**MEMORANDUM: Local Map Amendment**

**Date:** June 9, 2006

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Carlton W. Gilbert, Zoning Supervisor, Development Review Division *CWG*

**FROM:** Elsabet Tefsaye, Development Review Division (301-495-1301). *ET*

**SUBJECT:** **Local Map Amendment No. 849:** "Darnestown at Travilah"  
Reclassification of 4.92 acres of land from the R-90 Zone to the RT-8  
Zone for up to 39 townhouse units, located at the north side of  
Darnestown Road, approximately 400 feet west of its intersection with  
Travilah Road, Rockville, Maryland.

**Applicant:** Winchester Homes, Inc., Applicant  
**Master Plan:** 1990 Shady Grove Study Area

**FILING DATE:** February 8, 2006  
**PLANING BOARD:** June 22, 2006  
**PUBLIC HEARING:** June 27, 2006

**STAFF RECOMMENDATIONS:**

Staff recommends **APPROVAL** of Local Map Amendment No. G-849 for the following reasons:

- (1) The proposed Zoning Map Amendment and the Schematic Development Plan will be consistent with the purpose clause and all applicable standards for the RT-8 Zone as set forth in the Zoning Ordinance.
- (2) The proposed development as reflected in the Schematic Development Plan is compatible with existing and planned land uses in the surrounding area.

MCPB  
Item #  
June 22, 2006

**MEMORANDUM: Local Map Amendment**

**Date:** June 9, 2006

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief, Development Review Division  
Carlton W. Gilbert, Zoning Supervisor, Development Review Division

**FROM:** Elsabett Tesfaye, Development Review Division (301-495-1301).

**SUBJECT** **Local Map Amendment No. 849:** "Darnestown at Travilah"  
Reclassification of 4.92 acres of land from the R-90 Zone to the RT-8 Zone for up to 39 townhouse units, located at the north side of Darnestown Road, approximately 400 feet west of its intersection with Travilah Road, Rockville, Maryland.

**Applicant:** Winchester Homes, Inc., Applicant  
**Master Plan:** 1990 Shady Grove Study Area

**FILING DATE:** February 8, 2006  
**PLANING BOARD** June 22, 2006  
**PUBLIC HEARING:** June 27, 2006

---

**STAFF RECOMMENDATIONS:**

Staff recommends **APPROVAL** of Local Map Amendment No. G-849 for the following reasons:

- (1) The proposed Zoning Map Amendment and the Schematic Development Plan will be consistent with the purpose clause and all applicable standards for the RT-8 Zone as set forth in the Zoning Ordinance.
- (2) The proposed development as reflected in the Schematic Development Plan is compatible with existing and planned land uses in the surrounding area.

- (3) The proposed reclassification is in the public interest because it provides needed housing of which 12.5 percent will be of moderately priced units.
- (4) Public facilities are adequate to serve the proposed development.

**FINDINGS:**

**A. PROPOSAL SUMMARY**

The applicant is requesting a rezoning of assembled parcels with a combined total of 4.92-acre of land from the R-90 (residential, one-family) Zone to the RT-8 (residential-townhouse at a density of eight units per acre) Zone. The applicant proposes to develop the property with 39 one and two-car-garage townhouses. A total of 166 parking spaces, including garage, driveway, and on street spaces, are proposed.

Section **59-H-2.52** of the Zoning Ordinance specifies that the optional method of applying for local map amendment applies to the RT-8 Zone. The applicant, in this case, has chosen to follow the "optional method" of application, which requires submission of a schematic development plan (SDP in accordance to Section 59-H-2.53).

**B. Description of Property**

The subject property is located on the north side of Darnestown Road (MD-Route 28), approximately 400 feet west of the intersection of Travilah and Darnestown Roads and approximately 100 feet east of Yearling Drive. The property consists of 10 parcels with a combined area of approximately 4.92 acres. The property is currently developed with single-family detached dwellings of various types and sizes. The property also contains a few mature trees located on various parts of the subject property. The property has a frontage of approximately 767 feet on Darnestown Road, from which it is accessed.

**C. Surrounding Area:** The neighborhood is generally defined by the following boundaries:

North And West	Key West Avenue (MD 28)
Northeast	Great Seneca Highway (MD 119)
Southeast	Travilah Road
South	The southern boundary of the BAI-Nola Woods Subdivision

West

The western boundary of Hunting Hill Woods Subdivision.

Staff's definition of the neighborhood boundaries is similar to that of the applicant's.

The neighborhood is characterized by a mixture of residential, institutional, and office uses in the R-90/TDR, R-90, R-200/TDR, O-M (Office Building, Moderate Intensity) and C-3 (Highway Commercial) Zones. The residential uses (single-family detached in the R-200/TDR and town houses in the RT-10 Zones) are located in the southern portion of the neighborhood, south of Darnestown Road. The major part of the northern portion of the neighborhood is occupied by the Public Service Academy (PSTA), which includes facilities for police and fire personnel. The Academy's site also consists of two approved special exception uses—a dog pound and a helipad.



The subject property is surrounded by the following uses:

North: The Public Service Academy in the R-90/TDR Zone.

West: A medical office building in the O-M Zone.

East: A dance studio (special exception) in the R-90 Zone.

South: Across Darnestown Road, single-family detached houses in the R-200/TDR Zone, and townhouses in the RT-10 Zone.

#### D. Zoning History

The site was designated for R-90/TDR with the adoption of the 1985 Gaithersburg Master Plan. The 1990 *Shady Grove Study Area Master Plan* recommended the subject site for R-90 base zone and proposed it for RT-8 optional zone.



#### E. Intended Use and Approval Procedure

##### 1. Proposed Development

The applicant requests the reclassification of the zoning of the subject property from R-90 Zone to the RT-8 Zone. The Development Plan shows that the proposed development consists of 39 residential townhouses, including the

required 12.5 percent MPDUs. The applicant indicated that five of the proposed 39 dwelling units would be MPDUs and will be 20 feet in width, while the 34 market units will be 24 feet in width with a length of 47 feet for both types of units. A total of 166 parking spaces, including 20 guest spaces, are proposed for the subject development. The 34 market units would have two-car garages and two additional driveway parking spaces. The five MPDUs would have single-car garages with one additional space in the driveway. The unit types are proposed to be a mixture of front-loaded (accessed from a private street) and rear-loaded (accessed via a private alley) dwellings.

The applicant's Schematic Development Plan depicts two driveway access points from Darnestown Road with a right-in and right-out access restriction for the eastern driveway. The western driveway access is proposed for a full movement, including a center turn lane. Darnestown Road (MD 28) at this location is classified as a county arterial road with 100 feet right-of-way.

## **2. Schematic Development Plan (SDP)**

Section 59-H-2.52 of the Zoning ordinance specifies that the optional method of applying for local map amendment applies to the RT-8 Zone. The applicant, in this case, has chosen to follow the "optional method" of application and has submitted a Schematic Development Plan (SDP) in accordance with Section 59-H-2.53. The SDP includes binding restrictions with respect to the development standards or use of the property, which are less than the maximums permitted in the requested zone, and sets forth whether and how development will be staged.

The applicant proposes the following **binding elements**.

- (a) 100% one-family, attached dwelling units.
- (b) Maximum density of 39 one-family attached dwelling units including 12.5% MPDUs.
- (c) Maximum building coverage of 20% or 41,918 square feet.
- (d) Minimum green area 53% or 111,159 square feet.
- (e) Building height not to exceed 35 feet.
- (f) All units, including MPDUs, to have brick front facades.

- (g) Landscape buffers to be provided along the boundary of the property. Plant material and location to be determined at Site Plan review.
- (h) Enhanced landscape design along Darnestown Road to include, but is not limited to, intermittent masonry walls and/or piers, decorative fencing and decorative and screen landscape materials.
- (i) A Category I Conservation Easement to be placed on-site.
- (j) Applicant will construct a solid fence (materials to be determined at site plan) along the Property's northern boundary line adjacent to the Public Service Training Academy.
- (k) The Applicant shall include notification in sales contracts to initial homebuyers of the Property's adjacency to the existing County Public Service Academy.

The applicant has also submitted a draft covenant into the record of this case.

In addition to the local map amendment process, the proposal is subject to other development approval procedures including approval of a preliminary plan of subdivision and site plan review by the Montgomery County Planning Board. A range of environmental, transportation and design issues that need to be addressed at post zoning reviews of this case are identified in the various sections of this report.

Staff recommends No. 13 of the General Notes on the Schematic Development Plan which contains some of the binding elements (the remaining are listed under the development standards) shall be taken out from under the "General Notes" and be placed under a clear heading "Binding Elements". The list under this heading should also include the elements that are listed in the development standard table.

### **3. Development Standards:**

**Section 59-1.73** of the Zoning Ordinance specifies the Development standards for the R-T8 Zone. The applicant's Schematic Development Plan provides the following development data:

<b>Current Development Standards: RT-8</b>	<b>Required/Allowed</b>	<b>Proposed/ Existing</b>	<b>Binding Element</b>
<b>Minimum Lot Area</b>	20,000 SF	214,197 SF (4.92) AC	
<b>Maximum Density du/ac</b>	8 DU/AC (39 units)	8 DU/AC (39 units Max including 12.5% MPDUs)	8 DU/AC (39 units Max including 12.5% MPDUs)
<b>Maximum Building Height</b>	35 FT	35 FT	35 FT
<b>Minimum Building Setback</b>			
<ul style="list-style-type: none"> <li>• From one family detached</li> <li>• From any public street</li> <li>• From an adjoining lot <ul style="list-style-type: none"> <li>○ Side (end unit)</li> <li>○ Rear</li> </ul> </li> </ul>	30 FT  25 FT  10 FT 20 FT	30 FT  25 FT  10 FT 25 FT	
<b>Maximum Building Coverage</b>	35%	20% or 41, 918 Sq. Ft. Max	20% or 41, 918 Sq. Ft. Max
<b>Minimum Green area</b>	50%	53% Min	53% Min
<b>Minimum Parking</b>	2/DU - 78 spaces	4.26/DU –166 spaces	

The proposal meets or exceeds all applicable current development standards of the RT-8 Zone.

**59-C-1.722. Row Design.**

- (a) **Eight townhouses is the maximum number permitted in any one attached row.**
- (b) **Three continuous, attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet.**



The Proposed Schematic Development Plan meets these requirements. All rows are under the maximum permitted, ranging from five townhouses up to seven townhouses per row.

## **F. Analysis**

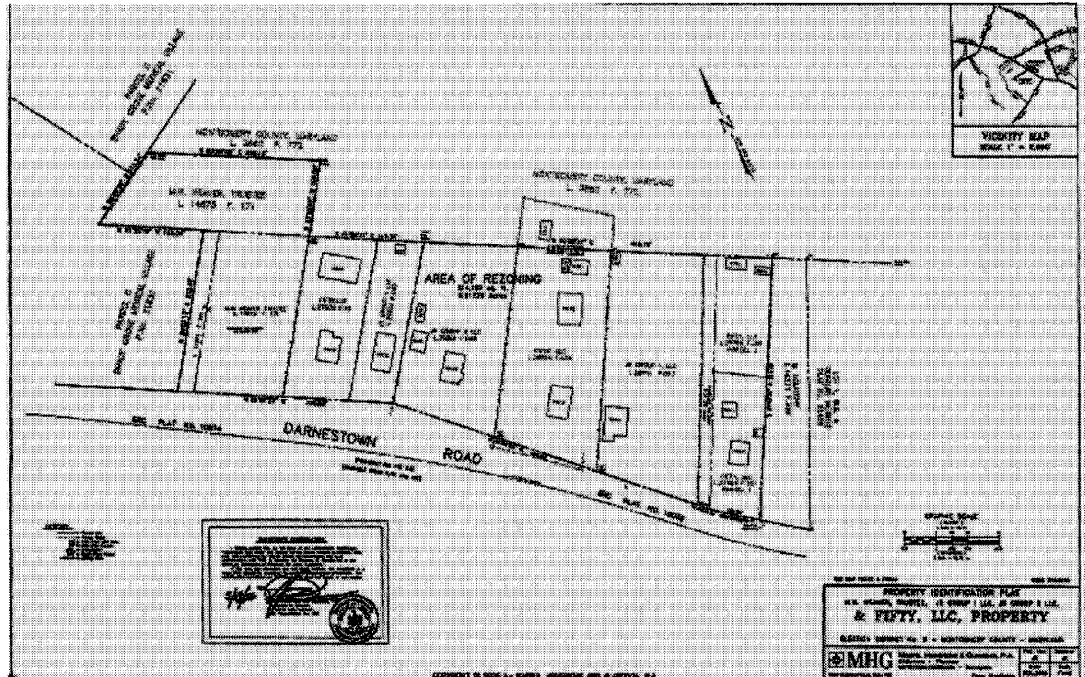
### **1. Intent and Purpose of the Zone**

Pursuant to Section 59-C-1.721, the purpose of the R-T Zone is to provide suitable sites for townhouses:

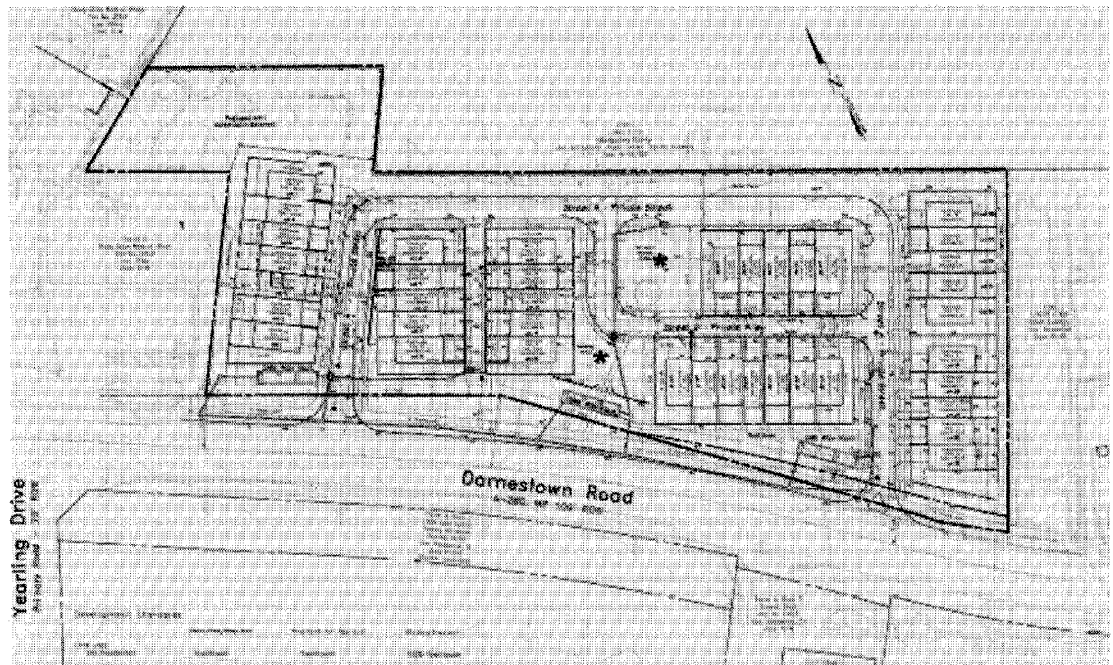
- (a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or**
- (b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.**

**It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application**

The *1990 Shady Grove Study Area Master Plan* recommends the block on which the subject property is located for residential development with the RT-8 Zone density. The Plan encourages assemblage of lots on the block to achieve the recommended development density. Staff finds the proposed development to be appropriate and consistent with the purposes of the Zone, in light of the prevailing land use and zoning patterns in the surrounding area. The subject property is the only property remaining in the immediate area with a single-family zoning classification and is available for residential development. The adjoining properties to the north, east, and west are all developed with nonresidential uses either by virtue of the existing or underlying zoning or by special exceptions.



Existing Development



Proposed Schematic Development Plan

The proposed townhouse development is more in character with the prevailing development pattern in the area than the existing single-family detached homes that are gradually being converted to nonresidential uses. Also, it should be noted that the Public Service Academy site (See the comments of

the Community Based Planning Division below under the heading “**Master Plan**” for more discussion on this site) that is abutting the subject property to the north is zoned R-90/TDR. As such, it could be suitable for a mix of a single family attached and detached development at a density not too dissimilar with the existing (across Darnestown Road) and proposed (the subject property) residential developments to the south if the PSA is to vacate the property at some future time. Therefore, the proposed development would be compatible with existing as well as future land uses in the surrounding area.

With respect to noise mitigation, upon reviewing a noise study for the site that was submitted by the applicant, the Environmental Planning Section has offered the following comment:

The schematic development plan for the site design/building layout does not allow space for the use of earth berms or boundary noise walls, which are the preferred noise mitigation options in such situations. The schematic development plan includes a 5-foot wall for noise mitigation, which will have only a localized effect. Specific additional noise mitigation must be shown in subsequent submittals.

The applicant has worked with staff to address concerns and issues associated with this application such as density, setbacks, screening and buffering, layout, building orientation, and internal circulation pattern. With the proposed density of 39 units, the revised Schematic Development plan represents a scaled down development from the originally proposed 43-unit development. In addition, the revised plan represents a better lay out and orientation of buildings and parking areas as well an increase in the number of guest parking spaces and green area. Given the relatively small (4.9 acres) size of the property, a notable effort has been made to make efficient use of the land while maintaining overall density, preserving adequate open space, providing practical internal circulation pattern and adequate parking spaces. As noted in the various sections of this report, more study will be needed at the preliminary plan and site plan review stages to address issues such as grading, lighting, landscaping, screening, and other site and building details.

The proposed development assumes the use of private streets. The issue of public and private streets will be addressed at the time of preliminary plan review.

## **2. Master Plan**

Upon reviewing the proposal for Master Plan consistency, the Community Based Planning Division has offered the following comments:

## **Master Plan Guidance**

The Darnestown Road properties are within the boundaries of the 1990 *Shady Grove Study Area Master Plan*. The properties are discussed in the Land Use chapter, under “Public Service Training Academy (PSTA) Area.”

In terms of the 23 acres that are privately owned in this area, the entire frontage along MD 28 is divided into numerous parcels – all of which have driveway access to Darnestown Road (MD 28), a four-lane, undivided highway. The challenge this Plan must address is how to promote the coordinated development of the Darnestown Road frontage in light of the fragmented ownership pattern. Encourage the joint redevelopment of parcels fronting MD 28 by designating the area as suitable for 8 units/acre. (Page 67)

The Plan text refers to 23 acres, which appears to have been the entire frontage of Darnestown Road between Key West Avenue and Great Seneca Highway. Development that has occurred since the 1990 Plan precludes redevelopment of this entire area.

In addition to the above text, the Plan’s land use map identifies the property for residential development of 7-10 dwelling units per acre. The Plan’s zoning map shows R-90/RT-8 for these properties and the “Zoning Implementation Strategy” table on page 79 indicates that the site is appropriate for rezoning to RT-8 if parcels are assembled. This local map amendment is consistent with the land use and zoning recommendations in the 1990 Master Plan.

## **Compatibility**

The applicant has submitted a local map amendment to rezone the subject site from R-90 to RT-8. The existing zone allows single-family detached homes, and the proposed zone allows single-family attached homes. The site is appropriate for residential use and the Master Plan recommended the RT-8 Zone if parcels were assembled. As the proposed project goes forward, particularly at the site plan review stage, careful attention should be given to the provision of sufficient and adequate landscaping, setbacks, and noise buffers both from the PSTA and from Darnestown Road.

In addition to the Master Plan guidance for the Darnestown Road frontage properties, the Plan discussed the PSTA and stated: *“In terms of the County-owned property, this Plan envisions the continued operation of the Public Service Training Academy (PSTA) for the foreseeable future. No change to the existing uses is proposed for the area.”* (Page 67) The Master Plan also suggested that acquisition of the Darnestown Road properties for public use may be necessary: *“Acquisition of the frontage lots for public use should be considered due to the proximity of the lots to the Public Service Training Academy, the potential need for public facilities in this area, and the opportunity for unified redevelopment of the area if in public ownership.”* (Page 68)

The PSTA has operated at the current site for over 30 years. The training functions and facilities are currently being upgraded, renovated, and expanded. In addition, a fire station to serve the Travilah area will be added and a helicopter landing pad site is planned. As the County planned for the future of the site, it was determined that acquisition of the Darnestown Road properties was not necessary for the expanded operations of the PSTA.

### **Comments on Schematic Development Plan**

Community-Based Planning staff has reviewed the revised plan submission dated May 26, 2006 and has the following comments:

#### **Plan Information**

- Show clearly on the Schematic Development Plan the boundaries of proposed easements (including, but not limited to, PUE, FCP, utilities, public access, etc).
- Show all grading throughout the site; provide slopes for pedestrian paths and bike path.
- Show painted crosswalks at all intersections and pedestrian crossings; label dimensions of crosswalks.
- List all Binding Elements on the Schematic Development Plan; under the List of Binding Elements, add the number of MPDUS (5) and add a statement that MPDUS will be distributed throughout the site.

#### **Circulation**

- Provide handicapped access at all intersection curbs.
- Provide pedestrian refuge and bike path continuity within the island at the eastern intersection of Street and Darnestown Road; align crosswalks.

- Verify that the bike path proposed will be located entirely within the public ROW; provide gradients.
- Provide adequate turning radius for entrance/egress to private garage aprons; verify that curb cuts meet county standards (especially for Unit 7 and Unit 34; if necessary, use garageless unit).

### **Site Design and Environmental Issues**

- Provide separate parcel delineation for all SWM facilities; label parcels for SWM and show the boundary dimensions and square footage; verify that no SWM facility easement is located within any of the residential lots; verify that adequate soil depth for landscaping is provided for areas surrounding the SWM facilities.
- Adjust the curb profile for Street A (west portion) to allow the pedestrian sidewalk to be located outside of the residential lot(s).
- Verify that Forest Conservation areas will be adequately protected: show all existing significant and specimen trees; label the forest conservation parcel, show boundaries and acreage.
- Provide PUEs at 10 feet in width throughout the site (a 5-foot wide PUE is inadequate); locate PUE serving residential lots within the private streets utilizing underground connections to each unit, in order to allow for adequate landscaping with the rear yards and alley islands; relocate the PUE outside of the recreation area Tot Lot to allow for perimeter planting and safety fencing.
- Revise (or relocate) the southern-most portion of the WSSC easement located between Lots 8-12 and Lots 13-17 to allow for the construction of masonry screen walls and landscaping as visible from Darnestown Road.
- Revise the proposed grading for Lots 18-24 and Lots 35-39 to eliminate the double stair necessitated by the high finished floor levels; also, reduce the excessive number of steps required for the unit on Lot 21.

### **Conclusion**

The subject site is appropriate for residential development in the RT-8 Zone. The 1990 *Shady Grove Study Area Master Plan* recommended this zone if parcels were assembled. This local map amendment is consistent with the land use and zoning recommendations in the 1990 Master Plan, and staff supports the rezoning request. There are a number of detailed issues that will need to be addressed as part of site plan review. Careful attention should be paid to enhance the property where it is adjacent to the PSTA. Of primary importance is the juxtaposition of the residential uses and the operations of the PSTA.

The important functions of the PSTA should not be compromised or diminished due to an increasing residential presence adjacent to the site. At the same time, the residential site should be carefully planned to minimize impacts from the PSTA.

## **2. Public Facilities**

### **(i) Water and Sewer Service**

The property is located in Water Service Category W-1 and Sewer Service Category S-1. The Washington Suburban Sanitary Commission (WSSC) staff has offered the following:

The proposed zoning category change from R-90 to RT-8 would not impact the water distribution or wastewater collection systems. Water and sewer mains abut the property. No off-site extensions are needed to serve the property.

### **(ii) Transportation**

Upon reviewing the applicant's traffic analysis and schematic development plan, the Transportation Planning Section staff offered the following comments:

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

The proposed development will gain two access points from Darnestown Road. The southern access point will be a right in and right out only.

Staff finds the proposed access to the site as shown on the development plan to be safe and adequate. Staff also finds that the internal pedestrian circulation and walkways provided as shown on the plan and upon implementation of recommended conditions stated above will provide for safe and adequate movements of pedestrian traffic.

#### **Local Area Transportation Review**

Two local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,475 Critical Lane Volume (CLV) for the R&D Village Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but un built developments) to determine the total

future traffic. The total future traffic was assigned to the critical intersections to calculate the total future CLVs. The result of CLV calculation is shown in the following table.

**Table 1**

	Existing		Background		Total	
	AM	P M	AM	PM	AM	PM
MD 28/Darnestown Road	785	1,035	835	1,069	844	1,075
Darnestown Road/ Travilah Road	1,352	1,171	1,399	1,191	1,399	1,193

As shown in the above table, all intersections operate at acceptable 1,475 CLVs under all existing, background, and total future traffic conditions.

The application satisfies Local Area Transportation Review congestion standard of 1,475 CLV.

The Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this zoning application.

1. Total development under the proposed zoning application is limited to 39 townhouses.
2. Dedicate a minimum of 100 feet from the opposite right-of-way line for Darnestown Road.
3. Provide a four-foot wide sidewalk along Street "A" for its entire length.
4. Provide lead-in sidewalks from Darnestown Road to internal sidewalks at the site access points.
5. Satisfy all requirements by State Highway Administration and Department of Public Works and Transportation.

**(iii) Schools**

The subject property is located within the Stone Mill Elementary School, Cabin John Middle School and Wooten High School



service areas. According to the Montgomery County Public Schools (MCPS) Division of Long-range Planning, the proposed development of 43 (as originally proposed) townhouse units is estimated to generate approximately 11 elementary, five middle and seven high school students. MCPS has indicated that enrollment at Stone Mill Elementary School currently exceeds capacity but is trending down and is projected to have space available beginning next year. Enrollment at Cabin John Middle School also currently exceeds capacity and is projected to exceed capacity but is trending down and is projected to have space available beginning in 2008-2009. At the high school level, enrollment at Wooten High School currently exceeds capacity and is projected to exceed capacity in the future.

The MCPS further indicated that the current Annual Growth Policy (AGP) schools test finds the school capacity in the Wooten cluster to be adequate.

### **3. Environment**

Upon reviewing the subject proposal, the Environmental Planning staff indicated that the applicant's plan generally meets the environmental objectives present in the purpose clause of the RT Zone and the findings required for the Schematic Development Plan. The Environmental Planning staff further stated that the following issues must be addressed at the time of Preliminary Plan and Site Plan Review:

1. The applicant must submit a Preliminary Forest Conservation Plan for Planning Board action with the preliminary plan submission and a Final Forest Conservation Plan (FCP) by time of site plan submission. This plan must demonstrate full compliance with the requirements of Forest Conservation Law, Section 22A. Additionally, forest conservation and common area access easements will also be required, and should be provided during the course of site plan review and recordation of property.
2. The site contains soils of the Travilah Series, an indicator of underlying hard serpentinite bedrock at the surface. On such sites the existing trees need a larger area to ensure their survival and new trees (landscaping/afforestation) would be unlikely to thrive because of the soil conditions unless substantial planting areas with new soil are included. The applicant has proposed a 0.50-acre Category-1 forest conservation easement at the northeastern portion of the site, to meet some of the site's planting requirements. Although the applicant is not required to meet the Afforestation Threshold (0.74 acres) onsite, staff

recommends nevertheless, that the applicant should seek opportunities in future reviews, to expand the conservation easement to cover at least the site's Afforestation Threshold to further guarantee the future survival of the planted material and to save two additional large trees (#'s 42 and 43).

3. The applicant has prepared a baseline noise study that shows existing and future unmitigated noise for the site. The schematic development plan for the site design/building layout does not allow space for the use of earth berms or boundary noise walls, which are the preferred noise mitigation options in such situations. The schematic development plan includes a 5-foot wall for noise mitigation, which will have only a localized effect. Specific additional noise mitigation must be shown in subsequent submittals.

### **Forest Conservation – Chapter 22A**

The development has an approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) (No. 4-06104), issued on November 21, 2005. A concept Forest Conservation Plan has been submitted to Environmental Planning staff for review. Per the plan, the site is unforested, the Conservation Threshold is 0.98 acres, and the Afforestation Threshold is 0.74 acres. The applicant proposes to provide 0.50 acres of afforestation onsite and meet the remaining 0.24-acre requirement by planting offsite or by making a *fee-in-lieu* payment. Environmental Planning staff finds that the plan meets the basic parameters of forest conservation law and recommends approval of the plan. The Planning Board is not required to take action on the forest conservation plan at this (rezoning) stage of the review process. The Planning Board will take action on the forest conservation plan with the preliminary plan of subdivision. A Category I Forest Conservation Easement will be required for any forest that is credited for forest save.

### **Environmental Guidelines**

The site is not within a Special Protection Area or Primary Management Area. There are no streams, wetlands, or extensive areas of steep slopes on the property. Underlying hard serpentinite bedrock at the surface may be a limiting factor for tree growth on the property. This may require the inclusion of new soil or other special tree protection measures to enhance tree growth or guarantee long-term sustainability.

## **Stormwater Management – Chapter 19**

The approved stormwater management concept plan consists of onsite channel protection measures via a dry pond, onsite water quality control via grass swales, and storm filters. DPS has outlined the items that the applicant must address during the sediment control/stormwater management plan stage, in its letter of February 21, 2006 approving the stormwater management concept request.

## **Watershed Protection/Water Quality**

The site drains to the Route 28 Tributary of the Muddy Branch Watershed. The Montgomery County *Countywide Stream Protection Strategy* (CSPS, 1998) rates subwatershed/stream and habitat conditions as 'fair' overall, based on data available at that time. CSPS lists incised stream channels, poor bank stability, and sediment deposition as common watershed problems. Embeddedness problems are evident in the mainstem. Route 28 Tributary has been designated a Watershed Restoration Area, reflecting the need to comprehensively address degraded stream conditions that stem from high imperviousness and channel erosion. The Maryland Department of the Environment has designated Muddy Branch as Use I-P indicating its suitability for water contact recreation and protection of aquatic life.

## **Water and Sewer**

The site is served by public water and sewer service.

## **Noise**

The use proposed for the site is affected by significant noise from several sources. The applicant has prepared a baseline noise study that shows existing and future unmitigated noise for the site. The study shows that the future unmitigated Day-Night average sound level (DNL) will be above the 65-dBA limit in the rear yard of lots 1, 2, 25, and 26, as well as the seating area closest to Darnestown Road. The study also identifies some units whose top floor facades will be impacted by noise levels as high as 69.2 dBA. The building envelope will need to reduce noise levels by at least 24.2 dBA (to bring it to the required Noise Ordinance goal of 45 dBA). The schematic development plan for the site design/building layout does not allow space for the use of earth berms or noise walls, which are the preferred noise mitigation options in such situations. The schematic development plan includes a 5-foot wall for noise mitigation, which will have only localized effect. Specific additional noise mitigation must be included in subsequent submittals.

**G. Community Concerns**

At the time of this writing, staff has not received any comments from the community either in support or opposition to the subject proposal.

**H. Conclusion**

Staff finds that the proposed Local Map Amendment and the associated Schematic Development Plan will be consistent with the purpose clause and all applicable standards for the RT-8 Zone, and are in accord with the land use recommendations of the *1990 Shady Grove Study Area Master Plan*. Therefore, staff recommends approval of the RT-8 Zone and the proposed Schematic Development Plan.