



MCPB
Item #13
6/10/04

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

MEMORANDUM

DATE: June 3, 2004
TO: Montgomery County Planning Board
VIA: Richard Hawthorne, Chief *RGH*
Cathy Conlon, Supervisor *CC*
Michael Ma, Supervisor
Development Review Division
FROM: Richard Weaver, Subdivision
Mary Beth O'Quinn, Site Plan *mbog*
Planning Department Staff
(301) 495-1322



REVIEW TYPE: Preliminary Plan and Site Plan Review
APPLYING FOR: 34 One-Family Homes
PROJECT NAME: Potomac's Edge
CASE #: 1-04046 8-04018
REVIEW BASIS: Subdivision Regulations, Chapter 50, including:

- Reduced-width Tertiary Road: Subdivision Regulations [§50-26 (h) (2)]

Development Approval Procedures [§59-C-1.393], including:

- Site Plan Required for TDR Optional Method Development [§59-C-1.393 (c)]
- Allowance for reduction in TDR requirement [§59-C-1.393 (b)]

ZONE: R-200/TDR-3
LOCATION: Westside of Travilah Road, at Lake Winds Way, approximately 1.25 miles south of Darnestown Road intersection

MASTER PLAN: Potomac Subregion, amended 2001
APPLICANT: Maryland Development Company, LLC (Ted Smart)
FILING DATE: February 23, 2004
HEARING DATE: June 10, 2004

PRELIMINARY PLAN STAFF RECOMMENDATION: Approval of the Preliminary Plan, and approval of a waiver of the minimum 2/3 TDR requirement, subject to the following conditions:

1. Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
2. Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation

3. Record plat to reflect common ingress/egress and utility easements over all shared driveways.
 4. Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
 5. Compliance with the conditions of approval of the MCDPS stormwater management approval.
 6. Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
 7. This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
 8. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
 9. Other necessary easements.
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SITE PLAN STAFF RECOMMENDATION: Approval of 34 one-family homes in the R-200/TDR-3 Zone, including 8 Transfer Development Rights (with reduction of one TDR), and reduced-width tertiary road, subject to the following conditions:

1. Stormwater Management
Conditions of MCDPS stormwater management concept approval dated December 9, 2003.
2. Transportation Planning
Conditions of the Montgomery County Department of Public Works and Transportation (DPWT) memo dated January 26, 2004, including:
 - a. Provide 5-foot public sidewalks with streetscape within the Rights-of Way along Travilah Road;
 - b. Provide any necessary dedication for future widening;
 - c. For the internal public reduced-width tertiary street: provide a Public Utilities Easement/Public Improvements Easement (PUR/PIE); provide a minimum 10 feet from the back edge of the sidewalk to the curblin; provide a minimum 20 feet from the back edge of the sidewalk to the building face (garage front) to prevent the intrusion of parked vehicles into the sidewalk; label dimensions on signature set drawings;
 - d. Provide a bus shelter or bench along southbound side of the Travilah Road frontage;
 - e. Coordinate with DPWT CIP Project #500101, Travilah Road Phase 1, prior to building permit;
3. Environmental
Conditions of MNCPPC Environmental Planning (EPD), dated June 4, 2004, including:
 - a. Demonstrate via certification from a professional acoustical engineer that the building shell will attenuate current **noise level** to an interior noise level not to exceed 45 dBA Ldn and exterior noise levels for rear yards facing Travilah Road at a level equal to or less than 60 dBA Ldn;
 - b. Submission of the final Forest Conservation Plan (including grading and tree protection information prior to release of the Sediment and Erosion Control Plan);
 - c. Provide **fencing** for the perimeter of all forest conservation areas, as specified by EPD staff;
 - d. Removal of all debris, trash and undesirable invasive growth (as specified by EPD Staff) prior to clearing and grading;
 - e. Posting of **bond**, as per Final Forest Conservation Plan requirements, including cost estimates as specified by EPD staff;
 - f. Tree protection plan as applied to the 27-inch Northern Red Oak within Conservation Area A;
4. Signature Set
Prior to signature set approval of the site/landscape plans, the following revisions shall be made and/or information provided, for review and approval by planning staff:
 - a. General Information
 - i. Provide details of recreational equipment, furnishings, signage, walls or fencing, including materials; retaining walls to be constructed of masonry materials;

- ii. Provide final architectural elevations for Unit 1 and Unit 34 (all facades); the subject facades must provide windows and brick facing materials for fences and walls facing the public roadways;
- iii. Provide site elevation(s) and architectural façade elevation for all units with rears facing Travilah Road; provide details showing dimensions, location and materials for all decks facing Travilah Road;
- iv. Provide the development program inspection schedule;
- v. Label the PUE-PIE (showing dimensions) along Potomac Oaks Drive;
- vi. Methods and location of tree protection;
- vii. Forest Conservation areas and boundaries;
- xi. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- x. Limits of Disturbance;

b. Site and Landscape Design

- i. Provide architectural treatment to screen rear decks and patios from Travilah Road; screening must be provided as sight-tight fencing or parapet walls constructed in compatible building materials; eliminate decks from Unit 1 and Unit 34 or construct the decks and fences in brick facing materials.
- ii. Limit all driveway curb cuts to 18 feet in width; show dimensions on site plan signature set.
- iii. Provide street trees 40-50 feet on center along Travilah Road within the Right-of-Way the full length of the site; coordinate street tree species with Master Plan recommendations;
- iv. Provide additional street trees along Potomac Oaks Drive;

5. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents (if applicable) for review and approval prior to approval of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
 - i. 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;
 - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development;
 - iii. Landscaping associated with each building shall be completed as construction of each is completed;
 - iv. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed;
 - v. Coordination of each section of the development and roads;
 - vi. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation 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.

SUMMARY OF ISSUES OF SITE PLAN REVIEW:

In the course of site plan review and discussion, staff and applicant discussed landscaping, streetscape within the public rights-of-way and pedestrian connections. Detailed study addressed achieving on-site forestation, and design of the reduced-width tertiary street with public improvement easement. The size and landscaping for the underground stormwater management facility and the boundaries for the Category I Conservation Easement were also reviewed.

Waiver of Transfer Development Rights

The Montgomery County Zoning Ordinance, per [§59-C-1.393 (b)] allows the Planning Board to waive the requirement that the plan include two-thirds of the number of development rights permitted, “upon a finding by the planning board that for environmental or compatibility reasons it would be desirable to permit a lower density.”

Applicant Position: The applicant has requested a waiver of one Transfer Development Right (TDR) for environmental reasons: providing all forestation on site and accommodating storm water quantity control via underground storage.

Community Position: No comments have been received from the Community at the time of Staff Report publication.

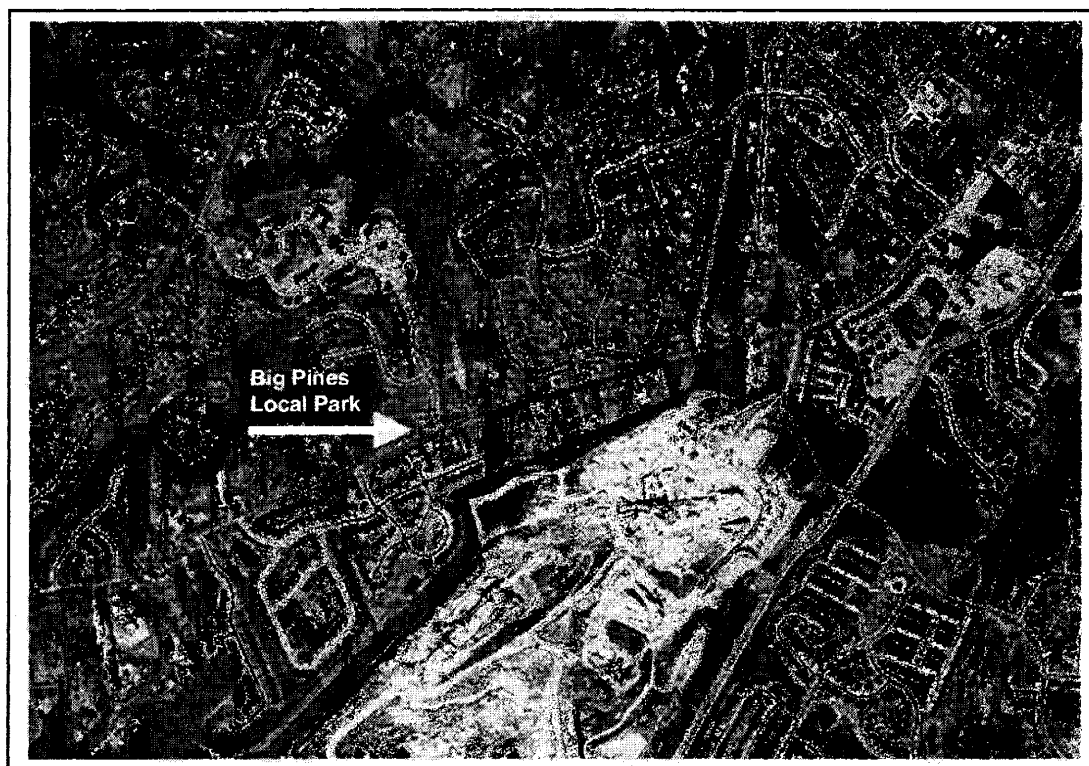
Staff Recommendation: Staff finds that the preliminary plan meets the development standards contained in Section 59-C-1.393. Staff recommends that the Planning Board approve the applicant’s request for one less TDR and finds that the lower density will allow more desirable environmental conditions and greater aesthetic compatibility with regard to streetscape and the disposition of open space.

As noted in the attached communication, Environmental Planning Staff supports the reduction of one transfer development right (TDR). Staff finds that the proposed development is more desirable from an environmental perspective because minimum on-site forest conservation requirements can be met, and tree save above and beyond these requirements is possible. It should be noted that the applicant has complied with stormwater management requirements by providing underground water quantity control at considerable expense, in the effort to achieve a more compatible streetscape along Travilah Road. In addition, proposed houses meet the 25’ setback requirement from the edge of the on-site gas easement, and are 80’ away from the actual gas line.

PROJECT DESCRIPTION: Surrounding Vicinity

The property is located on the southeast frontage of Travilah Road, at its intersection with Lake Winds Way and approximately 1.25 miles from the intersection of Travilah Road and Darnestown Road (28). The Big Pines Local Park lies within 1,000 feet of the site along the northwest frontage of Travilah Road.

The Potomac Edge site lies about one-quarter mile west of an overall development known as Traville. Traville itself is less than two miles west from Interstate 270 and about three miles from the Shady Grove and Rockville Metro stations. North of Traville is the Shady Grove Lifer Sciences Center, Shady Grove Adventist Hospital, the Key West Research Center and the Corporate Centers. To the north and east is the University of Maryland Shady Grove campus. Along Travilah Road, east of Lake Winds Way are several residential subdivisions that make up North Potomac.

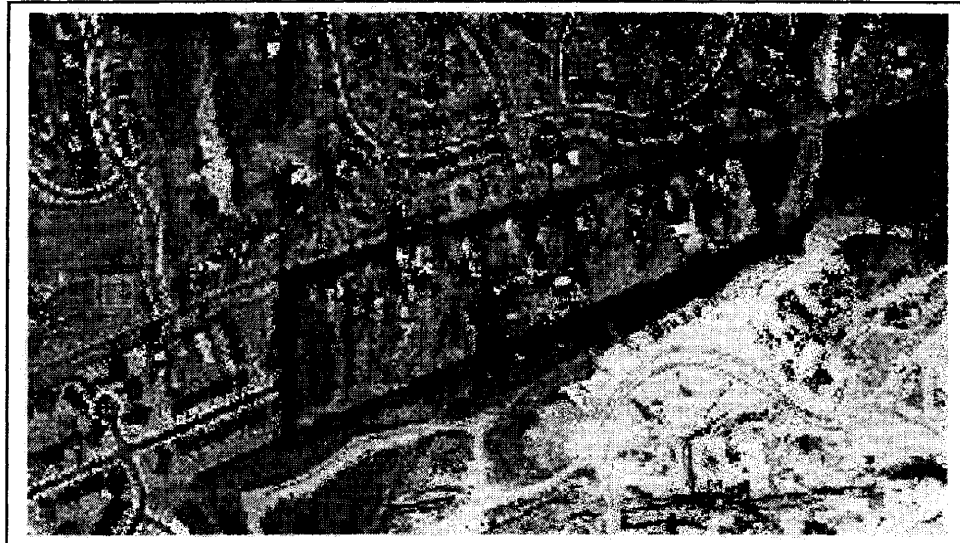


Aerial photo showing the site of the proposed development for Potomac Edge. Not the site's frontage along Travillah Road. Shady Grove road is shown to the south at the lower right hand quadrant of the photo. The gravel quarry is located to the south of the site.

PROJECT DESCRIPTION: Site Description

The Big Pines parcel is a 13.31-acre linear-shaped assemblage of 11 existing parcels that adjoins the Travilah Road frontage approximately 1.25 miles south of the Darnestown Road intersection. The subject land, providing approximately 1,240 feet of public street frontage, with a maximum lot depth of 520 feet, is bounded directly on the south by a 75-foot wide gas easement. Property adjoining the easement remains undeveloped. The parcel is bounded on the north by Travilah Road, with a variety of interspersed older single family homes that face Travilah Road, and with more recent development along Lake Winds Way (including Big Pines Village and Dufief Mill), featuring cul-de-sac arrangements backing onto this major thoroughfare and open space conservation areas

The property, lying within the Potomac Master Plan Subregion and the Piney Branch Special Protection Area, is quite sparsely forested and offers challenging soil conditions (Chrome and Conowingo soils containing serpentine). Four significant trees are located within the larger area proposed as Category One Conservation Easement. The topography for the site is essentially flat.

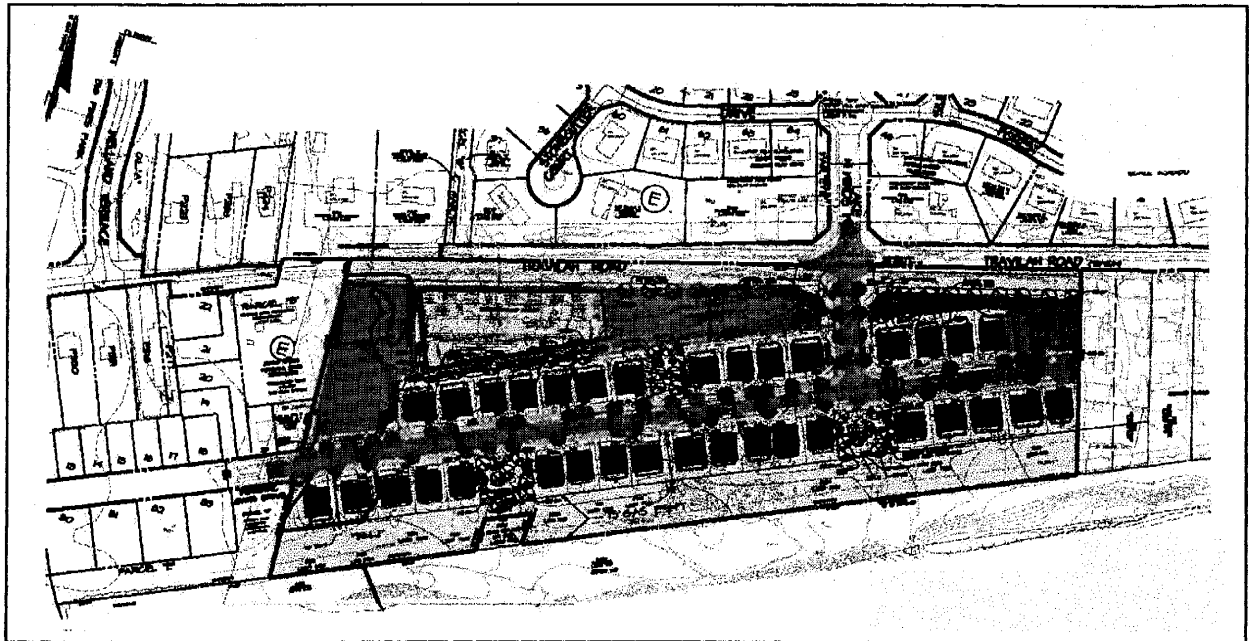


PROJECT DESCRIPTION: Proposal

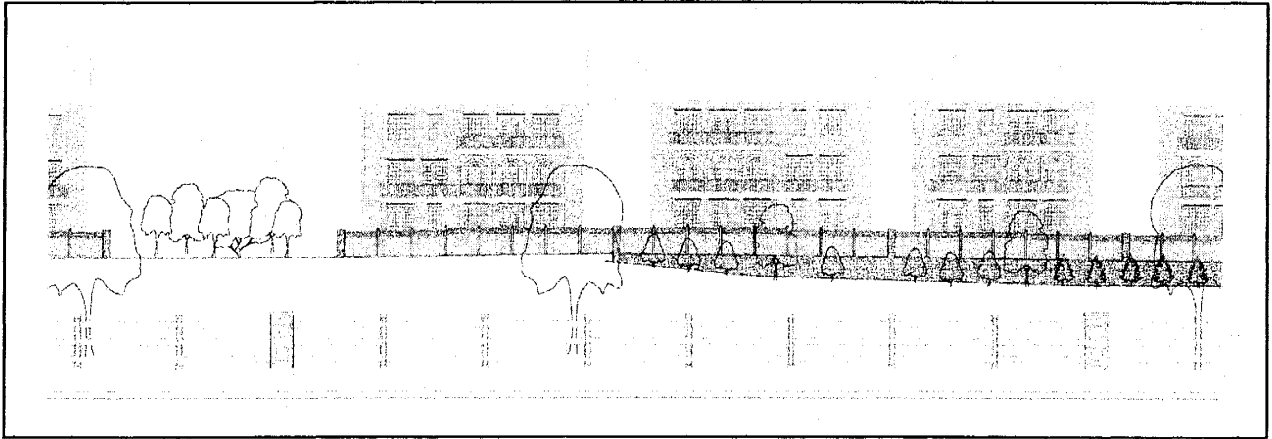
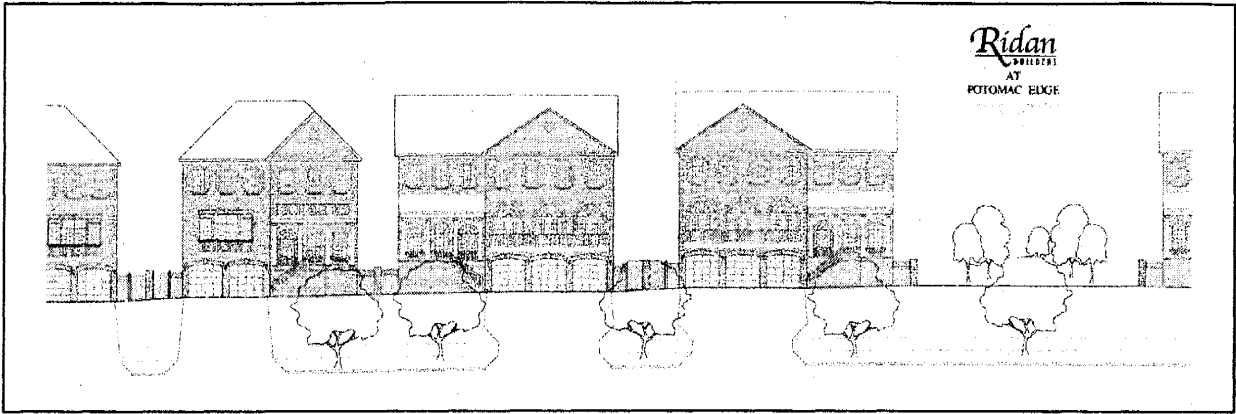
The site plan proposal consists of 34 one-family homes sited in tightly spaced, regular rhythm along an internal reduced-width tertiary road that runs parallel to Travilah Road. This internal public street essentially bisects the site lengthwise into front and back.

However, because of the constraints of the parcel depth, and the challenges of stormwater management and forestation, the new neighborhood's orientation is exclusively internal, that is, its facades face the internal street, with backyards and house rears facing Travilah Road. The overriding design challenge therefore is one of creating a suitable street frontage for the passing public along this heavily traversed vehicular artery.

The proposal addresses the resulting compatibility issues by: 1. locating the stormwater management facility underground, and; 2. providing a significant area of forest conservation (0.93 acres) at the south end of the site contiguous with the existing 1.43 acres of forest conservation associated with the adjoining development, and; 3. interspersing three small areas of open space along the long rows of repeated housing units.



Potomac Edge plan showing the 75-foot wide Utility (Gas) Easement to the south, the vehicular and pedestrian entrance from Travilah Road. Note the underground stormwater management facility outlined in blue. The dark green areas designate the forest conservation easements. There are three open space areas that provide landscaping and sitting areas for visual interest and recreation. The pedestrian system (sidewalks) internal to the site are depicted by the yellow lines. Recreation provided meets the Recreation Guidelines. Staff has included a condition for the provision of sidewalks, street trees, and a bus shelter/bench for Travilah Road.



ANALYSIS: Conformance to Master Plan

The plan conforms to the general recommendations of the Potomac Subregion Master Plan for this site. The Master Plan contains no specific recommendation for this property. The Board's discussion addressed using the TDR Optional Development method for the property.

ANALYSIS: Conformance with the Zoning

Potomac Country Corner - Site Plan 8-03033		
Development Standard - R-200/TDR-3 [utilizes R-60/MPDU standards per §59-C-1.625]	Required/Permitted	Proposed
Gross Site Area	N/A	13.31 acres
Net Site Area		12.31 acres
Dedication to Public Use		1.00 acres
Lot Area	4,000 sf minimum	5,500 sf minimum
Unit Mix	30% min 1-family detached	100%
Density	30 units	34 units
Setbacks		
Building setback from street ROW (shown on Master Plan)	20 feet minimum	20 feet minimum
Side Yard	0 feet	4 feet (total 12 feet)
Rear Yard	0 feet	20 feet
Lot Width at Building Line	25 feet	55 feet
Green Area	35%	70%
Forestation Retention		0.57 acres
Land Planting		1.58 acres
Parking		
Standard spaces - garages: 2 spaces/unit	68 spaces	84 spaces
Proposal utilizes 3-car garages		
TDRs [Base Density: 2 units x 3.93 acres = 7.96]	9 TDRs	8 TDRs ²
<p>¹ Section 59-C-1.394 (a) For TDR densities of 3 or more per acres, the lot sizes and other development standards will be determined at the time of preliminary plan and site plan for conformance with applicable master plan guidelines . . .</p> <p>² Section 59-C-1.395, footnote #1 Upon a finding by the Planning Board that a proposed development is more desirable for environmental reasons or is more compatible with adjacent development than that which would result from adherence to these standard, the percentage requirements of a one-family and multiple-family stated herein may be waived.</p>		

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.***

The Site Plan meets the requirements of the R-200/TDR-3 zone with including compatibility with site conditions and surrounding existing and future development [59-C-1.393 (d)(5)]. Staff finds that the preliminary plan meets the development standards contained in Section 59-C-1.393.

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 proposal achieves adequate, safe and efficient building locations, compliant with the zoning ordinance. The site layout for the 34 homes demonstrates its intention of maximizing land area to maximum effect, while providing for storm water management and forest conservation. The resulting design illustrates a predictable result of a semi-regimented internal street of garage fronts mediated by street trees and three open space areas that provide some visual relief and recreational opportunities.

- b. **Open Spaces**

Open space provided meets requirements of the R-200/TD-3 Zone green area.. The open space includes 0.57 acres of Category I Conservation Easement for forest retention and 1.58 acres of land planting, located primarily along the Travilah Road public street frontage. Three small open space areas are provided to break the monotony of the regimented street front. The primary “featured” open space provides a crucial visual amenity, in its placement as aligned on axis with the development’s main entrance.

Stormwater management is being provided on the site by an underground SWM detention facility for quality and quantity control. The SWM facility is located along the Travilah Road frontage and is framed by a Category I Conservation Easements—forest retention on the south and land planting on the north.

- c. **Landscaping and Lighting**

Landscaping adequately meets the needs of the proposal site and complements the existing forest conservation that adjoins the site on the south. The forest conservation area and reforestation areas provide an effective naturalistic link to the existing open space and with the Big Pines Local Park across Travilah Road. Formal street tree planting will visually enhance the safety and visual amenities of public walkways and transportation network.

- d. **Recreation**

Recreational amenities provided include passive recreation such as sitting and picnic areas (the gazebo), the pedestrian system, and an open play area. The amenities

provided, the pedestrian system and the natural areas, offer attractive recreational opportunities. Significant recreational amenities are available within the Big Pines Local Park, which features Multiage Playground, Nature Trails, a Tennis Court, and regulation Soccer Field.

e. Vehicular and Pedestrian Circulation

Pedestrian and Vehicular connections to the site are adequate, safe and efficient. Staff recommends approval of the applicant's proposal for reduced-width tertiary street as the internal public street extension of Potomac Oaks drive. The reduced-width tertiary street is desirable, as it allows for more tree conservation, and therefore provides a superior utilization of the site. The sidewalk proposed for Travilah Road, with street trees, will enhance the public realm, and promote safe, efficient passage for pedestrians and users of mass transit. Staff has included a condition that the applicant provide a bus shelter or bench for the nearest bus stop on Travilah Road, as recommended by DPWT. The internal sidewalks on both sides of the tertiary street will provide adequate and safe routes for residents. Street trees provide a crucial element of pedestrian safety for the internal street because of the number of curb cuts for the three-car garages and the tight spacing of the units (4 feet at the lot lines). Staff recommends, as conditioned, 1. Limit the curb cut dimension to 18 feet at the curb line and; 2. Provide an additional 15 street trees along the internal (12,40 foot long) Potomac Oaks Drive. These recommendations will better define the street, separating vehicles and pedestrians both visually and physically, and necessarily enhance pedestrian safety.

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

The proposal plan for houses is compatible with surrounding uses and other site plans and with the adjacent and future development. The neck down of Potomac Oaks Drive from standard section width within the adjoining development will offer more compatible future development opportunity for the parcels to the north. Although the orientation of the houses, with rear of the units facing Travilah Road defies standard planning goals, the adjoining development across the street to the north carries a similar pattern. The proposal seeks to mediate this condition through forest conservation planting and architectural fencing and screening.

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

A Category I Conservation Easement will be placed over 0.57 acres of forest retention and 1.58 acres of planting.