



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 8

MEMORANDUM

DATE: July 26, 2002
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief
Development Review Division
FROM: Larry Ponsford AIA, AICP, Supervisor **LRP**
Planning Department Staff
(301) 495-4576



REVIEW TYPE: Site Plan Review (AMENDMENT)
APPLYING FOR: Approval of 156 d.u.'s, including 32 MPDU's, 3 detached dwellings and 121 townhouses on 19.32 net acres
PROJECT NAME: Magruder Park
CASE #: 8-92010A
REVIEW BASIS: Sec. 59-D-3, M. C. Zoning Ordinance
ZONE: RT-6
LOCATION: SE quadrant, Ridge Road (MD #27) and Oak Drive
MASTER PLAN: Damascus
APPLICANT: Magruder Park L.C.
FILING DATE: 7/12/02
HEARING DATE: 8/1/02

STAFF RECOMMENDATION: Approval of 156 d.u.'s, including 32 MPDU's, 3 detached dwellings and 121 townhouses on 19.32 net acres, with the following conditions:

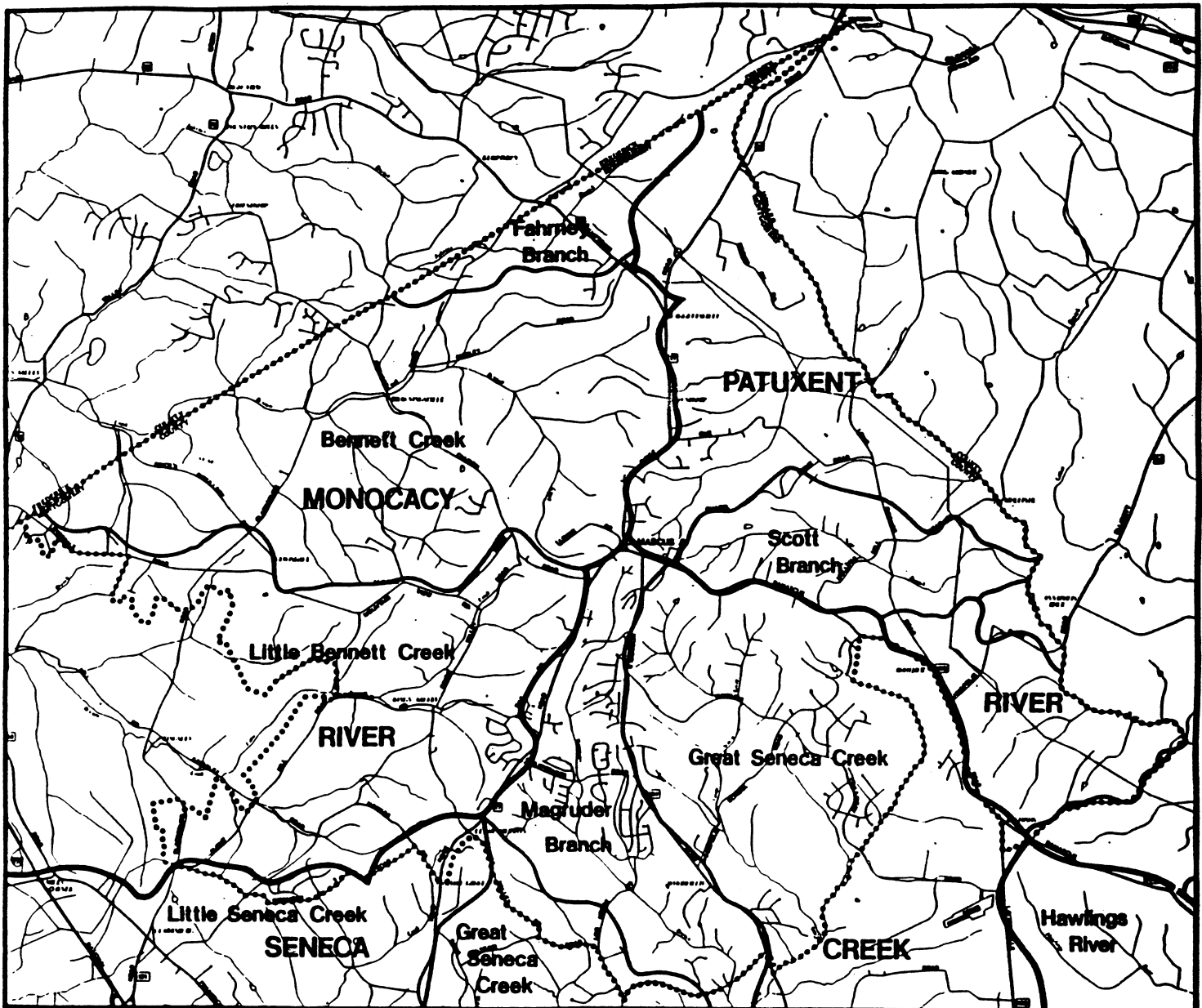
1. Standard Conditions dated October 10, 1995, Appendix A
2. Conditions of Environmental Staff memo dated July 25, 2002
3. Record plats to reflect delineation of a Category I Conservation easement which includes the stream/wetland buffers and forest conservation areas, as shown on the site plan.
4. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
5. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
6. Final design of the stormwater management pond must be submitted to Environmental Planning and Parks Department staff for review and comment prior to MCDPS approval.

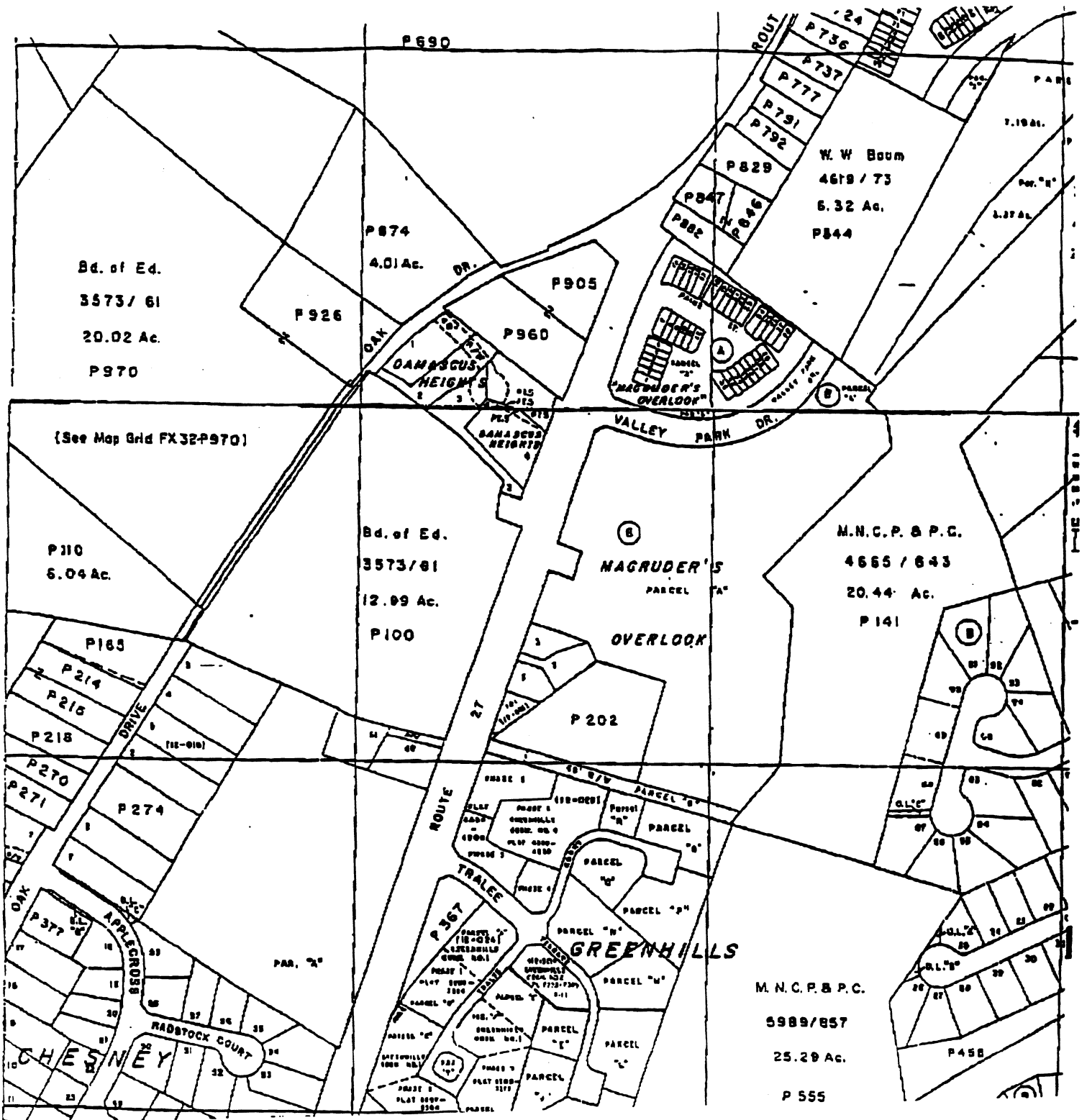
SUMMARY

The amendment would change the unit type mix from 3 single-family detached, 55 single-family attached and 98 townhouses to 3 detached, 121 towns and 32 MPDU's. The mix change would have qualified for administrative approval, but for the fact that the amendment triggered the need to approve a Forest Conservation Plan, so the FCP and the Site Plan are the subject of this review and hearing.

Issues included the need not to expand the cleared area any more than necessary and the treatment of the frontage along MD #121, in addition to satisfaction of the Recreation Guidelines. There are no outstanding issues.

PROJECT DESCRIPTION: Surrounding Vicinity





Bd. of Ed.
3573/61
20.02 Ac.
P970

(See Map Grid FX32-P970)

P110
6.04 Ac.

Bd. of Ed.
3573/61
12.09 Ac.
P100

M.N.C.P. & P.C.
4665/643
20.44 Ac.
P141

MAGRUDER'S
PARCEL "A"
OVERLOOK

P202

GREENHILLS

M.N.C.P. & P.C.
5989/857
25.29 Ac.
P555

P458

PROJECT DESCRIPTION: Site Description

The property consists of approximately 22 acres located in the Magruder Branch watershed (Use I-P) east of MD Rte. 27 south of Oak Drive. The site is adjacent to the Magruder Branch stream valley park and contains another tributary stream. The stream valleys contain very steep to steep slopes, particularly the stream valley of Magruder Branch where slopes averaging greater than 25 percent extend well onto the subject site. The soils over most of these slopes are severely erodible. The site is mostly forested. The forest is a very good quality oak/hickory woods with other associated hardwood species. There are several wetland areas along the on-site tributary stream.

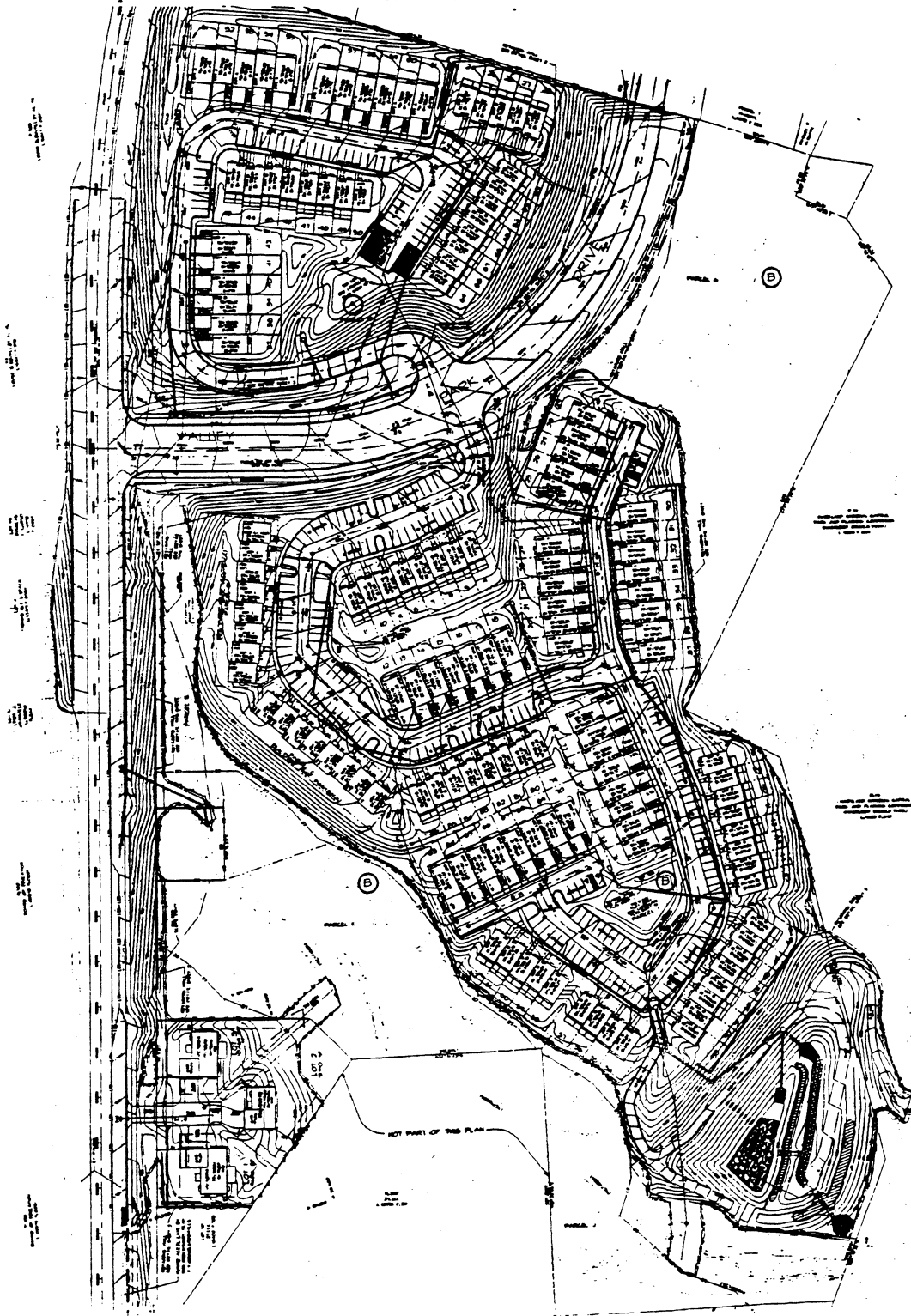
The property has an approved Site Plan, shown below, which is the subject of this amendment.

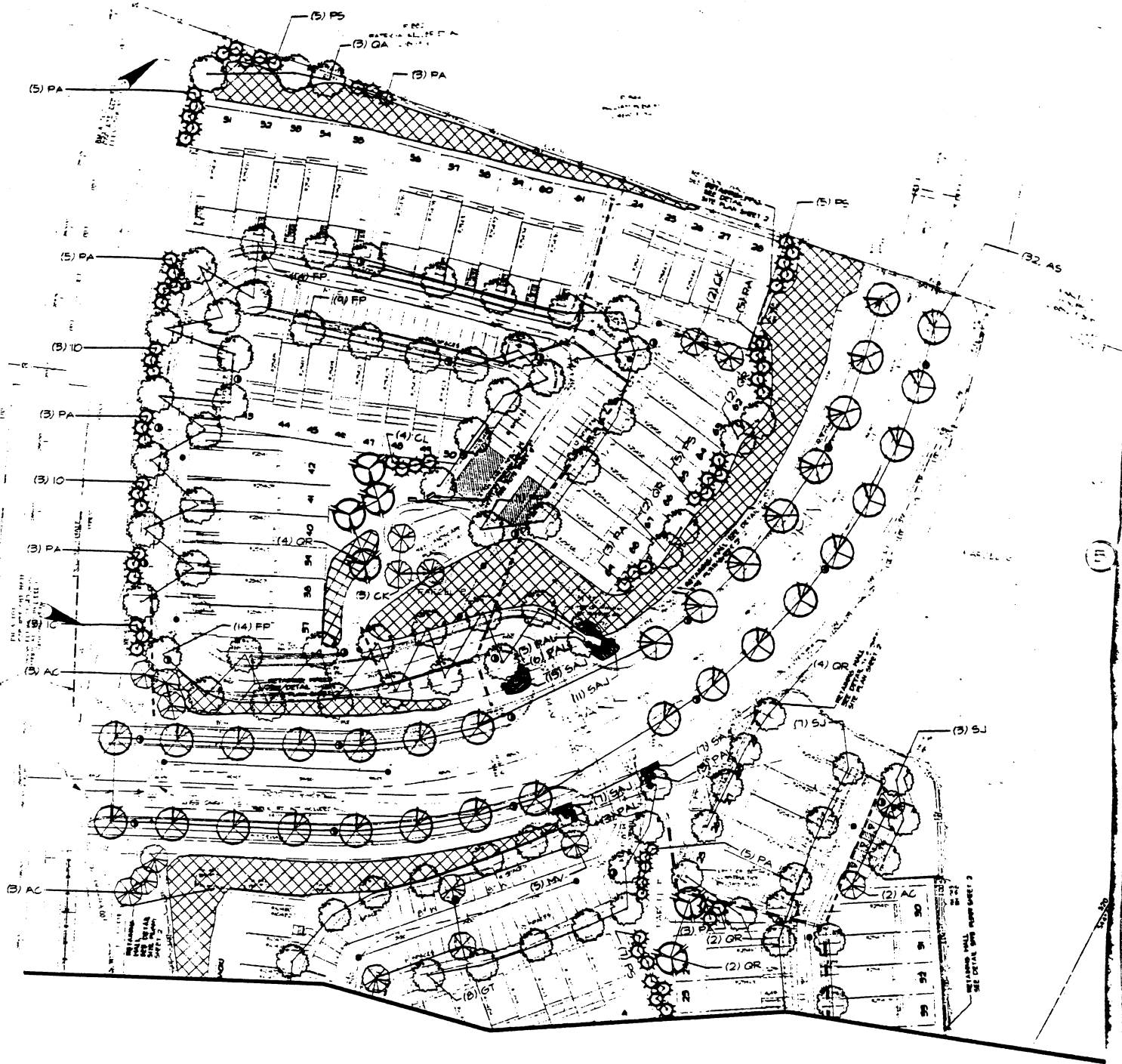
**Existing, Approved Site Plan
To be provided by Applicant
Not supplied at press time**

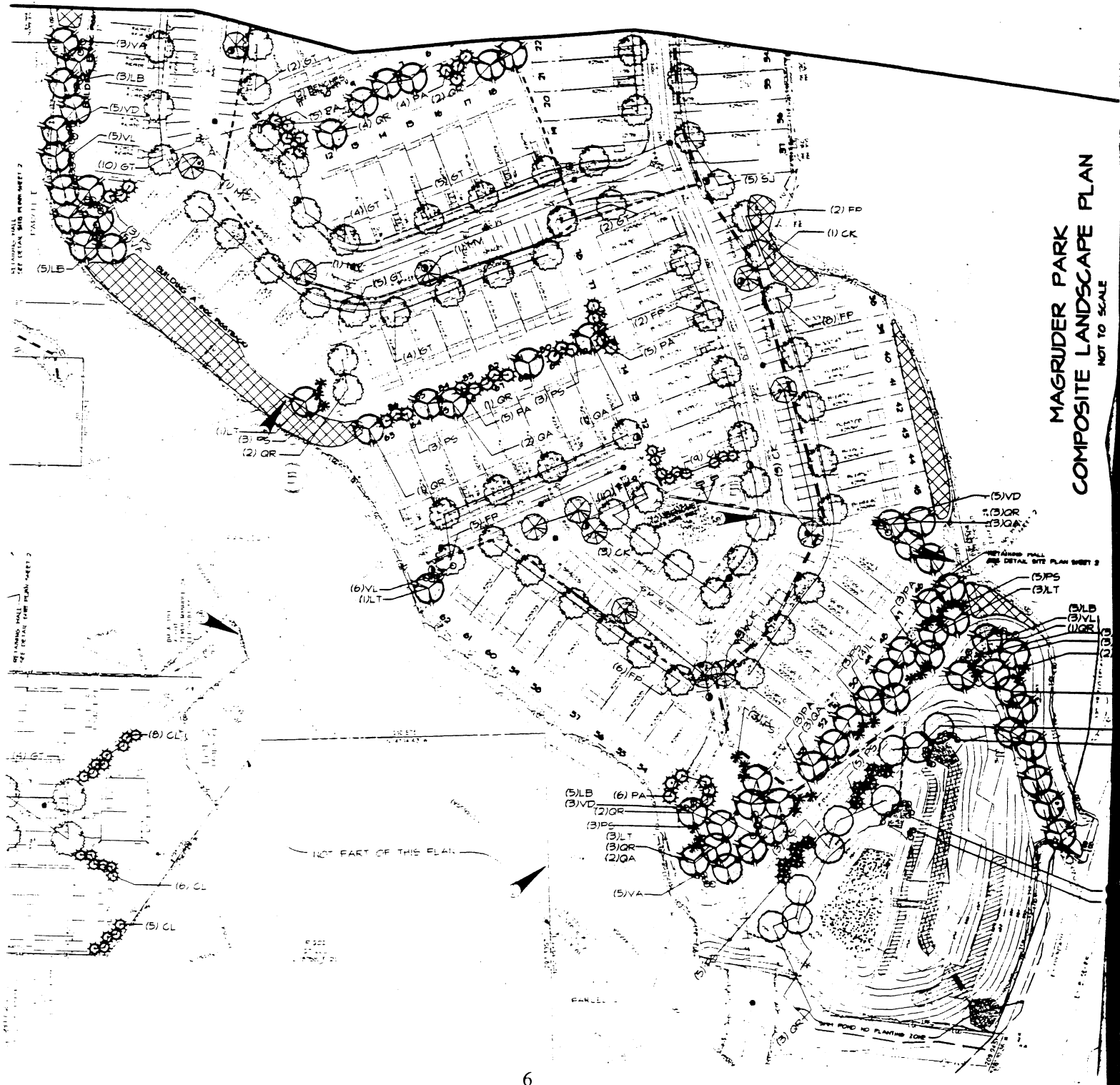
PROJECT DESCRIPTION: Proposal

The amendment would change the unit type mix from 3 single-family detached, 55 single-family attached and 98 townhouses to 3 detached, 121 towns and 32 MPDU's. The mix change alone would have qualified for administrative approval, but the amendment triggered the need to approve a Forest Conservation Plan, so the FCP and the Site Plan are the subject of this review and hearing.

The overall, amended Site Plan appears below, followed by enlarged views of the north and south parts of the Landscape Plan/Forest Conservation Plan.



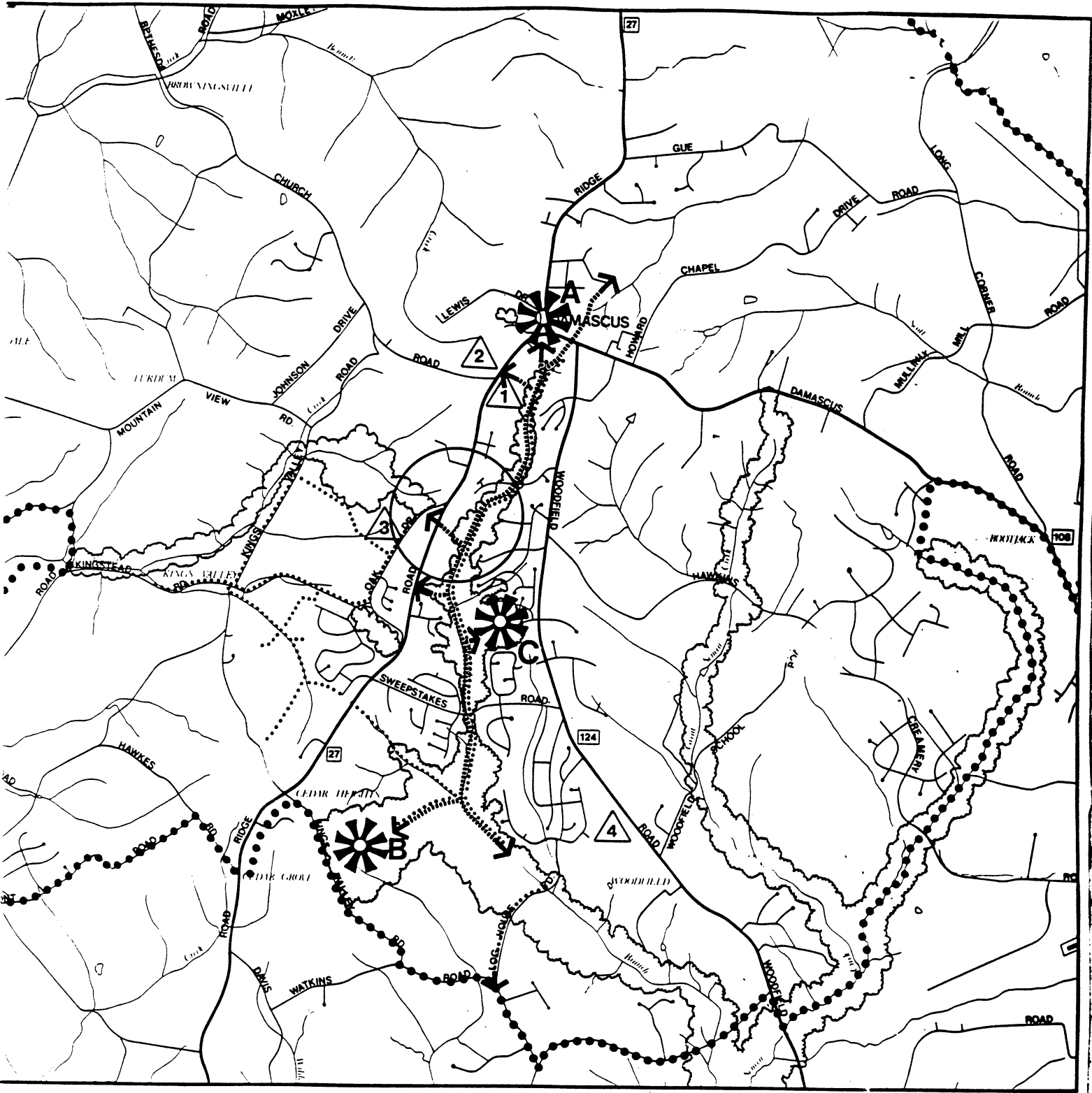




MAGRUDER PARK
COMPOSITE LANDSCAPE PLAN
NOT TO SCALE

ANALYSIS: Conformance to Master Plan

The feature relevant to this Amendment is the Magruder Valley trail, shown on the following Master Plan map. This trail makes possible the inclusion of recreation facilities provided in the nearby Moyer Road Park.



JOB NAME/NUMBER:

Macgruder Park 150036

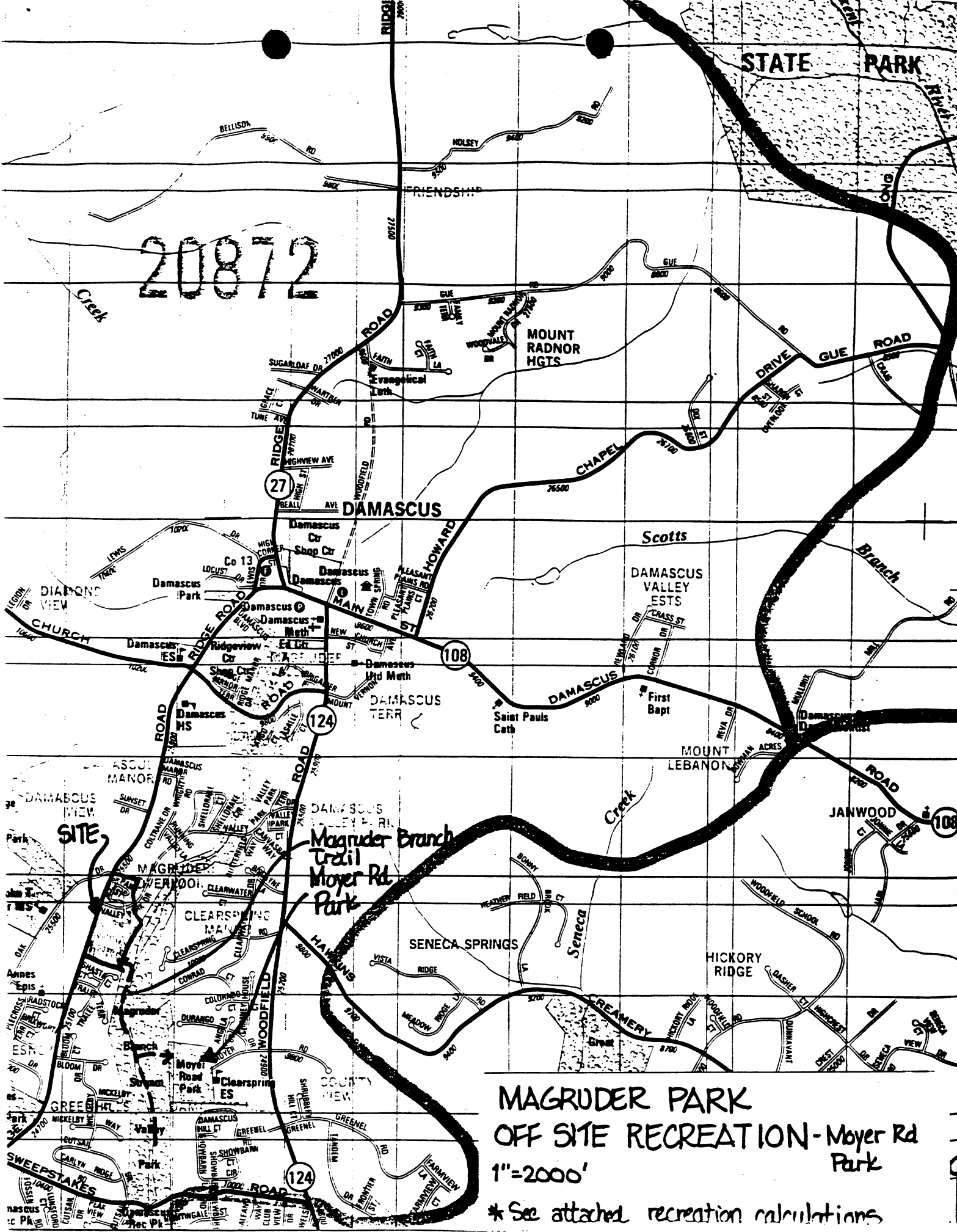
DATE: 6/7/2002

MNCP&PC RECREATION CALCULATIONS

DEMAND CALCULATION					
	D1 TOTS (0-4)	D2 CHILDREN(5-11)	D3 TEENS(12-17)	D4 ADULTS(18-64)	D5 SENIORS(65+)
SFD II	3				
TH	152				
TOTAL DEMAND POINTS					

SUPPLY CALCULATION					
TYPE	TOTS				
	CHILDREN	TEENS	ADULTS	SENIORS	
ON SITE					
TOT LOT(0-6)	9	0	4	1	
MULTI-AGE PLAYGROUND	1	3	7	1	
PICNIC/SITTING	3	1.5	5	2	
BIKE SYSTEM	1	0.15 X D3	0.15 X D4	0.10 X D5	
PEDESTRIAN SYSTEM	1	0.20 X D3	0.45 X D4	0.45 X D5	
NATURAL AREAS	1	0.10 X D3	0.10 X D4	0.05 X D5	
SUBTOTAL SUPPLY POINTS					
OFF SITE					
MULTI-AGE PLAYGROUND	9	3	7	1	
PICNIC/SITTING	1	1.5	5	2	
OPEN PLAY AREA I	6	12	30	2	
VOLLEYBALL	2	3	8	1	
MULTIPURPOSE (IMP) COURT	3	15	10	2.5	
SOCCER-REGULATION	2	20	40	2	
SUBTOTAL OF SUPPLY POINTS 35% OFF ALL DEMAND POINTS					
TOTAL SUPPLY POINTS					

COMPARISON	D1 TOTS (0-4)	D2 CHILDREN(5-11)	D3 TEENS(12-17)	D4 ADULTS(18-64)	D5 SENIORS(65+)	TOTAL
90% OF TOTAL DEMAND						
TOTAL SUPPLY						
DIFFERENCE (%)						



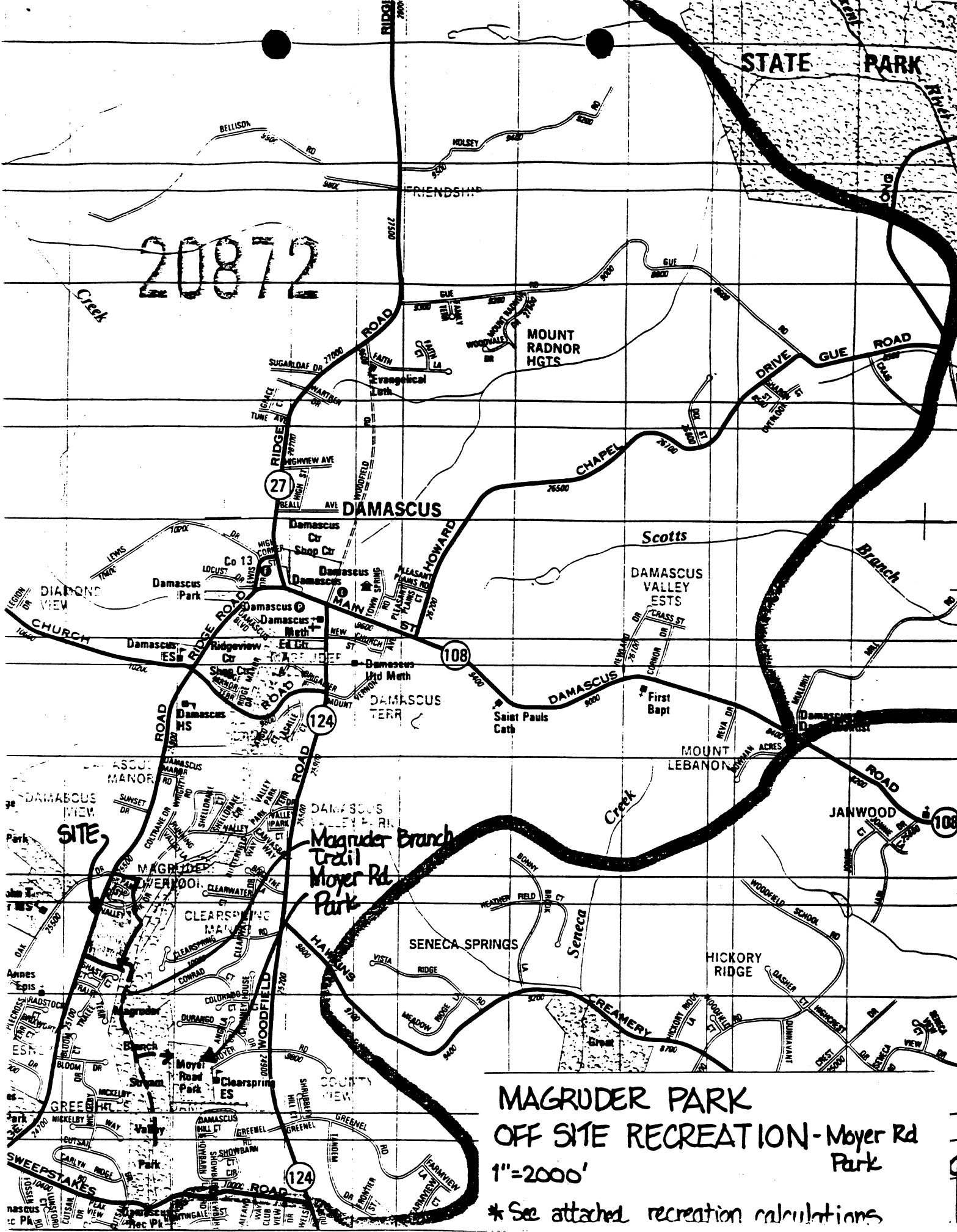
STATE PARK

20872

DAMASCUS

MAGRUDER Branch
Trotter
Moyer Rd
Park

MAGRUDER PARK
OFF SITE RECREATION - Moyer Rd
Park
1"=2000'
* See attached recreation calculations



FINDINGS: For Site Plan Review

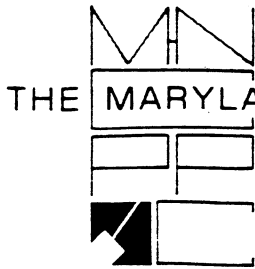
1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required. Not Applicable*
2. *The Site Plan meets all of the requirements of the zone in which it is located.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are 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.*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation and Chapter 17 regarding Water Resource Protection.*

The original site plan predated forest conservation requirements, but this revision is subject to the law since more than an additional 5,000 square feet of forest is being cleared. The revised Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation. The plan includes preservation of 4.15 acres in the stream valleys and provision of 0.69 acres of on-site reforestation planting. The forest conservation areas will be protected by Category I conservation easement. Another 1.27 acres of offsite reforestation planting is also required.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows: keep at least highlighted
 - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 6) Coordination of each section of the development and roads.
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - 8) Phasing of site clearing and grading to minimize soil erosion.
 - 9) Phasing of stormwater management and forest planting.

- b. Site Plan Enforcement Agreement to delineate transportation management program, park maintenance agreement or other requirement of a condition of approval or staff correspondence
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Undisturbed stream buffers as shown on the site plan.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection.
 - d. Forest Conservation areas.
 - e. Location of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas.
 - f. Conditions of DPS Stormwater Management Concept approval letter dated [DATE].
 - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - h. The development program inspection schedule.
 - i. Conservation easement boundary.
 - j. Streets trees [NUMBER] feet on center along all public streets.
 - k. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of lots 43 and 51 north of proposed Valley Park Drive.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.



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

MONTGOMERY COUNTY PLANNING BOARD
OPINION

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Site Plan Review #8-92010
Project: HOC DAMASCUS
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Date Mailed: August 4, 1992

Action: Approval of Site Plan, subject to conditions. Motion was made by Commissioner Richardson, seconded by Commissioner Baptiste, with a vote of 4-0, Commissioners Bauman, Baptiste, Keeney, and Richardson voting for and no Commissioners voting against. Commissioner Floreen was absent.

On April 21, 1992, the Montgomery County Housing Opportunities Commission submitted an application for the approval of a site plan for property in the RT-6 zone. The application was designated Site Plan Review #8-92010.

On July 16, 1992, Site Plan Review #8-92010 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 on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, and which is made a part hereof, the Montgomery County Planning Board finds:

1. the Site Plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The Montgomery County Planning Board approves Site Plan Review #8-92010 as follows:

3 dwellings - one-family detached
98 dwellings - townhouses
55 dwellings - one-family attached

subject to the following conditions:

1. Submit a Site Plan Enforcement Agreement and Development Program for review prior to approval of the initial building permit;

2. The following information must be clearly shown on the signature set of site and landscape plans and must be incorporated into the sediment and erosion control plan for staff review prior to approval by MCDEP:
 - a. Limit of disturbance line;
 - b. Methods of tree protection;
 - c. Note stating that M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - d. Reforestation areas;
 - e. Conservation easement.
3. No clearing or grading without M-NCPPC staff approval prior to Planning Department approval of signature set of plans;
4. Eight-foot paved bicycle path from within site to Magruder Branch hiker-biker trail and other recreation facilities must be completed prior to seventy percent (70%) occupancy of the development;
5. Record covenant regarding HOC maintenance of private streets and open space, assuring that no future application will be made for MCDOT maintenance;
6. Stream valley buffer areas must be placed in conservation easements and easements must be shown on record plats;
7. HOC to provide a dedication or easement along the southern property line for a future hiker/biker trail connection to Ridge Road. Note to appear on site plan and recorded plat calling out future bike path;
8. Noise fence to be provided for rear yards of townhouses in row #2;
9. Landscape plan shall be revised to include evergreen trees and shrubs behind first stick of townhouses along northern property line (approximately 150 feet) for compatibility with existing single-family home;
10. Parks Department to approve final design of stormwater management pond and outfall prior to release of building permit.
11. HOC to have existing WSSC pond fenced if approved by the Soil Conservation District.




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

July 25, 2002

MEMORANDUM

TO: Larry Ponsford
Development Review Division

FROM: Cathy Conlon 
Countywide Planning Division-Environmental Planning

SUBJECT: Magruder Park – Site Plan No. 8-92010a

Recommendation

Environmental Planning staff have reviewed the above-referenced plan. We recommend approval of the plan with the following conditions:

1. Development Program to include a phasing schedule as follows:
 - a. Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - b. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - c. Phasing of site clearing and grading to minimize soil erosion.
 - d. Phasing of stormwater management and forest planting.

2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Undisturbed stream buffers as shown on the site plan.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection.
 - d. Forest Conservation areas.
 - e. Location of stormwater facility and storm drain outfalls away from forest preservation or other environmentally sensitive areas.

- f. Conditions of DPS Stormwater Management Concept approval letter.
 - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - h. The development program inspection schedule.
 - i. Category I conservation easement boundaries.
 - j. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of lots 43 and 51 north of proposed Valley Park Drive.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 4. No clearing or grading prior to M-NCPPC approval of signature set of plans.
 5. Record plats to reflect delineation of a Category I Conservation easement which includes the stream/wetland buffers and forest conservation areas, as shown on the site plan.
 6. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
 7. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
 8. Final design of the stormwater management pond must be submitted to Environmental Planning and Parks Department staff for review and comment prior to MCDPS approval.
 9. Noise fence to be provided for rear yards of lots 43 and 51 north of proposed Valley Park Drive.

Site Conditions

The property consists of approximately 22 acres located in the Magruder Branch watershed (Use I-P) east of MD Rte. 27 south of Oak Drive. The site is adjacent to the Magruder Branch stream valley park and contains another tributary stream. The stream valleys contain very steep to steep slopes, particularly the stream valley of Magruder Branch where slopes averaging greater than 25 percent extend well onto the subject site. The soils over most of these slopes are severely erodible. The site is mostly forested. The forest is a

very good quality oak/hickory woods with other associated hardwood species. There are several wetland areas along the on-site tributary stream.

Discussion of Environmental Findings

Streams, Stream Buffers and Steep Slopes

To protect the steep slopes and erodible soils in the Magruder Branch stream valley, stream buffers were expanded as part of the original site plan approval to include all 25 percent and greater slopes and some adjacent 15-25 percent slopes. There is encroachment into the original buffer proposed as part of this plan amendment. The encroachment occurs mostly on slopes less than 25 percent which are more than 300 feet from the Magruder Branch stream channel. The overall encroachment has been minimized by the use of several substantial retaining walls.

Adequacy of Stormwater Management

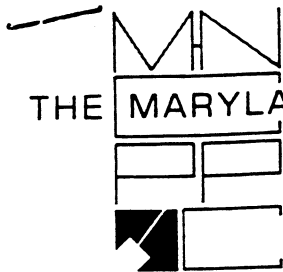
Stormwater management is provided by an on-site water quantity and quality retention facility (dry pond). Since this facility is adjacent to park property and will outfall into the park, a condition had been included in this approval to provide Park staff with an opportunity to review the final design. The outfall will be designed and field located to minimize any impact on park land.

Noise Mitigation

Noise impacts were identified as part of the original plan approval for some of the units along MD Rte. 27. These impacts have largely been eliminated in the new plan through re-orientation of units. This approval recommends provision of noise fencing for the side yards of the two remaining lots which are impacted by road noise.

Forest Conservation

The original site plan predated forest conservation requirements, but this revision is subject to the law since more than an additional 5,000 square feet of forest is being cleared. The revised Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation. The plan includes preservation of 4.15 acres in the stream valleys and provision of 0.69 acres of on-site reforestation planting. The forest conservation areas will be protected by Category I conservation easement. Another 1.27 acres of offsite reforestation planting is also required.



Date of Mailing: August 1, 1991

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

Action: Approved Staff Recommendation
(Motion of Comm. Keeney, seconded by Comm. Richardson,
with a vote of 5-0; Comms. Keeney, Richardson, Bauman,
Baptiste and Floreen voting in favor.)

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-90098
NAME OF PLAN: HOC-DAMASCUS

On 04-05-90, SAME, submitted an application for the approval of a preliminary plan of subdivision of property in the RT6 zone. The application proposed to create 82 lots on 27.95 ACRES of land. The application was designated Preliminary Plan 1-90098. On 7-18-91, Preliminary Plan 1-90098 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 1-90098 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-90098, subject to the following conditions:

APPROVAL, pursuant to Annual Growth Policy
Special Ceiling Allocation for Affordable
Housing, subject to:

1. Agreement with the Planning Board to limit development to 152 single-family attached dwellings and 4 single-family detached dwellings. Applicant to participate in improvements as outlined in the Transportation Division memorandum dated 3-26-91. On site street improvements must be under contract prior to MCPB release of building permits
2. Record plat to contain statement that property is to be developed pursuant to the Annual Growth Policy Special Ceiling Allocation for Affordable Housing
3. Storm drain plan to be provided at site plan for technical staff approval

-continued-

The applicant will provide preliminary horizontal and vertical alignment, grade establishment and conceptual storm drain design for the section of Valley Park Drive off site to be reviewed by DOT and MCPB staff prior to record plat. Final working drawings are not required. Should DOT and MCPB staff be unable to approve the off-site plans after reasonable efforts on the part of HOC, the issue will be presented to the Planning Board for final resolution

5. Dedication of Ridge Road (Route 27) 60' off center line and an 80' right-of-way for Valley Park Drive
6. Access and improvements as required to be approved by MCDOT and MDSHA
7. Record plat to reflect delineation of stream buffer and 100-year floodplain. Conservation easement to be placed over area of stream buffer
8. Number and location of units to be determined at site plan (provide site plan for full build-out)
9. No clearing, grading or recording of plats prior to site plan approval
10. Conditions of DEP stormwater management approval dated 3-5-91
11. Other necessary easements

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