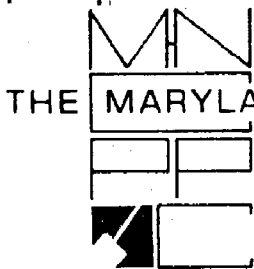


APPENDIX A



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

Action: Approved Staff Recommendation
(Motion of Comm. Aron, seconded by Comm. Baptiste, with a vote of 4-1; Comms. Aron, Baptiste, Holmes, and Hussmann voting in favor, with Comm. Richardson voting against).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

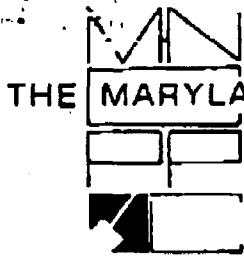
Preliminary Plan 1-88006
NAME OF PLAN: KINGS CROSSING

On 01-07-88, ARCOLA INVESTMENT ASSOC. , submitted an application for the approval of a preliminary plan of subdivision of property in the R200 zone. The application proposed to create 816 lots on 413.90 ACRES of land. The application was designated Preliminary Plan 1-88006. On 03-16-95, Preliminary Plan 1-88006 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-88006 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-88006, subject to the following conditions:

- 1) Agreement with Planning Board to limit development to no more than 816 Dwelling Units and provide for the necessary roadway improvements and building permit phasing as outlined in Transportation Division memos dated 2-17-95 as revised 3-9-95 and new memo dated 3-10-95
- 2) Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation. Applicant shall satisfy all conditions prior to recording of plats or MCDEP issuance of sediment and erosion control permit, as appropriate
- 3) Dedication of all required rights-of-way (A-297) and other areas to accommodate other public facilities together with first record plat approval and recordation
- 4) Submit, with site plan, detailed information to conform to the requirements of Appendix D of the Germantown Master Plan. These measures are to include, but not be limited to, imperviousness cap of 20 percent; a water quality monitoring program before, during, and after construction; and extraordinary stormwater management and sediment and erosion control best management practices. The latter requirement to be determined consultation with MCDEP

- 5) Final determination to the type of crossing structure for A-297 over the northern unnamed tributary of Little Seneca Creek to be approved at site plan
- 6) Details of noise berms along A-297 will be reviewed and approved at site plan
- 7) Required site plan tree survey (i.e., survey within 25 feet of either side of the proposed limits of disturbance) will include the area of disturbance associated with proposed sewer lines
- 8) Final location of sewer lines shall minimize environmental impacts and be reviewed and approved at site plan based on recommendations of the Environmental Planning Division, in cooperation with the Department of Parks and Washington Suburban Sanitary Commission
- 9) Prior to submission of site plan, applicant to coordinate with the technical staffs of the Maryland Department of Natural Resources and M-NCPPC to prepare a report indicating the presence or absence of rare, threatened, endangered or watchlist plant species for submission with site plan application (per Environmental Planning Division memo dated 2-16-95)
- 0) Final location of recreation facilities including tot lot locations to be determined at site plan
- 1) Final delineation of Park area boundary dedication to be determined at site plan
- 2) Conditions of MCDEP stormwater management approval dated 2-8-95
- 3) Record plat to reflect delineation of Conservation easements over the areas of the 100-year floodplain, stream valley buffer and tree
- 4) Internal pedestrian and bikeway circulation to be determined at site
- 5) Other necessary easements
- 6) This preliminary plan will remain valid until April 21, 1998.

Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.



MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: March 21, 1996

SITE PLAN REVIEW #8-96011

PROJECT: KINGS CROSSING

Action: Approval subject to conditions. Motion was made by Commissioner Richardson, seconded by Commissioner Holmes, with a vote of 4-0. Commissioners Richardson, Holmes, Hussmann and Baptiste voting for. Commissioner Aron was absent.

The date of this written opinion is March 21, 1996 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before April 20, 1996 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid until April 21, 1998 (which is the date that the validity period associated with the preliminary plan is set to expire as of the date of this opinion), as provided in Section 59-D-3.8.

On March 7, 1996, Site Plan Review #8-96011 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, and which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with an approved development plan or a project plan for the optional method of development, if required;
2. the Site Plan meets all of the requirements of the zone in which it is located;

3. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. the site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-96011 which consists of 714 single family detached units and 102 multi family MPDU's on 413.89 acres, inclusive of waivers for the provision of sidewalks and to exceed the impervious cap set for this site with conditions:

1. Standard conditions of approval, Appendix A.
2. The Planning Board approves waiver of the sidewalks as requested in the applicants' memo of January 31, 1996 (Attachment 1) except for Cross View Road and Clear Smoke Road.
3. The Planning Board approves the waiver of the imperviousness cap of 20% to allow 20.4% or an additional 1.69 acres of imperviousness for Site Plan # 8-96011, Kings Crossing in conjunction with applicant's letter dated February 22, 1996 (Attachment 2).
4. Type I conservation easement to include all stream buffers, wetlands and associated buffers, 100-year floodplains, and forest conservation areas that lie outside land that is dedicated as parkland to M-NCPPC. Easement to be delineated on record plats.
5. Limits of dam breach, 100-year floodplain, and 25-foot building restriction line to be shown on record plats.
6. Final stream quality monitoring program to be approved by Environmental Planning Division staff prior to sign off of the signature set of plans. Final program to include 3 monitoring stations.
7. Demonstration of conformance to imperviousness limit prior to M-NCPPC staff release of building permits.
8. Prior to release of the first building permit, applicant to submit preliminary and final sewer plans for location and limits of disturbance for WSSC sewage pump station and gravity line within stream valley for review and approval by staffs of Environmental Planning Division and Department of Parks, in conjunction with WSSC review. Review of these plans to include field location of plants of interest and consideration of methods to avoid

disturbance of threatened and watchlist plant species near proposed pump station.

9. Applicant to submit detailed plans of outfall and stormwater runoff computations for SWM facility no. 8 south of Ashleigh Greene Rd. for review and approval by Department of Parks staff prior to MCDEP approval of stormwater management plans.
10. Compliance with the Forest Conservation Plan. Prior to approval of signature set of plans, revise Forest Conservation Plan to include the following:
 - a. Tree Protection Plan which incorporates the final locations of sediment and erosion control devices and stormwater management facilities;
 - b. Afforestation Area 6 adjacent to SWM facility no. 1 (Sheet LS8) to be relocated within a stream buffer area.
 - c. Revise Forest Conservation Worksheet to include A-297 ROW and the WSSC sewer serving this site within the net tract area; and revise the forest planting as appropriate.
11. Staff shall review the following prior to the release of building permits: the final design of the MPDU's/ garden apartments to confirm compliance with the discussion under "Location of Buildings" in the staff report; all buildings to be labeled as MPDUs.
12. The elongated cul-de-sacs shall include the following for staff review prior to release of signature set: signs, bollards or their equivalent to be placed at the ends near the open space per MCDOT standards; signs showing where public parking is allowed; landscaping to reduce amaintenance and define park entry.
13. Site and Landscape Plans shall include locations and details for signs with a map of the path system shall be located at the street entrances to paths which extend into the open space prior to staff release of the signature set..
14. In regards to the park issues, the following issues shall be addressed prior to the release of siganture set: the local park should be dedicated as a public park so that it is available to all are residents; the three park facility restriction lines near the local park noted as 150', 300' and 400' are to be removed and replaced with a 50' set-back from the Wear property; all pathways within the local park dedication area should be built to park standards; all Stormwater Management Ponds shall be on homeowners' property; the developer will grade the local park site as noted on the site plan; the developer shall provide the paths and an open play area of 100' x 150' prior to the time the homes in the area of the park are completed; and dedication of the local and stream valley parks shall occur as shown on the plan after satisfactory completion of grading and recreation facility construction.

15. All purchasers and potential purchasers of property within the Kings Crossing Site Plan #8-96011 shall be notified of the location of the proposed South Germantown Park by placing maps, descriptions and a master plan of the park in all sales and marketing documents, including sales contracts.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting and sidewalks must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 6) Coordination of each section of the development and roads per Preliminary Plan # 1-88006;
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features.
 - 8) Required site inspections of retention and reforestation areas by M-NCPPC enforcement staff as specified in the "*Trees Technical Manual*";
 - 9) Submittal of financial security for reforestation planting prior to clearing and grading;
 - 10) Maintenance agreement for reforestation areas to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.
 - b. Enforcement Agreement to reference stream quality monitoring agreement and maintenance of SWM facility maintenance agreement.

- c. Homeowners Association Documents to include provisions for inspection and maintenance of SWM facilities per the *"Approved and Adopted Germantown Master Plan"* recommendations and guidelines, Appendix D.
 - d. Enforcement Agreement to demonstrate conformance to the *"Approved and Adopted Germantown Master Plan"*, Appendix D guidelines and recommendations with respect to inspection of clearing, grading, and stabilization activities at the site, the performance criteria for imperviousness, and to inspection and maintenance of stormwater management facilities.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by MCDEP:
- a. Undisturbed stream buffers;
 - b. Limit of disturbance;
 - c. Methods and location of tree protection;
 - d. Forest Conservation areas, including forest preservation and planting areas;
 - e. Conditions of MCDEP Concept approval letter dated February 8, 1995;
 - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - g. The development program inspection schedule;
 - h. Category I Conservation easement boundary;
 - i. Final imperviousness calculations, as submitted in Dewberry and Davis letter of 2/22/96, and configuration and location of impervious surfaces, including house footprint and driveway configuration, that demonstrates conformance to *"Approved and Adopted Germantown Master Plan"*, Appendix D performance criteria for imperviousness;
 - j. Pedestrian access into dedicated parkland at Autumn Gold Road and Bubbling Spring Road that remains unimproved;
 - k. Street trees 50 feet on center along all public streets;
 - l. Centralized, screened trash areas for all multi-family MPDU's
 - m. Certification from a professional acoustical engineer that the building shell will attenuate current noise levels to an interior level not to exceed 45 dBA Ldn.
 - n. Location of outfalls away from tree preservation areas;
 - o. Environmental setting protecting the historic resource or site.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and MCDEP issuance of sediment and erosion control permit.
4. No clearing or grading prior to Planning Department approval of signature set of plans.