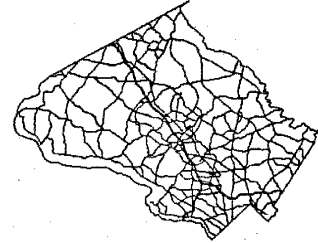


APPENDIX B



MCPB
Item # 11
March 30, 2006

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board



MEMORANDUM

DATE: March 17, 2006

TO: Montgomery County Planning Board

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

FROM: Richard Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Parcel 951 and Parcel 895

PROJECT NAME: Rock Creek Woods

CASE #: 120060100 (Formerly 1-06010)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RT-8

LOCATION: Located at the northwest side of Baltimore Road, approximately 1300 feet north of the intersection with Twinbrook Parkway

MASTER PLAN: Aspen Hill

APPLICANT: Oxbridge Development

ENGINEER: Dewberry.

HEARING DATE: March 30, 2006

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 30 one-family attached units, including four (12.5%) moderately priced dwelling units.
- 2) Compliance with the binding elements of the Schematic Development Plan for Application No. G-822.
- 3) Compliance with the preliminary forest conservation plan conditions of approval. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 4) Applicant to incorporate a detailed tree save plan, prepared by an ISA certified arborist, into the final forest conservation plan for all specimen trees impacted by the proposed limits of disturbance.
- 5) Applicant to plant supplemental native canopy trees within the retained forest, as recommended by the applicant's arborist report dated October 14, 2004.
- 6) Record plat(s) to reflect dedication of public roads as shown on the preliminary plan.
- 7) Prior to M-NCPPC acceptance of a record plat application, applicant shall provide proof of coordination with MCDPWT and MCDPS regarding upgrading Baltimore Road to County's primary residential street standards.
- ✓ 8) At time of site plan, locate a 5 ft. sidewalk from access point on Baltimore Road to the south, across Beth Tikva frontage, to northernmost access drive into Rockville High School.
- 9) No clearing or grading prior to approval of the Certified Site Plan.
- ✓ 10) Final approval of the number and location of units, on-site parking, site circulation, sidewalks and trails will be determined at site plan.
- ✓ 11) Final number of MPDU's to be determined at site plan in accordance with condition #10.
- ✓ 12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval.
- ~~13) Record plat to reflect a public use easement on all private streets shown on the preliminary plan.~~
- 14) Compliance with conditions of MCDPWT letter dated, March 7, 2006, unless otherwise amended.
- 15) Compliance with the conditions of approval of the MCDPS stormwater management approval dated November 12, 2004.
- 16) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 17) Other necessary easements.

SITE DESCRIPTION:

The subject property is located on the northwest side of Baltimore Road in the Aspen Hill Master Plan area (Attachment 1). The site is comprised of two parcels totaling 9.3 acres. The Beth Tikva Synagogue (Tikvat Israel Congregation) currently occupies a portion of the site and will be located on a newly created 3.7-acre parcel after subdivision. Surrounding land uses include townhouse units confronting the property on Baltimore Road. MNCPPC owned Rock Creek Park abuts the site to the north, and Rockville High School abuts the site to the south and west. The City of Rockville Corporate limits form the southwest boundary of the subject property.

The portion of the site containing the existing synagogue is zoned R-90 and R-200; the remainder of the site was rezoned to RT-8 as part of Application No. G-822, adopted on April 12, 2005. An older house that will be removed, currently occupies the RT-8 portion of the site. The majority of the RT-8 zoned portion is undeveloped and includes 4.86 acres of existing forest. There are no streams or wetlands on the property, although the stream buffer of an offsite stream extends onto the property. The site is located in the Rock Creek watershed, which is classified as a Use I-P stream. Slopes are generally gentle, with some moderately sloped areas in the northern and northeastern portions of the site as they approach the Rock Creek Park boundary.

PROJECT DESCRIPTION:

This is a preliminary plan application to create thirty residential lots and three recorded parcels; one parcel for the existing synagogue and the others for the townhouse open space and stormwater management (Attachment 2). The townhouse subdivision will access Baltimore Road via a private street system. The private street system will be designed to tertiary street standards, with 20 foot wide drive aisles to accommodate two-way traffic. If on-street parking is anticipated, the private street will need to be widened to 28 feet as part of the site plan, which will allow parking on one side only. A public access easement on all private streets will be reflected on the record plat(s) for the development. Fire and Rescue has reviewed and approved the private street access for conformance to their requirements.

BACKGROUND:

The 5.69 acre townhouse portion of the subject property was rezoned from the R-90 and R-200 zones to the RT-8 zone under Zoning Application No. G-822. It was determined by the District Council that the property was appropriate for development at the densities allowed under the RT-8 zone. The Schematic Development Plan (SDP) (Attachment 3) associated with the Zoning Application included binding elements that capped density at 30 units, which is below the maximum of 40 units that might be permitted per the zone. In addition, the Binding Elements require that a minimum of 12.5% MPDU's be included under the 30 unit cap. Building coverage is capped at 13%, well below the 35% standard for the zone, and green space is required to be a minimum of 68% of the site, greater than the 50% requirement of the zone. Setbacks were also increased beyond the standard minimums for the RT-8 zone. The SDP also gave the Planning Board the authority to request that the proposed open space be dedicated as parkland, or require that it be protected as private property under a conservation easement.

DISCUSSION:

Adequacy of Public Schools

In a letter dated February 22, 2006 (Attachment 4), the City of Rockville raised an issue concerning their recently adopted AGP as it relates to capacity of schools. The City requests clarification on the language in the Montgomery County AGP regarding the ability of the Planning Board to approve new development in school clusters that have reached certain thresholds. The letter highlights an excerpt from the County AGP that reads as follows:

“Clusters in municipalities

If public school capacity will be inadequate in any school cluster that is wholly or partially located in Rockville, Gaithersburg, or Poolesville, the Planning Board may nevertheless approve residential subdivision in that cluster unless the respective municipality restricts the approval of similar subdivisions in its part of the cluster because of inadequate school capacity.”

The City of Rockville contends that under their criteria, the local elementary school serving this area is beyond “program” capacity and therefore, the Board should not move forward with an approval of this subdivision. In staff’s opinion, the County AGP does not support the finding of inadequate capacity as it is based on the capacity of the high school serving the cluster, and measures elementary school capacity on an area-wide basis, not on individual school program capacity. The County AGP does not recognize a capacity problem for this cluster and, therefore, the Board may find that the APFO test for schools is satisfied for this plan.

TRANSPORTATION

Traffic Statement

The applicant for the project prepared a traffic statement indicating that the thirty-townhouse subdivision will generate 14 morning peak hour trips and 25 afternoon peak hour trips. Since the trip generation for each period is less than 30 trips, there is no need to provide a Local Area Transportation Review. Transportation staff have accepted the traffic statement.

Site Circulation and Pedestrian Access

~~Site circulation and pedestrian access will be reviewed as part of the site plan, however, it~~ is important to note that Montgomery County Public Schools has requested that a sidewalk be provided along the frontage of the Beth Tikva Synagogue to provide pedestrian access to the adjacent Rockville High School. The sidewalk will need to be constructed from the townhouse access road at Baltimore Road, across the synagogue parcel, and to the first high school entrance road. The school system will grant the necessary access to allow construction of the sidewalk. The site plan review will detail the alignment of the proposed sidewalk.

Staff further recommends that the applicant not construct a sidewalk along the townhouse parcel frontage on Baltimore Road. Instead, the applicant should contribute to the County project for the reconstruction of the existing sidewalk/trail along the southern side of Baltimore Road that currently connects to the Rock Creek Park trail system. To build a sidewalk on the northern side of Baltimore would create a discontinuous path system.

ENVIRONMENTAL

Environmental Guidelines

There are no streams, wetlands, or floodplains on the subject property, although the stream buffer of an offsite stream extends onto the property. The stream buffer is located along the eastern portion of the property and is 0.08-acres in size. The developer will impact the most of this onsite buffer through the removal of 0.07-acres of forest in the proposed public utility easement that parallels Baltimore Road. Public utility easements must be parallel and contiguous to public roadways, and free and clear of all obstructions. This is a standard requirement of the utility companies. On this plan, it is necessary to remove the forest in the stream valley buffer along Baltimore Road to provide a clear path for utilities. There are no other proposed encroachments into the stream buffer.

Forest Conservation

The property contains 4.86 acres of existing forest. The applicant is proposing to retain 1.48 acres of forest and remove 3.38 acres. This results in a forest conservation planting requirement of 1.55 acres, of which 0.17-acres will be planted onsite and the remainder offsite at a forest conservation bank owned and operated by the applicant.

One of the binding elements of the rezoning case addresses forest retention. This binding element states "1.53 acres (66,650 sq.ft.) designated on this SDP as "Forest Retention" or "Existing Woodlands" will be retained as forest and dedicated in its entirety to public parkland, unless during subdivision or site plan review, the Planning Board directs that all or part of the forest or woodlands should instead be placed in a conservation easement, in which case applicant will comply with the Planning Board's instructions." The applicant is proposing to retain the required 1.53 acres of forest by preserving 1.48 acres and 0.05-acres of woodland.

During the rezoning case there was concern over the loss of forest in a forest stand that is located between the proposed townhouses and Baltimore Road. This area is not in environmental buffer but is identified as a high priority area for forest retention. An existing driveway to serve the Park property to the north bounds this forest stand. The applicant's forest conservation plan retains the existing forest stand, except for forest along the public utility easement, removes the existing driveway, and shows planting in place of the driveway. The intent is to enlarge the existing forest stand.

The applicant has retained the services of an arborist and a report was submitted as part of the rezoning case and revised as part of the combined preliminary and site plan reviews. The report identifies the specimen trees to be removed and retained. The arborist report does not provide detailed tree-by-tree specific protection mechanisms, but a condition requiring these measures as part of a final forest conservation plan is recommended. In addition, staff recommends that the applicant be required to add indigenous plantings to enhance the existing species composition in the forest retention areas as recommended in the report.

ANALYSIS

Staff's review of Preliminary Plan #120060100 (Formerly 1-06010), indicates that the plan conforms to the Aspen Hill Master Plan in that the development is a continuation of residential zoning for the property, albeit at a higher density as prescribed by the District Council. The preliminary plan complies with all Binding Elements of the SDP and is otherwise in general conformance with the general layout shown on the SDP. Park Planning and Resource Analysis staff did not identify the open space on the plan as desirable for inclusion in the Park system. It is therefore shown on the forest conservation and preliminary plans as protected with a conservation easement.

Staff has reviewed the plan for consistency with the Montgomery County Subdivision Regulations and the Montgomery County Zoning Ordinance. The plan conforms to all applicable requirements of these regulations. The results of this analysis are illustrated in the Date Summary Table attached to this report.

CONCLUSION:

Based on the review of the application for compliance with the Aspen Hill Master Plan, Schematic Development Plan G-844, the Montgomery County Subdivision Regulations, and the Montgomery County Zoning Ordinance, staff recommends approval of the preliminary plan, subject to the above conditions.

ATTACHMENTS

- Attachment 1 – Vicinity Map
 - Attachment 2 – Preliminary Plan
 - Attachment 3 – Schematic Development Plan
 - Attachment 4 – City of Rockville Letter
 - Attachment 5 – Agency Correspondence
-

Preliminary Plan Data Table and Checklist

Plan Name: Rock Creek Woods				
Plan Number: 120060100				
Zoning: RT-8				
# of Lots: 30 lots, 3 parcels				
# of Outlots: 0				
Dev. Type: One family attached dwellings and an existing Religious Institution				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	None	1,447 s.f. - MPDU 1,920 s.f. - Market	RW	March 17, 2006
Lot Width	None			
Lot Frontage	None			
Setbacks				
Front	Est. by site plan	Must not exceed minimum set by site plan	RW	March 17, 2006
Side	Est. by site plan	Must not exceed minimum set by site plan	RW	March 17, 2006
Rear	Est. by site plan	Must not exceed minimum set by site plan	RW	March 17, 2006
Height	35 ft. Max.	May not exceed maximum	RW	March 17, 2006
Max Resid'l d.u. or Comm'l s.f. per Zoning	40	30	RW	March 17, 2006
MPDUs	12.5%	4 MPDU's shown	RW	March 17, 2006
Site Plan Req'd?	Yes		RW	March 17, 2006
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	No	Private Streets		March 17, 2006
Road dedication and frontage improvements	Dedication and construction of internal public roads	Yes	Agency letter	March 7, 2006
Environmental Guidelines	Yes	Yes	Staff memo	March 9, 2006
Forest Conservation	Yes	Yes	Staff memo	March 9, 2006
Master Plan Compliance	Yes	Yes	RW	March 17, 2006
Other				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes	Yes	Agency letter	Nov. 12, 2004
Water and Sewer (WSSC)	Yes	Yes	Agency comments	September 12, 2005
10-yr Water and Sewer Plan Compliance	Yes	Yes	RW	March 17, 2006
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes	Yes	Agency letter	Sept. 12, 2005

ATTACHMENT 1

ATTACHMENT 2

PARAGRAPH 2 UTILITY NOTES:

1. THE LOCATION OF SUBSISTENT UTILITIES (SEWER, GAS, WATER, ETC.) IS APPROXIMATE AND NOT GUARANTEED. THE APPLICANT SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
2. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

4TH ELECTION DISTRICT

ROCK CREEK WOODS PRELIMINARY PLAN

LEGAL DESCRIPTION
PARCEL 1661 (EXISTING SYMCOUSE)
PARCEL 1666

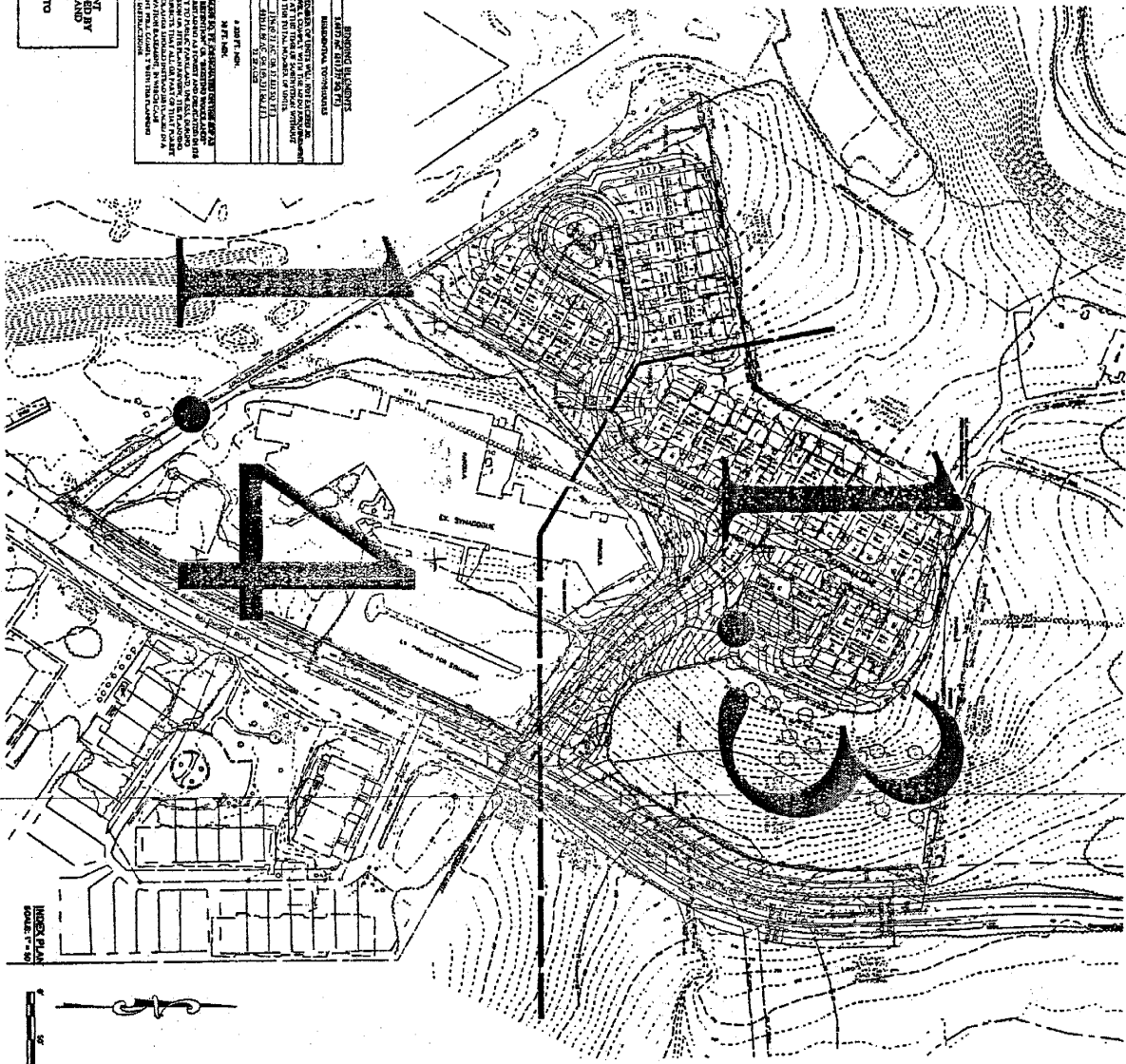
MONTGOMERY COUNTY, MARYLAND

OWNER: ROCK CREEK WOODS DEVELOPMENT, LLC
DESIGNER: [Firm Name]
DATE: [Date]

CONTRACTOR'S NOTES:

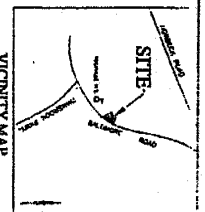
1. APPROXIMATE LOCATION OF ALL UTILITIES (SEWER, GAS, WATER, ETC.) IS APPROXIMATE AND NOT GUARANTEED. THE APPLICANT SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
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3. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

GENERAL INFORMATION		PROPERTY INFORMATION	
PROJECT NAME	ROCK CREEK WOODS	PARCEL NO.	1661
OWNER	Rock Creek Woods Development, LLC	ADDRESS	1111 1st St, Rockville, MD 20850
DESIGNER	[Firm Name]	DATE	11/11/2023
SCALE	AS SHOWN	PROJECT NO.	RCW-2023-001

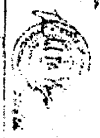


INDEX PLAN
SCALE: 1" = 50'

NOTICE: THIS PRELIMINARY PLAN IS NOT TO BE USED FOR CONSTRUCTION. THE APPLICANT SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES PRIOR TO CONSTRUCTION.



NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	11/11/2023	[Name]
2	REVISION	11/11/2023	[Name]
3	REVISION	11/11/2023	[Name]



ROCK CREEK WOODS
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

OXBRIDGE DEVELOPMENT
AT ROCK CREEK, LLC



ATTACHMENT 3

ATTACHMENT 4



Derick Berlage, Chair
 The Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, MD 20910
 February 22, 2006

RECEIVED
 0236
 FEB 23 2006

OFFICE OF THE CHAIRMAN
 THE MARYLAND NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

Dear Mr. Berlage:

This letter is to provide notice that the City of Rockville has recently adopted an Adequate Public Facilities Ordinance (APFO). The City has determined that the County's Annual Growth Policy process is not sufficient to meet the City's needs for better control of growth. The City is especially concerned about the impact of growth on school capacity. In order to address this concern, the City has adopted a test for schools that requires that schools be no more than 110% of program capacity (as opposed to AGP capacity) within two years or development will be either postponed or denied. Also, the City does not authorize "borrowing" within or between clusters. A copy of our APFO is enclosed.

In a memorandum from Karl Moritz to the Planning Board dated June 17, 2005, your staff provides an excerpt from County Council Resolution 15-375: 2003-5 Annual Growth Policy - Policy Element. Item S6 in this excerpt reads as follows:

"Clusters in municipalities

If public school capacity will be inadequate in any cluster that is wholly or partly located in Rockville, Gaithersburg, or Poolesville, the Planning Board may nevertheless approve residential subdivisions in that cluster unless the respective municipality restricts the approval of similar subdivisions in its part of the cluster because of inadequate school capacity."

Based upon our reading of that language appears that additional development cannot be approved by the County if it does not meet the City's test. A copy of a map showing which schools currently exceed the City's test of 110% percent of program capacity is also enclosed. Other areas included in the City's APFO (water, sewer, emergency service, etc.) are currently not over capacity.

According to your records, there is a currently pending preliminary subdivision request for 30 townhouses located on Old Baltimore Road near its intersection with Twinbrook Parkway, adjoining the City boundary (Preliminary Plan No. 1-2006-0100). Under the City's adopted APFO, this subdivision could not be approved, since the elementary school that serves this area (Meadow Hall) will be at 114% of program capacity within two years, and will increase to 124% of program capacity by the 2010-11 school year. In light of AGP Item S6, it appears the Planning Board is similarly restricted because this subdivision does not comply with the test that would be applied if the site were within the City. The

City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.rockvillemd.gov

Community Planning and
 Development Services
 240-314-8200
 TTY 240-314-8137
 FAX 240-314-8210

Historic Preservation Office
 240-314-8230

Inspection Services Division
 240-314-8240

Long Range Planning
 Division
 240-314-8200

Planning Division
 240-314-8220

Revitalization/Housing
 Division
 240-314-8200

MAYOR
 Larry Gianino

COUNCIL
 Robert E. Dorsey
 Susan R. Hoffmann
 Phyllis R. Marcuccio
 Anne M. Robbins

CITY MANAGER
 Scott Ullery

CITY CLERK
 Claire F. Funkhouser

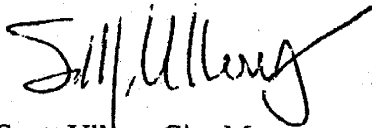
CITY ATTORNEY
 Paul T. Glasgow

City is interested in the Planning Board's understanding of Item S6, and how the Board intends to apply it.

In the future, the City respectfully requests that any new subdivisions that are filed within any of the high school clusters that serve the City be forwarded to the City for review and comment. The City also has APFO tests for transportation, water and sewer service, and emergency service response, all of which might be affected by new developments near the City.

While the Planning Board staff has been provided with a copy of the City's new APFO, I am attaching a copy with this letter. If you or your staff has any questions regarding the City's APFO process, please contact Deane Mellander with our Community Planning and Development Services division at 240-314-8224.

Sincerely yours,



Scott Ullery, City Manager
City of Rockville

Attachments: Adequate Public Facilities Ordinance - Rockville, Maryland
Map of Over-Capacity Elementary Schools

CC: Mayor and Council
Arthur D. Chambers, AICP, Director of Community Planning and
Development Services
Bruce Romer, County Administrative Officer
Deane Mellander, Planner III
