

PROJECT DESCRIPTION: Prior Approvals

Preliminary Plans

Preliminary Plan #1-88216 and #1-88216R

The original Preliminary Plan, 1-88216, was approved by the Planning Board with conditions on June 25, 1994. On January 21, 1999 a revision to the approved Preliminary Plan, 1-88216R was approved with conditions by the Planning Board for 579 lots on 251.90 acres. Final Plats for the property have subsequently been recorded.

Preliminary Plan #1-01063

Preliminary Plan, 1-01063, was approved by the Planning Board with conditions on September 13, 2001. This preliminary plan modified the existing lot configuration and road network in Phase II to address impervious issues. A condition limiting the newly configured single-family lots and associated driveways to the same square footage of impervious surface approved as part of the overall 21.114% limit for the subdivision was included. Also included was a condition placing 20 lots in reservation pending staff approval of building permits to ensure that the impervious limit is not exceeded.

The subject site plan is in substantial conformance with Preliminary Plan 1-01063 in terms of density, access, open space and lot layout. Record Plats have been recorded for all of Section II. This proposal requests to amend Preliminary Plan 1-88216 to include the King Hargett tract.

The conditions of both approved Preliminary Plans and the amendment to the original plan remain valid and in full force and effect.

Site Plans

Site Plan 8-95027 and 8-95027A

On August 1, 1995, the Planning Board approved Site Plan 8-95027 for 310 units including 153 single-family detached units and 157 single-family attached units (including 43 MPDUs). See attached Opinion in Appendix B. This Site Plan specifically addressed construction in Phase I of Hoyles Mill. On January 21, 1999, the Planning Board approved an amendment to Site Plan 8-95027(A) to increase the number and change the layout of single-family detached units. Impervious levels were re-analyzed as part of this revision and a concurrent revision to Phase II Site Plan 8-95030A, and a level of 21/114% was approved.

Site Plan 8-95030, 8-95030A and 8-95030C

On June 1, 1995, the Planning Board approved Site Plan 8-95030 for 259 units including 233 single-family detached units and 36 single-family attached units (MPDUs). See attached Opinion in Appendix B. On January 21, 1999 the Planning Board approved a revision to the approved Site Plan, 8-95030A. The site plan revision was in response to a change in the access to the M-NCPPC South Germantown Regional Park from Schaeffer Road. Schaeffer Road was widened from a primary residential road to a 120-foot-wide right-of-way with center medians and landscaped berms. The end result was an increase of four single-family-detached units and two single-family attached units (MPDUs). A second amendment to this site plan, 8-95030C, was approved for Phase II concurrently with Preliminary Plan 1-01063 on September 13, 2001. This revision revised the lot layout and road configuration and placed impervious surface restrictions on the tract by placing lots in

reservation to ensure compliance with the limitations.

Site Plan 8-00019

On April 4, 1999, a site plan was submitted for 20 single-family detached units on the subject site, including 4 MPDU's in Site Plan 8-95030B. The revisions to Site Plan 8-95030B were to change the MPDU townhouses to garage units, changes in parking, recreation and improvements along Schaeffer Road. Site Plan 8-00019 and the proposed amendment to 8-95030B was withdrawn and never presented to the Planning Board.

The conditions of both approved Site Plans and the subsequent amendments remain valid and in full force and effect.

Site Plans 8-00019 and 8-95030C and Preliminary Plan 1-88216R

On October 20, 2002, a combined site plan and preliminary plan was submitted for 17 one-family detached units, including 4 MPDU's in Site Plan 8-95030C as a condition of Phase II. Staff's recommendation to the Planning Board was to approve only 14 one-family units conditioned on impervious overage in Phase I and proposed realistic house footprints for the Hargett tract. The applicant deferred the project in order to resolve the impervious restrictions associated with the overall site.

ANALYSIS: Conformance to Master Plan

Hoyles Mill Village (formerly the King-Hargett property) is located within the KJ-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 to which it drains.

This section of Little Seneca Creek and its tributaries are classified as Use II-P waters (natural trout waters). The master plan performance standards set forth in Appendix D of the master plan to assist in maintaining the existing high water quality include the following provision concerning impervious surfaces:

"Overall, development shall not result in more than 20 percent total impervious surface (e.g., structures, road ways, parking areas, paths)."

The Master Plan also contains the following footnote:

"Variances from the Master Plan Standards, Best Management Practices, and Impact Assessment Requirements may be granted on a case-by-case basis by the Montgomery County Planning Board if it can demonstrate that other measures, with innovative BMP's, would maintain the existing high water quality of Little Seneca Creek."

The original Planning Board recommendation for imperviousness in the analysis area was 15 percent. The level was increased to 20 percent during the County Council work sessions. The work sessions included presentation of proposed plans by several of the developers within the analysis areas that demonstrated compliance with the 20 percent impervious level was possible. Plans for the King-Hargett property were included in these discussions.

The applicant is proposing fifteen one-family dwelling units to comply with the impervious limitations of 20% as outlined in the Master Plan.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Zoning	R-200/MPDU	
Net Tract Area of Section 2	113.3 ac.	
Net Tract Area of Section 2D (Hargett Tract)	5.7 ac.	
Proposed Use	Residential	
	<u>Permitted/ Required</u>	<u>Proposed</u>
<u>Development Standard</u>		
Density (2.44 du's/useable ac)		
-Section 1	628*	316
SFD		159
SFA (Market)		114
SFA (MPDU's)		43
-Section 2		264
SFD		223
SFA (MPDU's)		41*
-Section 2D (Hargett tract)		15**
Setbacks		
-front	25	25
-from Schaeffer Road	50	50
-rear	30	30
-side	5	5
Minimum Net Lot Area (sf)		
-single-family detached lot	6,000	7,875
-townhouse***	1,500	1,530
Max. Building Height (ft.):	40	40
Green Area per Townhouse (2,000 sf/du)	84,000	****

* The overall maximum density permitted based on the overall acreage of Phases I and II is 628 lots. The total proposed is 599 lots. Three additional MPDU's are proposed as one-family attached units as MPDU's in Site Plan 8-95030B to comply with the conditions of the entire Hoyles Mill tract.

** The fifteen-lot yield is based on staff's recommendation for maximum impervious limitations of 49,658 sf.

*** Townhouses are 33% of the total, 40% is the maximum permitted.

**** This information has not been provided. It appears that this requirement has been exceeded. A condition has been included which requires that this information be provided prior to signature approval of the site plans.

IMPERVIOUS COMPUTATIONS

Site Area (Section 2D-hargett tract):	5.7 acres (248,292 sf)
Permitted Impervious Coverage: (@20%)=	49,658 sf
Proposed Imperviousness: (@20%)	49,658 sf
Average Square Feet per Lot	2,148 sf per house footprint plus 15,733 sf for driveways

MPDU CALCULATIONS

Sections I and II

Base Density	515 du's (2dus/ac.)
Max Units Allowed	628 du's
(based on Max. Allowable Density @ 2.44 du/ac)	
Proposed Density	599 dus*
MPDUs Required	84
MPDUs provided in Phase I	43
MPDUs provided in Phase II	41***
MPDUs proposed in Section 2D	<u>3</u> (located in Phase II)
Total MPDU's provided	84

* The overall maximum density permitted based on the overall acreage of Sections I and II is 628 dwelling units. The total proposed is 599' lots.

** 595 units (511 market & 84 MPDU's proposed), $595 - 515 = 80$ bonus units (13.45 of 595). 13.4% bonus density requires 13.9% of the total number of units to be MPDU's.

*** Three of the required 41 MPDU units proposed to be located in Phase II. (38 MPDU's required for Phase II, 3 MPDU's required for Section 2D)

RECREATION CALCULATIONS

Sections I and II

	<u>tots</u>	<u>children</u>	<u>teens</u>	<u>adults</u>	<u>seniors</u>
Demand Points					
Housing Type					
-SFD II(333)	42.9	79.2	82.5	349.3	36.3
-SFD III(51)	7.1	9.7	11.7	64.8	6.6
<u>-SFA (195)</u>	<u>33.2</u>	<u>42.9</u>	<u>35.1</u>	<u>251.6</u>	<u>13.7</u>
Total	82.3	131.8	129.3	665.7	56.6
Supply Points					
<u>On-Site Facilities:</u>					
Multi-age area (4)	36.0	44.0	12.0	28.0	4.0
Picnic/Sitting (1)	1.0	1.0	1.5	5.0	2.0
Pedestrian System	8.4	26.5	26.0	301.3	25.7
Natural Area	0.0	6.6	13.6	67.0	2.9
Regulation Softball	2.0	15.0	20.0	40.0	2.0
Multi-purpose Court	<u>3.0</u>	<u>10.0</u>	<u>15.0</u>	<u>10.0</u>	<u>2.5</u>
On-Site Total	50.4	103.1	88.1	450.0	39.1
<u>Off-Site Facilities*</u>					
@ Kings Crossing					
@ So.Grmntwn Reg. Park					
Off-site Total (35% Max.)	<u>28.4</u>	<u>37.0</u>	<u>36.6</u>	<u>179.8</u>	<u>16.8</u>
Total Supply Points	78.4	140.1	124.7	629.8	55.9

* As taken from Previous Approval of 8-95030A

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. None is required.*
2. *The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. **Location of Buildings**

The location of the buildings as proposed is somewhat conceptual. The houses will be sited and the lots graded based on the model type chosen by lot purchasers, although the applicant has coordinated with a builder for their specific house footprints and intends to use those footprints as a basis for the lots. The proposed house sitings as indicated are consistent with the footprints from builders in other sections of Hoyles Mill and the adjacent Kings Crossing and compatible with those in previously approved sections.

b. **Open Spaces**

The open space proposed for the Hargett tract consists of an area for proposed entry signs and landscaping along Schaeffer Road. In the event that the impervious cap is exceeded, four of the lots (#'s 38, 39, 47 and 48 respectively) proposed for reservation on the Hargett tract will be converted to permanent open space and conveyed to the HOA.

The open space for the amendment to Site Plan 8-95030B has been revised only to include three additional townhouse units on the end. The open space will be conveyed to the HOA. The additional impervious in this section has been accounted for in the overall impervious calculations.

The stormwater management concept for the proposed development was approved with conditions by the Montgomery County Department of Permitting Services (DPS) on December 12, 2002. The stormwater management concept for the revised Hargett tract for 15 lots was approved on September 18, 2003 [Appendix A]. Stormwater management for the overall site, including the amended site plan was approved with the original submission for Phase II in 1995.

c. **Landscaping and Lighting**

Landscaping on the Hargett tract consists primarily of street trees and buffer planting to screen the rear and side yard areas of lots from public view. Additional screening is proposed to buffer the stormwater management facility from the adjacent units. Lighting will be provided consistent with county standards for poles within the public right-of-way. No internal private lighting is proposed.

d. **Recreation**

Recreation demand is satisfied as shown in the recreation calculations table above. Recreation amenities consist of a multi-age play area between the townhouses and Richter Farm Road as well as an integrated path and pedestrian system throughout the community. Recreation is not required for the 15 lots in the Hargett tract; however, pedestrian circulation will provide future owners use of the recreation facilities within the Hoyles Mill subdivision.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe and efficient. The primary road network is complete around the Hargett tract and consists of two modified primary 70-foot wide public roads. Five of the lots directly front on Tapwood Road while the remaining ten lots share a combined access to Tapwood and Schaeffer Road.

Pedestrian circulation consists of proposed sidewalks adjacent to the public roads, which will connect with the existing sidewalks and pedestrian system to the north, south and west. Sidewalks have been constructed on the south side of Tapwood Road and all along the frontage of Schaeffer Road, with the exception of the Hargett tract.

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

The proposed structures and uses are compatible with the existing and proposed adjacent residential properties. The five lots directly fronting on Tapwood Road have been resited to face the existing homes on the south side of Tapwood Road. Landscape buffers are proposed in areas of the site where necessary to screen views of rear yards of homes and will, along with the setbacks, ensure compatibility.

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

The forest conservation requirements, with respect to clearing, grading, forest retention and reforestation have been complied with on this site and the overall Hoyles Mill subdivision. The applicant has agreed to comply with the impervious restrictions of a maximum of 20% for the Hargett tract, proposing 15 lots with a maximum impervious coverage of 49,658 square feet.

APPENDIX

- A. Memorandums from agencies
- B. Previous Planning Board Opinions

MEMORANDUM

DATE: November 26, 2003
TO: Robert Kronenberg, Planning Coordinator
 Development Review
FROM: Mark Pfefferle, Planning Coordinator *MP*
 Environmental Planning Staff
NAME: Hargett Tract
CASE #: 8-00019

**STAFF RECOMMENDATION:**

The Environmental Planning staff has reviewed the site plan referenced above. Staff recommends approval of the site plan with the following conditions.

- Imperviousness for the 5.7-acre tract not to exceed 49,658 square feet.
- Applicant to enter into an agreement with the Montgomery County Planning Board for the purpose of withholding four (4) residential lots for final recordation, of the 15 lots recommended for approval by staff, to ensure compliance with the impervious limitations. The lots to be held shall be graphically denoted on the site plan. Imperviousness coverage limitation and information pertaining to the above agreement to be recorded on the record plat.
- All driveways must be designed as single car width (10 feet) at the public right of way, flaring out to twenty feet in front of the garage. M-NCPPC Environmental Planning staff on a case-by-case basis may approve alternative driveway design provided any additional imperviousness 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.
- The developer/builder must submit an impervious report to M-NCPPC Environmental Planning staff after issuance of the 5th, 9th, and 11th building permits. Thereafter, the applicant must submit an imperviousness report for each of the remaining building permits. The imperviousness reports must include: surveyed final 'as-builts' drawings which include dimensions for buildings, driveways, sidewalks, leadwalks, porches, patios, chimneys, welled exits, rear exits, and any building feature that is two feet or less from the ground. Imperviousness numbers in these reports must be verified by M-NCPPC prior to the release of the next building permit.
- It at any time the impervious limit is reached before building permits for all approved lots have been released, the lots for which building permits have not been released must be re-recorded as non-imperviousness open space. All pending use and occupancy permits will be held until such time that the open space plats are recorded.
- Upon recordation of the plan, the applicant shall record in the land records a disclosure of the impervious limits and monitoring requirements to subsequent land

buyers. This disclosure shall be reviewed and approved by Commission legal staff before recordation.

- A final tree save plan must be developed, submitted and approved by M-NCPPC Environmental Planning prior to any clearing and grading, for protection of the specimen trees preserved on the lots. The Tree Save Plan must be prepared and implemented by a certified arborist.

DISCUSSION

The Hargett tract was formerly the Hargett family homestead and consists of a red brick farmhouse 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 proposal includes the removal of the existing farmhouse and the construction of 15 single-family homes. Two specimen trees will remain on private lots. The applicant originally submitted a plan for more units and a more intensive road network. The imperviousness constraints have forced the applicant to combine driveways to accommodate the coverage requirements.

Imperviousness

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 measure because of the high sensitivity and high water quality conditions of the portion of Little Seneca Creek stream to which it drains. This section of Little Seneca Creek and its tributaries are classified as III-P waters (natural trout waters).

The special environmental protection measure recommended by the master plan are set forth in Appendix D of the master plan. These measures include an imperviousness cap of 20 percent.

Staff requests a condition, to ensure compliance with the master plan that restricts the amount of imperviousness surfaces in the Hargett tract to 49,658 square feet. Other conditions necessary to ensure compliance with the 20 percent imperviousness limitation are identified above.

Forest Conservation

There is no forest on the Hargett tract. The site is subject to an approved forest conservation plan established for the Hoyles Mill village preliminary plan. However there are 2 specimen trees on-site that must be protected. A final tree save plan must be developed, submitted and approved by M-NCPPC Environmental Planning prior to any clearing and grading, for protection of the specimen trees preserved on the lots. The Tree Save Plan must be prepared and implemented by a certified arborist.

Environmental Guidelines

There are not stream buffer, wetlands, erodible soils, or environmental sensitive areas on the site.