



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
2/10/05  
Item # 9 + B



## MEMORANDUM

**DATE:** February 1, 2005  
**TO:** Montgomery County Planning Board  
**VIA:** Rose G. Krasnow, Chief *RGK*  
Cathy Conlon, Acting Supervisor *CC*  
Michael Ma, Supervisor  
Development Review Division  
**FROM:** Mary Beth O'Quinn, Site Plan Review, (301) 495-1322 *MBO*  
Rich Weaver, Subdivision Review, (301) 495-4544  
**REVIEW TYPE:** Concurrent Preliminary and Site Plan Review  
**APPLYING FOR:** Approval of 32 residential units on 4.02 acres  
**PROJECT NAME:** **Whetstone Run**  
**CASE #:** 1-05036 and 8-05010  
**REVIEW BASIS:** Sec. 59-D-3, Zoning Ordinance: Site Plan required in the RT-8 Zone  
**ZONE:** RT-8  
**LOCATION:** Old Game Preserve Road, approximately 600 feet east of MD 355  
**MASTER PLAN:** Gaithersburg Vicinity Master Plan  
**APPLICANT:** Arrowsmith LC (Jonathan Lerner)  
**FILING DATE:** October 10, 2004  
**HEARING DATE:** February 10, 2005

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### **PRELIMINARY PLAN**

Staff has reviewed the preliminary plan application for compliance with Chapter 50, the Subdivision Regulations. The plan complies with the all applicable sections of the Regulations. The lots as proposed conform to the RT-8 zone requirements of the Zoning Ordinance. Staff further finds that the preliminary plan is in compliance with the binding elements of the Schematic Development Plan.

**PRELIMINARY PLAN STAFF RECOMMENDATION:** Approval of 32 residential units on 4.02 acres, subject to the following conditions:

1. Approval under this preliminary plan is limited thirty-two one-family attached dwelling units.
2. The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
3. No vehicular access to Arrowsmith Court.
4. Prior to recordation of plat, applicant to make a good faith effort with PEPCO to obtain a Public Improvement Easement (PIE) through the PEPCO right-of-way in coordination with DPWT and DPS from the access point to the subject property to Travis Avenue.

5. Within the PIE the applicant shall upgrade Old Game Preserve Road to a tertiary residential street with adequate vertical grading at Travis Avenue and construct a five foot sidewalk and tree panel on the east side of Old Game Preserve only.
6. If the applicant cannot obtain the PIE as described in Condition #4, the applicant shall upgrade the segment of Old Game Preserve Road along the subject property frontage as a tertiary residential street including a five foot sidewalk and tree panel on the east side of Old Game Preserve Road only.
7. Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
8. Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
9. Record Plat shall reflect all areas under Homeowners Association and all stormwater management parcels.
10. 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.
11. Compliance with the conditions of approval of the MCDPS stormwater management approval dated, April 23, 2004.
12. Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
13. No clearing, grading or recording of plats prior to signature set approval.
14. 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.
15. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
16. Other necessary easements.

**SITE PLAN STAFF RECOMMENDATION:** Approval of 32 residential units on 4.02 acres, subject to the following conditions:

1. Prior Approvals

The proposed development shall comply with the conditions of approval for Preliminary Plan 1-05036, concurrently under review by the Planning Board, and with the Binding Elements of the Schematic Development Plan, as noted in Exhibit 41(a) of District Council Resolution No. 15-735.

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. Provide an area 8-feet in width along the rear property line for residents' access to the following lots: 17-21, 23-29, 30-32; indicate that the above areas are covered by an access easement;
- b. Coordinate utility feed locations; show utility feed locations on signature set;
- c. Provide architectural screening for any front façade utility feeds and trash receptacles; show materials and dimensions of screen;
- d. Provide details for furnishings, fixtures, and fencing;
- e. Provide details for all retaining walls, including top and bottom elevations; walls must be constructed of masonry materials;
- f. Provide elevation drawings for houses on Lot 21 and Lot 22; facades must be constructed of masonry materials, providing multiple fenestration;
- g. Provide a revised drawing showing road improvements as approved, on-site or off-site: include dimensions showing right-of-way, centerline, curb and gutter locations, PUE-PIE's, grading, retaining walls, street trees and sidewalks; provide final design drawing for road improvements as executed under the requirements of Condition 6, prior to recordation;
- h. Label all storm water management facilities' parcels and HOA parcels.

3. Landscaping

- a. Provide hedge screening at a minimum height of 36 inches to screen parking areas visible from Arrowsmith Court;
- b. Provide additional ground cover planting at the retaining walls (i.e., climbing plants) to mitigate the effects of wall height and massing;
- c. Substitute Sweet Gum shade tree for the ornamental tree located at the street frontage of Lots 19-20, Lot 22, and Lots 25-26.

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. Recreation Facilities

- a. Provide a plan and elevation of the Tot Lot play equipment at 1:10 scale; label setback from street;
- b. Verify minimum Tot Lot area of 1,000 square feet and suitable surface grading;
- c. Verify that the equipment supports five activities.

6. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC- Transportation Planning in the memorandum dated February 1, 2005:

- a. Limit the preliminary plan and site plan to a maximum of 32 one-family attached dwelling units;

- b. Dedicate 30-35 feet of right-of-way to achieve 30 feet from the boundary of existing property line needed on Old Game Preserve Road as shown on the plan;
  - c. Permit vehicular site access from Old Game Preserve Road, while prohibiting vehicular access from Arrowsmith Court;
  - d. Improve off-site vehicle and pedestrian circulation along Old Game Preserve Road to achieve better access to Travis Avenue to the south and to Frederick Road (MD 355) by providing the following:
    - i. Applicant must make a good faith effort with PEPCO to obtain a public improvement easement (PIE) for the roadway segment through the PEPCO right-of-way from the site to Travis Avenue. A PIE agreement with PEPCO should be resolved prior to recordation in coordination with the Montgomery County Department of Public Works and Transportation (DPWT) and the Montgomery County Department of Permitting Services (DPS);
    - ii. If successful in obtaining a PIE from PEPCO, the applicant must do the following: Upgrade Old Game Preserve road from the site's proposed access point southward through the PEPCO right-of-way and connect to Travis Avenue as a tertiary residential street with adequate vertical grading at Travis Avenue; include a five-foot wide sidewalk offset from the curb by a tree panel with street trees;
    - iii. If unable to obtain a PIE from PEPCO, the applicant must do the following: Upgrade Old Game Preserve Road along the entire property frontage as a tertiary residential street including a five-foot wide sidewalk offset by a tree panel with street trees.
7. 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 13, 2005:
- a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
8. Noise Attenuation  
 The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning to attenuate noise from Old Game Preserve Road and Arrowsmith Court:
- a. Certification from an engineering firm that specializes in acoustical analysis, that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour, is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification from the acoustical engineer shall be reviewed and approved by M-NCPPC Environmental Planning staff prior to issuance of building permits. Any changes that may affect acoustical performance shall be approved by the acoustical engineer in advance of installation and M-NCPPC Environmental Planning staff prior to their implementation;
  - b. Applicant shall conduct an outdoor-to-indoor noise analysis of constructed units to ensure the 45 dBA Ldn interior noise level is achieved within the unmitigated 65 dBA Ldn contour after construction and shall present verification of noise levels to M-NCPPC Environmental Planning staff prior to occupancy of the residential units;
  - c. For all residential dwelling units to be constructed within the 65 dBA Ldn unmitigated noise contour, the applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by existing and future highway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and with all Deeds of Conveyance. Notification shall be provided to M-NCPPC staff prior to issuance of any building permit.
9. Stormwater Management  
 Comply with conditions of stormwater management concept approval issued by the Montgomery County Department of Permitting Services (DPS) dated October 14, 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.

10. 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.

11. 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 Tot Lot, internal sidewalks, natural paths, and sitting areas shall be completed prior to issuance of the 30th 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.

12. Clearing and Grading

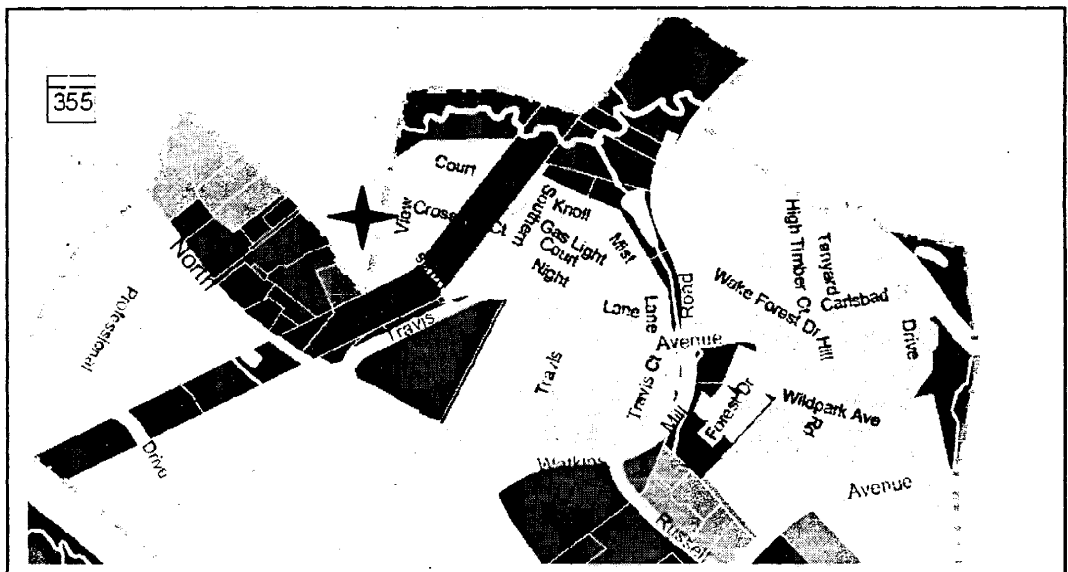
No clearing or grading prior to M-NCPPC approval of signature set of plans.

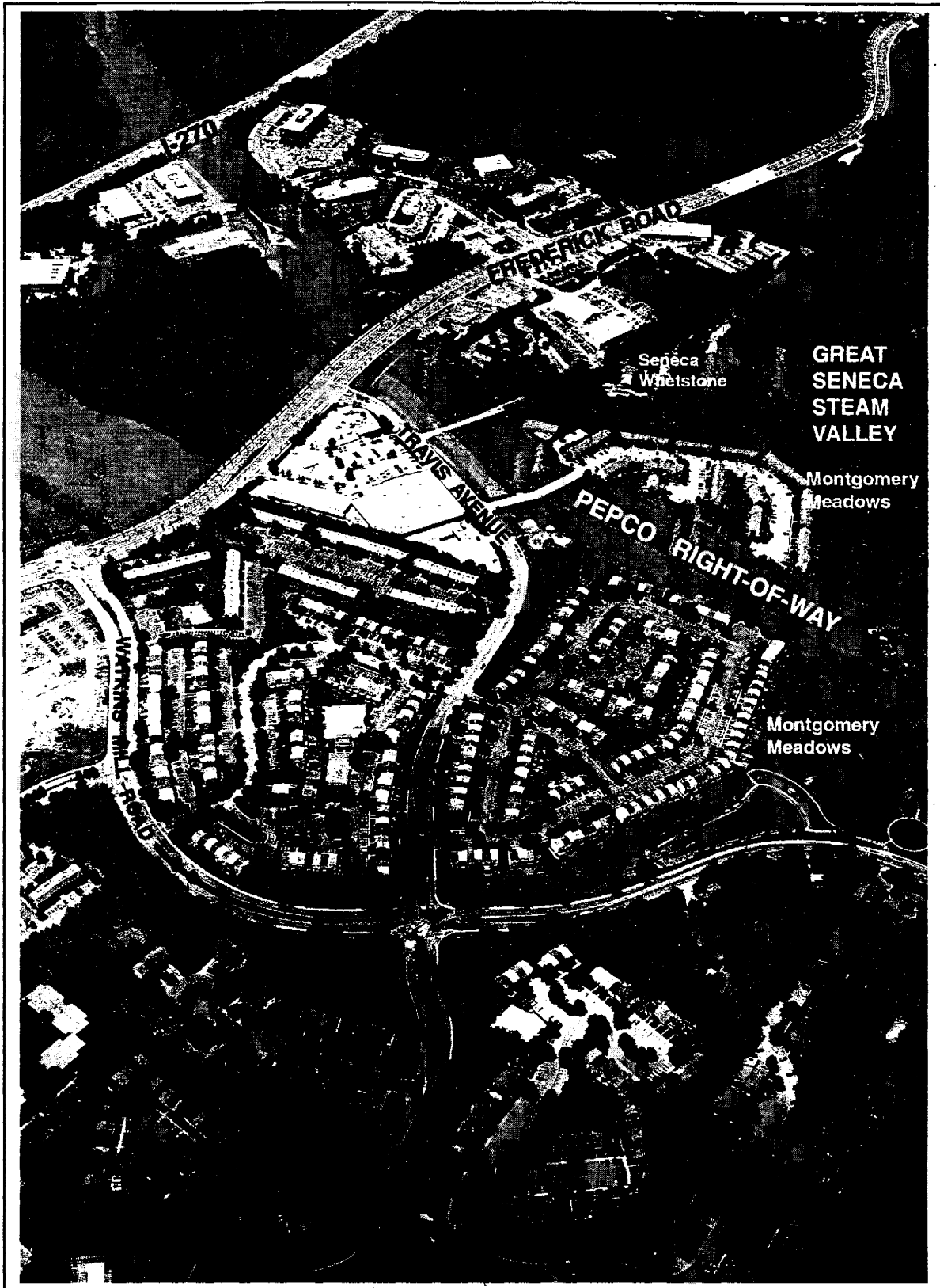
13. Signature Set

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. Undisturbed stream buffers at least 100 feet wide;
- c. Limits of disturbance;
- d. Parcel dimensions;
- e. Methods and locations of tree protection;
- f. Forest Conservation easement areas;
- g. Recreation facility calculations;
- h. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- i. Centralized, screened trash areas for all multi-family units;
- j. Location of outfalls away from tree preservation areas, unless approved by EPD staff.

This illustrative map from the City of Gaithersburg Master Plan shows the city's corporate limits that adjoin the Whetstone Rim property on the east and south boundaries. The asterisk marks the subject site.





Oblique aerial photograph (2003) looking west, shows the Whetstone Run property and surrounding area. The red line depicts the property boundaries: the north property line abuts the Great Seneca Stream Valley; the south property forms the road frontage of Old Game Preserve Road, which constitutes the boundary of the Town of Gaithersburg. Bus Route 55 on Travis Avenue provides service every 15-20 minutes at peak hours, in addition to weekend service. Direct bus connections are provided to Montgomery College, Rockville Station, Shady Grove Station, and Humsford Drive.

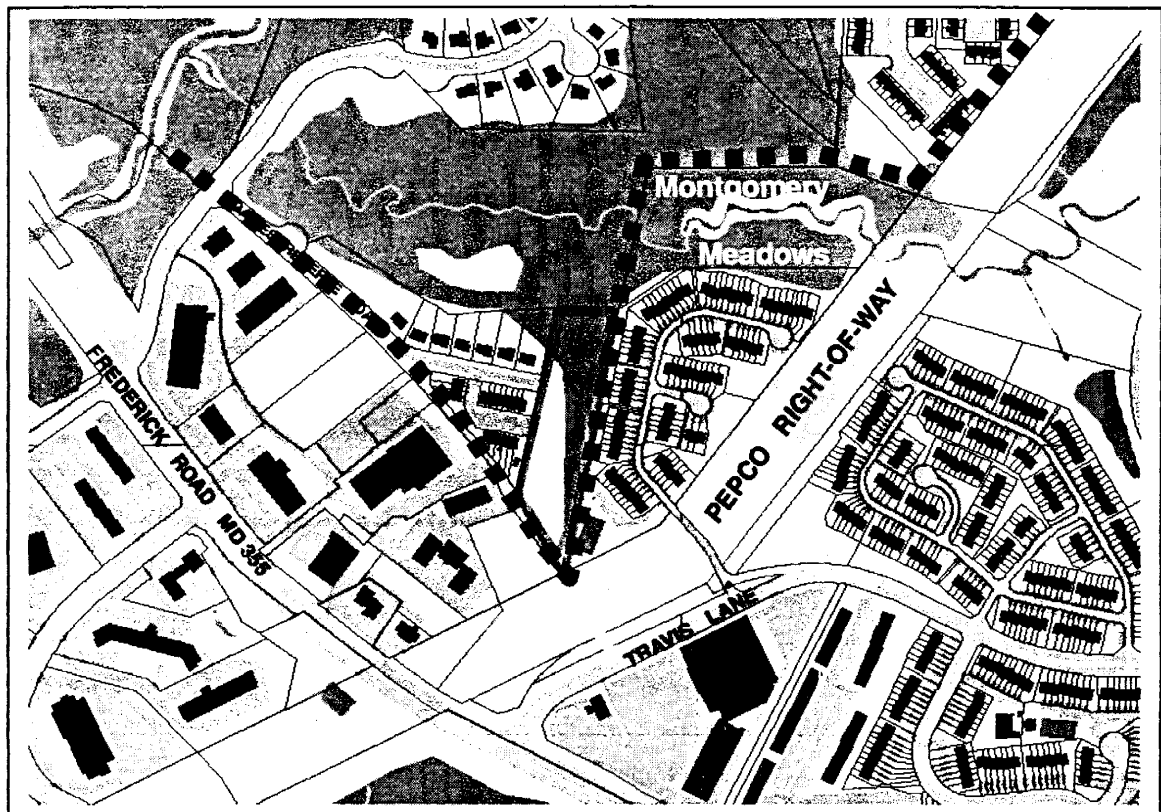
## ISSUES OF SITE PLAN REVIEW

In the course of site plan review, staff and applicant reviewed building locations, open space, recreation, and pedestrian and access. The provision of pedestrian access within the public right-of-way comprised the primary issue of review, as discussed below:

### I. Road Improvements and Neighborhood Pedestrian Connections

#### **Topography and Site Ingress/Egress**

The linear form of this parcel and its natural topography, along with the boundaries of surrounding existing development, create an archetypical "suburban infill" condition that demands careful consideration of building locations, parking, and most importantly, accessible site entry and egress. The property's adjacency to the Great Seneca Stream Valley and the extension of its buffer 130 feet into the site account for the steep slopes of 15-25% that create challenging aspects to the "wedge-like" development of this parcel. The most natural formidable grading is constituted by a sharp, 18-foot drop in elevation within a distance of 60 feet of the property line, at the Old Game Preserve Road frontage. The navigation of such extreme topography is made feasible only by site entry fixed at the most southeastern point of the property—touching the PEPCO right-of-way for approximately 30 feet at the road frontage.



Planometric map showing limits of the Whetstone Run site (red), the two adjoining townhouse developments, and the PEPCO right-of-way (orange). The dotted line indicates the Gaithersburg corporate limit line that adjoins two of the site's boundaries. The yellow line crossing the PEPCO right-of-way illustrates the location of desired road improvements, including sidewalk and street trees. Note that site access to the Montgomery Meadows subdivision to the northeast crosses the Pepco right-of-way.

#### **Road Frontage Improvements and the PEPCO Right-of-Way**

The plan, as proposed for residential development, requires safe, efficient public ingress and egress to the site for vehicles and pedestrians. Several factors must be considered in the design and implementation of the site circulation, namely, the parcel's location, its relationship to the area's mix of existing and future