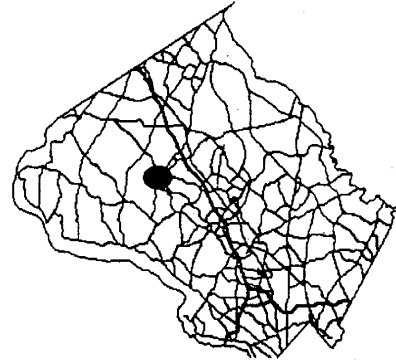


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Items # 9 & 10
MCPB 4-21-05

MEMORANDUM

DATE: April 15, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor
Development Review Division
FROM: Cathy Conlon, Supervisor
Robert A. Kronenberg *RAK*
Development Review Division
(301) 495-2187



REVIEW TYPE: **Preliminary and Site Plan Review**
CASE #: **1-88216B, 1-01063A and 8-95030D**
PROJECT NAME: **Hoyles Mill Village, Section 2**
APPLYING FOR: **Amendment to approved preliminary plans 1-88216R and 1-01063 and site plan 8-95030C to increase the impervious limit from 599,459 square feet to 642,153 square feet (no additional dwelling units proposed).**
REVIEW BASIS: **Div. 59-D-3 of Montgomery County Zoning Ordinance Chapter 50, Montgomery County Subdivision Regulations**
ZONE: **R-200/MPDU**
LOCATION: **West side of Schaeffer Road, approximately 500 feet south of the intersection with Clopper Road**
MASTER PLAN: **Germantown Master Plan**
APPLICANT: **Toll Brothers, Inc.**
FILING DATE: **February 4, 2004**
HEARING DATE: **April 21, 2005**

STAFF RECOMMENDATION FOR PRELIMINARY PLAN: Amendment to approved preliminary plans #1-88216R and #1-01063 to increase the impervious limit from 599,459 square feet to 642,153 square feet (no additional dwelling units proposed), with the following conditions:

1. Amend previous condition No. 1 for preliminary plan #1-01063 per opinion dated October 10, 2001 to be consistent with proposed condition No. 3 of the amended site plan 8-95030D.
2. All applicable previous conditions of approval as per preliminary plan opinions dated January 20, 1998, September 13, 2001 and December 4, 2003 remain in full force and effect. [Appendix A].

3. Applicant shall record a record plat for Parcels 859, 871, 911 and 963, showing the parcels as a single outlot, and shall show a Category I Forest Conservation Easement over the entire outlot.
 4. Applicant shall record a covenant for future dedication of the right-of-way for Leaman Farm Road along the frontage of parcels 859, 871, 911 and 963.
 5. No density from parcels 859, 871, 911 and 963 shall be used for the Hoyles Mill development, nor used for any future development(s). The parcels shall be restricted from any future development.
 6. The outlot shall be used for the sole purpose of creating a pervious reserve for the Hoyles Mill preliminary plans (1-88216R and 1-01063).
-

STAFF RECOMMENDATION FOR SITE PLAN: Amendment to approved site plan 8-95030C to increase the impervious limit from 599,459 square feet to 642,153 square feet (no additional dwelling units proposed), with the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plans 1-88216R and 1-01063 as listed in the Planning Board opinion dated January 21, 1999 and September 13, 2001, respectively [Appendix A].
2. Site Plan Conformance
The proposed development shall comply with the conditions of approval for Site Plans 8-95030, 8-95030A, 8-95030B and 8-95030C [Appendix B], unless specifically amended.
3. Environmental Planning
The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated April 13, 2005:
 - a. Imperviousness for the Section II single-family detached units and driveways may not exceed 17.4886 acres or 642,153 square feet.
 - b. Off-site parcels (859, 871, 911 and 963) within the same watershed will be purchased by the applicant who will remove the existing impervious conditions and record a plat delineating a Category I conservation easement over the property.
 - c. Monitoring of conformance to the imperviousness limits for the single family detached portion of Section II shall be done in accordance with the December 6, 2000 agreement between the applicant and the Commission [Appendix C], except that, the 20 lots identified to be held in reserve in this agreement shall be replaced by the 20 lots identified in the August 17, 2001 letter from Toll Brothers, Inc. The last five lots of the 20 lots to be released will be lots 60&61, block Z, followed by lot 1, block Z, and followed by lots 1&2, block S.
 - d. If at any time the imperviousness limit is reached before building permits for all approved lots have been released, the lots for which building permits have not been released must be re-recorded as non-impervious open space. All pending use and occupancy permits will be held until such time that the open space plats are recorded.
 - e. All driveways must be designed as single car width (10 feet) from the edge of the road through the sidewalk and flared out to double car width (20 feet) in front of the garage. The maximum driveway length from the edge of the road right of way to the garage entrance shall be 25 feet. Alternate driveway design may be approved by MNCPPC Environmental Planning staff on a case-by-case basis, provided any additional

impervious surface is accounted for as part of the overall imperviousness limit. All sales contracts must disclose to buyers that these dimensions are imposed as a condition of the Planning Board's approval.

- f. Applicant shall provide each prospective homebuyer with a site plan that clearly illustrates house setback and sidewalk locations.

4. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated May 1995.

5. 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 transfer to the Homeowners' Association, if applicable, that Applicant's recorded Homeowners Association Documents incorporate the off-site parcels by reference in the Covenant.

6. Development Program

Applicant shall construct the proposed development in accordance with a 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. Applicant shall comply with the previous development program, as specified in the Site Plan Enforcement Agreement for Site Plans 8-95030, 8-95030A, 8-95030B and 8-95030C, with regard to landscaping, lighting, street trees, phasing, community and pedestrian pathways and walkways and recreation facilities.
- b. Applicant shall provide documentation of the off-site parcels to be purchased to offset the impervious restrictions prior to the release of lots held in reservation.
- c. Applicant shall remove the improvements on the off-site parcels (Parcels 859, 871, 911 and 963), including existing houses, sheds and driveways, prior to the release of building permits for the lots held in reservation; and convert the parcels to an open space easement and category I forest conservation easement.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

7. Clearing and Grading

No clearing or grading of the off-site parcels to be purchased to offset the impervious restrictions prior to M-NCPPC approval of signature set of plans.

8. 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 unless previously approved by site plans 8-95030, 8-95030A, 8-95030B and 8-95030C.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. Method for demolition of the existing structures and impervious surfaces, tree protection measures and stabilization on parcels 859, 871, 911 and 963.

- g. Note stating the M-NCPPC staff must inspect forested areas and protection devices on the off-site parcels, prior to clearing and grading.
- h. All other items specified in the environmental planning conditions of approval above.

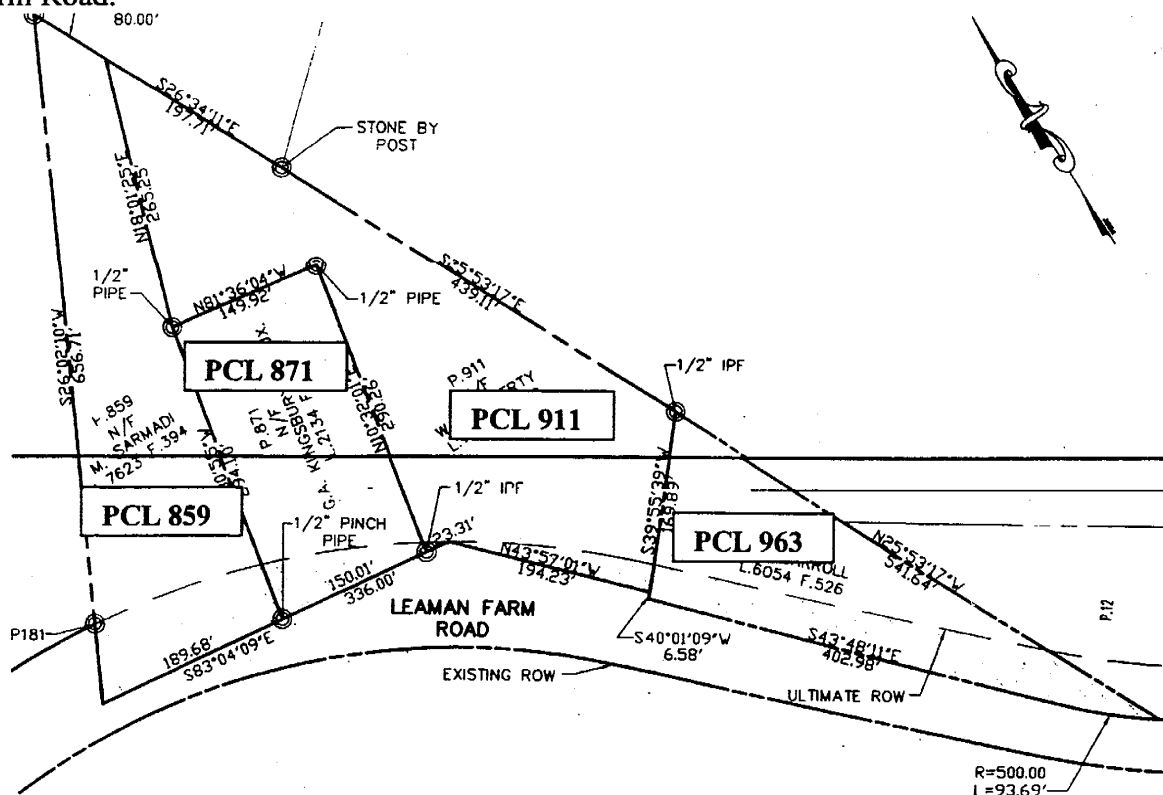
SITE PLAN REVIEW ISSUES

I. Impervious Surface

The subject property is part of a two-phase development located in Germantown within the KI-2 analysis area identified in the Germantown Master Plan. This analysis area is subject to special environmental protection measures because of the sensitivity and high quality conditions of the portion of the Little Seneca Creek stream system to which it drains. These measures include a site imperviousness cap, performance monitoring, stringent best management practices, and protection and enhancement of stream buffer areas. These measures were included in the approval of the original preliminary and site plan.

The original site plan approval for Section II contained 223 single family detached houses and associated driveways. The imperviousness approved for the Phase II development was 12.588 acres or 548,333 square feet. As part of the approval for the previous amendment, twenty lots, as identified on the plan, were held in reservation to ensure that the impervious cap is not exceeded while at the same time providing the builder with the needed flexibility to build homes larger or smaller than those assumed in the original impervious calculations.

The current amendment seeks to address limitations on Phase II development resulting from the site imperviousness cap. This amendment intends to offset the impervious restrictions from 599,459 square feet to 642,153 square feet by purchasing property within the watershed to place in a forest conservation easement and open space easement. The off-site parcels (parcels 859, 871, 911 and 963) are located directly adjacent to the subject site on the north side of Leaman Farm Road.



Applicant's Position

The applicant believes that the previous opinion for site plan 8-95030C and the Master Plan Guidelines for the KI-2 Analysis Area permits the Planning Board to increase the amount of impervious coverage if additional offsets can be demonstrated that will maintain the existing high water quality of Little Seneca Creek. The applicant is requesting to offset the impervious coverage by purchasing four parcels within the watershed to place in a forest conservation easement and open space easement. The applicant has the properties under contract and will finalize the sales upon plan approval.

Twenty percent of the combined off-site property acreage would be credited toward the Phase II development. In return, all structures and improvements on the off-site properties would be removed and the properties would be placed in a Category I Forest Conservation Easement and open space easement. The applicant has also agreed to provide an easement for future dedication for the portion of Leaman Farm Road that is contained within the parcel boundaries and could potentially be improved by the County. This portion of the road has been deducted from the impervious credit.

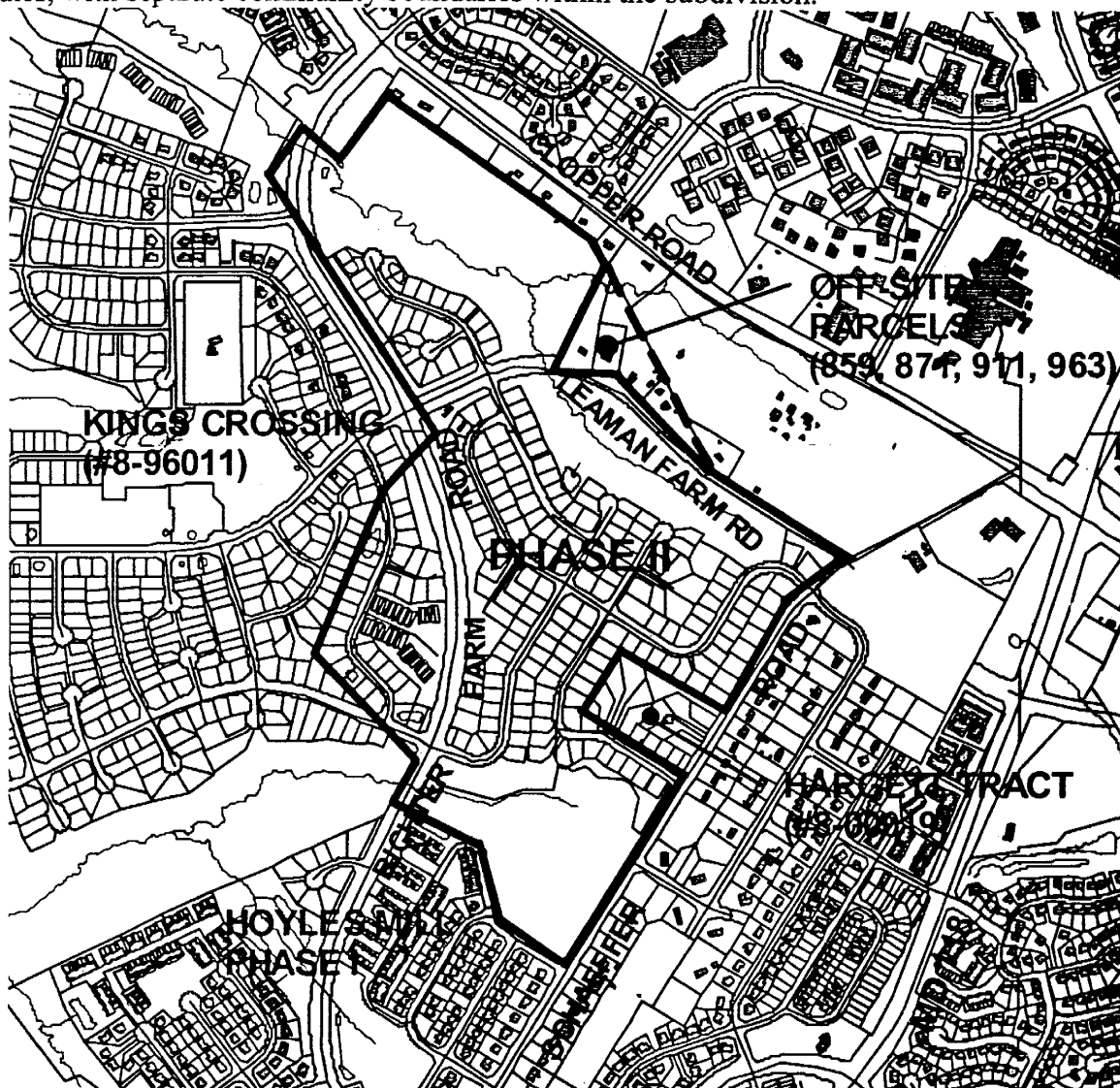
Staff Position

Staff is supportive of the proposed method for offsetting the impervious limitations on the Phase II development and commends the applicant for the approach. The purchase of the off-site parcels would yield an additional 42,694 square feet of potential impervious area that can be credited toward the original Phase II development and build-out of existing lots within the community. The off-site parcels are providing a twenty percent credit toward the approved 223-lot development. The threshold of twenty percent is recommended as the maximum impervious area in the Master Plan and applied on the original submittals for Hoyles Mill (subject property), and the adjacent subdivisions of Wildman Property (1-94024), King-Hargett (8-00019), Brodsky Property (8-00012) and Kings Crossing (8-96011). In conjunction with the impervious offsets, the applicant is expanding the stream valley buffer and contiguous forested area adjacent to the buffer.

PROJECT DESCRIPTION: Site Vicinity

Hoyles Mill Village is located on the west side of Schaeffer Road, south of the intersection with Clopper Road (MD 117), and immediately north of the South Germantown Recreational Park. Section II of Hoyles Mill Village, which is the subject of this review, is located in the north-central segment of the overall development. The subject development is approximately 81 percent complete with the construction of one-family detached homes.

Confronting property to the east is zoned R-200 and is developed with one-family detached homes. Section 1, of Hoyle's Mill Village, consisting of 316 lots, lies to the south of the subject section and is completely built with one-family attached and detached homes. King's Crossing, zoned PD-2, is currently under construction and approximately 90 percent complete. The boundary for the majority of Kings Crossing is on the west side of Richter Farm Road. All of Hoyles Mill Village and Kings Crossing have been incorporated into one name as Woodcliff Estates, with separate community boundaries within the subdivision.



PROJECT DESCRIPTION: Site Description and Proposal

The subject site for the Phase II development is currently under construction with approximately 180 of the approved 223 single-family detached lots under roof. All of the roads have been completed and the stormwater management facilities are functional for the entire development. Richter Farm Road separates the majority of the site on the west side of the property with the remaining development situated between Richter Farm Road and Schaeffer Road. The four off-site parcels are located on the north side of Leaman Farm Road near the completed northwestern section of the development. The property contains two separate stream valley systems on the north and south sides of the site.



The current amendment seeks to address limitations on Phase II development resulting from the site imperviousness cap. Monitoring the actual size of the current homes constructed in Phase II has shown that building the remaining approved homes will significantly exceed the approved impervious cap. The concept by the developer at the conception of Phase II allowed the construction of homes that are larger than those approved on the original site plan, while modifying the

house footprint to a smaller size toward the end of the construction for the remaining homes. As part of the approval for the previous amendment, twenty lots, as identified on the plan, were held in reservation to ensure that the impervious cap would not exceeded.

This revision seeks to increase the impervious restrictions from 599,459 square feet to 642,153 square feet through the purchase of off-site parcels located on the north side of Leaman Farm Road. The off-site parcels include existing houses, sheds and driveways, that will be removed, and the parcels will be placed in an open space easement and forest conservation easement prior to the release of building permits for the lots held in-reservation. The off-site parcels are contiguous with the northern segment of stream valley buffer that is owned by the homeowners' association.

PROJECT DESCRIPTION: Prior Approvals

Preliminary Plans

The revised Preliminary Plan, 1-01063B, was submitted on March 25, 2001, and will be heard by the Planning Board concurrent with the subject site plan application. Preliminary Plan, 1-01063, was approved by the Planning Board with conditions on September 13, 2001. This preliminary plan modified the existing lot configuration and road network in Phase II to address impervious issues. A condition limiting the newly configured single-family lots and associated driveways to the same square footage of impervious surface approved as part of the overall 21.114% limit for the subdivision was included. Also included was a condition placing 20 lots in reservation pending staff approval of building permits to ensure that the impervious limit is not exceeded. The original Preliminary Plan, 1-88216, was approved by the Planning Board with conditions on June 20, 1998. On January 21, 1999 a revision to the approved Preliminary Plan, 1-88216R was approved with Conditions by the Planning Board for 579 lots on 251.90 acres. Final Plats for the property have subsequently been recorded. On December 4, 2003, Preliminary Plan 1-88216R was approved with Site Plan 8-01019 for 15 one-family detached units to comply with the impervious limitation requirement of 20 percent. Final plats for the additional 15 dwelling units have not been recorded.

The subject site plan is in substantial conformance with Preliminary Plan 1-01063 in terms of density, access, and open space and lot layout. Record Plats have been recorded for all of Section II. This proposal requests to amend Preliminary Plan 1-01063 as required in the opinion by condition 1.(c) which states *"if at any time after release of the 200th building permit for Site Plan 8-95030, the imperviousness limit in condition no. 1(a) above, is reached, building permits for the remaining 23 (or fewer remaining) single-family detached lots shall not be released. Staff will schedule a Preliminary Plan amendment hearing for final Planning Board action and the applicant will submit a complete Preliminary Plan amendment application pursuant to Section 50-34 of the Montgomery County Subdivision Regulations."* [See attached Opinion in Appendix A]

The conditions of both approved Preliminary Plans and the amendment to the original plan remain valid and in full force and effect.

Site Plans

Site Plan 8-95030, 8-95030A and 8-95030C

On June 1, 1995, the Planning Board approved Site Plan 8-95030 for 259 units including 233 single-family detached units and 36 single-family attached units (MPDUs). [See attached Opinion in Appendix B] On January 21, 1999 the Planning Board approved a revision to the approved Site Plan, 8-95030A. The site plan revision was in response to a change in the access to the M-NCPPC South Germantown Regional Park from Schaeffer Road. Schaeffer Road was widened from a primary residential road to a 120-foot-wide right-of-way with center medians and landscaped berms. The end result was an increase of four single-family-detached units and two single-family attached units (MPDUs). A second amendment to this site plan, 8-95030C,

was approved for Phase II concurrently with Preliminary Plan 1-01063 on September 13, 2001. This revision revised the lot layout and road configuration and placed impervious surface restrictions on the tract by placing lots in reservation to ensure compliance with the limitations.

Site Plan 8-00019

On April 4, 1999, a site plan was submitted for 20 single-family detached units on the subject site, including 4 MPDUs in Site Plan 8-95030B. The revisions to Site Plan 8-95030B were to change the MPDU townhouses to garage units, changes in parking, recreation and improvements along Schaeffer Road. Site Plan 8-00019 and the proposed amendment to 8-95030B was withdrawn and resubmitted to M-NCPPC. The revised site plan, together with the Preliminary Plan (#1-88216R) was brought back to the Planning Board and approved on December 4, 2003 for 15 one-family detached units. These plans met the 20 percent impervious limitation requirements.

The conditions of both approved Site Plans and the subsequent amendments remain valid and in full force and effect.

Site Plans 8-00019 and 8-95030C and Preliminary Plan 1-88216R

On October 20, 2002, a combined site plan and preliminary plan was submitted for 17 one-family detached units, including 4 MPDUs in Site Plan 8-95030C as a condition of Phase II. Staff's recommendation to the Planning Board was to approve only 14 one-family units conditioned on impervious coverage in Phase I and proposed realistic house footprints for the Hargett tract. The applicant deferred the project in order to resolve the impervious restrictions associated with the overall site.

The combined plans went back to the Planning Board for a total of 15 one-family detached units with approval on December 4, 2003. The revised plans addressed impervious constraints with realistic house footprints while meeting the 20% impervious cap with no waivers for the addition of sidewalks.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (R-200/MPDU)

Development Standard	Required	Proposed
Min. Tract Area of Application (ac.):		61.40
Min. Net Lot Area (sf):		
One-family detached lot	6,000	8,250
One-family attached lot	1,500	1,530
Max. Density of Development (d.u./ac.)		
Section 2 (2.44 dus/useable ac)	276	264
Number of Dwelling Unit		
Detached unit (min.)		223*
Attached unit		<u>41**</u>
Total	276	264
Min. Building Setbacks (ft.)		
from internal streets	25	25
from Schaeffer Road	50	50
from northern boundary	20	100
from western boundary	0	20
Min. Green Area (%)		
(2,000sf/per lot)	19	72
Max. Building Height (ft.):	40	40
Parking Spaces		
Detached units	446	446
Attached units	82	82
Visitor		<u>11</u>
Total		539

* The original site plan proposed 223 one-family dwelling units and placed 20 of those 223 lots in reservation as a method to monitor the required impervious restrictions within the KI-2 Analysis Area. The applicant is proposing to increase the impervious limitation from 599,459 square feet to 642,153 square feet to construct houses on the lots in reservation, through the purchase of off-site parcels.

** A maximum of 40% of the units in Section I and II are permitted to be townhouses. A total of 195 (34%) townhouses are proposed in Phases I and II. The attached units are part of the approval for Site Plan 8-95030C and are presently under construction.

MPDU CALCULATIONS

Sections I, II

Base Density	515 dus
Proposed Density	595 dus*
MPDUs Required	84**
MPDUs provided in Phase I	43
MPDUs required in Phase II	41
MPDUs proposed in Phase II	41

* The overall maximum density permitted based on the overall acreage of Phases I and II and the Hargett Tract (2D) is 628 lots. The total proposed is 595 lots, including the 20 lots in reservation.

** 595 units proposed-515 units base density =80 unit density bonus. $80/515=13.4\%$. 13.4% density bonus requires 13.9% (83 dus) of total units as MPDUs

RECREATION CALCULATIONS

Sections I, II and Hargett Tract (2D)

	<u>tots</u>	<u>children</u>	<u>teens</u>	<u>adults</u>	<u>seniors</u>
Demand Points					
Housing Type					
-SFD II(341)	44.3	81.8	85.3	361.5	37.5
-SFD III(51)	7.1	9.7	11.7	64.8	6.6
-Townhouses(198)	33.7	43.6	35.6	255.4	13.9
<u>-SFD I(195)</u>	<u>0.5</u>	<u>1.0</u>	<u>1.1</u>	<u>4.3</u>	<u>0.4</u>
Total	85.6	136.1	133.7	686.0	58.4
Supply Points					
<u>On-Site Facilities:</u>					
Multi-age area (3)	36.0	44.0	12.0	28.0	4.0
Pedestrian System	8.6	27.2	26.7	308.7	26.3
Natural Area	0.0	6.8	13.4	68.6	2.9
Pool	4.7	27.9	27.4	171.5	8.8
Wading Pool	12.8	6.8	0.0	34.3	2.9
Community Room	<u>8.6</u>	<u>20.4</u>	<u>40.1</u>	<u>205.8</u>	<u>23.4</u>
On-Site Total	70.7	133.1	119.6	816.9	68.3
<u>Off-Site Facilities*</u>					
@ Kings Crossing					
@ So.Grmntwn Reg. Park					
Off-site Total (35% Max.)	15.0	3.6	14.1	0.0	0.0
Total Supply Points	85.7	136.7	133.7	812.9	68.3
(Percent of supply met)	(100%)	(100%)	(100%)	(119%)	(117%)

ANALYSIS:

Conformance to Master Plan

The Approved and Adopted 1989 Germantown Master Plan designates this site as part of analysis area KI-2. The site drains to Little Seneca Creek, a Class IV stream with existing high water quality. The Master Plan recommends specific measures and guidelines for mitigation of storm water run-off, which this site accommodates through the purchase of off-site parcels in the same watershed.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

An approved development plan or a project plan is not required for the subject development.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the R-200/MPDU Zone as demonstrated in the project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. **Buildings**

The location of the buildings and their respective lots has not changed from the previous submittal. As the approved lots in reservation are developed through the purchase of off-site parcels, the houses will be sited on the existing lots based on the model type chosen by future buyers. The houses would also be subject to the monitoring for impervious restrictions, which may affect the size and location of the final house footprints in the development. The proposed house footprints, as indicated on the site plan, are consistent and compatible with those in the previously approved sections.

The existing houses and associated structures on the off-site parcels will be removed prior to release of the building permits for the lots presently being held in reservation.

- b. **Open Spaces**

The open space proposed for the subject site has not changed from the previous approval and is located primarily within the stream valley buffer, on the north and south side of Leaman Farm Road. The open space associated with the off-site parcels will be placed in an open space easement and category I forest conservation easement and the existing impervious surfaces will be removed from the parcels. The off-site parcels will be treated as an off-site mitigation bank and not part the overall tract for the Hoyles Mill subdivision. The additional open space will be recorded and platted with the two easements on the property. Density from these parcels can't be attributed toward any site.

The stormwater management concept for the proposed development was approved with conditions by the Montgomery County Department of Permitting

Services (DPS) for the original site plan in 1995, and remains unchanged by the subject revision. Presently, all of the stormwater management facilities are operational within the development.

c. **Landscaping and Lighting**

Landscaping on the site consists primarily of street trees within the rights-of-way for all of the public roads and buffer planting around the existing stormwater management parcels and berm along Ritcher Farm Road. The majority of the landscaping has been installed as completion of the streets progressed and houses constructed. The plant material approved with the previous site plans remains the same and will be finalized with the completion of the remaining houses.

The lighting plan remains unchanged with this proposal. Lighting proposed with the previously approved site plans consists of standard street lights within the public rights-of-way for all of the streets.

d. **Recreation**

Recreation demand is satisfied as shown in the recreation calculations table above. Off-site credit has been taken from the adjacent Kings Crossing subdivision and the South Germantown Recreational Facility.

e. **Vehicular and Pedestrian Circulation**

The infrastructure for the site has been constructed throughout the development and is in conformance with the approved preliminary and site plans. The applicant has agreed to provide a deed for future conveyance of Leaman Farm Road should the County improve Leaman Farm Road along the frontage of the off-site parcels.

Pedestrian circulation remains the same with the previously approved site plans. No additional pedestrian sidewalks, walkways or paths are required with this amendment.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The proposed structures and uses are compatible with the existing and adjacent residential communities. Additional open space contiguous to an existing stream valley buffer provides additional environmental protection and buffers to adjacent development. This development does not create any additional lots or homes; therefore is consistent with the previous findings for compatibility. Landscape buffers are proposed in areas of the site where necessary to screen views of rear yards of homes and will, along with the setbacks, ensure compatibility within the existing and surrounding neighborhood.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The approved forest conservation plan dated November 27, 2001 has not changed and remains in effect. All of the reforestation areas have been planted and are subject to the warranty and maintenance period associated with the approved plan.

APPENDICES

- A. Planning Board opinion for Preliminary Plan 1-88216R and 1-01063.
- B. Planning Board opinions for Site Plan 8-95030, 8-95030A, 8-95030B and 8-95030C.
- C. Agreement from Toll Brothers dated December 6, 2000.
- D. Property boundaries for Parcels 859, 871, 911 and 963.
- E. Memorandums from agencies.