



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

**JUL 11 2012**

MCPB No. 11-126  
 Limited Site Plan No. 820110080  
 Project Name: Winchester II Phase 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 site plan for 341 new residential dwelling units, consisting of 234 residential units within 25.10 acres in the MXPD Zone, that includes 27 one-family detached units and 107 one-family attached units of which 39 units are Moderately Priced Dwelling Units (MPDUs); and consisting of 107 residential units within 13.10 acres in the RMX/TDR-1 Zone, that includes 80 one-family detached units and 27 one-family attached units of which 2 are MPDUs; and 102 Transfer Development Rights (TDRs) ("Site Plan").

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").

WHEREAS, this Site Plan represents the second sequential, multi-phase residential development within the 535-acre tract that forms the heart of the Cabin Branch Community. The fully built plan, approved under the Development Plan G-806, allows 1,886 residential units, 2,420,000 square feet commercial space and 500 senior housing units; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820110080, Winchester II (the "Application"); 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

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

Approved as to  
 Legal Sufficiency:

*Christina S. Smith* 6/21/12

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4105 Fax: 301.495.1320

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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 Dreyfus; seconded by Commissioner Anderson; with a vote of 5-0, Commissioners Carrier, Well-Hartley, 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. 820110080 for 341 new residential dwelling units, consisting of 234 residential units within 25.10 acres in the MXPD Zone, that includes 27 one-family detached units and 207 one-family attached units of which 39 units are Moderately Priced Dwelling Units (MPDUs); and consisting of 107 residential units within the 13.10 acres in the RMX/TDR-1 Zone, that includes 80 one-family detached units and 27 one-family attached units of which 2 are MPDUs; and 102 Transfer Development Rights (TDRs). The site, part of a larger tract of 535 acres, 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. The Planning Board's approval is subject to the following conditions:

#### **Conformance with Previous Approvals**

1. Development Plan Conformance  
Comply with the binding elements, general notes, and the 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 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, 820050150, as specified in the MCPB Resolution 07-131, dated July 19, 2007; comply with 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 25.10 acres in the MXPB Zone: 234 residential units, including 27 one-family detached units and 207 one-family attached units of which 300 units are Moderately Priced Dwelling Units (MPDUs);
  - b. Provide within the 13.10 acres in the RMX/TDR-1 Zone, 107 residential units of which 80 are one-family detached units, and 27 are one-family attached units that include 2 MPDUs and 102 Transfer Development Rights (TDRs). All site development elements, details and specifications shown on the site and landscape plans stamped "Received" by the M-NCPPC on October 18, 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, rideshare 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.
  - 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. 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

8. High Visibility Lots Treatment  
Provide enhanced architectural treatments such as stone/brick walls, set 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 H, Lot 22.
  - b. Block R, Lots 13, 14, 52, 53:
  - c. Block R, Lots 23, 43.
  - d. Block Q, Lots 4, 26, 27.
  - e. Block S, Lots 1, 30, 31, 40
  - f. Block T, Lot 25.
  - h. Block V, Lot 9

#### Landscape and Lighting Design

9. 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 MCDOT.
  - 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.
10. 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. Identify lighting proposed for the public right-of-way.

#### Recreation Facilities, Pedestrian and Bicycle Amenities

11. 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 II: one Tot Lot, 5 Sitting/Picnic Areas, one Open Play Area I, four Open Play Area II, Bike System, 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 Fulmer Avenue;
    - ii. Newcut Road;

- iii. East side of Cabin Branch Avenue;
- c. Provide a Public Improvements Easement (PIE) for all paths not located with the public right-of-way, subject to DOT review & approval

### **Public Spaces and Amenities**

#### 12. 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. North and South Lawns**

- i. Provide two ornamental light fixtures near the benches for each Open Play Area, compatible with Design Guidelines recommendations for the Lawn Play Areas (Block S, Block R);
- ii. Provide special paving for the drive aisles and parallel parking to integrate the functional and aesthetic aspects of the spaces.
- iii. Show street lighting on the landscape plans.
- iv. Provide additional seating near the street edge portion of each park; provide a raised lip, or architectural detail for the street edge to serve as a ball stop.

##### **b. Shaw Park**

- i. Provide details for the cemetery fence and gate, and tree protection as recommended by MNCPPC Historic Preservation.
- ii. Retain stones and mature trees in place on site, remove undercut brush and clean up cemetery site.
- iii. Install a small sign to commemorate – and perhaps interpret – the cemetery site.
- iv. Install simple (or restore any extant) fencing, with operable gate to allow access for maintenance and visitation of the cemetery site.
- v. Reset stones, consistent with appropriate guiding principles for such an undertaking, such as the Maryland Historical Trust Historic Cemetery Preservation.
- vi. Provide a bike rack in the park.

##### **c. The Commons**

- i. Provide an additional seating area for each play area at the Gowhit Street frontage;
- ii. Provide a bike rack.

#### 13. Maintenance

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**

#### 14. 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)**

15. Acquisition and Recordation
  - a. Provide verification, prior to recording of each residential plat for the Winchester II Site Plan, that the numbers of TDRs relevant to that plat have been acquired.
  - b. Acquire 102 TDRs under the Cabin Branch Winchester II Site Plan.

#### **Moderately Priced Dwelling Units (MPDUs)**

16. Location and Phasing
  - a. Provide 41 MPDUs as part of Cabin Branch Winchester II Site Plan, (.7 % of total number of units), consistent with Chapter 25A.
  - b. Execute the MPDU Agreement-to-Build prior to issuance of the first building permit.
17. Common Open Space Covenant
  - d. Reference Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant") on the record plat of subdivision.
  - e. Provide verification to M-NCPPC Staff prior to issuance of the 301<sup>st</sup> building permit that the recorded HOA Documents incorporate by reference the subject Covenant.

#### **Development Program**

18. Development Program Requirements

The Applicant must construct the proposed development in accordance with a development program to be reviewed by M-NCPPC Staff prior to the approval of the Certified Site Plan. The Winchester II Site Plan will be developed in two phases: Phase 1 proposes 224 residential units (117 attached townhouse units, 107 single family detached units). Phase 2 proposes 117 residential units (attached townhouse 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. 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. 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 recreation facilities in Phase II include the HOA amenities, North and South Lawns, Shaw Park, The Commons, 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.
- c. Community-Wide Recreational Facilities
- i. The school site must be rough graded in accordance with the requirements of MCPS, and subject to MCPS approval; the 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.
  - ii. 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).
  - iii. The bicycle and pedestrian paths must be complete prior to the issuance of occupancy permits for the adjoining buildings.
- d. Phasing
- 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.
  - iv. Final design, construction phasing and building permit applications for the lots adjoining and near to the Toll Brothers property must be coordinated with the design, construction and permitting of the public streets and open space serving those lots, subject to MNCPPC Staff review and approval. The lots listed below are subject to this condition:
    - Block W: Lots 1-5, 15-22 and The Commons;
    - Block X: Lots 15, 16, 17, 18, 43, 44, 45, 46, 47;
    - Block S: Lots 7-13, 14-17;
    - Block T: Lots 26-28;
    - Block I: Lots 16-20

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.

**Performance Bond**

19. 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 the North and South lawns, Shaw Park, and the Commons areas, but should not include areas within public ROV/ 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**

20. Water Quality Plan

- a. The Applicant is bound by all conditions of the approved Infrastructure Site Plan No. 820050150 dated June 14, 2007, except as modified herein.
- b. The Applicant must comply with the conditions as stated in the Montgomery County Department of Permitting Services (MCDPS) letter dated September 15, 2011. The conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Site Plan or Final Forest Conservation Plan approval.
- 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.



21. Noise  
Limit the acceptable noise levels to a maximum 65 LdN for residential rear yards.

### **Certified Site Plan**

22. Requirements
- a. Phasing
    - i. Site Plan Resolution
    - ii. Development Program, Inspection Schedule
    - iii. 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;
  - 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 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, and unit height from finished floor level
  - f. Development Data

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.

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-805, adopted September 9, 2003, with respect to land use, density, building locations, building height, and development staging. 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 MXPd, is zoned RMX-1/TDR and will require 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 20% multi-family) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPd 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 and Moderately Priced Dwelling Units required for the entire 535-acre Cabin Branch Community. Winchester Phase II provides 41 MPDUs (12.02%), as attached one-family units, using credit from the Winchester 1 MPDU overage to meet requirements for this Application. The TDRs provided total 102. The number of TDR's and MPDU's conform to the proportion required for this Application under the Development Plan.

**TDRs**

There are no TDRs required in the MXPd Zone. The number of TDRs in the RMX1/TDR Zone contained in the Site Plan conforms to the proportion of the Application's requirements under the Development Plan Binding Element. If calculated on a site-by-site basis, the Subject Property would be required to contain 102 TDRs in the RMX1/TDR Zone. The approved Site Plan contains 102 TDRs in the RMX1/TDR Zone.

**MPDUs**

The number of MPDUs in both the MXPB Zone and RMX1/TDR Zone contained in the Site Plan conforms to the Application's proportion of Development Plan G-806. If calculated on a site by site basis, the Subject Property would be required to contain 43 MPDUs. The approved Site Plan contains 41 MDPU's. The shortage of 2 MPDUs in this phase is covered by the credit given in the Winchester I phase.

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 for off-site amenities and features. Prior to issuance of the 100th building permit within the entire Development Plan comprising any phase, the Applicant must dedicate the school site. Prior to the 650th building permit within the entire Development, the community center and pool building permit must be obtained. Each local recreation facility is required to be completed as the homes on that block are completed, and in no event later than issuance of 70% of building permits for the units in each phase. The Site Plan, with the accompanying conditions, also requires that prior to the 440th building permit, the school site and local park must be rough-graded.

c. Trip Reduction Measures:

*At the time of Preliminary Plan of Subdivision, the Applicant, M-NCFPC 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 in the form of transportation management goals. 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 requires compliance with the Preliminary Plan. There is no parking for non-residential uses in this phase. 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 Applicant has provided a network of public streets in a grid pattern that defines scaled blocks typical of neo-traditional type of development. The street network is patterned to negotiate significant grades, accommodate underground infrastructure, and create a cohesive relationship with public and private uses proposed in the Cabin Branch Community. The public streets are consistent with the Master Plan and hierarchy outlined in the Development Plan and delineated in the Infrastructure Site Plan.

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 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 Preliminary Plan, established the framework for transportation functions and neighborhood character, setting 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 Cabin Branch Community Streetscape Plan was submitted with the Site Plan and the entire Site Plan will conform to it.

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 and West Old Baltimore Road are not are part of this Application.

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. This Application does not contain units for independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care.

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 MXPB and RMX-1/TDR zones and where applicable conforms to an urban renewal plan approved under Chapter 16.*

The Site Plan meets all of the requirements of the MXPB and RMX-1/TDR Zones. The Site Plan establishes the minimum setbacks and building restriction lines, maximum building heights and coverage requirements. The Site Plan complies with Site Area and Residential Density requirements of the MXPB 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 17.13 acres of Green Area, 12.55 acres in the MXPB zone and 4.58 acres in the RMX1/TDR Zone. The approved Site Plan contains 8.4 acres of Green Area, 5.5 acres in the MXPB Zone and 2.9 acres in the RMX1/TDR Zone. The Planning Board finds that the Site Plan provides adequate Green Area, as required in the MXPB and RMX-1/TDR Zones because of its conformance to the approved Cabin Branch Neighborhood tract-wide Preliminary Plan No. 12003110B, under which 69.2 acres of Stream Valley Buffer are preserved and protected under Conservation Easement. Cabin Branch Management LLC is required to satisfy the current shortfalls (7.05 acres in the MXPB Zone, and 1.69 acres in the RMX-1/TDR Zone) in subsequent development in the Cabin Branch Community.

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

**Winchester Phase 2 - MXPB Zone**

SITE PLAN 820110080: WINCHESTER PHASE 2 - CABIN BRANCH NEIGHBORHOOD: MXPB ZONE					
MXPB ZONE	DEVELOPMENT DATA STANDARD METHOD		PERMITTED/REQD.	820060: 90 Prior approval	APPROVED BY THE PLANNING BOARD AND BINDING ON THE APPLICANT
§59-C-7.51	Lot and Tract Area ▲	min.			
	Gross Tract		20 ac. min		25.10 ac. ±

	Net Area Residential				10.3 ac. ±
	Dedication of Public Roads				10.2 ac. ±
	Dedication of Private Roads				1.6 ac. ±
	Public HOA Areas				3.0 ac. ±
<b>§59-C-7.53</b>	<b>Residential Density (1) ▲</b>				
§59-C-7.53(a)	Reds. Density ▲	max.	44 du/ac.		9.3 ± du/ac.
	Total dwellings this application				234 du
	Dwellings % of Devel. Plan				12.4% ± (234 du/1886 du)
	One-family detached - du/ac.				1.1 du/ac. ± (27 du/25.1 ac.)
	One-family attached - du/ac.				8.2 du/ac. ± (207du/25.1 ac.)
	MPDUs	min.	29 MPDUs 12.5%		39 MPDUs
<b>§59-C-7.55</b>	<b>Setbacks</b>	min.			
	<b>One-family Detached/Attached</b>				
	Front	min.			10'
	Rear	min.			0'
	Side - side street	min.			10'
	Side - interior lot or alley	min.			3'
	R/W truncation	min.			0'
<b>§59-C-7.55(c)</b>	<b>Building Height (3)</b>	max.			
	Residential structures-feet	max.		SFD & SFA 50'	50' (2)
	Residential structures-stories	max.		2/2 (MF) 35'	4 stories† (2)
<b>§59-C-7.58</b>	<b>Off-Street Parking</b>				
§59-E-2.2	Size	min.	8.5' x 18'		8.5' x 18'
§59-E-3.7	Parking - One-Family detached	min.	2 @ 27 du=54	449 Req'd	N/A (3)
	Parking - One-Family attached	min.	2 @ 207 du=414		N/A (3)
	Off Street			646 provided	769 spaces ± (3)
	On Street				See MCFRS (3)
<b>§59-C-7.56</b>	<b>Green Area (4)</b>				
	Residential portion	min.	50% [12.55ac.]	10.71 ac.	5.5 ac. ± (4)
	Commercial portion	min.	40% [ac.]	69.20ac. SVB	
<b>§59-C-7.57</b>	<b>Public Facilities</b>				3.0 ac. ±
<p>(1) Density NTE master plan recommendations per G-806. Per Preliminary Plan 12003110B Final approval of number and locations of buildings, on-site parking, site circulation, sidewalks and bike paths TBD at Site Plan.</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 2, Cabin Branch provides 22% green space. The shortfall of 7.05 ac. will be provided under future applications by adjoining property owners. See green space chart for calculations.</p>					
<p>▲ Partial Calculation for this portion of Winchester Phase 1 site plan. See overall Development Plans &amp; Project Calculations.</p>					

**Winchester Phase II – RMX1/TDR Zone**

**SITE PLAN 820010080: WINCHESTER PHASE 2 - CABIN BRANCH NEIGHBORHOOD: RMX-TDR ZONE**

RMX-TDR ZONE	DEVELOPMENT STANDARD		PERMITTED/REQD	REQD	APPROVED BY THE PLANNING BOARD AND BINDING ON THE APPLICANT
<b>§59-C-1.39</b>	<b>Lot and Tract Area ▲</b>	min.			
	Gross Tract				13.1 ac.
	Net Area Residential				9.2 ac. ±
	Dedication of Public Roads				2.2 ac. ±
	Dedication of Private Roads				0.7 ac. ±
<b>§59-C-1.395</b>	<b>Residential Density (1) ▲</b>				
	Reds. Density ▲	max.			8.2 ± du/ac.
	Total dwellings this application				107 du
	Dwellings % of Devil. Plan				5.7% ± (107 du/1886 du)
	One-family detached - du/ac.				6.1 du/ac. ± (80 du/13.1 ac.)
	One-family attached - du/ac.				2.1 du/ac.± (27 du/13.1 ac.)
	MPDUs				2 MPDUS
<b>§59-C-1.392</b>		min.	12.5%	14 MPDU	
<b>§59-C-1.394</b>	<b>Setbacks</b>	min.			
	<b>One-family Detached/Attached</b>				
	Front	min.			10'
	Rear	min.			0'
	Side - side street	min.			10'
	Side - interior lot or alley	min.			3'
	R/W truncation	min.			0'
<b>§59-C-1.395</b>	<b>Building Height (3)</b>	max.			
	All Residential structures-feet	max.			50 '(2)
	All Residential structures-stories	max.			4 stories† (2)
<b>§59-E</b>	<b>Off-Street Parking</b>				
	Size	min.	8.5' x 18'		8.5' x 18'
	Parking - One-Family detached	min.	2 @ 80 du=160	160	196 spaces
	PARKING - One-Family attached	min.	2 @ 27 du=54 ▲	54	96 spaces
	Off Street				292 spaces ± (3)
	On Street				See MCFRS (3)
<b>§59-C-1.395</b>	<b>Green Area (4)</b>				
	Residential portion	min.	35% [4.58 ac.]	4.58 ac	2.9 ac. ± (4)
<p>(1) Density NTE master plan recommendations per G-806. Per Preliminary Plan 12003110B "Final approval of number and locations of buildings, on-site parking, site circulation, sidewalks and bike paths TBD at Site Plan.</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 2, Cabin Branch provides 22% green space. The shortfall of 1.69 ac. will be provided under future applications by adjoining property owners. See green space chart for calculations.</p>					
<p>▲ Partial Calculation for this portion of Winchester Phase 1 site plan. See overall Development Standards &amp; 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 pathways. 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 varying treatment 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, the North and South Lawns, Shaw Park, and the Commons. The Site Plan proposes 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

Recreation facilities provided within Winchester II are adequate, safe and efficient. As envisioned in the Master Plan, abundant recreation amenities are offered, both through the extensive natural areas of the stream buffers, and the formal open spaces that offer opportunities for spontaneous activity. The pedestrian and bicycle systems cover the entire site, allowing safe and efficient connections to amenities. The trail system, within the stream buffers, ties directly to the sidewalk and bike paths. The location and types of rec facilities are well dispersed, easily and safely accessible. Recreational amenities under the Site Plan generally exceed the requirements of the Recreation Guidelines for almost all of the age-related groups.

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 other 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.

The overall Cabin Branch Community will contain an eight-foot-wide shared use path on the external boundaries of the site and certain internal roads around the school and park sites. In addition, five-foot-wide internal sidewalks are being provided for all of the public streets to facilitate pedestrian circulation throughout the development.

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

This Site Plan represents the second multi-phased, sequential residential property development within the Cabin Branch Community. Each phase is reviewed in relation to the phases that preceded it, the proposed future phases, and the ultimate infrastructure plan for the entire Cabin Branch Community. The Application is compatible with the Winchester I Site Plan approved by the Board and the proposals for future site plans within the Cabin Branch Community.

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, 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 No. 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 Clarkstown 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 has placed forest conservation easements on the environmental buffers and all forest retention areas.

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.

Stormwater Management

The stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs). Six extended detention dry ponds will provide stormwater quantity control. Stormwater quality control is provided via a treatment train consisting of recharge structures, surface sand filters in series, structural water quality inlets and vegetated buffer filtering. Additional water quality volume treatment will be provided in surface sand filters. Areas intended for vehicular use will be pretreated prior to entering any water quality filtering structures. Recharge is to be provided below the outlet pipe of all proposed (non-structural) water quality structures where groundwater or bedrock is not encountered. Redundant sediment control facilities are required during construction of the site.

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

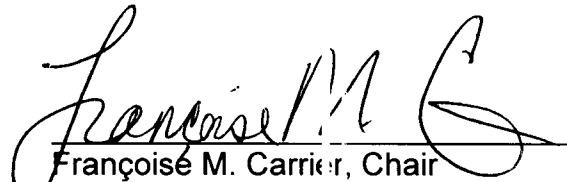
BE IT FURTHER RESOLVED, that the date of this Resolution is JUL 11 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Presley, seconded by Commissioner Anderson, with Chair Carrier, and Commissioners Anderson and Presley present and voting in favor of the motion, and Vice Chair Wells-Harley temporarily absent, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, June 28, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board