



ITEM # 7 & 8  
MCPB AGENDA 12/04/03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

**MEMORANDUM**

**DATE:** November 26, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Division Chief  
Development Review Division  
Michael Ma, Supervisor  
**FROM:** Robert A. Kronenberg, RLA  
Planning Department Staff  
(301) 495-2187

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**REVIEW TYPE:** Site Plan Review  
**APPLYING FOR:** 8-95030B-Revision to an approved site plan to add (3) MPDU's from 38 to 41 units  
8-00019-Approval of 15 one-family detached units in the R-200 Zone  
**NAME:** Hoyles Mill Village, Section 2 and Section 2D (Hargett Tract)  
**CASE #:** 8-95030B and 8-00019  
**REVIEW BASIS:** Section 59-D-3, Montgomery County Zoning Ordinance  
Section 59-D-2.6, Montgomery County Zoning Ordinance  
Section 59-C-1.61 of the Zoning Ordinance, Development including Moderately Priced Dwelling Units  
**ZONE:** R-200  
**LOCATION:** West side of Schaeffer Road, approximately 5,000 feet south of its intersection with Clopper Road  
**MASTER PLAN:** Germantown  
**APPLICANT:** Artery Hoyles Mill Village, LLC  
**FILING DATE:** October 20, 2002  
**HEARING DATE:** December 4, 2003

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**STAFF RECOMMENDATION FOR SITE PLAN 8-95030B:** Approval of 3 additional townhomes as MPDUs, with the following conditions:

1. Prior Approvals  
All previous Conditions of Approval associated with site plans 8-95030, 8-95030A and 8-95030B unless specifically amended, remain in full force and effect.
2. Signature Set  
Prior to signature set approval of the site/landscape plans the following revisions shall be made

and/or information provided, subject to staff review and approval:

a. Site Plan

- 1) Show all easements, Limits of Disturbance, Rights-Of-Way, Forest Conservation Areas and Stormwater Management Parcels, Home Owner Association parcels and trails, development program inspection schedule, numbers and dates of approval on the drawing.
- 2) The amount of green area required per townhouse.
- 3) Details and specifications for the noise fence.
- 4) The location of all recreation facilities shall be clearly identified on both the site and landscape plans. Complete details and specifications demonstrating full conformance with the Recreation Guidelines shall be added to the plans.
- 5) Applicant shall provide each prospective homebuyer with a site plan that clearly illustrates house setback and sidewalk locations.
- 6) Location of the additional MPDU's on the site plan.
- 7) Provide a lighting distribution plan for technical review by staff.

3. Impervious Limitations

Compliance with the conditions of approval enumerated in the Environmental Planning Memorandum dated September 6, 2001, [Appendix A] as follows:

- a. Imperviousness for the Section II one-family detached units and driveways must not exceed 12.588 acres or 548,333 square feet. Street, sidewalk and attached housing units with associated parking must be constructed per design shown on approved Site Plan No. 8-95030 except as amended by this plan.
- b. All driveways must be designed as single car width (10 feet) from the edge of the road through the sidewalk and flared out to double car width (20 feet) in front of the garage. The maximum driveway length from the edge of the road right of way to the garage entrance shall be 25 feet. Alternate driveway design may be approved by M-NCPPC Environmental Planning staff on a case-by-case basis provided any additional impervious surface is accounted for as part of the overall imperviousness limit. All sales contracts must disclose to buyers that these dimensions are imposed as a condition of the Planning Board approval.
- c. Upon recordation of the plat, applicant shall record in the land records a disclosure of the imperviousness limits and monitoring requirements to subsequent land buyers. This disclosure shall be reviewed and approved by M-NCPPC legal staff before recordation.

4. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Impervious 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:
  - 1) Clearing and Grading to correspond to the construction phasing, to minimize soil erosion;
  - 2) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
  - 3) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development;
  - 4) Coordination of each section of the development and roads;
  - 5) Phasing of dedications, stormwater management, sediment and erosion control, forest conservation or other features;

- 6) Site Plan Enforcement Agreement to include recreation facility maintenance.
- b. Forest conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
- c. No clearing or grading prior to M-NCPPC approval of signature set of plans.

**STAFF RECOMMENDATION FOR SITE PLAN 8-00019:** Approval of 15 one-family dwelling units with the following conditions:

1. Site Plan Enforcement Agreement  
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:
    - 1) Clearing and Grading to correspond to the construction phasing, to minimize soil erosion;
    - 2) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
    - 3) Coordination of each section of the development and roads;
    - 4) Phasing of dedications, stormwater management, sediment and erosion control, forest conservation or other features;
  - b. Forest conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
  - c. No clearing or grading prior to M-NCPPC approval of signature set of plans.
3. Signature Set  
Prior to signature set approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:
  - a. Site Plan
    - 1) Show all easements, Limits of Disturbance, Rights of Way, Forest Conservation Areas and Stormwater Management Parcels, Home Owner Association parcels and trails, development program inspection schedule, numbers and dates of approval on the drawing.
    - 2) Provide a covenant in the Homeowners Association documents providing for up to 5 lots sharing a private driveway. The driveway shall be 10 feet wide. The covenant shall be noted on the record plat.
    - 3) Verify the species of trees along Schaeffer Road and revise the landscape plan as appropriate.
4. Forest Conservation Plan
  - a. Compliance with the conditions of approval for the final forest conservation plan dated May 20, 1996.
  - b. A Final Tree Save Plan must be developed and submitted to M-NCPPC Environmental Planning prior to any clearing and grading, for protection of the two specimen trees being preserved on lot 39. The Tree Save Plan must be prepared and implemented by a certified arborist.
5. Impervious Limitations
  - a. Comply with the impervious limitations as outlined in the staff report and the Environmental Planning Department memo dated November 26, 2003 [Appendix A]. The maximum total impervious coverage permitted shall be limited to 49,658 square feet.

- b. Applicant to enter into an agreement with M-NCPPC for the purpose of withholding building permits for four (4) residential lots, of the 15 lots recommended for approval by staff, to ensure compliance with the impervious limitations. The lots (# 38, 39, 47 & 48) to be released one at a time, in the order listed from first to last, based on approval of impervious area reports by M-NCPPC staff for the previous eleven lots. The four lots shall be graphically denoted on the site plan. A note shall be placed on the record plat restricting issuance of building permits for lots 38, 39, 47 and 48 pending approval from M-NCPPC Environmental Planning based on approved impervious reports for the first eleven lots. Place impervious coverage limitations and information pertaining to the above agreement on the record plat.
  - c. All driveways must be designed as single car width (10 feet) at the public right-of-way, flaring out to (20') in front of the garage. Alternative driveway design may be approved by M-NCPPC Environmental Planning Staff on a case-by-case basis provided any additional impervious surface is accounted for as part of the overall impervious limit. All sales contracts must disclose to buyers that these dimensions are imposed as a condition of the Planning Board approval.
  - d. The developer/builder must submit an impervious area report to M-NCPPC Environmental Planning Staff prior to issuance of the 5<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup> building permits. The applicant must submit an impervious report for each of the remaining building permits after the 11<sup>th</sup> building permit. The impervious reports must include: surveyed 'as-builts' drawings which include dimensions for buildings, driveways, sidewalks, leadwalks, porches, patios, chimneys, welled exists, rear exits and any building feature that is two feet or less from the ground. Impervious numbers in these reports must be verified by M-NCPPC staff prior to the release of the next building permit.
  - e. If at any time the impervious area limit is reached before building permits for all approved lots have been issued, the lots for which building permits have not been issued must be re-recorded as non-impervious, Homeowners Association open space parcels. All pending use and occupancy permits shall be held until such time that the open space plats are recorded.
  - f. Upon recordation of the plat, applicant shall record in the land records a disclosure of the imperviousness limits and monitoring requirements to subsequent home buyers. This disclosure shall be reviewed and approved by Commission legal staff before recordation.
6. Stormwater Management  
Conditions of the stormwater management concept approval from Montgomery County Department of Permitting Services dated September 18, 2003 [Appendix A].

## **SUMMARY OF ISSUES:**

The subject property is part of a two-phase development located in Germantown within the KI-2 analysis area identified in the Germantown Master Plan. This analysis area is subject to special environmental protection measures because of the sensitivity and high quality conditions of the portion of the Little Seneca Creek stream system to which it drains, including impervious restrictions. The special environmental protection measures recommended by the master plan include a site imperviousness cap of 20%, performance monitoring, stringent best management practices, and protection and enhancement of stream buffer areas. These measures will be enforced with the approval of this site plan.

During the course of site plan review, staff reviewed the plan and applied conditions to the property pertinent to the 20% impervious cap. Staff concluded that the subject site must comply with the 20% impervious cap as outlined in the Master Plan, for a total of 49,658 square feet of impervious coverage. The Hargett tract must stand apart from the overall Hoyles Mill subdivision, on its own merits, and comply with the impervious restrictions as recommended in the Master Plan. A total of fifteen lots have been proposed, providing the builder flexibility in design and construction of the units. No waivers for additional site impervious were reviewed as part of this proposal.

Staff also reviewed vehicular and pedestrian circulation as it relates internally to the site and as an integrated system within the Hoyles Mill community. The proposed houses are compatible with the existing adjacent units surrounding the property boundary. The units on Tapwood Road have been re-sited to face the units directly across the street. Landscaping was reviewed for purposes of screening existing adjacent and proposed houses as well as the stormwater management facility. Lighting will consist of standard poles within the public right-of-way on Tapwood and Schaeffer Roads. No individual light standards were proposed internally. Recreation requirements are not applicable specifically to this site, however, facilities such as tot lots, multi-age play areas and an integrated path system exist throughout the overall Hoyles Mill subdivision for the use of this site. Additionally, a local park is in the planning stages directly south of the site and the Germantown Recreation Park is only a mile away on Schaeffer Road providing many recreational facilities.

**PROJECT DESCRIPTION: Surrounding Vicinity**

Hoyles Mill Village is located on the west side of Schaeffer Road, south of its intersection with Clopper Road, and immediately north of the South Germantown Recreational Park. The properties, which are the subject of this review, are located towards the center of the overall development, now called Woodcliffe Park, Section II.

The confronting subdivision (Kingsview Knolls, Plat Book 72, Plat No. 6970) across Schaeffer Road to the east, is zoned R-200 and developed with single-family detached homes. Section 1, of Hoyle's Mills Village, consisting of 316 lots, lies to the south of the subject section and is nearly complete. Section II of Hoyles Mill Village is currently under construction and approximately 50% complete. The development known as King's Crossing, to the west of Hoyles Mill Village, is zoned, PD-2, and is also currently under construction.



## **PROJECT DESCRIPTION: Site Description and Proposal**

The Hargett tract was formerly the Hargett family homestead and consists of a red brick farmhouse and several barns and outbuildings. The parcel contains numerous specimen-size and significant trees, including a mass of mature holly trees, which line the original driveway from Schaeffer Road. The subject property is part of a two-phase development located in Germantown within the KI-2 analysis area identified in the Germantown Master Plan. This analysis area is subject to special environmental protection measures because of the sensitivity and high quality conditions of the portion of the Little Seneca Creek stream system to which it drains. This section of Little Seneca Creek and its tributaries are classified as Use III-p waters (natural trout waters). The Hoyles Mill Village plan area contains four streams that drain to Little Seneca Creek. Two of these streams are located within Section II of Hoyles Mill Village.

The special environmental protection measures recommended by the master plan include a site imperviousness cap, performance monitoring, stringent best management practices, and protection and enhancement of stream buffer areas. These measures were included in the approval of the original site plan and will be implemented as part of this plan as well.

The proposal includes the removal of the farmhouse with retention of two of the specimen trees. The trees will remain on private lots. A tree save plan has been submitted by the applicant to ensure protection of the specimen trees during and after the construction process.

The original proposal for seventeen lots was presented to the Planning Board in February 2003 but was deferred by the applicant at the Planning Board hearing. The applicant and M-NCPPC staff was directed to consider alternative methods to accommodate best management practices within the KI-2 analysis area with respect to the impervious limitations. After careful consideration of the options for the site improvements, the applicant, with staff's direction, proposed to develop the Hargett tract on it's own merits and comply with the 20% impervious coverage limitations. Staff also requested the applicant to use a realistic house footprint of the same builder within the adjacent Kings Crossing and Hoyles Mill subdivisions. Given the coverage limitations and proposed house footprints, a total of fifteen lots were agreed upon for the 5.7-acre tract. No waivers for impervious coverage were requested with this application.

The 49,658 square feet of permitted impervious coverage allows the applicant to construct a reasonable size house, compatible with the surrounding neighborhood. In addition, four lots, as identified on the plan are proposed to be held in reservation to ensure that the impervious cap is not exceeded while at the same time providing the builder with the needed flexibility to build homes larger than those assumed in the original impervious calculations. The overall site imperviousness requirements would be met with this revision.

The current amendment to Site Plan 8-95030 intends to address the applicant's requirements for MPDU's. The revisions include changes to the MPDU townhouses to garage units, which affect the parking layout, proposed recreation and associated improvements along Schaeffer Road. The three MPDU units allocated for in Section 2D (Hargett) are proposed to be located in Phase II for a total of 41 MPDU units. The overall MPDU requirement is being met with this proposal.