

MAY 22 2012



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

MCPB No. 11-125

Limited Site Plan No. 82006029A

Project Name: Winchester Phase I of the Cabin Branch Community

Date of Hearing: December 1, 2011

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 September 9, 2011, Winchester Homes, Inc. ("Applicant"), filed an application for approval of a limited site plan amendment that calls for 440 residential dwelling units, consisting of (i) 232 residential units on the 56.92 acres in the MXPB Zone, comprised of 33 one-family detached units and 199 one-family attached units of which 53 units are Moderately Priced Dwelling Units (MPDUs); and (ii) 208 residential units on the 84.99 acres in the RMX/TDR-1 Zone, comprised of 83 one-family detached units and 124 detached units of which 17 are MPDUs; restoration of the historic Byrne-Warfield House; acquisition of 132 Transfer Development Rights ("TDRs"); dedication of approximately 9.61 acres to Montgomery County Public Schools, and provision of a minimum 10-acre park with facilities and parking for the Montgomery County Department of Parks ("Site Plan" or "Application"); and

WHEREAS, the site, part of a larger tract of 535 acres under the management of Cabin Branch Management, LLC ("Cabin Branch Community"), is located in the southwest quadrant of the intersection of I-270 and MD 121 (Clarksburg Road), and bounded by Old West Baltimore Road on the south ("Property" or "Subject Property"); and

WHEREAS, Applicant's Application was designated Site Plan No. 82006029A, Winchester I; and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 18, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

Christina S. Smith 5/10/12

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WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 1, 2011, 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 December 1, 2011 the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss; seconded by Commissioner Anderson; with a vote of 5-0, Commissioners Carrier, Wells-Harley, Dreyfuss, Presley and Anderson voting in favor.

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. 82006029A** for 440 residential dwelling units on 141.91 acres, consisting of: (i) 232 residential units on 56.92 acres in the MXP Zone, comprised of 33 one-family detached units and 199 one-family attached units of which 53 units are Moderately Priced Dwelling Units (MPDUs); and (ii) 208 residential units on the 84.99 acres in the RMX/TDR-1 Zone, comprised of 83 one-family detached units and 124 detached units of which 17 are MPDUs; restoration of the historic Byrne-Warfield House; acquisition of 132 Transfer Development Rights ("TDRs"), dedication of approximately 9.61 acres to Montgomery County Public Schools; and provision of a minimum 10-acre park with facilities and parking for the Montgomery County Department of Parks, on the Property, subject to the following conditions:

Conformance with Previous Approvals

1. Development Plan Conformance
Comply with the binding elements, general notes, and development program as shown on the Certified Land Use Plan of the Development Plan Amendment G-806, Exhibit 67(g), dated September 9, 2003; comply with the conditions and binding elements adopted in Opinion 15-326, Zoning Ordinance Amendment approved by the District Council, September 9, 2003.
2. Preliminary Plan Conformance
Comply with the conditions of approval for Preliminary Plan Amendment No. 12003110B, MCPB Resolution No. 08-117, dated October 6, 2008, unless specifically modified or amended by the District Council Ordinance 17-04, Subdivision Regulation Amendment No. 11-01 (Validity Period) dated April 1, 2011, and/or District Council Ordinance 16-35, Subdivision Regulation Amendment No. 09-01 (Validity Period), dated April 1, 2009.
3. Infrastructure Site Plan

Comply with conditions of approval of the Infrastructure Site Plan No. 820050150, as specified in the MCPB Resolution 07-131, dated July 19, 2007; comply with Site Plan Amendment(s): 820050150A, per Resolution 08-68, dated June 9, 2008, and with Amendment 820050150B.

4. Cabin Branch Design Guidelines for Site Plan Review
 - a. Submit with building permit applications for each Development Program Phase an approval from the Town Architect stating that the proposed buildings, within that phase, are in conformance with the Certified Site Plan and with design specifications of the Guidelines.
 - b. Submit to the Director of Planning (or designee) architectural plan construction documents from which Applicant will submit individual building permit applications for each Development Program Phase, for Design Guidelines conformance review. Submissions will be granted automatic approval after 10 days, unless Applicant is notified that the submission does not comply.

Density

5. Housing and Major Amenities
 - a. Provide within the 56.92 acres in the MXP Zone: 232 residential units, including 33 one-family detached units, and 199 one-family attached units of which 53 units are Moderately Priced Dwelling Units (MPDUs);
 - b. Provide within the 84.99 acres in the RMX/TDR-1 Zone, 208 residential units, comprised of the existing historical Byrne-Warfield Farm House, 207 new residential units of which 83 are one-family detached units, and 124 are one-family detached units that include 17 MPDUs and 132 Transfer Development Rights (TDRs), dedication of approximately 9.61 acres for future school site and a dedication and provision of a minimum 10-acre park with facilities and parking for MNCPPC Parks Department. All site development elements, details and specifications shown on the site and landscape plans stamped "Received" by the M-NCPPC on October 26, 2011 are required except as modified by the following conditions.

Transportation

6. Transportation and Transit Services

Comply with conditions detailed in the Transportation Planning memorandum, Preliminary Plan No. 12003110B, that remain in full force and effect as delineated in MCPB Resolution No. 08-117, dated October 6, 2008, and:

 - a. Develop a Transit Services Plan showing location of bus stops, ride-share locations, and information kiosks; maintain a rideshare bulletin board on the Cabin Branch intranet website, accessible to all residents and employees at Cabin Branch. The website must be operational prior to issuance of the first building permit.

- b. Establish a carpool, vanpool, and bike-matching program for all residents and employees at the Cabin Branch site by delineating locations and services as part of the Transit Services Plan, prior to 100th occupancy permit.
 - c. Install permanent transit information kiosks and display areas in all office buildings and community centers with bus route (and the future Corridor Cities Transitway) schedules. The location and design of transit information stations must be coordinated with the Department of Transportation Commuter Services and installed prior to issuance of occupancy permits for each applicable building.
 - d. Provide bike racks, located at the public green spaces, in accordance with the Development Program and as acceptable to MNCPPC Staff, timing to be determined at time of Certified Site Plan. Bicycle parking must be provided at a bicycle-to-auto ratio of 1:20, using the number of on-street parking spaces and the surface lot spaces that serve the Local Park.
 - e. Provide a program for notifying residents regularly of the road construction schedule, access limitations, and arrangements to limit the impact of any access limitations to area roads, businesses, and residences.
7. Maryland State Highway Administration
Submit permit application to SHA for the proposed construction improvements and realignment of Clarksburg Road (MD 121) in accordance with the Road Phasing Plan, approved by the Planning Board per Resolution 08-117, October 7, 2008. Permitting, construction and approvals will be performed by SHA.
8. Montgomery County Department of Permitting Services (DPS)
 - a. Obtain a revocable permit for the construction and placement of entrance pavilions/kiosks located within the public right-of-ways.
 - b. Provide and enter into a recorded Covenant for Maintenance and Liability of the Pavilions prior to issuance of the permit by DPS. DPS reserves the ability to enforce additional requirements as needed.
9. Montgomery County Fire and Rescue Service
Comply with the conditions of approval of the Fire Access and Parking Plan, approved September 9 2011.

Site Design

10. High Visibility Lots Treatment
Provide enhanced architectural treatments such as stone/brick walls, seat walls, architectural fences, and/or landscaping to be proposed by the Town Architect and subject to review and approval of MNCPPC Staff prior to Certified Site Plan:
- a. Block B, Lot 1: Provide a one car-width garage apron, and extend a wall/fence, six feet in height, with a return, to screen the rear yard from the view shed on Broadway; use materials compatible with the north house façade.

- b. Block B, Lot 28 and Block A, Lot 58.
- c. Block A, Lot 57.
- d. Block A, Lots 60 and 61.
- e. Block C, Block N, Wellspring Greenway.
- f. Block L, Lot 16.
- g. Block F, Lot 38.
- h. Block J, Lots 6, 18.
- i. Block P, Lots 1, 27.

Landscape and Lighting Design

11. Landscaping

- a. Provide street tree planting at a minimum 40 feet on center and a maximum spacing of 50 feet on center, except where physical site limitations do not allow for the spacing. Any deviation from standards must be approved by Montgomery County Department of Transportation (DOT).
- b. Provide for residential units, based on lot and house type, an illustrative lot planting plan, showing size, number, species choices, and spacing of plants, subject to review and approval by Staff prior to Certified Signature Set.

12. Lighting

- a. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- b. Provide illumination levels that do not exceed 0.5 foot-candles (fc) at any property line abutting MD Route 121 or offsite residential properties.
- c. Identify lighting proposed for the public right-of-way.

Historic Property

13. Byrne-Warfield Farm House and Property

- a. Identify the historic property on all plans as Byrne-Warfield Farm, Individually Designated Master Plan Site #15/24.
- b. Denote the environmental setting of the historic resource as the original boundaries of Parcel 747, which is 5.31 acres in size; clearly delineate the environmental setting boundaries on the Certified Signature Set.
- c. Submit for review and approval, through the Historic Area Work Permit process (HAWP), any proposed alterations within the environmental setting (i.e., new construction, grading changes, tree removal, fence installation, retaining walls, and alterations to the historic house).
- e. Maintain the circular drive around the historic house in gravel materials.
- f. Submit, for review and approval by the Historic Preservation Commission, a tree removal plan for any tree 6 inches in diameter (DBH) or larger.

- g. Prohibit activity lighting on the adjacent ball field unless approved by the Historic Preservation Commission.
- h. Remove non-historic elements and rehabilitate the house exterior, subject to approval from the Historic Preservation Commission.

Recreation Facilities, Pedestrian, and Bicycle Amenities

14. Comply with M-NCPPC Recreation Guidelines for all applicable proposed recreational facilities and demonstrate conformance for each facility with respect to size, grading, setbacks, location and targeted age group, as follows:
- a. Provide the following facilities for Cabin Branch Winchester I: one Tot Lot, one Child Play Lot, thirty-three Sitting Areas, four Picnic Areas, one Open Play Area I, one Open Play Area II, one regulation Soccer Field, Bike System, Bicycle Racks, Pedestrian System, Nature Trails, and Natural Areas.
 - b. Provide an 8-foot wide path (asphalt) off-street, within the public right-of-way as shown on the Winchester I and II Green space/Overall Plan Exhibit, in the following locations:
 - i. West side of Byrne Park Drive and Fulmer Avenue;
 - ii. East side of Dunlin Street;
 - iii. South side of MD 121;
 - iv. East side of Cabin Branch Avenue;
 - v. Connection path between the future school site and the Local Park from Dunlin Street to Byrne Park Drive and along the stream valley buffer to the Local Park surface parking lot;
 - vi. Provide an 8-foot wide path (asphalt) between the future school site and the Local Park from Dunlin Street to Byrne Park Drive;
 - vii. South side of Tribute Parkway; and
 - viii. Provide a Public Improvements Easement (PIE) for all paths not located with the public right-of-way.
 - c. Provide a bike path signage plan subject to DOT review and approval.

Public Spaces and Amenities

15. Design
Provide the following information regarding the public space amenities: furnishings and fixtures, materials and design, grading, landscaping and planting for review and approval by MNCPPC Staff and to be finalized with Certified Site Plan. The drawings, at 1"=30' scale, must include the nearest public street(s) and housing footprints.
- a. **Merganser Corner Park**
Provide additional landscape elements to mark the end of the curvilinear path (parcel D) at its arrival point at the top of grade adjoining Cohosh Lane; to shape the

space, for its two view sheds, Merganser Street and Broadway; cluster a small grove of trees at the arrival point.

b. Wellspring Street Greenway

Provide architectural screening at Private Street C1, C3, N1 and N3, for the Greenway.

c. The Secret Path

- i. Provide details for path materials and edge treatment that marks the semi-public paths apart from the adjoining private lots;
- ii. Provide visually distinctive materials for the path, such as colored pea gravel, or alternative.

d. The Amphitheater

- i. Provide details for the retaining wall surrounding the amphitheater; provide adequate sitting surface around the perimeter.
- ii. Provide three ornamental lighting fixtures for the perimeter of the amphitheater; provide two seating benches at the upper outside perimeter of the amphitheater;
- iii. Provide a raised lip, or architectural detail around the southern edge of the amphitheater to serve as a ball stop.
- iv. Provide a secure power source for the use of the HOA for event programming in the Amphitheater.
- v. Provide a pad for wheelchair placement for event or recreational viewing.

e. Tribute Parkway

- i. Provide seat wall at the south green space (located between Units #9 and #10, Block H) to obscure the view of the alley driveway; provide wall depth adequate for sitting.
- ii. Provide detailed drawings showing the size, dimensions and materials for all sculptures, and the finished installation setting.

16. Maintenance Responsibility

The Applicant, its successors, assignees, and/or the successor HOA shall be responsible for maintaining community-wide amenity features such as HOA playgrounds, HOA open spaces, retaining walls, parking facilities, streetscape elements and natural features.

Sustainable Design

17. Energy Efficiency

- a. Demonstrate, for one-family detached residential units, means by which to achieve Energy Star rating under the national energy performance rating system or the prevailing energy code in enforcement in the county at time of permitting.
- b. Provide a power feed for one electric car-charging station located at either the Local Park surface parking lot prior to Parks Department occupancy or near a major public green space.

- c. Provide an HOA or Park site accessible to residents for community garden space suitable for cultivation of edible food products and local CSA program information.

Transferable Development Rights (TDRs)

18. Acquisition and Recordation
 - a. Provide verification, prior to recording of each residential plat for the Winchester I Site Plan, that the numbers of TDRs relevant to that plat have been acquired.
 - b. Acquire 132 TDRs under the Cabin Branch Winchester I Site Plan.

Moderately Priced Dwelling Units

19. Location and Phasing
 - a. Provide 70 MPDUs as part of Cabin Branch Winchester I Site Plan, (15.9% of total number of units), consistent with Chapter 25A. The minimum number of units for Winchester I Site Plan required is 55 MPDUs; the additional 15 units are credited toward future Winchester sections of development.
 - b. Execute the MPDU Agreement-to-Build prior to issuance of the first building permit.

Parks

20. Dedication of Land to MNCPPC Parks Department
 - a. Dedicate and convey to M-NCPPC in fee simple, the agreed upon area of contiguous land that is located between the proposed elementary school site and the proposed Fulmer Avenue (Street H), Byrne Park Drive and Stilt Street (Street J) and continues south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation must be at least 10 acres of contiguous, usable land divided only by the historic home (including circular driveway). Parkland to be conveyed in fee simple by deed acceptable to M-NCPPC Staff at the time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.
 - b. Clearly delineate on the Certified Site Plan, exact park dedication boundaries that are acceptable to Parks Department Staff and are easy to identify, sign and manage, and that clearly distinguish between Park land, HOA property and private lots.
 - c. Demonstrate that there are no retaining walls or stormwater management ponds or facilities located on dedicated parkland.
 - d. Provide, at Applicant's expense, the park's active recreational facilities and amenities to include one (1) adult sized soccer field, multi-age playgrounds/ tot lots, an open grass play area, a picnic area with two shelters, 8-foot minimum width hard surface trails within the park to serve the various facilities (10-foot wide if needed for maintenance access), drinking fountain, park signage, information kiosks, and decorative features, portable restroom pad and enclosure, appropriate fencing for

- safety along any steep slopes (acceptable to Staff), park landscaping and local parking for at least 120 cars, including at least 60 spaces located on dedicated park land. Facility layout to be substantially as set forth on the Site Plan with final details of park design, engineering, grading, and layout to be determined in coordination with and acceptable to Park Staff prior to the first building permit and the plans will be provided as a supplement to the Site Plan Signature Set.
- e. Construct facilities to M-NCPPC parks standards and specifications after procurement by the Applicant of appropriate Parks permit. Copies of applicable standards and specifications will be provided to Applicant by the time of the Site Plan Signature Set.
 - f. Provide an open grass play area adjacent to the historic house to include relatively flat site area, substantially as set forth on the Site Plan, suitable for informal ball play. Submit, to M-NCPPC Parks Department Staff, final grading plan for review and approval.
 - g. Coordinate the design of Park entrance features with M-NCPPC Parks Department Staff review and approval. Locate picnic shelters away from the Park entrance at Tribute Parkway.
 - h. Establish the final details, including general arrangement and species for plantings by the time of Certified Site Plan submission; some minor alterations will be allowed during the Parks permitting process.
 - i. Construct hard surface and natural surface trails on dedicated park land and throughout the community to connect open spaces, elementary school and park land together in an accessible, pedestrian friendly manner. Trails in the local park area must be substantially as set forth in the Site Plan; work with M-NCPPC Parks Department Staff prior to Site Plan Signature Set approval to establish exact locations and surfacing of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. Construct trails within park land to Parks Department standards and specifications.

Schools

21. Montgomery County Public Schools (MCPS) Site Dedication
 - a. Dedicate the school site parcel to MCPS prior to the 100th building permit.
 - b. Realign the stormwater management vehicular access easement through the area where a team bench will be installed next to the softball field.
 - c. Provide access, documented in the Certified Site Plan, to the HOA stormwater parcel along Clarksburg Road from the school bus loop, to remain unpaved.
 - d. Provide, at a minimum, a system for the adequate and safe conveyance of runoff from the school site to a newly constructed off-site recharge facility subject to MCPS approval.

- e. Provide written certification stamped and signed by an appropriately licensed Maryland Professional Engineer that fill placed on this site meets criteria as outlined in the email dated May 30, 2008, or as amended by MCPS.
- f. Document in the record plat(s) grants of storm drainage easements to the Board of Education in the area dedicated to M-NCPPC.

22. Common Open Space Covenant

- a. Reference Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”) on the record plat of subdivision.
- b. Provide verification to M-NCPPC Staff prior to issuance of the 301st building permit that the recorded HOA Documents incorporate by reference the subject Covenant.

Development Program

23. Development Program Requirements

The Applicant must construct the proposed development in accordance with a development program that is to be reviewed by M-NCPPC Staff prior to the approval of the Certified Site Plan. The Winchester I Site Plan will be developed in two phases: Phase I consists of 176 residential units (129 attached townhouse units, 47 single family detached units). Phase 2 consists of 264 residential units (194 attached townhouse units, 70 single family detached units). The Development Program must include a phasing schedule as follows:

- a. Streetscape
 - i. Street lamps and sidewalks for public streets, private streets and alleys must be installed within six months after street construction is completed.
 - ii. Street tree planting must be completed no later than six months after completion of the residential units or park and school facilities adjacent or adjoining the subject streets.
- b. Local Recreational Facilities
 - i. Each Phase I Local Recreational Facility shall be completed as the homes on that block are completed, and in no event later than issuance of 70 percent of building permits for the units in Phase I, with the exception of the Wellspring Street Greenway. The recreation facilities in Phase I include integral sitting and picnic areas, bicycle racks, and the bicycle system paths within this phase. Landscaping and lighting associated with the Recreational Facilities must be installed no later than six months after the completion of those facilities.
 - ii. The greenway along Wellspring Street must progress with construction of the adjacent residential units, but no later than six months after completion of the landscaping and lighting associated with the adjacent units.

- iii. Each Phase II Local Recreational Facility shall be completed as the homes on that block are completed, and in no event later than issuance of 70 percent of the building permits for the units in Phase II. The facilities in Phase II include the HOA amenity Tribute Parkway Park, integral sitting and picnic areas, and the bicycle paths within this phase. Landscaping and lighting associated with the Recreational Facilities must be installed no later than six months after the completion of those facilities.
- c. Community-Wide Recreational Facilities
- i. The school site and Local Park must be rough graded prior to the issuance of the 440th building permit for the entire Cabin Branch development consistent with the Infrastructure Site Plan approval, Resolution 07-131.
 - ii. The community entrance features located at Clarksburg Road and Cabin Branch Avenue, Broadway Avenue and Byrne Park Drive as well as the ellipse median located within Broadway Avenue shall be constructed prior to issuance of the 440th building permit, subject to permit approval by DOT and/or DPS.
 - iii. In accordance with the Infrastructure Site Plan approval, a building permit must be obtained for the community center and pool prior to issuance of the 650th residential building permit (regardless of applicant or phase).
 - iv. The M-NCPPC Local Park, including all facilities and amenities and parking facilities shall be constructed prior to the issuance of the 650th residential building permit, or the construction of the homes adjacent to the park site, whichever comes first.
- d. General
- i. The Development Program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
 - ii. On-site amenities associated with each block, including but not limited to, sidewalks, pathways, furnishings such as benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
 - iii. On-site landscaping and lighting associated with the construction of private roads and common areas shall be installed no later than six months after the completion of those roads and common areas.
- e. Clearing and Grading
- i. 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 and the Certified Site Plan, except as specified in the conditions of approval for the Infrastructure Site Plan.

- ii. The Local Park and MCPS sites must be rough graded prior to the 440th building permit, according to the approved Sediment and Erosion Control Plans and the Forest Conservation Plan.

Performance Bond

24. Requirements

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. Include in the performance bond amount, plant materials, on-site lighting, recreational facilities and site furnishing and fixtures with the relevant block of development. The performance bond must be posted prior to issuance of the first building permit within each relevant block of development and tied to the Development Program. The performance bond should include Merganser Corner Park, The Secret path, the Amphitheater, Wellspring Greenway, Broadway ellipse, and Tribute Park but should not include the school or Local Park site, areas within public ROW or SWM pond easements, or improvements on residential lots.
- b. Provide a cost estimate of all materials, treatments, and installation and construction labor, which will establish the initial bond amount.
- c. Completion of plantings by block, followed by inspection will allow for a bond reduction. Inspection approval starts the 1-year maintenance period; bond release occurs at the expiration of the one-year maintenance period.
- d. Provide a Site Plan Surety and Maintenance Agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate, prior to issuance of the first building permit.

Environmental

25. Water Quality Plan

- a. Comply with conditions of the Revised Final Water Quality Plan and Stormwater Management Concept approval issued by DPS August 31, 2011.
- b. The Applicant is bound by all conditions of the approved Infrastructure Site Plan No. 820050150 dated June 14, 2007, except as modified herein.
- c. All off-site reforestation must occur within the Clarksburg Special Protection Area unless specifically approved by the Planning Board.
- d. The record plat must show all areas of stream buffers within a Category I conservation easement unless the area is to be dedicated to the Montgomery County Department of Parks or is otherwise within a road right-of-way, utility easement or stormwater outfall.
- e. No retaining walls are permitted within any environmental buffer unless approved by the Planning Board.

26. Noise
Limit the acceptable noise levels to a maximum 65 LdN for residential rear yards, per Montgomery County Guidelines.

Certified Site Plan

27. Requirements of the Certified Site Plan
- a. Phasing
 - i. Site Plan Resolution
 - ii. Development Program, Inspection Schedule
 - ii. Detailed Phasing Plan showing phasing lines consistent with the Development Program
 - b. Environmental Elements
 - i. Limits of Disturbance
 - ii. Undisturbed stream buffers, except where approved outfalls are located
 - iii. Methods and locations of tree protections
 - iv. Forest Conservation easement areas
 - v. Note stating that M-NCPPC Staff must inspect tree-save areas and protection devices prior to clearing and grading
 - vi. Environmental setting protection for the historic resource or site
 - vii. Verify the maximum building coverage for each lot and document the remaining available on-lot green space
 - c. Site Design
 - i. Definitive lot sizes, with building envelope setbacks labeled
 - ii. Details for all site furnishings and fixtures: mailbox cluster, signage, seating, trash receptacles, bike racks
 - iii. Way-finding and signage
 - iv. Details for all public spaces, including grading, furnishings and fixtures, lead walks
 - d. Landscape and Lighting
 - i. Details for all public spaces, including grading, furnishings and fixtures, lighting, lead walks, retaining walls showing top and bottom elevations, and seating wall thickness, materials, planting (size, spacing, proposed species and alternate species)
 - ii. Provide a Cabin Branch Street Tree Plan, showing the proposed tree locations and species for each public street; provide a supplementary plan showing proposed street tree planting for all private streets and/or alleys;
 - iii. Provide street trees at minimum caliper of 3 inches at the time of planting; shade trees on HOA property or lots to be 2.5-3.0 inches at the time of planting; coniferous trees to be 6 feet in height at the time of planting;

- iv. Ensure consistency of all details and layout between Site Plan and landscape plan.
- e. **Building Design**
 - i. Provide drawings with details and dimensions for all site amenities, including kiosks, walls, monument signage, pergolas, entry features, sculptures and their bases, etc.;
 - ii. Provide hard line drawings of each unit type, showing materials, entrances, parking, unit height from finished floor level.
- f. **Development Data**
 - i. Verify and/or update all development data including TDRs, MPDUs, impervious area, public use space, HOA space, public dedication land, density calculations, and development tracking with respect to the Development Plan and Preliminary Plan.
 - ii. Note stating the percentage of green space provided both under the Water Quality Plan and the Site Plan; note stating the amount in percentage and square footage to be compensated for in future site plans.

BE IT FURTHER RESOLVED that all site development elements as shown on the Winchester Phase I drawings stamped by M-NCPPC on October 26, 2011, 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.*

The Site Plan, as conditioned, is consistent with Development Plan G-806, adopted September 9, 2003, with respect to land use, density, building locations, building height, and development staging as noted in the nine binding elements, except where expressly modified by the Planning Board. The binding elements of Development Plan G-806 are italicized below.

- a. **Transferable Development Rights and Moderately Priced Dwelling Units**

"The Property that is subject to this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of

which the Applicants are also owners. The portion of the property not being rezoned MXPB, is zoned RMX-1/TDR and will required the purchase of Transferable Density Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-NCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multi-family) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPB area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation."

Binding element 1 of Development Plan G-806 refers to the total number of Transferable Development Rights ("TDRs") and Moderately Priced Dwelling Units ("MPDUs") required for the entire 535-acre Cabin Branch Community. Tables 1 and 2 below indicate the number of TDRs and MPDUs the Applicant is providing in Winchester 1. Although the number of TDRs and MPDUs are not evenly distributed among the Cabin Branch Community Phases, the entire 535-acre Cabin Branch Community will provide the total TDRs and MPDUs required by the Development Plan. The projected TDRs and MPDUs in each zone for all sites within the Cabin Branch Community are contained in Tables 1 and 2 below.

TDRs

TDRs are not required in the MXPB zone. The number of TDRs in the Site Plan's RMX1/TDR Zone conforms to the Development Plan. If calculated according to the customary site boundary basis, the RMX1/TDR Zone of the Subject Property would be required to contain 132 TDRs. The approved Site Plan contains 132 TDRs in the RMX1/TDR Zone. Thus, the Site Plan conforms to the Development Plan with respect to TDRs.

MPDUs

The number of MPDUs in both the MXPB Zone and RMX1/TDR Zone contained in the Site Plan conforms to the Development Plan. If calculated on a site-by-site basis, the Subject Property would be required to contain 55 MPDUs, 29 in the MPDX zone and 26 in the RMX1/TDR Zone. The approved Site Plan contains 70 MPDUs, 53 in the MXPB Zone and 17 in the RMX1/TDR Zone. The 24 MPDUs in excess of that required in the MXPB Zone provide a "credit" toward the MPDU requirement for the Winchester II Site Plan and other future phases. Cabin Branch Management LLC is required to satisfy all MPDU requirements, including any shortfall in the RMX1/TDR Zone in subsequent development in the Cabin Branch Community.

Tables 1 and 2: MPDUs and TDRs

MPDU UNITS		Approved by the Planning Board and binding upon the Applicant					
		MPDU ZONE		RMK/TDR ZONE		TOTAL	MPDUs
		Req'd.	Approved	Req'd.	Approved	Req'd.	Approved
SITE PLANS	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	0	0	0	0	0	0
	WINCHESTER PHASE 1 (#82006029A)	29	53	26	17	55	70
	WINCHESTER PHASE 2 (#820110080)	29	30	13	2	43	41
	FUTURE PHASES:	Projected		Projected		Projected	
	WINCHESTER PHASE 3	0		10		10	
	TOLL BROTHERS PHASE 1 (#820070140)	0		27		27	
	TOLL BROTHERS PHASE 2 (#820100030)	20		14		40	
	CABIN BRANCH COMMONS - RESIDENTIAL (#820060180)	15		0		15	
	CABIN BRANCH COMMONS - RETAIL (#820060300)	0		0		0	
	ADVENTIST PHASE 1 (#820060350)	0		0		0	
ADVENTIST (FUTURE)	TBD		0		TBD		
Residential MPDUs Future Projected: (236 UNITS @ 12.5% * 1888 UNITS)						236	
PARTIAL SUBTOTAL TO DATE: Winchester 1 & Winchester 2	58	52	39	19	97	111	
PRELIMINARY PLAN Approved (#12003110B) 10/6/08	N/A			N/A		218.00	
		MPDU ZONE		RMK/TDR ZONE		TOTAL	TDRs
		Req'd.	Approved	Req'd.	Approved	Req'd.	Approved
SITE PLANS	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	N/A	0	N/A	0	N/A	0
	WINCHESTER PHASE 1 (#82006029A)	N/A	0	132	132	132	132
	WINCHESTER PHASE 2 (#820110080)	N/A	0	102	102	102	102
	FUTURE PHASES:	Projected		Projected		Projected	
	WINCHESTER PHASE 3 (FUTURE)	N/A		TBD		TBD	
	TOLL BROTHERS PHASE 1 (#820070140)	N/A		74			74
	TOLL BROTHERS PHASE 2 (#820100030)	N/A		93			93
	CABIN BRANCH COMMONS - RESIDENTIAL (#820060180)	N/A		N/A			0
	CABIN BRANCH COMMONS - RETAIL (#820060300)	N/A		N/A			0
	ADVENTIST PHASE 1 (#820060350)	N/A		N/A			0
ADVENTIST (FUTURE)	N/A		N/A			TBD	
PARTIAL SUBTOTAL TO DATE: Winchester 1 & Winchester 2	N/A	0	234	234	234	234	
PRELIMINARY PLAN (#12003110B) 10/6/08	N/A				635	635	

b. Off-Site Amenities and Features:

“By the time of issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan the Applicant will dedicate the sites shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval”

With the approved conditions, the Site Plan conforms to the binding elements of Development Plan G-806 for off-site amenities and features. The Site Plan, with the accompanying conditions, requires dedication of an elementary school and a local park. Pursuant to Condition 20 of this Resolution, prior to the 100th building permit, the Applicant must dedicate the school site. Pursuant to condition 20(a) of this Resolution, Parkland is to be conveyed at the time of record plat. The recreation

facility for the Cabin Branch Community is not contained in Winchester 1 but will be provided in a future phase. However, the recreation facility building permit must be issued prior to issuance of the 650th residential unit building permit. Pursuant to Condition 23(c) of this Resolution, the school site and local park must be rough-graded prior to issuance of the 440th building permit for the Cabin Branch development. Thus, the Site Plan conforms to the binding elements for off-site amenities and features.

c. *Trip Reduction Measures:*

At the time of Preliminary Plan of Subdivision, the Applicant, M-NCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

The Preliminary Plan of Subdivision contemplates mutually acceptable trip reduction measures. The Planning Board's approval of the Infrastructure Site Plan established the road hierarchy, which accommodates underground utilities and stormwater management facilities. The Site Plan conditions multiple trip reduction measures including the development of a transit services plan, the establishment of carpool and bike programs, and providing information kiosks. In addition, the Site Plan, as conditioned, establishes parking ratios for non-residential uses on the Subject Property.

Specific street design, addressed in the Site Plan, established the public parking supply on the Subject Property as approved by the Fire and Rescue Service. The parking provided in the Site Plan includes 60 spaces in the Local Park surface parking lot, and on-street parking consisting of 92 spaces in the MXPDP zone and 233 spaces in the RMX zone. The parking is provided for the non-residential uses adjacent to Winchester 1. Thus, the Site Plan satisfies the requirements in Development Plan G-806 with regard to trip reduction measures.

d. *Street Network:*

A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to MNCPPC and DPWT approvals.

The public streets proposed are consistent with the Master Plan and hierarchy defined in the Development Plan. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to MNCPPC and DPWT approvals. Area D is not included in the Application.

e. Area D Street Network

Area D will be designed with a public or private street connecting First Avenue (Route A-304) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.

Area D, the area located between future A-302 (Newcut Road), Second Avenue and West Old Baltimore Road, at the southern site boundary, will be reviewed in more detail when the site plan for this portion of the site is submitted. Area D is not included in this Application.

f. Street Character

All streets will adhere to a pedestrian-friendly design to the extent practical, which places particular emphasis on a building line to frame the street, with parking in the rear. Within the core, pedestrian friendly uses including retail or office will be located on the first floor. The entire MXPB area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to MNCPPC and DPWT approvals.

The Road Hierarchy Plan, contained in the Site Infrastructure Plan, established the framework for transportation functions and neighborhood character and set the block pattern. The resulting linear routes provide appropriately scaled pedestrian experiences that connect directly to the numerous public amenities located throughout the site.

The public streets have been designed to foster a pedestrian friendly environment, where possible, and to promote active streets that interact with the streetscape plan.

g. Special Roads

A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to MNCPPC and DPWT

approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.

A-307 has been designed as an open-section 80-foot-wide arterial road with green edges that line up with the entrance to Black Hill Regional Park. West Old Baltimore Road was not reviewed with the Infrastructure Plan nor the subject Site Plan in terms of impact to adjacent properties including Black Hill Regional Park. The road is proposed as a two-lane arterial roadway with changes to vertical and horizontal alignment. A-307 is not located in Winchester I and is therefore not relevant to the Site Plan.

h. Service/Public Uses

Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care.

Up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care are permitted in the Cabin Branch Community. The Site Plan for Winchester 1 does not contain any units of this type.

i. On-street Parking

Applicants will include on-street parking on streets adjacent to retail facilities.

The retail section of the Cabin Branch Community (Area A on the Development Plan) is not included in the Site Plan.

2. *The Site Plan meets all of the requirements of the MXPDP and RMX-1/TDR zones.*

The Site Plan meets all of the requirements of the MXPDP and RMX-1/TDR Zones. The Site Plan establishes the minimum setbacks and building restriction lines, maximum building heights and coverage requirements. As demonstrated in Tables 3, 4 and 5 shown below, the Site Plan complies with Site Area, Residential Density, and Green Area requirements of the MXPDP and RMX-1/TDR Zones. With regard to the Green Area requirement, if calculated on a site-by-site basis, the Subject Property would be required to contain 58.2 acres of Green Area, 28.46 acres in the MXPDP zone and 29.74 acres in the RMX1/TDR Zone. The approved Site Plan contains 44.98 acres of Green Area, 12.3 acres in the MXPDP Zone and 32.68 acres in the RMX1/TDR Zone. The Planning Board finds that the Site Plan provides adequate Green Area required in the MXPDP Zone because of its conformance to the approved Cabin Branch Neighborhood tract-wide Preliminary Plan No. 12003110B, under which 69.2 acres of Stream Buffer Valley in the MXPDP Zone are preserved and protected under Conservation Easement. Cabin Branch Management LLC is required to satisfy the current 16.16 acre shortfall in

the MXP Zone under the Winchester I Site Plan in subsequent MXP commercial/industrial development in the Cabin Branch Community.

Tables 3, 4, and 5: Winchester Phase I - Site Area, Residential Density, and Green Areas

SITE AREA- ACRES (+/-)		Approved by the Planning Board and pending upon the Applicant					
		MXP ZONE acres		RMX/ITDR ZONE acres		TOTAL acres	
SITE PLANS	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	7.24	0	7.24			
	WATER TOWER - (MR #08001-WSSC-1) APPROVED 4/3/2008	1.487	0	1.487			
	WINCHESTER PHASE 1 (#82006029A)	56.92	84.98	141.91			
	WINCHESTER PHASE 2 (#820110080) CONCURRENT HEARING	25.1	13.1	38.2			
	FUTURE PHASES	Projected	Projected	Projected			
	WINCHESTER PHASE 3 (FUTURE)	0	TBD	TBD			
	TOLL BROTHERS PHASE 1 (#820070140)	1.09	58.23	57.29			
	TOLL BROTHERS PHASE 2 (#820100030)	38.02	69.54	108.58			
	CABIN BRANCH COMMONS- RESIDENTIAL (#820060180)	28.49	0	28.49			
	CABIN BRANCH COMMONS -RETAIL (#820060300)	12.08	0	12.08			
ADVENTIST PHASE 1 (#820060350)	34.77	0	34.77				
ADVENTIST (FUTURE)	TBD	0	TBD				
ADVENTIST SENIOR UNITS (FUTURE)	TBD	0	TBD				
PARTIAL SUBTOTAL	207.147	223.86	431.007				
INFRASTRUCTURE	INFRASTRUCTURE SITE PLAN (#82005015A) APPROVED 9/17/2007	293.5	251.54	535.04			
PRELIMINARY	SUBDIVISION PLAN (#120031108) APPROVED 10/6/08	283.5	251.54	535.04			
RESIDENTIAL DENSITY- DWELLING UNITS		MXP ZONE units		RMX/ITDR ZONE units		TOTAL units	
		Permitted	Approved	Permitted	Approved	Permitted	Approved
SITE PLANS	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10		0		0		0
	WINCHESTER PHASE 1 (#82006029A)	2504	231	934	206		438¹
	WINCHESTER PHASE 2 (#820110080) CONCURRENT HEARING	1,104	234	144	107		341
	FUTURE PHASES	Projected		Projected		Projected	
	WINCHESTER PHASE 3 (FUTURE)	0		TBD		TBD	
	TOLL BROTHERS PHASE 1 (#820070140)	0		216		216	
	TOLL BROTHERS PHASE 2 (#820100030)	121		196		317	
	CABIN BRANCH COMMONS- RESIDENTIAL (#820060180)	128		0		128	
	CABIN BRANCH COMMONS -RETAIL (#820060300)	0		0		0	
	ADVENTIST PHASE 1 (#820060350)	0		0		0	
ADVENTIST (FUTURE)	TBD		0		TBD		
PARTIAL SUBTOTAL: Winchester 1 & Winchester 2	465		315		780		
PRELIMINARY	SUBDIVISION PLAN (#120031108) APPROVED 10/6/08	1826	1826	888	888	1886	1886
	1 - Existing Historic House to remain in addition						
GREEN AREA - ACRES		MXP ZONE green area - ac.		RMX/ITDR ZONE green area - ac.		TOTAL green area - ac.	
		Req'd	Approved	Req'd	Approved	Req'd	Approved
SITE PLANS	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	2.90	2.40	N/A	N/A	2.90	2.40
	WINCHESTER PHASE 1 (#82006029A)	28.46²	12.3²	29.74	32.68	58.2	44.98²
	WINCHESTER PHASE 2 (#820110080) CONCURRENT HEARING	12.55	5.5²	4.58	2.9²	17.13	8.4²
	FUTURE PHASES	Projected		Projected		Projected	
	WINCHESTER PHASE 3 (FUTURE)	0		TBD		TBD	
	TOLL BROTHERS PHASE 1 (#820070140)	0		27.99		27.99	
	TOLL BROTHERS PHASE 2 (#820100030)	4.52		48.52		51.04	
	CABIN BRANCH COMMONS- RESIDENTIAL (#820060180)	22.13		0		22.13	
	CABIN BRANCH COMMONS -RETAIL (#820060300)	2.07		0		2.07	
	ADVENTIST PHASE 1 (#820060350)	23.8		0		23.8	
ADVENTIST SENIOR UNITS (FUTURE)	TBD		0		TBD		
ADVENTIST (FUTURE)	TBD		0		TBD		
PARTIAL SUBTOTAL TO DATE BY SITE PLAN	43.91	28.29	34.32	35.58	78.23	56.28	
PRELIMINARY	SUBDIVISION PLAN (#120031108) APPROVED 10/6/08	283.50		251.54		89.20	
	2 - See Green Area Distribution Chart for Provision of Required Green Area						

As demonstrated in Tables 6 and 7 below, the Site Plan meets the residential density, setback, building height, off-street parking, and public facilities requirements in both the MXPB Zone and RMX1/TDR Zone.

Table 6: Winchester Phase 1 - MXPB Zone

SITE PLAN 82006029A: WINCHESTER PHASE 1 - CABIN BRANCH COMMUNITY: MXPB ZONE					
MXPB ZONE	DEVELOPMENT STANDARD		PERMITTED/REQUIRED	Previous Approval 820060290	APPROVED BY THE PLANNING BOARD AND BINDING ON THE APPLICANT
§59-C-7.51	Lot and Tract Area ▲	min.			
	Gross Tract		20 ac.†	56.42	56.92 ac. ±
	Net Area Residential				32.86 ac. ±
	Dedication of Public Roads				20.54 ac. ±
	Dedication of Private Roads				1.75 ac. ±
	Public HOA Areas				2.53 ac. ±
§59-C-7.53	Residential Density (1) ▲				
§59-C-7.53(a)	Resd. Density ▲	max.	44 du/ac.†	4.2 du/ac.	4.1± du/ac.
	Total dwellings this application			238 du	232 du
	Dwellings % of Devel. Plan				12.3% ± (232 du/1886 du)
	One-family detached - du/ac.				0.6 du/ac. ± (33 du/56.92 ac.)
	One-family attached - du/ac.				3.5 du/ac. ± (199 du/56.92 ac.)
	MPDUs Required		29 MPDUS		39 MPDUS
§59-C-7.55	Setbacks	min.			
	One-family Detached/Attached				
	Front	min.		10'	10'
	Rear	min.		0'	0'
	Side - side street	min.		10'	10'
	Side - interior lot or alley	min.		3'	3'
	R/W truncation	min.		0'	0'
§59-C-7.55(c)	Building Height (3)	max.			
	All Residential structures-feet	max.		50'	50'(2)
	All Residential structures-stories	max.		2/2 (MF) 65'	4 stories† (2)
§59-C-7.58	Off-Street Parking				
§59-E-2.2	Size	min.	8.5' x 18'		8.5' x 18'
§59-E-3.7	Parking - One-Family detached	min.	2 @ 33 du=66 ▲	449 Reqd.	N/A (3)
	PARKING - One-Family attached	min.	2 @ 199 du=398 ▲		N/A (3)
	Off Street			646 provided	709 spaces ± (3)
	On Street				See MCFRS (3)
§59-C-7.56	Green Area (4)				

	Residential portion	min.	50% [28.46 ac.]	10.71 ac.	12.3 ac. ± (4)
	Commercial portion	min.	40% [74.80 ac.]	69.20ac.-SVB	
§59-C-7.57	Public Facilities				2.53 ac. ±
(1) Density NTE master plan recommendations per G-806. Per Preliminary Plan 12003110B *Final approval of number and locations of buidlings, on-site parking, site circulation, sidewalks and bike paths TBD at Site Plan.					
(2) Building heights as defined by the zoning ordinance TBD at time of building permit. Final building heights will conform to requirements set forth in preliminary and development plans, NTE maximum height noted above.					
(3) Off street parking= 409 garage + 300 tandem spaces. See MCFRS approved plan for total on -street parking provided.					
(4) The residential portion of Winchester Phase 1, Cabin Branch provides 21.6% green space. The shortfall of 16.16 ac. will be provided under future applications by adjoining property owners. See green space chart for calculations.					
▲ Partial Calculation for this portion of Winchester Phase 1 site plan. See overall Development Studs &Project Calculations.					

Table 7: Winchester Phase 1 - RMX1/TDR

SITE PLAN 82006029A: WINCHESTER PHASE 1 - CABIN BRANCH COMMUNITY: Standard Method					
RMX-1/TDR ZONE	DEVELOPMENT STANDARD		Permitted/ Required	Previous Approval 820060290	APPROVED BY THE PLANNING BOARD AND BINDING ON THE APPLICANT
§59-C-1.39	Lot and Tract Area ▲	min.			
	Gross Tract		.20 acre	84.99	84.99 ac. ±
	Net Area Residential				37.96 ac. ±
	Dedication of Public Roads				12.57 ac. ±
	Dedication of Private Roads				1.98ac. ±
§59-C-1.395	Residential Density (1) ▲	max.			
	Resd. Density ▲		3.22 du/ac.	2.24 du/ac.	2.43± du/ac.
	Total dwellings this application			190 du	207 du
	Dwellings % of Devel. Plan				11% ± (207 du/1886 du)
	One-family detached - du/ac.				1.0 du/ac. ± (83 du/84.99 ac.)
	One-family attached - du/ac.				1.5du/ac.± (123 du/84.99 ac.)
§59-C-1.392	MPDUs Required	min.	26		17 MPDUs
§59-C-1.394	Setbacks (1)	min.			
	One-family Detached/Attached				
	Front	min.		10'	10'
	Rear	min.		0'	0'
	Side - side street	min.		10'	10'
	Side - interior lot or alley	min.		3'	3'
	R/W truncation	min.		0'	0'
§59-C-1.395	Building Height (3)	max.			
	All Residential structures-feet	max.		50'	50' (2)
	All Residential structures-stories	max.		2/2 (MF) 65'	4 stories† (2)
§59-E	Off-Street Parking				

	Size	min.	8.5' x 18'		8.5' x 18'
	Parking - One-Family detached	min.	2 @ 33 du=66 ▲	368 Reqd.	N/A (3)
	Parking - One-Family attached	min.	2 @ 199 du=398 ▲		N/A (3)
	Off Street			484 provided	624 spaces ± (3)
	On Street				See MCFRS (3)
§59-C-1.395	Green Area (4)				
	Residential portion	min.	35% [29.74 ac.]	30.5 ac.	32.65 ac. ± (4)
	HOA	min.		1.86 ac.	1.76 ac.
§59-C-7.57	MCPS Elementary School		9.61 ac.		9.61 ac.
	MNCCPC Local Park		10.07 ac.		~10.07 ac.
<p>(1) §59-C-10.2.1 Standard Method of Development Regulations. RMX-1/TDR Zone: Standard method projects must occur in accordance with the development methods, standards and special regulations of the R-200/TDR Zone as contained in §59-C-1.331, §59-C-1.332, §59-C-1.39. Maximum density with the use of TDRS is 11 dwelling units per acre. The Land uses allowed are those uses allowed in the R-200/TDR Zone. Development under this method must comply with the density, numerical limitations and other guidelines contained in the Master Plan approved by the District Council. "Final approval of the number and locations of buildings, dwelling units, on-site parking, site circulation, sidewalks and bike paths will be determined at site plan," per the approved Preliminary Plan 12003110B</p>					
<p>(2) Building heights as defined by the zoning ordinance TBD at time of building permit. Final building heights will conform to requirements set forth in preliminary and development plans, NTE maximum height noted above.</p>					
<p>(3) Off street parking= 409 garage + 300 tandem spaces. See MCFRS approved plan for total on -street parking provided.</p>					
<p>(4) The residential portion of Winchester Phase 1, Cabin Branch provides ample green space satisfied by the MNCCPC Local Park, MCPC school dedication, and HOA parcels, including the Community Garden.</p>					
<p>▲ Partial Calculation for this portion of Winchester Phase 1 site plan. See overall Development Studs & Project Calculations.</p>					

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. **Locations of Buildings and Structures**

The approved buildings and structures create a consistent building line from block-to-block that shapes the street view, organizes the public realm, and provides direct pedestrian and vehicular access. The various lot sizes and housing types provide the necessary variety of footprints, widths, and exterior architectural features. The design and layout of the buildings are compatible with the existing and proposed development in the surrounding area. Thus, the approved locations of buildings and structures on the Subject Property are adequate, safe, and efficient.

b. **Open Spaces**

The strategic placement of the open spaces and amenities creates public destinations, provides effective site navigation, and offers a large variety of activity, both active and passive. Therefore, the Board finds the open spaces are adequate, safe and efficient.

c. Landscaping and Lighting

Landscaping and lighting consists of a variety of treatments within the public rights-of-way, as outlined in the Cabin Branch Design Guidelines. Power supplies, lighting and furnishings will be provided to support public events, such as concerts and films, for the major public spaces, Merganser Court, Wellspring Greenway and The Amphitheater. The Site Plan provides a variety of themed lighting fixtures, in larger and smaller heights, scaled to the proportions of the spaces. Both landscaping and lighting are adequate, safe, and efficient.

d. Recreation Facilities

As envisioned in the Master Plan abundant recreation amenities are offered through the extensive natural areas of the stream buffers, the programmed fields at the public school and the Local Park, and the playgrounds and tot lot planned for parks construction. The pedestrian and bicycle systems cover the entire site, allowing safe and efficient connective links between the amenities located throughout the development. The trail system within the stream buffers ties directly to the sidewalk and bike paths. The location and types of recreational facilities are well dispersed and safely accessible. Park facilities, built to Parks standards, are safe, adequate, and efficient, as are the open play areas in the residential sections of the site.

The “west side,” visible from Clarksburg Road and along Tribute Parkway and Wellspring Greenway, offers many recreational amenities: the public school and its playing fields, the historic Byrne Warfield House and play field, and the local park fitted with a soccer field, playground, and tot lot. The placement of these amenities along the curving Byrne Park Road offers views of the stream valley ending at the Community Center Site. The recreation facilities on the Subject Property are safe, adequate, and efficient.

e. Vehicular and Pedestrian Circulation

Vehicular and Pedestrian circulation is adequate, safe, and efficient throughout the entire site. The primary access points to the site are from multiple locations along MD 121 (Clarksburg Road), West Old Baltimore Road, and future Little Seneca Parkway (A-302). The State Highway Administration proposed intersection improvements at I-270 with Clarksburg Road and Little Seneca Parkway. Second Avenue is an arterial road and is the primary spine within the community that connects Clarksburg Road and West Old Baltimore Road. Two additional important access points to the site include Street G (Byrne Park Drive),

which follows the eastern boundary of the school and park site and Street Z, which is the primary access to the school.

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

The approved Plan for Winchester I contains consistent development standards that are uniform across the two zones (MXPB and RMX/TDR-1). The context of the Site Plan is highly compatible in its relationship to Winchester II, the public amenities (the school and the park), the future Community Center, and the variety of public open spaces that create a unified greenway system. The current amendment changes the previous approval in ways that increase compatibility: elimination of the Multi-family 2-over-2 unit type, an increase in green space for this Site Plan, and a new unit type, the Urban Loft, built into the grade. Thus each structure and use is compatible with other uses and site plans and with existing and proposed development.

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.*

Pursuant to Chapter 19, Article V, Sec. 19-65 of the Montgomery County Code, The Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of water quality plans in Special Protection Areas. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied. The Site Plan, as conditioned for the SPA Water Quality Plan, meets all requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection and any other applicable law.

Forest Conservation

The entire 535-acre Cabin Branch Community has an overall Final Forest Conservation Plan (FCP) which was approved with the Cabin Branch infrastructure site plan (820050150). The FCP requires the Applicant to meet forest conservation requirements through a combination of on-site forest retention, onsite planting of unforested stream buffers, landscape credit, and offsite planting within the Clarksburg SPA.

The Planting Phasing Plan was designed to establish easements and forest planting for the entire Cabin Branch Community, while taking into consideration that it will be a multi-year phased development with multiple site plans for

individual sections. The Planting Phasing Plan looked at the overall project and each individual site plan in terms of both size (proportion) of the overall project and the percentage of total units for each phase.

Environmental Guidelines

The NRI/FSDs for the various properties, which make up the Cabin Branch Community, are included in the final FCP and were used to identify the environmental buffers. As part of the Environmental Guidelines, the unforested stream buffer within the SPA must be reforested. The Applicant will place forest conservation easements on the environmental buffers and all forest retention areas. The only encroachments into the environmental buffers associated with this Site Plan are the necessary stormwater management conveyance outfalls and natural surface trails.

Site Imperviousness

There are no impervious limitations within the Clarksburg SPA; however, the Special Protection Area regulations allow M-NCPPC to review imperviousness and to work with the Applicant to reduce imperviousness. The estimated impervious amount proposed for the entire Cabin Branch Community is less than 45 percent. The impervious amount will be refined with the submission and approval of individual site plans.

BE IT FURTHER RESOLVED that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that this Resolution 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 MAY 22 2012
(which is the date that this Resolution is mailed to all parties of record); and

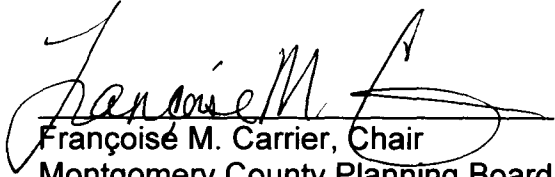
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent

with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, May 17, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board