

APPENDIX C



October 26, 2004

Memorandum

To: Robert Kronberg
Development Review Division

Via: Khalid Afzal, Team Leader, Georgia Avenue Corridor
Community-Based Planning Division *KA*

From: Nkosi Yearwood *NY*
Community-Based Planning Division

Subject: Leesborough
Preliminary Plan No. 1-04068 and Site Plan No. 8-04027

This memorandum is Community-Based Planning Division comments for Preliminary Plan No. 1-04068 and Site Plan No. 8-04027 (Leesborough). The proposed development is consistent with the Planning Board's and County Council's Local Map Amendment rezoning petition for the Good Counsel site (G-798). Community-based planning division recommends the approval of the preliminary and site plans with the following conditions:

1. Create a separate lot to accommodate the reservation of the Rafferty Center to allow a public entity to assume responsibility of the Center.
2. Submit an alternative site plan without the Rafferty Center that illustrates a redesigned open play area and residential development.
3. All Moderately Priced Dwelling Units (MPDUs) should be spread throughout the development.

Background

The Planning Board reviewed Local Map Amendment (G-798) in June 2002 to reclassify the existing Good Counsel High School site from R-90 to RT-15. The County Council approved the rezoning request in June 2003. The site plan for Leesborough follows all of the binding, including: six single-family detached dwellings along Amherst Avenue; a road connection to WMATA property to the south; a two acre minimum community open space; and the 50 feet afforestation area at the northern property line.

Further, 2 over 1 units are located along Georgia Avenue and with detached single-family dwellings as an appropriate transition to existing residential uses along Amherst Avenue.

Master Plan

The proposed development is located within the Kensington-Wheaton Master Plan area and is adjacent to the Wheaton Central Business District (CBD) Vicinity Plan area. The development is consistent with the land use and zoning objectives of the Kensington-Wheaton Master Plan (1989), which includes the following:

- To protect and stabilize the extent, location, and character of the existing residential and commercial land use.
- To maintain the well established low-to-medium density residential character, which prevails over most of the planning area.
- To ensure that zoning and land use recommendation for sites which have a potential for future development are consistent with the goals of land use stabilization and compatibility with nearby existing development.
- To preserve the identity of residential areas along major highway corridors, to soften the impact of major highways on adjacent homes and to strengthen the distinction between commercial and residential uses (p.28).

The development will strengthen the transition between commercial uses in the CBD with another residential area along a major highway and will be compatible to the existing area. Additionally, the Green Corridor Policy of the Kensington-Wheaton Master Plan, which aims to ensure that “ the integrity of residential areas along major highway corridors and that commercial areas do not fade from one into the next without a clear sense of place” will occur given the proposed streetscape and open play area adjacent to the Rescue squad. (p.70)

The Leesborough development would achieve the land use and zoning objectives of the Kensington-Wheaton Master Plan. A mix of townhouses and one-family detached dwellings, one-family attached dwellings with a significant green area, including community open space, would maintain a low to medium density with the surrounding multi-family and single-family residential communities.

Rafferty Center

Batchellors Forest, LLC and different County agencies have begun exploring several possibilities of retaining and improving the existing Rafferty Center, a multi-purpose gymnasium in the existing Good Counsel High School building.

If the Rafferty Center is retained, Community-Based Planning staff is of the position that the applicant, County agencies and staff should coordinate to improve

Resolution No.: 15-226
Introduced: June 17, 2003
Adopted: June 17, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By: County Council

SUBJECT: APPLICATION NO. G-798 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,
Stephen Z. Kaufman and Yum Yu Cheng, Attorneys for Batchellors Forest LLC, Contract
Purchaser, OPINION AND RESOLUTION ON APPLICATION
Tax Account Nos. 1094060; 3266308; 0974658; 1396335

OPINION

Application No. G-798, filed on March 25, 2002 by Applicant Batchellors Forest, LLC (a joint venture of Centex Homes and Laing Homes), requests reclassification from the R-90 Zone to the R-T 15 Zone of 14.74 acres of land comprising four parcels known as Parcel A, Arcola, Plat 4374; Lot 22, Arcola Manor, Liber 15995, Folio 393; Parcel 817, Pt. Hermitage, Tax Map JQ12, Liber 2720 Folio 407; and Outlot B, Blueridge Manor, Plat 6380. The subject property is located at 11601 Georgia Avenue in Wheaton in the 7th Election District. The application was considered under the Optional Method authorized by Code §59-H-2.5, which permits binding limitations with respect to land use, density and development standards or staging.

The Hearing Examiner recommended approval of the application on the basis that the R-T 15 Zone at the proposed location would satisfy the requirements of the purpose clause; that the proposed reclassification would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Planning Board and Technical Staff provided similar recommendations. The District Council agrees with these conclusions.

The subject property is roughly rectangular in shape and is comprised of four lots currently developed with Our Lady of Good Counsel High School, a private school with 1,035 students, and associated parking lots and athletic fields. The property is located in the southeast quadrant of the intersection of Georgia and Arcola Avenues. It is bounded on the west by Georgia Avenue; on the

south by vacant lots owned by the Washington Metropolitan Area Transit Authority (WMATA), the Blueridge Manor Apartments and Elkin Street; on the east by Amherst Avenue; and on the north by five single-family homes facing Arcola Avenue, two vacant lots and, for a short distance, Arcola Avenue. The topography consists of two plateaus with an embankment between them running north/south in the middle of the site. An additional embankment marks a 20-foot difference in grade between the athletic fields at the east end of the site and Amherst Avenue. Small wooded areas exist along the eastern and southern boundaries. Site access is from Georgia Avenue.

The surrounding area for this application is bounded by Henderson Avenue to the north; Wheaton Regional Park, Nairn Road and an imaginary line extending down to University Boulevard to the east; University Boulevard to the south; and Galt Avenue to the west. It contains a mix of residential, commercial and institutional uses, with residential as the predominant use. Single-family homes in the R-60 and R-90 Zones dominate the northern portion of the surrounding area, which also includes the Wheaton Regional Library at the northwest corner of Georgia and Arcola Avenues, and the Wheaton Community Center immediately north of the library. The southern portion of the surrounding area includes multi-family garden apartments adjacent to and southeast of the subject property in the R-20 Zone, the vacant WMATA site in the R-90/TDR Zone, additional multi-family uses in the R-30 Zone, and a portion of the Wheaton Central Business District ("CBD"). The CBD contains a mix of commercial and office uses in the CBD Zones. Single-family homes along Georgia Avenue are intermixed with a substantial number of commercial uses operating out of residential structures.

The subject property is within close proximity to numerous public amenities and within walking distance of the diverse commercial and retail uses in downtown Wheaton. The Wheaton Community Center is located two blocks north on Georgia Avenue, and the Wheaton Volunteer Rescue Squad (the "Rescue Squad") facility is located in the Wheaton CBD about five blocks south of the subject property. Community involvement in the present zoning application has focused on enhancing community recreational facilities, and identifying a site for the Rescue Squad to build a larger facility while minimizing adverse effects on residential neighborhoods. Following extensive negotiations among the Applicant, the Rescue Squad, the Wheaton Regional Park Neighborhood Association and

individual community members, a settlement agreement was reached, whose terms are reflected in the binding elements described below.

The subject property was classified under the R-90 Zone in the 1954 Regional District Zoning, and the same zoning was confirmed in 1978 (Sectional Map Amendment G-137), 1990 (SMA G-674) and 1998 (SMA G-761).

The Applicant proposes to build a residential development with a maximum of 201 dwelling units. Six of these units would front on Amherst Avenue and would be single-family detached dwellings intended to be compatible with existing single-family detached dwellings on the other side of Amherst Avenue. The remaining units would be a combination of townhouses and single-family attached units in a "two over one" format (two 20-foot wide, two-story townhouses over a 40-foot-wide, garden-style ground floor unit). "Two over one" units would be limited to 25 percent of the total number of units. Most units would have attached garages. Additional parking would be available on-site for residents and visitors. The development would include moderately priced dwelling units ("MPDUs") as required under the Zoning Ordinance. Presently that requirement would be 12.5% of the total of 201 units, or a maximum of 26 MPDUs.

The Applicant proposes to limit development under the R-T 15 Zone by means of a schematic development plan ("SDP"). Binding elements of the SDP provide specific requirements for many aspects of the development, including number and type of dwelling units, open space, setbacks, streetscape along Georgia Avenue, internal roadways, external roadway access, architectural elements and the relocation of the Rescue Squad. The binding elements are summarized below:

1. Maximum of 201 dwelling units, including maximum of 26 moderately priced dwelling units (MPDUs).
2. Minimum two-acre community open space on site, visible and accessible from public street; 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.

3. Improvements along Georgia Avenue including right-of-way dedication, single access point, streetscaping.
4. East-west through street, Dawson Avenue extended, to connect Georgia and Amherst Avenues.
5. At least one north-south street connecting site to WMATA property to south, possible connection north to Arcola Avenue.
6. Minimum lot line setback of 50 feet along adjacent single-family detached lots at northern property line.
7. Minimum building setback of 55 feet along Georgia Avenue.
8. Maximum of 25% of units to be one-family attached.
9. All dwelling units to be for sale.
10. Exterior walls facing public or private streets to be made of brick, stone, wood, masonry siding or a combination of same.
11. No single-family attached dwelling units to front on Amherst Avenue; no 2-over-1 units in northern portion of property, as defined.
12. Maximum of six single-family detached homes facing Amherst Avenue, 2 stories plus English basement, first floor elevation no more than six feet above street level.
13. Two-acre community open space to be located along northern boundary of site and may include 55-foot setback used for forest conservation, on-site recreation, and Rafferty Center, if retained.
14. Subject to specified conditions related to issues such as site layout, street access and required governmental approvals, the Rescue Squad will be located at the southeast corner of Georgia and Arcola Avenues.

The proposed development would be consistent with applicable development standards for the R-T 15 Zone. There are no significant environmental features on site, and the Applicant would be required to comply with county requirements for forest conservation and stormwater management.

The District Council concludes that the proposed rezoning would comply with the purpose clause of the R-T 15 Zone. The purpose of the R-T Zone is, inter alia, to provide suitable sites for townhouses in "locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses." Code §59-C-1.721. In the present case, the proposed rezoning would provide an appropriate transition between the single-family homes to the east, west and north of the subject property and the greater density south of the property, in particular the commercial uses of the Wheaton CBD and the medium-to-high-density multi-family apartments adjacent to the subject property to the south and southeast.

The character of existing development divides the surrounding area into two parts, separated by an imaginary east-west line even with the southern boundary of the subject property (and comprising, in part, the line between the area covered by the *Kensington-Wheaton Master Plan* and the Wheaton CBD planning area). The area north of the dividing line, which surrounds the subject property to the east, north and west, is dominated by low density, detached single-family homes and includes the Wheaton Regional Library and the Wheaton Community Center. The area south of the dividing line, which fans out from the subject property, contains detached single-family homes at the edges but is dominated by medium-to-high density multi-family apartment complexes and high density commercial uses in the CBD. Georgia Avenue cuts through both parts of the surrounding area and contains commercial uses, institutional uses, and detached single-family dwellings, a number of which are used for commercial purposes.

Currently, Good Counsel High School provides a transition between the two parts of the surrounding area: higher-density uses to its south and lower-density uses surrounding it on three sides. The removal of Good Counsel as a stabilizing land use calls for redevelopment of its property in a way that will fulfill its role as a transitional use equally well or better. The preponderance of the evidence indicates that the residential development proposed for the subject property would indeed function equally well or better as a transition between the surrounding single-family neighborhoods and higher density to the south. The proposed development would be at a density in between the average density of 30 dwelling units per acre in the apartment complexes to the south, and the five to seven dwelling

units per acre in the surrounding R-60 and R-90 neighborhoods. It would have a mix of unit types ranging from single-family detached to townhouses to single-family attached units, a significant amount of open space available not only to its own residents but to the community at large, substantial setbacks, and significant perimeter and internal landscaping. Moreover, as a residential use it would be closer in character to its immediate surroundings than an educational institution, and therefore would provide a better transition.

For all of these reasons, the District Council concludes that the proposed rezoning and development would be consistent with the purpose of the R-T Zone. Moreover, the architectural and open space elements of the application satisfy the intent of the R-T Zone to provide amenities normally associated with less dense zoning categories. The evidence also demonstrates that the proposed rezoning and development would be consistent with the intent of the R-T Zone to prevent detrimental effects to adjacent properties and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County.

The District Council finds that the proposed development would be compatible with existing and planned land uses in the surrounding area. The surrounding area contains a mix of low-density, detached single-family dwellings, community-serving institutional uses, single-family homes used for commercial purposes, medium-to-high density multi-family apartment complexes, and high density commercial uses in the CBD. The mixture of detached single-family homes, townhouses, attached single-family dwellings and open space proposed for the subject property would create an area of low-to-medium density in keeping with the mixed character of surrounding land uses. The proposed development, with 13.7 dwelling units per acre, would have greater density than the 5-7 du/acre seen in the surrounding R-60 and R-90 properties. However, it would have a density lower than the adjacent multi-family uses in the R-30 and R-20 Zones, which have an average density of 30 du/acre, and substantially lower than the high-density CBD. Thus, in terms of unit type and density, the proposed development would serve as a transition between the single-family detached homes and the multi-family apartments and commercial uses.

The binding elements on the SDP include several points that contribute to compatibility. A minimum 50-foot lot line setback along adjacent single-family detached lots ensures appropriate spacing. Required architectural materials on exterior walls adjacent to and visible from public and private streets ensure a degree of architectural compatibility. A prohibition of any unit type other than detached single-family dwellings facing Amherst Avenue, a prohibition on two-over-one dwelling units north of Dawson Street (the planned internal extension of Dawson Avenue), and an overall limitation of 25 percent attached single-family units ensure that the appearance of the proposed development from the outside would be that of a subdivision of detached single-family homes and townhouses. This would be particularly true from the abutting and confronting single-family neighborhoods to the north and east. The two-acre-minimum community open space would provide a new community amenity and partially mitigate the density. The appearance of density would also be mitigated by afforestation requirements that obligate the Applicant to plant a significant amount of forest and other trees. Moreover, required streetscape and open space along Georgia Avenue would make the proposed development more compatible with single-family homes on the other side of Georgia Avenue than Good Counsel's use of the site.

With a maximum height of 35 feet, the proposed development would also provide a degree of height transition between the three-to-four-story multi-family uses and one-to-two-story single-family homes. Compatibility with regard to height along Amherst Avenue, which sits 20 feet below the grade of the subject property, is assured by a binding element specifying maximum height and elevation for the six single-family detached homes permitted along Amherst Avenue.

The proposed development would be compatible with the mix of uses in the southern part of the surrounding area for the reasons outlined above, and because of its consistency with smart growth principles that have been adopted by this County and the State of Maryland. The proposed development would achieve a key component of smart growth development by placing residential uses less than 2,300 feet from the Wheaton Metro Station and within easy reach of the mix of uses in the Wheaton CBD.

The District Council further determines that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The proposed development would generally comply with the recommendations of the *Kensington-Wheaton Master Plan* (the "Master Plan") to protect and stabilize existing uses, maintain the well-established low-to-medium density residential character of much of the area, and soften the impact of major highways on adjacent homes by adhering to a "green corridors" policy. The mixture of unit types proposed, together with significant green area and community open space, would maintain the low-to-medium density character of surrounding multi-family and single-family uses. Replacing a large private school with a mixed-unit-type residential community would contribute to the stability of existing residential uses and to the viability of commercial uses in the nearby CBD. Moreover, the binding elements regarding setback and streetscape along Georgia Avenue ensure that the proposed development would contribute to the beautification of the Georgia Avenue corridor and help reduce the impact of the highway on confronting single-family homes.

The proposed development would also be consistent with the Master Plan's stated preference for infill development and its recommendation that infill residential development be similar in character and compatible in density with the immediate neighborhood. The mix of unit types proposed would also directly support the Master Plan recommendation to maintain a range of housing types and prices in the planning area.

The proposed reclassification and development would also contribute to the sector plan goals for the Wheaton CBD, which covers the southern part of the designated surrounding area. The Wheaton CBD Plan identifies the creation of new housing and a range of housing opportunities as a major goal for the Wheaton CBD, to ensure the viability of business areas. The proposed development would contribute directly to accomplishing those goals.

For all of the above reasons, the District Council concludes that the proposed reclassification and development would be in compliance with both the Master Plan directly applicable to it and the Vicinity Plan for the adjacent CBD.

The evidence demonstrates that the proposed rezoning and development would have no adverse effect on traffic, other public facilities, or the environment, and that potential adverse effects on school overcrowding are not sufficient to warrant denial of the application.

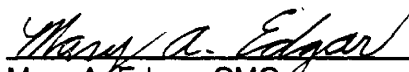
For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-798, requesting reclassification from the R-90 Zone to the R-T 15 Zone of 14.74 acres of land comprising four parcels known as Parcel A, Arcola, Plat 4374; Lot 22, Arcola Manor, Liber 15995, Folio 393; Parcel 817, Pt. Hermitage, Tax Map JQ12, Liber 2720 Folio 407; and Outlot B, Blueridge Manor, Plat 6380; and located at 11601 Georgia Avenue, Wheaton, in the 7th Election District, is hereby approved in the amount requested subject to the specifications and requirements of the final schematic development plan; provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit to the Hearing Examiner for certification a reproducible original and three copies of the final schematic development plan, Ex. 85(c), in accordance with §59-D-1.64; and provided, further, that upon receipt of the District Council's approval resolution the Applicant must immediately file the Declaration of Covenants in accordance with §59-H-2.54.

This is a correct copy of Council action.



Mary A. Edgar, CMC
Clerk of the Council



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

August 24, 2004

Robert C. Hubbard
Director

Mr. James Belcher
Loiederman Soltesz Associates, Inc.
1390 Piccard Drive, Suite 100
Rockville, MD 20850

Re: **Revised Stormwater Management CONCEPT**
Request for Our Lady of Good Council High
School Property
Preliminary Plan #: 1-04068
SM File #: 205962
Tract Size/Zone: 13.86 acres / RT-15
Total Concept Area: 13.86 acres
Watershed: Sligo Creek

Dear Mr. Belcher:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via construction of multiple structural sand filters; and, onsite recharge via recharge trenches. Onsite water quantity control will be provided as outlined below.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Since the site drains to the existing University Boulevard Regional Pond, and water quantity control was provided in that pond for the existing high school, the on-site water quantity control requirement for the proposed development is to provide 2-year attenuation of the on-site flows to existing conditions. Adequate storm drain conveyance exists to the regional pond, and an analysis shows the on-site controls will not adversely affect the peak flows at the pond.
5. Note that this project is in an area with potential asbestos soil content. An "Asbestos Fiber Notice" was previously provided to you, and a copy of it is in the revised stormwater conceptual computations that you submitted for review.
6. Note that this stormwater management concept approval does not include any part of the Wheaton Volunteer Fire and Rescue Squad property.



7. A detailed review of the stormwater management computations will occur at the detailed plan review stage.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: R. Weaver
S. Federline
SM File # 205962

QN -ON; Acres: 13.86
QL - ON; Acres: 13.86
Recharge is provided



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Robert Kronenberg, Development Review

FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning *mp*

DATE: October 25, 2004

SUBJECT: Site Plan Number 8-04027, Leesborough

Recommendation

The Environmental Planning staff has reviewed site plan number 8-04027. Staff recommends approval of the site plan with the following conditions:

1. Certification from an acoustical engineer 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 acoustical engineer shall be reviewed and approved by M-NCPPC Environmental Planning staff prior to issuance of building permits. Any changes to the building shell construction that may affect acoustical performance after issuance of building permit shall be approved by an acoustical engineer and M-NCPPC Environmental Planning staff prior to their implementation.
2. 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. Copies of the noise analysis shall be submitted to Environmental Planning staff prior to occupancy of the residential units.
3. 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.

4. Applicant to plant the afforestation area in the first planting season after issuance of the building permit for properties adjoining the forest conservation easement area.
5. Applicant to construct a split rail fence to delineate the planting area and also to protect the trees within the forest conservation easement.

Natural Resources

The property is located in Sligo Creek watershed, a Use I tributary of the Anacostia River. The site is currently occupied by Our Lady of Good Counsel High School. The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) (#4-02334) was submitted on April 29, 2002 and approved on May 28, 2002.

The property does not include any wetlands, stream valleys, or environmentally sensitive areas. There are steep slopes (> 25%) on the property (graded as part of the original construction) and they parallel Amherst Avenue on the western property boundary. The steep slopes are not hydraulically connected to Waters of the United States.

The site does include serpentine soils, which has the potential to include asbestos. Only a geotechnical analysis of the site will reveal if the soils include asbestos. In order to build out the site, the applicant will need to remove large amounts of material to prepare the site. Environmental Planning encourages the applicant to voluntarily prepare a performance plan to limit fugitive dust emissions during construction.

Forest Conservation

There is no existing forest on the 13.86-acre property. The applicant is proposing to utilize an optional method of development for the property. Section 22A-12(f) of the Montgomery County Code requires single-family residential zones utilizing an optional method of development to meet either the afforestation or the conservation threshold onsite. Since there is no forest on the property, the applicant is required to meet the afforestation threshold onsite. This requires the applicant to provide 2.1 acres of forest and tree cover within the 13.86-acre site. The applicant has proposed to meet this requirement through a combination of forest planting, tree canopy, and street trees. It is the Forest Conservation law's priority to maximize forest plantings and tree canopy and limit the amount of credit allocated to street trees. The final forest conservation plan indicates that approximately 28 percent of the 2.1 acres of forest and tree cover required, will be met with forest.

Because of the proximity of the side yards to the forest conservation easement area, Environmental Planning requests planting of this area to occur in the first planting season after issuance of the last building permit for the properties adjoining the future forest conservation easement area. Environmental Planning also requests a condition requiring a split rail fence along the planting area to delineate the forest conservation easement area but also to provide long term protection for the trees.

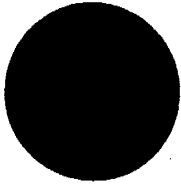
Noise Impacts

The site is influenced by motor vehicle traffic along Georgia Avenue. Environmental Planning staff requested the applicant to complete a thorough noise analysis as part of the rezoning case. The applicant documented existing conditions and has only presented the results to Environmental Planning staff and not the data supporting. The applicant has not completed a noise analysis estimating noise levels 20 years in the future, nor has the applicant identified the acoustical treatments necessary to achieve desirable exterior and interior noise levels. A preliminary noise analysis conducted by M-NCPPC staff, prior to the 2002 rezoning case, identified the 65-dBA Ldn noise contour approximately 240 feet from the centerline of Georgia Avenue, which is considerably different from what the applicant's noise analysis found.

The *Staff Guidelines for the Consideration of Transportation Noise Impact in Land Use Planning and Development*, developed in 1983, recommends a variety of techniques **in priority order** (or preference) to mitigate adverse noise impacts. In order of highest to lowest preference, these techniques include noise compatible land uses, setbacks, site-design measures, berms, acoustical fences and berms, landscaping and acoustical construction techniques. Site-specific techniques are only applicable when the option of placing a noise compatible land use (such as commercial or industrial uses) in the area of potential impact is not feasible for a particular parcel. Both very high and pervasive noise levels, and the incapacity for effective exterior noise mitigation near the source burden the subject site.

Noise compatible land uses is the preferred alternative for high noise areas, particularly where effective exterior noise mitigation is infeasible. Reliance upon acoustical treatments is the last method of noise abatement. The adequacy of acoustical treatment relies on proper construction and installation and relies upon compliance by the residents. In order to maintain the benefit of the acoustical treatments windows exposed to the noise source must be kept closed because the benefits of the acoustical treatments will be negated.

Since the applicant has not completed the noise analysis nor identified the acoustical noise treatments necessary, Environmental Planning requests the conditions identified above to ensure the acoustical treatments are incorporated into the construction and that future homeowners are notified that the units are in noise impacted areas.



October 15, 2004

MEMORANDUM

TO: Richard Weaver, Supervisor
Development Review Division

Robert Kronenberg, Coordinator
Development Review Division

FROM: Shahriar Etemadi, Supervisor
Transportation Planning

SUBJECT: Preliminary Plan #1-04068 and Site Plan #8-04027 Leesborough,
Wheaton

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject rezoning application

RECOMMENDATION

1. Limit the development to 201 dwelling units.
2. Provide 60 feet of right-of-way from the centerline of Georgia Avenue.
3. Provide 40 feet of right-of-way from the centerline of Arcola Avenue.
4. Provide a six-foot sidewalk and an eight-foot offset landscaping panel on Georgia Avenue.
5. Provide a five-foot sidewalk and a six-foot offset landscaping panel on Arcola Avenue and Amherst Avenue.
6. Provide an east-west through street (Dawson Avenue Extended) connecting Georgia Avenue to Amherst Avenue that is private but built to a public standard with a width of 20 feet as shown on the plan.
7. Reduce the number of access points on Georgia Avenue from the existing two to one.

8. Coordinate with the Montgomery County Department of Public Works and Transportation and Maryland State Highway Administration regarding the change in access on Georgia Avenue and Amherst Avenue.
9. Provide for an easement for connection between street C and the WMATA property to the south.
10. At the Georgia Avenue/east-west private street, extend the Georgia Avenue median to the north to create a pedestrian refuge at the existing crosswalk to the west side of Dawson Avenue, provide missing handicapped ramps, and realign the crosswalk to be opposite Dawson Avenue per SHA.

Local Area Transportation Review (LATR)

The proposed development generates significantly fewer trips than the existing high school and, therefore, a traffic study is not necessary to meet the Local Area Transportation Review requirements. A traffic statement was prepared to compare trip rates for the school with the proposed use of the site as a housing development at the time of rezoning application. The findings of the traffic statement are as follows:

The traffic counts from the driveways indicate that Good Counsel High School generates a total of 889 and 157 trips in the peak hour of the morning and evening weekday peak period, respectively. The 201 dwelling units will generate a maximum of 109 and 141 trips in the peak hour of the morning and evening weekday peak period, respectively. The difference is a reduction of 780 and 16 trips in the morning and evening peak hour, respectively. The analysis shows significant reduction in traffic on adjacent street and, therefore, the proposed development will have a positive impact on the area roadways.

Access, Circulation, and Pedestrian Facilities

The proposed development will consolidate the current two access points on Georgia Avenue into one access point. This will increase the safety and efficiency of traffic movements along Georgia Avenue. One access point will be retained on Amherst Avenue. The two access points on Georgia Avenue and Amherst Avenue are connected through the site by a private road built to a public road standard with a width of 20 feet as shown on the plan.

Sidewalks will be provided within the internal roadways. All adjacent streets are provided with standard sidewalks. Signalized intersections nearby are equipped with pedestrian signals and marked crosswalks.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Kensington-Wheaton policy area, which has a remaining capacity of 2,770 jobs and 2,524 housing units, as of June 30, 2004.

SE:gw

mno to Yearwood re 1-04068 and 8-04027 Leesborough