



***Consent Item – Tapestry: Preliminary Plan Amendment No. 12005095A and Site Plan Amendment No. 82005037A**

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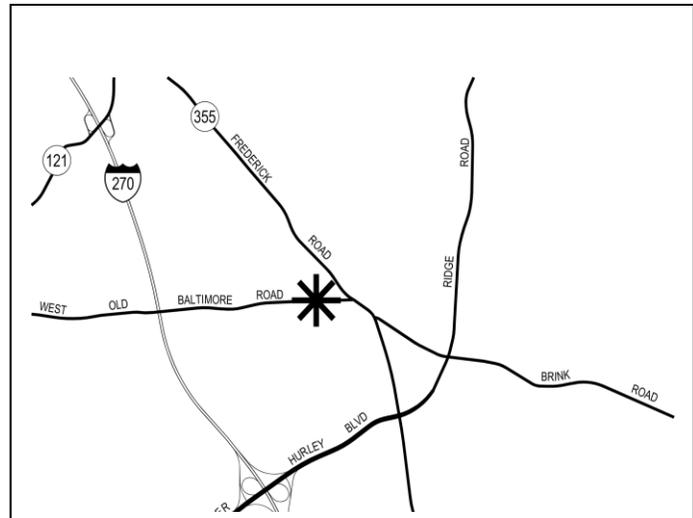
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Staff Report Date: 9-04-15

Description

Consent Item – Tapestry Property: Preliminary Plan Amendment No. 12005095A and Site Plan Amendment No. 82005037A

- A request to amend the Preliminary Plan and Site Plan for the purpose of amending the Forest Conservation Plan to revise the forest retention, clearing and planting calculations to account for an existing PEPCO tree clear easement and to update the net tract area to include additional offsite disturbance for a water line connection.
- Located at the intersection of Frederick Road (MD 355) and West Old Baltimore Road, 30.33 acres, R-200 Zone, Clarksburg Master Plan & Hyattstown Special Study Area
- Application Accepted: December 17, 2014
- Applicant: Miller and Smith at Tapestry, L.L.C.



Summary

Staff recommends approval of the Consent Preliminary Plan Amendment No. 12005095A and Consent Site Plan Amendment No. 82005037A, with revised conditions.

- In 2013, the Planning Board approved a Preliminary Plan and Site Plan for the Tapestry project. These plan approvals incorporated a Forest Conservation Plan approval.
- The Applications request a revision to the forest conservation plans to include:
 - 1) Revisions to the forest conservation plan calculations due to: a) forest within a Potomac Electric Power Company (PEPCO) tree clear easement to be “saved but counted as cleared” in the forest conservation worksheet, b) relocation of proposed reforestation within the existing PEPCO tree clear easement to an offsite location, and c) additional forest clearing found necessary for the sewer pump station,
 - 2) Revisions to the net tract area to include additional offsite disturbance for a water line connection, and
 - 3) Adjustment in the location of a proposed stormwater management outfall within a forest retention area per final engineering revisions.
- The amended Forest Conservation Plan will result in 0.02 acres of additional forest clearing for the proposed sewer pump station and 0.13 acres of additional forest “counted as cleared” that cannot be protected in a Category I conservation easement due to its location within the existing PEPCO tree clear easement, for a revised total of 15.15 acres of forest clearing, and a 2.35 acre reforestation requirement to be met with 0.12 acres of onsite landscape credit, 0.42 acres of onsite forest planting, and 1.81 acres of offsite forest planting.

Preliminary Plan Recommendation: Staff recommends approval of Preliminary Plan 12005095A with the following revision to condition No. 3 contained in Planning Board Resolution MCPB No. 13-84:

3. The Applicant must comply with the conditions of approval for the ~~Final Preliminary~~ Forest Conservation Plan ~~No. 820050370~~, approved as part of this Preliminary Plan, subject to:
 - e. The Applicant must submit financial security for planting ~~0.50~~ 0.42 acres of forest prior to the start of clearing and grading.

Site Plan Recommendation: Staff recommends approval of the Site Plan 82005037A with the following revision to condition No. 2 contained in Planning Board Resolution MCPB No. 13-85:

2. Forest Conservation & Tree Save

The Applicant ~~Site Plan~~ must comply with the ~~conditions of approval for the~~ Final Forest Conservation Plan No. 820050370, including the conditions of approval of the Preliminary Forest Conservation Plan approved with ~~as part of~~ Preliminary Plan Nos. 120050950 and 12005095A.

Site Description

The 30.33 acre property is located on the west side of Frederick Road (MD 355) and on the north and south sides of West Old Baltimore Road, in Clarksburg ("Property") (Figure 1). The Property is bisected and divided into northern and southern portions by West Old Baltimore Road. MD 355 forms the eastern boundary of the Property. The Property is within the Brink Road Transition Area of the Clarksburg Master Plan and Hyattstown Special Study Area. The North Germantown Greenway Stream Valley Park is located immediately to the south. The Property is located within the Little Seneca Creek watershed and the Clarksburg Special Protection Area. Streams in this watershed are designated by the State of Maryland as Use Class IV waters. Streams and associated wetlands and environmental buffers are located in the southeastern portion of the Property.



Figure 1. Vicinity Map

Project Description

The Planning Board approved Preliminary Plan 120050950 and Site Plan 820050370, Tapestry for a 67 lot residential subdivision at a hearing on May 30, 2013 (Figure 2). The Preliminary Plan approval included approval of a Final Forest Conservation Plan and a Preliminary/Final Water Quality Plan. Planning Board Resolution MCPB No. 13-84, memorializing the Board's approval of the Preliminary Plan was mailed on July 19, 2013 (Attachment A). Planning Board Resolution MCPB No. 13-85, memorializing the Board's approval of the Site Plan was mailed on July 19, 2013 (Attachment B).



Figure 2. Illustrative Site Plan

The Final Forest Conservation Plan approval included a net tract area of 29.86 acres after subtracting out areas of land dedication and adding in areas of offsite disturbance. The Final Forest Conservation Plan allowed for 15.00 acres of forest clearing and resulted in a planting requirement of 2.12 acres to be met through 0.12 acres of onsite landscaping, 0.50 acres of onsite forest planting, and 1.50 acres of offsite forest planting.

The approval for Preliminary Plan 120050950 included the approval of Final Forest Conservation Plan 820050370, and the approval for Site Plan 820050370 included a condition requiring compliance with the conditions of approval for the Final Forest Conservation Plan. In addition to the Applicant's requested revisions to the Final Forest Conservation Plan described in the next section of the Staff Report, this Amendment will correct the sequence of approvals for forest conservation as required by Section 22A-11(b)(2) (Application, review, and approval procedures), by revising conditions of approval

for the Preliminary Plan and Site Plan so that the Preliminary Plan approval correctly references approval of the Preliminary Forest Conservation Plan and the Site Plan approval correctly references approval of the Final Forest Conservation Plan.

Proposal

The subject Preliminary Plan and Site Plan Amendments to the approved Tapestry project, propose the following modifications to the Forest Conservation Plan (Figure 3 and Attachment C):

- 1) Revise the net tract area from 29.86 acres to 30.18 acres (0.02 acres less dedication for WSSC sewer line and 0.30 acres additional offsite disturbance for water line connection);
- 2) Revise existing forest calculation from 22.60 acres to 22.62 acres (0.02 acres less dedication for sewer line);
- 3) Revise forest clearing calculation from 15.00 acres to 15.15 acres (0.02 acres additional clearing for sewer pump station and 0.13 acres “forest counted as cleared” due to location within existing PEPCO tree clear easement);
- 4) Revise reforestation requirement from 2.12 acres to 2.35 acres (result of changes to forest conservation worksheet calculations based on #1-3 above);
- 5) Revise onsite forest planting calculation from 0.50 acres to 0.42 acres; 0.12 acre onsite landscape credit remains unchanged;
- 6) Revise offsite forest planting calculation from 1.50 acres to 1.81 acres; and
- 7) Minor adjustment in the configuration of a proposed storm drain outfall within a forest retention area per final engineering revisions with no resulting change in forest clearing calculations.

Subsequent to the approval of the Preliminary Plan, Site Plan, and corresponding Forest Conservation Plan (FCP), the Applicant identified an existing PEPCO tree clear easement on the Property, south of West Old Baltimore Road and adjacent to MD 355. The approved FCP included areas of forest retention and forest planting within the tree clear easement. These areas were identified on the plan to be protected with a Category I conservation easement; however, the terms of the conservation easement conflict with the terms of the existing PEPCO tree clear easement; therefore, an amendment to the approved plans is necessary. In addition, due to necessary revisions determined through final engineering, the disturbance area for the proposed sewer pump station increases, resulting in 0.02 acres of additional forest clearing. There is also an increase in offsite disturbance by 0.30 acres to allow water line construction along West Old Baltimore Road. There is also a request to reconfigure a storm drain outfall located within a forest retention area; however, it results in no net change in forest clearing. The requested revisions consist of an amended FCP, including necessary updates to the forest conservation worksheet as described in items #1-7 above. All of the proposed revisions occur in the portion of the Property located south of West Old Baltimore Road.



Figure 3. Amended FCP, south of West Old Baltimore Road

Citizen Correspondence and Issues

The Applicant has met all proper signage and noticing requirements for these amendments.

Prior Approval Findings and Conditions

All previous findings and conditions of approval not modified herein for Preliminary Plan 120050950 and Site Plan 820050370, Tapestry, remain valid and are not amended by these applications.

Findings and Conclusion

The submitted applications meet all requirements established in the Montgomery County Forest Conservation Law, including Section 22A(12)(f) (minimum onsite forest retention requirements) and Section 22A(12)(b)(3) (tree variance provision). Therefore, Staff recommends approval to amend the Preliminary Plan and Site Plan with the revised conditions specified above.

Attachments

- A. Preliminary Plan Resolution dated July 19, 2013
- B. Site Plan Resolution dated July 19, 2013
- C. Amended Final FCP



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

MCPB No. 13-84
Preliminary Plan No. 120050950
Tapestry
Date of Hearing: May 30, 2013

JUL 19 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 4, 2005, Miller and Smith at Tapestry, L.L.C. ("Applicant"), filed an application for approval of a preliminary plan of subdivision to create 82 lots on 38.82 acres of land in the R-200 zone, located on the west side of Frederick Road and on the north and south sides of West Old Baltimore Road, in the Clarksburg Master Plan and Hyattstown Special Study Area Master Plan,

WHEREAS, Applicant's preliminary plan application was designated preliminary plan No. 120050950, Tapestry; and

WHEREAS, following review and analysis of the application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 13, 2007, setting forth its analysis and recommendation for approval of the application, subject to certain conditions; and

WHEREAS, on July 26, 2007, the Planning Board held a public hearing on the application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the application; and

WHEREAS, at the hearing the Planning Board voted to accept a request by the Applicant to defer action on the application to address concerns related to the layout of the lots shown on the preliminary plan, and

WHEREAS, the Applicant filed a revised application for approval of a preliminary plan of subdivision that would create 67 lots on 30.33 acres of land in the R-200 zone, located on the west side of Frederick Road and on the north and south sides of West Old Baltimore Road ("Subject Property") in the Clarksburg Master Plan and Hyattstown Special Study Area ("Master Plan") and within the Clarksburg Policy Area, and

Approved as to
Legal Sufficiency:

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MNCPPC Legal Department
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WHEREAS, Applicant's revised preliminary plan application was not given an alternative designation and was accepted under the previous designation as Preliminary Plan No. 120050950, Tapestry ("Preliminary Plan" or "Application"), and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 20, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions; and

WHEREAS, on May 30, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below:

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board approves Preliminary Plan No. 120050950 to create 67 lots on the Subject Property, subject to the following conditions:¹

1. Total development is limited to 67 residential units on 67 lots with a minimum of 10 MPDUs to include 57 one-family detached and 10 one-family semi-detached units.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its letter dated April 1, 2013, for the Preliminary and Final Special Protect Area Water Quality Plan No. 820050370, and hereby incorporates them as conditions of this approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of this approval.
3. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820050370, approved as part of this Preliminary Plan, subject to:
 - a. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
 - b. A Category I conservation easement must be shown on the record plat(s) over all areas of forest retention and forest planting that will not be dedicated to the M-NCPPC Department of Parks as shown on the approved Final Forest Conservation Plan.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- c. Reforestation must begin within the first planting season after issuance of the first grading permit, with appropriate phasing to allow for construction of sediment and erosion control structures and other utilities.
 - d. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional or adjustments to the tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
 - e. The Applicant must submit financial security for planting 0.50 acres of forest prior to the start of clearing and grading.
 - f. Reforestation Area G, as shown on the Final Forest Conservation Plan, must be accessed by foot for planting and maintenance.
 - g. The Applicant must obtain M-NCPPC approval of a five-year maintenance and management agreement prior to M-NCPPC accepting any on-site planting.
 - h. The Applicant must install permanent Category I Forest Conservation Easement signage along the perimeter of the conservation easements.
 - i. Prior to land disturbing activities, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement for use of a M-NCPPC-approved offsite forest mitigation bank to satisfy the offsite forest mitigation planting requirements. The offsite forest mitigation requirement must be met within the Clarksburg Special Protection Area or within the Seneca Creek watershed.
4. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated August 27, 2012, and hereby incorporates them as conditions of this approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of this approval.
 5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in two letters dated April 2, 2013 regarding the review of the Traffic Impact Study and review of roadway Design Exceptions, and hereby incorporates them, as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of this approval.
 6. Record plat(s) to reflect the County Council Resolution reference that abandons the portion of the West Old Baltimore Road right-of-way under abandonment application AB 671 and to include a revertible public access easement, as required by MCDOT, to provide continued public use of pavement until re-aligned West Old Baltimore Road is completed and accepted for maintenance.

7. Dedicate all road rights-of-way as shown on the approved Preliminary Plan:
 - a. MD 355: 120 feet from opposite right-of-way, where applicable or 60 feet from centerline of the future right-of-way
 - b. West Old Baltimore: 80 foot right-of-way
 - c. Public Streets "A" and "B": 60 foot right-of-way
 - d. Public Street "C": 54 foot right-of-way
8. The Applicant must satisfy Local Area Transportation Review (LATR) requirements for the West Old Baltimore Road/MD 355 intersection by either:
 - a. Enter into a road club, other funding mechanism, or a participation agreement to reconstruct the intersection as approved by MDSHA and MCDOT; or
 - b. Permit and bond or have under contract for construction, the intersection improvements, as approved by MDSHA and MCDOT, prior to issuance of the 48th building permit.
9. Construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the design standards of all applicable road codes or as approved by MCDOT and MDSHA unless otherwise noted on the Preliminary Plan "To Be Constructed by Others". Frontage improvements that are the sole responsibility of the Applicant must be coordinated with the intersection improvements at West Old Baltimore and MD 355 and include:
 - Construct an 8-foot wide shared use path along the Subject Property frontage with MD 355 from northern property line to end at Greenbrook Drive
 - Construct curb and gutter on west side of MD 355 from northern property line to just south of entrance for the Greenridge Baptist Church
 - Construct median and other pavement widening requirements beyond those required under the LATR intersection improvements on West Old Baltimore at MD 355.
 - Public Streets "A", "B", and "C" interface with West Old Baltimore Road.
10. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
11. The Applicant must dedicate to M-NCPPC the 5.15 acre portion of the Subject Property identified as "Parcel G" on the approved Preliminary Plan for use as a conservation park per the Clarksburg Master Plan. The land must be dedicated to the Commission through notation on the record plat and by conveyance at the time of record plat in a form of deed approved by the Office of General Counsel. At the time of conveyance, the property must be free of any trash and unnatural debris.
12. The final number of MPDUs as per condition #1 above to be determined at the time of Site Plan.
13. Prior to recordation of any plat, Site Plan No. 820050370 must be certified by MNCPPC Staff.

14. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location, or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.
15. Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
16. The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff in accordance with the Site Plan requirements that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
17. 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 for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
18. The record plat must show necessary dedications and easements.
19. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Resolution.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The Subject Property is located in the 860 acre Brink Road Transitional Area at the southernmost entry point to Clarksburg along MD 355. The key land use recommendations of the Master Plan for the Brink Road Transitional Area are summarized below:

- *Create a transition from Germantown to Clarksburg that helps reinforce each community's identity (page 75).*

The Brink Road Transition Area lies just north of the Germantown greenbelt, which forms a green buffer between Germantown and Clarksburg. To further

reinforce the transition from Germantown to Clarksburg, the Master Plan proposes that the entry to Clarksburg from the south be characterized by low-density residential development (two to four units per acre). The Master Plan suggests that this density will allow single-family units that and be supportive of the existing residential land use pattern along MD 355.

The lot layout of the Preliminary Plan is sensitive to maintaining the green edge as one approaches the Subject Property from the south on MD 355. The development provides a gradual transition from the Germantown greenbelt to the higher density development proposed to the north of the Subject Property. The Application establishes much of the MD 355 frontage in green space, Park and forest and frames both sides of West Old Baltimore Road at MD 355 with landscaped open space. North of West Old Baltimore Road, homes front to MD 355 in accordance with the recommended land use in the Master Plan. The northernmost tip of the Subject Property will be established as green space which begins the transition as one travels south on MD 355 to enter the Germantown greenbelt.

- *Continue the residential character of MD 355 (page 75).*

The Master Plan recommends that MD 355 be widened to four lanes in this portion of the planning area but that a traditional residential pattern be maintained with homes that front to this highway. The Application continues this traditional pattern of homes but also accommodates open spaces that will separate units at certain locations to provide green vistas between homes.

- *Reinforce the North Germantown greenbelt concept (page 76).*

The Master Plan suggests that the stream valley buffers and parks create the open space pattern in the Brink Road Transitional Area. The Master Plan encourages pedestrian connections to the Little Seneca Creek Greenway as development proceeds.

The Applicant will dedicate the 5.67 acres of forested open space area at the southeast end of the Subject Property to M-NCPPC for protection of natural resources and additional access to adjacent parkland from the subdivision and MD 355. The Application establishes a direct connection between the development and the park by dedicating this land and building a portion of the shared use path along MD 355 that connects into the project's internal sidewalks and those along West Old Baltimore Road.

- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

Site Access, Vehicular, and Pedestrian Circulation

There are three new public streets that have separate access points to West Old Baltimore Road, one on the north side and two on the south side of West Old Baltimore Road. All of the lots will have frontage on a public street. A system of wide, private alleys with on street parking provide vehicular linkages between the public streets within the development and also provide access to rear load garages for some units.

Internal public streets "A" and "B" are within a 60-foot wide dedicated rights-of-way and have 28 feet of pavement with on street parking. Public Street "C" will have 20 feet of pavement within a 54-foot wide right-of-way. The public streets and alleys are well connected and provide good vehicular circulation. One segment of alley to the rear of Lots 23 through 31, Block B serves those rear loaded garages and has no through connection, however, the alley does have a turnaround at its terminus to provide vehicular three point maneuvers.

The proximity of the Street "B" intersection to the intersection of West Old Baltimore Road and MD 355 requires that turning movements into and out of Street "B" from West Old Baltimore Road will be restricted to right-in/right-out. This restriction will be dictated by a new median in West Old Baltimore Road that will physically prohibit left-in/left-out turns.

West Old Baltimore Road will be re-aligned and rebuilt with sidewalks on both sides within a minimum 80-foot wide right-of-way. MD 355 and the intersection with West Old Baltimore Road will undergo significant reconstruction to meet the Application's Local Area Transportation Review requirements as well as other developments. The Applicant will construct a shared use path on MD 355 from the Subject Property's northern boundary south to end opposite Greenridge Drive. Internal public streets "A", "B" and "C" will have 5-foot wide sidewalks that are conveniently located in close proximity to each unit and connect to the shared use path along MD 355 and to the sidewalks along West Old Baltimore Road. In addition, an internal natural surface trail is connected to the pedestrian system near the area of park dedication.

The Planning Board finds that vehicular and pedestrian access and circulation is adequate for this Application.

Local Area Transportation Review (LATR)

The intersections of MD 355/West Old Baltimore Road and MD 355/Brink Road were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,425 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The vehicular trips generated by the Application were added to the existing and background traffic to determine the total future traffic. The total future traffic was assigned to the critical intersections to calculate the total future CLVs.

The MD 355/Brink Road intersection is currently operating at an unacceptable congestion standard that is higher than 1,425 CLV during the AM and PM peak hours. Under the background development condition, both of the intersections analyzed exceed the acceptable congestion standard of 1,425 CLV during the AM and PM peak hour. Under the total development condition, the congestion at these two intersections further deteriorates and both must be improved.

MD 355/West/Old Baltimore Road intersection

As provided by LATR and Transportation Policy Area Review Guidelines, the Applicant will participate in the reconstruction of the intersection of MD 355 and West Old Baltimore to alleviate the CLV issue at that intersection. As a development that contributes less than 25% of the total sum trips to the intersection, the LATR guidelines allow the Applicant to participate in this project with other developments also required to make this improvement for APF. The Applicant has signed a Letter of Intent with MCDOT who will coordinate this project with the other participants. The final participation agreement is under review by MCDOT and the participants.

The applicant for the Goddard School-Clarksburg project (12011002A) is also required to participate in this intersection improvement. The Goddard School applicant also signed a Letter of Intent to participate with MCDOT and others in the completion of this project and was subsequently issued building permits on November 13, 2012. This date starts a 3-year clock in which the LATR guidelines suggest that the intersection participation project should be under construction or otherwise permitted, bonded or under contract for construction.

MCDOT anticipates that the intersection will be under construction prior to November of 2015. In the event that the Applicant fails to enter into a final participation agreement with MCDOT, the Planning Board conditions of approval prohibit the issuance of any building permit beyond the 47th until the Applicant permits and bonds the intersection or has a contract for construction in place to the satisfaction of MCDOT and MCDPS. Improvements at the intersection include:

- On MD 355: An exclusive northbound left-turn lane and an exclusive southbound right-turn lane on MD 355 to westbound West Old Baltimore Rd.
- On West Old Baltimore Road: Two eastbound lanes approaching MD 355 (one left-turn and one right-turn lane) and a 16-foot wide westbound lane from MD 355 and tapering to a 12-foot travel lane beyond median.

With these roadway improvements at the MD 355/West Old Baltimore Road intersection, it is projected to operate at the acceptable congestion standard under the total development condition.

MD 355/Brink Road intersection

The Applicant must also participate in the construction of A-305 from MD 355 to Clarksburg Road (MD 121) to address unacceptable CLV levels at the MD 355/Brink Road intersection. The construction of this section of A-305 was also the area-wide transportation review condition for approval of the Woodcrest subdivision (Preliminary Plan No. 1-04039) by Miller and Smith, the Applicant. For the Tapestry project, the LATR Guidelines permit the Applicant to provide a trip mitigation program that results in improved operating conditions equal to 150 percent of the CLV impact attributable to the development that would occur without the Applicant's development. With redistributed traffic as a result of the Applicant's participation in the A-305 construction, the total traffic condition at the MD 355/Brink Road intersection is projected to improve traffic conditions compared to the background development condition.

With the improvements required by the conditions of approval, Planning Board finds that the Application satisfies the LATR requirements.

Transportation Policy Area Review (TPAR)/Policy Area Mobility Review (PAMR)

The Application is located in the Clarksburg Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Clarksburg Policy Area is adequate under the roadway test and inadequate under the transit test, requiring 25% of the Impact Tax payment under the recently adopted TPAR Guidelines. However, the Application was completed and submitted before January 1, 2013. Therefore, according to the current SSP, the Application may meet its requirement under *Transportation Policy Area Review* by either complying with all applicable requirements of either Transportation Policy Area Review or Policy Area Mobility Review that were in force immediately before the County Council's SSP resolution, Resolution No. 17-601, amended in 2012. The Applicant chose PAMR. According to the applicable PAMR provision, an application that was submitted prior to July 1, 2011 must apply the trip mitigation requirements in effect by the FY 2012 PAMR. For the Clarksburg Policy Area, there was no

PAMR trip mitigation requirement in FY 2012; therefore, the Application meets the TPAR requirement under the current SSP.

Other Public Facilities

All other public facilities and services are adequate to serve the proposed development. The Subject Property is located in the Clarksburg High School cluster. Clarksburg High School and all middle and elementary schools within this cluster are operating at acceptable capacities; therefore, no school facilities payment is required.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The sizes, widths, shapes and orientations of all lots are appropriate for the location of the subdivision given the recommendation for the Brink Road Transition Area section of the Clarksburg Master Plan. The lots provide for a traditional residential pattern along MD 355 where the Master Plan recommends that homes are to front to the street.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Application is subject to the Forest Conservation Law and a Final Forest Conservation Plan, including a variance for impacts and removal of certain trees otherwise required to be protected. The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No.420102130) was approved on July 15, 2010 and identifies the environmental constraints and forest resources on the Subject Property. The Subject Property contains 22.6 acres of forest. There are 159 trees identified with a Diameter at Breast Height (DBH) of 24 inches or greater that are located on or within 100 feet of the property boundary.

The Application is subject to Section 22-A12(f), which requires that onsite forest retention must equal the conservation threshold of 20%, or 5.97 acres. The Forest Conservation Plan (FCP) reviewed by the Planning Board proposes to clear approximately 15.00 acres of existing forest and to retain approximately 7.60 acres of forest thereby meeting this requirement. Of the remaining forest, 5.03 acres will be protected through dedication to M-NCPPC Parks and the remaining 2.57 acres will be protected in a Category I conservation easement. The WSSC pump station sewer line easement area was deducted from the net tract area as was the forest within it. Any forest removal in the easement will be

accounted for by those who must build the sewer line in the future. The FCP includes also includes 0.07 acres of offsite area that will be disturbed as part of the Application. There is a 2.12-acre reforestation requirement that will be met by a combination of onsite reforestation (0.50 acres), onsite landscape credits (0.12 acres), and an offsite forest bank (1.50 acres).

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. A variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as a 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 ("Protected Tree").

The Application will require the removal of seventeen (17) Protected Trees, and impact, but not remove, 10 other Protected Trees. Under Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Planning Board made the following determination based on the required findings that granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the specified trees are due to the development of the property. The Subject Property contains numerous large trees located within the developable area of the site and within the Master Planned road rights-of-way. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this applicant.

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

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, Master Plan recommendations, and the development standards of the R-200 zone.

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

The need for a variance is a result of the existing conditions, the proposed site design and layout on the subject property, and fulfillment of Master Plan objectives.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. Reforestation and landscaping proposed on the site will replace the functions currently provided by the subject trees. In addition, MCDPS has found the stormwater management concept for the proposed project to be acceptable. The stormwater management concept incorporates Environmentally Sensitive Design.

The Planning Board finds that, with the conditions of approval, the Application complies with the Forest Conservation Law and that the Application protects all identified sensitive environmental features.

- 5. All storm water management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Section 19-20 through 19-35.*

This finding is based in part upon the approval by MCDPS of a Special Protection Area Water Quality Plan that addresses site performance goals, stormwater management, sediment and erosion control and monitoring of Best Management Practices.

As part of the requirements of the Special Protection Area law, the Water Quality Plan must also be reviewed by the Planning Board to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

The Planning Board determined that the 4.53 acres of streams, wetland, and associated environmental buffer areas will be adequately protected by dedication to MNCPPC – Parks. The Board also determined that SPA forest conservation and planting requirements are satisfied with the approval of the Forest

Conservation Plan. The Board was also satisfied that the imperviousness shown on the Application has been reduced and minimized to the extent possible for a development in the R-200 zone using the MPDU optional method of development.

6. *With the approval of the Subdivision Regulations Waiver below, the approved lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated in the Staff Report).*

Size: The existing lots range in size from 23,500 square feet to 86,613 square feet. The Application's lots range in size from 16,685 square feet to 23,527 square feet. As discussed in the Subdivision Regulation Waiver section, two lots, Lots 4 and 5, Block B, are the smallest in the Neighborhood. In this instance, the lots could be made larger in such a way that they are within the range of existing lot sizes and of the same character with the Neighborhood lots. However, as the Staff Report concluded, this would require that forest easements be placed on the rear of these two lots, rather than the separate HOA parcel that is now to the rear of Lots 4 and 5, Block B. In the review of the FCP, the Board stated that it is a preference to create the HOA parcel so that the easements are on a quasi-public property, rather than on private property. The Board is aware of the conflict that this creates, and determined that the Subdivision Waiver is appropriate to address the size criteria of the resubdivision analysis.

Frontage: At the street frontage, the width of existing lots range from 42 feet to 220 feet. For the Tapestry project, the proposed lots 1-5, Block B range in frontage width from 42 feet to 116 feet. The lots are similar in frontage width as the existing lots within the Neighborhood and of the same character.

Alignment: The existing lots are either perpendicular or radial to the street line. The lots will be either perpendicular or radial to the street and, therefore, of the same character.

Shape: There is a fairly wide variation in lot shapes in the existing Neighborhood with rectangular and pie shaped lots. The lots also are all either rectangular or generally pie shaped and are of the same character.

Width: The existing lots range in width at the building restriction line from 100 feet to 220 feet. The lots range in width from 100 feet to 124 feet. The lots fall within the range of widths in the Neighborhood. The lots are of the same character with respect to width.

Area: The buildable areas of lots in the Neighborhood range from 8,089 square feet to 64,246 square feet. The lots range in buildable area between 11,153 square feet and 17,062 square feet. The buildable areas of the lots are well within the range of areas for the existing lots in the Neighborhood, and are, therefore, of the same character.

Suitability for Residential Use: The existing and the lots shown on the Preliminary Plan are zoned residential and the land is suitable for residential use.

7. Subdivision Regulation Waiver

The Planning Board considered a Subdivision Waiver request from the Applicant to address a compliance issue with one of the seven resubdivision criteria for this Application. As discussed in the Resubdivision section above, proposed Lots 4 and 5, Block B are two of the five lots shown on the Preliminary Plan that are analyzed under the resubdivision criteria because they are located on land shown on a record plat. Since Lots 4 and 5, Block B, are the smallest in size as compared to other lots in the "resubdivision neighborhood," they technically are not of the same character with respect to the existing lots to which they are compared. Historically, creating the smallest lot(s) by a resubdivision has been reason for the Board to find that such lots are not of the same character, even though they meet all six other resubdivision criteria.

The Applicant requested a waiver of Section 50-29(b)(2) to waive the size criteria only, for Lots 4 and 5, Block B. The Planning Board's authority to waive requirements of Chapter 50 is found in Section 50-38 – *Waivers from this chapter*, which states:

The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.

The Applicant's letter suggests that practical difficulties and unusual circumstances exist that prevent full compliance with the requirements of the resubdivision analysis, specifically the size requirement for Lots 4 and 5, Block A. To summarize the Applicant's letter, the size of Lots 4 and 5, Block B, represent the two smallest lots in the Neighborhood that was analyzed to evaluate the resubdivision. They are the smallest in order create an HOA parcel to the rear of the lots so to address a Planning Board practice that discourages forest easements on private lots. The Applicant's letter highlights the fact that the

prohibition against easements on private lots is a Planning Board "policy" not based in law. The Staff Report notes that the Applicant was advised of the Board's opposition to such easements on private lots during the review of the Application, and that it was suggested that the Planning Board has a preference to avoid forest easements on lots, in close proximity to homes. The Applicant obliged and the conflict with the resubdivision "size" criteria has remained an issue, for which the Applicant submitted the waiver request.

The Planning Board determined that there is a practical difficulty created in which two competing factors, one a practice and the other a regulation conflict. By addressing the Planning Board's concerns with forest easements on private lots, the Application cannot comply completely with the Subdivision Regulations. The Planning Board understood that if the affected lots were to "absorb" the corresponding areas of the adjacent HOA parcels, the lots would be of sufficient size to meet the resubdivision criteria and this Subdivision Waiver would not be necessary. However, the Planning Board determined if the lots were enlarged, and the easements were on lot, the proximity of the easement to the rear of the homes would likely create conflicts for future homeowners. The Board supported consideration of the Subdivision Waiver to avoid this situation.

The Planning Board determined that the waiver is the minimum necessary to provide relief from the resubdivision size requirement; that it is not inconsistent with the General Plan, and not adverse to the public interest. The Board determined that the waiver is the minimum necessary to provide relief and that the Application would fully comply with Chapter 50 if the waiver was granted. Further, the Board was satisfied that the house location on each of the two lots would likely remain unchanged whether the waiver is granted or the lot is enlarged. Visually there would be no difference to the general public.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 19 2021 (which is the date that this Resolution is mailed to all parties of record); and

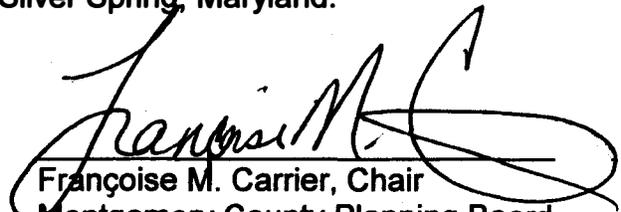
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 11, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

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Tapestry
Item #6
May 30, 2013
Speaker Sign-up Sheet

No.	Name & Phone Number	Email	Organization & Address	Time
1	Bob Spalding	bspalding@millerandsmith.com	Miller and Smith 8401 Greensboro Drive Suite 450 McLean, VA 22102	15
2	Phil Isaja		Soltesz, Miller and Smith 2 Research Place Rockville, MD 20850	
3	Larry Gordon Atty for Miller and Smith		Schulman Rogers Miller and Smith Rockville, MD 20850	
4	Keely Lauretti consultant to Miller & Smith		Soltesz, Miller and Smith 2 Research Place Rockville, MD 20850	
5	Karina Peterson 240 380 9371		21916 Greenbrook Drive Boyd MD 20841	5
6				
7				
8				
9				
10				
11				
12			TOTAL	20



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

MCPB No. 13-85
Site Plan No. 820050370
Tapestry
Date of Hearing: May 30, 2013

JUL 19 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on May 4, 2005, Miller and Smith at Tapestry, L.L.C., ("Applicant"), filed an application for approval of a site plan on 38.82 acres of land in the R-200 zone, located on the west side of Frederick Road and on the north and south sides of West Old Baltimore Road, in the Clarksburg Policy Area and Clarksburg Master Plan and Hyattstown Special Study Area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820050370, Tapestry; and

WHEREAS, following review and analysis of the application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 13, 2007, setting forth its analysis and recommendation for approval of the application, subject to certain conditions; and

WHEREAS, on July 26, 2007, the Planning Board held a public hearing on the application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the application; and

WHEREAS, at the hearing the Planning Board voted to accept a request by the Applicant to defer action on the application to address concerns related to the layout of the lots shown on the preliminary plan; and

WHEREAS, on February 10, 2012, the Applicant filed a revised application for approval of a site plan on 30.33 acres of land in the R-200 zone, located on the west side of Frederick Road and on the north and south sides of West Old Baltimore Road, ("Subject Property") in the Clarksburg Policy Area and Clarksburg Master Plan and Hyattstown Special Study Area, ("Master Plan"); and

Approved as to
Legal Sufficiency:


8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, the revised site plan was designated Site Plan No. 820050370, Tapestry ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 20, 2013, setting forth its analysis and recommendation for approval of the Application; and

WHEREAS, on May 30, 2013, the Planning Board held a public hearing on the Application, and at the hearing heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board approves the Site Plan No. 820050370 to create 67 lots, with 57 one-family detached units, and 10 single family semi-detached units as 10 MPDUs on the Subject Property, subject to the following conditions:¹

Conformance with the Tapestry Preliminary Plan

1. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for Preliminary Plan No. 120050950.

Environment

2. Forest Conservation & Tree Save
The Site Plan must comply with the conditions of approval for the Final Forest Conservation Plan No. 820050370, approved as part of Preliminary Plan No. 120050950.
3. Stormwater Management
The proposed development is subject to the SPA Preliminary/Final Water Quality Plan conditionally approved by a MCDPS letter dated April 1, 2013 and as approved by the Planning Board with Preliminary Plan No. 120050950.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

4. Noise Mitigation

- a) Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
 - i. The location of the noise mitigation techniques to attenuate current and/or proposed noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes and areas of common outdoor activity are adequate.
 - ii. The building shell for residential dwelling units to be constructed within the projected 60 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If any changes occur to the plan that affect the validity of the noise analysis dated December 18, 2011 and subsequent addendums dated May 16, 2012 and October 17, 2012, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.
- c) Applicant/developer/builder to certify that they will construct the noise-impacted units and noise mitigation fences/walls in accordance with the recommendations of the engineer who specializes in acoustical treatments.

Parks, Open Space, and Recreation

5. Common Open Space Covenant

The Record Plat(s) must reference the Common Open Space Covenant recorded at Liber 28045, Folio 578. The Applicant must provide verification to the M-NCPPC staff prior to issuance of the 48th building permit that Applicant's recorded Homeowners Association Documents incorporate the Covenant by reference.

6. Recreation Facilities

- a) Meet the requirements for all of the proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) Provide all of the recreation facilities and elements included in the Site and Landscape Plans, including: the dedicated Park, preserved HOA wooded areas, 1 tot lot, 1 play lot, 2 picnic/sitting Areas, 1 open play area II, 1 pedestrian system, 1 nature trail system, and the natural areas.
- c) Dedicate the 5.15 acre Park, Parcel G, to the M-NCPPC, in compliance with requirements of the Department of Parks.

Transportation & Circulation

7. Transportation

- a) The development is limited to 67 residential units (57 one-family, market rate, detached units, and 10 semi-detached MPDUs).
- b) Required improvements for the MD 355 and West Old Baltimore Rd. intersection segments must comply with conditions of the Preliminary Plan and be included in the Certified Site Plan.

Density & Housing

8. Moderately Priced Dwelling Units (MPDUs)

- a) The development must provide 14.5 % of the total number of units as MPDUs consistent with the requirements of Chapter 25A. The Applicant is providing 67 total units including 10 MPDUs with a 20 percent density bonus.
- b) The MPDU Agreement To Build must be executed with DHCA before the issuance of any building permits by the MCDPS.
- c) The site locations of the MPDUs must follow the plans as proposed with 6 MPDUs north of West Old Baltimore Road and 4 MPDUs south of West Old Baltimore Road.
- d) The Applicant must provide two dedicated off-street parking spaces for each MPDU unit.
- e) The Applicant must provide, at the time of the Offering Agreement submission to DHCA, illustrative architectural elevations of the MPDUs to demonstrate architectural compatibility with adjacent market rate units.
- f) All of the proposed 10 MPDUs must be provided on-site.

Site Plan

9. Site Design

- a) Provide sidewalk ramps in accordance with MCDPS approvals.
- b) For the private access alleys/roadways provide a minimum roadway paving width of 20 ft.

10. Landscape Elements

- a) Provide and install all site landscape elements as included in the Site and Landscape Plans.
- b) Prior to approval of the Certified Site Plan complete the final design of the monumental signage located at the MD 355, West Old Baltimore intersection frontage.

11. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All on-site down-light fixtures must 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 for lighting located outside of right-of-ways must not exceed 0.5 footcandles at property lines abutting residential properties.
- e) The height of the light poles above grade shall not exceed 14 feet including the base.

12. Landscape Surety

Provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant phase of development. Surety to be posted prior to issuance of first building permit within each relevant phase of development and shall be tied to the development program.
- b) Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c) Completion of plantings by phase to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d) Provide a Site Plan Surety & Maintenance Agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

13. Development Program

Construct the proposed development in coordination with the intersection of MD 355 and West Old Baltimore Road in accordance with a development program. The development program must include the following items:

- a) Satisfy the requirements for the West Old Baltimore Road/MD 355 intersection in accordance with the conditions of the Preliminary Plan.
- b) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- d) On-site recreational facilities, associated landscape planting, and site elements such as sidewalks, benches, picnic tables and trash receptacles must be installed and completed as each adjacent section of development is completed.
- e) Provide each section of the development with necessary roadway access meeting County MCDOT and MCDPS requirements.
- f) The development program must provide phasing of dedications, installation of landscaping, street lighting, utilities including the WSSC sewer system and pump station, stormwater management, sediment and

erosion control, afforestation, and other features as included within the Site Plan.

14. Certified Site Plan

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

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b) Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Modify data table to reflect development standards enumerated in the staff report.
- d) Include all details necessary to meet requirements as proposed by the Applicant's Noise consultant.
- e) Ensure consistency off all details and layout between site plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Tapestry plans stamped "Received" by The M-NCPPC on May 20, 2013 shall be required, except as modified by the above conditions of approval; and

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

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

This project is not subject to a development, diagrammatic, 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 Site Plan meets all of the requirements for the R-200 Zone with MPDUs under Sec. 59-C-1.62, as summarized in the following Data Table, and as allowed under permitted unit types within this zone.

Development Standard	Zoning Ordinance Required/Allowed	Approved Standards
<ul style="list-style-type: none"> ▪ Gross tract area ▪ Dedication (west side of MD 355, 120 ft. ROW) ▪ Useable area 	NA Deduct for useable ac. NA	30.33 acres <u>2.27 ac.</u> 28.06 ac. useable
<ul style="list-style-type: none"> ▪ Maximum Density (with 28.06 acres useable) ▪ Maximum Bonus w/MPDUs ▪ Minimum MPDUs (based on a maximum of 67 units provided) 	68 units (2.44 DUs/acre) 22% 10 MPDUs (14.5%)	67 units (2.38 DUs/Acre) 19.4% or 20% 10 MPDUs (14.9%)
<ul style="list-style-type: none"> ▪ One-family detached ▪ One-family semidetached ▪ Maximum percentage of semi-detached units 	NA NA 40.0%	57 units 10 units 14.9%
<ul style="list-style-type: none"> ▪ One-family detached ▪ One-family semi-detached ▪ Minimum lot width for a one-family detached unit at street line 	6,000 minimum 3,500 minimum 25 feet	6,000 minimum 3,500 minimum 25 feet minimum
<ul style="list-style-type: none"> ▪ From street (front and side all units) ▪ From subdivision boundary (rear all units) ▪ From subdivision boundary (side all units) ▪ From rear (accessory detached structures) ▪ From any property line (Noise fence (>6.5')) 	25' 20' min. rear yard or equal to adj. zoning 12' N/A N/A	25' 20' min. rear yard or equal to adj. zoning N/A 5' 0 feet
2,000 square feet per one-family attached unit	0.46 acres (10 units = 20,000 square feet)	23.05 acres (76%)
<ul style="list-style-type: none"> ▪ One-family detached or semi-detached units ▪ Accessory building 	40 feet (3 stories) 25 feet (2 stories)	40 feet (3 stories) 25 feet (2 stories)
<ul style="list-style-type: none"> ▪ 31 one-family detached front load (2 per/du) ▪ 26 one-family detached rear load (2 per/du) ▪ 10 one-family semi-detached (2 per/du) ▪ Visitor on street ▪ Visitor off street ▪ Total 	62 52 10 garage/10 off street 134	124 52 20 17 29 242 (avg. 3.61/d.u.)

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

Locations of Buildings and Structures

The residential units and structures are efficiently and appropriately located on the site in response to:

1. The two north and south areas required by the east-west alignment of the dedicated 80 ft. right-of-way of West Old Baltimore Rd. that bisects the site.
2. The unique configuration of the site consisting of the triangular shape of the north portion, and the south portion divided into two segments linked by a somewhat narrow land area adjacent to and parallel to West Old Baltimore Rd.
3. The primary design objective of fronting all of the residential units to public right-of ways.
4. The design, location, and area requirements of the proposed new intersection at West Old Baltimore Rd. and Frederick Rd., MD 355. This intersection as proposed requires a minimum distance of approximately 290 ft. from the centerline of the future MD 355 right-of-way to the centerline of the first intersecting internal street, Street B.
5. Internal access roads, with ingress and egress at West Old Baltimore Rd., consisting of: Street A at the northwest portion of the Property; Street B at the southeastern portion, and Street C at the southwest area.
6. Preservation of a significant amount of internal open space including buffers and forested areas, and the 5.15 acre "Parcel G" M-NCPPC Park Dedication at the southeast portion of the Subject Property.

The internal roadways with street-fronting residential units are located efficiently on the separated geometry of the site. The plan contains woodland buffer areas and significant internal open space areas that provide separation of the units throughout the site. The location of the residential units directly fronting and near Frederick Road, MD 355 will provide an attractive, green, and very appropriate gateway entry sequence for vehicles traveling north from Germantown into Clarksburg. The MD 355 streetscape will also present an attractive, largely green frontage for southbound vehicles. The residential units that will directly front the north and south sides of West Old Baltimore Road will also be well located and spaced and will provide an attractive east-west gateway at the center of the Tapestry development.

Open Spaces

The plan as proposed will include 76% of the total site area as green space. The southeast portion of the development will preserve an extensive portion of the MD 355 frontage as woodlands and open space, providing a green, low density gateway entry to Clarksburg.

The overall plan preserves sensitive environmental areas and significant areas of woodlands while also accommodating right-of-way dedications, utility easements, including a required WSSC structure, and a 5.15 ac. Park Dedication on Parcel G.

The intersection gateway from MD 355 to West Old Baltimore Road will include over an acre of open, landscaped streetscape frontage.

An open and landscaped park is located in the north central area of the site. Open play and seating areas are included in this HOA Parcel D area. North of this Park, a wooded area, HOA Parcel C, abuts the MD 355 frontage, providing a green buffer at the Street A cul-de-sac.

An open landscaped area at MD 355 together with a wooded buffer at the north corner of the Subject Property, abutting the Goddard School site, will provide an attractive streetscape.

Landscape Design and Lighting

The Landscape and Lighting Plan includes a generous commitment for installation of: deciduous streetscape trees along both sides of the dedicated frontages of West Old Baltimore Road, and along the frontage of the MD 355 ROW dedication; deciduous trees, well-spaced, along both sides of each of the internal public roadways; and an adequate spacing of street lighting standards throughout the project. The Landscape Plans includes wood fencing provided in locations necessary to meet the consultant's findings of the noise impact analysis.

Recreation Facilities

As shown in the Staff Report, the recreational facilities provided on-site will be adequate as shown on the Applicant's demand and supply calculations for the proposed on-site recreation facilities. Eight recreational facilities are provided on site for the Tapestry project: a tot lot, play lot, open play area, pedestrian system, nature trails system, natural area, and two picnic/seating areas.

Pedestrian and Vehicular Circulation

Pedestrian Circulation - Sidewalks and pathways are integrated throughout the development. Sidewalks are provided on both sides of each of the three major internal streets. The Master Plan required 8-foot shared use pathway will be constructed along the MD 355 frontage. Sidewalks will be constructed along the full frontage at both sides of the dedicated right-of-way of West Old Baltimore Road. These pedestrian facilities, within the Tapestry project and adjacent roadway right-of-ways, will allow pedestrian circulation within the project area and neighborhood.

Bikeway at MD 355 - The Applicant and the County will jointly implement the Master Planned 8 ft. shared use path on the Tapestry frontage of MD 355. As shown on the Site Plan, the Applicant will be responsible for the segment from the northern most

Tapestry frontage to a point opposite Greenbrook Drive. The County will complete the remaining segment to the south Subject Property line and beyond as part of a CIP project approved for MD 355.

Vehicular Circulation/Site Access Plan and Facilities - The reconfigured and reconstructed MD 355 and West Old Baltimore Rd. intersection and improvements to West Old Baltimore Rd. will result in three points of access for the development to West Old Baltimore Rd: one on the north side, Street A, with a 60-foot public ROW; and two on the south side, Street B, with a 60-foot public ROW, and Street C with a 54-foot ROW. These three site access locations are well spaced and provide a distribution of vehicle trips and turning movements at adequate distances from the West Old Baltimore Rd. and MD 355 intersection.

Street A provides access to all 36 residential units located north of West Old Baltimore Road, with: 16 single family detached units fronting the cul-de-sac portion and with 20 units accessed from a private alley that accesses rear yard garages. The alley ways are 28 ft. wide and provide on street parking in addition to rear lot garage parking. The 31 units south of West Old Baltimore Rd. will be provided access by Streets B and C.

The intersection locations of the three new streets on West Old Baltimore Rd. are spaced in response to the geometry of the Subject Property and the operational requirements of the intersection. Due to the required minimum distance from the MD 355 intersection, turning movements at the Street B intersection will be restricted by a median in West Old Baltimore Rd. to prohibit left turns for vehicles approaching from the east (MD 355). These vehicles must proceed to Street C to make a left turn into the development. The roadway width and design has been approved by MCDOT and it will be adequate, safe and efficient for these required directional trips.

The Tapestry residential project and the required intersection improvements will be managed and constructed as one overall neighborhood development. The Applicant has provided design and preliminary engineering input for the intersection. MCDOT and MDSHA will provide final design coordination and will construct the intersection.

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

The structures and uses proposed are well spaced internally and are compatible with other uses and site plans, and with existing and proposed adjacent development.

Compatibility at MD 355 and West Old Baltimore Road

At MD 355, 68.5% of the streetscape frontage is comprised of proposed parkland and open space. The locations, spacing, and limited number of residential units fronting both MD 355 and West Old Baltimore Rd. will provide well designed, attractive circulation gateways adjacent to and through the project.

Compatibility at Northwest Property Line

The retention of existing wooded areas at the site's north boundary adjacent to the Goddard School, and along the eastern boundary of the adjacent Musgrove's Addition at Neelsville Subdivision (Ruby Drive lots), provide an appropriate buffer between the Tapestry Property and these two developments. The Tapestry residential units (Lots 1-10) along this northwestern property line are well sized and spaced, providing internal compatibility among the units fronting Street A.

Compatibility at Southwest and South Property Areas

The large residential lots (Lots 1-5) in the southwest area of the Tapestry Property are sized to be compatible with the adjacent Beau Monde Estate subdivision to the west and south. The Preliminary Plan analysis addresses the resubdivision criteria and the lot size waiver for the two smallest lots in this group (Lots 4 and 5) that would also be the smallest in this designated neighborhood. Both of these lots are relatively large, at 18,765 sq. ft. and 16,685 sq. ft., without inclusion of the forested open space area to the east of the rear yards. The remaining entire southeastern Tapestry Property frontage abuts the large forested greenway, a significant amenity that extends to Black Hill Regional Park to the southwest.

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

The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection as described in the Preliminary Plan Findings.

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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 19 2013 (which is the date that this resolution is mailed to all parties of record); and

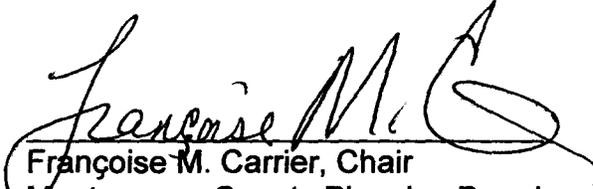
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 11, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

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Tapestry
Item #6
May 30, 2013
Speaker Sign-up Sheet

No.	Name & Phone Number	Email	Organization & Address	Time
1	Bob Spalding	bspalding@millerandsmith.com	Miller and Smith 8401 Greensboro Drive Suite 450 McLean, VA 22102	15
2	Phil Isaja		Soltesz, Miller and Smith 2 Research Place Rockville, MD 20850	
3	Larry Gordon Atty for Miller and Smith		Schulman Rogers Miller and Smith Rockville, MD 20850	
4	Keely Laretti consultant to Miller & Smith		Soltesz, Miller and Smith 2 Research Place Rockville, MD 20850	
5	Karina Peterson 240 380 9371		21916 Greenbrook Drive Boyd MD 20841	5
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TOTAL				20

