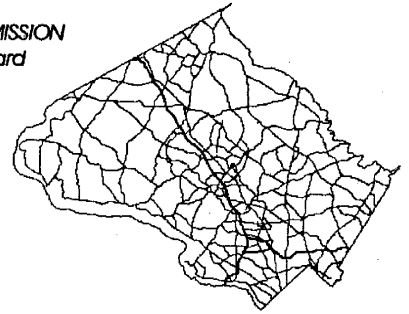




MCPB  
1/27/05  
Item # 8

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



**MEMORANDUM**

**DATE:** January 20, 2005  
**TO:** Montgomery County Planning Board  
**VIA:** Rose G. Krasnow, Chief  
Michael Ma, Supervisor *Ma*  
Development Review Division  
**FROM:** Mary Beth O'Quinn, Site Plan Review *MBO*  
(301) 495-1322

**REVIEW TYPE:** Site Plan Review  
**APPLYING FOR:** Approval of 73 townhouses on 6.32 acres, that includes 10 MPDUs on site  
**PROJECT NAME:** Fairland View  
**CASE #:** 8-05007  
**REVIEW BASIS:** Sec. 59-D-3, Zoning Ordinance: Site Plan required in the R-60 Zone under the MPDU Option

**ZONE:** R-60  
**LOCATION:** NE Quadrant of Fairland Road and Columbia Pike (US29)  
**MASTER PLAN:** Fairland  
**APPLICANT:** Winchester Homes, Inc.  
**FILING DATE:** August 10, 2004  
**HEARING DATE:** January 27, 2005

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**STAFF RECOMMENDATION:** Approval of 73 residential townhouses on 12.08 acres, of which 10 are MPDUs provided on site, subject to the following conditions:

1. Preliminary Plan Conformance  
The proposed development shall comply with the conditions of approval for Preliminary Plan 1-05001, approved by the Planning Board on October 28, 2004.
2. Site Design  
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. Revise design of the private interior drives as follows:
    - i. Locate a 5-foot tree panel adjacent to the curb line at the front of all housing units;
    - ii. Provide sidewalks adjacent to the tree panel (offset from the curbline a minimum of 5 feet) at the front of all residential lots;
    - iii. Locate the 10-foot PUE-PIE at the inside edge of the tree panel (overlapping the five-foot sidewalks);
  - b. Coordinate unit utility feed locations to provide rear utility feeds;
  - c. Provide architectural elevations for all unit facades visible from Fairland Road, and use masonry materials for such facades; provide fence for rear yard of Unit 41, also of compatible masonry materials;

- d. Provide architectural screening at a minimum 36 inches in height for the surface parking visible from Fairland Road (Units 36-41); use materials such as masonry to achieve maximum compatibility; coordinate lead walk entry with wall and/or landscape design;
  - e. Provide fencing for the rear and side yards of the following units: 6, 12, 13, 24, 25, 42, 65, 73;
  - f. Provide locations and details for decks; decks visible from Fairland Road should be constructed of sight-tight materials.
3. Landscaping
- a. Provide hedge screening at a minimum height of 36 inches to screen parking and private drive aisle at south end of parcel; provide additional plantings at the top of retaining wall, including ground cover;
  - b. Locate the screening hedge for the street parking for units 1-5 outside of the public utilities easement;
  - c. Provide additional landscaping as follows:
    - i. Three additional Saphora Japonica west of Unit 30 at the terminus of the main private street;
    - ii. Provide understory planting of 4-5 trees between 18-19 and 68-69;
    - iii. Provide additional evergreen screening (3 trees) between units 60-61;
    - iv. Provide three Saphora Japonica north of the public cul-de-sac;
    - v. Provide a full evergreen screen such as Leyland Cypress or Spruce for the perimeter of the Open Play Area.
4. Lighting
- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential/commercial development.
  - b. All light fixtures shall be full cut-off fixtures.
  - c. Deflectors 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 14 feet including the mounting base.
5. Pedestrian Circulation
- a. Provide a 5-foot wide public sidewalk, with a minimum 5-foot offset from the curb and a tree panel along the entire Fairland Road property frontage; extend the sidewalk and tree panel to Copland Court within the Fairland Road right-of-way, subject to review and approval by the Department of Public Works and Transportation;
  - b. Provide additional handicapped ramps at the driveways at the following areas: at Unit 48, and at the west side of the internal street at the Play Lot; provide painted crosswalks at the following areas: the Play Lot, between Units 24-25, and between Units 12-13;
  - c. Provide a lead-in sidewalk from Fairland Road to the site approximately 150 west of Copland court;
6. Recreation Facilities
- a. Provide a plan, elevation and specifications for the Play Lot play equipment at 1:10 scale; show fall zones;
  - b. Label required setback from street.
7. Moderately Priced Dwelling Units (MPDUs)
- a. The proposed development shall provide 10 MPDUs on-site; the applicant is receiving no density bonus for providing MPDUs on site.
8. Transportation
- The applicant shall comply with the following conditions of approval from M-NCPPC- Transportation Planning in the memorandum dated October 21, 2004, and other conditions as specified below should the state part of the property fall with the ICC optional right-of-way (reservation area):
- a. Place in reservation the area shown on Attachment 1, dated March 17, 2004, ("Reserve Area") until the earlier of:
    - i. September 1, 2005; or,

- ii. Final Record of Decision is issued by the Federal Highway Administration (FHWA), and Record of Decision does not include the Reservation Area, or any portions thereof within the final Intercounty Connector (ICC) Alignment.
- b. IF FHWA issues a final Record of Decision that includes the Reservation Area, the applicant shall submit a revised Preliminary Plan that locates all dwelling units and related infrastructure (e.g., roads, public ares, etc.) outside of the Reservation Area;
- c. Limit any future development on the site to 73 townhouse units;
- d. Dedicate and show on the final signature set adequate right-of-way along Fairland Road to provide 50 feet of ROW from the roadway centerline;

9. Forest Conservation and Environmental Planning

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated January 20, 2005, and others, including:

- 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 issuance of sediment and erosion control permits.
- b. Revise the planting plan to increase the numbers of native evergreen trees and shrubs;
- c. Provide specifications for berm design, including use of inlet to allow greater height;
- d. Category I conservation easement to be placed on 1.32 acres of afforestation. Easement to be shown on record plat.

10. Noise Attenuation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning to attenuate noise from Fairland Road and Columbia Pike (US 29):

- a. Prior to approval of the signature set of the site plan, the applicant must provide a noise study prepared by a professional engineer with competency in acoustical analysis to demonstrate that all proposed units located within the projected, exterior noise impact area of 65 dBA, Ldn or higher will attenuate projected exterior noise levels to an interior noise level not to exceed 45 dBA, Ldn. The study must use the worst-case scenario for combined, projected traffic noise levels for the ICC, Rte. 29, and Fairland Road. It must incorporate information from the latest available SHA ICC Environmental Impact Statement and related technical reports and plans.
- b. Prior to release of the first building permit for the subdivision, the following items must be met:
  - i. There shall be certification from an acoustical engineer that the building shell for residential dwelling units are designed to attenuate projected exterior noise levels to an interior level of no more than 45 dBA, Ldn. Any subsequent changes in building shell materials or coverage that may affect acoustical performance shall be approved by an acoustical engineer prior to implementation;
  - ii. The builder shall commit to construct the residential units in accordance with the acoustical specifications identified by the acoustical engineer;
  - iii. The builder or an authorized agent shall disclose in writing to all prospective purchasers that these homes will be affected by traffic noise from current and possible future roadway projects, including the proposed ICC ramp/interchange and Fairland overpass. The builder shall also identify all noise mitigation measures to be used in the subdivision. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents (including any illustrative site plan(s) on display within any sales-related offices), in Homeowner Association documents, and by inclusion in all subdivision and site plans, and with all Deeds of Conveyance. Notification language shall be provided to M-NCPPC staff for approval prior to issuance of first building permit.

11. Stormwater Management

Comply with conditions of MCDPS stormwater management concept approval dated July 6, 2004. Final design of the stormwater management pond shall be submitted to Environmental Planning and Parks Planning staff for review and comment prior to MCDPS approval.

12. Occupancy Provisions

Occupancy of MPDU units shall be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for Moderately Priced Dwelling Units and any regulations duly adopted thereunder, as such Article or regulations may be amended from time to time.

13. 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 30th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

14. Development Program

Applicant shall construct the proposed development in accordance with the 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. Street 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 and recreation facilities, including Play Lot, internal sidewalks, natural paths, sitting areas, and the Open Play Area shall be completed prior to issuance of the 52nd building permit;
- c. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed;
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion;
- e. Coordination of roads with each section of the development;
- f. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

15. Clearing and Grading

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

16. 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;
- f. Note stating that the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- g. Parking restrictions along Stravinsky Drive, as recommended by DPWT;
- h. Location of outfalls away from tree preservation areas;



Oblique aerial photograph (2003) showing the Fairland View Property. The subject property is outlined in red (upper right) within the northeast quadrant of the intersection of Columbia Pike and Fairland Road. Two Verizon parcels straddle Columbia Pike to the south of Fairland View. The Reservation Area for the Intercounty Connector lies on the northwest boundary of the noted site (yellow asterisk), east of Columbia Pike. The State Highway Administration has indicated its intention to issue a Record of Decision delineating the actual boundaries of the ICC land by September 1, 2005. Additional land area may be required.

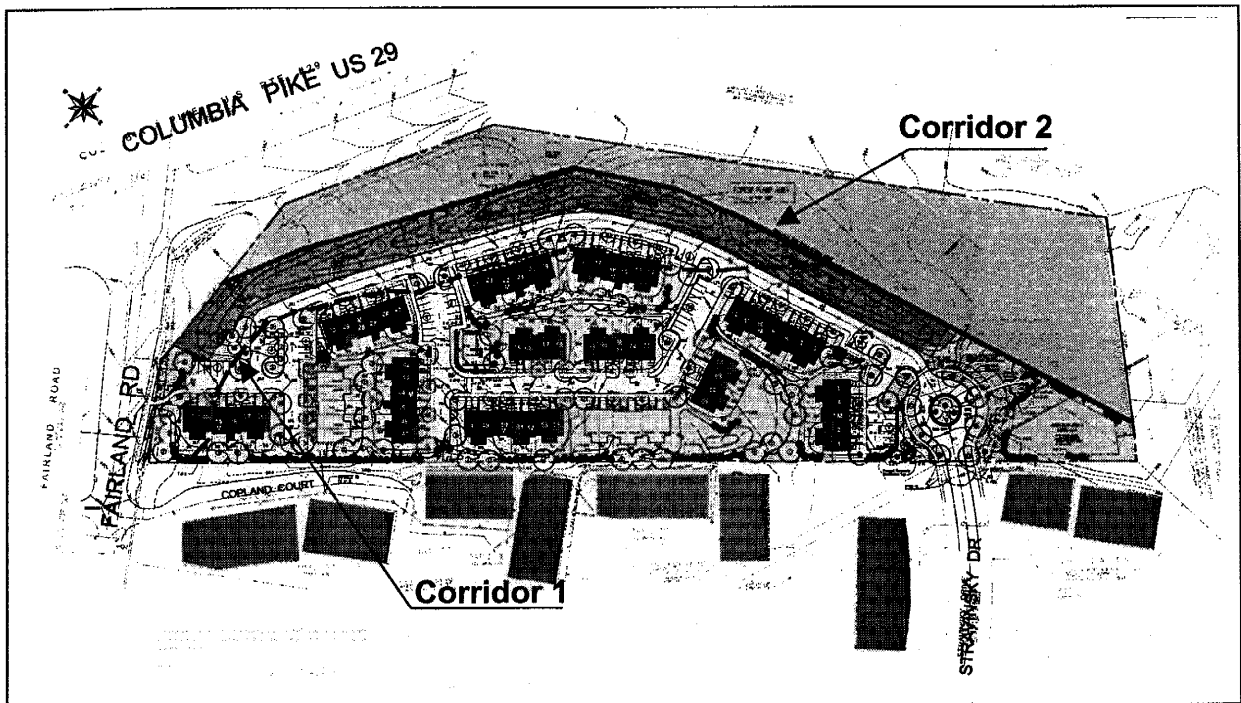
## ISSUES OF SITE PLAN REVIEW

In the course of site plan review, staff and applicant reviewed building locations, open space, recreation amenities and safe pedestrian access. Applicant and staff also addressed compatibility issues, with particular attention to the views from Fairland Road. Plans for the future Intercounty Connector and exact land area required for reservation comprised the most significant issue of site plan review, as discussed below:

### I. Land Reservation for the Intercounty Connector (ICC)

At the time of this site plan review, detailed mapping strategies for the proposed Intercounty Connector have been developed by The State Highway Administration (SHA). The subject thoroughfare, a limited-access east-west link between I-270 and I-95, will connect central and eastern Montgomery County with the western Prince Georges County.

Through the Maryland State planning process known as *The Alternatives Retained for Detailed Study (ARDS)*, two feasible alternative road alignments have emerged, namely Corridor 1 and Corridor 2. The first follows a more southerly alignment incorporated within existing ICC Master Plans. The second offers a more northerly alignment not represented within any master plan proposal. Corridor 1 and its resultant interchange at Columbia Pike (US 29) would physically impact the proposed Fairland View development as shown on Attachment 1, based on contemporary information offered by SHA.



Site Plan for Fairland View showing SHA alternatives for the alignment of the Intercounty Connector. The red dashed line illustrates the approximate location of "SHA Corridor 1," the more southerly route (the adopted Master Plan alignment) that impacts the Fairland View site to a greater degree. The solid red line represents "SHA Corridor 2," the more northerly route that imposes less impact on the site development plan. The selection of Corridor 1 would necessitate substantial change to the proposed plan, requiring filing of a Site Plan Amendment.

At the time of the Planning Board's consideration of the Preliminary Plan in October 2004, the state planning process (ARDS), in compliance with NEPA, provided for the Environmental Impact Study (EIS) that incorporates the two alternative alignments for the ICC (as relevant to the Fairland View site). As such, SHA had not issued a Declaration of Decision regarding the final alignment of the ICC, pending the final decision for the alignment, due by June 2005. The currently operational drawing, delineating the southerly alignment

(Corridor 1), was issued by SHA on March 17, 2004, Plat No. 56320 [See *Attachment 1*]. Considerations of the Preliminary Plan approval and current staff positions are outlined below:

**Applicant Position:** The applicant clearly addressed the issues of the ICC reservation and the pending EIS at the time of Preliminary Plan, with respect to §50-31 of the Subdivision Regulations: *No one knows whether SHA will ever build where some imagine it will build [sic] the ICC or US 29 improvements . . . SHA has made no formal offer to condemn the subject property and such improvements are not shown on an adopted Master Plan for the areas. MNCPPC's reservation powers . . . cannot reasonably be applied.* Despite the uncertainty of the final ICC alignment location, the applicant elected to proceed with the Preliminary Plan review in October 2004 and with the subsequent Site Plan review.

**Community Position:** The community's communication regarding the Fairland View Preliminary Plan focused on the issue of parking, including adequate visitor parking and compensatory solutions for loss of on-street parking. Staff has communicated with two community members during the site plan review regarding the parking supply.

**Subdivision Staff Position:** Subdivision staff acknowledged the applicant's desire and right to proceed with a Planning Board hearing for the site development plan. Staff presented a condition of approval that required the applicant to place in reservation the area delineated in the SHA drawing dated March 17, 2004, also recognized as Corridor 1.

**The Planning Board:** The Planning Board, at its hearing of October 28, 2004, took appropriate action, and approved staff the conditions as recommended with respect to the concurrent EIS and ARDS, thus requiring the reservation of the area of Corridor 1 until the earlier of September 1, 2005 or the Final Record of Decision is issued by the Federal Highway Administration. The applicant is further required to submit a Site Plan (or Site Plan Amendment) that respects the final reservation area.

**Site Plan Staff Position:** Site Plan staff incorporates the Planning Board's conditions of approval for the Preliminary Plan into the conditions of approval for Site Plan 8-05007.

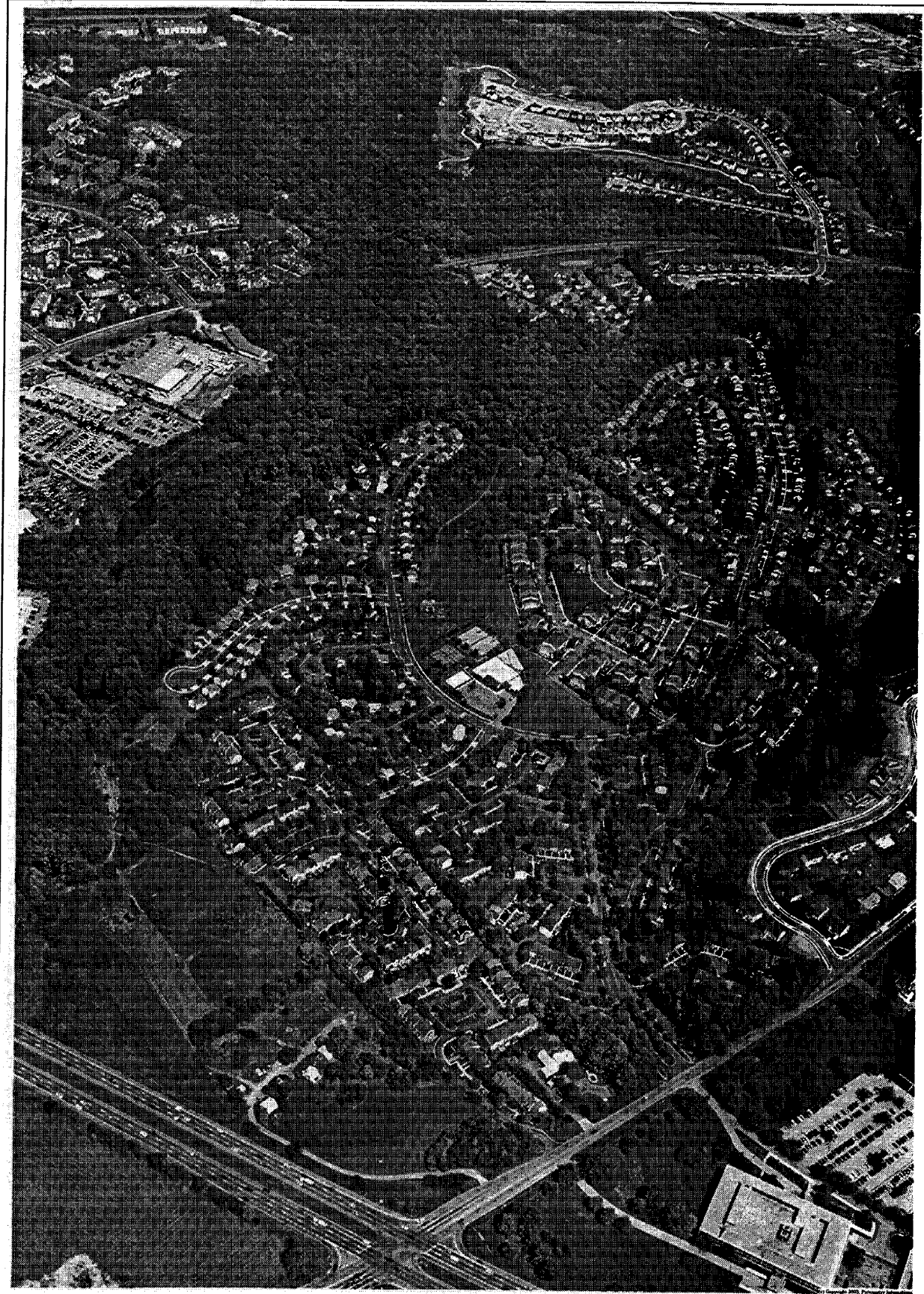
## II. Housing Types Proposed: 100% Townhouses

The applicant requests Planning Board consideration of the subject site plan to permit 100% townhouses, pursuant to §59-C-1.621 of the Zoning Ordinance. The zoning ordinance allows a departure from the development standard of 60% townhouses, 40% one-family detached homes provided the Planning Board finds that the proposed provides "an environmental and compatibility benefit over what could be achieved" per the usual standard.

The Planning Board considered the proposal previously, first as a non-binding Pre-Preliminary Plan on May 20, 2004. Staff sought the direction on the issue at the time of the Pre-Preliminary hearing. The Planning Board agreed with Environmental Planning staff opinion that supported the plan with 100% townhouses. At the Preliminary Plan (1-05001) hearing on October 28, 2004, the Planning Board made the finding that the plan as proposed provided environmental and compatibility benefits that could not be achieved with 60% townhouses and 40% one-family detached dwellings, as follows:

- The plan provides a tighter clusters of lots away from the existing road network and proposed ICC;
- The plan provided a 50-foot berm with dense landscaping on the north boundary to buffer the effects of the ICC;
- The provision of 100% townhouses relates more compatibly with the adjacent townhouse community.

Site Plan staff concurs with the recommendations of Subdivision Staff, and the Planning Boards finding of environmental and compatibility benefits. Staff recommends that the Planning Board make this finding for approval of the site plan.



**Aerial view of the Fairland View property looking southeast. The site is seen at the lower right, just above the wide Columbia Pike. The intersection of Fairland Road and Columbia pike is seen at bottom center. The Tanglewood Neighborhood, with tightly spaced townhouses is seen just about the subject site.**