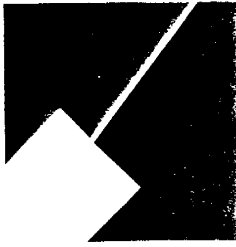


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

**MCPB
ITEM#13
11/18/04**



MEMORANDUM

DATE: November 12, 2004

TO: Montgomery County Planning Board

VIA: Rose G. Krasnow, Chief *RGK*
Development Review Division

FROM: Catherine Conlon, Acting Supervisor, (301) 495-4542
Development Review Division *CC*

REVIEW TYPE: Preliminary Plan of Subdivision for 396 dwelling units, including 50 MPDUs and an 18-hole golf course with associated clubhouse and parking

APPLYING FOR: Preliminary Plan Review

PROJECT NAME: Fairland Golf Community

CASE NO. 1-05020

REVIEW BASIS: Pursuant to Chapter 59, the Zoning Ordinance and Chapter 50, the Subdivision Regulations

ZONE: PD-2

SIZE: 313.94 acres (in Montgomery County)

LOCATION: Located approximately 100 feet north of Old Gunpowder Road, south of Sandy Spring Road (MD 198), approximately 100 feet east of Greencastle Road, and including a portion of Fairland Recreational Park and Gunpowder Golf Course in Fairland, on the Montgomery and Prince George's County line

MASTER PLAN: Fairland

APPLICANT: Artery Ryland Fairland, LLC

ENGINEER: Dewberry and Davis

ATTORNEY: Linowes and Blocher

FILING DATE: August 3, 2004

HEARING DATES: November 18, 2004 and December 2, 2004

Staff Recommendation: Approval of the preliminary plan subject to the following conditions:

1. Artery Ryland Fiarland LLC (hereinafter referred to as "Applicant") is bound by All Binding Elements for Local Map Amendments G-813 and G-814 (Attachment C).
2. Approval under this preliminary plan is limited to:
 - a. A maximum of 396 dwelling units, including 50 MPDUs, with a mix of 346 one-family detached units, 34 one-family attached units, and 16 one-family semi-detached units; and
 - b. an 18-hole golf course with associated clubhouse and parking (13 holes entirely within Montgomery County, 2 holes within Prince George's County, and 3 holes within both counties).
3. No clearing, grading or recording of plats prior to site plan signature set approval.
4. 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.
5. Compliance with the conditions of approval for the preliminary and final forest conservation plan. The Applicant must satisfy all conditions prior to site plan signature set approval, recording of plat(s), or MCDPS issuance of sediment and erosion control permits, as appropriate.
6. No clearing or grading of the site may occur prior to approval of all pertinent state and federal permits including the MDE waterway and wetland permits (including Army Corps of Engineers signoff, if applicable).
7. Stream restoration plans shall be reviewed and approved by the M-NCPPC Aquatic ecologist, in coordination with MCDEP, prior to MCDPS approval of the final sediment and erosion control plan. M-NCPPC field inspection of proposed restoration areas shall occur prior to implementation. Stream restoration shall include removal of all man-made materials from the stream buffer throughout the site, particularly in the Parcel X rubble fill area.
8. Applicant shall identify lots affected by rubble fill/stump dump area on the signature set of the site plan. Prior to release of building permits for affected lots, Applicant shall remove rubble fill/stump dump materials (manmade and natural) that are not suitable for compaction, and provide fill and compaction suitable to meet MCDPS structural standards.

9. Record plat to reflect dedication to the Board of Education of an elementary school site as shown on the approved preliminary plan.
10. Prior to first building permit, Applicant to convey the school site to the Board of Education. Prior to conveyance of the school site to the Board of Education, the Applicant shall:
 - a. rough grade and stabilize the site for future school building to a ground floor elevation of 412 feet;
 - b. provide stormwater management water quantity for the future elementary school;
 - c. provide evidence that the site is environmentally and structurally acceptable; and
 - d. provide off-site afforestation area attributable to the school parcel.
11. Record plats to reflect area dedicated to Parks after land swaps.
12. Location and alignment of park trails and other park facilities being replaced or relocated to be determined as part of site plan or park permit, as appropriate.
13. All road rights-of-way shown on the approved preliminary plan shall be dedicated by the Applicant to the full width mandated by the Fairland Master Plan unless otherwise designated on the preliminary plan.
14. All road rights-of-way shown on the approved preliminary plan shall be constructed, by the Applicant, to the full width mandated by the Fairland Master Plan or the preliminary plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
15. Applicant shall not record any plats for any lots located within the area identified by Maryland State Highway Administration (SHA) in its letter dated October 29, 2004 (see Attachment D), and shown on Attachments D-1, D-2 and D-3 ("Alignment Options") until the earlier of (a) September 1, 2005; or (b) a final Record of Decision is issued by the Federal Highway Administration (FHWA), provided that Record of Decision does not include the Alignment Options, or any portions thereof, within the final Intercounty Connector (ICC) alignment.
16. If FHWA issues a final Record of Decision that includes either of the Alignment Options, the Applicant shall submit a revised preliminary plan that appropriately reconfigures all remaining dwelling units and related

infrastructure (*e.g.*, site access roads, on-site roadways, public areas, etc.) not affected by the Alignment Options.

17. Any contract of sale between the Applicant and any prospective buyer within the subdivision must (a) advise the buyer in writing of the location of the Alignment Options; and (b) advise the buyer that they can contact the SHA for current information on these alignments. This notification requirement is binding on the Applicant's heirs/successors and/or assigns, and shall be required as long as the Applicant is precluded from recording plats under Condition No. 15, above.
18. Dedicate and show on final record plat, expanded right-of-way along MD 198 as shown on the preliminary plan dated October 5, 2004.
19. Coordinate with SHA on the ongoing MD 28/MD 198 Corridor Improvement Study stormwater management facility requirements, as necessitated by the roadway improvement design.
20. Coordinate with SHA on its ongoing MD 28/MD 198 Corridor Improvement Study, and provide an 8-foot wide hiker-biker trail (Class I bikeway) along the south side of MD 198 along the entire property frontage, and across the Baltimore Gas and Electric (BGE) right of way.
21. Coordinate with SHA on its ongoing MD 28/MD 198 Corridor Improvement Study on design requirements for the proposed site access road to MD 198 across from Riding Stable Road (as extension of Riding Stable Road to the south).
22. Dedicate and construct Cedar Tree Drive as a 70-foot wide primary residential street with 36 feet of paving from its current terminus (to the south of Islewood Terrace) to Prince George's County Line, with appropriate traffic calming measures as approved by Montgomery County Department of Public Works and Transportation (DPWT) and the Montgomery County Department of Permitting Services (DPS).
23. Dedicate and construct Street "G" as a 70-foot wide primary residential street with 36 feet of pavement between Cedar Tree Drive and the southern boundary of the MCPS elementary school site.
24. Dedicate and construct, up to the extent as agreed to with MCPS, the extension of Street "G" as a cul-de-sac into the MCPS elementary school site as a 70-foot wide primary residential street with 36 feet of pavement.
25. Provide adequate termination and/or extension for Birmingham Drive as required by, and to the satisfaction of, DPWT and revise the preliminary plan accordingly.

26. Applicant to coordinate with MNCPPC Parks and provide, if necessary, street lights at the driveways to the parking lot for McKnew Local Park which will continue to provide existing turnaround at the end of Saddle Creek Drive in lieu of other terminus improvements in this location.
27. Record plat to reflect dedication of right of way for future extension of Greene Avenue from its existing terminus on the property boundary to connect with the internal extension of Riding Stable Road, including corner truncations at the intersection.
28. If all necessary rights of way and easements exist, extend the proposed 5-foot sidewalk along the east side of Cedar Tree Drive approximately 100 feet to the north to Islewood Terrace and the proposed 8-foot Class I bikeway along the west side of Cedar Tree Drive approximately 250 feet to the north to Crosswood Drive.
29. Construct sidewalk ramps/crosswalks provided as part of this Preliminary Plan/Site Plan to standards recommended by the Americans with Disability Act (ADA) Best Practices.
30. Prior to approval of the site plan signature set, all residential lots that have driveways on or adjacent to significant curves must have sight distance evaluations submitted to MCDPWT for approval. This includes all lots on the "inside" of the elongated or modified cul-de-sacs.
31. Prior to recordation of plat for proposed Street "N", Applicant to obtain agreement from Prince George's County DPW&T to perform routine maintenance on this roadway which falls within Montgomery County, but has no connection to other County maintained roadways.
32. Record plat to reflect a Category I easement, or other appropriate form of long-term protection as approved by MNCPPC technical staff, over specified areas of stream valley buffers and all forest conservation areas.
33. Record plat to reflect common ingress/egress and utility easements over all shared driveways.
34. Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
35. Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.

36. Compliance with the conditions of approval of the MCDPS stormwater management approval dated November 1, 2004 (Attachment E).
37. Compliance with conditions of MCDPWT letter dated, November 3, 2004 (Attachment F), unless otherwise amended by MCDPWT or by other conditions included in this preliminary plan approval.
38. Required access and improvements to be approved by MCDPWT prior to recordation of plat(s) (or MDSHA prior to issuance of access permits).
39. This preliminary plan will remain valid for seventy-three (73) months from the date of mailing of the Planning Board opinion. Record plats shall be recorded in the two stages:
 - Stage I (expires 37 months from the date of mailing of the Planning Board opinion) - 198 dwelling units
 - Stage II (expires 73 months from the date of mailing of the Planning Board opinion) - 198 dwelling units
40. Other necessary easements.

BACKGROUND:

This property and the proposed project is specifically discussed in the 1997 Approved and Adopted Fairland Master Plan. The Master Plan designated the subject property as Area 2 within the Oakfair-Saddlecreek Community. The Plan recommended that the site, if combined with the adjoining Gunpowder Golf Course, would be suitable for redevelopment as a public golf course and a private community. The plan recommended the use of the PD Zone to achieve this recommendation because the zone addresses appropriate mix and size of units, issues related to public uses, and protection of environmental features.

The master plan also recommended protection of environmental resources on this property, including, the stream valley between McKnew Local Park and the Fairland Recreational Park, and the overall forest cover. The Transportation section of the plan recommends an interconnected road system that creates a connection between Cedar Tree Drive and Gunpowder Road to access the golf course and proposed golf course community. The plan also recommends bikeways and sidewalks to connect the new community to the existing communities along McKnew Road, Cedar Tree Road, Saddle Creek Road and Gunpowder Road, and to existing parks.

On July 1, 2003, the Planning Board considered pre-preliminary plan No. 7-01050 for the Fairland Golf Course Community. Specific issues were looked at as part of the hearing, including:

- Development under split zoning
- Environmental protection areas
- Forest Conservation requirements
- Site circulation and connections to the surrounding road network

Subsequent to the pre-preliminary plan, the Applicants for the Fairland Golf Community applied for local map amendments (G-813 and G-814) to rezone the subject property from the R-200 and RE-2 zones to the PD-2 zone. The Planning Board recommended approval of the zoning case, and the District Council granted the request (Attachment C).

SITE DESCRIPTION:

The subject property is located in both Montgomery and Prince George's Counties adjacent to the existing Gunpowder Golf Course, northwest of Gunpowder Road and south of Spencerville Road (MD 198) at the extension of Cedar Creek Drive and Saddle Creek Drive. The Montgomery County site has diverse existing conditions including: rolling topography and some steep slope areas, streams and their associated buffers, wetland areas, high quality forest stands, other environmentally sensitive resources including rare, threatened and endangered species (primarily in the northern half of the property), and various areas which have been disturbed. In Montgomery County, the site is bisected from north to south by the McKnew tributary to Little Paint Branch (Use I-P non-SPA stream), and the Silverwood tributary to Little Paint Branch runs along the western property boundary.

The total area encompassed by the development in both Montgomery and Prince George's Counties is approximately 463 acres, with approximately 314 acres being located in Montgomery County. The acreage is comprised of both private and public holdings. In Montgomery County, the acreage includes the existing public Gunpowder Golf Course, and private landholdings including an area designated as Parcel "X" which is a severely degraded land fill site. This report covers the preliminary plan for the portion of the property in Montgomery County, which is zoned PD-2.

SUMMARY OF PRELIMINARY PLAN

PROJECT DESCRIPTION

The tract is bounded by MD 198 to the north, Saddle Creek and Burmingham Manor subdivisions to the north and west, Fairland Recreational Park to the south, and the Prince George's County boundary to the east. A major Baltimore Gas and Electric right of way containing power lines bisects the northern end of the property, and a Colonial Gas easement containing a six-inch gas line extends through the property from north to south.

The preliminary plan consists of a total of 396 residential dwelling units and an 18-hole golf course on 313.94 acres of land in the PD-2 zone. The residential development includes a mix of 346 single-family detached, 34 single-family attached or townhouse, and 16 semi-detached or duplex units. Fifty (50) of these units will be provided as Moderately Priced Dwelling Units (MPDUs).

The housing mix required in the PD-2 zone calls for a minimum 30% single-family detached units and 20% townhouse and attached units. The preliminary plan includes only 13% townhouse and attached units. Per Section 59-C-7.131, note 1 of the Montgomery County Code, the District Council may waive the percentage requirements if it finds that a proposed development (a) is more desirable for stated environmental reasons than development in accordance with these limits; or (b) achieves goals, policies, or recommendations stated in an approved and adopted master or sector plan. Through Resolution No. 15-577, adopted April 13, 2004, the Montgomery County Council, sitting as the District Council, approved the Applicant's requested waiver from the housing mix requirements of Section 59-C-7.131, note 1, as part of its approval of Local Map Amendment Application Nos. G-813 and G-814 (See Attachment C at p. 22).

The proposed development meets the requirement that no building other than single-family detached be located within one hundred (100) feet of a one-family detached zone, and exceeds the 30% minimum green space requirements (87.18% green space provided). The preliminary plan conforms to the binding elements contained in the Local Map Amendment (Attachment C).

RELATIONSHIP TO THE FAIRLAND MASTER PLAN

As summarized in their November 4, 2004 memorandum (Attachment G) Community-Based Planning staff concludes that the preliminary plan carries forward the recommendations of the 1997 Approved and Adopted Master Plan, and recommends approval.

TRANSPORTATION

The proposed development provides for five access points to the site, including three from MD 198 in Montgomery County. The other two access points are from Old Gunpowder Road in Prince George's County. The internal street network consists of primary (MC-212.01) and modified tertiary (MC-210.03) residential streets, interconnected within the site to provide local access to/from both MD 198 and Old Gunpowder Road.

Transportation Planning staff have conducted an Adequate Public Facilities (APF) review of the subject preliminary plan and recommended approval of the plan with several conditions which have been incorporated above. A summary of the review is included in the attached Transportation Planning memorandum (Attachment H). Major transportation issues related to the preliminary plan are discussed below.

Over-length Cul-de-Sac Findings

The roadway design for the property includes the creation of four cul-de-sac roads which will be greater than 500 feet in length: Riding Stable Road from MD 198 to its intersection with proposed Street "D"; Street "D" extending east from Riding Stable Road; Street "E" extending south from Cedar Tree Road; and Street "G" extending from Cedar Tree Road to the elementary school site. Per Section 50-26(d) of the Montgomery County Code, a cul-de-sac road should be no longer than 500 feet unless a greater length is justified by reason of property shape, size, topography, large lot size, or improved street alignment.

Staff believes that design of these over-length roadways is justified by the shape of the property and the fact that the proposed street alignment provides protection of environmentally sensitive areas and avoids stream and wetland crossings. The Street "E" and Street "G" over-length cul-de-sacs are necessitated by the proposed golf course layout, and the location of existing streams and wetlands, which result in long and narrow shaped areas for residential development. If roadway loops or connections were required for these roads, sensitive environmental areas would be impacted. Likewise, the Riding Stable Road over-length cul-de-sac avoids crossing the McKnew tributary of Little Paint Branch to provide a road connection. The Street "D" cul-de-sac avoids encroachment into wetlands.

Proposed Intercounty Connector

As part of its preparation of the Draft Environmental Impact Statement (DEIS) for the proposed ICC, SHA is currently developing detailed engineering mapping for the roadway, which is proposed as a limited-access east-west highway intended to link areas between I-270 and I-95/US 1, through central/eastern Montgomery and western Prince George's Counties.

The ICC planning process has concurrence on two alternative alignments, selected through the Alternatives Retained for Detailed Study or ARDS, called Corridor 1 and Corridor 2. Corridor 1 is the southern alignment that generally follows the alignment incorporated in the area master plans for the ICC, and Corridor 2 is the alignment to the north that is not represented in any area master plans.

Of the above two alternative roadway alignments, based on current information available from the SHA, the Corridor 2 alignment and its two options in the area (the southern Fairland Option A and the northern Fairland Option B) would physically impact the subject development as shown on Attachments D-1, D-2 and D-3. Based on information provided by the SHA (see Attachment 1) the Fairland Option A would impact 46 units proposed off Riding Stable Road, and Fairland Option B would impact five units proposed off Riding Stable Road. These ICC alignment options will also eliminate access to those dwelling units off MD 198 to the south via Riding Stable Road that are not directly eliminated by the above ICC alignment options.

Transportation Planning staff recommends that the areas identified as Alignment Options and currently requested by the SHA to be placed in reservation, instead be protected from development with a condition that precludes the Applicant from recording plats until after September 1, 2005. The ICC study process continues to move forward, following guidelines mandated by Federal agencies that require evaluation of more than one "build" alternative, and the two options along Corridor 2 identified in Attachments D-2 and D-3 (Alignment Options) are among those alternatives retained within the ARDS. The Planning Board, when it last deliberated on this issue (in an unrelated plan), elected to require the Applicant to send to SHA written notification 90 days in advance of filing for building permits. SHA has expressed to staff concerns about the notification approach. By preventing the Applicant from filing record plats, however, no development can occur within the Alignment Options until September 1, 2005 (or until a final Record of Decision is issued, if issued before September 1, 2005). Clearing and grading, however, can occur. In the opinion of Transportation Planning staff this limitation fully protects the alignment pending the DEIS review process and the ensuing final Record of Decision.

Other On-going Transportation Projects

The Maryland State Highway Administration's Consolidated Transportation Program (CTP) includes the MD 28/MD 198 Corridor Improvement Planning Study which is ongoing. SHA anticipates releasing the draft environmental document for the project in the spring of 2005. The study is funded for project planning only. The Spring 2005 environmental document is expected to identify a potential stormwater management pond on the subject property, as indicated in Attachment D-4. Stormwater management facilities are not typically determined during the project planning process, but rather during the subsequent design process. Staff, therefore, does not recommend dedication or reservation to protect the potential stormwater management pond. Instead, staff recommends continued coordination with SHA to evaluate the potential for shared stormwater management facilities.

Policy Area Transportation Review/Staging Ceiling

The site is located within the Fairland/White Oak Policy Area. As a preliminary plan filed after July 1, 2004, under the FY 2005 AGP, the subject development is no longer required to satisfy transportation staging ceiling/Policy Area Transportation Review (PATR) test.

Additionally, even though the Fairland/White Oak Policy Area was in moratorium for residential density under the FY 04 AGP, the proposed Fairland Golf Course Community development would have satisfied PATR test under the FY 2004 AGP Alternative Review Procedures Section TA 3 (Limited Residential Development), subject to Sections TA 3.2 (Procedure Not Available In Policy Areas with Long/Deep Moratoriums) and TA 3.3.2 (Restrictions on Number of Approvals, Exception: Golf Course Community).

Reduced Width Tertiary Streets

Section 50-26(h)(2) of the Montgomery County Code provides that the standard right of way width of a tertiary street is fifty (50) feet. However, an Applicant may request a reduced width as part of a site plan review. The roadway design for the subject property includes several reduced width tertiary streets: Street "D" extending south from Cedar Tree Drive along the eastern property boundary; Streets "E" and "F" extending east from the proposed extension of Riding Stable Road; Streets "H" through "M" extending south of Cedar Tree Drive along the western property boundary; and Street "N" extending into the site from the Prince George's County border on the southern end of the property. The right of way width proposed for these streets is twenty-seven (27) feet, four (4) inches.

Staff believes that the use of reduced width tertiary streets in this development results in an overall site layout which is environmentally better and makes better use of the overall tract of land for the desired combination of land uses. The residential community and golf course have been designed to take the greatest possible advantage of the environmental features of the site. The Applicant and Environmental staff worked to preserve forested areas, stream valley buffers and wetlands to the maximum extent possible, while implementing the recommendations of the Master Plan for predominantly single-family detached housing. Narrowed tertiary streets allow the development areas to be more compact and pulled away from the sensitive perimeter environmental areas.

ENVIRONMENTAL

Environmental Planning staff have reviewed the preliminary plan and recommended approval of the plan with several conditions which have been incorporated above. A summary of the review is included below and in the attached Environmental Planning memorandum (Attachment I).

Forest Conservation

Staff has reviewed the proposed forest conservation plan. Per this plan, approximately 100.7 acres of forest will be removed, 82 acres of forest will be retained, and 6 acres of forest will be planted. The property is developed using an optional method of development (PD zone). Section 22A-12(f) of the forest conservation law requires properties developed under an optional method of development to meet certain forest retention requirements on site. The forest conservation plan indicates that the Applicant will meet the conservation threshold onsite and that they will meet all planting requirements through offsite planting.

Stream Buffer Encroachments

The plan proposes permanent encroachment in the environmental buffers of about 20 acres (including disturbance of associated high priority forest resources and wetlands), mainly in the lower reaches of the McKnew Tributary of Little Paint Branch. The

encroachment is necessary for crossings of golf holes and roads, and for placement of certain residential lots. As compensation for these encroachments, several environmental elements have been added into the development plan, including:

- Comprehensive stream restoration and stabilization plans to improve existing conditions of currently degraded streams, including re-establishment of riparian habitat
- Control of offsite stormwater runoff
- Afforestation of stream buffers
- Stump dump and mining areas reclamation

PARKS

Per the terms of a public/private partnership between M-NCPPC and the Applicant, three parcels of land containing 75.79 acres, more or less, will be conveyed to M-NCPPC for inclusion in the public golf course feature of the preliminary plan. In exchange, two parcels of existing public parkland 31.30 acres, more or less, will be conveyed to the Applicant for inclusion in the residential portion of the preliminary plan. The locations of the exchange properties are as generally shown in Attachment J. The resulting privately developed golf course will be managed under a long-term public/private partnership lease agreement and will serve as a major feature within the existing Fairland Regional Park which straddles the Montgomery and Prince George's County line.

SCHOOLS

The Fairland Master Plan discusses a school site in the area covered by the preliminary plan noting that it would serve a large number of households and provide a high potential for children to walk to school. The Applicant has worked with Montgomery County Public Schools (MCPS), and an acceptable elementary school site has been identified and will be dedicated to the Board of Education as a part of this preliminary plan. MCPS has noted in their October 27, 2004 letter (Attachment K) accepting the proposed site that, since it is less than the desired 12 acres in size, the Applicant should provide off-site afforestation and stormwater management quantity control areas to serve the school. The preliminary plan incorporates these elements and includes dedication, by the Applicant, of road right of way for extension of a primary width road into the school site. Other MCPS requirements are specifically detailed in the conditions of approval.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Preliminary Plan

Attachment C – Resolution granting Local Map Amendments G-813 and G-814

Attachment D – SHA letter

Attachment D-1 – ICC Corridor 2 Options
Attachment D-2 – ICC Corridor 2 Option A
Attachment D-3 – ICC Corridor 2 Option B
Attachment D-4 – MD 198/28 Improvements
Attachment E – MCDPS letter
Attachment F – MCDPWT letter
Attachment G – Community Based Planning memo
Attachment H – Transportation Planning memo
Attachment I – Countywide Planning – Environmental memo
Attachment J – Proposed Land Ownership
Attachment K – MCPS letter

No written correspondence received for the preliminary plan as of memo date.