

**MEMORANDUM**

**DATE:** June 24, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Catherine Conlon, Acting Supervisor *CC*  
Development Review Division

**FROM:** Dolores M. Kinney, Senior Planner (301) 495-1321 *DMK*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Subdivision of Parcel 651

**PROJECT NAME:** Chestnut Ridge

**CASE #:** 1-05079

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** C-2

**LOCATION:** Located at the northeast quadrant of the intersection of Waters Road and Wisteria Drive

**MASTER PLAN:** Germantown

**APPLICANT:** 19635 Waters Road LLC

**FILING DATE:** March 16, 2005

**HEARING DATE:** June 30, 2005

**STAFF RECOMMENDATION:** Approval, pursuant to Section 50, Montgomery County Subdivision Regulations subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 5,330 square feet of retail and 5,330 square feet of office.
- 2) Applicant to compensate for permanent encroachment into the stream buffer by conducting invasive management control and supplemental forest planting at an off-site location downstream of the subject property prior to use and occupancy permit.
- 3) The applicant shall dedicate the Wisteria Drive and Waters Road right-of-ways for 40 ft. from centerline to provide the 80 ft. right-of-way Business District Street as per the Germantown Master Plan recommendation.
- 4) The applicant shall construct a driveway for dumpster trucks on Waters Road as shown on the preliminary plan and enter into a covenant to contribute towards the future construction of the master-planned Waters Road/future Locbury Drive as a Business District Street.
- 5) Compliance with the conditions of the MCDPS stormwater management approval dated September 8, 2004.
- 6) Compliance with conditions of MCDPWT letter dated, June 16, 2005, unless otherwise amended.
- 7) Other necessary easements.

**SITE DESCRIPTION:**

Parcel 651 ("Subject Property") is located at the northeast quadrant of the intersection of Waters Road and Wisteria Drive (Attachment A). The property contains two (2) specimen trees and 0.46 acres of unforested stream buffer. The site is located adjacent to the Germantown Town Center and Employment Corridor. It is zoned C-2 (General Commercial) and contains 0.86 acres.

**PROJECT DESCRIPTION:**

This is a preliminary plan of subdivision to create one (1) lot for the construction of a two-story, retail/office building (Attachment B). The Subject Property will be served by public water and public sewer. Access to the proposed lot will be directly from Wisteria Drive.

**DISCUSSION OF ISSUES:**

**Environment**

The 0.86-acre parcel is located in the northeast quadrant of Waters and Wisteria Roads in Germantown. The property is currently vacant without any forest. The property contains two specimen maple trees. One maple is in poor condition and the other is within the future right-of-way for Waters Road.

The subject property includes 0.46-acres of unforested stream buffer. The County is requesting dedication of approximately 0.18-acres for Wisteria Drive and Waters Road which includes 0.05 acres of unforested stream buffer. After dedications, the net tract is 0.68 acres of property and will include 0.41-acres of stream buffer.

### Forest Conservation

The property is exempt from forest conservation because there is no forest onsite and the property is less than one acre in size. Therefore, there are no forest conservation retention or planting requirements associated with the development of this property.

### Environmental Guidelines

The site includes an intermittent stream on the eastern portion of the property. The stream's headwaters are near the Germantown Commons Shopping Center. At the headwaters, the stream is piped and remains piped for the first 500 feet. The piped stream discharges, or daylight, into a stormwater management facility on the property immediately northeast the subject property. The stormwater management facility discharges into the open stream on the subject property. The open stream also receives uncontrolled stormwater discharges from the adjoining Sugarloaf Shopping Center.

The stream is day-lighted for 65 feet on the subject property and then is piped once again onto the property and continues approximately 1,500 linear feet. The piped stream continues underneath Wisteria Drive and onto downhill properties for approximately 1,500 linear feet downstream of the subject property. Eventually, the piped stream discharges into a farm pond, which is in the process of being converted into a stormwater management facility for an adjacent development.

The applicant requests a waiver from the Environmental Guidelines that would remove the buffer entirely from the subject property. The preliminary plan of subdivisions proposes to locate surface parking, drive aisles, stormwater management, grass, and landscape plantings within the approved stream buffer. The plan would create 0.27-acres of new impervious surfaces in the stream buffer.

The applicant's engineer has identified a site downstream of the subject property where supplemental forest planting and invasive management control would occur to offset the permanent encroachment. The area of the compensatory planting and invasive management control is already included in a category I forest conservation easement but gaps have opened in the tree canopy from fallen trees. In the areas of gaps and on the conservation easement edges invasive and exotic materials are growing and expanding. The intent of the compensation is to remove the invasive materials, conduct supplemental planting, and close the canopy openings to eliminate the invasive materials from overwhelming the conservation easement.

Environmental Planning supports a waiver from the stream buffers identified on the approved Natural Resource Inventory/Forest Stand Delineation, for a number of reasons

including:

1. The stream is currently piped 500 feet above and 1,500 feet below the subject property.
2. The stream runs through the subject property but is day lighted for 65 feet. The stream buffer is not forested.
3. Water entering the subject property from the north Germantown Commons Shopping Center is currently treated for stormwater management.
4. Stormwater contributions from the Sugarloaf Shopping Center are not treated but will be treated in a new stormwater management facility being constructed on the property to the south as part of development on the Fairfield property.
5. Stormwater generated on the subject property will be treated with an underground storage system, for quantity, and a storm filter for quality.
6. The applicant will conduct supplemental planting and invasive management control, in a location downstream of the subject property, for an area twice the size of the proposed permanent encroachment.

Environmental Planning staff recommends approval of the preliminary plan of subdivision with condition #2 requiring invasive management control and supplemental forest planting at an off-site location.

## **Transportation**

### **Local Area Transportation Review**

For Local Area Transportation Review (LATR), the site would generate 15 and 24 total peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and evening peak period (4:00 to 7:00 p.m.), respectively. Thus, the proposed development does not require an LATR analysis.

### **Site Access and Vehicular/Pedestrian Circulation**

Access to the site is proposed from Wisteria Drive. Wisteria Drive exists as a four-lane undivided Business District Street with sidewalks constructed on both sides. The preliminary plan includes a lead-in sidewalk from Wisteria Drive. Staff finds that the site access and pedestrian and vehicular circulation system as shown on the preliminary plan are safe and adequate. A driveway is proposed on Waters Road for the dumpster truck. The applicant shall enter into a covenant to contribute towards the future construction of the master-planned Waters Road/future Locbury Drive as a Business District Street. The construction of sidewalk along Waters Road will be included in the future construction of the master-planned Waters Road/future Locbury Drive.

## **Master Plan Compliance**

The Germantown Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations for this area to enhance mixed use residential, retail and commercial uses in easily accessible locations. The proposed preliminary plan conforms to the master plan goals in that it proposes retail and office uses in a location which supports the surrounding proposed uses of the Town Center and Employment Corridor.

### **ANALYSIS:**

Staff's review of Preliminary Plan #1-05079, Chestnut Ridge, indicates that the plan conforms to the recommendations of the Germantown Master Plan. The proposed preliminary plan is consistent with the master plan goal to provide the cohesive connection of the retail and office activity with the mixed uses of the adjacent town center and employment corridor. Staff has concluded that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further concludes that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

### **CONCLUSION:**

Staff's review of Preliminary Plan #1-05079, Chestnut Ridge, indicates that the plan conforms to the Germantown Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

### **Attachments**

Attachment A Vicinity Development Map  
Attachment B Proposed Development Plan