following recordation of the record plat for the project areas that include the dedicated parkland and adjacent roads and lots. Dedicated property shall be conveyed free of trash and unnatural debris and the boundaries to be adequately staked and signed to delineate between private properties and parkland.
- b. The Applicant shall adequately mark and sign the location of the proposed trail.
- c. The Applicant shall minimize disturbance of forested areas during installation of the proposed sewer line through current and proposed parkland. The sewer line alignment shall generally follow the alignment as shown on the site plan. Reasonable adjustments in the final alignment may be incorporated at time of park permit to further minimize impacts to existing and dedicated park resources.
- d. Applicant shall submit a hydraulic planning analysis request to WSSC. WSSC to perform and approve a hydraulic planning analysis, which must demonstrate that all developable areas within this plan and the excluded outparcels can be serviced by gravity without additional outfalls through parkland. Following WSSC approval, the hydraulic planning analysis shall be forwarded to M-NCPPC Environmental Planning staff for its review and approval. Environmental Planning Staff approval must be obtained prior to record plat.
- e. The Applicant shall provide a curb cut at a point along the northeast side of proposed Stewart Lane, approved by M-NCPPC staff, to accommodate a future entrance road into the dedicated parkland.

8. Ingress/Egress Easement

The Applicant shall delineate on the record plat, ingress/egress easements for the benefit of parcels 56, 108, 110, 134, 136, 139, 158, 194, 240, 245 and 249 from Stewart Lane to the respective parcels, as generally provided in the approved preliminary plan opinion dated May 28, 2003 and as delineated on the site plan. The Applicant shall construct the necessary improvements for continuous access

for these parcels to Stewart Lane (either direct access to Stewart Lane or via the private street network).

9. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 16 (or 15 percent) MPDUs on-site in accordance with Chapter 25A.

10. Transportation Planning

The Applicant shall comply with preliminary plan (1-91099) conditions of approval from M-NCPPC- Transportation Planning.

11. Forest Conservation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated February 3, 2005:

- 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.
- b. Record plat of subdivision shall reflect a Category 1 conservation easement over all areas of stream buffers and forest conservation. In addition to the standard conservation easements, approximately 0.60 acres of forested land outside the stream buffer southeast of Parcel 158 (0.52 acres) and east of Lot 41 (0.08 acres at the east end of Street F) will be placed in a conservation easement or dedicated to parkland.
- c. Applicant shall remove the limits of disturbance from within the stream valley buffer behind lot 24 on Street E.

12. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated November 20, 2003 and reconfirmed on January 13, 2005.

13. 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 75th building permit that Applicant's

recorded Homeowners Association Documents incorporate by reference the Covenant.

14. Homeowners Association Documents

- a. Applicant shall include reference to the existence of ingress/egress easements for the benefit of Parcels 56, 108, 110, 134, 136, 139, 158, 194, 240, 245 and 249; and additionally, Applicant shall include reference to the potential for future re-development of such parcels, which may require the shared use and access of the public and private rights-of-way within the proposed White Oak subdivision.
- b. The procedures and methods for maintenance of the useable areas for open space shall be included in the homeowners' association documents.
- c. The M-NCPPC staff shall review the homeowners' association documents to verify the existence of language adequately addressing the above referenced items.

15. Development Program

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

- a. 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. Community-wide pedestrian pathways and recreation facilities including the natural surface trail in the area to be dedicated to M-NCPPC, as shown on the approved preliminary plan (1-91099), and HOA parcels A and C, the tot lot, open play area and multi-age play area shall be completed prior to issuance of the 75th building permit.
- c. Landscaping associated with each private street and townhouse grouping shall be completed as construction of each facility is completed.
- d. Pedestrian pathways including the sidewalks associated with the private streets to Stewart Lane and seating areas associated with each facility shall be completed as construction of each facility is completed.
- e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- f. Provide each section of the development with necessary roads.
- g. Applicant shall construct driveways and access improvements, as applicable, from the public or private streets over that portion of the ingress/egress

easements to Parcels 56, 108, 110, 134, 136, 139, 158, 194, 240, 245 and 299, as shown on the delineated site plan, upon completion of the public or private streets that connect to the respective parcels. Such driveways shall be constructed of a paved material and be at least ten feet in width, as shown on the delineated site plan. Open access shall be provided for the parcels to Stewart Lane at all times during construction.

- h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

16. Clearing and Grading

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

17. Signature Set

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

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Undisturbed stream buffers with the exception of stormwater management outfalls and the sewer connection.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. MPDU and recreation facility calculations.
- g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- h. Location of outfalls away from tree preservation areas.
- i. All other items specified in the site design, landscaping, lighting, recreation facilities, M-NCPPC-Park Facility, pedestrian circulation, ingress/egress easement and forest conservation conditions of approval above.
- j. Provide verification from the U.S. Postal Service identifying the potential locations of the mailbox clusters.
- k. Details of the retaining walls, paving areas and recreation facilities.

APPROVED AS TO LEGAL SUFFICIENCY

TAB
M-NCPPC LEGAL DEPARTMENT

DATE

3/24/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

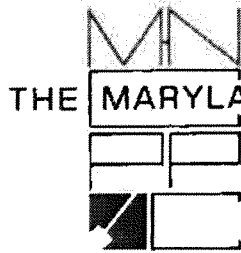
Site Plan No. 8-05018
White Oak
Page 21

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, March 31, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan No. 8-05018, White Oak**. Commissioner Perdue was absent.



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

OCT 2 2006

MCPB No. 06-28
Site Plan No. 82005018A
Project Name: White Oak
Hearing Date: July 27, 2006

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 October 12, 2005, White Oak Investments, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005018A ("Amendment") for approval of the following modifications:

1. modifications to development standards for MPDUs;
2. correct setbacks for lots abutting the subdivision;
3. revise the lot lines to accommodate utility easements;
4. refinement of building product type (brick facades); and

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 July 14, 2006, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on July 27, 2006, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board approved the Amendment as a consent item on the motion of Commissioner Perdue, seconded by Commissioner Robinson with Chairman Berlage, Commissioners Perdue, Wellington, and Robinson voting in favor of the motion, and Commissioner Bryant absent, at its regular meeting held on July 27, 2006, in Silver Spring, Maryland.

MCPB No. 06-28
Site Plan No. 82005018A
Project Name: White Oak
Page 2

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts this Resolution approving Site Plan No. 82005018A based on the Staff's recommendation and analysis set forth in the Staff Report; 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 site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

OCT 2, 2006 BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (which is the date that this opinion 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).

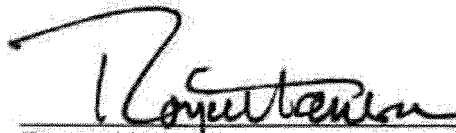
* * * * *

At its regular meeting, held on **Thursday, September 21, 2006**, 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 Commissioner Wellington, seconded by Commissioner Robinson, and with Commissioners Perdue, Robinson, and Wellington voting in favor, and with Chairman

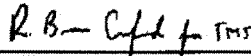
MCPB No. 06-28
Site Plan No. 82005018A
Project Name: White Oak
Page 3

Hanson and Commissioner Bryant abstaining. 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. 82005018A, White Oak.**

Adopted by the Montgomery County Planning Board this 21st day of September, 2006.



Royce Hanson
Chairman, Montgomery County Planning Board



Trudye M. Johnson
Executive Director

DEC 06 2007



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

MCPB No. 07-214
Site Plan No. 82005018B
Project Name: White Oak
Hearing Date: November 29, 2007

MONTGOMERY COUNTY PLANNING BOARD

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 October 2, 2007, White Oak Investments, LLC, ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005018B ("Amendment") for approval of the following modifications:

- 1) Alter the original design of the approved 48" aluminum fence from a flat top picket to a pointed picket fence.
- 2) Change the grading on Parcel C, located at the southern tip of Warwick Court. The site will be changed from a relatively flat 358.61 grade to a 359 grade gradually sloping down to a 358 grade towards the newly constructed townhouses.

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 November 15, 2007 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on November 29, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC LEGAL DEPARTMENT

DATE 11/16/07

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 Site Plan No. 82005018B; 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 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 written Resolution is DEC 06 2007 (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

At its regular meeting, held on Thursday, November 29, 2007, 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 Commissioner Lynch, seconded by Vice Chair Robinson, with Commissioner Lynch, Vice Chair Robinson, Chairman Hanson, and Commissioners Cryor and Bryant 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 82005018B, White Oak.



Royce Hanson, Chairman
Montgomery County Planning Board

ATTACHMENT 2

RECREATION ANALYSIS										
Multi-use Programmed	Half Residential	Open Play Area I	Sliding Area	Open Play Area II	Sliding Area	Traditional Gymnasium	Nature Trail	Unimproved	Unimproved	Unimproved
9	2	3	1	3	1	1.8	0.9	21.7	18.0	
11	5	4	1	4	1	4.7	2.3	33.0	23.3	Asb. 5-11
3	4	4	1.5	4	1.5	3.8	2.9	24.7	19.1	Asb. 10-11
7	5	10	5	10	5	61.5	20.5	124.0*	136.7	Asb. 10-14
1	1	1	2	1	2	3.3	1.1	12.4	7.4	Asb. 6-8

* 18-54 age group total demand points provided are within the permitted 10% of the demand threshold.

*** SEE UPDATED RECREATION ANALYSIS ON CERTIFIED SITE PLAN ***

*** SEE UPDATED DEVELOPMENT TABULATION FOR AMENDMENT 'A' ON SHEET 2 ***

DEVELOPMENT TABULATION	
Existing Zoning	= R-90
Area Included In this Plan	= 26.3 ac.
Area Included In Original Application	= 24.3 ac.
Area of street dedication	= 1.7 ac.
Development Proposal	
R-90 MPDU Option	
Permitted Density (24.2 x 4.39 ac.)	= 106
Number Units Proposed (Incl. 16 MPDU)	= 106

NOTES

- Boundary, as shown, taken from a deed composite by Loiederman Associates, dated July, 1991, a Plat of Survey for Paint Branch Stream Valley Park, Unit 4 by Sheladia Associates, Inc., dated September, 1989 and other deeds and plats recorded among the Land Records of Montgomery County.
- Topography, as shown, from MNCPC 5 foot contour aerial mapping.
- Planning area 33, White Oak Master Plan, which indicates that the zoning shall remain R-90.
- Sewer Category S-1
- Water Category W-1
- Development of this site is subject to the Forest Conservation Law of 1991.
- Property is located within the Paint Branch Watershed.
- NR/I/FSD #4-98185, approved 06/01/98.
- Soils, as shown, from the approved NR/I/FSD.
- There are no historic resources located on this site.
- Elements on this plan are scaled and subject to change upon field run survey.
- This plan is submitted as a revision to pending Preliminary Subdivision File # 1-91099.

Maryland-National Capital Park and Planning Commission
 Approved Preliminary Subdivision Plan No. 1-91099
 At its meeting of 03/27/03

Approval, Pursuant to the Annual Growth Policy Alternative Review Procedures for Expedited Development Approval ("pay-and-go"), Subject to the Following Conditions

- Prior to MCPB release of building permits, applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of one hundred six (106) single family attached units and pay to the Montgomery County Department of Finance the balance of the expedited development approval fee tax prior to receipt of building permits, as provided by County law and subject to the condition of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Fairland-White Oak Master Plan unless otherwise designated on the preliminary plan.
- All easements shown on the approved preliminary plan shall be constructed, by the applicant, to the standards of the White Oak Master Plan and to the design standards imposed by all applicable laws, codes, ordinances, regulations, rules, or portions thereof expressly designated on the preliminary plan, and shall be recorded from the applicant.
- All easements shown on the approved preliminary plan shall be constructed, by the applicant, to the standards of the White Oak Master Plan and to the design standards imposed by all applicable laws, codes, ordinances, regulations, rules, or portions thereof expressly designated on the preliminary plan, and shall be recorded from the applicant.
- All easements shown on the approved preliminary plan shall be constructed, by the applicant, to the standards of the White Oak Master Plan and to the design standards imposed by all applicable laws, codes, ordinances, regulations, rules, or portions thereof expressly designated on the preliminary plan, and shall be recorded from the applicant.
- Record Plat to reflect all areas under Homeowners Association ownership and all stormwater management areas.
- Compliance with the conditions of approval of the MCDPS stormwater management approval.
- Dedication to MNCPC of the easement to the northeast side of the entrance road (proposed Stewart Lane) between the road and curbs and up to the first proposed set of town homes. Curb cut to be provided to allow access to this lane.
- Dedication to Parcel 207 and adjacent stream valley buffer area to MNCPC for park purposes. All dedicated land to be conveyed free of trash and unnatural debris and signed to park standards.
- Applicant to provide 4-foot wide natural surface trails within the development for resident access to adjacent parkland. Trails to be designed and constructed to park standards; access points to be coordinated with parkland.
- Finishes and improvements required to be approved by MCDPWT prior to recording of plat(s).
- No clearing, grading or recording of plats prior to site plan enforcement agreement approval.
- Final removal of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike trails to be determined at site plan.
- Landscape architecture plan to be submitted as part of the site plan application for review and approval by the Planning Board.
- Final plat to be submitted to the Planning Board for review and approval within thirty (30) days of the date of the final plat.
- All driveway access, including driveway not included in the subdivision are to be identified on the final plat and the final subdivision documents must provide for the continued provision of such access until other driveway access to the road is provided in the future.
- This preliminary plan shall remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of the thirty-seven (37) months, the applicant must file an extension request for an extension of the preliminary plan. The extension request must be filed with the Planning Board within thirty (30) days of the expiration of the preliminary plan. The extension request will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- Other necessary statements.

LEGEND

- 25% SLOPES
- STREAM VALLEY BUFFER (SVB)
- SOIL BOUNDARY
- WITH TYPE
- PAINT BRANCH TYPE III STREAM
- "APRIL LANE TRIBUTARY"
- EXISTING CONTOUR
- PROPOSED CONTOUR
- MPDU

SEE SHEET 2 FOR AMENDED PORTION OF PRELIMINARY PLAN

NO 40' WIDE INGRESS/EGRESS & UTILITY EASEMENT CENTERED ON THE 20' WIDE DRIVEWAY WILL BE ESTABLISHED ALONG ALL PRIVATE DRIVES

PARCELS INCLUDED BY THIS AMENDMENT

PARCEL 188 J.A. & H.V. HUNTER LIBER 1284 FOLIO 479 PARCEL INCLUDED BY THIS AMENDMENT

TAX MAP KQ 121, 122	200 SHEET 214, 215 NE 2	ADC REF. MAP PAGE 31, 37 GRID H, J-1, 13
REVISIONS:	VICINITY MAP	SCALE: 1" = 2,000'
PREPARED FOR:	PAINT BRANCH PARTNERSHIP 5307 Randolph Road Suite #2 Rockville, MD 20852	
TITLE REVISED PRELIMINARY PLAN		
WHITE OAK PROPERTY COLESVILLE (FIFTH) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND		
WITMER ASSOCIATES, LLC Land Surveying, Land Planning & Design 334-A Hungerford Drive, Rockville, MD 20850 Tele. (301) 309-8600 Fax (301) 309-8603		
SCALE 1" = 100'	DATE JUNE, 2002	PROJ. NO. 98397 A SHEET NO. 1 of 1

ATTACHMENT 2

NOTES

- Topography from Potomac Aerial Survey with 2' contour interval.
- Boundary information from tax map KQ 121 & 122 and available deeds and plats of record.
- Water and Sewer category: W-1 and S-1.
- The property is zoned R-90, and is being developed under the MPDU option.
- Twenty-two (22) lots and seven (7) parcels are proposed by this plan amendment.
- Parcels N, O, P, Q, R, S, T to be conveyed to HOA.
- Proposed land use is residential, with single-family attached dwellings.
- A Natural Resources Inventory Map/Forest Stand Delineation Plan has been approved by M-NCP&PC Environmental Planning Division, Reference number 420130100.
- This site is within the White Oak Master Plan Area, P.A. #33.
- The site drains to the Point Branch Creek Tributary of the Anacostia River. The State of Maryland has designated this portion of the watershed as Class III Waters. This is not part of a Special Protection Area.
- This plan is not for construction purposes.
- The building footprints shown on the preliminary plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as, setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
- This project will be constructed in a single phase.
- Servicing utility companies include:
Water & Sewer: W.S.S.C.
Electric: PEPCO
Telephone: Verizon
Natural Gas: Washington Gas

WHITE OAK
MHG Project #03.244.24
12/17/12

ORIGINAL APPROVAL:

Gross Tract Area 26.3 acres
Dedication to Public Right-of-way 1.7 acres

Net Tract Area 24.6 acres
Net Tract Area (Usable) 26.3 acres

Total Units Proposed: 106
MPDUs at 15% 16

PROPOSED AMENDMENT:

Gross Tract Area 29.34 acres
Dedication to Public Right-of-way 1.7 acres

Net Tract Area 27.64 acres
Net Tract Area (Usable) 29.34 acres

Total Units Proposed: 128
MPDUs at 15% 20

Development Standards
R-90 with MPDUs

Density of development
(Sec. 59-C-1.622)
MPDUs at 15%

Required/Permitted	Proposed
4.39 / ac. max. (128 units) 20	4.36 / ac. (128 units) 20

Minimum Lot Area
(Sec. 59-C-1.625(a))

Required/Permitted	Proposed
1500 s.f. min	1500 s.f.

Yard requirements
(Sec. 59-C-1.624)

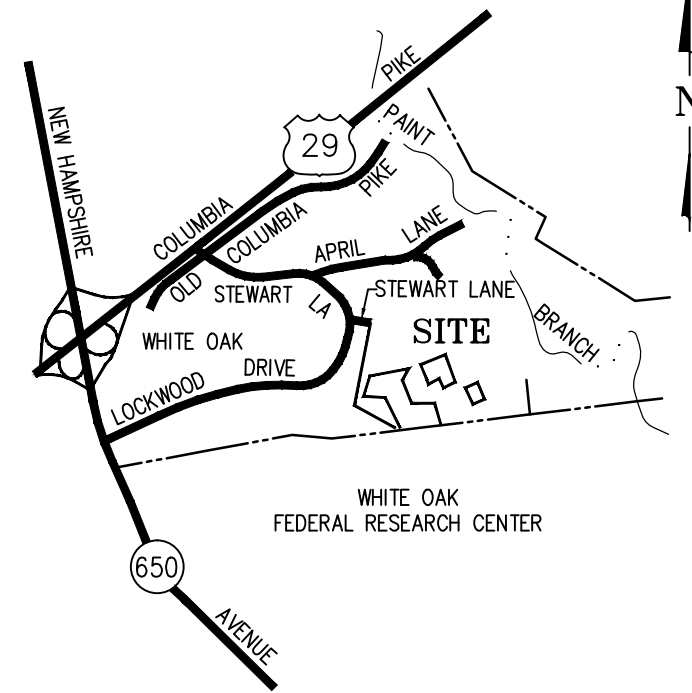
Required/Permitted	Proposed
Side Yard Rear Yard Abutting R-90 (Rear) Abutting R-90 (Side)	-- 20' min. 20' min.

Building Height
(Sec. 59-C-1.626)
(a) Main Building

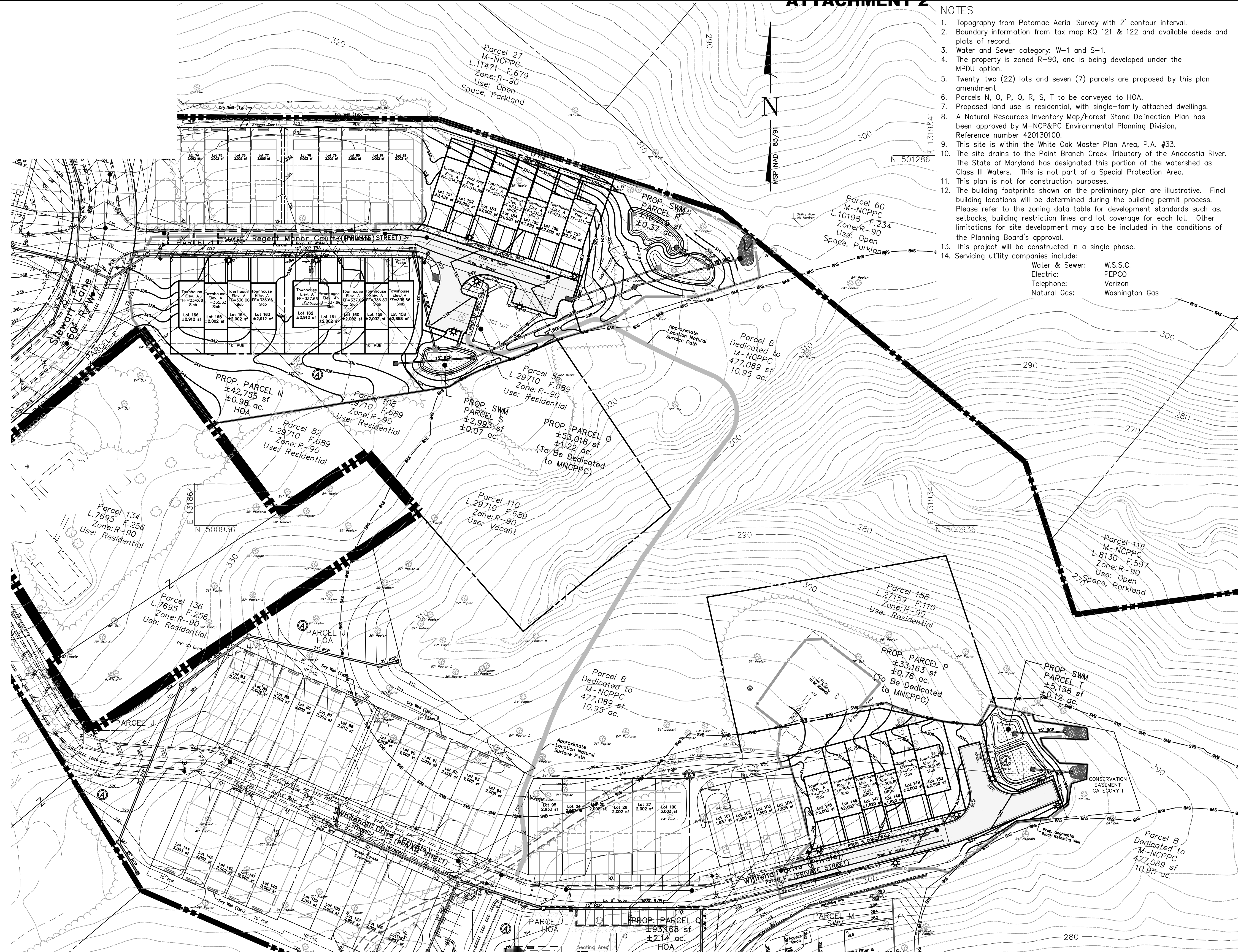
Required/Permitted	Proposed
40' max. or 3 stories	40' max. or 3 stories

Green Area
(Sec. 59-C-1.627)

Required/Permitted	Proposed
2,000 s.f./townhouse	>2,000 s.f./townhouse

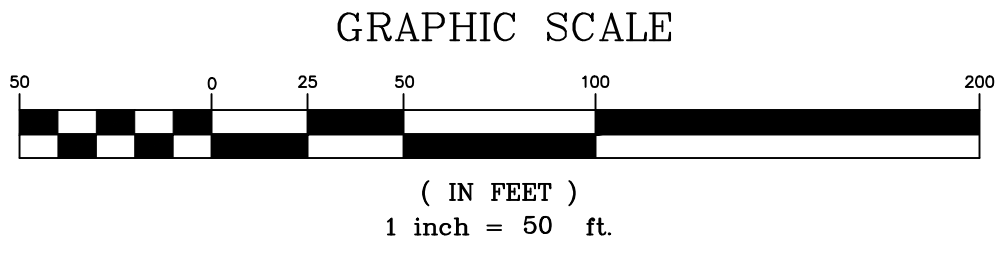
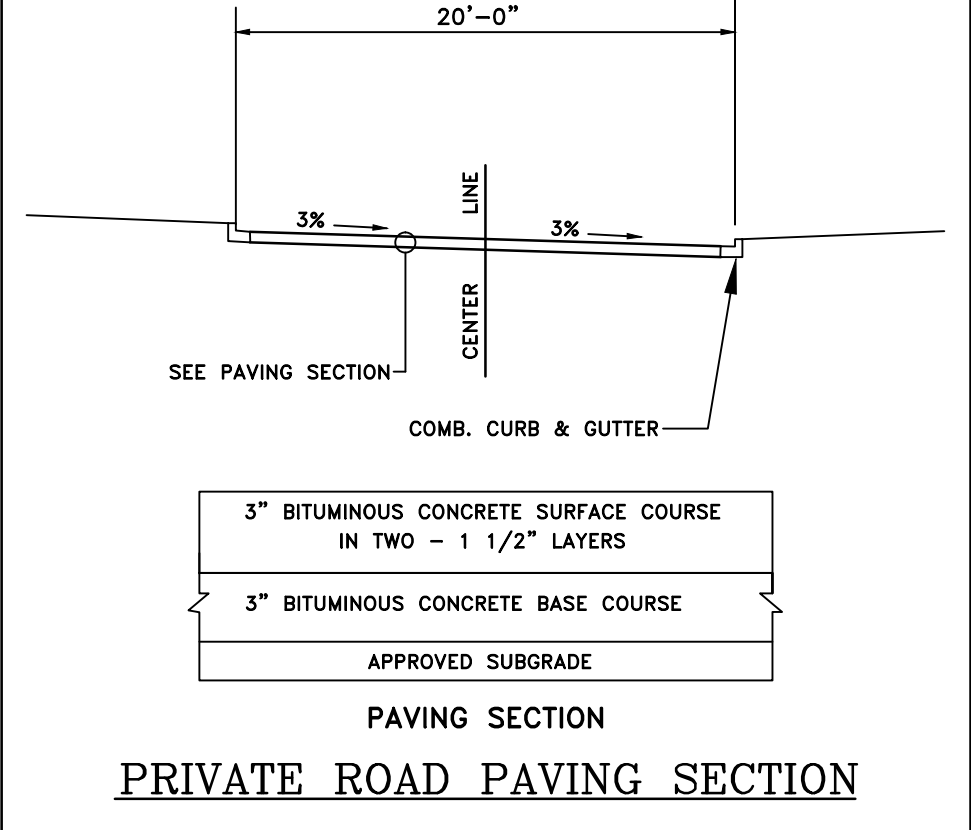


VICINITY MAP
SCALE 1" = 2,000'



Legend

EXISTING	PROPOSED
Limits of Disturbance	Limits of Disturbance



SURVEYOR'S CERTIFICATE

I certify to the best of my knowledge and belief that the boundary shown hereon is correct based on existing deeds and plats recorded among the Land Records of Montgomery County, Maryland, subject to change upon completion of a final survey. Topography from sources noted hereon.

Date: 5/20/13
By: Barry E. Hoyle
Professional Land Surveyor
Maryland Reg. No. 21135
Expiration: June 21, 2014

PREPARED FOR:
White Oak Investments LLC
24012 Frederick Road, Suite 200
Clarksburg, MD 20871
Phone: (301) 428-0800
Attn: Mr. Clark Wagner

TAX MAP KQ 121, 122 WSSC 214, 215NE02

PRELIMINARY PLAN AMENDMENT
11991099A
WHITE OAK PROPERTY
Lots 145-166; Parcels N, O, P, Q, R, S, T - Block 'A'
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

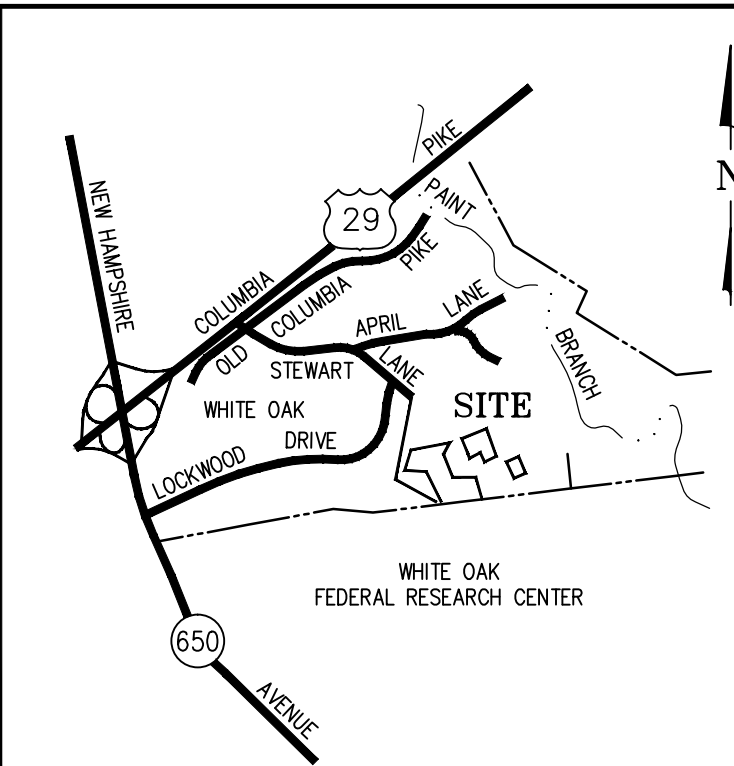
	Macris, Hendricks & Glascock, P.A. Engineers ■ Planners Landscape Architects ■ Surveyors	Proj. Mgr. AR	Designer AR
9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279	Phone 301.670.0840 Fax 301.948.0693 www.mhga.com	Date DEC. 2013	Scale 1"=50'
		Project No. 03.244.24	Sheet 2 of 2

NO.	DATE	DESCRIPTION	BY

ATTACHMENT 3

WHITE OAK PROPERTY

- C-1 SITE PLAN - COVER SHEET
C-2 SITE PLAN
C-3 SITE PLAN
C-4 SITE PLAN
C-5 SITE PLAN
C-6 SITE PLAN
C-7 SITE PLAN
C-8 LANDSCAPE PLAN
C-9 LANDSCAPE PLAN
C-10 LANDSCAPE PLAN
C-11 LANDSCAPE PLAN - DETAIL SHEET
C-12 LANDSCAPE PLAN - DETAIL SHEET
C-13 LANDSCAPE PLAN - DETAIL SHEET
C-14 LANDSCAPE PLAN - DETAIL SHEET



VICINITY MAP
SCALE 1" = 2,000'

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: BY:
Dawn Investments, LLC
By: Pleasanton Enterprises, Inc., Manager
By: William D. Pleasanton, Jr., Manager

Professional Certification:

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No 16905, Expiration Date: 4-21-14

Stephen E. Crum

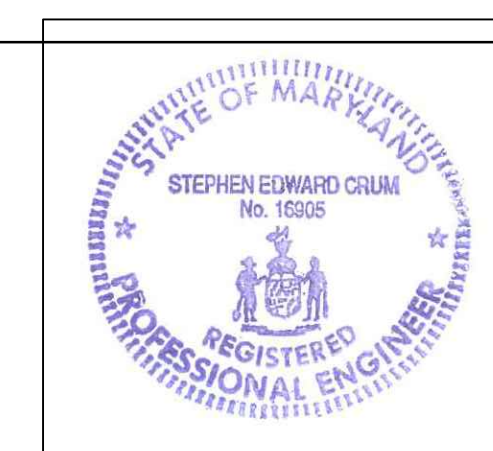


Table with 5 columns: Item, Description, Date, Status, and Comments. Includes sections for Development Program and General Notes.

Montgomery County Government
Mr. Joseph R. Davis, Coordinator
Development Review Division
Maryland-National Capital Park and Planning Commission
Silver Spring, Maryland 20907

Dear Mr. Davis:
We return herewith one copy of the above referenced plan recommended for approval subject to:

- I. Applicant will complete the following site plan elements prior to occupancy of work constructed on the Project.
1. Paving & Final Laying of parking areas
2. Sidewalks
3. Lighting (street and parking lot)
4. Grading
5. Landscaping
6. Foundation/landscaping
7. Pollution prevention
8. Post construction site evaluation will be done prior to occupancy
9. Recreation facilities

- II. A. Local Recreational Facilities
The Local Recreational Facilities, including all required improvements and associated Common Area of the Project, shall be completed by the end of:

Joseph R. Davis, Coordinator
Development Review Division
Maryland-National Capital Park and Planning Commission
Silver Spring, Maryland 20907

- III. A. Community Walk Facilities
Community wide pedestrian pathway including the normal surface will in the area to be dedicated to MNCPPC, as shown on the approved preliminary plan (1-19-09) be completed prior to the issuance of the 30' building permit for the Project.

DEPARTMENT OF PERMITTING SERVICES
Mr. Scott D. Rose
Montgomery Village, MD 20896

- IV. Unimproved Properties
A. All residents shall have the right to access and make use of all Common Area Recreational Facilities, except those areas as may be reasonably and necessarily restricted for access by the applicant for enhanced safety reasons.

Dear Mr. Rose:
Based on a review by the Department of Permitting Services Staff, the stormwater management concept recommendation for the above referenced site is acceptable.

- 1. Prior to permanent vegetation installation, all disturbed areas must be topsoiled to the latest Montgomery County Standards and Specifications for Topsoiling.

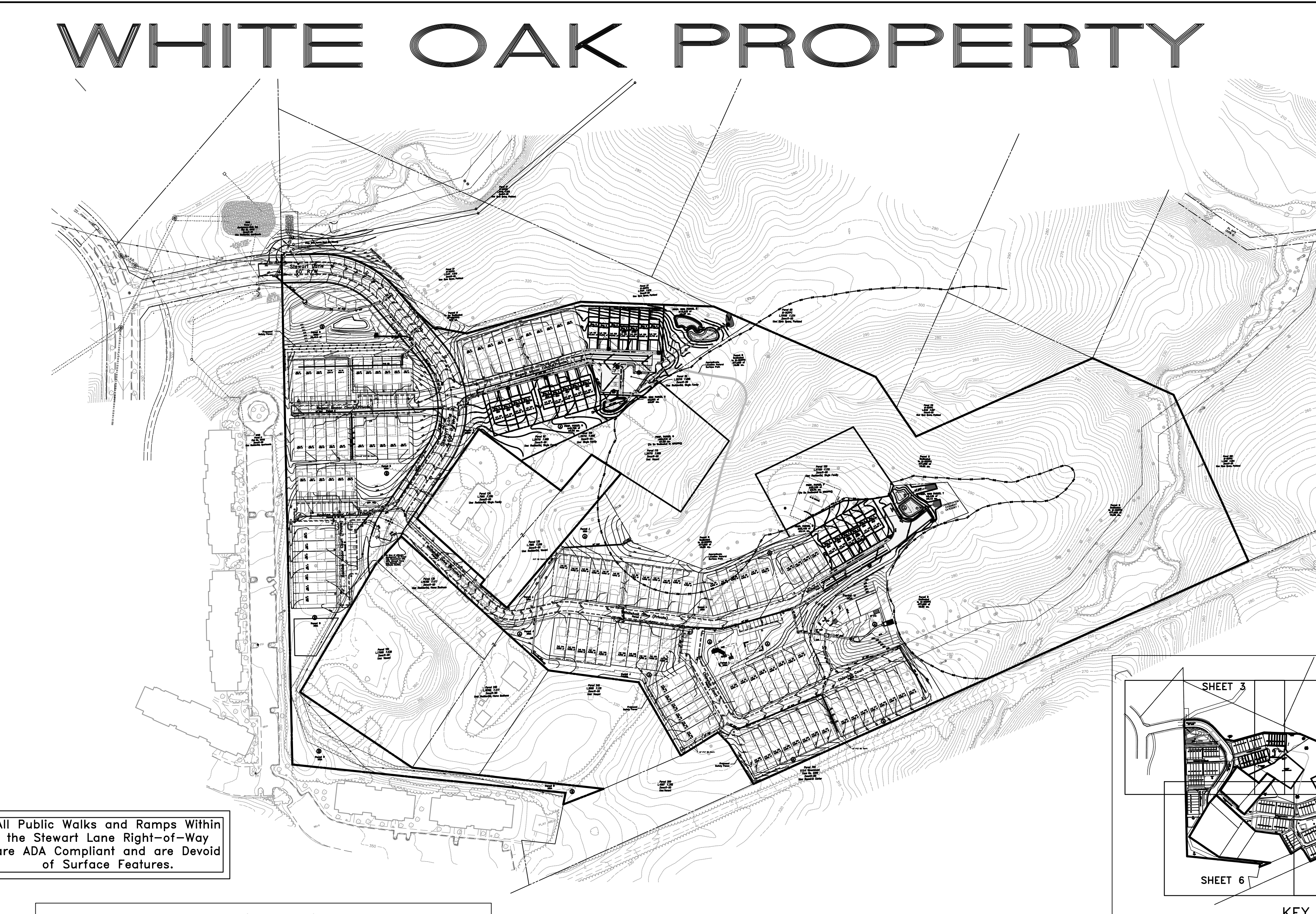
11. The stormwater management plan approved by the Planning Board on November 20, 2003.

This letter may not be withdrawn and may change based on available information at the time. Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulations 4-01 is not required.

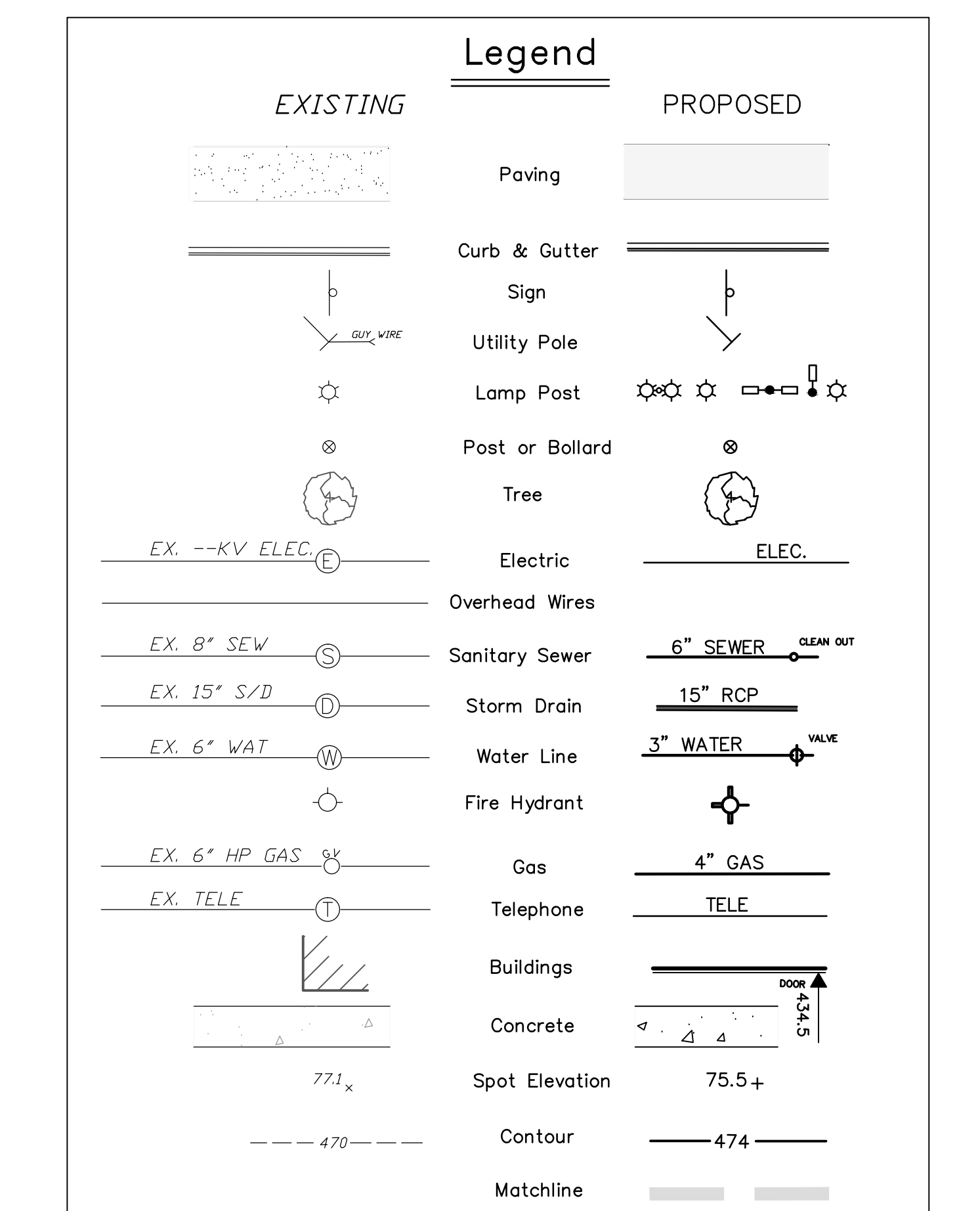
Robert H. Bush, Manager
Division of Land Development Services

If you have any questions regarding these plans, please feel free to contact Mark Ehrhardt at 340-777-6323.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850-4160 • 301-777-6200, 240-777-6246, TTY

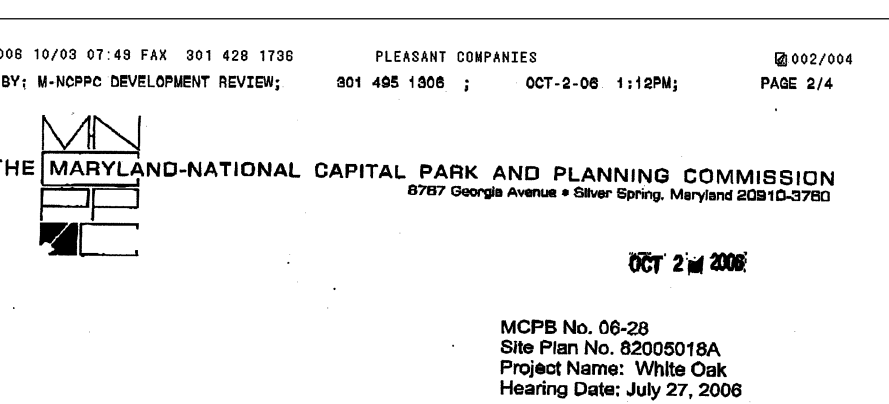


All Public Walks and Ramps Within the Stewart Lane Right-of-Way are ADA Compliant and are Devoid of Surface Features.



DPS/M-NCP&PC DEVELOPMENT PROGRAM INSPECTION SCHEDULE table with columns for Signature, Date, and Task Performed.

- AMENDMENT A:
1. To clarify building setbacks for MPDUs
2. To correct setbacks for lots abutting the boundary of the subdivision
3. To revise Green Space Calculations
4. To revise lot lines to accommodate utility easements and refinement of product type, to include Site Plan required brick facades



RESOLUTION
WHEREAS, pursuant to the Maryland Code Division 80-2-3, the Montgomery County Planning Board ("Planning Board") is required to review applications to approve site plans and;

WHEREAS, on October 12, 2006, White Oak Investments, LLC ("Applicant"), filed a site plan amendment application, designated Site Plan No. 82005018A ("Amendment") for approval of the following modifications:

1. modification to development standards for MPDUs;
2. correct setbacks for lots abutting the subdivision;
3. revise the lot lines to accommodate utility easements;
4. refinement of building product type (brick facades); and

NOW, THEREFORE, BE IT RESOLVED, THAT, pursuant to the relevant provisions of the Montgomery County Code Chapter 80, the Planning Board hereby adopts the Amendment to Site Plan No. 82005018A, as shown on the attached map.

General Notes

- 1. Topography from Potomac Aerial Survey.
2. Boundary information from top map KQ 121 & 122 and available deeds and plots of record.
3. Water and sewer category W-1 and S-1.
4. This property was approved for 106 units and 16 MPDUs, and AFF approval under EDJET with preliminary plan 1-91099.

WHITE OAK - RECREATION AMENITIES - AMENDMENT C table showing demand points for Children, Teens, Adults, Seniors, and Totals.

SUPPLY POINTS table showing quantity for On Site, M&A-Age Play, Pkcs/Swing, Open Play Area II, Nature Trail, Natural Areas, Pedestrian System, and On Site/Totals.

SUPPLY/DEMAND RATIOS table showing percentages for Children, Teens, Adults, Seniors, and Totals.

DEVELOPMENT STANDARDS -- R-90 (MPDU DEVELOPMENT OPTION)

Table comparing development standards for Minimum Acreage, Density of development, Minimum Lot Area, Yard Requirements, etc. for different zoning options.

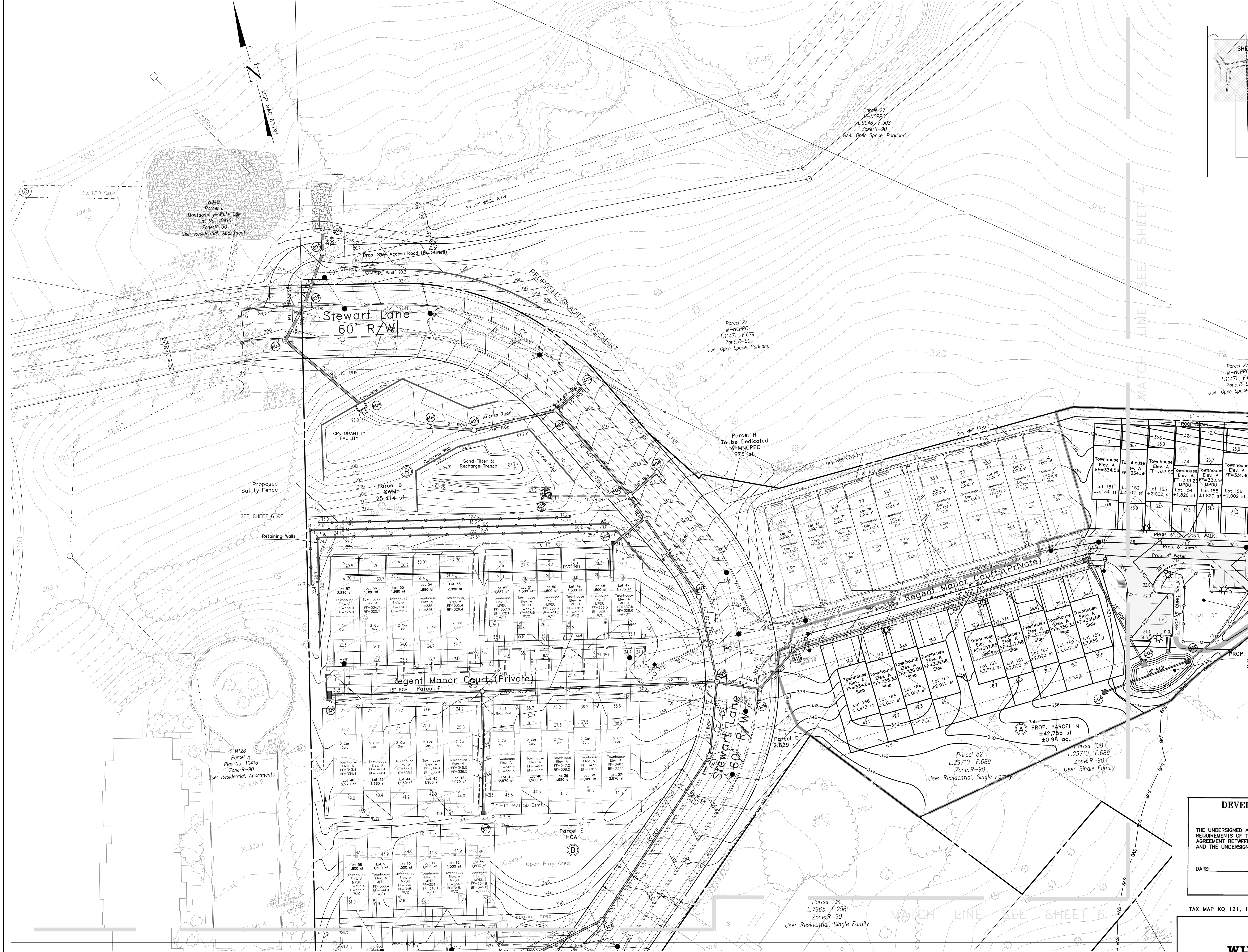
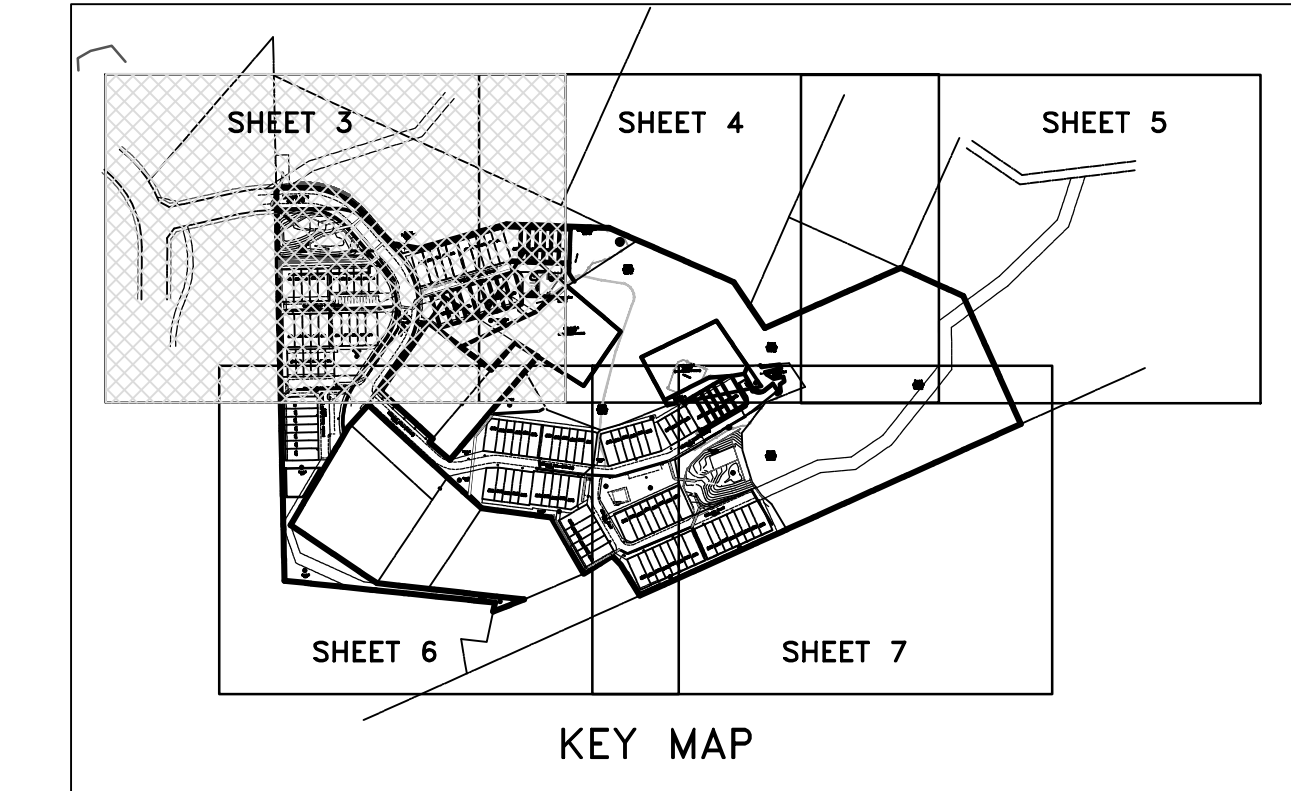
AREA TABULATION table showing Parcel, Square Feet, Average Density, and Acres for various parcels.

PARKING TABULATION table showing Townhouse Units, Parking Ratio, and Total Spaces.

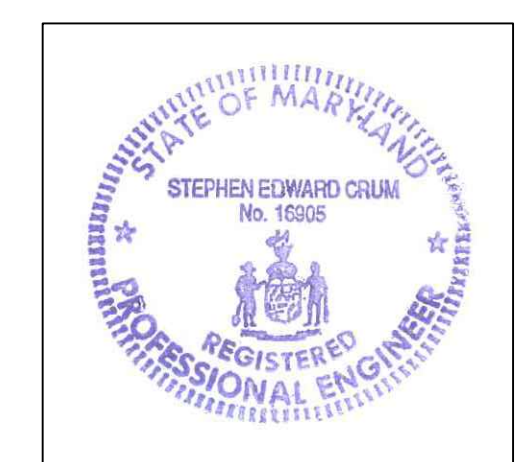
TAX MAP KQ 121, 122 table showing On Site, M&A-Age Play, Pkcs/Swing, Open Play Area II, Nature Trail, Natural Areas, Pedestrian System, and On Site/Totals.

C-1 CERTIFIED SITE PLAN 82005018C WHITE OAK PROPERTY 5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND. Includes MHG logo and contact information for Macris, Hendricks & Glascock, P.A.

PREPARED FOR: White Oak Investments LLC 24012 Frederick Road, Suite 200 Clarksburg, MD 20871 Phone: (301) 428-0800 Attn: Mr. Clark Wagner



Legend	
EXISTING	PROPOSED
	Paving
	Curb & Gutter
	Sign
	Utility Pole
	Lamp Post
	Post or Bollard
	Tree
	Electric
	Overhead Wires
	Sanitary Sewer
	Storm Drain
	Water Line
	Fire Hydrant
	Gas
	Telephone
	Buildings
	Concrete
	Spot Elevation
	Contour
	Matchline



Professional Certification:
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No 16905, Expiration Date: 4-21-14
 Stephen E. Crum

DEVELOPER'S CERTIFICATE
 THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.
 DATE: _____ BY: _____
 Down Investments, LLC
 By: Pleasant's Enterprises, Inc., Manager
 By: William D. Pleasant, Jr., Manager

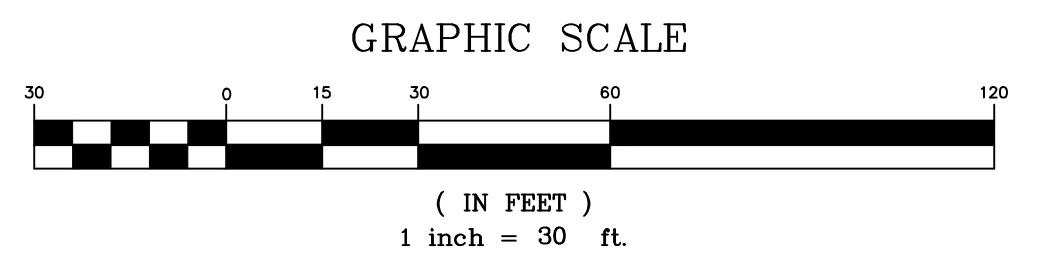
C-3
 WSSC 214, 215NE02

TAX MAP KQ 121, 122

CERTIFIED SITE PLAN
 82005018C
WHITE OAK PROPERTY
 5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

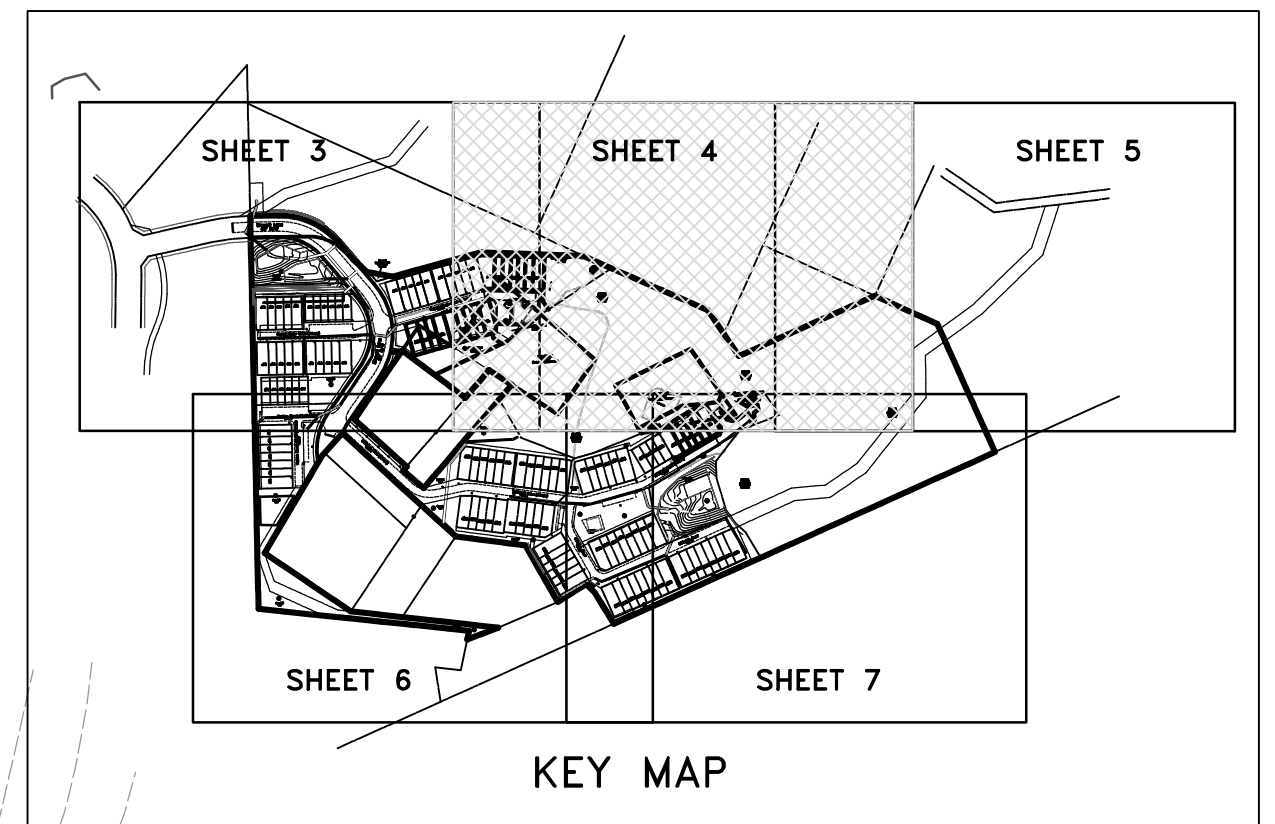
MHG Macris, Hendricks & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors
 8220 Wightman Road, Suite 120
 Montgomery Village, Maryland 20886-1279
 Phone 301.670.0840
 Fax 301.948.0893
 www.mhga.com

Proj. Mgr. JCG	Designer M.J.W/MCW
Date DEC. 2013	Scale 1"=30'
Project No. 03.244.20	Sheet 3 of 7



- AMENDMENT C:**
- To add 5 parcels.
 - To add 18 market rate and 4 MPDU's.

NO.	DATE	DESCRIPTION	BY

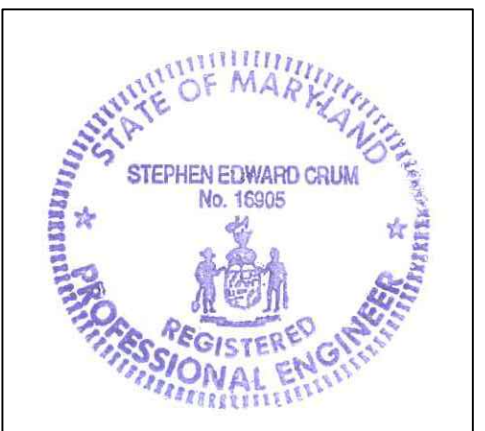


EXISTING		PROPOSED	
	Paving		Paving
	Curb & Gutter		Curb & Gutter
	Sign		Sign
	Utility Pole		Utility Pole
	Lamp Post		Lamp Post
	Post or Bollard		Post or Bollard
	Tree		Tree
	Electric		ELEC.
	Overhead Wires		Overhead Wires
	Sanitary Sewer		6" SEWER
	Storm Drain		15" RCP
	Water Line		3" WATER
	Fire Hydrant		Fire Hydrant
	Gas		4" GAS
	Telephone		TELE
	Buildings		Buildings
	Concrete		Concrete
	Spot Elevation		75.5+
	Contour		474
	Matchline		Matchline

Professional Certification:

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland. License No 16905. Expiration Date: 4-21-14

Stephen E. Crum



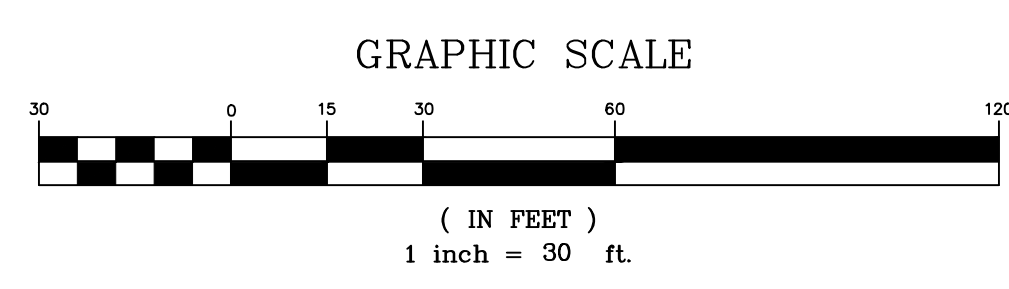
DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: _____ BY: _____

Dawn Investments, LLC
By: Pleasant Enterprises, Inc., Manager
By: William D. Pleasant, Jr., Manager

C-4



AMENDMENT C:

- To add 5 parcels.
- To add 18 market rate and 4 MPDU's.

NO.	DATE	DESCRIPTION	BY

TAX MAP KQ 121, 122

WSSC 214, 215NE02

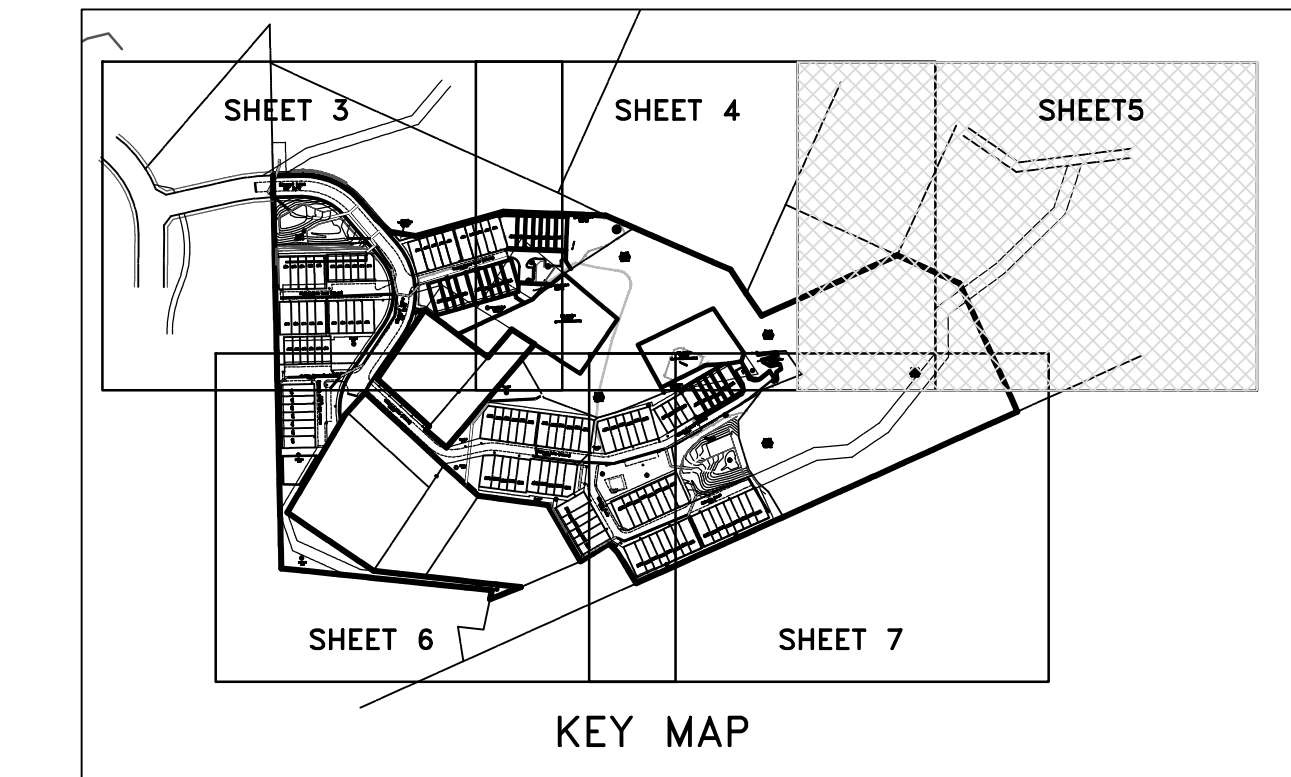
CERTIFIED SITE PLAN
82005018C
WHITE OAK PROPERTY
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

8220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886-1279

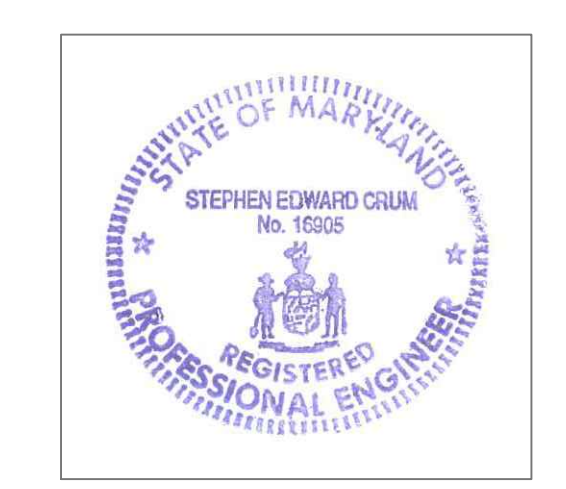
Phone 301.670.0840
Fax 301.948.0893
www.mhgpa.com

Proj. Mgr. JCG	Designer M.J.W./MCW
Date DEC. 2013	Scale 1"=30'
Project No. 03.244.20	Sheet 4 of 7



EXISTING		PROPOSED	
	Paving		Paving
	Curb & Gutter		Curb & Gutter
	Sign		Sign
	Utility Pole		Utility Pole
	Lamp Post		Lamp Post
	Post or Bollard		Post or Bollard
	Tree		Tree
	Electric		ELEC.
	Overhead Wires		Overhead Wires
	Sanitary Sewer		6" SEWER
	Storm Drain		15" RCP
	Water Line		3" WATER
	Fire Hydrant		Fire Hydrant
	Gas		4" GAS
	Telephone		TELE
	Buildings		Buildings
	Concrete		Concrete
	Spot Elevation		Spot Elevation
	Contour		Contour
	Matchline		Matchline

Professional Certification:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No 16905, Expiration Date: 4-21-14
Stephen E. Crum



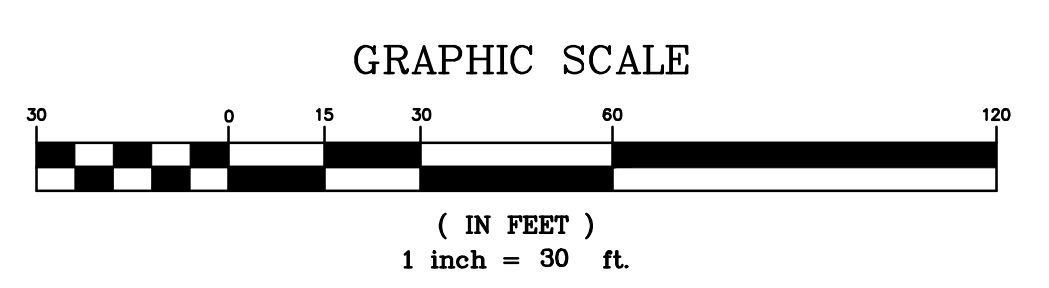
DEVELOPER'S CERTIFICATE
THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY ZONING BOARD AND THE UNDERSIGNED.
DATE: _____ BY:
Down Investments, LLC
By: Pleasants Enterprises, Inc., Manager
By: William D. Pleasants, Jr., Manager

C-5

TAX MAP KQ 121, 122 WSSC 214, 215NE02

CERTIFIED SITE PLAN
82005018C
WHITE OAK PROPERTY
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

	Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors	Proj. Mgr.	JCG	Designer	MJW/MCW
		Date	DEC. 2013	Scale	1"=30'
8220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279		Phone	301.670.0840	Fax	301.948.0893
		Project No.	03.244.20	Sheet	5 of 7

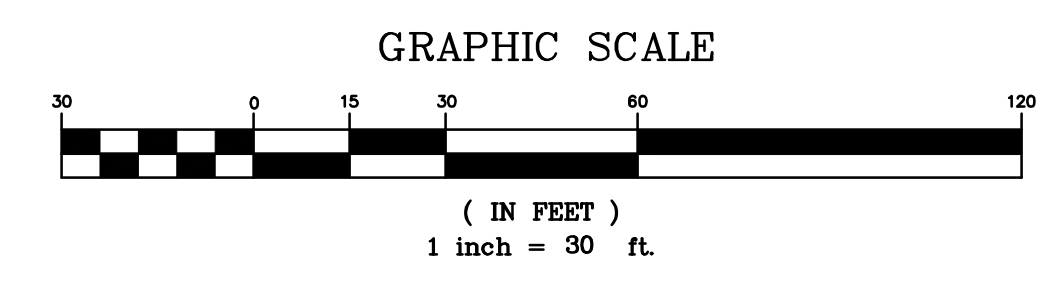
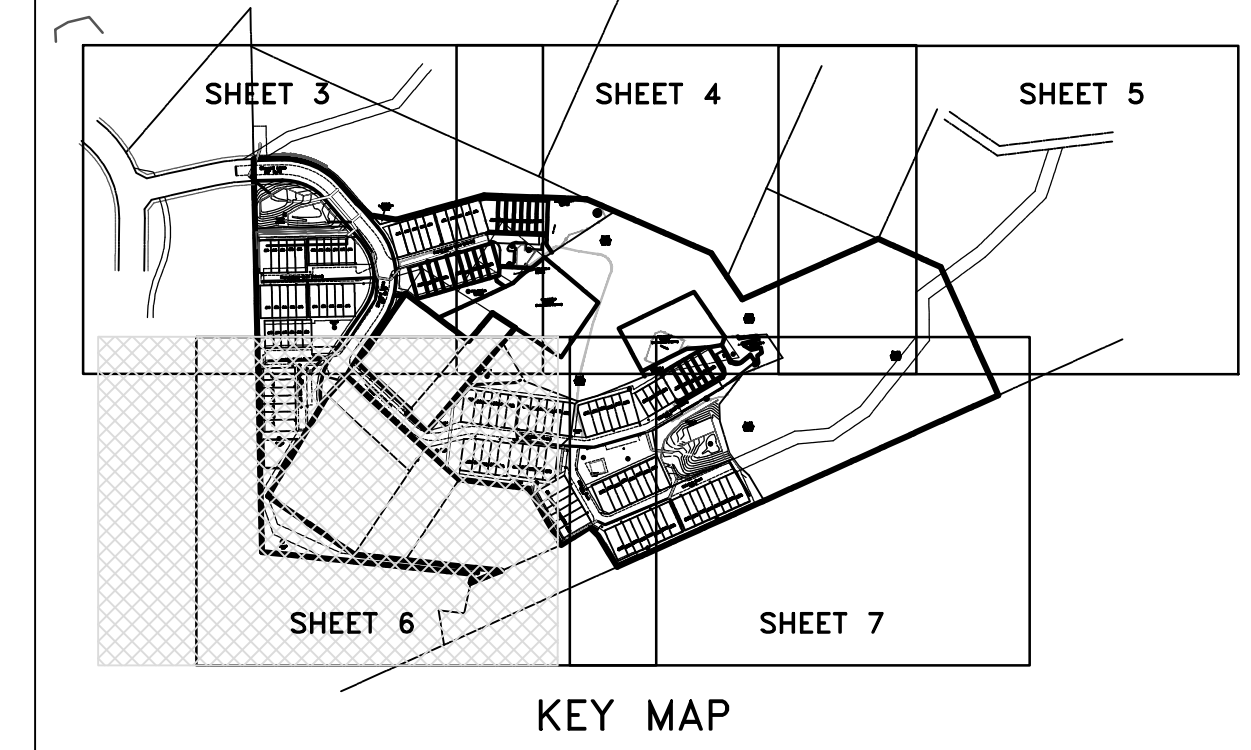


AMENDMENT C:
1. To add 5 parcels.
2. To add 18 market rate and 4 MPDU's.

NO.	DATE	DESCRIPTION	BY



Legend	
EXISTING	PROPOSED
	Paving
	Curb & Gutter
	Sign
	Utility Pole
	Lamp Post
	Post or Bollard
	Tree
	Electric
	Overhead Wires
	Sanitary Sewer
	Storm Drain
	Water Line
	Fire Hydrant
	Gas
	Telephone
	Buildings
	Concrete
	Spot Elevation
	Contour
	Matchline



DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: _____ BY: William D. Pleasants, Jr., Manager
 Down Investments, LLC
 By: Pleasants Enterprises, Inc., Manager
 By: William D. Pleasants, Jr., Manager

Professional Certification:

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No. 16905, Expiration Date: 4-21-14

Stephen E. Crum



- AMENDMENT C:**
1. To add 5 parcels.
 2. To add 18 market rate and 4 MPDU's.

NO.	DATE	DESCRIPTION	BY

TAX MAP KQ 121, 122 WSSC 214, 215NE02

CERTIFIED SITE PLAN
 82005018C
WHITE OAK PROPERTY

5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

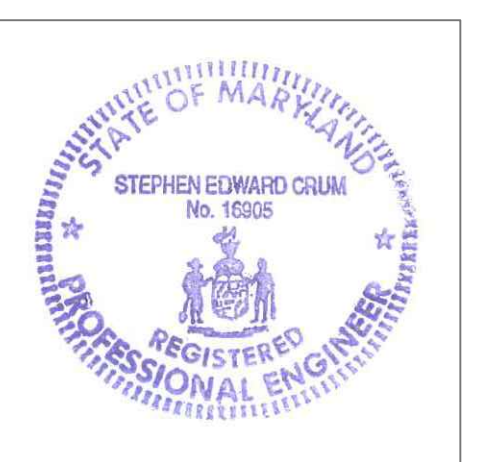
	Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors	Proj. Mgr. JCG	Designer M.J.W./MCW
	8220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279	Phone 301.670.0840 Fax 301.948.0893 www.mhga.com	Date DEC. 2013
		Scale 1"=30'	Sheet 6 of 7
		Project No. 03.244.20	Sheet 6 of 7

C-6

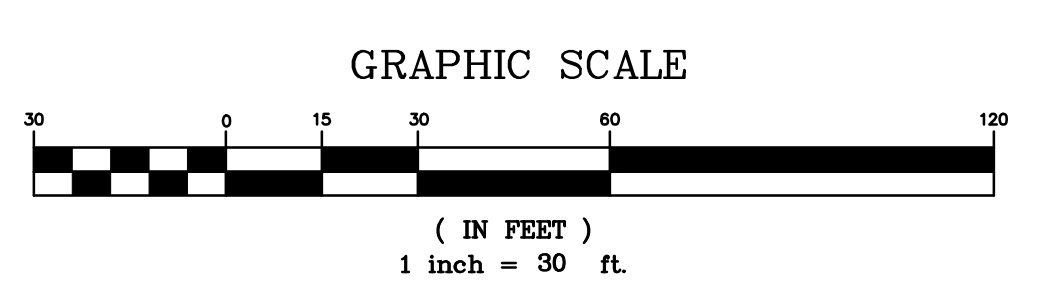
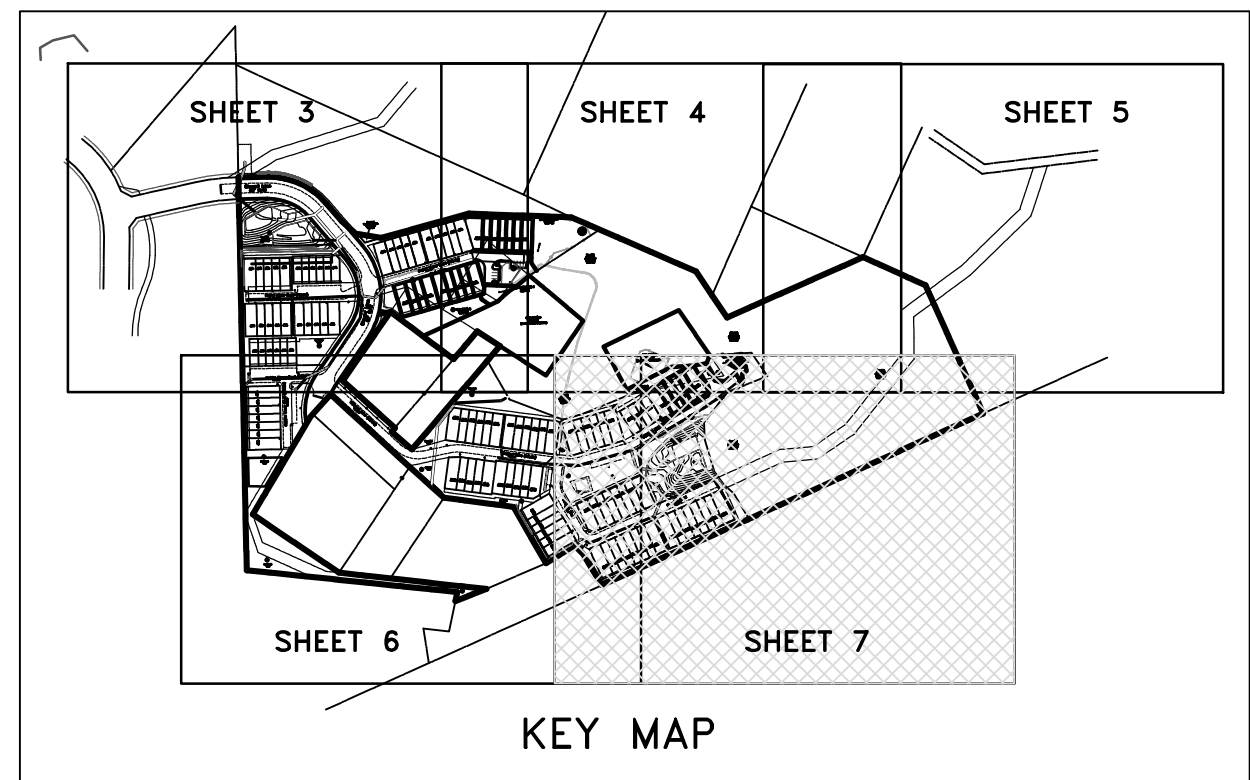


Legend	
EXISTING	PROPOSED
	Paving
	Curb & Gutter
	Sign
	Utility Pole
	Lamp Post
	Post or Bollard
	Tree
	Electric
	Overhead Wires
	Sanitary Sewer
	Storm Drain
	Water Line
	Fire Hydrant
	Gas
	Telephone
	Buildings
	Concrete
	Spot Elevation
	Contour
	Matchline
	Paving
	Curb & Gutter
	Sign
	Utility Pole
	Lamp Post
	Post or Bollard
	Tree
	ELEC.
	Overhead Wires
	6" SEWER
	15" RCP
	3" WATER
	Fire Hydrant
	4" GAS
	TELE
	Buildings
	Concrete
	75.5+
	474
	Matchline

Professional Certification:
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No 16905, Expiration Date: 4-21-14
 Stephen E. Crum



DEVELOPER'S CERTIFICATE
 THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.
 DATE: _____ BY: *[Signature]*
 Dawn Investments, LLC
 By: Pleasant Enterprises, Inc., Manager
 By: William D. Pleasants, Jr., Manager



- AMENDMENT C:**
- To add 5 parcels.
 - To add 18 market rate and 4 MPDU's.

NO.	DATE	DESCRIPTION	BY

TAX MAP KQ 121, 122 WSSC 214, 215NE02

CERTIFIED SITE PLAN
 82005018C
WHITE OAK PROPERTY
 5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors

9220 Wightman Road, Suite 120
 Montgomery Village, Maryland 20886-1279
 Phone 301.670.0840
 Fax 301.948.0893
 www.mhga.com

Proj. Mgr. JCG	Designer M.JW/MCW
Date DEC. 2013	Scale 1"=30'
Project No. 03.244.20	Sheet 7 of 7

C-7



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

November 22, 2013

Arthur Holmes, Jr.
Director

Ms. Renée Kamen, Senior Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 11991099A
White Oak Property

Review:
Dear Ms. Kamen:

We have completed our review of the March 2013 amended preliminary plan (sheet 2 of 2) for this development. This letter is to confirm our comments at the August 8, 2013, meeting of the Development Review Committee.

As the amended preliminary plan proposes additional development located at the ends of two existing private streets, MCDOT does not have any transportation-related issues with the proposed changes. We support Planning Board approval of the amended plan.

Thank you for the opportunity to review this pre-preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Haynes at (240) 777-2132 or william.haynes@montgomerycountymd.gov.

Sincerely,
gmluck
Gregory M. Leck, Manager
Development Review Team

m:\correspondence\fy14\traffic\active\11991099A, white oak property, MCDOT prelim plan review ltr.doc

Enclosure

cc: Eric Newquist Applicant
Clark Wagner White Oak Investments LLC
Adam Rufe Macris, Hendricks & Glascock
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Glenn Kreger M-NCPPC Area 2
Catherine Conlon M-NCPPC DARC
Sam Farhadi MCDPS RWPR
Henry Emery MCDPS RWPR
William Haynes MCDOT DTEO

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov





DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

May 5, 2014

Arthur Holmes, Jr.
Director

Mr. Edward Axler, Planner/Coordinator
Area 2 Planning Division
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 11991099A
White Oak Property
LATR/TPAR
AMENDMENT

Dear Mr Axler:

We have completed our review of the Local Area Transportation Review and Transportation Policy Area Review dated March 24, 2014, and prepared by Lenhart Traffic Consulting, Inc. The total development evaluated by the analysis includes:

- 106 Existing Townhouse Units
- 22 Proposed Townhouse Units

We offer the following comments:

Local Area Transportation Review (LATR)

1. Include a north arrow on all maps and exhibits depicting the layout of the study network.
2. With regards to the Pedestrian and Bicycle Impact Statement (PBIS):
 - a. Lockwood Drive from Oak Leaf Drive to Stewart Lane was determined to be a High Incidence Area (HIA) / Pedestrian Priority Location (PPL) for pedestrian crashes based on coordinated State and County pedestrian safety programs. Please coordinate with Fred Lees of the Division of Traffic Engineering & Operations at 240-777-2196 regarding potential site-related pedestrian safety improvements along Lockwood Drive. Also, coordinate with the appropriate Maryland State Highway Administration (MDSHA) staff regarding sections of MD 650 within the study network designated as PPLs.
 - b. Provide additional and accurate information regarding the inventory of existing pedestrian and bicycle facilities. Currently, the report does not accurately assess the compatibility of network facilities with Montgomery County's Context Sensitive Standards. For example, the sidewalks at the intersection of Lockwood Drive & Stewart Lane, and along Stewart Lane leading towards the site were field measured to be only 4' wide. Additionally, the curb ramps at the intersection of Lockwood Drive & Stewart

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Mr. Edward Axler
Preliminary Plan No. 11991099A
May 5, 2014
Page 2

Lane (which provides access to the site) are not ADA-compatible. Lastly, at this intersection, there are no marked crosswalks.

- c. Propose appropriate measures for addressing any deficiencies (i.e., narrow sidewalks, lack of landing areas and detectable warning surfaces, deteriorated crosswalk markings).
3. Provide information regarding bus stops within the functional limits of the study intersections that is not included. There are bus stops within the functional limits of the intersection of MD 650 & Lockwood Drive (southbound, south of the intersection and northbound, north of the intersection) that should be included with the bus stop inventory.

Transportation Policy Area Review (TPAR)

4. The Transportation Policy Area Review test under the *Subdivision Staging Policy* must be satisfied by paying the "transportation impact tax" that equals to 25% of the development impact tax as an application located in the Fairland/White Oak Policy Area.

SUMMARY

5. The findings of the LATR have been accepted. We recommend that more accurate information be provided relating to the pedestrian and bicycle infrastructure and proposed improvement measures prior to Certified Site Plan. Additionally, we recommend that the applicant coordinate with the appropriate MCDOT and MDSHA staff to determine if pedestrian/bicycle-related safety improvements are necessary or planned in close proximity to the site.
6. We concur with the applicant's proposal to pay \$49,725 to satisfy TPAR requirements.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at william.haynes@montgomerycountymd.gov or (240) 777-2132.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Mr. Edward Axler
Preliminary Plan No. 11991099A
May 5, 2014
Page 3

cc: Eric Newquist Applicant
Clark Wagner White Oak Investments LLC
Adam Rufe Macris, Hendricks & Glascock
Michael Lenhart Lenhart Consulting
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Catherine Conlon M-NCPPC DARC
Khalid Afszal M-NCPPC Area 2
Edward Axler M-NCPPC Area 2
Scott Newill MDSHA AMD
Dustin Kuzan MDSHA OPPE
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Stacy Coletta MCDOT DTS
Fred Lees MCDOT DTEO
Khursheed Bilgrami MCDOT DTEO
Gary Erenrich MCDOT DO
Andrew Bossi MCDOT DO
William Haynes MCDOT DRT



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

September 25, 2012

Mr. Pearce Wroe
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for White Oak
Preliminary Plan #: 1-91099
SM File #: 245310
Tract Size/Zone: 3.04 acres / R-90
Total Concept Area: 3.04 acres
Lots/Block: NA
Parcel(s): 56,82,108,110,158 & L
Watershed: Paint Branch

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via installation of Micro-Bioretenion facilities.

The following **item(s)/condition(s)** will need to be addressed **during/prior to** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla mce

cc: C. Conlon
SM File # 245310

ESD Acres:	3.04
STRUCTURAL Acres:	na
WAIVED Acres:	na



FIRE MARSHAL COMMENTS

DATE: 14-Jan-14
TO: Adam Rufe
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: White Oak Property
11991099A 82005018C

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **14-Jan-14** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

February 19, 2014

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: White Oak Property, DAIC 11991099A, NRI/FSD application accepted on 7/26/2012

Dear Ms. Carrier:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

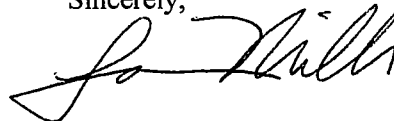
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Amy Lindsey, Senior Planner



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

January 6, 2014

Ms. Renée Kamen
Area 2 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: White Oak Property
Preliminary Plan Amendment #11991099A
Site Plan Amendment #82005018C

Dear Ms. Kamen:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above Preliminary Plan and Site Plan Amendments. The applicant has addressed DHCA's Development Review Committee (DRC) comments, and DHCA therefore recommends Approval of the Plan Amendments.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Clark Wagner, Pleasants Development, Inc.
R. Adam Rufe, Macris, Hendricks and Glascock, PA

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\White Oak Property DHCA Letter 1-6-2014.doc

Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca



ATTACHMENT 5

Sequence of Events for Properties Required To Comply With Forest Conservation Plans and/or Tree Save Plans

Pre-Construction

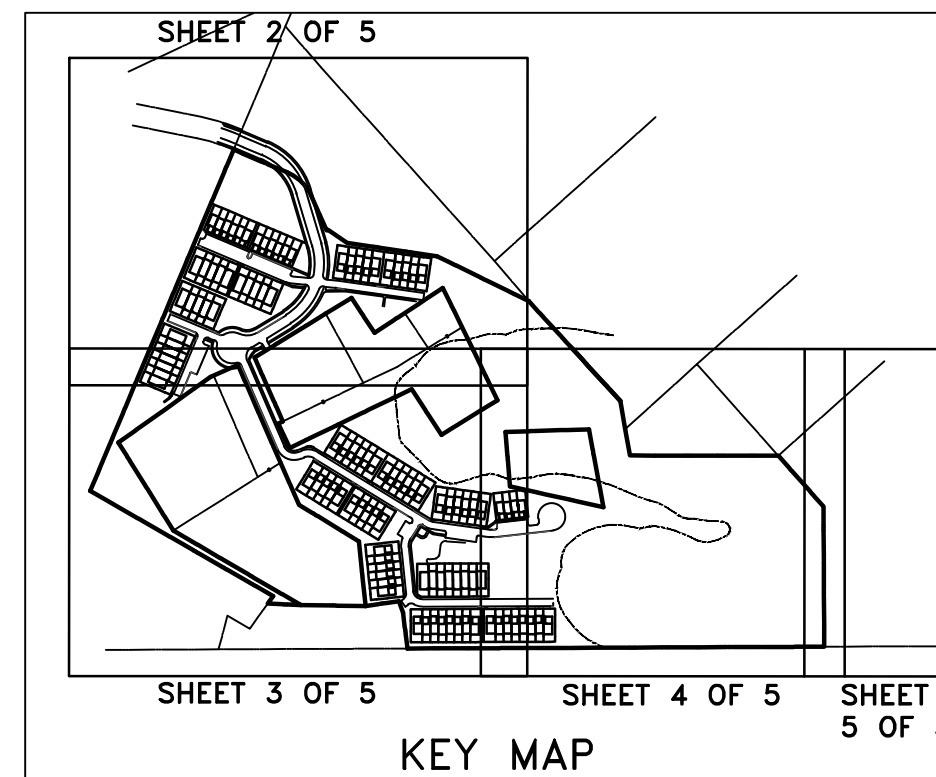
- An on-site pre-construction meeting shall be required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The owner shall contact the Montgomery County Planning Department inspection staff prior to commencing construction to verify the limits of disturbance and discuss tree protection and tree care measures. The attendees at this meeting should include: developer's representative, construction superintendent, ISA certified arborist or MD license tree expert that will implement the tree protection measures, Forest Conservation Inspector, and DPS sediment control inspector.
- No clearing or grading shall begin until off-site forest mitigation requirements are satisfied. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
 - Root pruning
 - Crown Reduction or pruning
 - Watering
 - Fertilizing
 - Vertical mulching
 - Root aeration/mulching
 Measures not specified on the forest conservation plan may be required as determined by the Forest Conservation Inspector in coordination with the arborist.
- A State of Maryland licensed tree expert, or an International Society of Arboriculture certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the Forest Conservation Inspector or sent to the Forest Conservation Inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The Forest Conservation Inspector will determine the exact method to convey the stress reduction measures during the pre-construction meeting.
- Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The Forest Conservation Inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
 - Chain link fence (four foot high)
 - Super silt fence with wire string between the support poles (minimum 4 foot high) with high visibility flagging.
 - 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

During Construction

- Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of Forest Conservation Inspector.
- Forest retention area signs shall be installed as required by the Forest Conservation Inspector, or as shown approved plan.
- Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.
- Periodic inspections by Forest Conservation Inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the Forest Conservation Inspector, must be made within the timeframe established by the Forest Conservation Inspector.

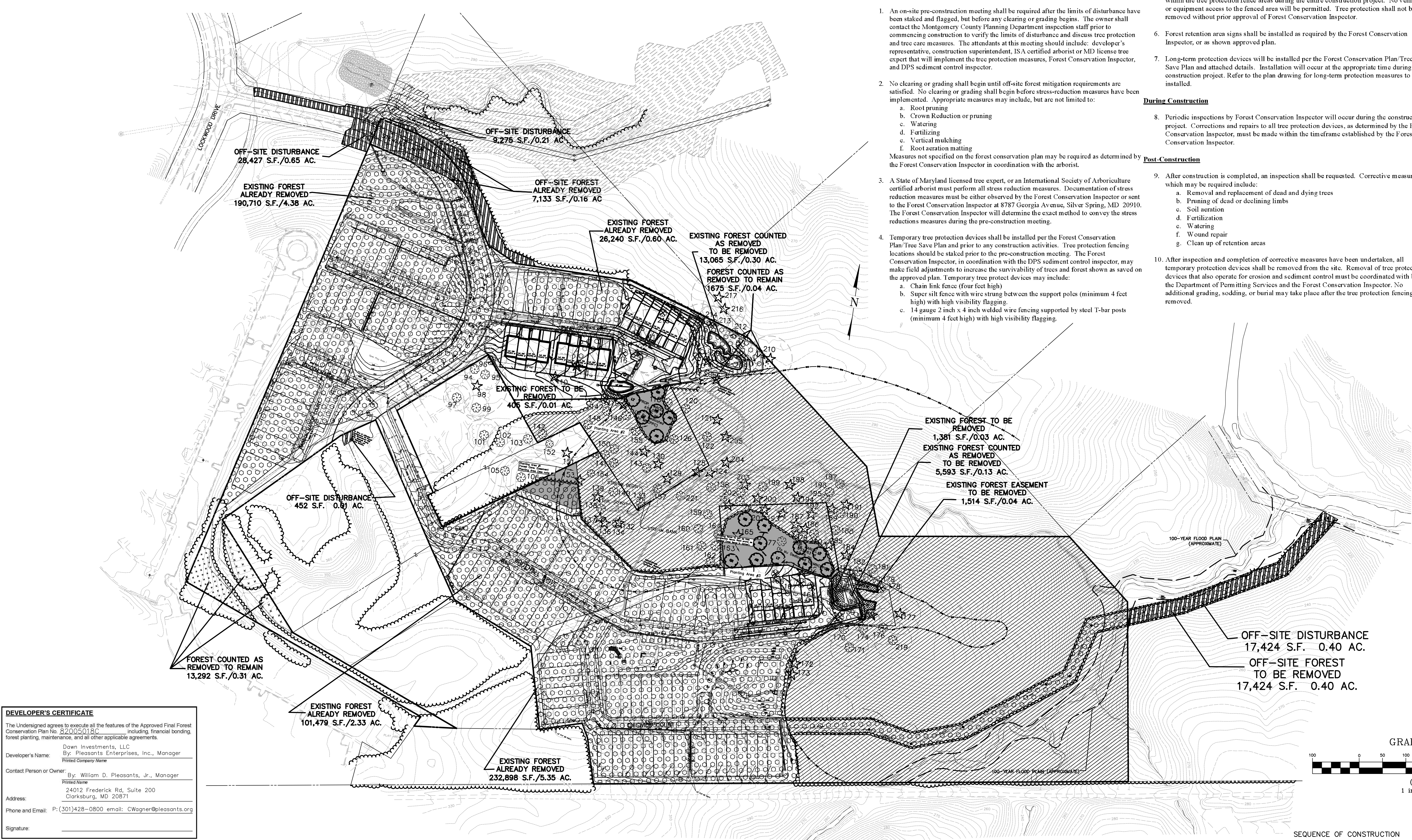
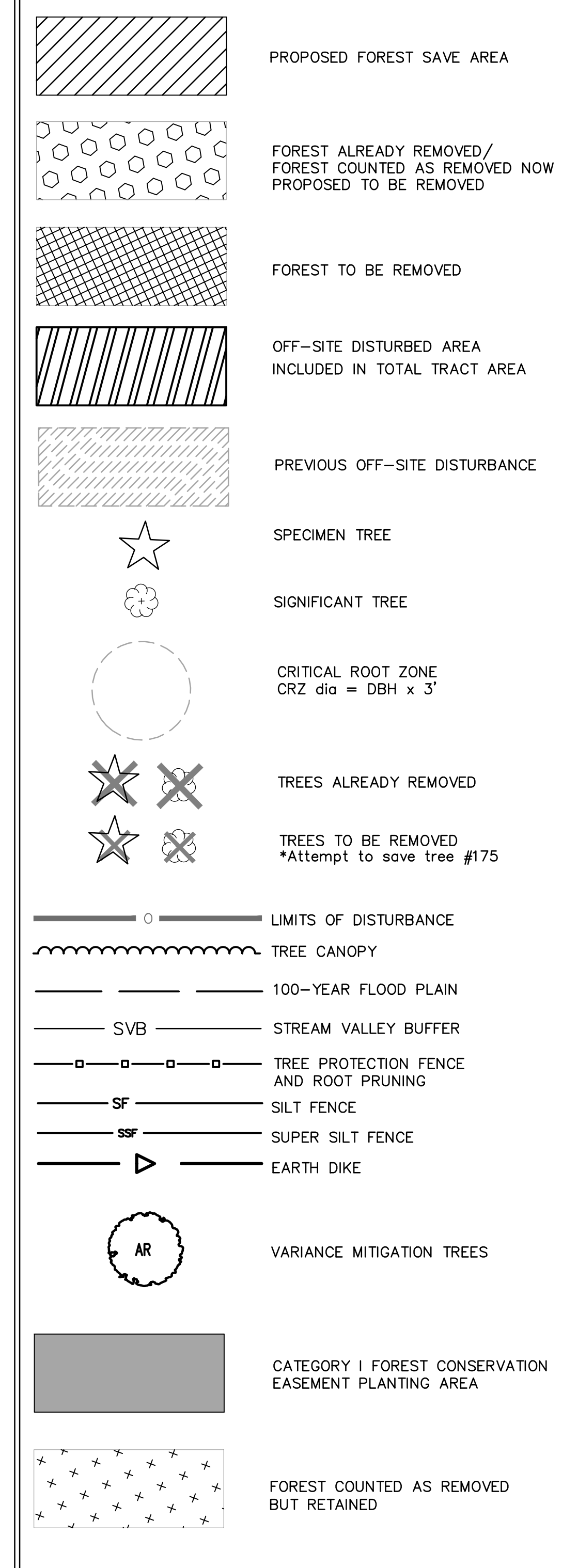
Post-Construction

- After construction is completed, an inspection shall be requested. Corrective measures which may be required include:
 - Removal and replacement of dead and dying trees
 - Pruning of dead or declining limbs
 - Soil aeration
 - Fertilization
 - Watering
 - Wound repair
 - Clean up of retention areas
- After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.



VICINITY MAP
SCALE 1" = 2,000'

LEGEND



DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 220005110C, including financial bonding, forest planting, maintenance, and all other applicable agreements.
Developer's Name: Down Investments, LLC
By: Pleasants Enterprises, Inc., Manager
Contact Person or Owner: By: William D. Pleasants, Jr., Manager
Address: 24012 Frederick Rd, Suite 200, Clarksburg, MD 20871
Phone and Email: P: (301)428-0800 email: CWagner@pleasants.org
Signature: _____

Tree Variance Detail Table

Tree ID#	Species	DBH	Impact/Remove	% Impacted	Condition	Mitigation
78	Tulip Poplar	41	Impact Only	9%	Good	stress reduction measures
82	Southern Red Oak	37	Remove	100%	Fair	37"
98	White Oak	44	Impact Only	4%	Good	stress reduction measures
117	Red Maple	45	Remove	100%	Good	45"
119	Tulip Poplar	34	Remove	100%	Good	34"
165	Tulip Poplar	32	Impact Only	16%	Fair	stress reduction measures
175	White Oak	30	Count as removed (see note #2 below)	26%	Fair	30" - stress reduction measures
184	Tulip Poplar	36	Impact Only	7%	Good	stress reduction measures
206	Paulownia	41	Remove	38%	Good	41"
210	Tulip Poplar	32	Impact Only	20%	Good	stress reduction measures
216	White Oak	31	Impact Only	7%	Good	stress reduction measures
217	Tulip Poplar	39	Impact Only	3%	Good	stress reduction measures

Total: 187"
187"/4 = 46.75" to be replanted with 3" trees = 16 trees

FOREST CONSERVATION WORKSHEET
White Oak

NET TRACT AREA:	ARA	MDR	IDA	HDR	MPD	CIA
A. Total tract area	30.61					
B. Land dedication acres (parks, county facility, etc.)	0.00					
C. Land dedication for roads or utilities (not being constructed by this plan)	0.00					
D. Area to remain in commercial agricultural production/use	0.00					
E. Other deductions (specify)	0.00					
F. Net Tract Area	30.61					

LAND USE CATEGORY: (from Trees Technical Manual)
Input the number "1" under the appropriate land use, limit to only one entry.

	ARA	MDR	IDA	HDR	MPD	CIA
G. Afforestation Threshold	0	0	0	1	0	0
H. Conservation Threshold					15%	x F = 4.59
					20%	x F = 6.12

NOTES:
1. The Total Tract Area of 30.61 acres (Line 'A') includes 29.34 acres within tract boundaries and 1.06 acres of off-site disturbance and 0.21 acres of off-site area previously disturbed during construction of regional SWM facility.
2. This plan shows 25.05 acres of forest on site, which varies from the 21.40 acres shown on the NRI/FSD approved May 6, 2002. The difference is due to the areas on this being measured by computer on digitized topography, and due to some slight variations in the edge of canopy shown on the two plans and an additional 1.22 acres per the NRI/FSD approved October 31, 2012.
3. The Existing Forest Cover of 25.61 acres (Line 'I') and the Total Area of Forest to be Cleared of 14.08 acres (Line 'N') both include 0.56 acres of off-site forest to be removed during construction.
4. Concrete washout and stockpile areas shall be designated by the contractor in an area that will not affect the root zones of existing trees.
5. The root pruning and tree protection fencing line is a graphical representation only, and should be installed in relationship to the L.O.D. as depicted on the detail sheet.
6. The Forest Conservation Easement (Category I) of 1,514 square feet to be removed will be mitigated with plantings at over a 2:1 ratio with 3193 s.f. outside the SVB within the area designated as Forest Conservation Planting Area. The planting area also includes an additional 3527 s.f. of forest planting within the SVB for a total planting area of 6720 s.f. or 0.15 acres which would represent a 4:1 ratio to the forest conservation easement removed. The entire planting area will be placed into a Forest Conservation Easement (Category I).

FOREST CONSERVATION DATA TABLE

DESCRIPTION	SIZE
Total Tract Area	30.61 Acres
Tract remaining in Agricultural Use	0.00 Acres
Road & utility ROW (unimproved)	0.00 Acres
Existing Forest	25.61 Acres
Total Forest Retention	11.53 Acres
Total Forest Cleared	14.08 Acres
Land Use Category	
Afforestation Threshold	15 %
Reforestation Threshold	20 %
Forest in Wetlands Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in 100-year Floodplain Retained	0.47 Acres
Cleared	0.10 Acres
Planted	0.00 Acres
Forest in Stream Valley Buffer Retained	10.78 Acres
Cleared	1.09 Acres
Planted	0.08 Acres
Forest in other Priority Areas Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Stream Valley Buffer Length	1,360 Feet
Avg. Width	195 Feet (per side)

SEQUENCE OF CONSTRUCTION

- Schedule a pre-construction meeting with the Developer's representative, Construction Superintendent, tree professional, MNCP&PC staff, and sediment control inspector. Call at least 48 hours prior to beginning construction. Contact Miss Utility at 1-800-257-7777 for water and sewer locations at 301-309-3093, 48 hours prior to any land disturbance.
- Install sediment control devices. Install Tree Protection Fencing if specified, and perform Root Pruning operations.
- Clear, grub, and begin excavating and grading.
- Begin building construction.
- Begin storm drain construction.
- Begin water & sewer and other utility construction.
- Begin stormwater management facility construction.
- Begin curb & gutter and paving.
- As various areas are completed, place topsoil and sod/seed on grassed areas in conformance with these plans and the "Standard Erosion and Sediment Control Notes."
- Upon completion and site stabilization, and with the approval of the sediment control inspector, all sediment control structures shall be removed.
- Conduct final inspection with M-NCP&PC staff.

Note:
1. Trees #110, 111 & 207 are being removed and #220 is being impacted but are all dead trees and therefore are not under request for variance.
2. Tree #175 is counted as removed and mitigated with replacement trees but will be saved as able. Tree to be removed if it is determined by an arborist and the MNCP&PC inspector that it cannot be saved.

ON-SITE SPECIMEN TREE MITIGATION LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	CAL	MITIGATION PROVIDED*
LT	4	Liriodendron tulipifera	Tulip Poplar	3-3 1/2"	12 caliper inches
AR	4	Acer rubrum	Red Maple	3-3 1/2"	12 caliper inches
NS	4	Nyssa sylvatica	Black Gum	3-3 1/2"	12 caliper inches
QR	4	Quercus rubra	Red Oak	3-3 1/2"	12 caliper inches
TOTAL SPECIMEN TREE MITIGATION PROVIDED					48 caliper inches

*Mitigation provided = Qty x 3.0 Caliper inches

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work.
The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

QUALIFIED PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.
DATE: 1/10/14
FRANK C. JOHNSON
RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

NO.	DATE	DESCRIPTION	BY
1	8/16/13	updated site area and site plan	FCJ

TAX MAP KQ 121, 122 WSSC 214, 215NE02

PREPARED FOR:
White Oak Investments LLC
24012 Frederick Road, Suite 200
Clarksburg, MD 20871
Phone: (301) 428-0800
Attn: Mr. Dan Snyder

FINAL FOREST CONSERVATION PLAN
~
WHITE OAK PROPERTY
~
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers, Planners
Landscape Architects, Surveyors

9220 Wighman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone: 301.670.0840
Fax: 301.948.0893
www.mhga.com

Proj. Mgr.	Designer
AR	FCJ
Date	Scale
8-02-05	1"=100'
Project No.	Sheet
03.244.24	1 of 5

FOREST CONSERVATION PLANTING AREA #2

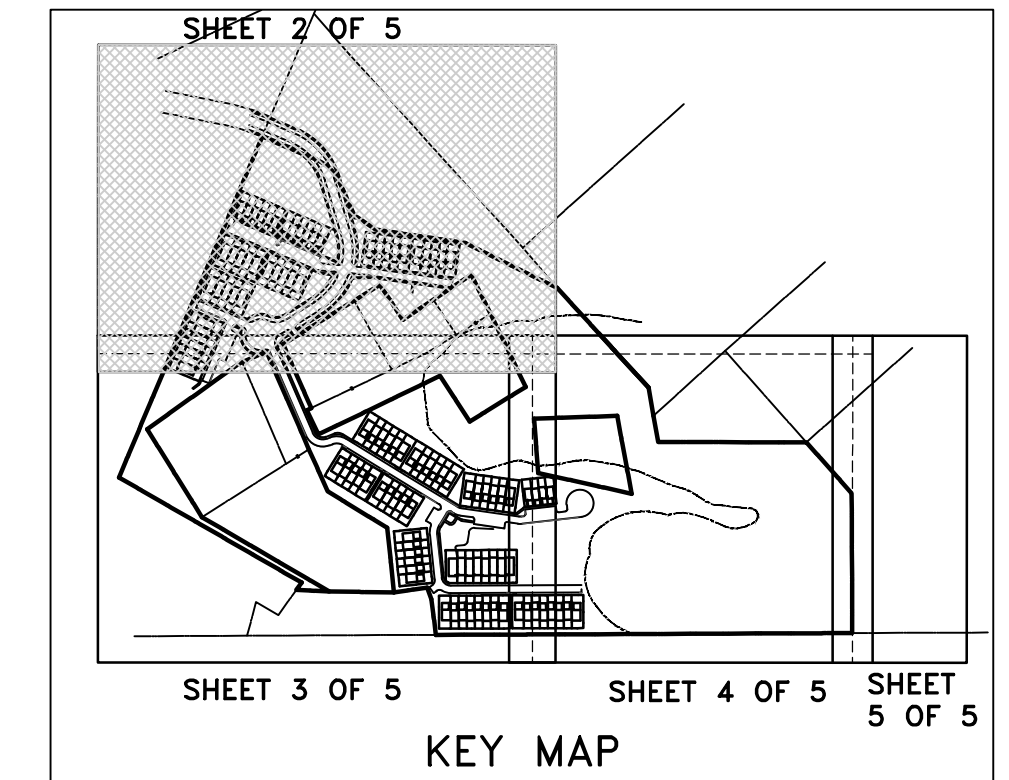
QTY	BOTANICAL NAME	COMMON NAME	CAL	HGT	ROOT
2	Acer rubrum	Red Maple	1.5'-2'		B&B
2	Quercus rubra	Red Oak	1.5'-2'		B&B
1	Cercis Canadensis	Black Gum	1.5'-2'		B&B
3	Lindera benzoin	Spicebush		18-24'	Cont.
3	Viburnum dentatum	Southern Arrowwood		18-24'	Cont.

NOTES:
1. The 0.19 acre Planting Area will be planted with the above plant material

QUALIFIED PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.

DATE: 1/10/14
 Signature: *Frank C. Johnson*
 FRANK C. JOHNSON
 RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01



DEVELOPER'S CERTIFICATE

The Underigned agrees to assume all the features of the Approved Final Forest Conservation Plan No. 82005018C including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: Down Investments, LLC
 By: Pleasant's Enterprises, Inc., Manager
 Printed Company Name

Contact Person or Owner: By: William D. Pleasant's, Jr., Manager
 Printed Name
 24012 Frederick Rd., Suite 200
 Clarksville, MD 20871
 Address
 Phone and Email: P: (301)428-0800 email: CWagner@pleasants.org
 Signature:

OFF-SITE DISTURBANCE
28,427 S.F./0.65 AC.

OFF-SITE DISTURBANCE
9,275 S.F./0.21 AC

EXISTING FOREST
ALREADY REMOVED
190,710 S.F./4.38 AC.

OFF-SITE FOREST
ALREADY REMOVED
7,133 S.F./0.16 AC

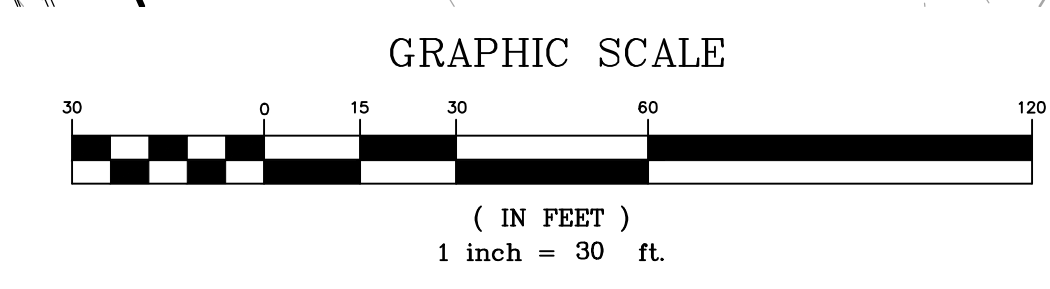
EXISTING FOREST
ALREADY REMOVED
26,240 S.F./0.60 AC.

EXISTING FOREST COUNTED
AS REMOVED
TO BE REMOVED
13,065 S.F./0.30 AC.
 FOREST COUNTED AS
REMOVED TO REMAIN
1675 S.F./0.04 AC.

EXISTING FOREST TO BE
REMOVED
405 S.F./0.01 AC.

MATCHLINE - SEE SHEET 3 OF 5

MATCHLINE - SEE SHEET 3 OF 5



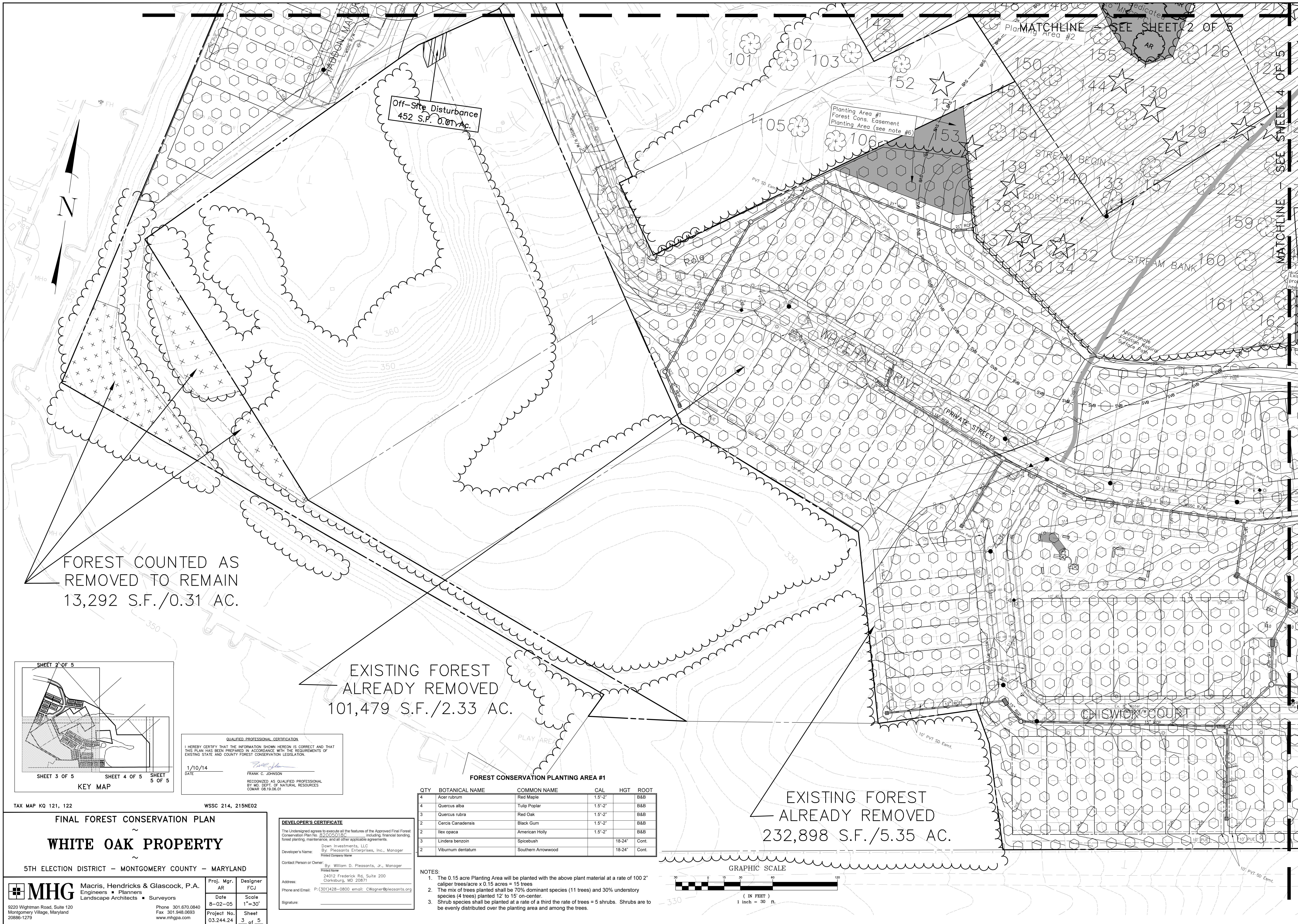
TAX MAP KQ 121, 122 WSSC 214, 215NE02

FINAL FOREST CONSERVATION PLAN

WHITE OAK PROPERTY

5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

	Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors	Proj. Mgr.	Designer
		AR	FCJ
9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279		Date	Scale
Phone: 301.670.0840 Fax: 301.948.0893 www.mhgpa.com		8-02-05	1"=30'
		Project No.	Sheet
		03.244.24	2 of 5



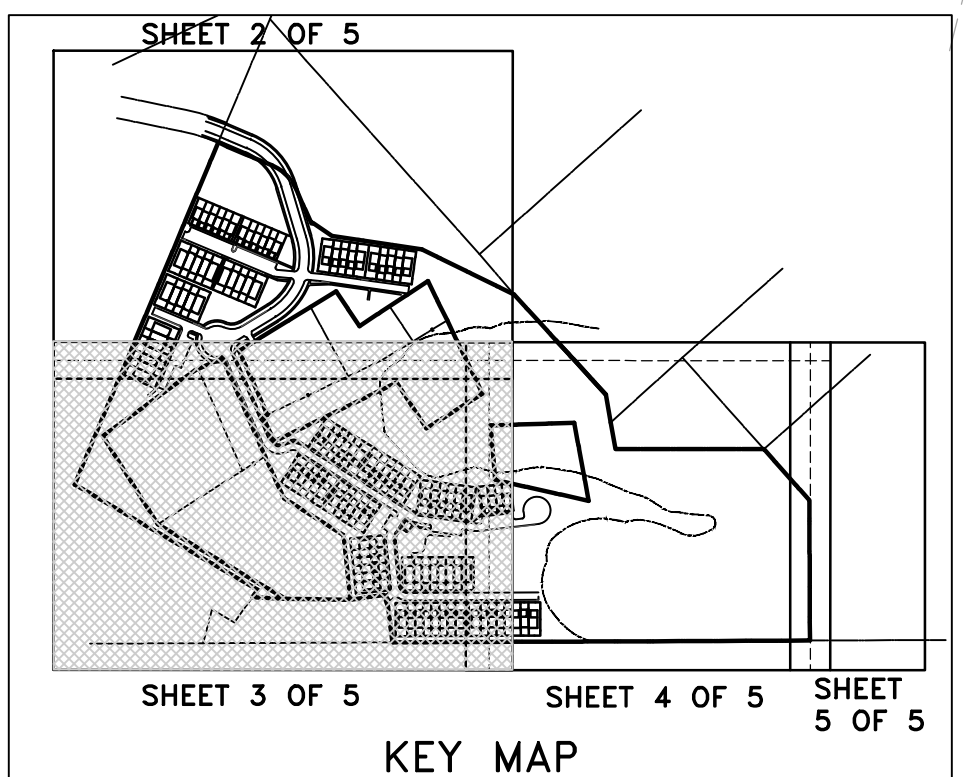
Off-Site Disturbance
452 S.F. / 0.01 Ac.

Planting Area #1
Forest Cons. Easement
Planting Area (see note #6)

FOREST COUNTED AS
REMOVED TO REMAIN
13,292 S.F. / 0.31 AC.

EXISTING FOREST
ALREADY REMOVED
101,479 S.F. / 2.33 AC.

EXISTING FOREST
ALREADY REMOVED
232,898 S.F. / 5.35 AC.

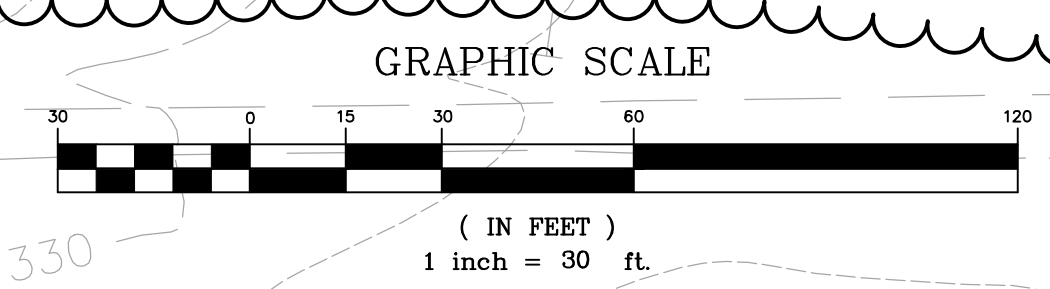


QUALIFIED PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.
1/10/14
DATE
FRANK C. JOHNSON
RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

FOREST CONSERVATION PLANTING AREA #1

QTY	BOTANICAL NAME	COMMON NAME	CAL	HGT	ROOT
4	Acer rubrum	Red Maple	1.5"-2"		B&B
4	Quercus alba	Tulip Poplar	1.5"-2"		B&B
3	Quercus rubra	Red Oak	1.5"-2"		B&B
2	Cercis Canadensis	Black Gum	1.5"-2"		B&B
2	Ilex opaca	American Holly	1.5"-2"		B&B
3	Lindera benzoin	Spicebush		18-24"	Cont.
2	Viburnum dentatum	Southern Arrowwood		18-24"	Cont.

- NOTES:
- The 0.15 acre Planting Area will be planted with the above plant material at a rate of 100 2" caliper trees/acre x 0.15 acres = 15 trees
 - The mix of trees planted shall be 70% dominant species (11 trees) and 30% understorey species (4 trees) planted 12' to 15' on-center.
 - Shrub species shall be planted at a rate of a third the rate of trees = 5 shrubs. Shrubs are to be evenly distributed over the planting area and among the trees.



TAX MAP KQ 121, 122 WSSC 214, 215NE02

FINAL FOREST CONSERVATION PLAN
~
WHITE OAK PROPERTY
~
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

Proj. Mgr. AR
Designer FCJ
Date 8-02-05
Scale 1"=30'
Project No. 03.244.24
Sheet 3 of 5

8223 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0653
www.mhgpa.com

DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 20000120 including financial bonding, forest planning, maintenance, and all other applicable agreements.
Developer's Name: Down Investments, LLC
By: Pleasants Enterprises, Inc., Manager
Printed Company Name:
Contact Person or Owner: By: William D. Pleasants, Jr., Manager
Printed Name:
24012 Frederick Rd, Suite 200
Clarksburg, MD 20871
Address:
Phone and Email: P: (301)428-0800 email: CWagner@pleasants.org
Signature:

MATCHLINE - SEE SHEET 3 OF 5

MATCHLINE - SEE SHEET 5 OF 5

EXISTING FOREST TO BE REMOVED
1,381 S.F./0.03 AC.

EXISTING FOREST COUNTED AS REMOVED TO BE REMOVED
5,593 S.F./0.13 AC.

EXISTING FOREST EASEMENT TO BE REMOVED
1,514 S.F./0.04 AC.

DEVELOPER'S CERTIFICATE
The Underigned agrees to provide all the features of the Approved Final Forest Conservation Plan No. B2-000118C, including financial bonding, forest planting, maintenance, and all other applicable agreements.

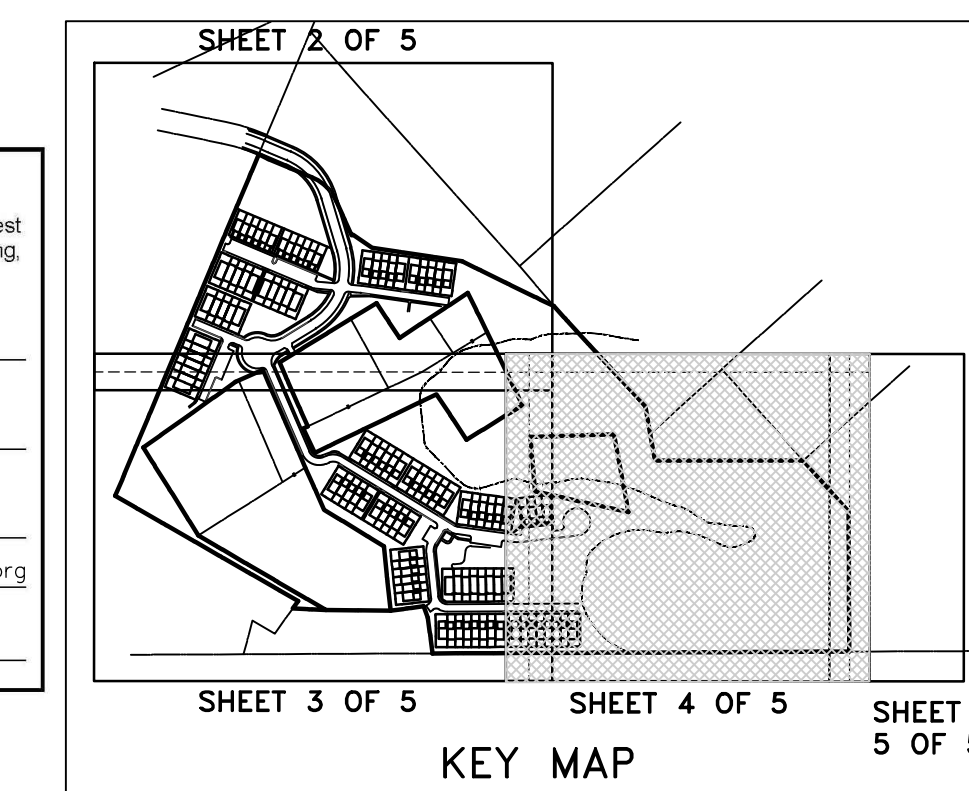
Developer's Name: Down Investments, LLC
By: Pleasants Enterprises, Inc., Manager
Printed Company Name: _____

Contact Person or Owner: By: William D. Pleasants, Jr., Manager
Printed Name: _____

Address: 24012 Frederick Rd, Suite 200
Clarksville, MD 21031

Phone and Email: P: (301)428-0800 email: CWagner@pleasants.org

Signature: _____



FOREST CONSERVATION PLANTING AREA #3

QTY	BOTANICAL NAME	COMMON NAME	CAL	HGT	ROOT
4	Acer rubrum	Red Maple	1.5'-2'		B&B
4	Quercus rubra	Red Oak	1.5'-2'		B&B
4	Cercis Canadensis	Black Gum	1.5'-2'		B&B
8	Lindera benzoin	Spicebush		18-24"	Cont.
8	Viburnum dentatum	Southern Arrowwood		18-24"	Cont.

- NOTES:**
- The 0.48 acre Planting Area will be planted with the above plant material
- INSPECTIONS**
- All field inspections must be requested by the applicant.
- Field Inspections must be conducted as following:
- Tree Save Plans and Forest Conservation Plans without Planting Requirements**
- After the limits of disturbance have been staked and flagged, but before any clearing or grading begins
 - After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin.
 - After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.
- Additional Requirements for Plans with Planting Requirements**
- Before the start of any required reforestation and afforestation planting
 - After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
 - At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

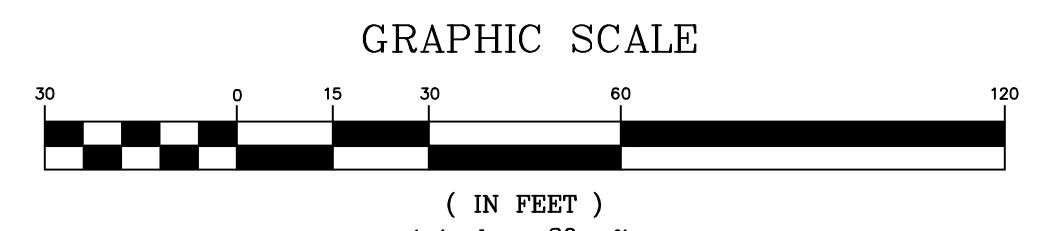
QUALIFIED PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.

1/10/14
DATE

Frank C. Johnson
FRANK C. JOHNSON

RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01



TAX MAP KQ 121, 122 WSSC 214, 215NE02

FINAL FOREST CONSERVATION PLAN

WHITE OAK PROPERTY

5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

	Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors	Proj. Mgr.	Designer
		AR	FCJ
Date	Scale	Date	Scale
8-02-05	1"=30'	8-02-05	1"=30'
Project No.	Sheet	Project No.	Sheet
03.244.24	4 of 5	03.244.24	4 of 5

8220 Wightman Road, Suite 120 Phone 301.670.0840
Montgomery Village, Maryland Fax 301.948.0893
20886-1279 www.mhgpa.com



PLEASANTS DEVELOPMENT, INC. 24012 Frederick Rd. | Suite 200 | Clarksburg, MD 20871 | 301 428-0800 | F 301 428-1736

August 7, 2013
Revised - October 24, 2013
Revised – December 23, 2013

Francoise Carrier, Esquire
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: White Oak
Preliminary Plan Amendment #11991099A, Site Plan Amendment #82005018C
Tree Variance Request

Dear Chair Carrier:

On behalf of White Oak Investments, the applicant of the above referenced Forest Conservation Plan, we hereby request a variance to remove five (5) specimen trees and to impact, but not remove, seven (7) specimen trees, all of which are over 30 inches in diameter, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. These trees are listed in the table on page 3.

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Tree #'s 82, 117, 119, 175, and 206 are proposed for removal and to retain these trees would be an unwarranted hardship. There are special conditions particular to the property, which cause the unwarranted hardship. In general, the proposed plan includes an extension to two existing streets, Regent Manor Court and Whitehall Drive. The proposed townhouse lots are located on one side of existing Regent Manor Court and on the opposite side of Regent Manor Court - extended. Due to the existence and extension of this street and the proximity of the adjacent stream valley buffer, there is very little flexibility in the layout of the proposed lots and associated storm water management structures. The lots located at the end of Whitehall Drive, which is also proposed to be extended are in a similar condition. Due to the location of a large existing storm water management facility on the south side of Whitehall Drive, the proposed lots can only be located on the opposite side of Whitehall Drive – extended. Again, the existence of the adjacent stream valley buffer allows for very little flexibility in the layout of the street extension and the lots. The detailed situation of each of the four trees proposed for removal is outlined below.

Tree #82 is being removed in order to properly grade the area for the proposed townhouse lots at the end of existing Whitehall Drive. Since these lots are partially fronting on existing Whitehall Drive, it would be an unwarranted hardship to avoid removing this tree since the existing street would have to be relocated, which is virtually impossible given that the existing storm water management facility and existing homes located along the same existing street. The relocation of the existing storm water facility is cost prohibitive and the impact to existing homes would be an unnecessary hardship on those homeowners.



PLEASANTS DEVELOPMENT, INC. 24012 Frederick Rd. | Suite 200 | Clarksburg, MD 20871 | 301 428-0800 | F 301 428-1736

Tree # 117 is being removed in order to extend existing Regent Manor Court. The tree is directly in line with the extension of the street. If the alignment of the street extension were modified in order to retain this tree, then other existing trees, which are located within the stream valley buffer and proposed to be retained, would then be impacted. Therefore, it is an unwarranted hardship to retain this tree and modify the alignment of the proposed extension to Regent Manor Court.

Tree #'s 119, 175, and 206 are being removed in order to construct the required storm water management structures, shown on the Amended Preliminary Plan. These structures are bio-retention devices, which are required under the new storm water management guidelines (known as Environmental Site Design or ESD) adopted by the state and county. Due to the slope of the land and the available area outside of the stream buffer, there is no other place on the property where these devices could be located. Therefore, it would be an unwarranted hardship to retain these trees. All three trees have significant impact to their root zones and may not survive construction, which is the reason for this variance request. However, as noted at the bottom of the tree detail table, we will be attempting to save tree #119. Regardless of this effort, all trees will be mitigated accordingly.

The additional seven (7) trees shown in the table below are impacted, but not proposed for removal. These trees are largely located around the perimeter of the development envelope. The impacts to these trees have been minimized to the largest extent practicable.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

The enforcement of Chapter 22A and the requirement to retain the five trees mentioned above would deprive the land owner of their right to develop their property under the zoning ordinance since the proposed lots and associated homes could not be constructed if the five specimen trees were retained.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

This plan has been designed to incorporate storm water management structures under the new State water quality standards, and the removal of the five trees in part allows for the compliance with these standards. Therefore, the granting of this variance will not result in any violation of state water quality standards nor will it result in measurable degradation in water quality.

4. *Provide any other information appropriate to support the request.*

Pursuant to Section 22A 21(d) Minimum Criteria for Approval:

(1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

All of the affected trees are located within the buildable area on the property in the only part of the property that is outside of forest and environmentally sensitive areas.

(2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The requested variance is not based upon site conditions and development constraints which are the result of specific actions by the Applicant outside the norm of a development application allowed under the applicable zoning and associated regulations. The variance is based on the proposed site layout that is utilizing the only area that is not existing forest or located within other environmentally sensitive areas.



(3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the proposed site design and layout on the subject property and not a result of land or building on a neighboring property.

(4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD storm water management will be provided as part of the proposed development.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not within a stream valley buffer, wetland, or special protection area. The Montgomery County Department of Permitting Services has approved the storm water management concept for the proposed project.

As required under the law, mitigation will be undertaken for all specimen trees to be removed and stress reduction measures provided for all of the impacted trees. A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

The table below lists all the Specimen Trees being impacted or removed for this project.

<u>Tree ID #</u>	<u>Species</u>	<u>DBH</u>	<u>Impact/Remove</u>	<u>% Impacted</u>	<u>Condition</u>	<u>Mitigation</u>
78	Tulip Poplar	41	Impact Only	9%	Good	stress reduction measures
82	Southern Red Oak	37	Remove	100%	Fair	37"
98	White Oak	44	Impact Only	4%	Good	stress reduction measures
117	Red Maple	45	Remove	100%	Good	45"
119	Tulip Poplar	34	Remove	100%	Good	34"
165	Tulip Poplar	32	Impact Only	16%	Fair	stress reduction measures
175	White Oak	30	Count as Removed (see note #2 below)	26%	Fair	30" - stress reduction measure
184	Tulip Poplar	36	Impact Only	7%	Good	stress reduction measures
206	Paulownia	41	Remove	38%	Good	41"
210	Tulip Poplar	32	Impact Only	20%	Good	stress reduction measures
216	White Oak	31	Impact Only	7%	Good	stress reduction measures
217	Tulip Poplar	39	Impact Only	3%	Good	stress reduction measures

Total: 187"

187"/4 = 46.75" to be replanted with 3" trees = 16 trees

Note:

1. Trees #110, 111 & 207 are being removed and #220 is being impacted but are all dead trees and therefore are not under request for variance.
2. Tree #175 is counted as removed and mitigated with replacement trees but will be saved as able. Tree to be removed if it is determined by an arborist and the MNCPPC inspector that it cannot be saved.



PLEASANTS DEVELOPMENT, INC. 24012 Frederick Rd. | Suite 200 | Clarksburg, MD 20871 | 301 428-0800 | F 301 428-1736

Please contact me via email, at cwagner@pleasants.org, or by phone, at (301) 428-0800 should you have any additional comments or concerns.

Thank you,

A handwritten signature in black ink, appearing to read "Clark Wagner", with a long, sweeping underline.

Clark Wagner
Senior Project Manager
Pleasants Development, Inc.

CC: Amy Lindsay
Renee Kamen
Laura Miller, DEP
Adam Rufe

ATTACHMENT 7

Lane, Brittany

RECEIVED
0183
MAR 12 2014

From: Hansen <hanzc@hotmail.com>
Sent: Tuesday, March 11, 2014 7:49 PM
To: MCP-Chair
Subject: re: white oak property
Attachments: NPH hearing.docx

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

please take this into consideration

March 11th 2014

To whom it may concern,

I am a resident of the White Oak Whitehall Square property off Regent Manor Court and am writing to state I am against the White Oak Property plan

Preliminary Plan Number : 11991099A

Site Plan Number 82005018C

Master Plan: white Oak

I feel that the added homes would be detrimental to my well being as there would be too much traffic and overcrowding with the additional units and would add more stress to the neighborhood.

Please don't approve this plan to build more.

Sincerely

Hansen Chan

1618 Regent Manor Court