



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 3  
MCPB  
2-10-05

**MEMORANDUM**

DATE: February 4, 2005  
TO: Montgomery County Planning Board  
Rose Krasnow, Chief  
Michael Ma, Supervisor  
Development Review Division  
FROM: Wynn E. Witthans  
Development Review Division  
(301) 495-4584



REVIEW TYPE: **Site Plan Review**  
CASE #: **8-05016**  
PROJECT NAME: **Towns of Dogwood**  
APPLYING FOR: Approval of 30 townhouses on 5 acres  
REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance  
  
ZONE: RT-8  
LOCATION: East side of Dogwood Drive, 375 feet NE of Guildford Run Lane  
MASTER PLAN: Eastern Montgomery County Master Plan - Fairland  
APPLICANT: Albany Fernandez  
FILING DATE: November 9, 2004  
HEARING DATE: February 10, 2005

**STAFF RECOMMENDATION:** Approval of 30 townhouses on 5 acres in the RT-8 zone, with the following conditions:

1. Tentative Approval for Lot 17

No recordation of a record plat or release of site plan signature set for Lot 17 until the dam breach issues are resolved. The record plat and site plan signature set should be submitted with only 29 units (minus Lot 17). Should the dam breach issues be resolved successfully, the applicant shall submit a subsequent record plat for Lot 17 and a revised signature set for 30 lots. If they are unable to comply with DPS requirements, they will only be able to build 29 lots and no amended plans will be submitted.

2. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated July 8, 2004 including the following:

The dam breach analysis must be submitted for review and approval prior to submission of detailed plans for sediment control/stormwater management review. The existing and proposed breach flow areas must be compared. If the breach flow area increases on the adjacent MDSHA property as a result of proposed construction, a letter of permission from MDSHA will be required which indicates their acceptance of the increased breach flow area on their property. The alternative would be to remove Lot 17 and leave the flow area undisturbed.

3. Site Design

- a. Six foot wooden fence is required to "turn the corner" adjacent to Dogwood Drive, around Lot 1, to improve the screening from Dogwood Drive and the entrance to Alpine Forest condominiums.
- b. Staff shall review any subsequent revision of driveways so to maintain the street trees as close as possible to those shown.

4. Landscaping

Prior to release of signature set the following items shall be required:

- a. provide screen planting at the end of Street "A;"
- b. flowering trees in front of each unit;
- c. typical planting foundation schemes to apply to each unit;
- d. increased landscaping within the SWM facilities adjacent to the sitting area;
- e. an aerated mat is required under the driveways adjacent to street trees.

5. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development. The location of the lighting poles needs to be amended to coordinate with tree locations.
- b. All light fixtures shall be full cut-off fixtures.
- c. Reflectors and house shields shall be installed on all fixtures causing potential glare or excess illumination, especially 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.

6. Forest Conservation

- a. The applicant shall comply with the conditions of approval from M-NCPPC Environmental Planning in the memorandum dated December 10, 2004. The conditions shall be met 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 I conservation easement over all areas of stream buffers and forest conservation.

7. 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 21st building permit that Applicant’s recorded Homeowners Association Documents incorporate by reference the Covenant.

8. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The 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 (adjacent to Dogwood Drive) shall be completed with adjacent units and the recreation facilities (play equipment and all benches) shall be completed prior to issuance of the 21st building permit.
- c. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- d. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
- e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- f. Provide each section of the development with necessary roads.
- g. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation and other features as necessary.

9. Clearing and Grading

The Applicant may begin clearing and grading prior to M-NCPPC approval of signature set of plans only after the final Forest Conservation Plan and Sediment Control Plans have been approved. Signature set of plans shall be approved by M-NCPPC prior to issuance of any building permit or recording of plat(s).

10. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following 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. Note stating that M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

## **SITE PLAN REVIEW ISSUES**

### **I. SHA Access Request**

At site plan, the SHA requested a driveway access to their landlocked 28.48 acre parcel, immediately to the east of the site. The request, originally put forward during the Preliminary Plan review with a memo dated July 7, 2004, was not part of the approval. If an access road were provided to the SHA site it would require a public street, minimally a secondary road. This would preclude the development scheme as shown – since environmental areas limit utilizing the remainder of the property, there would be numerous driveway conflicts, and the access point on Dogwood Drive has not been approved for so many potential units.

#### Applicant's Proposal

The Applicant is unable to provide access and maintain any feasible development scenario on the property.

#### Community Position

The community has not commented on SHA access. They are concerned about the development of this wooded parcel.

#### Staff Analysis/Position

Site Plan review staff find it difficult to support the request for access at the time of site plan. Access to a site is reviewed with Preliminary Plan applications and as none was provided for the SHA parcel, the Site Plan process follows that guidance.

### **II. Citizen concerns**

Staff received a letter from C. Longo, requesting the project not be built due to tree loss and increased traffic and pollution levels. The letter is attached.

Applicant's Proposal Go forward as proposed.

Community Position As described in letter.

Staff Analysis/Position The project is located adjacent to existing development in order to protect environmental areas elsewhere on site, thus preserving the features this writer enjoys. The proposed project will provide sidewalks where there have been none, increasing pedestrian safety with increased traffic levels. The project complies with Forest Conservation Legislation.

### **III. Tentative Approval for Lot 17**

Comments from Environmental Planning and the DPS Water Resources Section Management at the Development Review Committee cited concerns regarding the impact of the dam breach analysis from the adjacent MDSHA property to Lot 17 that affect the viability of the lot. No dam

breach assessment had been provided to staff for review by the time of the writing of this report, nor is any staff level review expected by the time of the Planning Board hearing. The status of Lot 17 is inconclusive at this time in regards to environmental review.

Applicant's Proposal The applicant would like to present the required information prior to recording Lot 17 at a later time. The remainder of the project would proceed through the development approval process, at this time with 29 lots. Should Lot 17 be cleared for approval, a separate record plat for Lot 17 and an amended signature set will be filed for subsequent staff review.

Community Position No comment.

Staff Analysis/Position

At the advisement of the two agencies listed above, staff recommends conditional approval for Lot 17. Staff recommends there be no recordation of a record plat or release of signature set for Lot 17 until the dam breach issues are resolved. Should the issues be resolved successfully, the applicant shall submit a record Plat for Lot 17 and a revised signature set for 30 lots. If they are unable to comply with DPS requirements, they will only be able to build 29 lots and no amended plans will be submitted.