



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 10
MCPB
10/23/03

MEMORANDUM

DATE: October 16, 2003
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief *JRD*
Michael Ma, Supervisor *MM for JRD*
Development Review Division
FROM: Wynn E. Witthans *WW*
Planning Department Staff
(301) 495-4584
REVIEW TYPE: Final Water Quality Plan and Site Plan Review
APPLYING FOR: Approval of 90,009 square feet on 11.40 acres
PROJECT NAME: Traville Parcels I and J
CASE #: 8-03012
REVIEW BASIS: Div. 59-D-3, Montgomery County Zoning Ordinance for Site Plan
Section 19-64 for Final Water Quality Plan
ZONE: MXN
LOCATION: Shady Grove Road 1,500 east of Silver Bell Terrace
MASTER PLAN: Potomac and Vicinity
APPLICANT: Willco Construction
FILING DATE: November 1, 2002
HEARING DATE: October 23, 2003



FINAL WATER QUALITY APPROVAL FOR SPECIAL PROTECTION AREA

STAFF RECOMMENDATION: Approval of Final Water Quality Plan for Site Plan # 8-03012
With the following conditions:

Staff recommends approval of this final water quality plan with the following conditions:

- 1) Conformance with all requirements of DPS approval letter dated March 4, 2003.

2) Compliance with Textual Stipulation #2 on the approved Diagrammatic Plan requiring an imperviousness limit for the entire Traville site of 33% maximum.

3) Approval of Final Forest Conservation plan drawings by time of signature set.

A) Final forest conservation plan worksheet shall be amended accordingly to reflect inclusion of only those areas which equal or exceed forest retention area minimum dimensions of 50' in width and 10,000 square feet in size.

B) Additional stress reduction measures for preserving trees in serpentine formations shall be examined by an ISA certified arborist due to significant documented dieback after construction.

4) If found applicable to this site by County DPS, applicant agrees to voluntarily comply with the County recommendations for asbestos control performance plan in areas of serpentine formations as they may be found on this property.

SITE PLAN

STAFF RECOMMENDATION: Approval of 90,009 square feet on 11.40 acres with the following conditions to be met prior to staff release of signature set:

1. Inter Parcel Connection

a. Applicant to delineate ingress and egress easement (not greater than 50 feet) on record plat in order to accommodate a driveway and sidewalk connection from the southeast corner of the site to the southern property line (Parcel 728) to allow for future inter-parcel connection between this site plan and the adjacent Rickman site per the Master Plan. Ingress/egress easement to be recorded within the land records of Montgomery County.

2. Lighting and Landscaping Plan

- a. Street trees to be located per DPS guidelines of 35 feet on center within the paved section of the streetscape and 40 feet on center elsewhere.
- b. Evergreen hedge to be installed adjacent to Travilah Road.
- c. Shade trees to be located at the perimeters of the parking lot.
- d. Lighting plan for the public street to conform to DPWT guidelines and fixture selections. Applicant to submit detail of the light fixtures for on-site parking lots and pedestrian areas to ensure cut-off features and lack of glare.

- e. Details for bike racks to be shown.

3. Environmental Planning

- a. Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s).
- b. SWM waiver of open section streets within Special Protection Areas per Preliminary Plan Approval.
- c. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

4. Division of Permitting Services

- a. SWM Memo - Conditions of DPS Stormwater Management Concept approval letter dated March 4, 2003.
- a. Streets and Paving Memo – DPS memo dated October 17, 2003.

5. Signature Set Documentation

A. Submit a Site Plan Enforcement Agreement and Development Review Program for review and approval prior to release of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
 - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion buildings adjacent to those streets.
 - 2) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 3) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 4) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 5) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for M-NCPPC technical staff review prior to approval by Montgomery County Department of Permitting Services (DPS):

- a. Limits of disturbance.
- b. Methods and locations of tree protection.

- c. Forest Conservation areas.
 - d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - e. The development program inspection schedule and Site Plan Opinion.
 - f. Conservation easement boundary.
 - g. Streets trees 35-40 feet on center along all public streets.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

SITE PLAN REVIEW ISSUES

I. ISSUE - Access

Providing access to the adjacent Rickman parcel.

The Preliminary Plan Approval #1-97022 approved on September 11, 1997 showed a road "B" located immediately adjacent to the Rickman Parcel at the edge of the Traville site. Road "B" was relocated during the Diagrammatic Plan and site plan reviews because later in-depth study showed the water line (a 60" subsurface trunk line traversing the site adjacent to Shady Grove Road) created an insurmountable obstacle to locating the road in it's current location. The road was relocated to a more interior portion of Parcels I and J in order to clear the grade.

Subsequent to the Preliminary Plan and the Diagrammatic Plan approval for Traville, The Shady Grove Master Plan was amended. It now recommends that access to the Rickman parcel, south west of the Traville Diagrammatic Plan area, be allowed via Shady Grove Road. This could be achieved with two routes :one through Parcel "K" and the second through the proposed site plan. See Master Plan discussion ahead.

Parcel "K," is an intervening piece of land between the Rickman parcel and Shady Grove Road. Parcel "K" partially contains the rare threatened and endangered species - the krigia dandelion - but has adequate space to make a connection to the Rickman parcel. Initially Parcel "K" was part of this site plan but was later dropped from the application.

The second opportunity for the Rickman parcel access would be through this site plan. An internal driveway has been designed that would allow for this interparcel connection. DPS and DPWT have favorably reviewed the internal driveway intersection with the connector street within the proposed site plan.

Applicant Position

The Traville parcel is owned by the Percontee (Gudelsky Family) and the contract purchaser is Willco/(Richard Cohen). The Rickman family owns the adjacent parcel.

Richard Cohen has attempted to allow the connection through his site but has withdrawn the connection from his proposal because he has been unable to negotiate a suitable "business" arrangement with the Rickmans (from his point of view). Likewise the Rickmans and Percontee have been unable to create an appropriate arrangement to allow the connection for the Parcel "K" connection.

Letters from Jonathon Genn of the Percontee organization dated October 16, 2003 and one from the Rickman's attorney Joe Lynot dated are attached. The letters reflect the positions regarding desire to connect and the inability of the parties to reach an agreement.

Staff Recommendation

Staff has set up a series of meetings in an attempt to foster a resolution of the issue. They were not successful. Staff maintains that the Preliminary Plan shows an alignment that allows for the connection that can be accomplished with this site plan and the internal drive. The connection is not exactly as shown in the Preliminary Plan (due to physical constraints) but it accomplishes the same goal.

The secondary point of access would more evenly distribute the trips on the site between Travilah Road and Shady Grove Road. Inter-parcel connection in this area is a concept used in many of the residential site plans in this area with great success given the lack of intersecting roads between Travilah and Shady Grove Roads. The Master Plan recommendation that the Rickman parcel orient to Shady Grove Road is incumbent on having access to that same street. Additionally it is more desirable to have the Rickman parcel presence on Shady Grove Road, a predominately business street (to the north) rather than Travilah Road, a predominately residential street.

Staff recommends that the internal drive within the Parcel I and J be extended to the property line to allow future access to the Rickman parcel.

2. Issue – Final Water Quality Plan

Introduction

The Planning Board must approve a final water quality plan (FWQP) associated with the approval of this site plan per the Special Protection Area legislation contained in Chapter 19.65 of the County Code. This approval should be a separate action and precede the Board's action on the site plan.