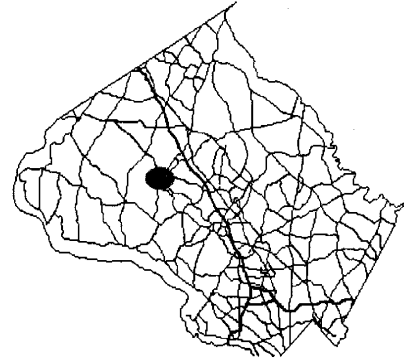


**MEMORANDUM**

DATE: July 14, 2006
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief
 Michael Ma, Supervisor
 Development Review Division
 FROM: Calvin Nelson, Jr.
 Community-Based Planning Division
 (301) 495-4619



REVIEW TYPE: **Site Plan Review**
 CASE #: 820050400 (Previously 8-05040)
 PROJECT NAME: Leaman Farm
 APPLYING FOR: Approval of 69 dwelling units on 29.3 acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: R-200
 LOCATION: Southwest quadrant of the intersection of Clopper Road (MD 117) and Schaeffer Road
 MASTER PLAN: Germantown
 APPLICANT: Elm Street Development
 FILING DATE: June 13, 2005
 HEARING DATE: July 27, 2006

STAFF RECOMMENDATION: Approval of Site Plan 820050400 for 69 dwelling units, including 10 MPDUs, on 29.3 acres. All site development elements as shown on Leaman Farm plans stamped by the M-NCPPC on July 14, 2006 shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
 The proposed development shall comply with the conditions of approval for Preliminary Plan 120040600 (formerly 1-04060) as listed in the Planning Board opinion dated February 23, 2005 (Appendix A).
2. Lighting
 - a. All light fixtures shall be full cut-off fixtures.

- b. Deflectors shall be installed on all fixtures that cause potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting public roads or adjacent to residential properties.

3. Environmental

- a. Impervious surfaces within the proposed development shall not exceed 252,775 square feet.
- b. Applicant shall enter an agreement with M-NCPPC for the purpose of withholding building permits for four (4) one-family detached residential dwelling units to ensure compliance with the impervious limitations. The 4 lots shall be graphically denoted on the certified site plan. A note shall be placed on the record plat restricting issuance of last 4 building permits pending approval from M-NCPPC Environmental Planning staff. Building permits for the 4 lots shall be released one at a time, based upon availability of impervious surfaces.
- c. Applicant shall place impervious coverage limitations and information pertaining to the above agreement on the record plat.
- d. The developer/builder shall submit an impervious surface report to M-NCPPC Environmental Planning staff prior to issuance of building permits for 30th, 55th and 65th dwelling unit. The applicant shall submit an impervious report for each of the remaining building permits after the 65th dwelling unit. The impervious reports shall include: surveyed 'as-builts' drawings which include dimensions and impervious areas for buildings, driveways, sidewalks, leadwalks, porches, patios, chimneys, welled exits, rear exits and any building feature that is two feet or less from the ground. If at any time the impervious area limit is reached before building permits for all approved lots have been issued; the lots for which building permits have not been issued shall be re-recorded as non-impervious Homeowners Association open space parcels prior to issuance of the building permit for the last dwelling unit allowed under the impervious surface limit.

4. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated June 14, 2006 (Appendix B).

- a. Applicant shall construct a permanent split rail fence along lot lines that adjoin the forest conservation easement.
- b. 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.
- c. Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.

d. A conservation easement must be placed on the stream buffer on Lot 17A only if the existing farmhouse is removed and a new house constructed. The new house shall be located entirely outside of the buffer and access to the new house to be via the street internal to the subdivision. All impervious surfaces in the stream buffer shall be removed and a forest conservation easement placed over the entire stream buffer prior to issuance of a building permit for a new residence.

5. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated January 3, 2005, where revised and approved by MCDPS.

6. 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 48th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

7. Dwelling Unit, One-Family Attached

To meet the definition of "dwelling unit, one-family attached," the proposed one-family attached units (two over two units) shall meet all the applicable criteria as follows:

- a. The dwelling units are in a single structure consisting entirely of dwelling units.
- b. Each dwelling units is attached to one or more other dwelling units.
- c. Each dwelling unit has at least one direct entrance from the outside.
- d. Each dwelling unit has an abutting ground level outdoor area for the exclusive use of its occupants.

8. 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 the certified 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 shall be completed prior to issuance of the 48th 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. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- e. Provide each section of the development with necessary roads.
- f. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

9. Moderately Priced Dwelling Unit (MPDUs)

The proposed development shall provide ten MPDUs on site.

10. Special Exception Use

Prior to record plat, the existing special exception (S-2029) for the cell tower shall be modified as necessary to reflect the proposed development.

11. Clearing and Grading

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

12. Certified Site Plan

Prior to Certified Site Plan 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. Revised development standards table including MPDU calculation.
- i. Details for the proposed one-family attached units (two over two), to demonstrate that each dwelling unit has an abutting ground level outdoor area for exclusive use of these dwelling units.
- j. Building restriction lines (BRL) for all the units.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located in the southwest quadrant of the intersection of Clopper Road (MD 117) and Schaeffer Road in Germantown. The Germantown Master Plan shows the subject site as being in the Kingsview Village Analysis Area.

Across Clopper Road to the north are the Germantown Community Center and Kingsview Middle School in the R-200 zone, the Church of Jesus Christ of Latter Day Saints in the RT-8 Zone, and the Messiah Lutheran Church in the R-60 Zone. Across Schaeffer Road to the east are the Trinity United Methodist Church and Bright Eyes Day Care located in the R-200 Zone, and the Phillips Farm located in the R-200 Zone. To the south across Leaman Farm Road is the newly developed Estates at Woodcliffe Park, a single-family detached development in the R-200 Zone. Adjacent to the site to the west on Leaman Farm Road is a single family detached home in the R-200 Zone and several other vacated house sites that are now designated as a tree preservation area.



PROJECT DESCRIPTION: Site Description

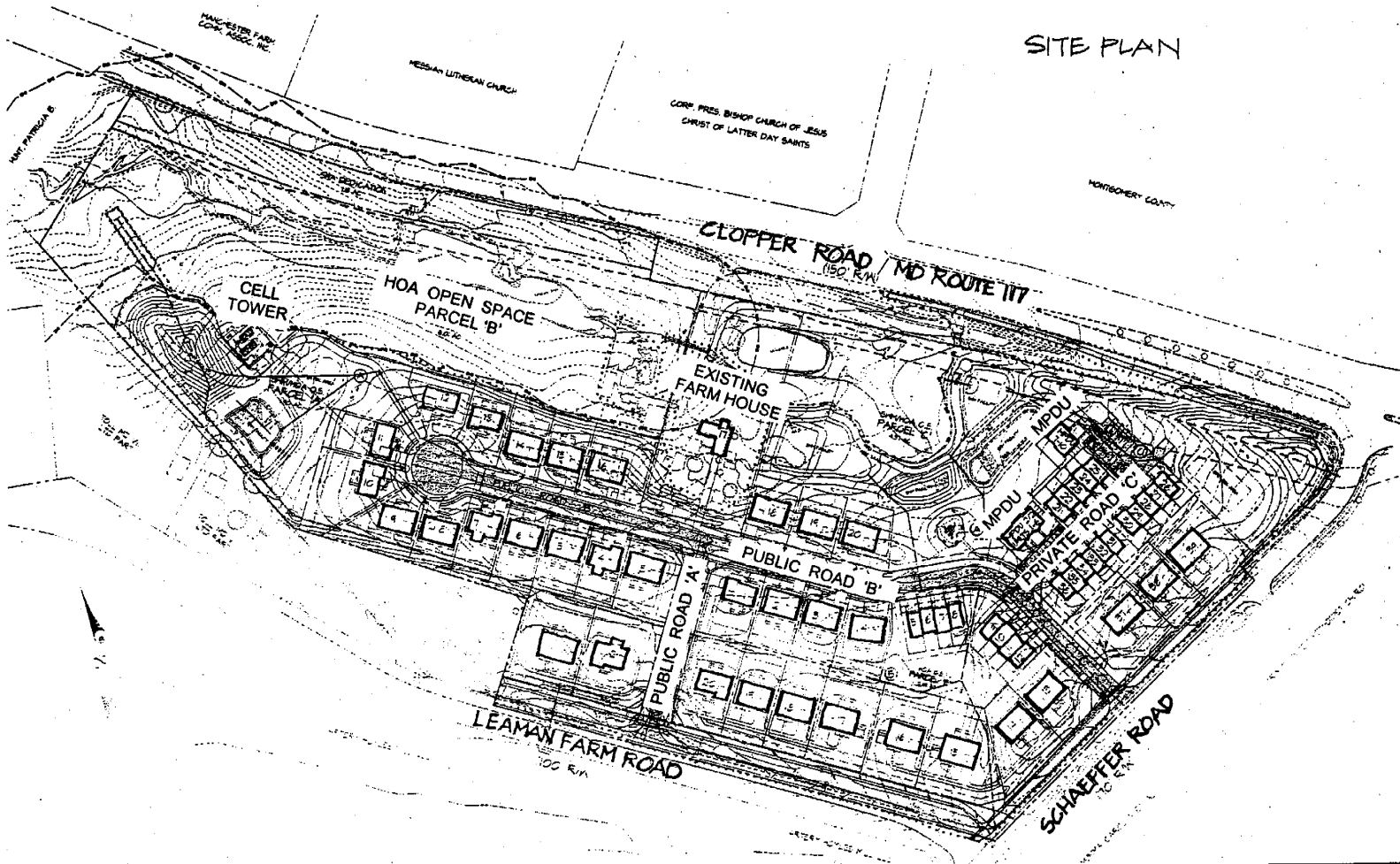
The 29.3-acre property is zoned R-200. Existing improvements on the property include a farmhouse centrally located on the site with driveway access to Clopper Road. There are also barns and other outbuildings, a silo, a pond, and a cellular telecommunications tower located at the northwest corner of the property.

The site includes stream buffers and wetlands and lies within the KI-2 analysis area identified in the Germantown Master Plan. The site drains to Little Seneca Creek, a Use III-P (natural trout waters) watershed in this section, via a tributary stream flowing along the northeastern property boundary. The current land cover includes agricultural field and forest. The site contains 2.2 acres of forest and numerous specimen-size and significant trees within the environmental buffer area that is located along Clopper Road.



PROJECT DESCRIPTION: Proposal

This application proposes to create a residential community with 69 dwelling units, including 10 Moderately Priced Dwelling Units (MPDU's). The development will consist of 34 single family detached houses with 2-car garages, 24 townhouses with 2-car garages and 10 single family attached houses (two-over-two) with bay parking. The existing farm house on the site, and some of the outbuildings will remain. Two entrances are proposed for the site, one off of Leaman Farm Road, the other off of Schaeffer Road. The existing entrance off of Clopper Road will be used exclusively for the existing farm house. If the farm house is later removed and replaced with another single family detached house, access to the lot will come by an internal street, no access will be permitted from Clopper Road. Most of the townhouses and all of the single family attached houses (MPDUs) are located off a private street on the eastern side of the site. During the preliminary plan process it was determined that only single-family detached homes would face onto Leaman Farm Road and Schaeffer Road. The site plan preserves the stream valley and environmentally sensitive areas. A permanent split-rail fence will extend along the stream valley buffer from the existing farm house lot to the western boundary of the westernmost stormwater management facility. Access to the cellular telecommunications tower on the western part of the site will be provided by a driveway located off the end of the cul-de-sac. Sidewalks will be provided along one side of the private and public roads, and a pathway will extend to the tot lot.

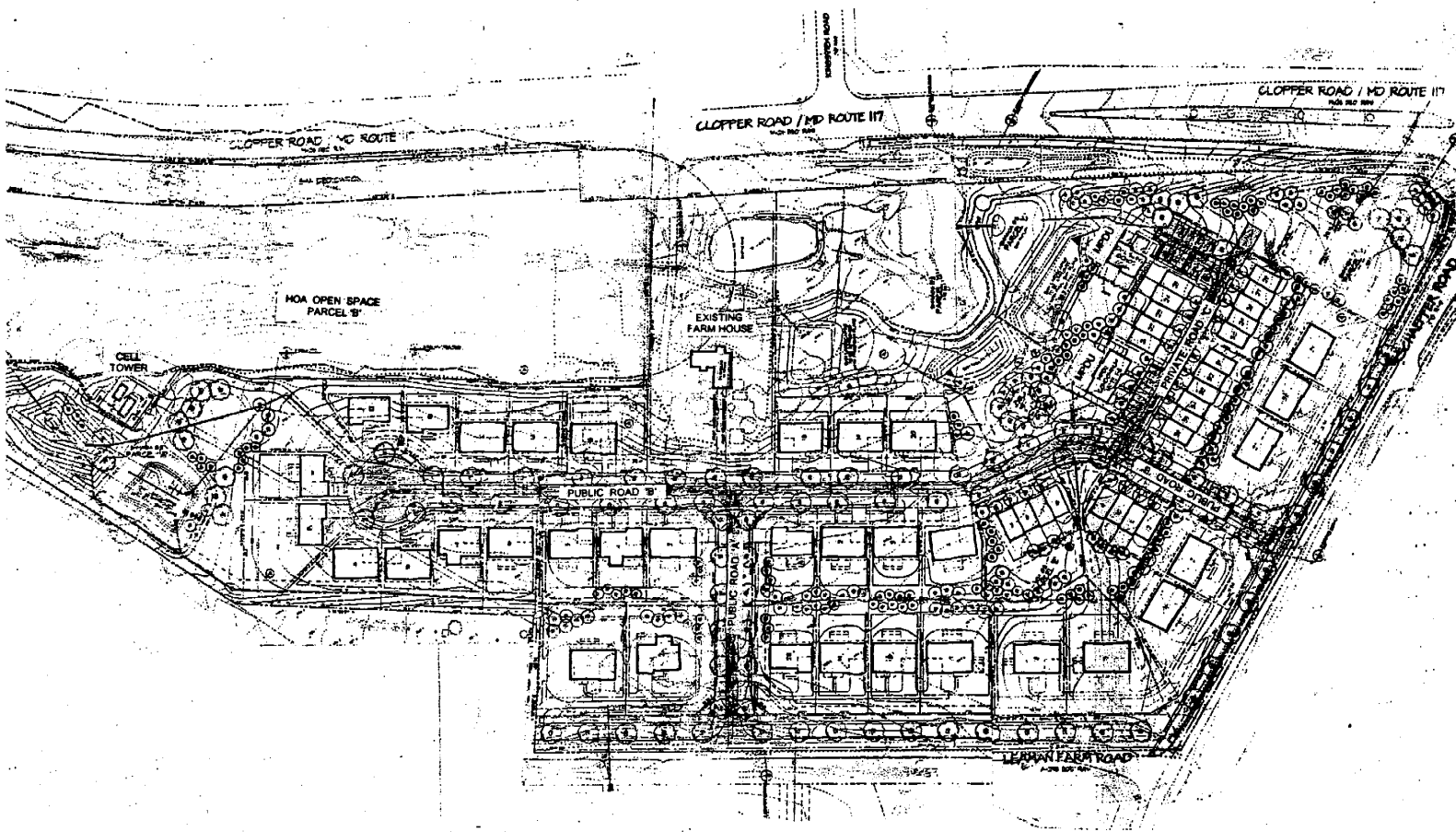


SITE PLAN

THE APPLICANT AGREES TO MAINTAIN ALL THE PROVISIONS AND CONDITIONS OF THIS SITE DEVELOPMENT AGREEMENT AND TO WAIVE ANY RIGHTS OR CLAIMS AGAINST THE BOARD AND THE PROPERTY OWNER.

A variety of shade, evergreen, and ornamental trees are to be provided around the recreation area and along a section of Clopper and Shaeffer Road. Street trees will be provided in the public street right-of-way, and ornamental trees will line the private street.

LANDSCAPE PLAN



PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan

Preliminary Plan 1-04060 was approved by the Planning Board on January 13, 2005 for 69 dwelling units in the R-200 Zone (MPDU/Optional Method)

ANALYSIS: Conformance to Development Standards
PROJECT DATA TABLE (R-200 Zone, MPDU Optional Method)

Development Standard	Permitted/Required	Proposed For Approval
Min. Tract Area (ac.):	--	29.3
Max. Density Allowed:		
(with 15% MPDUs & density bonus - 29.3 ac. x 2.44 du/ac.)	71	69
MPDU's	10	10
Type of Dwelling Units (du)		
Detached unit (existing)		1
Detached unit		34
Attached unit		24
Two over Two (MPDU)	10	10
Min. Building Setbacks (detached) from public street (ft.)		
Main	25	25
Accessory	25	25
Min. Building Setbacks (attached) from private street (ft.)	—	15
Yard Requirements (ft.) equal to abutting lot or		
SFD side yard minimum	0	4 ¹
SFD rear yard minimum	0	20 ²
SFA & TH side yard minimum (end unit)	0	4
SFA & TH rear yard minimum	0	10
Accessory side yard minimum	0	4
Accessory rear yard minimum	0	5
Min. Lot Area (sf)		
One-family detached dwelling unit	6,000	6,000
Townhouse	1,500	1,500
Min. lot width		
One-family detached dwelling unit- street line	25	25
Max. Building Height (ft.) – (SFD, SFA, TH)	40	40
Max. Building Height (stories) - (SFD, SFA, TH)	3	3
Max. Building Height (accessory building)(stories/ft.)	2/25	2/25
Green Area (sf per unit)		
Townhouse or single family attached @ 2,000/unit		
2,000 sf/unit x 34 units = 68,000 sf =	1.56 ac.	12.84 (HOA parcels)
Max. Impervious Area (sf) (20%)	252,775 ³	252,775
Parking Spaces		
Existing Dwelling	2	2
Detached, Semi-detached (2 per dwelling)		
2 spaces x 58 units =	116	116 garage + 116 driveway
2 spaces x 10 single family attached (MPDUs)	20	25 surface spaces
		(259 total spaces)

¹ 12 feet side yard abutting tract boundary – Lots 1 and 10 Block A

² 30 feet rear yard abutting tract boundary – Lots 6,7,8, and 9, Block A

³ The impervious total does not include the existing imperviousness in the prescriptive right-of-way, but shall include any new imperviousness associated with other improvements within the right-of-way.

MPDU CALCULATIONS

Gross tract area: 29.3 ac.
 Base density: 29.3 ac. x 2 = 58 du
 Proposed number of units: 69
 Density bonus requested: 69 - 58 = 11 or 19% of the base density
 Required % of MPDU for 19% density bonus: 14.3% of base density
 Required # of MPDU for 19% density bonus: 69 x 14.3 = 10

RECREATION CALCULATIONS

Housing Type:

1	SFD I, Lots 20,000+sf
34	SFD II, Lots 7,000 - 19,999 sf
24	Townhouses
10	SFA (2-over2) (MPDUs)
<hr/>	
69	DU's Total

	Tots	Children	Teens	Adults	Seniors
Demand Points					
Demand per 100 du					
SFD I	10.0	20.0	22.0	85.0	8.0
SFD II	13.0	24.0	25.0	106.0	11.0
TH	17.0	22.0	18.0	129.0	7.0

Demand for Leaman Farm Property
 Required

SFD I (0.01)	0.10	0.20	0.22	0.85	0.08
SFD II (0.34)	4.42	8.16	8.50	38.04	3.74
TH (0.34)	5.78	7.48	6.12	43.86	2.38
Total	10.30	15.84	14.84	82.75	6.20

Supply for Leaman Farm Property
 Provided

*Off-Site Credit (35%)	3.60	5.54	5.19	28.96	2.17
Natural Areas	0.00	0.79	1.48	8.28	0.31
(3) Sitting Areas	3.00	3.00	4.50	15.00	6.00
(2) Open Play Area II	6.00	8.00	8.00	20.00	2.00
(1) Tot Lot	9.00	2.00	0.00	4.00	1.00
TOTAL	21.60	19.33	19.17	76.24	11.48
PERCENTAGE	210%	122%	129%	92%	185%

*Off-site credit includes Germantown Pool and Recreation Center located directly across Clopper Road
 Note: Recreation Guidelines provide for communities, which include more than 25 dwelling units.

DIVERSITY OF LOT SIZES

<u>LOT SIZE</u>	<u>NO. OF LOTS</u>
7,000-8,499 sf.	5
8,500-9,499 sf.	11
9,500-10,999 sf.	6
11,000-13,999 sf.	5
14,000-16,999 sf.	4
17,000-19,999 sf.	3
20,000-24,999 sf.	0
25,000+ sf	1

ANALYSIS:

Conformance to Master Plan

The 1989 Germantown Master Plan designates this property for residential development within the KI-2 analysis area. The master plan identifies special environmental treatment for land area covered by KI-2 in order to protect stream quality. The special environmental protection measures set forth in the master plan include an impervious cap of 20 percent. The property represents nearly the last uncommitted parcel within KI-2.

Staff worked closely with the developer to create a residential identity along the frontage of Schaeffer Road that will be consistent with the existing Kingsview Knolls neighborhood and new construction in Kings Crossing and Woodcliffe Park subdivisions. The essential element of this image is single-family detached units that face Schaeffer Road and, for the most part, receive access from Schaeffer Road

Local Area Transportation Review

Three local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Germantown West Policy Area. The Proposed development's trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to determine the total future CLV's. All intersections analyzed (MD 117 / MD 118, MD 117 / Schaeffer Road, and MD 117 / Hopkins road) are currently operating at acceptable CLVs during both the morning and evening peak hours and these acceptable traffic conditions are projected to be maintained under the background and total development conditions.

Staff concludes that the subject plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the APF requirements since all nearby intersections are anticipated to operate within the acceptable congestion standard under the LATR.

Noise Analysis

One condition of approval of the preliminary plan of subdivision was for the Applicant to prepare and submit a noise analysis for vehicle traffic on Clopper and Schaeffer Roads. The Applicant prepared and submitted a noise analysis to Environmental Planning for review. The noise analysis indicates that no residential units are located within either the 60 or 65 dBA Ldn noise contours. Therefore, no special noise conditions are required for this site plan.

FINDINGS: For Site Plan Review

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

An approved development plan, diagrammatic plan, schematic 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, and where applicable conforms to an urban renewal plan approved under Chapter 56;*

The Site Plan meets all of the requirements of the R-200 Zone, MPDU Optional Method as demonstrated in the project Data Table above. An urban renewal plan is not applicable for the subject development.

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

- a. **Buildings**

Single-family detached houses front onto Schaeffer Road and Leaman Farm Road as desired. The single family attached houses (two-over-two units) have an adequate front yard area which will be for the exclusive use of the upper dwelling units. The MPDUs are sited in two locations on the site, separated by market-rate units.

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

- b. **Cell Tower**

Access to the existing cell tower on the northwest corner of the site will need to be modified to reflect the proposed development. Currently, a gravel road off of Leaman Farm Road leads to the telecommunications facility. As proposed, a 15-foot wide access easement will extend from the end of the cul-de-sac on Public Road 'B' to the telecommunications facility.

- c. **Open Spaces**

Open space on the site includes a 6.0-acre parcel within the stream valley buffer on the northwest section of the site, and two stormwater management facility

areas comprising 1.9 acres and 4.4 acres. A split-rail fence will be provided to protect the area within the stream valley buffer. Imperviousness on the site is limited to 20%.

d. Landscaping and Lighting

The proposed landscaping on the site consists of street trees in the public right-of-way and ornamental trees along the proposed private street. A variety of shade and ornamental trees are proposed for the recreational areas and in the rear yards between units.

The lighting plan consists of 15 residential, colonial post top light fixtures within the proposed public road right-of-way and on several townhouse lots. The proposed lighting is consistent with Montgomery County standards.

e. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The proposed recreation facilities include a tot lot located near the townhouse units, three sitting areas, and two open play areas. The Germantown Community Center, a multi-purpose recreational facility for all ages, is located directly across from the site on Kingsview Road.

f. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

Access points to the site are to be provided from Schaeffer Road and Leaman Farm Road. A short distance from these two access points are driveways which serve the single-family houses facing Schaeffer and Leaman Farm Roads. A bikeway will be provided along Leaman Farm Road and also along a section of Clopper Road to the Kingsview Road intersection. The existing section of sidewalk along Schaeffer Road will be extended southward to Leaman Farm Road. Internal sidewalks will be provided along one side of the streets, and a pathway will lead to the tot lot.

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 residential units are located in a manner that protects the stream valley buffer area and provides attractive views by having the single-family houses face, rather than back onto, Schaeffer Road and Leaman Farm Road.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

There is 2.2-acres of existing forest on the subject site, but only 1.88-acres of existing forest outside of the area dedicated to the State Highway Administration. The development is proposing to utilize an optional method of development and therefore must comply with Section 22A-12(f) of the Montgomery County Code. The subject plan is proposing the removal of less than 0.05 acres of forest, for the construction of a necessary stormwater outfall, and to plant 2.45-acres of forest. This planting will not result in the entire reforestation of the stream buffer but it is sufficient to meet the minimum requirements of the forest conservation law.

The Department of Permitting Services approved the stormwater management concept on July 15, 2005.

APPENDIX

- A. Planning Board opinion for Preliminary Plan 1-04060
- B. Environmental Planning Division memo dated 6/14/06
- C. Development Review Division memo dated 2/10/06
- D. Memorandums from agencies



CHECKLIST Site Plan / Project Plan Review

Plan # 820050400 Name: Leaman Farm
 Zone: R-200 Tract Area: 29.3 ac. Proposed Use: Residential
 Number of Units: 69 Square Footage: _____
 Development Method: MPDU optional Other: _____

Referral Comments:

M-NCPPC	Staff	Date	Other Agencies	Staff	Date
Transportation	<u>K.K.</u>	<u>7/18/05</u>	SHA	<u>S.F.</u>	<u>7/15/05</u>
Environmental	<u>M.P.</u>	<u>6/14/06</u>	DPS (SWM)	<u>D.K.</u>	<u>7/15/05</u>
Community Planning	<u>S.E.</u>	<u>7/18/05</u>	DPS (Traffic)	<u>S.N.</u>	<u>7/18/05</u>
Historic Planning	<u>N/A</u>	_____	Public School	<u>M.P.W.</u>	<u>6/14/06 e-mail</u>
Park Planning	_____	_____	Utility	<u>WSE</u>	<u>7/15/05</u>
Research/Housing	_____	_____	Fire & Rescue	<u>SAN.</u>	<u>7/29/05 e-mail</u>
			DPW & T		<u>7/18/05</u>

Development Standards / Requirements

- Zoning Requirements
- Development Data Table
- Recreation Calculation
- MPDU Calculation
- TDR Calculation
- Timing/Phasing Conditions
single phase
- Building Restriction Lines
- Building Height
- Master Plan Conformance

Prior Approvals

- Development Plan
- Record Plat
- Preliminary Plan
opinion 2/23/05
- Prior Site Plan Approvals

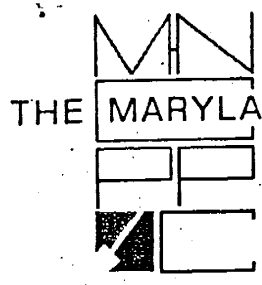
Community Input

- Civic Association _____
- Individuals _____

Supervisor Review

Chief Review

Ma 6/16/06
R/Y 6/16/06



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

RECEIVED

FEB 24 2005

GUTSCHNICK, LITTLE & WEBER, P.A.

Date Mailed: FEB 23 2005

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-04060
NAME OF PLAN: Leaman Farm

The date of this written opinion is FEB 23 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 2/06/04, Elm Street Development submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 69 lots on 29.3 acres of land located at the northwest corner of Leaman Farm Road and Schaeffer Road, in the Germantown master plan area. The application was designated Preliminary Plan 1-04060. On 1/13/05, Preliminary Plan 1-04060 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; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

The applicant testified at the public hearing, was in agreement with the staff recommendation and concurred with all of the conditions as proposed by staff. Nobody presented written evidence or testimony at the public hearing in opposition to the plan, and the record of this application does not contain any contested issues.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; 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, with the conditions of approval:

- a) Preliminary Plan No. 1-04060 substantially conforms to the Germantown 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.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

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.

- 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.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04060 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04060, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 69 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) Total impervious surfaces associated with development of the preliminary plan shall not exceed 20 percent of the tract area.
- 5) 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.
- 6) Applicant to construct a permanent split rail fence at the rear of proposed lots, 14 through 20 to protect the afforestation area.
- 7) 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, 20-year future noise contours, and methods to minimize exterior and interior noise levels if the noise analysis determines a need for mitigation.
- 8) Compliance with the conditions of the MCDPS stormwater management approval dated January 3, 2005.
- 9) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Germantown Master Plan unless otherwise designated on the preliminary plan.
- 10) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the 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.
- 11) Applicant shall construct an eight-foot bike path along Clopper Road (MD 117) and Leaman Farm Road, and a five-foot sidewalk along Schaeffer Road, as shown on the preliminary plan.
- 12) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 13) 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.

- 14) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 15) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 16) Compliance with conditions of MCDPWT letter dated, November 16, 2004 unless otherwise amended.
- 17) Access and improvements, as required, to be approved by MCDPWT prior to recordation of plat(s).
- 18) Access and improvements, as required, to be approved by MDSHA prior to issuance of access permits.
- 19) The term "denied access" is to be placed on the final record plat along the property that abuts MD 117. Access to existing lot 21 shall remain as it currently exists until such time as lot 21 is redeveloped. All new access shall be via the new internal public road.
- 20) 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.

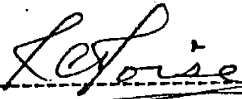
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

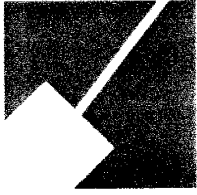
APPROVED / S TO LEGAL SUFFICIENCY
Dyp 2/11/05
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on **Thursday February 17, 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 Chairman Berlage, Vice Chair Perdue, and Commissioners Bryant, Wellington, and Robinson** 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 **Preliminary Plan 1-04060, Leaman Farm.**



Certification As To Vote of Adoption
M. Clara Moise, Technical Writer



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION**
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Calvin Nelson, Planner Coordinator, Community-Based Planning
FROM: Mark Pfefferle, Planner Coordinator, Environmental Planning Division *MP*
DATE: June 14, 2006
SUBJECT: Site Plan
Leaman Farm

The Environmental Planning staff has reviewed the site plan referenced above. Staff recommends approval of the site plan with the following conditions:

1. Impervious surfaces not to exceed 252,775 square feet.
2. Applicant to enter an agreement with M-NCPPC for the purpose of withholding building permits for four (4) single-family detached residential dwelling units to ensure compliance with the impervious limitations. The 4 lots shall be graphically denoted on the certified site plan. A note shall be placed on the record plat restricting issuance of last 4 building permits pending approval from M-NCPPC Environmental Planning. Building permits for the 4 lots to be released one at a time.
3. Applicant to place impervious coverage limitations and information pertaining to the above agreement on the record plat.
4. The developer/builder must submit an impervious surface report to M-NCPPC Environmental Planning staff prior to issuance of building permits for 30th, 55th and 65th dwelling unit. The applicant must submit an impervious report for each of the remaining building permits after the 65th dwelling unit. The impervious reports must include: surveyed 'as-builts' drawings which include dimensions and impervious areas for buildings, driveways, sidewalks, leadwalks, porches, patios, chimneys, welled exits, rear exits and any building feature that is two feet or less from the ground. M-NCPPC staff must verify the information prior to the release of the next building permit. If at any time the impervious area limit is reached before building permits for all approved lots have been issued; the lots for which building permits have not been issued must be re-recorded as non-impervious Homeowners Association open space parcels.
5. A conservation easement must be placed on the stream buffer on Lot 17A only if the existing farmhouse is removed and a new house constructed. The new house

must be located entirely outside of the buffer and access to the new house to be via the street internal to the subdivision. All impervious surfaces in the stream buffer must be removed and a forest conservation easement placed over the entire stream buffer prior to Montgomery County Department of Permitting Services issuance of a building permit for a new residence.

6. Applicant to construct a permanent split rail fence along lot lines that adjoin the forest conservation easement.

DISCUSSION

The Leaman Farm, a 29.3-acre site near the intersection of Clopper and Schaeffer Roads in Germantown, consists of a farmhouse, outbuildings and includes a cellular communications tower. The parcel contains numerous specimen-size and significant trees all within the stream buffer. The preliminary plan includes the retention of the existing farmhouse some of the existing outbuildings, retention of the cellular communications tower, construction of 68 new single-family attached and detached residential units, and associated infrastructure.

Imperviousness

The subject property is located in Germantown within the KI-2 analysis area identified in the Germantown Master Plan. This analysis area is subject to special environmental protection measures because of the high sensitivity and high water quality conditions of the portion of Little Seneca Creek stream to which it drains. This section of Little Seneca Creek and its tributaries are classified as III-P waters (natural trout waters).

The special environmental protection measures recommended by the master plan are set forth in Appendix D of the Germantown Master Plan. These measures include an imperviousness cap of 20 percent. Staff requests a condition of approval to ensure compliance with the master plan that restricts the amount of imperviousness surfaces in the Leaman Farm tract to 252,775 square feet.

Part of the subject property includes prescriptive right-of-ways for the Schaeffer and Leaman Farm Roads. The impervious total does not include the existing imperviousness in the prescriptive right-of-way, but shall include any new imperviousness associated with other improvements within the right-of-way.

Consistent with other plans with impervious limitations (Hoyles Mill Village, Reserve at Fair Hill, etc.) Environmental Planning requests the developer enter into an impervious agreement that identifies the total amount of impervious surfaces available, the number and location of lots in impervious reservation and the order in which the four lots in reservation shall be released. The four lots in reservation must be single-family detached units since this type of unit has the greatest flexibility in builder options.

Environmental Guidelines

The site includes stream buffers and wetlands. These areas will be protected by Category I forest conservation easements. Portions of the stream buffer that will not be reforested will be placed into a category I forest conservation easement consistent with Section 22A-12(b)(1) and (2) of the Montgomery County code which requires the stream buffers to be protected in an undisturbed condition. This is true for all stream buffer areas except for a portion of the stream buffer near the existing farmhouse. The existing farmhouse is partially within the stream buffer as is the yard area toward Clopper Road. As long as the existing house remains, the applicant will not be required to include this area in the conservation easement. If the existing farmhouse is removed and a new house constructed, the new house must be located entirely outside of the buffer and access to the new house to be via the newly created internal street. All impervious surfaces in the stream buffer would be removed and a conservation easement placed over the entire stream buffer.

Forest Conservation

There are 2.2-acres of existing forest on the subject site, but only 1.88-acres of existing forest outside of the area dedicated to the State Highway Administration. The development is proposing to utilize an optional method of development and therefore must comply with Section 22A-12(f) of the Montgomery County code. Section 22A-12(f)(1) states

Any site developed in agricultural and resource areas, any planned unit development, any site developed under cluster or other optional method of development in a one-family residential zone, and any waiver from a zoning requirement for environmental reasons, must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement.

This section of the code requires developments utilizing an optional method of development to either retain or plant a certain percentage of forest onsite. For this particular plan, the appropriate threshold is the afforestation threshold. When the existing forest on a site is less than the afforestation threshold all existing forest must be retained and planting must occur to meet the afforestation threshold onsite. Section 22A-12(f)(2)(C) of the Montgomery County code states:

On a site covered by this subsection, if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), the afforestation threshold is the minimum on-site forest requirement.

The plan submitted for Planning Board approval is proposing the removal of less than 0.05 acres of forest, for the construction of a necessary stormwater outfall, and to plant 2.45-acres of forest. The applicant will reforest a portion of the unreforested stream buffer until the afforestation threshold is met. This planting will not result in the entire reforestation of the stream buffer but it is sufficient to meet the minimum requirements of the forest conservation law. Environmental

Planning requests a condition on the preliminary plan requiring the applicant to provide a permanent split rail fence at the rear of all proposed lots adjacent to the forest conservation easement area. This is necessary to delineate and protect the afforestation area from encroachment.

Noise

One condition of approval of the preliminary plan of subdivision was for the applicant to prepare and submit a noise analysis for vehicle traffic on Clopper and Schaeffer Roads. The applicant prepared and submitted a noise analysis to Environmental Planning for review. The noise analysis indicates that no residential units are located within either the 60 or 65 dBA Ldn noise contours. Therefore, no special noise conditions are required for this site plan

RECOMMENDATION

Environmental Planning recommends approval of the site plan with conditions. The site meets the requirements of Chapter 22A-12 of the Montgomery County code through the retention of the existing forest and planting up to the afforestation threshold. The site plan also meets the 20 percent impervious requirement established by the Germantown Master Plan.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPENDIX 'C'
Zoning Ordinance,
definition one-family
attached units
regarding 2 over 2

February 10, 2006

Mr. David Flanagan
Elm Street Development
6820 Elm Street, Suite 200
McLean, Virginia 22101

Re: Clarksburg Village Site Plan 8-03002B and the classification of a 2 over 2 dwelling unit type as "dwelling unit, one-family attached."

Dear Mr. Flanagan,

The 2 over 2 dwelling units that you are proposing to substitute for some of the multi-family units, meet the definition of "dwelling unit, one-family attached" and are therefore permitted in the R-200/MPDU zone, provided *they meet all the applicable criteria as follows:*

1. The dwelling units are in a single structure consisting entirely of dwelling units.
2. Each dwelling unit is attached to one or more other dwelling units.
3. Each dwelling unit has at least one direct entrance from the outside.
4. Each dwelling unit has an abutting ground level outdoor area for the exclusive use of its occupants. This will require, in the case of the upper dwelling unit, the designation of a usable front yard of adequate size as determined at the time of site plan review that is clearly designated for the exclusive use of these dwelling units.

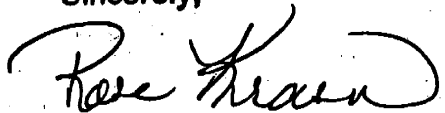
In addition, the following development standards apply per the R-200/MPDU zone:

5. The single structure is within the height limit established in the R-200/MPDU zone as measured from the street as follows: 3 stories, not to exceed 40 feet with additional setback provided per. 59 C 1.626. In this case the "street" is the private parking lot shared with the townhouses in the neighborhood.
6. The number of one-family attached dwelling units, semidetached dwelling units or townhouses (or the total of these dwelling types combined) in the subdivision does not exceed the maximum percentage of 40 percent except as allowed in footnote 1 in 59 C-1.
7. The yard requirements described in 59 C-1.624 are met in combination with those required in 59 C 1.626.
8. Green area is provided at the rate in square feet per unit of 2,000 square feet per 59 C-1.627.

As you know, the Clarksburg Master Plan and Hyattstown Special Study Area (June 1994) identifies this area as the Newcut Road Neighborhood. In this Neighborhood the recommended guidelines for the mix of housing is: **35%-40%** attached, 10-20% multi-family and 45-55% detached (Page 62). Therefore, the total percentage of attached units (including townhouses and semi-detached as referenced in the zoning ordinance) should be between 35 and 40 percent.

Thank you for your patience in waiting for our determination of the appropriate category for the 2 over 2-unit type in Clarksburg Village. As you know, this unit type is not specifically identified in the zoning ordinance. *Depending upon specific design features as well as master plan intent, the 2 over 2-unit type could be considered multi-family when reviewed in another setting. The Planning Board will need to determine whether this unit type meets broader policy objectives such as dispersing MPDUs and strengthening existing communities.* We will continue to work with you and other developers in the future as such questions arise.

Sincerely,



Rose Krasnow, Chief
Development Review Division

Enclosure

EPD Recommendation to Dev Rev Div: Hold for additional informat----

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Marybeth O'Quinn
Development Review Division

SUBJECT: Plan # 8-05040, Name Leaman Farm
DRC date: Monday, July 18, 2005

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

SUBMITTAL ADEQUACY

Plan is incomplete. The following items must be submitted:

1. Applicant must submit information showing that it complies with the 20 percent impervious limitation. No information was submitted.
2. The applicant must submit a noise analysis. None was submitted.

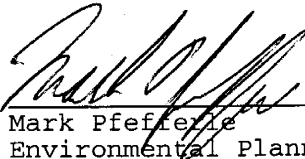
EPD RECOMMENDATIONS:

Hold for the following Revisions/Additional Information before scheduling for Planning Board:

1. Revise forest conservation plan (see FCP recommendation sheet).
2. The applicant must submit a noise analysis for environmental planning review.
3. Stream buffers and wetlands buffers to be included in Category I forest conservation easements.
4. Applicant to enter into an agreement with M-NCPPC for the purpose of withholding of building permits for seven (7) single family residential lots to ensure compliance with the impervious limitations and monitoring compliance with the impervious limitations of the site plan. The 7 lots shall be graphically denoted on the site plan. A note shall be placed on the record plat restricting issuance of building permits.
5. The applicant must provide impervious information to ensure the 20 percent impervious cap is met. This must include:
 - a. lot-by-lot estimates of building footprints, leadwalks, porches, rear entrances/breezeways, chimneys, and any other building feature that is less than 2 feet above the surface.
 - b. Lot-by-lot driveway imperviousness from the front of the garage to the street paving, including that portion of the driveway in the public right-of-way.
 - c. Impervious surfaces, including gravel driveways, associated with the existing cell tower.
 - d. Impervious surfaces for sidewalks along public and private streets on a street-by-street basis.
 - e. Impervious surfaces for each public and private street.
 - f. Impervious surfaces associated with driveway aprons and access points to stormwater management facilities.
 - g. Impervious surfaces for the 2 over 2 parking lot.
 - h. Impervious surfaces associated with offsite improvement including the 8-foot asphalt bike path.
 - i. Impervious surfaces associated with existing Schaeffer Road and Leaman Farm Road that are currently on the subject property.

This information must be submitted to ensure compliance with the impervious cap prior to the scheduling for the Planning Board.

SIGNATURE:



Mark Pfeiffer
Environmental Planning
Countywide Planning Division

DATE: July 15, 2005

cc: GLW

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.
Put the Plan numbers on your cover/transmittal sheets.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: Marybeth O'Quinn
Development Review Division

SUBJECT: Plan # 8-05040
Name Leaman Farm
DRC date: Monday, July 18, 2005
NRI/FSD # 4-04155

The subject Forest Conservation Plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

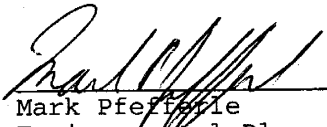
SUBMISSION ADEQUACY
Adequate as submitted

RECOMMENDATIONS

Revise according to the comments specified below.

1. Areas of forested stream buffer not reforested to be labeled as areas of natural regeneration.
2. Stream buffers and wetlands buffers to be included in Category I forest conservation easements.
3. In the forest conservation statistics table the amount of land in agricultural use should be zero. When the site is developed there will be no farmland left.
4. In the forest conservation statistics table please include separate items for the total acreage of stream buffer, total acreage of wetlands, and total acreage of floodplains.
5. On the forest conservation table, please include an inspection schedule that conforms to Section 110 of the forest conservation regulation.

SIGNATURE: _____


Mark Pfeifferle
Environmental Planning
Countywide Planning Division

DATE: July 15, 2005

cc: GLW

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.
Put the Plan numbers on your cover/transmittal sheets.

Oquinn, Marybeth

From: Conlon, Catherine
Sent: Friday, July 29, 2005 4:06 PM
To: Oquinn, Marybeth
Subject: FW: leaman farm 8-05040

FYI

-----Original Message-----

From: Williams, Sidney [mailto:Sidney.Williams@montgomerycountymd.gov]
Sent: Friday, July 29, 2005 3:08 PM
To: jclarke@elmstreetdev.com
Cc: Daniels, Reed; Feissner, John; Barnes, Richard; Donahue, Michael;
Conlon, Catherine
Subject: leaman farm 8-05040

In reviewing your plans I found the following concern.

1. The "T" turnaround in front of lot 41, "road C" must provide 55' on each branch of the "T".

Master Firefighter Sidney Williams, ET
240-777-2457

Nelson, Calvin

From: Wilson, MaryPat [MaryPat_Wilson@mcpsmd.org]
Sent: Wednesday, June 14, 2006 1:10 PM
To: Nelson, Calvin
Cc: Fain, Christopher; Turpin, Janice
Subject: FW: Sidewalk Leaman Farm

Calvin,

In response to your inquiry for Leaman Farms subdivision, below is comment from Chris Fain of MCPS Transportation on pedestrian connectivity for the development. Please contact me if you have any questions.

Mary Pat Wilson
Real Estate Management Team
Dept. of Facilities Management
Montgomery County Public Schools
361 Calhoun Place – 4th Floor
Rockville, Maryland 20855
301-279-3009

-----Original Message-----

From: Fain, Christopher
Sent: Wednesday, June 14, 2006 1:01 PM
To: Wilson, MaryPat
Subject: Sidewalk Leaman Farm

Mary Pat,

I went out to the site and yes it would be a good idea to complete the sidewalk on Schaeffer Rd. and to extend the sidewalk on Lopper Rd. from Schaeffer Rd. to Kingsview Rd. Yes to all sidewalk improvements.

Chris

MCDPWT DRC Notes for July 18, 2005

8-05040

LEAMAN FARM

1. Show all existing planimetric and topographic details...(#1)
2. Necessary dedication for future widening...(#2)
3. Grant necessary slope and drainage easements. (#5)
4. Record plat to reflect a reciprocal ingress, egress, and public utilities easement. (#22)
5. Construct sidewalks.(#37)
6. The owner will be required to submit a recorded covenant... for the operation and maintenance of private streets, storm drain systems, and/or open space areas...(#52)
7. The owner will be required to furnish...a recorded covenant whereby...owner agrees to pay a prorata share for...future construction or reconstruction of _____...(#53)
8. Access and improvements along _____ (MD ____) as required by the MSHA. (#55)
9. Relocation of utilities...shall be the responsibility of the applicant. (#58)
10. All costs associated with relocation of signs, marking and/or street lights shall be the responsibility of the applicant... (#59)
11. Public Improvements Agreement (PIA)...details...determined at the record plat stage...will include...the following improvements... (#62)
12. Permit & bond...required...for...MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements... (#63)

Show opposite and adjacent topographic and planimetric information along entire perimeter of site

Dedication of full right-of-ways for Leaman Farm Road (Hoyles Mill Road) and Schaeffer Road.

Construct one roadway of Leaman Farm Road including all sidewalks/bikeways and curb ramps.

Participate in construction of Schaeffer Road per Master Plan recommendations.

Install curb ramps opposite all site intersections.

Full width dedication and construction so public streets "A", "B" and "D".

Grant necessary slope and storm drain easements prior to submission of record plat.

A Public Improvement Easement may be necessary along Schaeffer Road and all internal public streets to accommodate required sidewalk construction.

Update Sight Distance Evaluations prior to submission of record plat.

RECEIVED FOR APPLICANT AT JULY 18, 2005 DRC MEETING

SIGNATURE

PRINTED NAME

MCDPWT DRC Notes for July 18, 2005

8-05040

LEAMAN FARM (continued)

Provide six hundred foot (600') spacing between all intersections on Leaman Farm Road, a divided arterial roadway

Record plat to reflect reciprocal ingress, egress and public utility easements for all common driveways.

Continue curb and gutter construction for Schaeffer Road for entire frontage west of MD 117.

Install sidewalks on all internal streets.

Construct a cul-de-sac at the end of Street "B".

Dedication, access and improvements along MD 117 as per MSHA.

Comply with all other recommendation sited in or letter of November 16, 2004 for Preliminary Plan No. 1-04060, Leaman Farm.

RECEIVED FOR APPLICANT AT JULY 18, 2005 DRC MEETING

SIGNATURE

PRINTED NAME

Sarah

Department of Permitting Services
Right of Way Permitting and Plan Review Section
DRC Comments
July 18, 2005

8-5040

Leaman Farm

Schaeffer Road – use closed section from MD 117 to Public Road B. Use open section from Public Road B to Leaman Farm Road.

Leaman Farm Road (A-298) – Completion of northeast half of divided arterial improvements in accordance with DPW&T letter dated November 16, 2004.

Intersection of public road A along Leaman Farm Road still remains < 600 feet from Schaeffer Road, therefore entrance will become right in / right out as no median breaks will be allowed on Leaman Farm Road once fully constructed as a divided arterial.

Recommend use of closed section streets throughout the site.

If open section is utilized, must maintain 10 foot PIE for sidewalk along with 20' PUE as utility companies require 10' free and clear space for PUE. In addition, must maintain a minimum 20 driveway space between back of sidewalk and proposed garage to enable unobstructed sidewalk pedestrian flow.

Provide a pedestrian connection from townhome area to Clopper Road.

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION

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

Date: July 15, 2005

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

FROM: David Kuykendall
Senior Permitting Services Specialist
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 8-05040, Leaman Farm
Project Plan #
Preliminary Plan # 1-04060, DPS File # 211242
Subdivision Review Meeting of July 18, 2005

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

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both
 CPv < 2cfs, not required
 On-site/Joint Use Central (Regional): waived to
 Existing Concept Approved January 3, 2005
 Waiver: CPv WQv Both
 Approved on
 Other

Type Proposed:

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

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

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

SUBMISSION ADEQUACY COMMENTS:

- Provide verification of Downstream notification.

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter)
 Incomplete; recommend not scheduling for Planning Board at this time.
 Hold for additional information. See below
 Comments/Recommendations: Show on Site Plan stormwater management parcels. Show on site plan adequate access with aprons to the stormwater structures.

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01

Development Review Committee (July 18, 2005)
Leaman Farm Site Plan #8-05040

Comments by Community-Based Planning Staff

1989 Germantown Master Plan

Within KI-2 Analysis Area

“The entire analysis area is recommended to retain its R-200 zoning classification and is appropriate for rezoning to the PD-2 Zone with a density limit of approximately 1.74 dwellings per acre, excluding MPDUs”

The KI-2 analysis area is subject to watershed protection measures outlined on page 91 of the Master Plan

Subdivision activity within the KI-2 analysis area has revealed difficulty in achieving open-section roadways for lots narrower than 40 feet wide. Environmental Planning and Site Plan Review staff should work together on this site plan to implement the lessons learned earlier in KI-2

MPDU units are shown as 2-over-2 multi-family units. This unit type creates a concentration of MPDUs and prevents broad distribution of the MPDU units as preferred. A subdivision in the vicinity is presently experiencing difficulty in completing its MPDU requirements by means of multi-family units located in a PD-2 subdivision.

Is the two-over-two multi-family unit type permitted in the R-200 Zone?

Property frontage along Clopper Road should contain the streetscape elements for M-26 with 150-foot right of way, 6 travel lanes, bike path on the west side with lawn panel and street trees.

WSSC Comments on Items for July 18, 2005, Development Review Committee Meeting

Revised July 15, 2005

File Number	Project Name	Comments
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8-05040	LEAMAN FARM	Water and sewer extensions required. Hydraulic planning review previously done (DA3911Z04) requires amendment and hydraulic review.
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Unless otherwise noted, all extensions require Requests for Hydraulic Planning Analysis and need to follow the System Expansion Permit (SEP) Process. Contact WSSC's Development Services Center (301-206-8650) or visit the Development Services on WSSC's web-site (www.wsscwater.com) for information on requesting a Hydraulic Planning Analysis and additional requirements for extensions. Contact WSSC's Permit Services (301-206-4003) for information on service connections and on-site system reviews.

WSSC Comments on Items for July 18, 2005, Development Review Committee Meeting

Revised July 15, 2005

File Number	Project Name	Comments
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8-05040	LEAMAN FARM	Water and sewer extensions required. Hydraulic planning review previously done (DA3911Z04) requires amendment and hydraulic review.
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Unless otherwise noted, all extensions require Requests for Hydraulic Planning Analysis and need to follow the System Expansion Permit (SEP) Process. Contact WSSC's Development Services Center (301-206-8650) or visit the Development Services on WSSC's web-site (www.wsscwater.com) for information on requesting a Hydraulic Planning Analysis and additional requirements for extensions. Contact WSSC's Permit Services (301-206-4003) for information on service connections and on-site system reviews.

**DEVELOPMENT REVIEW COMMITTEE
TRANSPORTATION PLANNING COMMENTS**

Item No. **4** Memo Required? Yes No **X** *checkkines = 2124*
 Meeting Date **07/18/05** Transportation Planner **Ki Kim** Ext **4538**
 Date of Prior DRC **03/08/04** Dev. Rev. Planner **Mary Beth O'Quinn** Ext **1322**

Plan Number(s) **8-05040** Zone **R-200**
 Plan Name **Leaman Farm**

Applicant Name, Representative, or Attorney
 Applicant= **Sherington LC c/o Elm Street Development - John Clarke**
 Developer =
 Engineer= **Gutschick, Little & Weber, P.A. - Dave Little**
 Attorney=

Policy Area **Germantown West** Parcel or Lot Numbers **Parcel 18 to Lots 1 - 54, Parcel "A" - "D", and Lots 1 - 15, Block "B"**

Development Type	Single-Family Detached Units	Townhouses	Townhouses 2-over-2
Size/Number of Units	+43 new (44 total) units	15 units	10 units

No. of Lots **1 to 59** Phasing **none**
 WSSC Map No(s) **225NW14 & 226NW14** Tax Map No(s) **ET 123 & EU 121**

I. ADEQUATE PUBLIC FACILITIES

Existing Land Use/Occupied House(s) **Retain existing single-family detached unit**

Prior approval for	Leaman Farm	As	1-04060	On	PB Approval = 01/13/05
For		As		On	
For		As		On	
For		As		On	

a. **Policy Area Transportation Review (Required to be tracked by County Council)**
 If not a Rural Policy Area, remaining staging ceiling capacity negative? Jobs HU's No
 b. **Proposed traffic mitigation program:**
 Required/optional participation in TMO for **I-3 Zone**

c. **Local Area Transportation Review**
 Traffic study required **at Pr PI** Traffic statement required **No** Submitted on **February 2004**
 Traffic study/statement complete Letter Submitted by **ITS - Hedberg**

- Key Transportation Issues**
- Construct the sidewalk along Shaeffer Road to be 5-foot-wide, not 4-foot-wide, and extend it from Street "B" to Leaman Farm Road for pedestrian access to the nearby elementary school.**
 - Meet ADA requirements at and show the existing sidewalks on the opposite side of the Leaman Farm Road/Schaeffer Road and Clopper Road/Schaeffer Road intersections.**
 - Align the bikeway along Clopper Road as agreed upon with Ron Welke & Chuck Kines in Summer 2004. Re-align the bikeway on Leaman Farm Road that is too far from the intersection with Schaeffer Road.**
 - Improve, if not already provided, pedestrian/bicycle crossing at the intersection of Clopper Road and Kingsview Road on Sheet 5 of 11.**
 - Construct sidewalks on both sides, not one side, along the entire length of public Street "B".**
u.w.m.

II. RIGHT-OF-WAY DESIGNATION/USE

Roadway(s)		Clopper Road - MD 117	Schaeffer Road
Functional Roadway designation		Major Highway (M-26)	Functional Primary Residential Street
Required right-of-way		120 to 150 feet	70 feet
<input checked="" type="checkbox"/>	Dedicated as shown on plan	75 feet from the centerline	35 feet from the centerline
<input type="checkbox"/>	Additional dedication for		
<input checked="" type="checkbox"/>	Designated bikeway as Class/Side of Road	Class I, Shared-use path, DB-17 on the south side	Class III
<input checked="" type="checkbox"/>	Sidewalk	Part of the shared-use path	Not shown, but typical section = 5 feet
Rustic Road			

Roadway(s)		Leaman Farm Road	Public Roads "A" & "B"
Functional Roadway designation		Arterial (A-298)	Tertiary Residential Street
Required right-of-way		100 feet	50 feet
<input checked="" type="checkbox"/>	Dedicated as shown on plan	100 feet	50 feet
<input type="checkbox"/>	Additional dedication for		
<input checked="" type="checkbox"/>	Designated bikeway as Class/Side of Road	Class I, 8 feet	
<input checked="" type="checkbox"/>	Sidewalk	Part of bikeway	4 feet on one side
Rustic Road			

- Provide roadway connection to
- Provide sidewalk connection to
- Abandonment needed for
- Place in reservation for
- Place in easement (transit/roadway) for

Sight distance adequate?	From	Leaman Farm Road & Schaeffer Road		
Yes	No	At Preliminary Plan Review		X
Transit service routes?	Ride-On	Metrobus	None	X
Leaman Farm Road				
Transit service routes?	Ride-On	Metrobus	None	X
Schaeffer Road				
Transit service routes?	Ride-On	71	Metrobus	None
Clopper Road				

COMMENTS: