**MEMORANDUM**

DATE: March 26, 2004
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief
 Michael Ma, Supervisor **MM**
 Development Review Division
FROM: Robert A. Kronenberg, RLA **RAK**
 Planning Department Staff
 (301) 495-2187

REVIEW TYPE: Site Plan Review
APPLYING FOR: Approval of 45 one-family attached dwelling units, including 29 TDRs and 6 MPDUs, on 6.27 acres
PROJECT NAME: **Mary Boland Subdivision, Lots 82-86**
CASE #: 8-04011
REVIEW BASIS: Div. 59-D-3, M. C. Zoning Ordinance
ZONE: R-60/TDR-12
LOCATION: Approximately 1,600 feet north of Middlebrook Road directly on Federick Road (MD 355)
MASTER PLAN: Germantown
APPLICANT: U.S. Home
FILING DATE: October 20, 2003
HEARING DATE: April 1, 2004

STAFF RECOMMENDATION FOR SITE PLAN: Approval of 45 one-family attached dwellings including 29 TDRs and 6 MPDUs, on 6.27 acres with the following conditions:

1. 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. Show all easements, Limits of Disturbance, Right-of-Way's, Forest Conservation Areas and Stormwater Management Parcels, Home Owners Association Parcels,

development program inspection schedule, numbers and dates of approval on the drawing;

- b. Provide location and details of the proposed 8-foot wide asphalt path parallel to MD 355 and the connection through the future right-of-way dedication to Cider Barrel Drive;
- c. Show the existing 60 and 65 dBA noise attenuation lines on the site plan;
- d. Show locations of the mailbox structures on the site plan;
- e. Lighting Plan
 - 1) Provide a lighting distribution plan with summary report and tabulations to conform to IESNA standards for residential development. All light fixtures shall be full cut-off fixtures;
 - 2) Provide shields on fixtures adjacent to residential communities and MD 355 where necessary;
- f. Landscape Plan
 - 1) Provide details of the noise mitigation fence/wall. Wall/fence to be constructed out of masonry or equivalent as approved by M-NCPPC staff;
 - 2) Provide a detail of the tot lot including safe fall zones, benches, micro-engineered wood fibers for the base and a 4" x 4" wood border with appropriate sub-surface drainage;
 - 3) Provide shade trees, preferably London Plane trees, to match up with subdivision to the north in the MD 355 right-of-way and adjacent to the bike path, in accordance with the MD-SHA specifications;

2. 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) Coordination of each section of the development and roads;
 - 3) Phasing of dedications, stormwater management, sediment and erosion control, forest conservation or other features;
 - 4) Streets tree planting must progress, as street construction is completed, but no later than six months after completion of the buildings adjacent to those streets.
 - 5) Community-wide pedestrian pathways, including the 8-foot-wide bike path, and recreation facilities must be completed prior to release of the 32nd building permit for the development.
 - 6) Coordination for bus shelter to be completed prior to 70% occupancy of buildings. Applicant to provide documentation of funding and/or construction of the bus shelter in accordance with MC-DPWT-Transit Services Division.
- b. No clearing or grading prior to M-NCPPC approval of signature set of plans.

3. Transferable Density Rights (TDRs)

Prior to recording of plats, the applicant shall provide verification of the availability of the required 29 transferable development rights (TDRs) for the proposed development.

4. Stormwater Management

Applicant shall conform to the conditions of the MCDPS stormwater management concept approval dated February 26, 2004 [Appendix A].

5. Forest Conservation

- a. Compliance with the conditions of approval from M-NCPPC-Environmental Planning Division dated March 23, 2004 for the final forest conservation plan [Appendix A]. The applicant must satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit;
- b. Category I forest conservation easements to be placed over environmental buffers and forest planting areas. Easements to be shown on record plats;
- c. No stormwater management structures are permitted in the stream valley buffer;
- d. Applicant to install a split-rail (2-rail) wood fence with appropriate forest conservation signs at the forest conservation easement boundary after reforestation plant material is installed.

6. Noise Attenuation

Prior to issuance of any building permits, the applicant shall comply with the following conditions to attenuate noise from Frederick Road (MD 355):

- a. Completion and submission, to M-NCPPC staff and prior to signature set, of an update to the March 19, 2004 noise analysis identifying future 20-year noise levels generated mitigation proposed in the March 19, 2004 noise analysis. The acoustical engineer must also update the acoustical sound treatments to adequately mitigate future interior noise levels;
- b. Certification from an acoustical engineer that the shell of the building fronting and siding MD 355 have been designed to attenuate exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder commits to construct the units in the acoustical specifications within the update to the March 19, 2004 noise analysis. Any changes that may affect acoustical performance must be approved by the acoustical engineer in advance of installation;
- c. Applicant must conduct an outdoor-to-indoor analysis for impacted units after construction and will present verification of noise levels to M-NCPPC staff prior to occupancy.

7. Transportation Planning

- a. Applicant to coordinate with MCDPW&T-Division of Transit Services for the construction of a bus shelter along MD 355. If necessary, applicant shall file for all applicable state highway permits;
- b. Applicant to comply with the conditions from M-NCPPC-Transportation Planning memorandum dated March 24, 2004 [Appendix A].
- c. Applicant shall comply with the following conditions from MD-SHA memorandum dated November 19, 2003 [Appendix A]:
 - 1) Truncation and right-of-way dedication needs to be in accordance with the Master Plan of Highways;
 - 2) Access to this property is subject to the "Rules and Regulations" of this Administration with a permit issued by this office to close one existing temporary entrance at Gunners Drive, construct one typical directional right-in right-out entrance, construct an 8-foot wide bike path, provide sufficient

widening to accommodate three south bound through lanes, center left turn lane and a 4-foot concrete median;

- 3) The term "denied access" is to be placed on the final record plat along the property that abuts MD 355, except at the approved entrance.

9. Moderately Priced Dwelling Units (MPDUs)

Applicant to provide (6) six (12.5% of the total number of proposed units) Moderately Priced Dwelling Units (MPDUs) on the site.

Summary of Issues:

During the course of Site Plan review and discussion, staff and the applicant reviewed the building location, access to and from the site, internal and perimeter screening, lighting distribution, noise mitigation along MD 355 as well as preservation of environmentally sensitive areas. The plan was revised to accommodate additional planting adjacent to the future widening and right-of-way for MD 355. Noise mitigation and attenuation was also reviewed in detail to mitigate noise levels above 60 dBA Ldn for outdoor and common open space levels and interior building levels of 45 dBA Ldn.

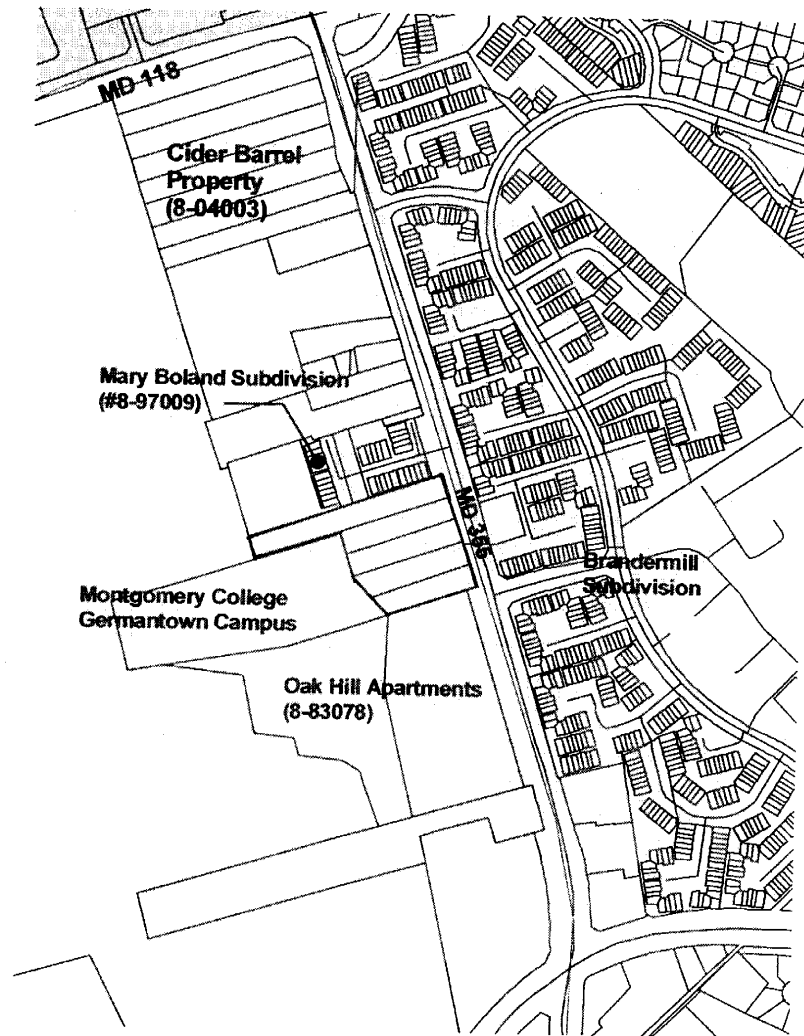
Pedestrian access was reviewed for internal circulation associated with the development as well as access to the existing public roads. An 8-foot asphalt bike path is proposed along the frontage of the property within the right-of-way for MD 355. The bike path will also continue along the right-of-way for Cider Barrel Drive and Cider Press Place for an additional connection to MD 118. Vehicular access was reviewed for future connectivity from MD 355 through the adjacent properties to the north, eventually providing an internal public road network to MD 118.

Landscape and lighting was reviewed for conformance to the zoning requirements and buffer requirements for residential units to common open spaces and recreational areas. Street trees have been incorporated on the public streets in conformance with county standards and shade trees have been proposed throughout the internal driveways. Buffer planting has also been proposed around the perimeter of the site as well as screening of site elements from the public roads.

PROJECT DESCRIPTION: Surrounding Vicinity

The property is located directly on MD 355, approximately 1,600 feet north of the intersection with Middlebrook Road. The property to the north (Site Plan #8-97009) contains thirty-one single-family attached townhomes with present access from MD 355. Cider Barrel Drive has been constructed on the adjacent property for a future connection at the northern property line. Cider Barrel Drive is master planned to connect with MD 118 and MD 355 through the remainder of the Mary Boland properties once the additional properties are developed. The subject site and property to the north is zoned R-60/TDR.

The property to the west is zoned R-60 and owned by Montgomery College-Germantown Campus [Plat book 521, Page 29], and part of the properties (part of lots 83, 84, 85, 86 and 4) from the subject Mary Boland subdivision. The property to the south, known as Oak Hill Garden Apartments (Site Plan #8-83078) is a multi-family community made up of eight apartment buildings and is zoned R-10. The property directly to the east of the site across MD Route 355 is the Brandermill subdivision containing numerous townhomes. Zoning for the Brandermill subdivision is RT-12.5.

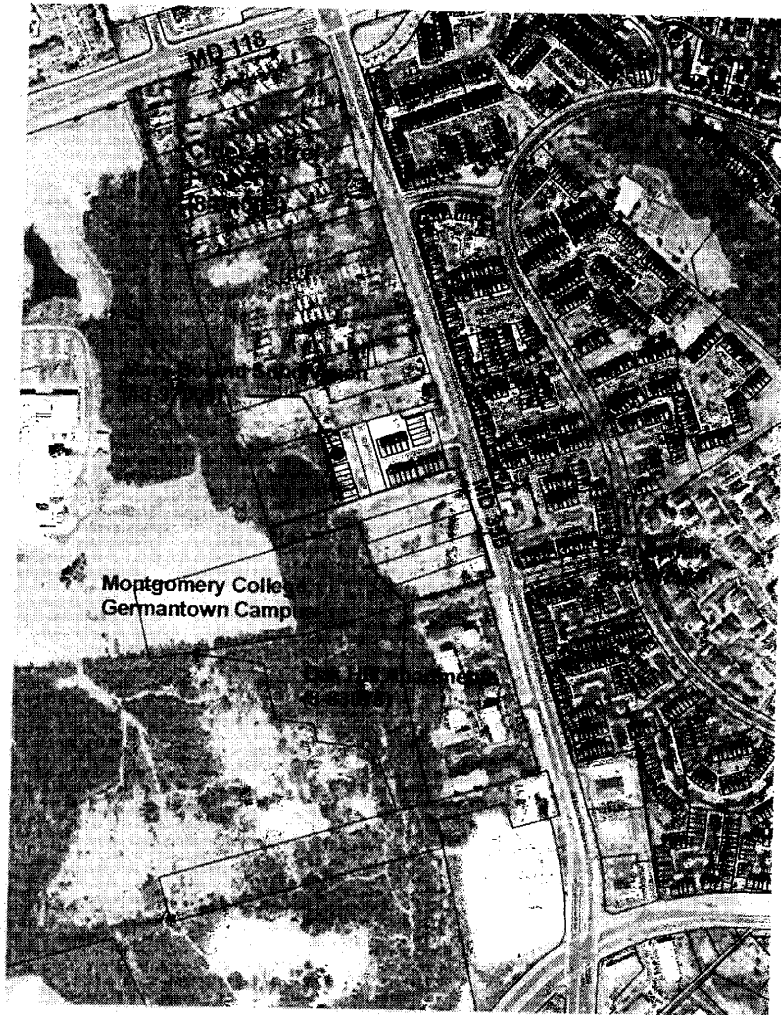


PROJECT DESCRIPTION: Site Description

The site contains the pad sites and paved and gravel segments of an existing mobile home park directly on Frederick Road (MD Route 355). There are two present access points into the property forming a loop road and connection to the remains of the pad sites and footprint of the office building. The site is flag shaped with the longest portion of the site abutting Montgomery College property and Gunners Branch. An existing 12" sewer follows the 100-year floodplain while an existing 8" sewer line follows Gunners Branch and a tributary to the stream.

The western edge of the property contains Gunners Branch and associated stream valley buffer, as well as a 100-year floodplain. The site is forested primarily within the boundaries of the stream valley buffer. There are a number of specimen trees (30" > diameter breast height) situated throughout the existing park, many of them near the existing pad sites for the trailers.

The slopes from MD 355 to the edge of the stream valley buffer are at a consistent grade of 6-8%. The areas around the existing and former pad sites are fairly level. The elevation change drops by 25 feet near the edge of the stream valley buffer to Gunners Branch and the floodplain.



PROJECT DESCRIPTION: Proposal

The applicant, U.S. Homes Inc. proposes to construct 45 one-family townhouse units, including 6 MPDUs and 29 TDRs. The site contains 6.27 acres and is zoned R-60/TDR-12. The MPDU units will be dispersed throughout the property to create a greater mix of unit styles and widths. The site contains the remnants of an existing mobile home park, which is no longer operational. The entire development is situated east of Gunners Branch and it's associated stream valley buffer.

There are two primary access points to the site: one from MD 355 and one from the proposed extension of Cider Barrel Drive though the adjacent townhouse community. The proposed access from MD 355 is temporary for right-in right-out turning movements. The State Highway Administration will close the access point from MD 355 of the adjacent community once Cider Barrel Drive is constructed and operational. The applicant is required to provide road and lane improvements along the west side of MD 355, adjacent to the property boundary. Part of the road improvements will include modifying the existing median on MD 355 to preclude left turning vehicles into Cider Press Drive.

Vehicular access within the property will consist of the construction of two segments of public roads; Cider Barrel Drive and Cider Press Drive. Cider Barrel Drive is a master planned 70-foot right-of-way, primary road running north and south on the property. The alignment is consistent with the 1989 Germantown Master Plan, which will connect with MD 118 through the adjacent properties and subdivisions to the north. The adjacent property to the north contains their constructed segment of Cider Barrel Drive, which terminates at each end of the property. Cider Press Drive is a tertiary residential 50-foot right-of-way connecting MD 355 to Cider Barrel Drive. Cider Barrel Drive becomes a private road south of the intersection of both public roads and looping around to connect with Cider Press Drive. All of the townhouses are garage units accommodating two vehicles in the garage, with the exception of the MPDUs, which only provide space for one vehicle. The remaining required spaces are located in the nearby surface parking areas. An additional 6 spaces are proposed for visitors including two handicapped spaces. The private drives and alleys are 20-foot-wide throughout the site.

Pedestrian access consists of 5-foot-wide sidewalks along both sides of Cider Barrel Drive and Cider Press Drive. The sidewalks will be separated by a planted ten-foot green strip from the curb line on Cider Barrel Drive and a five-foot strip on Cider Press Drive. The landscape treatment is consistent with the existing conditions of the connecting properties to the north. The applicant is also proposing to construct an 8-foot wide bike path along the frontage of the property within the right-of-way for MD 355. In addition to the frontage along MD 355, the bike path will parallel Cider Barrel Drive through the subject property. Internally, 5-foot wide sidewalks are proposed adjacent to the parking areas with lead-in sidewalks to all of the units. In addition, a wood chip path is proposed to incorporate pedestrian activity for future connection to Montgomery College. The pathway is located at the western perimeter of the tot lot and open play area while the eight-foot bike path parallels the eastern edge of the amenities and parking spaces.

Landscape and lighting for the site consists of street trees on the public roads spaced at 50-feet in accordance with county standards. The interior parking islands will contain shade and ornamental trees, as well as massings of evergreen shrubs. A mixture of trees and shrubs are proposed to lessen the visual buffer and impact of the retaining wall along the west side of the private portion of Cider Barrel Drive. The internal pedestrian system, recreation facility and seating areas will include a mix of shade trees, ornamental and evergreen trees along with a variety of shrub masses to highlight the seating areas. The play area is located at the western edge of Cider Barrel Drive providing a common area near the other natural features of the site and incorporating the pedestrian system. The tot lot consists of a play structure and seating for users of the area. The surface material for the play area will consist of wood chips, preferably micro-engineered to accommodate accessible users.

The applicant is proposing to attenuate noise along MD 355 and construct 5-foot masonry walls as a buffer to help mitigate noise for the buildings and common open space interior to the site. The noise analysis indicates that good design and quality materials will reduce the interior noise level to 45 dBA Ldn.

Forest Conservation requirements are being satisfied through on-site retention of the forested area and reforestation adjacent to the existing forest on the western boundary. A total of seven specimen trees are being protected within the forest save area. A split-rail fence will also be installed by the applicant behind the wood chip path to protect the reforestation material from maintenance and pedestrian activity.

Open space and green area requirements are being met on the site with 66 percent of the required 50 percent dedicated to green area. The proposed green areas consist of forest conservation areas, stormwater management, landscaped islands and open green areas within the site. A stormwater management concept was approved by the Montgomery County Department of Permitting Services on February 26, 2004.

PROJECT DESCRIPTION: Prior Approvals

The Preliminary Plan (#1-03067) was approved on July 10, 2003 and was approved for 45 dwelling units, including 6 MPDUs. The final number of TDRs was to be determined at time of Site Plan review.

ANALYSIS: Conformance to the Master Plan

The property falls within the Middlebrook village analysis area (MI-6), which is bordered by Montgomery College to the west, realigned MD 118 to the north and MD 355 to the east and adjoining multi-family community to the south.

The Plan recommends single-family attached and multi-family residential uses for the entirety of analysis area MI-6. The subject property (approximately 6 acres) is recommended for the R-60/TDR-12 Zone at a density of 12 dwelling units per acre.

The Master Plan states, that "the current pattern of development has created several access points of the western side of MD 355". The Master Plan recommends that a service drive be developed generally parallel to MD 355 in order to consolidate the traffic into two access points with MD 355. The service drive, or Cider Barrel Drive, will extend from MD 118 to MD 355.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Zoning	R-60/TDR-12
Total Site Area (ac.):	6.27 ac.
Floodplain (ac.):	0.13 ac.
Proposed Use:	One-family attached (Optional Method using TDRs & MPDUs)

<u>Development Standards</u>	<u>Permitted/Required</u>	<u>Proposed</u>
Maximum Density Allowed (6.27 x 12 d.u./ac.)	75	45
Density Shown:	75	45
Base Density: (6.27 ac. X 5 d.u./ac.)		31
TDR Density: (6.27 ac. X 10 d.u./ac.)		75
Max. TDRs: (75 max. density – 31 TDRs)		44
TDRs provided: (44 x 2/3)		29
Moderately-priced d.u.s included @ 12.5%		6
Building Coverage (%):	Not Specified	17
Building Height (ft.):	Not Specified	3 stories max.
Parking (ft):		
Townhouses (2 sp./d.u.) (2 spaces per unit including pad and garage)	90	102 (2.3/du) 12 visitor spaces including 2 HC
Green Area (%):	50	66
Internal Green Area for Parking (%):	5	9
Impervious Area (%):	Not Specified	40% of gross site area

MPDU CALCULATIONS

MPDUs Required (12.5%)	6 dwelling units
(45 d.u.'s x 12.5%)	
MPDUs provided	6 dwelling units

TDR CALCULATIONS

Base density (6.27 ac. x 5du/ac)	31 dwelling units
TDR density (6.27ac. x 12 d.u./ac.)	75 dwelling units
TDRs required (75 d.u. – 31 d.u. [base density])	44 TDRs
Min. TDRs provided without waiver	29
44 (Max. TDRs) x 2/3 = 29	
TDRs provided	29 TDRs

RECREATION CALCULATIONS

	<u>Tots</u>	<u>children</u>	<u>teens</u>	<u>adults</u>	<u>seniors</u>
<i>Demand Points (Required per 100 d.u.'s)</i>					
Townhouses (45)	<u>7.65</u>	<u>9.9</u>	<u>8.1</u>	<u>58.05</u>	<u>4.05</u>
Total Demands Pts.	7.65	9.9	8.1	58.05	4.05
<i>Supply Points</i>					
<u>On-Site Facilities:</u>					
Tot lot	9.00	2.00	0.00	4.00	1.00
Open Play Area II (1)	3.00	4.00	4.00	10.00	1.00
Natural Area (1)	0.00	0.59	0.95	6.84	0.24
Sitting areas (2)	<u>4.00</u>	<u>4.00</u>	<u>6.00</u>	<u>20.00</u>	<u>8.00</u>
Total On-Site Points	16.00	10.59	10.95	40.84	10.24
<u>Off-Site Facilities:</u>					
Off-Site Total*	<u>3.20</u>	<u>4.10</u>	<u>3.30</u>	<u>23.90</u>	<u>1.70</u>
Total Points	19.20	14.69	14.25	64.74	11.94
Percent of					
Requirements	251%	148%	176%	112%	295%

*The credit for each off-site facility must not exceed 35% of its supply value for each population category. These numbers reflect that limitation. Credit includes Clear Spring Park.

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. See project Data Table above.*
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.*

Location of Buildings and Structures

- a. The layout of the units is adequate and efficient. The arrangement of the proposed units provide access and visibility to the public roads and private streets. The units to the north have been sited to accentuate the building pattern of the adjacent townhouses.

Elements of the design focus on the buildings fronting on public and private roads with green space in the rear of the units. All of the proposed units allow for two parking spaces within the units, as well as two pad spaces, with the exception of the MPDUs, which only provide one space. Visitor spaces are located on each side of Cider Barrel Drive near the proposed multi-age play area.

- b. **Open Spaces**

The open spaces are generously laid out and provide attractive, efficient and accessible green space for the entire community.

Approximately 4.14 acres of the 6.27-acre site will be retained as open space, including the existed forested area and reforestation area to be protected by a forest conservation easement. The 50 percent green area/open space requirement is being exceeded on the site to comply with the R-60/TDR-12 zone. The majority of the existing forested area to be preserved is within an environmentally sensitive area such as stream valley buffers, wetlands and floodplain. The remaining areas of open space include active and passive recreation areas and stormwater management facilities to compensate for runoff that might be detrimental to the stream valley buffer. The open space parcels that are designated for forest conservation and recreation will be conveyed and maintained by the homeowners association.

The stormwater management concept has been conditionally approved for the proposed development as indicated by the Montgomery County Department of Permitting Services (DPS) letter dated February 26, 2004. Stormwater management consists of on-site quality control via surface sand filter and

separator sand filter. On-site recharge is being provided through additional storage under the surface filter and grass swales.

c. Landscaping and Lighting

The landscaping and lighting provides safety and efficiency for residents and visitors in the neighborhood setting.

Landscaping and screening consists of a formal streetscape treatment of tree-lined streets for the public roads serving the community. Cider Barrel Drive and Cider Press Drive will include a tree-lined streetscape of shade trees as well as the improvements along MD 355. The eight-foot hike-bike trail will consist of a row of shade trees along the eastern property line adjacent to MD Route 355. The stormwater management facilities have been screened from view of the public and private road network and visibility from the proposed units. The screening associated with the recreational amenities on site contains a mix of shade trees, ornamental trees and shrubs for visual enhancement of the users.

Proposed street lighting for public roads conforms to the Montgomery County guidelines for public roads for type of fixture, spacing, size and height. Proposed lighting for the private roads and alleys conform to the standards as set forth in the INESA guidelines for residential development.

The masonry walls on the perimeter of the site along MD 355 serve as noise attenuation. The walls will compliment the façade of the buildings within the site.

d. Recreation

Recreational amenities are accessible to the public and residents of the community. A central recreational facility has been sited on the west side of Cider Barrel Drive and adjacent to the proposed 8-foot-wide path. The tot lot area consists of a play structure and seating surrounded by a wood perimeter border and plantings. The surface material for the play area will consist of wood chips, preferably micro-engineered to accommodate accessible users. The central open space behind the rear of the units provides a visual, spatial and functional use for the users of the site. The internal path system links the amenities and provides for efficient pedestrian circulation within the site and to the major roadways. Off-site credit has been taken for existing facilities in the nearby schools and park properties, permitted by the recreational guidelines.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation in general is adequate, safe and efficient.

Vehicular access on the property will consist of construction of two segments of public roads; Cider Barrel Drive and Cider Press Drive. Cider Barrel Drive is a

master planned 70-foot right-of-way, primary road running north and south on the property. The alignment is consistent with the 1989 Germantown Master Plan, which will connect with MD 118 through the adjacent properties and proposed subdivisions to the north. Cider Press Drive is also a primary residential 70-foot right-of-way connecting MD Route 355 to Cider Barrel Drive. Surface parking for visitors, which include garage units are interspersed throughout the property. The access on the west side of Cider Barrel Drive is a single entrance and exit paralleling the public road and providing access and parking for buildings 18-23. The private drives are 20 feet wide throughout the site.

Pedestrian access consists of 5-foot wide sidewalks along both sides of Cider Barrel Drive and Cider Press Drive. The sidewalks will be separated by a planted ten-foot green strip from the curb line. An 8-foot asphalt bike path is proposed along the frontage of the property within the right-of-way for MD Route 355. The bike path will connect with the bike path immediately to the north and proposed subdivisions up to the intersection with MD 118. The 8-foot bike also parallels the Cider Barrel Drive through to the connecting properties internally up to MD 118.

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

The proposed sticks of units are aligned to take advantage of the existing site conditions, and alignment of the proposed master-planned roads through the community. All of the units back up to green space. Each structure and use is compatible with other uses and with existing and proposed adjacent development to the south and north of the property.

The activity associated with the proposed residential community will not cause any negative effect on adjacent residential or institutional uses.

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

Forest Conservation requirements have been met by the preservation of approximately 0.78 acres of existing forest. Reforestation is provided within the stream buffer to enhance the existing forested area.

A Category I Conservation easement will be placed over the forest conservation and environmental buffer areas, as shown on the final Forest Conservation Plan.

APPENDIX

- A. Memorandums from other Divisions/Agencies
- B. Opinion from Preliminary Plan 1-03057