

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

APPENDIX C

Date: December 9, 2004

MEMO TO: Michael Ma, Supervisor
Development Review Committee, MNCPPC

FROM: Blair Lough
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 8-96011D, Kings Crossing
Project Plan #
Preliminary Plan # , DPS File # 215025
Subdivision Review Meeting of

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both
 CPv < 2cfs, not required
 On-site/Joint Use Central (Regional): waived to
 Existing Concept Approved December 13, 2004
 Waiver: CPv WQv Both
 Approved on
 Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
 Separator Sand Filter Non Structural Practices Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site Yes No Possibly

- Provide source of the 100Year Floodplain Delineation for DPS approval:
 Source of the 100-Year Floodplain is acceptable.
 Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
 Dam Breach Analysis: Approved Under Review:
 100-Year Floodplain study: Approved Under Review:

SUBMISSION ADEQUACY COMMENTS:

- Provide verification of Downstream notification.

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter)
 Incomplete; recommend not scheduling for Planning Board at this time.
 Hold for additional information. See below
 Comments/Recommendations:

cc: Steve Federline, Environmental Planning Division, MNCPPC

bill DRC site plan.03/01

WSSC Comments on Items for December 13, 2004

Development Review Committee Meeting

File Number	Project Name	Substantial Comments
		<p><u>RELOCATE PROPOSED STORM DRAIN</u> Relocate proposed storm drain so that WSSC can install master water meter at end of public water main.</p>

WSSC Comments on Items for December 13, 2004
Development Review Committee Meeting

File Number	Project Name	Substantial Comments
8-96011D	Kings Crossings	<p><u>WATER AND SEWER AVAILABLE</u></p> <p>Existing water and sewer mains in Kings Crossing Boulevard abut the subject property. Connections can be made directly to these mains to obtain water and sewer service.</p> <p><u>PAY SERVICE CONNECTIONS AND APPLICABLE FEES AND CHARGES</u></p> <p>Submit Connection application form to WSSC's One-Stop-Shop and settle all fee requirements. (This is a prerequisite for "building permit" release.)</p> <p>For connection information, it will be necessary for you to contact the Permit Services Unit at (301) 206-4003 or visit our One-Stop Shop located on the lobby level of our Consolidated Office Building at 14501 Sweitzer Lane, Laurel, Maryland 20707.</p> <p><u>PAY SYSTEM DEVELOPMENT CHARGE (SDC) FEE</u></p> <p>System Development Charge (SDC) payment is required. Make payment to WSSC's One-Stop-Shop at the time of application for plumbing permit to install fixtures or hookup to the Commission's water and/or sewerage system(s).</p> <p><u>SUBMIT ON-SITE PLAN</u></p> <p>Submit on-site plans (to the One-Stop-Shop) for proposed water lines greater than 2 inches or sewer lines greater than 4 inches that will be added to the existing on-site system . A professional engineer registered in Maryland must prepare plans. Plans must conform to W/S Design Standards.</p> <p><u>HYDRAULIC INFORMATION REQUIRED</u></p> <p>For commercial, industrial or public type buildings, to include apartment designs, fire sprinkler system hydraulic data, including estimated flow rate in gallons per minute and building top and lowest floor elevations, are required by WSSC.</p> <p><u>ABANDON EXISTING SERVICE CONNECTIONS</u></p> <p>Existing water and sewer connections built under contract DA1517J96 must be abandoned if they will not be used. You must absorb the abandonment cost. (If the connection is being carried on tax bill as deferred, the connection must be paid-off.)</p>



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

March 10, 2004

Robert C. Hubbard
Director

Ms. Joanne Cheok
Dewberry & Davis
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Kings Crossing MPDU homes REVISION
Preliminary Plan #: 1-88006A
SM File #: 203603
Tract Size/Zone: 5.2acres/PD-2
Total Concept Area: 5.2 acres
Watershed: Little Seneca Creek

Dear Ms. Cheok:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via the existing dry ponds (with 2 year predeveloped control). Onsite water quality control will be provided in the existing surface sandfilters. These were sized to meet criteria of the KI-2 Master Plan and control 1" of runoff over the impervious area. They actually exceed current criteria. Recharge is provided via over-excavation of the sandfilters and utilizing the grass channel credit.

The following **conditions** will need to be addressed **prior** to the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.

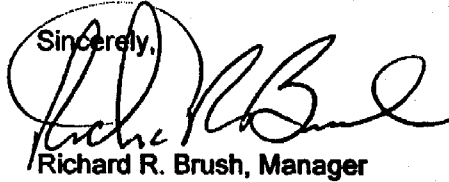
This list may not be all-inclusive and may change based on available information at the time.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The **concept** approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



If you have any questions regarding these actions, please feel free to contact Blair Lough at 240-777-6335.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm bit

cc: M. Shaneman
S. Federline
SM File # 203603

QN -on; Acres: 5.2
QL - on; Acres: 5.2
Recharge is provided



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Robert Kronenberg, Development Review

FROM: Mark Pfefferle, Environmental Planning Division *MP*

DATE: December 1, 2005

SUBJECT: Site Plan 8-96011D
Kings Crossing MPDU

The Environmental Planning staff has reviewed the site plan and recommends approval of the site plan with the following conditions:

1. Applicant to remove 17 parking spaces, drive aisle, and sidewalks between Building #2 and the single family homes to the north. This will ensure compliance with the impervious limitations established by site plan 8-96011.
2. Imperviousness on the 5.15-acre site not to exceed 108,480 square feet.

Background

The 5.15-acre site is located adjacent to the Kings Crossing community center and north of the intersections of Kings Crossing Boulevard with Broken Timber Way and Beechnut Way. The site was previously graded as part of the mass grading for the Kings Crossing subdivision. The site is currently empty with grasses used to stabilize the previously graded site.

The subject property is 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 of the high quality conditions of the portion of the Little Seneca Creek stream system to which it drains. This section of Little Seneca Creek and its tributaries are classified as Use III-P waters (natural trout waters). The Kings Crossing subdivision contains many tributaries that drain to Little Seneca Creek. However, there are no environmental buffers on the site subject to this amendment.

At the time of approval of the original site plan, the Planning Board granted a waiver of the 20 percent impervious cap expanding it to 20.48 percent to allow for additional sidewalks which were not contemplated when assumptions regarding imperviousness were made at the time of the master plan. In this amendment, the applicant is requesting to modify the approved MPDU unit types, building layout, and to utilize more imperviousness that the developer allocated for MPDUs on the 5.15 tract area.

Imperviousness

The project developer and homebuilders have completed the single-family housing portion and all associated infrastructure for the site. The site plan approved 713 single family detached units. All single-family units are complete except for one. The unbuilt lot was purchased by the adjoining lot owners and is retained as their yard space. Based on the review of the 712 as builts submitted, the development of the subdivision resulted in using approximately 5,200 square feet of impervious surfaces less than was allocated for the construction of the single family units.

Construction of the MPDUs was initially allocated 103,280 square feet of impervious surface and the original site plan showed the MPDUs would not exceed this impervious amount. Under this amendment, the applicant needs 111,505 square feet to construct the MPDUs as proposed. Environmental Planning is okay with the principal of taking "surplus" impervious surfaces and using it for the construction of the MPDUs. However, the "surplus" imperviousness from the single family portion of the development is not sufficient to offset the additional 8,225 square feet of impervious necessary to construct the MPDUs as now proposed.

Furthermore, the site plan was approved and built with single-width driveways for all front and side loaded single-family homes. The Department of Permitting Services has indicated once the completion of the project and acceptance of the roadways by the County, the County cannot commit to withholding permit requests for homeowners wishing to widen their driveways, in the public right-of-way. Widening of the driveways could add as much as 100 feet of impervious surface each time a driveway is expanded. It would take approximately 50 driveway widening incidents to exceed the "surplus" generated by the construction of the single-family homes. The approximately 5,200 square feet of "surplus" imperviousness does not include additional imperviousness placed by homeowners within their lots. The improvements within the subdivision have included swimming pools, patios, and sheds.

In order for the changes proposed in this amendment to achieve the impervious limitation, Environmental Planning requests the deletion of the 17 parking spaces, drive aisles, and associated sidewalks for the parking lot north of Building Two. Environmental Planning understands that the number of parking spaces proposed in the amendment is more than was previously approved in the original site plan and more than the minimum standard required for MPDUs. The applicant is proposing 186 parking spaces but only 153 are required. By eliminating the 17 parking spaces identified above, there will still be 169 parking spaces, which is still more than the minimum amount of parking necessary and more than was previously approved.

Environmental Guidelines and Environmental Guidelines

There are no environmentally sensitive areas on the 5.15-acre subject property. Forest conservation for the acreage included in this amendment was addressed with the final forest conservation plan for the entire Kings Crossing subdivision.

November 30, 2005

TO: Robert Kronenberg, Development Review Division
FROM: Sue Edwards, Community Based Planning Division
SUBJECT: Kings crossing MPDUs (Site Plan # 8-96011A)

This memo incorporates the comments of the Community-Based Planning Division concerning the revised site plan for Moderately Priced Dwelling Units within the Kings Crossing subdivision. The surrounding neighborhood, now constructed and occupied, is known as Woodcliffe Park.

The proposed site plan would construct 102 multi-family dwelling units in two - story garden apartment buildings on 5.15 acres within the PD-2 Zone. The unit count satisfies the Kings Crossing subdivision requirement for moderately priced dwelling units predicated on 816 market-rate single family detached dwelling units. The Plan contains 186 parking spaces including 8 handicapped spaces.

MASTER PLAN CONFORMANCE

The Germantown Master Plan was adopted and approved in 1989; the subject area falls within analysis area KI-2 as shown in Attachment A. The Master Plan recommended rezoning from the R-200 and Rural Residential Zones to the PD-2 Zone which was accomplished in September 1990 by Zoning Case G-651.

The Master Plan contains the justification for the PD-2 recommendation as follows:

The entire Analysis Area is recommended to retain its R-200 zoning classification and is appropriate for rezoning to the PD-2 Zone with a density limit of approximately 1.74 units per acre, excluding MPDUs. The purpose of the PD Zone is to enable garden apartments to be used to meet the MPDU requirement instead of townhouses. For example, dwelling unit mix on the 417 acre Kings' Crossing area is recommended to be 725 single-family detached units and 110 garden apartments. The use of garden apartments will produce less impervious surface than

townhouses on a per-unit basis, which would be beneficial in this environmentally sensitive area. The use of garden apartments instead of townhouses will also improve the mix of housing types in Germantown (page 69).

Analysis Area KI-2 is approaching build-out in accordance with Master Plan recommendations with only the Leaman Farm property remaining to be site planned. Analysis area KI-2 must meet stringent environmental mitigation measures described in Appendix D of the Master Plan. The cumulative effect of impervious surfaces (roadways, building roofs, driveways, parking areas, and pedestrian facilities, etc.) has been an enduring challenge for development in this analysis area.

Previous Approvals

The County Council for Montgomery County sitting as the District Council approved zoning case G-651 in September 1990 which reclassified 390.1486 from the R-200 and Rural zones to the PD-2 Zone. The opinion issued for this case states that "the multi-family units would be developed in a garden apartment style, some of which would be targeted for the elderly to the extent feasible under the MPDU requirements" (page 3).

Both the Staff Report and Opinion for Site Plan #8-96011 make numerous references to the number, location and type of unit to satisfy the project's MPDU requirement. The Opinion for Site Plan #8-96011 mailed on March 21, 1996 included condition # 11:

Staff shall review the following prior to 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" (Opinion, page 3).

The staff report dated March 1, 1996 uses the exact language for Condition #11 of the Opinion:

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 (Staff Report, page 3).

Language contained in the staff report 's Project Description: Proposal states: Within the site center, a proposed M-NCPPC local park with paths, ball fields, open space play area, multi-purpose clurts, play equipment and parking is proposed. Adjoining this local park is a private swim club and multi-family units (apartments/MPDUs) along a major street within the proposed subdivision (page 5).

The Project Data Table on page 19 lists 714 one-family detached units and 102 multiple-family units (all MPDUs) for a total of 814 units. A notation within the staff report Project Data Table indicates "type and location of MPDU's determined by Schematic Development Plan G-651".

Parking proposed as multiple-family units (102 dwelling units at 2 bedrooms) with 165 spaces; parking for the adjoining private pool is allocated by 1 space for every 7 people in the pool for a total of 100 spaces.

Analysis of recreation amenities in the staff report (page 20) was based on a mix of age groups for the one-family attached and multi-family units.

The staff report contained findings for site plan review including: The site plan is consistent with an approved development plan or project plan for the optional method of development, if required. Staff wrote, on page 22, "...Also the [Zoning Case] Opinion confirms the use of garden apartments targeted for use by the elderly rather than townhouses for the MPDUs to provide for a more balanced housing mix in the Germantown area. The proposed site plan is consistent with this approval" page 22).

The Location of Buildings mentions an active local park, a neighborhood pool, elderly apartments and a stream valley park as defining the neighborhood center along a major entryway to the site (page 22).

Later, the staff reports says:

The MPDU's conform to the approved guidelines for MPDU locations and site plan features by: siting the units close to public facilities (the local park and the main entry drive within the site); providing useable open space next to units; locating units next to the outdoor pool for recreation; providing for open space around the units; and having site plan drawings that clearly label the MPDU locations" (page 23).

Previous Submittals

In January 2004, Arcola Investments Associates negotiated an MPDU Agreement with DHCA which altered the approved site plan configuration for the MPDU requirement. This MPDU Agreement concludes that the eight garden style apartment buildings shown in the Schematic Development Plan for G-651 and Site Plan #8-96011 are no longer feasible because "the market has dramatically changed so that the building type and configuration of the MPDUs as approved are no longer marketable and should not be built. As a result, upon execution of this Agreement, the Applicant will submit to the M-NCPPC and diligently pursue an amendment...that reflects a new layout of townhouses and two-over two units shown conceptually.."

Arcola then submitted amendments to both the preliminary plan and site plan in February 2004 to meet the outstanding MPDU requirements for the Kings Crossing project by constructing 44 townhouses and 58 two-over-two condominium units that would be for sale and not age restricted. Staff concluded that this configuration would not conform with the Germantown Master Plan.

Some residents favored the townhouse aspect rather than the garden apartment style of building; other residents felt strongly that these units should be age-restricted for seniors as was shown to them when purchasing their homes. Residents also expressed concerns that if the MPDU units would be occupied by families, the already over-crowded Spark Matsunaga Elementary School would be further impacted. The school capacity issue was addressed in the Adequate Public Facilities review conducted for Preliminary Plan #1-88006 approved in March 1995.

ANALYSIS

Community-Based Planning staff reviewed revised Site Plan #8-96001 dated November 28, 2005 for master plan and community compatibility elements. The Plan proposes 102 multi-family dwelling units on 5.1594 acres in the PD-2 Zone. The revised plan shows 186 parking spaces provided including 8 handicapped spaces which equates to 1.82 spaces per unit.

Each of the buildings will be four-stories with a hipped roof and porte cochere (covered driveway entranceway). Selected building materials include a ground level of stone effect masonry with upper floors of siding. This same materials palette is being used for a senior housing [project at Cloppers Mill, Germantown.

A critical element of this proposal is that the MPDU units will be offered For Sale and directed to qualified seniors who are 55 years or older. The two buildings will be constructed sequentially. The six-step marketing plan contains a 12-month period when units are offered to qualified seniors prior to completion of the building that is under construction; then 90-day windows are opened to qualified seniors meeting increasingly higher income levels.

Step 5 opens the units to qualified persons not specific to seniors in the MPDU program and on the waiting list; Step 6 opens the units to seniors who exceed the median incomes set by DHCA but with the price remaining at the MPDU price per unit. Subsequent sales of units must also be at the MPDU price.

Community-based Planning staff concurs that the ownership type, revised layout, materials selection, landscaping and provision of parking address most of the community concerns. The innovative marketing program to attract seniors will alleviate many community concerns that the project would turn into a typical MPDU project.

COMMUNITY CONCERNS

Beginning in February-March 2004, residents of newly constructed homes adjoining the subject site began to inquire about the "garden apartments" to be built within their community. Prior to purchasing their homes, many residents had inquired about the intended use of this vacant parcel and were told/shown information by sales personnel that these units were to be senior housing in multiple, two-story buildings.

Residents also contacted M-NCPPC concerning limits to impervious surfaces in Analysis Area KI-2 that affected the ability of individual homeowners to widen driveways or parking aprons. A number of residents opposed any future construction that would curtail homeowner options to add impervious surface features to their properties.

The community strongly opposed construction of the MPDU units as non-age restricted dwellings because of perceived school impacts, overflow parking issues, and the potential for rental units within the complex that would not be closely regulated, and other issues. Residents noted that allowing the MPDU units to be constructed last breaches Guideline #14 of the Site Plan Guidelines for Projects Containing MPDUs (June 1995). This item references Chapter 25-A for phasing plans of projects containing MPDUs and requiring site plans.

Residents also noted that the MPDUs for an adjoining neighborhood (Hoyles Mill subdivision) are constructed close to the location of the Kings Crossing MPDUs.

Staff has met on numerous occasions with individual homeowners, legal representatives of adjoining homeowners, Arcola Investments and its legal representatives, other developers of senior housing projects, County Council staff, and staff from the Department of Housing and Community Development. These interactions took place between February 2004 and November 2005.

CONCLUSION

The proposed amendment conforms to the 1989 Germantown Master Plan for significant environmental mitigation in Analysis Area KI-2 and that multi-family dwellings be used to satisfy MPDU requirements for the entire Kings Crossing subdivision.

The site plan as proposed satisfies a large number of community concerns that surfaced once home sites were constructed and occupied adjacent to the defined MPDU site. The Applicant is satisfying Condition #11 that this amendment to the Site Plan #8-96011 be presented to the Planning Board for full public review and input.



**MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED MANAGEMENT DIVISION**

Rockville Center - 255 Rockville Pike, Suite 120 - Rockville, Maryland 20850-4166
Telephone No. 240-777-7700 - FAX No. 240-777-7715

**SUBDIVISION PLAN REVIEW: MNCPPC Development Review Committee (DRC)
Comprehensive Water Supply and Sewerage Systems Plan Issues**

MNCPPC File Number: **1-88006**

DRC Meeting Date: **12/07/2004**

03/22/2004

Subdivision Plan Name: **KING'S CROSSING**

Proposed Development: **3/22/04 DRC: 44 townhouses & 52 condominiums**

Watershed: **Little Seneca Creek**

Zoning: **PD-2**

Planning Area: **Germantown**

Site Area: **5.16 acres**

Location: **Hoyles Mill Road**

Engineer: **Dewberry & Davis 301-948-8300**

Water Supply and Sewerage Systems (as specified on the subject subdivision plan or plan application)

Proposed Water Supply:

Proposed Wastewater Disposal:

Community (public) WATER system

Community (public) SEWER system

Existing Service Area Categories: Water: **W- 3**

Sewer: **S- 3**

Water/Sewer Plan Map Amendment: **---**

Water Supply Comments:

Sewerage System Comments:

Yes; the water supply system is consistent with the existing water service area category

Yes; the sewerage system is consistent with the existing sewer service area category

***Additional Comments:**

12/13/2004 DRC: Revised plan submitted per comments below.

3/22/04 DRC -- 1-88066A: Revise plan to change MPDUs from 102 garden apartments to 44 townhouses and 52 two-over-two condominiums.

Prepared by: **Alan Soukup**

Date prepared: **12/07/2004**



FIRE MARSHAL COMMENTS

DATE: DECEMBER 13, 2005
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: BATTALION CHIEF MICHAEL A. DONAHUE, FIRE CODE ENFORCEMENT SECTION
RE: APPROVAL OF KING'S CROSSING, AMENDMENTS TO 8-96011

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted December 13, 2005. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and notice of violation to a party responsible for the property.



FIRE MARSHAL COMMENTS

DATE:

TO: PLANNING BOARD, MONTGOMERY COUNTY

VIA: BATTALION CHIEF MICHAEL A. DONAHUE, FIRE CODE ENFORCEMENT SECTION

FROM:

RE: NON-APPROVAL OF KING'S CROSSING MPDU SITE PLAN, AMENDMENTS TO 8-96011

1. Note: All FD Access Roads require 20 foot unobstructed width.
2. Building 2: Show compliance with NFPA 1 (2003), Section 18.2.2.5.4 **Dead Ends**.
3. Buildings 1 & 2: In accordance with NFPA 1 (2003), Section 18.2.2.5.3 **Turning Radius**;

Turns in FD Access Roads shall be constructed with a minimum radius of 7.6 m (25 ft) at the inside curb line and a minimum radius of 15.2 m (50 ft) at the outside curb line.

4. Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the turning around of fire apparatus.
5. Provide locations of Fire Hydrants and Key for Symbol.
6. **PLAN NOT APPROVED. RESUBMIT PLAN THAT INCORPORATES COMMENTS 1-7.**