

**MEMORANDUM**

**DATE:** October 29, 2004

**TO:** Montgomery County Planning Board

**VIA:** Rick Hawthorne, Chief *RCH*  
Michael Ma, Supervisor *Ma*  
Cathy Conlon, Supervisor *CC*  
Development Review Division

**FROM:** Robert A. Kronenberg, RLA *RAK*  
Richard Weaver *RW*  
Planning Department Staff  
(301) 495-2187 and (301) 495-4544

**REVIEW TYPE:** Site Plan and Preliminary Plan

**APPLYING FOR:** 6 one-family detached dwelling units, 139 one-family attached units and 45 multi-family units

**PROJECT NAME:** Leesborough

**CASE #:** 8-04027 and 1-04068

**REVIEW BASIS:** Site Plan Review required in the RT-15 zone as set forth in Division 59-D-3. Preliminary Plan and Chapter 50, the Subdivision Regulations

**ZONE:** RT-15

**LOCATION:** 200 feet south of Arcola Avenue directly fronting Georgia Avenue and Amherst Avenue

**MASTER PLAN:** Kensington-Wheaton Master Plan

**APPLICANT:** Bachellors Forest, LLC  
C/O Centex Homes

**FILING DATE:** March 9, 2004

**HEARING DATE:** November 4, 2004




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**STAFF RECOMMENDATION FOR PRELIMINARY PLAN #1-04068: Approval** of 6 one-family detached dwelling units, 139 one-family attached units and 45 multi-family units in the RT-15 Zone on 13.86 acres, with the following conditions:

- 1) Approval under this preliminary plan is limited 201 dwelling units.
- 2) Record a plat of reservation to place the existing Rafferty Center, the open space area to the west of the Rafferty Center, and the 24 units (buildings 1 through 5), for a period not beyond September 30, 2006. If the reservation period is extended through mutual agreement by the applicant and Montgomery County, the applicant shall have the right to enter into the reservation area and demolish the school building except the Rafferty Center.
- 3) 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.
- 4) Record plat to reflect dedication of 60 feet from centerline of Georgia Avenue.
- 5) Construct east west private street connection from Georgia Avenue (Dawson Street extended) to Amherst Avenue to public street standards.
- 6) Coordinate with State Highway Administration regarding change to access improvements on Georgia Avenue prior to recordation of plat(s)
- 7) Compliance with conditions of MCDPWT letter dated, October 29, unless otherwise amended.
- 8) Provide a 24-foot wide ingress egress and utility easement on future Dawson Avenue and Street "C" and continuing from Street "C" to the common property line as shown on the preliminary plan for future connection to WMATA (P920) site to the south.
- 9) Provide proper notification to prospective home purchasers of future connection to WMATA site as outlined in Site Plan condition #3.
- 10) No clearing, grading or recording of plats prior to signature set approval.
- 11) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 13) Final numbers of MPDU's as per condition #11 above to be determined at the time of site plan.
- 14) 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.
- 15) 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.
- 16) Other necessary easements

**STAFF RECOMMENDATION FOR SITE PLAN #8-04027: Approval** of 6 one-family detached dwelling units, 139 one-family attached units and 45 multi-family units in the RT-15 Zone on 13.86 acres, with the following conditions:

1. Rafferty Center
  - a. During the reservation period, the applicant shall continue good-faith negotiations with Montgomery County for the purpose of securing property around the Rafferty Center for additional open space, parking and access as described in the letter dated October 15, 2004 from Montgomery County Mid-County Services the Honorable Derick P. Berlage [Appendix A].
  - b. If an agreement between the applicant and Montgomery County cannot be reached, and the Rafferty Center cannot be retained, the applicant shall amend the approved site plan to show an alternate layout and design that addresses the open space and recreation requirements, as well as the overall design intent. The revised site plan shall be approved by the Planning Board prior to the issuance of the 133<sup>rd</sup> building permit.
2. Development Plan Conformance

The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-798 and associated Development Plan [Opinion and Plan-Appendix B].
3. WMATA Access

The applicant shall provide a 24-foot-wide ingress/egress easement on Dawson Avenue and Street 'C' from Georgia Avenue to the WMATA property (Parcel 920) to the south of the subject site to accommodate future development of the WMATA property. The access shall be referenced in the Homeowners Association documents and on the record plat. Language shall be included in the Homeowners Association documents, which provides notification for the potential for future development on the WMATA property (Parcel 920) through the subject site.
4. Site Design
  - a. Provide architectural drawings showing brick/masonry facades for the fronts and sides of all of the buildings.
  - b. All retaining walls shall be constructed of masonry to complement the building facades. Provide a detail of the retaining walls on the site plan.
  - c. Provide a utility plan and layout for the alleys and drives. Meters, A/C units and other utilities shall be combined where possible so as not to compete with planting in the islands.
  - d. Provide the location of the mailbox clusters on the site plan. The locations of the clusters shall not impede the visibility of the prominent amenity features on the site plan such as the amenity plazas or central gathering areas. A letter from the U.S. Post Office shall be provided at signature set accepting the proposed locations.
  - e. Enlarge the seating and plaza area at the west end of Street 'D' and north of building #5 to become a more visible plaza area for residents of the community and visitors of the Rafferty Center.
  - f. Relocate end units 38, 61 and 88 to buildings 25, 20 and 18, respectively, to create a better view shed from the amenity plaza to Street 'C'.

5. Landscaping

- a. Provide shade trees on the south side of Street 'C' in front of buildings 12, 19 and 26.
- b. Provide additional planting around the seating area at the intersection of Street 'B' and 'D'.
- c. Provide additional foundation planting for the buildings facing Georgia Avenue.
- d. Provide 4' x 10' tree pits with amended soil panels on Dawson Avenue. Shade trees in the tree pits shall be spaced approximately 30 feet on center.
- e. Remove the privacy wood fence that provides screening of the pad spaces to the units. The screening for the pad spaces to the units shall be constructed of materials to complement the building facades. Provide a detail of the screening at signature set.
- f. All meters and utilities located within the islands between all units shall be screened with evergreen shrubs or masonry walls to match the building facades.
- g. Relocate the central feature in the mews (units 61 and 88) to line up with the amenity plaza and relocated units.
- h. Provide a typical foundation-planting plan for the fronts of the units.
- i. Provide additional features that complement the architecture or hardscape elements in the mews and in the fronts of the units that reflect the amenity plaza and urban design elements such as ornamental fencing and paving patterns to complement the facades.

6. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors/refractors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- e. The height of the light poles shall not exceed 19 feet including the mounting base and fixture.
- f. Relocate the fixture adjacent to unit 114 outside of the sidewalk.
- g. Relocate the fixture adjacent to unit 26 and the stormwater management facility outside of the sidewalk.

7. Pedestrian Circulation

- a. Provide a sidewalk connection to the Rafferty Center from Street 'D' north of unit 141, if the Rafferty Center is retained.
- b. Provide a five-foot clear area from the tree pits to the back of the sidewalk on Dawson Avenue. Sidewalk on Dawson Avenue and amenity plaza areas to be stamped concrete.
- c. Provide an eight-foot-wide concrete Class I bikeway parallel to the east side of Georgia Avenue.

8. Recreation Facilities

Provide a tot lot; open play area, pedestrian system, 6 seating areas and indoor community space in the Rafferty Center to satisfy the requirements of the Recreation Guidelines.

9. Maintenance Responsibility

The applicant and subsequent homeowners association shall be responsible for maintaining recreation facilities that are under their control. If the Rafferty Center and open space area to the west of the Rafferty Center, including the 24 units (buildings 1-5) are acquired by the County, the Montgomery County Department of Recreation shall be responsible for maintaining the Rafferty Center and surrounding land acquired. In addition, the homeowners association shall be responsible for maintaining the plaza amenity areas, lighting, landscaping and elements of the streetscape that are under their control.
10. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide (24) twenty-four Moderately Priced Dwelling Units (MPDUs) on the site.
11. Transportation

The applicant shall comply with the conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated October 15, 2004 [Appendix C]:
12. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 25, 2004 [Appendix C]:

  - a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
  - b. Record plat of subdivision shall reflect a Category 1 conservation easement over all areas of afforestation and forest conservation.
  - c. The applicant shall plant the afforestation area in the first planting season after the issuance of the building permit for properties adjoining the forest conservation area.
  - d. Applicant shall construct a split rail fence to delineate the planting area and also to protect the trees within the forest conservation easement.
13. Noise Attenuation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 25, 2004 to attenuate noise from Georgia Avenue (MD 97) [Appendix C]:

  - a. Certification from an engineering firm that specializes in acoustical analysis, that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour, is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification from the engineer that specializes in acoustical analysis shall be reviewed and approved by M-NCPPC Environmental Planning staff prior to issuance of building permits. Any changes that may affect acoustical performance, after the issuance of a building permit, shall be approved by the acoustical engineer in advance of installation and M-NCPPC Environmental Planning staff prior to their implementation.
  - b. Applicant shall conduct an outdoor-to-indoor noise analysis of constructed units to ensure the 45 dBA Ldn interior noise level is achieved within the unmitigated 65 dBA Ldn contour after construction and shall present verification of noise levels to

- M-NCPPC Environmental Planning staff prior to occupancy of the residential units.
- c. For all residential dwelling units to be constructed within the 65 dBA Ldn unmitigated noise contour, the applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by existing and future highway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and with all Deeds of Conveyance. Notification shall be provided to M-NCPPC staff prior to issuance of any building permit.
  - d. Provide the 70 dBA and 65 dBA lines on the site plans.
14. Stormwater Management  
The proposed development is subject to Stormwater Management Concept approval conditions dated August 24, 2004 [Appendix C].
15. Common Open Space Covenant  
Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 133rd building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.
16. Development Program  
Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:
- a. Streets tree planting shall progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
  - b. Community-wide pedestrian pathways, including the 8-foot-wide Class I bikeway, and recreation facilities, including the tot lot, open play area and amenity plazas, shall be completed prior to issuance of the 133rd building permit.
  - c. Landscaping associated with each street and building shall be completed as construction of each facility is completed.
  - d. Afforestation Area shall be planted to start the two-year warranty and maintenance period upon completion of units 49, 50, 99 and 100 and Street 'C'. Forest Conservation signs shall be placed at the end of each street and alley to inform residents of the area to be planted.
  - e. Pedestrian pathways including sidewalks in the front of the units and connections to the public and private roads shall be completed as construction of each building and street is complete<sup>d</sup>
  - f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
  - g. Coordination of each section of the development and roads.
  - h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

17. Clearing and Grading  
No clearing or grading prior to M-NCPPC approval of signature set of plans.
18. 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. Development program, inspection schedule, and Site Plan Opinion.
  - b. Limits of disturbance.
  - c. Methods and locations of tree protection.
  - d. Forest Conservation easement areas.
  - e. MPDU and recreation facility calculations. Applicant shall provide a note on the site plan indicating the supply taken for the Rafferty Center and that a revised plan must be submitted to the M-NCPPC staff for review and approval if the Rafferty Center is not retained.
  - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - g. All other items specified in the site design, landscape, lighting, recreation, pedestrian circulation, maintenance responsibility and forest conservation conditions of approval above.
  - h. Details of the masonry walls and fences, ornamental features and paving elements associated with the front yards.
19. Homeowners Association Documents  
Applicant shall provide documentation to prospective buyers in the Homeowners Associations Documents with regard to maintenance responsibility of the plant material, paving, benches and amenities between the building and curb line, which includes the public utility easement (PUE). The Homeowners Association Documents shall also contain language concerning the public ingress/egress easement to the WMATA site (Parcel 920) to Georgia Avenue and potential for future development through the subject site. The Homeowners Association documents shall be reviewed and approved by M-NCPPC staff prior to approval of signature set.

## **Summary of Issues:**

During the course of preliminary and site plan review and discussion, staff and the applicant reviewed the location of the units and their relationship to Georgia Avenue and Amherst Avenue, access to and from the site, noise attenuation from Georgia Avenue and the location of recreational facilities. Staff worked with the applicant to provide streetscape improvements in the private road system along with amenity areas for the community.

The retention of the Rafferty Center building is discussed in detail on the following page. Montgomery County has agreed to work with the applicant to retain the Rafferty Center in order to provide future maintenance for community activities within the building. The property north of Dawson Avenue will be placed in reservation for a time period established by the approval of the preliminary plan.

A potential access was also reviewed for future development for Parcel 920 (WMATA) to the south through the subject site. Pedestrian access will resemble an urban environment consistent with the current development in downtown Wheaton. Improvements will consist of shade trees, specialty street lighting, brick walks, benches and amenity landscaping along the frontage of the buildings fronting the primary streets.

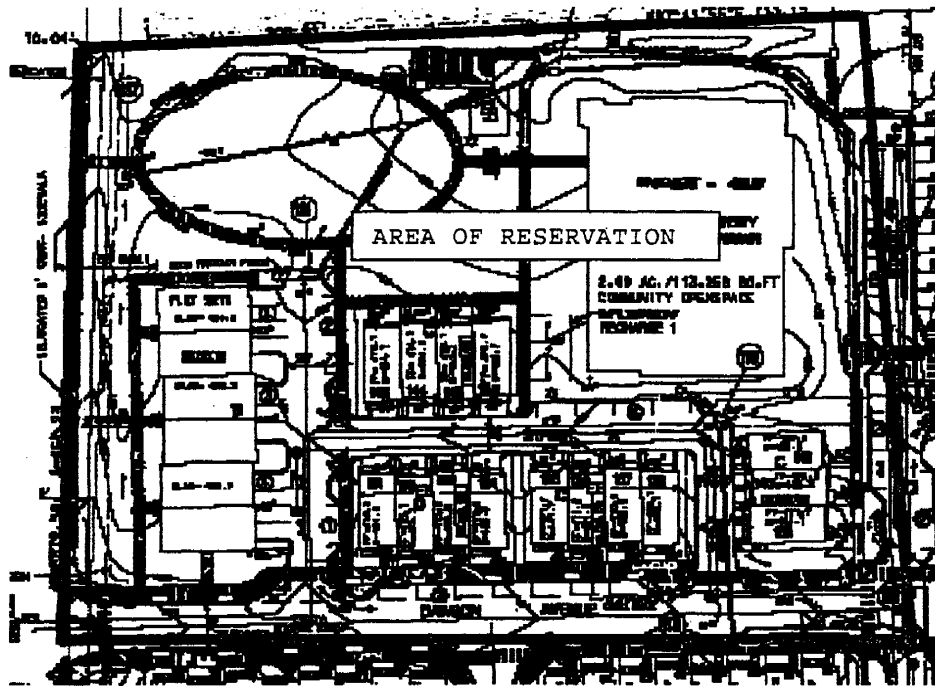
Landscaping and lighting was reviewed for conformance to an urban setting, streetscape improvements and buffer requirements to adjacent uses.



## A. Rafferty Center Reservation

The Rafferty Center is a relatively new building on the Good Counsel High School site previously used for gym activities and school meetings. The location of the Rafferty Center is in the northwest corner of the overall site. A condition was placed on the Zoning Text Amendment (G-798) and Schematic Development Plan for the preservation of the building contingent on preservation of open space, forest conservation areas and on-site recreation associated with the center. Binding element No. 2 states: "... Rafferty Center (multi-purpose recreational facility) must be retained for public use, provided that a public entity assumes responsibility, with adequate parking, visibility and pedestrian access."

The Montgomery County Department of Recreation has agreed to enter into negotiations with the applicant in order to retain the Rafferty Center and secure the land area around the building to provide for additional open space, visibility and access. (See letter dated October 15, 2004 from Montgomery County to the Honorable Derick P. Berlage- Appendix A) The Rafferty Center and area directly surrounding the Rafferty Center, including buildings 1-5 and open play area will be placed in reservation until September 30, 2006 in order to structure a deal with the applicant, Montgomery County and WMATA. The overall intent of the agreement is for Montgomery County to purchase the WMATA parcel in return for the units and land to the north of Dawson Avenue extended. The applicant would then develop the WMATA property once compensated for the units surrounding the existing Rafferty Center. This application and reservation does not bind WMATA to the conditions of approval.





### **Applicant Position**

The applicant has agreed to place the portion of property north of Dawson Avenue and west of Street 'B' into reservation to continue negotiations with Montgomery County in order to provide more useable space around the Rafferty Center. If a deal is not structured with the County before the end of the reservation period, the applicant is permitted to remove the Rafferty Center and construct the platted units. The applicant has requested that the reservation period start from the date of the approved Preliminary Plan to September 30, 2006, which is less than the standard two-year period.

### **Montgomery County Position**

Montgomery County has agreed to continue negotiations with the applicant to negotiate the acquisition of the land surrounding the Rafferty Center in concert with County efforts to acquire the WMATA parcel. The County cannot maintain the Rafferty Center given the layout of the current design due to access restrictions, loading, parking and insufficient green space. The County is very interested in retaining the Rafferty Center as a multi-purpose recreational facility and providing additional community space for the surrounding neighborhood.