

SEP 29 2010



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-112  
Site Plan No. 820100070  
Project Name: Darnestown at Travilah  
Date of Hearing: July 15, 2010

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on March 17, 2010, Fifty, LLC. ("Applicant"), filed an application for approval of a Site Plan for 39 one family attached dwelling (townhouse) units including 5 MPDUs ("Site Plan" or "Plan") on 5.24 gross acres of RT-8 zoned land, located north of Darnestown Road between the intersections at Travilah Road and Key West Avenue ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820100070, Darnestown at Travilah (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 5, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 15, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 15, 2010 the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss; seconded by Commissioner Alfandre; with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Carrier,

Approved as to  
Legal Sufficiency:

*Christina Sonnet 9/16/10*

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and Wells-Harley voting in favor. Commissioner Presley was absent from the public hearing.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820100070 for 39 one family (townhouse) units including 5 MPDUs (12.5% of the total units) on 5.24 gross acres in the RT-8 zone, subject to the following conditions:

### **Conformance with Previous Approvals**

1. Schematic Development Plan Conformance

The proposed development must comply with the binding elements of the Schematic Development Plan G-849.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 120100230. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

### **Environment**

3. Forest Conservation & Tree Save Plan

The Applicant must comply with the conditions of the approved preliminary forest conservation plan and/or tree save plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

- a. Compliance with the conditions of approval of the Final Forest Conservation Plan. The Applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s) as appropriate.
- b. Record plat to show Category I conservation easements over all afforestation areas as shown on the forest conservation plan.
- c. The easement area must be protected with split rail fencing, or other Staff approved equivalent, to prohibit damage from mowing and other landscaping activities due to the proximity of the tot lot and residential uses.
- d. The Applicant must have an ISA certified arborist prepare and implement a specific tree save plan for tree #42.

4. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated December 11, 2008, unless amended and approved by the Montgomery County Department of Permitting Services.

**Transportation & Circulation**

5. The total development under the subject Site Plan and Preliminary Plan Application is limited to 39 one family attached residential units (townhouses) shown on the Site Plan and analyzed in the traffic study.
6. The Applicant must make a lump sum payment of \$110,000.00 prior to issuance of the building permit to mitigate the PAMR required 10 peak-hour trips.

**Density & Housing**

7. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide a minimum of 12.5 percent MPDUs (5 townhouse dwelling units) in accordance with the binding elements of the Schematic Development Plan.
- b. The MPDU agreement to build must be executed prior to the release of any building permits.
- c. All of the required MPDUs shall be provided on-site.

**Site Plan**

8. Site Design

- a. Provide benches in close proximity to the Open Play II.
- b. All units, including MPDUs must have masonry elements on the front facades. The units with sides facing Darnestown Road must have fenestrations as typically found on the front facades including percent of masonry elements, window treatments, color and fascia materials. Prior to the release of any building permits for the side facing units the Applicant/ Developer must provide architectural drawings and elevations to M-NCPPC Staff, indicating compliance with the façade treatments.
- c. Provide details of the evergreen tree plantings, proposed signage, benches and trash receptacles.

9. Landscaping

- a. Ornamental trees should be planted between Darnestown Road and the 8 foot Hiker/Biker Trail.

- b. The proposed plant materials must be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan.
- c. An alternate plant list may be provided on the Landscape and Lighting plan to accommodate plant substitutions.
- d. The proposed plantings must be properly selected and installed so as not to conflict with the public right-of-way and/or cause damage to any existing public utilities.

#### 10. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles must not exceed 18 feet including the mounting base.

#### 11. Landscape Surety

The Applicant must provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety must include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant phase of development and must be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which upon approval of Staff, will establish the initial bond amount.
- c. Completion of plantings by phase, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

#### 12. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- a. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b. The development program must provide phasing for installation of on-site landscaping and lighting.
- c. Recreational facilities and amenities including the 8 foot Hiker/Biker Trail, the Open Play II area, seating areas and trash receptacles must be completed prior to issuance of the 27<sup>th</sup> building permit.
- d. Landscaping associated with each row of townhouses must be completed as construction of each facility is completed.
- e. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- f. Provide each section of the development with necessary roads.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, trip mitigation, and other features.

### 13. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated in the Staff Report.
- d. Ensure consistency of all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on Darnestown at Travilah drawings stamped by the M-NCPPC on June 4, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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.*

A Schematic Development Plan (SDP) was required for the subject site, and contained 3 binding elements and 10 design elements. Modifications have been made to the approved SDP; however the changes do not compromise the original intent of this development. The flexibility to make future changes specifically highlighted within the SDP adopted opinion dated March 17, 2009.

2. *The Site Plan meets all of the requirements of the RT-8 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed use is allowed in the RT-8 Zone and the Site Plan fulfills the purposes of the zone by providing townhouse units, including 5 MPDUs, and densely planted landscape buffers along the property boundaries.

#### **Requirements of the RT- 8 zone**

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the RT- 8 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

Development Standards Approved by the  
 Board and Binding on the Applicant

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Gross Tract Area (ac/sf.):	5.24 acres 228,447 sq.ft.
Darnestown Road Dedication	0.35 acres 15,080 sq. ft.
Net Tract Area	4.89 acres 213,367 sq. ft.
Maximum Density	9.76 du/ac 39 lots
MPDUs	12.50% 5 lots
Minimum Green Space	40%
Maximum Building Coverage - Tract	40%
Maximum Building Height	35 feet
Maximum Accessory Building Height	25 feet
Minimum Building Setbacks	
From any Detached Dwelling	30 feet
From right-of-way	30 feet
Side Yard (end units)	10 feet
Rear Yard	20 feet
Parking required (2 spaces/ Townhouse unit)	78 spaces
Parking provided	168 spaces
Minimum Internal Landscape for Parking Facilities	5% (824 sq. ft.)
Internal Landscape for Parking Provide	6.5% (1,140 sq ft.)

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

a. Buildings and Structures

The building orientations on the western and eastern sides of the Property are aligned perpendicular to Darnestown Road; while the townhouse units in the center of the site are aligned parallel. The "H-shaped" layout dictates the roadway layout throughout the site. The proposed locations of the buildings and accessory structures adequately meet the design elements recommended by the approved SDP, and do not pose any safety concerns to the overall development.

b. Recreation & Open Space Facilities

The locations of the tot lot (1), seating areas (2), and the Open Play Area II are intended to provide centralized gathering spaces that help to establish communal relationships, and reinforce the quality of life in general. These amenities are not only essential to the healthy development of the community, but also enhance the overall character of the neighborhood.

c. Landscaping and Lighting

The proposed landscaping provides screening for the guest parking facilities, the open space play area, and stormwater management facilities. Major views into rear lots are adequately buffered from the right-of-way and neighboring properties. Compact ornamental street trees will be planted along Darnestown Road so as not to interfere with the existing overhead utility lines. Interior lighting will create enough visibility to provide safety for the residents without causing glare onto the adjacent roads or properties. The seating, open space areas, landscaping, and site details adequately provide a safe and comfortable environment for the community.

d. Vehicular and Pedestrian Circulation

The Subject Property has two access points; however the egress movement has been limited to one exit point along Darnestown Road. Access limitations were intended to resolve any sight distance concerns.



Full movement at both entry points is not permitted; however all of the private streets will function as a public road.

The proposed 5 foot internal sidewalks are connected parallel to the street edges and along the front property lines of each individual lot. An 8 foot Hiker/Biker Trail is located along Darnestown Road, and travels in the northwest to southeast direction. The internal sidewalks and Hiker/ Biker Trail connect into an existing trail; which help to promote safe "walkable" pedestrian connections with the neighboring properties. The opportunity for a future pedestrian connection to the north of the Property has also been provided near the sheltered seating area and 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 use is compatible with the adjacent and confronting uses as well as the future development plans for the surrounding community. The one family attached dwellings units are intended to be a gradual transition from one family detached dwelling units to the south of Darnestown Road to accommodate the future construction of mixed-use retail and multi-family residential units to the north of the Property. The proposed structures are in scale with the nearby buildings and are oriented in such a way that they will not adversely impact existing or proposed adjacent uses.

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.*

A Natural Resource Inventory/ Forest Stand Delineation (NRI/FSD #420061040) was approved on August 21, 2010. There are no forests, streams, wetlands, steep slopes, or environmental buffers on-site. The site is mostly open with some large mature specimen trees. The Applicant has proposed to protect the cluster of trees on the northwest corner of the site through a conservation easement and will provide afforestation in this area. The Property is within the Muddy Branch watershed (Use I-P). The stormwater management concept consists of on-site channel protection measures via the offsite Stonebridge Regional pond and on-site water quality control via underground sand flitters. Onsite recharge is not required due to the shallow bedrock.

Noise mitigation measures have been provided along the rear of the northern property line through a combination landscaped earth berm and noise fence. The mitigation measures were intended to mitigate noise from the adjacent County training facility.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

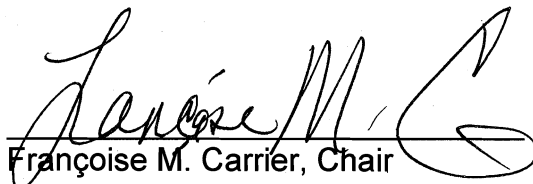
BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 29 2010 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board