

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

RECEIVED

MAR 16 2005

GUTSCHICK, LITTLE & WEBER, P.A.

Date Mailed: MAR 15 2005,

Action: Approved Staff
Recommendation.

Motion of Commissioner Bryant,
seconded by Commissioner Perdue, with
a vote of 5-0.
Chairman Berlage and Commissioners
Bryant, Perdue, Wellington and Robinson
voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05038
NAME OF PLAN: Woodlawn Property

I. INTRODUCTION

The date of this written opinion is MAR 15 2005 (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 within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

On 9/17/04, Winchester Homes submitted an application for the approval of a preliminary plan of subdivision of property in the RNC zone. The application proposed to create 24 lots on 74.66 acres of land located at on the northwest and southeast sides of Needwood Road, approximately 600' southwest of Muncaster Mill Road, in the Upper Rock Creek master plan area. The property is not within the special protection area of the master plan (which imposes impervious limitations). 23 lots are located northeast of Needwood Road, and one lot is on the southeast side of Needwood Road. The application was designated Preliminary Plan 1-05038. On 1/20/05, Preliminary Plan 1-05038 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.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

Development Review Staff ("Staff") recommended approval of the preliminary plan in its memorandum dated January 14, 2005 ("Staff Report"). The applicant appeared and testified at the public hearing, represented by legal counsel, and testified that it generally agreed with Staff's recommendations, but proposing minor modifications to the conditions of approval. Neither Staff nor the Planning Board expressed any objections to the revised conditions, and the Conditions of Approval below reflect the applicant's proposed changes.

No other speakers testified at the hearing, but the Record contains one letter from a neighbor of the proposed development. The neighbor who wrote the letter stated that he is "neither for or against this development." The letter expressed the neighbor's concern over Staff's delay in responding to a question he submitted to Staff.

II. SITE and PROJECT DESCRIPTION

The subject property ("Subject Property") is a 75-acre site located on either side of Needwood Road, approximately 600 feet southwest of its intersection with Muncaster Mill Road (MD 115). The Subject Property is zoned Rural Neighborhood Cluster ("RNC"). The proposed Master Plan alignment of the Intercounty Connector ("ICC") runs across the western portion of the property. Future Mid-County Highway (M-83) runs along the northeastern side of the Subject Property.

The Subject Property lies within the Upper Rock Creek watershed. Existing land uses consist of forest and farmland. There are 20.5 acres of existing forest on site and few trees greater than 24 inches in diameter.

The application proposes to create a residential community with 24 dwelling units. The units will be single-family detached dwelling units on 7,000-20,000 square

foot lots with one 17.41-acre conservation lot. A modified tertiary residential street, with sidewalk on one side, is proposed to access the clustered lots.

Based on the analysis below, and the analysis contained in the staff report, staff recommended approval of the project based on its conclusion that the plan conforms with the master plan, the subdivision regulations, and the forest conservation law.

III. RELATIONSHIP TO THE UPPER ROCK CREEK MASTER PLAN

The 2004 Upper Rock Creek Area Master Plan evaluated and made specific recommendations for the Woodlawn property. It recommended that the majority of the property be placed in the Rural Neighborhood Cluster Zone. A Proposed Land Use and Zoning Map for the property shows specific areas proposed as parkland. The Master Plan's intent was that the Subject Property develop with residences, and the Master Plan's text states that it is suitable for cluster development, with the provision that additional open space be provided in return for the benefit of cluster development. The Master Plan notes that cluster development "will allow lots to be concentrated west of Needwood Road" to minimize development of the area designated for the intersection of the Mid-County Highway and the ICC. The Plan further recommends that "little or no residential development" occur east of Needwood Road and that open space dedicated to parkland be used to create a connection between the Lake Needwood recreation areas and any trail in the ICC right-of-way.

The Woodlawn proposal meets the intent and the recommendations of the Master Plan. It proposes a residential development using the optional method of the Rural Neighborhood Cluster Zone. It concentrates development almost entirely west of Needwood Road, proposing only a single conservation lot east of the road. It shows proposed parkland dedication that conforms to the areas shown in the Master Plan. It should be noted that the proposed right-of-way for the ICC that is now being studied as part of the Draft Environmental Impact Statement process for that project traverses an area identified in the Master Plan for parkland dedication. Uncertainties about provision of a bike trail in the right-of-way may affect the Master Plan's recommendation for a trail connection on this dedicated land.

The Sectional Map Amendment for the Upper Rock Creek Area Master Plan, which placed this property in the RNC Zone, was approved on October 26, 2004. A Zoning Text Amendment for the Rural Neighborhood Cluster Zone was also approved on October 26, 2004. That amendment clarified the intent of the zone and strengthened provisions concerning diversity of lot sizes and provision of rural open space.

IV. DISCUSSION OF TRANSPORTATION ISSUES

A. Master-Planned Roadways and Bikeways

According to the Upper Rock Creek Master Plan and the Countywide Bikeway Functional Master Plan, the master-planned roadways and bikeways affecting this plan are as follows:

1. Needwood Road is designated as a primary residential street, P-8, with a 70-foot right-of-way. The road is designated for a dual bikeway (i.e., shared use path and bike lanes), DB-14.
2. Midcounty Highway is designated as a major highway, M-83, with a 150-foot right-of-way. The road is designated for a Class I bike path (i.e., an off-road, shared use path), SP-70.
3. The Intercounty Connector ("ICC") is designated as a freeway, F-9, with a 300-foot right-of-way. The Connector is designated for a Class I bike path, SP-40.

B. Proposed Alignments and Options for the ICC

As part of its preparation of the Draft Environmental Impact Statement (DEIS) for the proposed ICC, Maryland's State Highway Administration is currently developing detailed engineering mapping for the roadway, which is proposed as a limited-access east-west highway intended to link areas between I-270 and I-95/US 1 through central/eastern Montgomery and western Prince George's Counties.

The ICC planning process has concurrence on two alternative alignments, selected through the Alternatives Retained for Detailed Study or ARDS, called Corridor 1 and Corridor 2. Corridor 1 is the southern alignment that generally follows the alignment incorporated in the area master plans for the ICC, and Corridor 2 is the alignment to the north that is not represented in any area master plans. The alignments of Corridor 1 and Corridor 2 merge into one joint alignment west of Georgia Avenue (MD 97) and through the Subject Property.

Based on current information available from the SHA, the joint segment of Corridors 1 and 2 includes two roadway alignment options that would physically impact the Subject Property.

Rock Creek Option A: The alignment of this option goes through the western part of the property and is closer to the master-planned alignment and could impact the western-most proposed new unit and existing housing unit.

Rock Creek Option C: The alignment of this option goes through the eastern part of the property and uses part of the M-83 right-of-way and could impact all 23 new units proposed on Needwood Road.

Condition 4 below will protect the Alignment Options by precluding the applicant from recording plats until after September 1, 2005. The ICC study process continues to move forward, following guidelines mandated by Federal Agencies that require evaluation of more than one "build" alternative, and the two options along Corridors 1 and 2 are among those alternatives retained within the ARDS. By preventing the applicant from filing record plats, no development can occur within the Alignment Options until September 1, 2005 (or until a final Record of Decision is issued, if issued before September 1, 2005) but clearing and grading can occur.

C. Local Area Transportation Review

The traffic statement submitted for the property indicates that the proposed 24 single-family detached units would generate 23 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 27 peak-hour trips during the evening peak period (4:00 to 7:00 p.m.). A traffic study is not required to satisfy Local Area Transportation Review because proposed land use generates fewer than 30 peak-hour trips during the weekday morning and evening peak period.

D. Over-length Cul-de-Sac

The roadway design for the property includes the creation of a cul-de-sac road that will be greater than 500 feet in length. Per Section 50-26(d) of the Montgomery County Code, a cul-de-sac road should be no longer than 500 feet unless a greater length is justified by reason of property shape, size, topography, large lot size, or improved street alignment.

The Board believes that the shape of the property north of Needwood Road justifies design of the over-length cul-de-sac. If roadway loops or connections were required for this road, desirable buffer area between the lots and adjacent parkland would be lost.

V. DISCUSSION OF ENVIRONMENTAL ISSUES

A. Forest Conservation

There are 20.5-acres of existing forest on the Subject Property. Approximately 2.3 acres of this forest lie within the proposed major road right-of-ways and are not included in the forest conservation plan. The development plan removes 4.3 acres of upland forest and retains 14 acres, including all forest within the stream buffers. Forest conservation requirements will be met by the proposed retention. There are significant amounts of exotic and invasive plant species within the forest retention area. Condition.

11 requires the applicant to prepare a management plan for these areas as part of the site plan review.

B. Environmental Guidelines

The Subject Property includes forested stream buffers and wetlands. These areas will be protected by Category I conservation easements.

C. Noise

The developed portion of the Subject Property will be surrounded by vehicle noise from the future ICC and future Mid-County Highway. The ICC Draft Environmental Impact Analysis did not conduct any noise measurements from the Subject Property. Therefore, Condition 12 below requires the applicant to prepare a noise analysis for the site plan submission. This analysis will identify existing and future noise levels and determine if noise mitigation should be incorporated into site plan.

VI. FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies;¹ the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-05038 substantially conforms to the Upper Rock Creek master plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

VII. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05038 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05038, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 24 dwelling units.
- 2) No clearing, grading, or recording of plats prior to site plan approval.
- 3) 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.
- 4) Applicant shall not record any plats for any lots located within the area identified by Maryland State Highway Administration (SHA) in its letter dated October 29, 2004 (see Attachment A), and shown on Attachments A-1 and A-2 (Rock Creek Option A and Option C, respectively) until the earlier of:
 - a. September 1, 2005; or
 - b. A final Record of Decision is issued by the Federal Highway Administration (FHWA), provided that Record of Decision does not include the Alignment Options, or any portions thereof, within the final Intercountry Connector (ICC) alignment.
- 5) If FHWA issues a final Record of Decision that includes either Rock Creek option of the Corridors 1 and 2 alignments, the applicant shall submit a site plan that appropriately reconfigures all dwelling units and related infrastructure (e.g., site access road, stormwater management facility, on-site roadways, public areas, etc.) affected by the chosen Alignment.
- 6) If Rock Creek Option A or other similar option is included in a final Record of Decision, the record plat shall dedicate and show the master-planned 150-foot right-of-way for Midcounty Highway, M-83.

- 7) Any contract of sale between the applicant and any prospective buyer within the subdivision must (a) advise the buyer in writing of the location of the Alignment Options of the Intercounty Connector (ICC); and (b) advise the buyer that they can contact the SHA for current information on these alignments. This notification requirement is binding on the applicant's heirs/successors and/or assigns, and shall be required as long as the applicant is precluded from recording plats under Condition No. 4, above.
- 8) Applicant shall dedicate right-of-way and improve Needwood Road as follows:
 - a. Dedicate additional right-of-way for 35 feet from the centerline on both sides of Needwood Road except where there is frontage on only one side of Needwood Road.
 - b. Reconstruct Needwood Road as a 24-foot-wide open-section primary residential street with five-foot paved shoulders on each side for future bike lanes.
 - c. Construct a ten-foot bike path on the southeast side with six feet offset from the pavement edge and extend the path to connect to Beach Drive, the northern entry point into the Rock Creek Regional Park. Construction will be subject to Parks Department approval to clear trees and regrade the affected area to accommodate the extension of the path and adjoining slope grading.
- 9) Applicant to establish a 25' wide Public Use Trail Easement from the cul-de-sac terminus of the proposed internal road to the existing parkland. Easement to be adequately marked and signed for public use.
- 10) 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.
- 11) Applicant to prepare an invasive and exotic plant species management plan as part of the final forest conservation plan submitted at the time of site plan.
- 12) Applicant to prepare and submit a noise analysis, as part of the site plan submission, indicating the location of existing 60 and 65 Ldn dBA noise contours, 2030 ICC build-out noise contours, and methods to minimize exterior and interior noise levels if the noise analysis determines the need for mitigation.
- 13) Compliance with the conditions of the MCDPS stormwater management approval dated December 23, 2004.

- 14) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Upper Rock Creek Master Plan unless otherwise designated on the preliminary plan.
- 15) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Upper Rock Creek Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 16) Compliance with conditions of MCDPWT letter dated January 14, 2005 unless otherwise amended.
- 17) Record plat to reflect delineation of a Category I Conservation Easement over all areas of stream buffer and forest conservation.
- 18) Record plat to reflect dedication of proposed Parcel "G", consisting of approximately 11 acres, to M-NCPPC for addition to Rock Creek Regional Park. Property to be conveyed at the time of record plat and to be free of trash and unnatural debris.
- 19) 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.
- 20) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 21) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

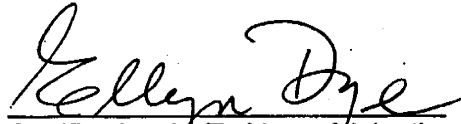
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MF 3/4/05
Approved for legal sufficiency
M-NCPPC Office of General Counsel

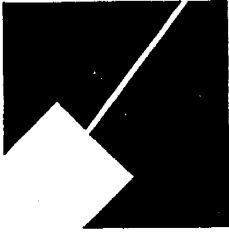
CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on Thursday, March 10, 2005, in Silver Spring, Maryland; the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Wellington, seconded by Commissioner Bryant, with Commissioners Perdue, Bryant, Robinson, and Wellington voting in favor of the motion, and Commissioner Berlage absent, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Woodlawn Property Preliminary Plan 1-05038.



Certification As To Vote of Adoption
Technical Writer

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: OCT 24 2005

Public Hearing Date: July 14, 2005

Action: Approval with conditions

Motion of Commissioner Robinson, seconded by Commissioner Bryant, with a vote of 5 to 0; Chairman Berlage and Commissioners Bryant, Perdue, Wellington and Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan No. 8-05032
Project: Rock Creek Ridge

The date of this written opinion is OCT 24 2005 (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, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On July 14, 2005, Site Plan No. 8-05032 ("Site Plan") was brought before the Montgomery County Planning Board for a public hearing. Winchester Homes ("Applicant") proposed 24 one-family detached dwelling units in the Rural Neighborhood Cluster ("RNC") zone, on 74.66 acres. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

THE SUBJECT PROPERTY

The subject property is located on the east and west side of Needwood Road, approximately 600 feet west of the intersection with Muncaster Mill Road ("Subject Property"). The site is situated within the Upper Rock Creek watershed and is zoned RNC. The northwestern and southern boundaries of the proposed site are bounded by the M-NCPPC Rock Creek Regional Park, which encompasses Rock Creek and Lake Needwood. The entrance to the park is located approximately 300 feet south of the subject site off of Beach Drive. The properties to the north and east of the site, located between the Subject Property and Muncaster Mill Road, consist of individual parcels and small lot subdivisions, with one-family detached structures. These properties contain a mix of zones including RE-1, RE-2 and R-200. Avery Park subdivision (Plat Book 581, page

OCT 25 2005

36), consisting primarily of 2-acre lots, is zoned RE-2 with access from Muncaster Mill Road. Magruder High School is located across Muncaster Mill Road, approximately 200 feet southeast of the intersection with Needwood Road. The school site is zoned RE-1; however, the adjacent property to the north and west of the school is zoned RNC and situated in the Upper Rock Creek Environmental Overlay Zone.

The Subject Property is approximately 75 acres in size and contains approximately 20.50 acres of existing forest with a few trees greater than 24 inches in diameter. The remainder of the site is an active agricultural field. The Subject Property is situated within the Upper Rock Creek watershed and is zoned RNC. The site is bifurcated by Needwood Road. The northwest side of Needwood Road contains approximately 15 acres of the total forested area including two stream channels in the northwest corner of the site and their associated buffers. This area of the site contains two existing farm structures with sole access to Needwood Road. The northeast section of the site differs in elevation by approximately 45 feet from two knolls to the two stream channels. An existing WSSC sewer right-of-way is adjacent to the northernmost tip of the property with service from Muncaster Mill Road.

The southeastern portion of the site, across Needwood Road, contains the remaining 5.50 acres of forest in the southeast quadrant of the property. The forested area encompasses the low point of the site and includes an ephemeral stream and associated buffer. The topography on this section of the site changes in elevation by approximately 30 feet with the high points being closest to Muncaster Mill Road. This portion of the Subject Property contains an existing house and associated outbuildings with primary access from Muncaster Mill Road, and secondary access from Needwood Road. An existing transcontinental gas right-of-way transverses the southernmost tip of the site.

BACKGROUND

Zoning/Development Plan

The subject property was rezoned from the RE-2 Zone to the RNC Zone by Sectional Map Amendment G-827 on October 26, 2004. A Zoning Text Amendment for the RNC zone was also approved on October 26, 2004. That amendment clarified the intent of the zone and strengthened provisions concerning diversity of lot sizes and provision of rural open space.

Preliminary Plan

Preliminary Plan 1-05038 was approved on March 15, 2005 for 24 one-family detached dwelling units in the RNC Zone. The preliminary plan was approved prior to the current Moderately Priced Dwelling Unit ("MPDU") legislation, which requires developments of 20 dwellings or more to provide 12.5 percent MPDUs. The base requirement for the prior MPDU legislation was 35 dwelling units.

PROPOSED DEVELOPMENT

The Site Plan proposes 24 one-family detached dwelling units on 70.50 acres in the RNC zone. The layout contains a diversity of lot sizes from 7,000 square feet to over 25,000 square feet, including four different house types that conform to each varying lot size. The majority of the development is located on the northeast side of Needwood Road and one large conservancy lot on the south side.

Vehicular access is provided to the proposed home sites via a public road from Needwood Road and two internal private driveways. The conservancy lot gains access via a private driveway from Needwood Road. Internal pedestrian access consists of sidewalks on the public and private roads and a natural surface trail to the adjacent park property from the proposed public road. The Applicant is also proposing a 10-foot-wide bike path on the south side of Needwood Road from lot 24 to the park entrance at Beach Drive.

Landscaping consists of street trees in the public road right-of-way, consistent with County standards for species and spacing, as well as buffer planting in Parcel 'F'. The buffer planting provides a visual and physical separation between the proposed Mid-County highway dedication and the proposed lots.

This Site Plan proposes approximately 32 acres, or 65 percent of the gross tract area, of rural and common open space within the boundaries of the Subject Property to accommodate the provisions of the RNC zone. The majority of the open space protects the stream valley buffers and provides a landscape buffer between the proposed homes and future road dedications. The Applicant is also dedicating approximately 13 acres to the M-NCPPC for the expansion of Rock Creek Park.

STAFF RECOMMENDATION

Development Standards

Staff found that the Site Plan, with the recommended conditions of approval, conformed to all applicable development standards for the optional method of development in the RNC zone.

Conformance to Master Plan

The Upper Rock Creek Master Plan, adopted by the County Council on February 24, 2004 ("Master Plan"), specifically discusses the subject "Woodlawn Property" in terms of residential cluster development. The Subject Property was reclassified from the RE-2 zone to the RNC zone by Sectional Map Amendment G-827. The Master Plan recommends a density of 0.33 dwelling units per acre if developed with public sewer and if dedication is made to the M-NCPPC to expand Rock Creek Park. In addition to the

dedication, the Master Plan recommends a trail connection to Lake Needwood, the reduction of environmental impacts and noise mitigation from the proposed Intercounty Connector ("ICC") and Mid-County Highway extension. Staff found that the proposed development allows for the future road rights-of-way and implements the recommendations of the Master Plan.

Intercounty Connector

The ICC planning process has concurrence on two alternative alignments, selected through the Alternatives Retained for Detailed Study ("ARDS"), called Corridor 1 and Corridor 2. Corridor 1 is the southern alignment that generally follows the alignment incorporated in the area master plans for the ICC, and Corridor 2 is the alignment to the north that is not represented in any area master plans. The alignment of Corridor 1 and Corridor 2 merges into one joint alignment west of Georgia Avenue (MD 97) and through the Subject Property.

The two roadway alignment options (Rock Creek Option A and C) that would physically impact the subject development were reviewed during the preliminary plan of subdivision. Rock Creek Option A, which goes through the western part of the property and is closer to the master-planned alignment, was selected and placed in reservation. This alignment was protected from development with the preliminary plan condition that precluded the Applicant from recording plats until after September 1, 2005.

Conclusion

Staff recommended approval of the Site Plan with conditions.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

At the hearing, Staff introduced the Site Plan and noted that the Planning Board reviewed the Preliminary Plan in March of 2005.

The Applicant, who was represented by legal counsel, testified through a representative that it accepted the conditions proposed by Staff. In response to a question from the Planning Board, legal counsel for the Applicant stated that the Site Plan would have to come back for further Planning Board review if Option C was selected for the ICC. No other speakers testified at the public hearing.

FINDINGS

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the 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 special regulations of the RNC zone, including the purpose and intent to preserve and set aside large areas of contiguous rural open space, as well as all of the requirements of the optional method of development in the RNC zone as demonstrated in the following project Project Data Table:

PROJECT DATA TABLE (RNC Zone)

	Optional Method of Development	
	Zoning Ordinance Development Standard	Dev. Standard approved by the Planning Board and binding on Applicant
Total Site Area (ac.):	10	74.66
Net Site Area after right-of-way dedication (ac.):		46.08
Max. Density of Development (d.u./ac.)	.33	.33
Number of Dwelling Units		
Detached unit	24	24
Min. Building Setbacks (ft.) for Lots 1-22		
from street	15	15
rear yard	10	10
side yard	8	8
Min. Building Setbacks (ft.) for Lots 23 and 24		
from street	15	15
rear yard	30	30
side yard	17	17
Min. Lot Size (sf.)	4,000	8,400
Min. lot width at existing or proposed Street line (ft.):	25	25
Max. lot coverage (%):	35	35
Rural Open Space (ac.):		
Parcel 'A'		0.69
Parcel 'C'		13.01
Parcel 'F'		2.54
Lot 24		<u>15.44</u>
Total	29.95	31.68
	(65% of net tract area)	(69% of net tract area)
Common Open Space (ac.):		
Parcel 'D'		0.15
Parcel 'E'		<u>0.53</u>
Total	0.00	0.68
Total Open Space (ac.):	29.95	32.36
		(70.2% of net tract area)
Max. Building Height (ft.):	35	35
Parking Spaces (for detached units)	48	48

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

a. Buildings

The one-family detached houses directly front onto the proposed public road west of Needwood Road, with the exception of Lots 23 and 24 that have frontage on Needwood Road.

Pursuant to the guidelines in the zoning ordinance for the RNC zone, the Site Plan proposes diversity in lot sizes as well as house sizes. The proposed houses range in size from 2,200 square feet to 3,600 square feet, providing a mixed level of housing styles and diversity of house types.

The proposed buildings are located in a manner that is adequate, safe and efficient with the surrounding development.

b. Open Spaces

The locations of the open spaces are adequate, safe, and efficient. The Site Plan proposes 32.36 acres of open space, or approximately 71 percent of the useable tract area. The open space is separated into 31.68 acres of rural open space and 0.68 acres of common open space. The Applicant is required to provide 65-85 percent of the net area toward rural open space. The rural open space is located in Parcels 'A', 'C', 'F' and Lot 24. Parcel 'C' consists of 13.01 acres and will be dedicated to M-NCPPC as part of the expansion of Rock Creek Park. Parcel 'F' will be owned and maintained by the future homeowners' association. The common open space is located in a central area between proposed Rock Ridge Lane and the shared driveway for lots 4-7.

Consistent with the guidelines in the Montgomery County Zoning Ordinance, the common open space will be useable by the residents, in a central position or location in the neighborhood bordered by streets on all sides. The Site Plan meets the provisions outlined for rural open space by protecting natural features, such as the parkland dedication and stream valley buffer and the forest conservation easement over the wooded areas.

The proposed stormwater management concept consists of (1) on-site water quality and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. The proposed stormwater management (Parcel 'A')

also meets the intent of the Master Plan recommendations for "locating stormwater management facilities outside of parkland."

c. Landscaping and Lighting

The location of the landscaping and lighting is adequate, safe, and efficient. The proposed landscaping on the site consists of shade trees in the proposed public right-of-way for Rock Ridge Lane and adjacent to the private roads for Woodhall Court and Welton Court. Street trees are also proposed on each side of Needwood Road in front of lots 23 and 24 and extending to the dedication of the future ICC right-of-way. The street trees are spaced 50 feet on center in accordance with Montgomery County standards. Parcel 'F' includes a three-foot earth berm planted with a mix of evergreen, ornamental and shade trees that will provide a buffer from units 4 through 19 to the future Mid-County Highway on the northwestern property line. Parcel 'F' also includes a noise mitigation fence to buffer the proposed Mid-County Highway extension through the northeastern property boundary of the site, consistent with the recommendations of the Master Plan.

The proposed stormwater management facility is also being screened from the proposed units located near Needwood Road as well as the units that back up to one another near the entrance to the development. A masonry wall with accent planting is proposed for the entrance to the site on lot 22.

The lighting plan consists of twelve residential, colonial post top light fixtures within the proposed public road right-of-way, consistent with Montgomery County standards.

d. Recreation Facilities

The location of the recreation facilities is adequate, safe, and efficient. The proposed recreation facilities include a sitting area within Parcel 'E', an open play area, a natural area and a pedestrian system. The pedestrian system includes a natural surface trail at the end of proposed Rock Ridge Lane, within Parcel "C" that will be dedicated to M-NCPPC for the expansion of Rock Creek Park.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is adequate, safe, and efficient.

Access points to the site are to be provided primarily from proposed Rock Ridge Lane, a tertiary roadway within a 50-foot-wide right-of-way. Rock Ridge Lane connects on the west side of Needwood Road, a primary

roadway within a 70-foot-wide right-of-way. Lots 23 and 24 have direct access and frontage onto Needwood Road. Lot 24, a conservancy lot, is the only proposed house and lot on the east side of Needwood Road.

The development provides rights-of-way for two major road extensions on this property: the Mid-County Highway (M-83) extension; and the Intercounty Connector (Rock Creek Option A). The Mid-County Highway extension parallels the northeastern boundary. The proposed alignment for the Intercounty Connector traverses through the western part of the property.

A ten-foot-wide bike path (Class I bikeway) is proposed along the east side of Needwood Road, from the park entrance road (Beach Drive) to the property boundary across from Lot 23 and directly across a portion of Lot 24. The ten-foot-wide bike path is located outside the public right-of-way and within a 15-foot-wide public improvement easement (PIE).

Four-foot-wide internal sidewalks will also be provided on the north and west side of proposed Rock Ridge Lane to facilitate pedestrian circulation throughout the development. The Site Plan proposes a sidewalk opposite Needwood Road at the intersection with Rock Ridge Lane connecting to the proposed bike path.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The proposed development is compatible with other uses and existing and proposed adjacent development.

The proposed buildings are located in a manner that protects the environmental and natural resources and complements the adjacent one-family home on parcel 969 located directly to the west. The future Mid-County Highway and proposed buffer area will provide a physical separation from the one-family homes that gain access off of Muncaster Mill Road. The use is compatible with the zone and surrounding uses to the north and west. The expansion of the parkland to the west of the proposed houses provides a natural buffer to Rock Creek Park and ensures protection of the natural resources. In addition, the Planning Board finds that the proposed development is compatible with the existing development on adjoining properties with respect to lot sizes and consistent with the purpose and intent of the RNC zone.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection.

The Site Plan meets all applicable requirements of Chapter 22A. There is 20.5-acres of existing forest on the property. After removal of land within roadway right-of-ways 17.8-acres of onsite forest remains. The Applicant proposes to remove approximately 4 acres of upland forest and retain approximately 14 acres of forest, including all forest within the stream buffers. Based on the amount of existing forest and the proposed amount of forest removed, there are no planting requirements.

The Subject Property includes a considerable amount of exotic and invasive materials within the existing forests. The exotic and invasive materials were identified in the natural resource inventory/forest stand delineation. The invasive materials will continue to expand if they are not brought under control. The Applicant prepared and submitted an invasive management plan. The plan is still under review and will be approved as part of the final forest conservation plan.

The site includes 1.35-acres of forested stream buffers. This area will be protected by Category I forest conservation easements. There is no proposed forest removal in the stream buffer.

The proposed development satisfies the provisions of Chapter 19 for water resource protection.

6. The evidence in the record for this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan No. 8-05032 for 24 one-family detached dwelling units on 74.66 gross acres in the RNC zone with the following conditions:

1. **Preliminary Plan Conformance**

The proposed development shall comply with the conditions of approval for Preliminary Plan 1-05038 for the Woodlawn Property as listed in the Planning Board opinion dated March 15, 2005.

2. **Lighting**

- a. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.

- b. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line a butting residential properties.

3. Pedestrian Circulation

- a. Construct a 10-foot-wide bike path with a minimum six-foot offset from the pavement edge on the southeast side of Needwood Road from the eastern building area envelope of Lot 24 to the north side of the park facility entrance.
- b. Provide a 4-foot-wide natural surface path from the terminus of Rock Ridge Lane to the M-NCPPC Park boundary.

4. Recreation Facilities

Provide a sitting area; open play area, natural area and pedestrian system as shown on the site plan dated May, 2005.

5. M-NCPPC Park Facility

The Applicant shall comply with the following condition of approval from M-NCPPC-Park Planning and Resource Analysis:

The Applicant shall dedicate to M-NCPPC the area identified on the Site Plan as Parcel C. Dedication of parkland shall not include any stormwater management ponds or facilities. Land to be conveyed by time of record plat for the project areas that include the dedicated parkland and adjacent roads and lots. Dedicated property shall be conveyed free of trash and unnatural debris and the boundaries to be adequately staked and signed to delineate between private properties and parkland.

6. Forest Conservation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated June 10, 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.
- b. Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.

7. Noise Attenuation

- a. Applicant shall provide a certification from an acoustical engineer that the building shell for residential dwelling units will be constructed within the projected 65 dBA Ldn noise contour and designed to attenuate projected exterior noise levels to an

interior level not to exceed 45 dBA Ldn. The certification shall be provided to M-NCPPC Environmental Planning staff for concurrence prior to issuance of building permits.

- b. The builder shall provide a signed commitment to construct the impacted units in accordance with the acoustical design specifications. Any changes to the building shell construction that may affect acoustical performance after issuance of building permit shall be approved by an acoustical engineer and M-NCPPC Environmental Planning staff prior to their implementation.
- c. For all residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour, the Applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification will be accomplished by inclusion of this information and any measures taken to reduce the impacts in all sales contracts, brochures and promotional documents, including: any illustrative site plan(s) on display within any sales related office(s); in Homeowner Association documents; with all Deeds of Conveyance; and by inclusion on all signature subdivision and site plans. Notification measures shall be provided to M-NCPPC staff prior to issuance of any building permit.
- d. Applicant shall construct a noise attenuation fence/wall along the east property line of Lot 19 Rock Ridge Lane, or berming on Parcel "F" that will accomplish the same noise attenuation. Materials and height to be approved by M-NCPPC Environmental Planning staff prior to issuance of building permits.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 23, 2004.

9. 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 17th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

10. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The 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 the 10-foot-wide bike path, shall be completed prior to issuance of the 17th building permit.
- c. Landscaping associated with each building shall be completed as construction of each building is completed.
- d. Pedestrian pathways associated with each street shall be completed as construction of each street is completed.
- e. The recreation area in Parcel 'E' shall be completed prior to the issuance of the 17th building permit.
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- g. Provide each section of the development with necessary roads.
- h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features.

11. Clearing and Grading

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

12. 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.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.

- e. Forest Conservation easement areas.
- f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- g. Location of outfalls away from tree preservation areas.
- h. Details of the noise attenuation fence.

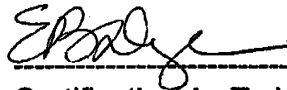
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
BYD 10/14/05
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on Thursday October 20, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Chairman Berlage and Commissioners Bryant, Robinson, and Wellington voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Rock Creek Ridge, Site Plan 8-05032. Commissioner Perdue was absent.



Certification As To Vote of Adoption
Technical Writer

KAF