

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Item # 3
MCPB 06-03-04

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: May 28, 2004
TO: Montgomery County Planning Board
VIA: Rick Hawthorne, Acting Chief
Development Review Division
FROM: Michael Ma, Supervisor *Ma*
Development Review Division
(301) 495-4523



REVIEW TYPE: Site Plan Review
CASE #: 8-04029
PROJECT NAME: Liberty Heights (Lots 106 through 116)
APPLYING FOR: Approval of 11 townhouses

ZONE: RT-6
LOCATION: On the west side of Liberty Mill Road, approximately 1,000 feet east of
Dawson Farm Road
MASTER PLAN: Darnestown & Vicinity
APPLICANT: Joav Steinbach
FILING DATE: April 9, 2004
HEARING DATE: June 3, 2004

STAFF RECOMMENDATION: Approval of 11 townhouses with the following conditions:

1. Environmental Planning
The proposed development shall comply with all conditions for final forest conservation plan approval.
2. Department of Permitting Services
The proposed development is subject to Stormwater Management Concept approval conditions dated April 7, 2004.
3. Sidewalks
The applicant shall construct a sidewalk along the entire frontage of the site or contribute to the County Capital Improvements Projects Program in accordance with the requirements of the Montgomery County Department of Transportation and Public Works sidewalk program.

4. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement including Development Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:

Development Program to include a phasing schedule as follows:

- a. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to the street.
- b. On-site landscaping and sidewalks must be completed as construction of the townhouse row is completed.
- c. Landscaping associated with the parking area must be completed as construction of the facility is completed.
- d. Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
- e. Coordination of each section of the development and roads.
- f. Phasing of dedications, stormwater management, sediment/erosion control, forestation, or other features.

5. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

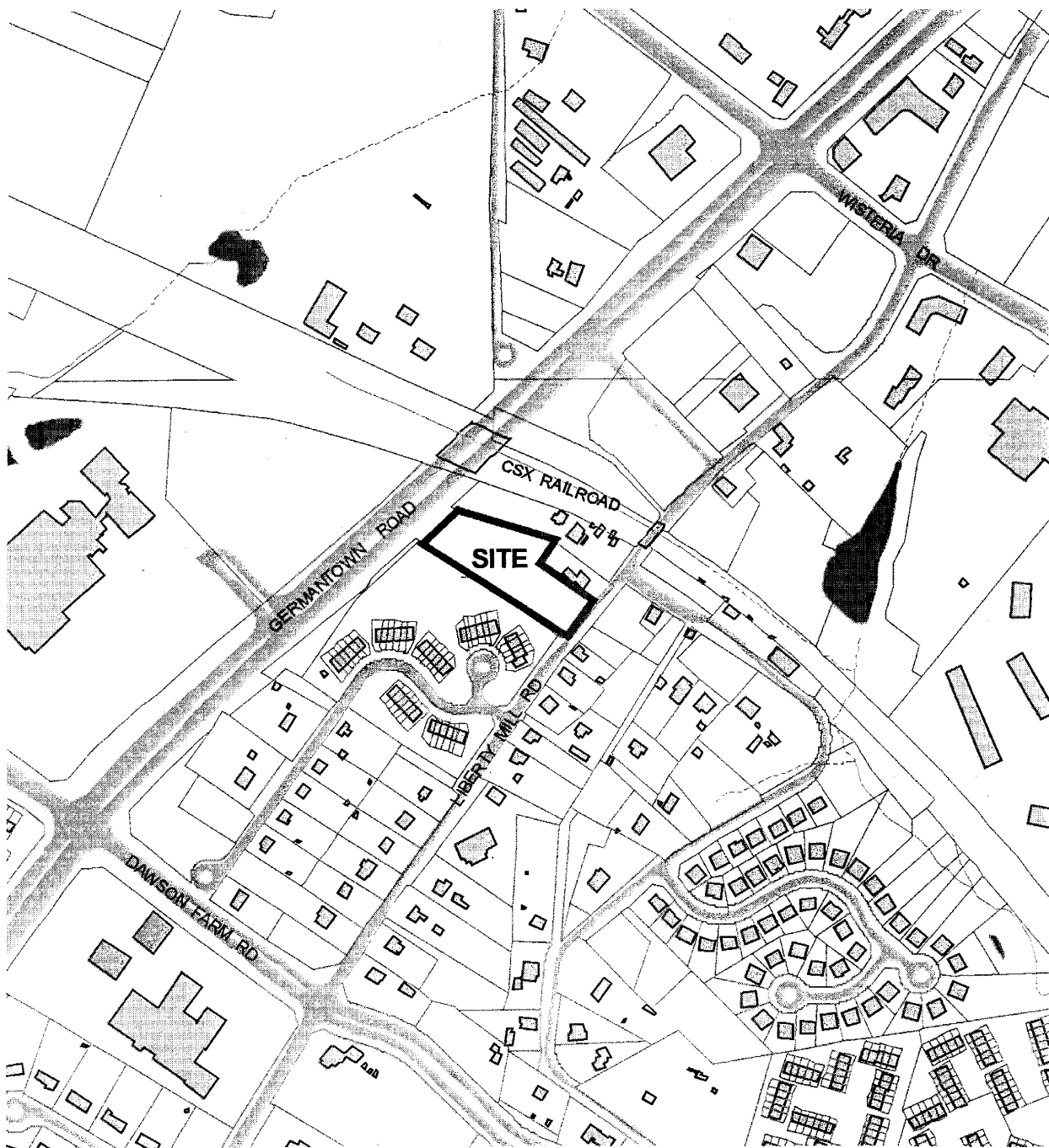
6. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Limits of disturbance.
- b. Methods and locations of tree protection.
- c. A note stating that the two existing maple trees near the adjacent property to the north must be removed by the applicant.
- d. A note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. The development inspection schedule and Site Plan Opinion.
- f. Grading on a side slope not to exceed 4 to 1 within the public utility easement areas.
- g. Outdoor lighting details with cutoff features.

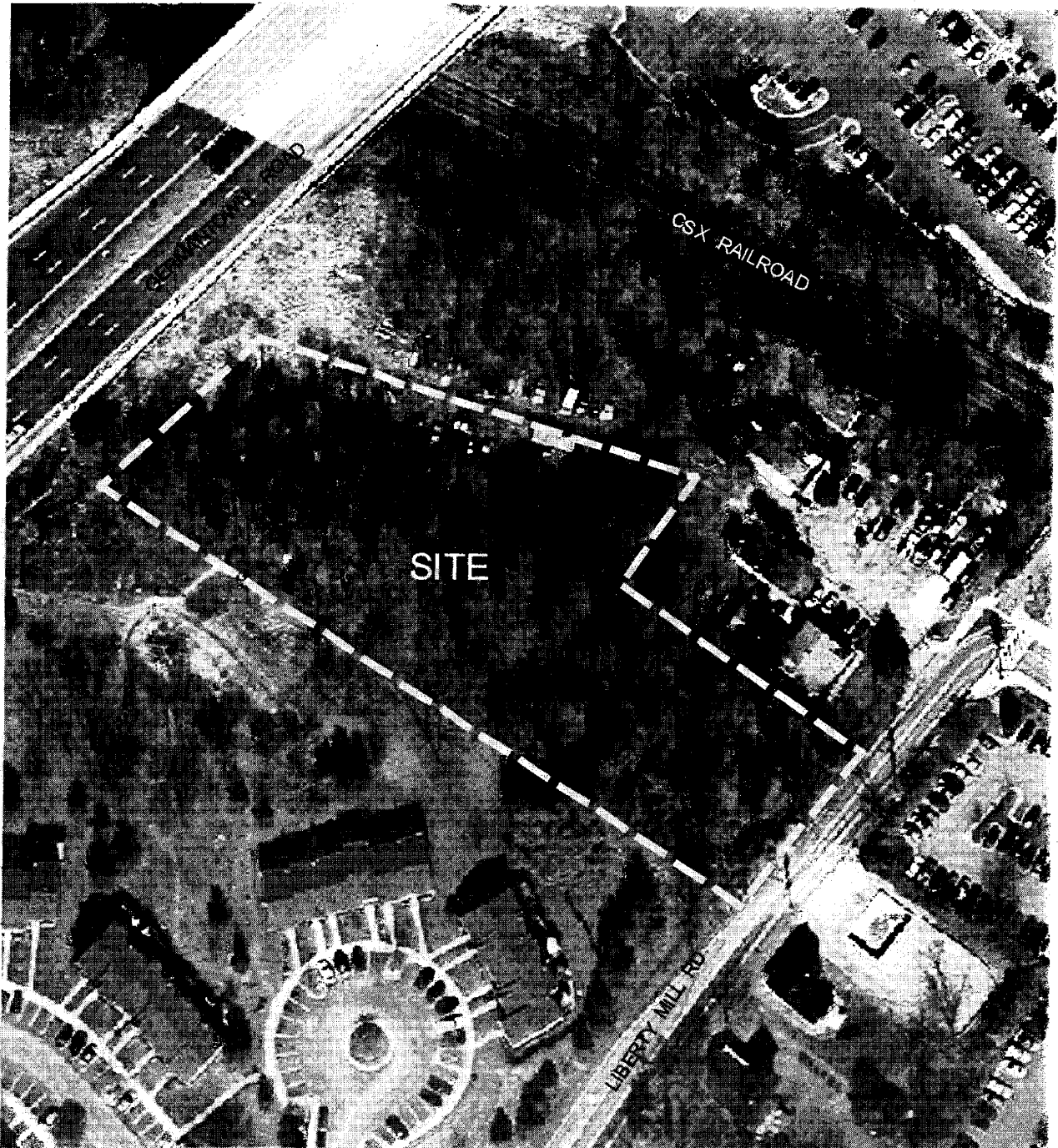
PROJECT DESCRIPTION: Site Vicinity

The subject property is located on the west side of Liberty Mill Road (Old MD 118), approximately 1,000 feet east of Dawson Farm Road and 300 feet south of the CSX Rail line which also transports the MARC commuter rail line. Liberty Mill Road ends with a pedestrian-only bridge traversing the railroad tracks; and another segment of Old MD 118 named Walter Johnson Road begins north of tracks. The site is bounded by the existing Liberty Heights townhouse development in the RT-12.5 Zone to the south. The northern boundary is shared with a C-T zoned property currently used for landscape contracting and a dental office in the R-200 Zone.



PROJECT DESCRIPTION: Site Description

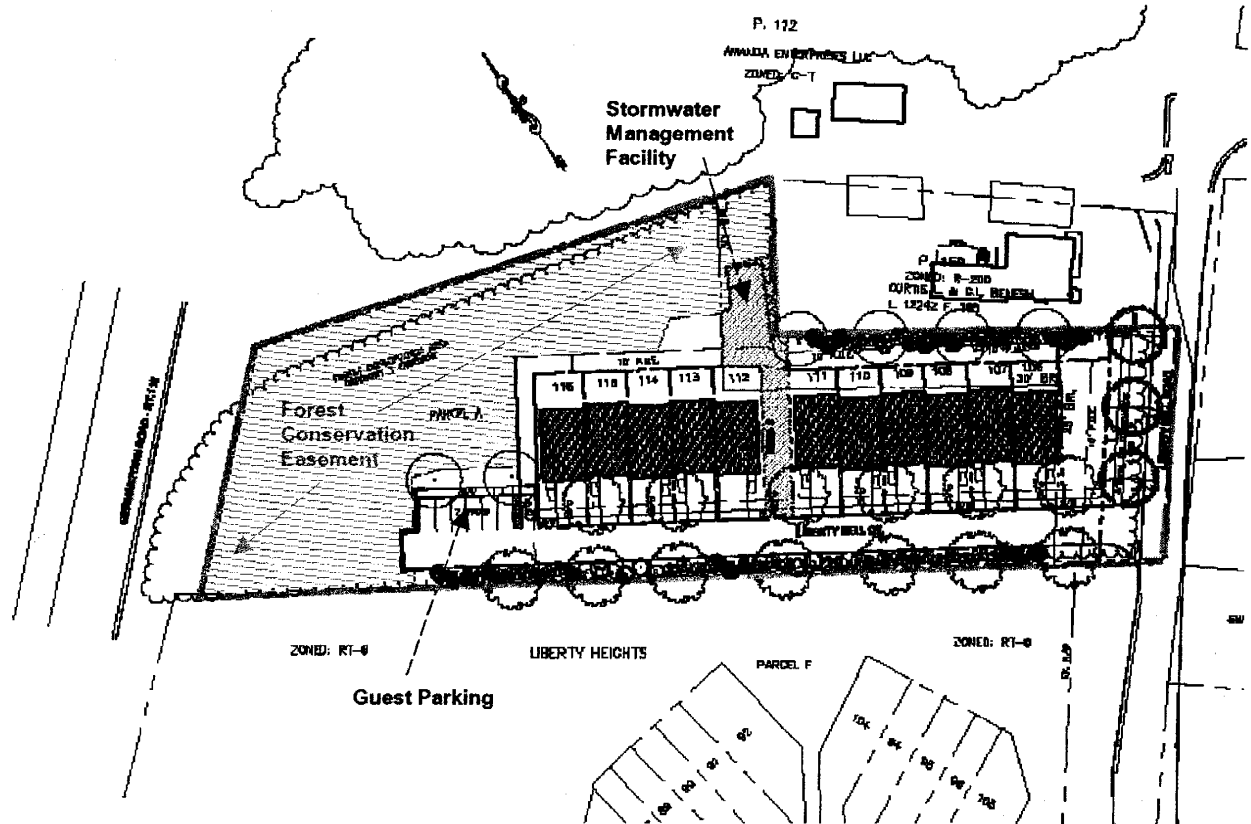
The 1.84-acre property is located within the Great Seneca Creek (Use Class I) watershed. There are no structures on the property. The property is mostly forested with an open grassed field just beyond the northeastern part of the property. There is 1.74-acres of forest on site. The site slopes approximately 30 feet from the southwestern corner toward the northeastern corner of the site. There are no streams, stream buffers, floodplains, or wetlands on the property.



PROJECT DESCRIPTION: Proposal

The subject site plan application proposes 11 one-family attached dwelling units with garages in two rows. Access to the units will be via a driveway from Liberty Mill Road. Seven visitor parking places are provided in the rear of the property. A sidewalk will be constructed along the driveway and connecting to the future sidewalk along Liberty Mill Road.

A mix of shade and evergreen plant materials are proposed along the south and north property lines to provide buffer between the proposed townhouses and adjacent properties. The applicant will retain 0.63 acres of forest on the site, which will be placed into a Category 1 forest conservation easement. The site plan shows a road dedication of 35 feet from the center line of Liberty Mill Road.



PROJECT DESCRIPTION: Prior Approvals

The subject property was rezoned from the R-200 zone to the RT-6 zoned in January 2004. A copy of County Council resolution No. 15-464 for Zoning Map Amendment (ZMA) application G-811 is attached. As part of the ZMA application, a Schematic Development Plan was approved with binding elements in land use, density, building coverage, green space, forest conservation, building setback, and building height.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (RT-6 Zone)

| Development Standard | Permitted/ Required | Proposed |
|-----------------------------------|------------------------------|------------------------------|
| Use | one-family attached units | one-family attached units |
| Min. Tract Area (ac.): | -- | 1.84 |
| Density of Development (d.u./ac.) | 6 | 6 |
| Number of Dwelling Unit | 11 | 11 |
| Building Setbacks (ft.) | | |
| from detached homes | 30 | 30 |
| from the street | 25 | 25 |
| from adjoining lots | | |
| rear | 20 | 20 |
| side | 10 | 10 |
| Building Coverage (%): | 35 | 13 |
| Green Area (%) | 50 | 72 |
| Building Height (ft.): | 35 | 35 |
| Parking Spaces | 22 | 51 |

ANALYSIS:

Conformance to Master Plan

The proposed townhouse development is in conformance with the land use recommendations of the 1989 Germantown Master Plan. The Master Plan designates the area as Clopper Village analysis area (CL-1) suitable for residential uses with the exception of four properties. The subject property is one of those noted for higher intensity residential use as follows from page 59 of the Germantown Master Plan:

The area between the above property [zoned for C-T] and the existing RT-6 Townhouse subdivision is suitable for the RT-6 (Residential Townhouse—six units per acre) Zone, but the following issues of compatibility need to be addressed:

- *Provision of building and parking setback similar to existing residences.*
- *Provision of visual and acoustic buffer along relocated MD 118.*
- *Visual screening of parking areas.*
- *Retention of existing trees.*

One way to address these compatibility issues would be through a rezoning application for the RT-6 Zone using the optional method of application and the use of a schematic development plan.

The subject site plan is consistent with the Master Plan guidance and the approved schematic development plan in terms of achieving the visual and acoustical buffer and landscape screening proposed in the Master Plan.

Forest Conservation

The property includes 1.74 acres of existing forest. The existing forest is dominated by a mix of black locust, silver maple, black walnut, and black cherry trees. There are three trees greater than 30 inches diameter on the site. Two are silver maple trees and the other is a norway maple. All the 30-inch diameter trees will be removed during the development of the site. Both silver maple trees are in PUEs and one of these trees is in failing condition. The norway maple tree is an invasive species and should not be protected.

The applicant is proposing to remove 1.11 acres of the 1.74-acre site. The remaining 0.63-acres of forest will be placed into a Category 1 forest conservation easement. The applicant has a planting requirement of 0.02 acres, which will be met via onsite planting.

Residents of the nearby townhouse community have expressed concern with the trees on their property. There is a 35-inch silver maple, 43-inch atlas cedar, and a 35-inch tulip tree on the adjoining property. As part of the final forest conservation plan, the applicant is required to provide methods to protect the tree including root pruning and fencing. These tree save measures are incorporated into the final forest conservation plan.

Noise

Environmental Planning staff requested the applicant to conduct a noise analysis to determine if noise mitigation was necessary to protect the future occupants from traffic noise from MD 118 and from train traffic on the CSX railway. The subject site is approximately 240 feet from the rail lines. The noise analysis indicates that no exterior noise mitigation is necessary. The acoustical engineer's report indicates that the exterior noise levels are less than 60 dBA Ldn, which meets the criteria established in the 1982 Noise Guidelines. The acoustical engineer report also indicates that interior noise levels will be reduced below the 45 dBA Ldn interior noise criteria, also established in the 1982 Noise Guidelines, by standard townhouse construction.

Based on the findings of the acoustical engineer, Environmental Planning does not believe exterior noise mitigation is warranted, nor is additional acoustical treatment beyond standard construction practices.

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.*

The Site Plan is consistent with the approved development plan G-811 in land use, density, general layout, and access.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the RT-6 zone as demonstrated in the 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.*

- a. **Buildings**

The proposed 11 townhouses are grouped in 2 rows, which vary from 5 to 6 units in length. The units will be parallel to the adjacent townhouses to the south. Landscaping buffer will be provided between the proposed townhouses and adjacent properties.

- b. **Open Spaces**

The plan proposed 1.32 acres of green area, or 72 percent of the property. As part of the green area, 0.63 acres of the western portion of the property will be placed into a Category 1 forest conservation easement. The proposed stormwater management concept consists of on-site water quality control and on-site recharge via a proposed infiltration trench.

- c. **Landscaping and Lighting**

The proposed landscaping on the site consists of a mix of shade and evergreen trees along the internal driveway and the north property line. Substantial amount of existing trees will be preserved within the open space areas. The proposed lighting plan shows 6 post-mounted lights throughout the subdivision. The lighting poles are 12 in height.

d. Recreation

No recreation facilities are required for the proposed 11 townhouse development.

e. Vehicular and Pedestrian Circulation

Vehicular access to the proposed development will be via a private driveway off Liberty Mill Road. Seven visitor parking places are proposed in the rear of the property. A sidewalk will be constructed along the driveway and connecting to the future sidewalk along Liberty Mill Road.

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

The proposed townhouses are similar to the existing townhome development to the south in use and scale. Along the north property line, a row of shade and evergreen trees will serve as a buffer between the proposed townhouses and the commercial use to the north.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The applicant is proposing to remove 1.11 acres of existing vegetation on the 1.74-acre site. The remaining 0.63-acres of forest will be placed into a Category 1 forest conservation easement. The applicant has a planting requirement of 0.02 acres, which will be met via onsite planting.

APPENDIX

A. County Council resolution No. 15-464 for Zoning Map Amendment (ZMA) application G-811.