



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

**APR 9 2013**

MCPB No. 13-47  
 Site Plan No. 820120150  
 Winchester Phase 3  
 Date of Hearing: April 4, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, the Cabin Branch development ("Cabin Branch") is a 535-acre triangular tract of land, bordered by I-270 to the east, MD 121 to the west and West Old Baltimore Road to the south; and

WHEREAS, on September 9, 2003, by Resolution No. 15-326, the Montgomery County District Council approved Local Map Amendment G-806 ("LMA") to reclassify the eastern half (approximately 283.5 acres) of the Cabin Branch tract to the MXPB zone leaving the remaining western half (approximately 257 acres) in the RMX/TDR zone; and

WHEREAS, Development Plan G-806 approved with the LMA included binding elements, a Land Use Plan and other graphical exhibits that applied to the entire Cabin Branch; and

WHEREAS, on June 22, 2004, the Planning Board approved with conditions Preliminary Plan No. 12003110A<sup>1</sup> (including a preliminary Forest Conservation Plan and a preliminary Water Quality Plan) for a maximum of 1,600 residential dwelling units, 500 elderly housing units, and 1,538,000 square feet of commercial space, on the 535-acre Cabin Branch tract, to be developed in phases through individual site plans; and

WHEREAS, on September 19, 2007, by MCPB Resolution No. 07-131, the Planning Board approved with conditions Site Plan No. 820050150 for an Infrastructure and Roads Only Site Plan, including the final Water Quality Plan and final Forest

<sup>1</sup> An application for preliminary plan of subdivision, designated Preliminary Plan No. 120031100 was submitted for Cabin Branch, but later modified and replaced with Preliminary Plan No. 12003110A, prior to Planning Board action.

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Approved as to  
 Legal Sufficiency *Amended 3/27/13*  
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Conservation Plan ("Infrastructure Site Plan") to accommodate 1,886 residential dwelling units, 500 senior units (including 236 moderately priced dwelling units ("MPDUs")), using 635 transferable development rights ("TDRs"), and 2,436,000 square feet of retail and employment, on the Cabin Branch tract; and

WHEREAS, on June 9, 2008, by MCPB Resolution No. 08-68, the Planning Board approved with conditions Site Plan No. 82005015A amending the Forest Conservation Plan as approved with the Infrastructure Site Plan for the design and cross section of West Old Baltimore Road; and

WHEREAS, on October 6, 2008, by MCPB Resolution No. 08-117, the Planning Board approved with conditions Preliminary Plan No. 12003110B (including amendments to the Forest Conservation Plan and Water Quality Plan) to allow an additional 286 residential dwelling units and an additional 882,000 square feet of commercial space for a total of 1,886 residential dwelling units, 500 dwelling units for senior housing, and 2,420,000 square feet of commercial space on the Cabin Branch tract; and

WHEREAS, on March 17, 2012, by MCPB Resolution No. 11-124, the Planning Board approved with conditions Site Plan No. 82005015B to revise the forest conservation phasing as approved with the Infrastructure Site Plan so that it would be better coordinated with the construction phasing; and

WHEREAS, on November 27, 2012, the Planning Director administratively approved Site Plan No. 82005015C to make a minor modification to the Forest Conservation Plan as approved with the Infrastructure Site Plan to reflect the relocation of a water line on the Cabin Branch tract; and

WHEREAS, on April 18, 2012, Winchester Homes, Inc. ("Applicant"), filed an application for approval of a site plan for 185 residential dwelling units (including 10 MPDUs) consisting of 128 one-family detached and 57 one-family attached units, using 56 TDRs on a 36.96 acre portion of Cabin Branch, zoned RMX-1/TDR, located in the southwest quadrant of the intersection of Clarksburg Road and Interstate 270 ("Subject Property"), in the Clarksburg Policy Area, Clarksburg Master plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820120150, Winchester Phase 3 ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 22, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 4, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820120150 for 185 residential dwelling units (including 10 MPDUs) consisting of 128 one-family detached and 57 one-family attached units, using 56 TDRs on the Subject Property, subject to the following conditions:<sup>2</sup>

### **Conformance with Previous Approvals**

1. Development Plan Conformance

The development must comply with i) the applicable binding elements, general notes, and the development program as shown on the Certified Land Use Plan of Development Plan G-806, dated September 9, 2003; and ii) the conditions and binding elements adopted in Resolution No. 15-326, amending the Zoning Ordinance Map approved by the District Council, September 9, 2003.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 12003110B as set forth in MCPB Resolution No. 08-117, and as amended.

3. Infrastructure Site Plan Conformance

The development must comply with the conditions of approval of Site Plan No. 820050150 as set forth in MCPB Resolution No. 07-131, and as amended by:

- a) Site Plan No. 82005015A as set forth in MCPB Resolution No. 08-68,
- b) Site Plan No. 82005015B as set forth in MCPB Resolution No. 11-124,
- c) Administrative Site Plan Amendment No. 82005015C approved on November 27, 2012; and
- d) Any further amendments to the Infrastructure Site Plan, including such amendments as may be implemented through other site plans for Cabin Branch.

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<sup>2</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

4. Cabin Branch Design Guidelines for Site Plan Review

- a) The development must comply with the Cabin Branch Design Guidelines for Site Plan Review ("Design Guidelines") as stated in the letter dated February 1, 2013 from the Town Architect<sup>3</sup>.
- b) With building permit applications for each phase of the development program, the Applicant must submit to Staff an approval from the Town Architect stating that the approved buildings within that phase are in conformance with specifications of the Design Guidelines.

**Density & Housing**

5. Density

The development is limited to 185 residential dwelling units consisting of 128 one-family detached units and 57 one-family attached units on the Subject Property.

6. Transfer of Development Rights

- a) The Applicant must purchase 56 TDRs for the development.
- b) The serial number for each TDR acquired must be shown on its respective record plat.

7. Moderately Priced Dwelling Units

- a) The development must include 10 MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs ("DHCA") to the Applicant dated December 20, 2012.
- b) The MPDU agreement to build between the Applicant and DHCA must be executed prior to the release of the first building permit.

**Environment**

8. Forest Conservation

- a) Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.
- b) All off-site reforestation must occur within the Clarksburg Special Protection Area unless otherwise specifically approved by the Planning Board.
- c) The implementation of the project's forest conservation mitigation requirements, which includes forest retention, on-site and off-site afforestation, reforestation and landscape credit, may be phased. The phasing of the total forest conservation mitigation must be proportionate to either the area proposed for disturbance relative to the total project size or the amount of density for each stage relative to the total project density,

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<sup>3</sup> Town Architect is defined by condition 3.b of the Infrastructure Site Plan No. 820050150.

whichever is greater. The phasing triggers, forest conservation mitigation type, amount of mitigation, and disturbance areas are to be defined on the final Forest Conservation Plan and revised as needed with subsequent site plans. Conservation easements may be recorded using a metes and bounds description and sketch if preceding recordation of plats, provided the recording information for the conservation easement is referenced and the easement line is shown on subsequent record plats.

9. Stormwater Management/Final Water Quality Plan

- a) The development is subject to final Water Quality Plan approval conditions dated November 16, 2012, unless amended and approved by the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section, provided the amendments do not conflict with other conditions of the Site Plan or the final Forest Conservation Plan approved with the Infrastructure Site Plan.
- b) Reforestation of the stream buffer must begin during the first planting season after the issuance of the first grading permit by the MCDPS and pursuant to the phasing set forth in the final Forest Conservation Plan.

**Open Space and Recreation**

10. Common Open Space Covenant

Record plat of subdivision must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Prior to issuance of the 138<sup>th</sup> building permit, the Applicant must provide verification to Staff that the Applicant has incorporated the Covenant by reference into its recorded Homeowners Association ("HOA") Documents.

11. Recreation Facilities and Amenities

The Applicant must provide the following recreation facilities within the Subject Property as shown on the certified Site Plan: one tot lot, an open play area (minimum 5,000 square feet), seven seating areas, pedestrian system, bike system, natural trails and natural areas.

12. Maintenance of Public Amenities

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

## **Site Plan**

### **13. Compatibility/Architecture**

The front façades of the one-family attached MPDUs must be designed and finished with architectural elements comparable to those found on other similar attached market rate units within the development.

### **14. High Visibility Lots**

The development must include treatment for the following high visibility lots consistent with the Design Guidelines:

- a) Block AA: Lots 1, 7, 21, 24, 25, 31.
- b) Block AB: Lots 1, 7, 28, 34.
- c) Block AC: Lots 1, 6, 15, 16, 25, 52, 61, 64, 77.
- d) Block Z: Lots 1, 8, 9, 14, 15, 22, 27, 34.

### **15. Landscaping**

- a) The development must include an architectural fence and/or a landscape buffer on the side of the following lots consistent with the Design Guidelines:
  - i. Block AA: Lots 1, 7, 8, 20, 21, 24, 25.
  - ii. Block AB: Lots 1, 7, 28, 34, 8, 17, 18, 27.
  - iii. Block AC: Lots 1, 6, 15, 16, 25, 52, 61, 64, 65, 68, 77.
  - iv. Block Z: Lots 14, 15, 27.
- b) The development must provide additional plant material, such as evergreen shrubs, on the landscape buffer areas along MD 121.
- c) The Applicant must provide a detailed planting plan for the entrance areas where the monumental signs are located.

### **16. Surety**

Prior to issuance of the first building permit within each relevant phase of development, the Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) The Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b) The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, entrance piers, retaining walls, and private roads within the relevant phase of the development.
- c) Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.

- d) Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

**17. Development Program**

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the certified Site Plan. The development program for this Site Plan (Winchester Phase 3) must include the following items in its phasing schedule:

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to Staff approval of a revised final Forest Conservation Plan and the certified Site Plan, except as specified in the conditions of approval for the Infrastructure Site Plan.
- b) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
- c) Streetscape
  - i. The Applicant must provide each section of the development with necessary roads.
  - ii. Street lamps and sidewalks for public streets, private streets and alleys must be installed within six months after street construction is completed.
  - iii. Street tree planting must be completed no later than six months after completion of the residential units adjacent or adjoining the subject streets.
- d) Amenities
  - i. Onsite amenities including, but not limited to, sidewalks, pathways, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
  - ii. The open play area (Parcel A) in Block AB and the tot lot in Block AC must be completed prior to issuance of the 138<sup>th</sup> building permit. Landscaping and lighting associated with these facilities must be installed no later than six months after the completion of the facilities.
  - iii. The green spaces (Parcels A, B, and C) in Block AC must progress with construction of the adjacent residential units. Landscaping and lighting associated with these facilities must be installed no later than six months after the completion of the facilities.
  - iv. The 8-foot wide asphalt bike path on the east side of MD 121 along the Subject Property's frontage must be completed prior to issuance of the 130<sup>th</sup> building permit.
  - v. The nature trail through the stream valley area must be completed prior to issuance of the 130<sup>th</sup> building permit.

- e) Landscaping associated with each dwelling unit shall be completed as construction of each unit is completed.

**18. Certified Site Plan**

The Applicant must make the following revisions and/or provide the following information to Staff for review and approval prior to approval of the certified Site Plan:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b) Add a note to the Site Plan stating that Staff must inspect all forest conservation and tree-save areas and protection devices prior to clearing and grading.
- c) Modify the data table to reflect development standards approved and binding in the Planning Board Resolution.

BE IT FURTHER RESOLVED, that all site development elements as shown on Winchester Phase 3 drawings stamped by The M-NCPPC on February 20, 2013, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the 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.*

Cabin Branch, in its entirety is comprised of approximately 535 acres, including the Subject Property. LMA G-806 reclassified the eastern half, approximately 283.5 acres of the Cabin Branch tract, from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPB Zone. G-806 did not include the Subject Property, which maintained the existing RMX-1/TDR zone. However, because Cabin Branch was comprehensively planned as a single community, the Development Plan, including the Land Use Plan and other graphical exhibits, showed the entire Cabin Branch tract including the Subject Property. Therefore, the Site Plan conforms to all non-illustrative elements and binding elements of Development Plan G-806 approved by the District Council to the extent that it applies to the Subject Property, and therefore, this Site Plan. The discussion below indicates



how this Site Plan conforms to binding elements 1 and 4. Binding elements 2, 3, 5, 6, 7, 8, and 9 are not applicable to this Site Plan.

Binding element 1 of Development Plan G-806 (set forth below for reference) refers to the total number of TDRs and MPDUs required for the entire 535-acre Cabin Branch. This Site Plan will provide a portion of the required TDRs and MPDUs. Although the number of TDRs and MPDUs are not evenly distributed among the different development phases and site plans within Cabin Branch, the ultimate build out of Cabin Branch will meet the total requirement.

1. Transferable Development Rights and Moderately Priced Dwelling Units

The property that is the subject of 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 Development Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-MCPPC 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% multifamily) 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.

The 635 TDRs initially required for Cabin Branch assumed a maximum density, mix and number of MPDUs for the RMX-1/TDR portion of the property and the total number of units. Because the TDRs are proportional to the number of MPDUs provided, they have been recalculated to account for an increase in MPDUs with Preliminary Plan 12003110B. Thus, when Cabin Branch was approved for 1886 residential units and 500 senior units, including an increase to 236 MPDUs, the required TDRs was proportionately adjusted to 609.

The Winchester portion of Cabin Branch is divided into three site plans representing three different phases. Collectively, the three site plans will provide 12.5% MPDUs of the total number of units (121 out of 966 total units) (see table below). This Site Plan, which is the last phase of the Winchester development, includes 5% MPDUs on-site (10 out of 185 units) because Phase I included a higher percentage of MPDUs. This will hasten the availability and occupancy of

affordable units. DHCA supported the location, distribution and phasing of MPDUs as approved for the three Winchester phases of development.

Winchester Development	D.U. approved	MPDUs required (12.5%)	MPDUs approved
Phase I	440	55	70
Phase II	341	43	41
Phase III	185	23	10
<b>Total</b>	<b>966</b>	<b>121</b>	<b>121</b>

The number of TDRs provided is 56, which conforms to the calculations approved with the Development Plan and Preliminary Plan 12003110B. The total number of TDRs for Cabin Branch (609) was allocated among the different property owners based on the number of units provided on each property. This Site Plan includes 185 units, which is 14.67% of the total number of units for the Winchester (including Concordia), Gosnell and Adventist properties (1261 total units). When this percentage is applied to the total TDR requirement for this group of properties (377 TDRs), it results in 56 TDRs (14.67% x 377 = 55.30) required for the Site Plan. The table below tracts the cumulative number of TDRs approved for the entire Cabin Branch tract against the cap established by the Development Plan and Preliminary Plan 12003110B.

TDRS		PROPOSED MXPD ZONE	PROPOSED RMX1/TDR ZONE	TOTAL
SITE PLANS	SMTM (GOSNELL) (#820060240) <i>Approved 9/29/10</i>	0	0	0
	WINCHESTER PHASE 1 (#82006029A) <i>Approved 07/11/12</i>	0	132	132
	WINCHESTER PHASE 2 (#820110080) <i>Approved 07/11/12</i>	0	102	102
	<b>WINCHESTER PHASE 3 (#820120150)</b>	<b>0</b>	<b>56</b>	<b>56</b>
	TOLL BROTHERS PHASE 1 (#820070140) <i>Pending Approval</i>	0	162	162
	TOLL BROTHERS PHASE 2 (#820100030) <i>Pending Approval</i>	0	63	63
	CABIN BRANCH COMMONS- (CONCORDIA RESIDENTIAL) (#820060180) <i>Proposed</i>	0	0	0
	CABIN BRANCH COMMONS -(CONCORDIA RETAIL) (#820060300) <i>Proposed</i>	0	0	0
	ADVENTIST PHASE 1 (#820060350) <i>Proposed</i>	0	0	0
	ADVENTIST ( <i>Future</i> )	0	0	TBD
<b>PARTIAL SUBTOTAL</b>	<b>0</b>	<b>515</b>	<b>515</b>	
PRELIMINARY PLAN	PRELIMINARY PLAN (#12003110B)	N/A	N/A	609

4. 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 style of development. The street network is patterned to negotiate significant grades, accommodate underground infrastructure, and create a cohesive relationship with public and private uses in the Cabin Branch neighborhood. The public streets are consistent with the Master Plan and hierarchy defined in the Development Plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all the requirements of the RMX-1/TDR Zone under the standard method of development. According to Sec. 59-C-10.2.1, standard method projects in the RMX-1/TDR Zones "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 and 59-C-1.39." The Site Plan uses the development standards under the latter section (59-C-1.39, Special regulations for optional method development using TDRs), which enable densities consistent with the Master Plan recommendations for this site. The Master Plan recommends a range of 5 to 7 dwelling units per acre (p.65), and the Site Plan is approved for 5 dwelling units per acre. The Site Plan establishes the minimum setbacks, building restriction lines, and maximum building heights as permitted by the zone.

Development Plan G-806 and Preliminary Plan No. 12003110B established limits on certain development standards for Cabin Branch. These include density, MPDUs, TDRs, retail, employment, and green area. As a result, the Site Plan meets these development standards as part of a cumulative total for Cabin Branch. The tables below tract the cumulative total acreages, number of units, MPDUs and green area approved by the various site plans within the overall Cabin Branch development against those established limits.

SITE AREA- ACRES (+/-)		PROPOSED MXPD ZONE	PROPOSED RMX1/TDR ZONE	TOTAL
SITE PLANS	SMTM (GOSNELL) (#820060240) <i>Approved 9/29/10</i>	7.24	0	7.24
	WATER TOWER MANDATORY REFERRAL (#08001-WSSC-1) <i>Approved 4/3/08</i>	1.487	0	1.487
	WINCHESTER PHASE 1 (#82006029A) <i>Approved 07/11/12</i>	56.92	84.99	141.91
	WINCHESTER PHASE 2 (#820110080) <i>Approved 07/11/12</i>	25.1	13.1	38.2
	<b>WINCHESTER PHASE 3 (#820120150)</b>	<b>0</b>	<b>36.96</b>	<b>36.96</b>
	TOLL BROTHERS PHASE 1 (#820070140) <i>Pending Approval</i>	12.88	67.85	80.73
	TOLL BROTHERS PHASE 2 (#820100030) <i>Pending Approval</i>	0	46.35	46.35
	CABIN BRANCH COMMONS- (CONCORDIA RESIDENTIAL) (#820060180) <i>Proposed</i>	29.49	0	29.49
	CABIN BRANCH COMMONS -(CONCORDIA RETAIL) (#820060300) <i>Proposed</i>	12.06	0	12.06
	ADVENTIST PHASE 1 (#820060350) <i>Proposed</i>	34.77	0	34.77
	ADVENTIST ( <i>Future</i> )	TBD	0	TBD
ADVENTIST SENIOR UNITS ( <i>Future</i> )	TBD	0	TBD	
<b>PARTIAL SUBTOTAL*</b>		<b>179.95</b>	<b>249.25</b>	<b>429.197</b>
INFRASTRUCTURE	INFRASTRUCTURE SITE PLAN (#82005015A) <i>APPROVED 9/17/2007</i>	<b>283.50</b>	<b>251.54</b>	<b>535.04</b>
PRELIMINARY PLAN	PRELIMINARY PLAN (#12003110B)	<b>283.50</b>	<b>251.54</b>	<b>535.04</b>

\*Final acreage in the MXPD zone to be reconciled with Future Site Plans. Final acreage in the RMX1/TDR zone is within right-of-way provided for infrastructure roads MD 121 and West Old Baltimore Road by Cabin Branch Management, LLC.

RESIDENTIAL DENSITY- DWELLING UNITS		PROPOSED MXPD ZONE	PROPOSED RMX1/TDR ZONE	TOTAL
SITE PLANS	SMTM (GOSNELL) (#820060240) <i>Approved 9/29/10</i>	0	0	0
	WINCHESTER PHASE 1 (#82006029A) <i>Approved 07/11/12</i>	232	208	440
	WINCHESTER PHASE 2 (#820110080) <i>Approved 07/11/12</i>	234	107	341
	<b>WINCHESTER PHASE 3 (#820120150)</b>	<b>0</b>	<b>185</b>	<b>185</b>
	TOLL BROTHERS PHASE 1 (#820070140) <i>Pending Approval</i>	189	247	436
	TOLL BROTHERS PHASE 2 (#820100030) <i>Pending Approval</i>	0	168	168
	CABIN BRANCH COMMONS- (CONCORDIA RESIDENTIAL) (#820060180) <i>Proposed</i>	128	0	128
	CABIN BRANCH COMMONS -(CONCORDIA RETAIL) (#820060300) <i>Proposed</i>	0	0	0
	ADVENTIST PHASE 1 (#820060350) <i>Proposed</i>	0	0	0
	ADVENTIST ( <i>Future</i> )	TBD	0	TBD
	<b>PARTIAL SUBTOTAL</b>		<b>783</b>	<b>915</b>
PRELIMINARY PLAN	PRELIMINARY PLAN (#12003110B)	<b>1026(1)</b>	<b>860(1)</b>	<b>1886</b>

MPDU UNITS		PROPOSED MXPD ZONE	PROPOSED RMX1/TDR ZONE	TOTAL
SITE PLANS	SMTM (GOSNELL) (#820060240) <i>Approved 9/29/10</i>	0	0	0
	WINCHESTER PHASE 1 (#82006029A) <i>Approved 07/11/12</i>	53	17	70
	WINCHESTER PHASE 2 (#820110080) <i>Approved 07/11/12</i>	39	2	41
	<b>WINCHESTER PHASE 3 (#820120150)</b>	<b>0</b>	<b>10</b>	<b>10</b>
	TOLL BROTHERS PHASE 1 (#820070140) <i>Pending Approval</i>	66	0	66
	TOLL BROTHERS PHASE 2 (#820100030) <i>Pending Approval</i>	0	10	10
	CABIN BRANCH COMMONS- (CONCORDIA RESIDENTIAL) (#820060180) <i>Proposed</i>	15	0	15
	CABIN BRANCH COMMONS -(CONCORDIA RETAIL) (#820060300) <i>Proposed</i>	0	0	0
	ADVENTIST PHASE 1 (#820060350) <i>Proposed</i>	0	0	0
	ADVENTIST ( <i>Future</i> )	TBD	0	TBD
	<b>PARTIAL SUBTOTAL</b>		<b>173</b>	<b>39</b>
PRELIMINARY PLAN	PRELIMINARY PLAN (#12003110B) (236 UNITS= 12.5% * 1886 UNITS)	<b>N/A</b>	<b>N/A</b>	<b>236</b>

GREEN AREA- ACRES		PROPOSED MXPD ZONE	PROPOSED RMX1/TDR ZONE	TOTAL
SITE PLANS	SMTM (GOSNELL) (#820060240) <i>Approved 9/29/10</i>	2.49	0	2.49
	WINCHESTER PHASE 1 (#82006029A) <i>Approved 07/11/12</i>	12.3	54.09	66.39
	WINCHESTER PHASE 2 (#820110080) <i>Approved 07/11/12</i>	5.5	2.9	8.4
	<b>WINCHESTER PHASE 3 (#820120150)</b>	<b>0</b>	<b>14.98</b>	<b>14.98</b>
	TOLL BROTHERS PHASE 1 (#820070140) <i>Pending Approval</i>	2.42	28.87	31.29
	TOLL BROTHERS PHASE 2 (#820100030) <i>Pending Approval</i>	0	23.71	23.71
	CABIN BRANCH COMMONS- (CONCORDIA RESIDENTIAL) (#820060180) <i>Proposed</i>	22.13	0	22.13
	CABIN BRANCH COMMONS -(CONCORDIA RETAIL) (#820060300) <i>Proposed</i>	2.07	0	2.07
	ADVENTIST PHASE 1 (#820060350) <i>Proposed</i>	23.8	0	23.8
	ADVENTIST ( <i>Future</i> )	TBD	0	TBD
	ADVENTIST SENIOR UNITS ( <i>Future</i> )	TBD	0	TBD
	<b>PARTIAL SUBTOTAL</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>
	PRELIMINARY PLAN	PRELIMINARY PLAN (#12003110B)	<b>283.60</b>	<b>261.64</b>

The Site Plan meets the compatibility requirements of Sec 59-C-7.15(b), which states that “No building can be constructed to a height greater than its distance from such adjoining land [one-family detached zone]”. The Subject Property adjoins RE-1/TDR-2 zoned land on the west side across from Clarksburg Road (MD 121). Because the zoning line follows the old alignment of MD 121, the building setback shown from the RE-1/TDR-2 land is at least 100 feet, which validates the maximum building height approved at 50 feet.

Residential uses are allowed in the RMX-1/TDR Zone and the Site Plan meets the purpose of the zone by contributing residential uses to the overall mixed use Cabin Branch community. Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the RMX-1/TDR Zone under the standard method of development.

Data Table

Development Standard	Permitted/Required	Approved & Binding on Applicant
<b>Site Area (acres) [59-C-1.321]</b>		
Gross Tract Area (GTA)	535.04*	36.96 (1,609,977 SF)
Dedication	n/a	
Public Roads		3.42
Private Roads		1.4
Public HOA areas		<u>14.98</u>
Total		19.8
Net Area for Residential Uses	n/a	17.16
<b>Density</b>		
Unit Mix		

One-family detached		128 (69%)
One-family attached		57 (31%)
Total	1886*	185 (100%) <sup>†</sup>
Number of MPDUs	12.5%	
One-family detached		0
One-family attached		10
Total	236* (=12.5% of 1886 du)	10 (= 5.4% of 185 du) <sup>†</sup>
Dwelling Units/Acre	7 <sup>‡</sup>	5.0
TDRs		
- Total TDRs for Cabin Branch	609	
- Sub-total TDRs for Gosnell, Adventist, Winchester (1261 units)	377	
- Winchester Phase 3 (= 14.67% of 1261 units)	56	56 (= 14.67% x 377) <sup>†</sup>
<b>Min. Green Area [59-C-1.395]</b>		
(% of GTA)	35% (12.94 ac.)	40.5% (14.98 ac.) <sup>†</sup>
<b>Min. Building Setbacks (ft) [59-C-1.394(b)]</b>		
One-family detached	n/a	
- Front		10
- Rear		0
- Side (street side)		10
- Side (interior lot)		3
- Side (alley)		3
- R/W truncation		0
One-family attached	n/a	
- Front		10
- Rear		0
- Side (street side)		10
- Side (interior lot)		3
- Side (alley)		3
- R/W truncation		0
Accessory Buildings	n/a	
- Front		40
- Rear		5
- Side		3
<b>Max. Building Height (ft)</b>		
One-family detached	n/a	50 (4 stories)
One-family attached	n/a	50 (4 stories)
Accessory building		25
<b>Min. Lot Area (SF)</b>		
One-family detached	n/a	1,200

One-family attached	n/a	600
<b>Min. Lot Width at Street Front (ft)</b>		
One-family detached	20	20
One-family attached		20
<b>Off-Street Vehicle Parking (number of spaces) (59-E)</b>		
Size	8.5 x 18	8.5 x 18
One-family detached (128 units)	256 (2 sp/unit)	328
One-family attached (57 units)	114 (2 sp/unit)	208
Total spaces	370	536
<b>Bicycle Parking (number of spaces)</b>		
Racks	(5%/sp provided)	12

\* As approved by Preliminary Plan No. 12003110B for the overall Cabin Branch development.

† Partial calculation for this portion of the Winchester – Phase 3 Site Plan. See overall tracking tables above for cumulative totals for overall Cabin Branch development.

‡ Although Section 59-C-10.2.1.1.2 allows a maximum density of 11 dwelling units per acre with the use of TDRs, the total number is limited at 7 du/ac per the Master Plan recommendations for the subject property (p.65).

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

a) **Buildings and Structures**

The Site Plan consists of 185 dwelling units (including 10 MPDUs) with 128 one-family detached units and 57 one-family attached units.

The units are efficiently located between the stream valley buffer to the east and MD 121 to the west. They follow the neo-traditional pattern of development with units oriented towards the public and private streets and rear-loaded from the alleys. The attached units front onto open spaces clustered in three different areas and visually connected to the stream valley. The location of the units adequately avoids environmentally sensitive areas, and efficiently follows the approved street layout.

The development form established with the Road Hierarchy Plan, approved as part of Preliminary Plan 12003110B, and engineered through the Infrastructure Site Plan, clearly defines the block pattern and forms the basis of the neighborhood texture, broadly grained in the retail and commercial areas and varied, yet finely grained for the residential lots that largely comprise this Site Plan. The Site Plan layout is consistent with the Infrastructure Site Plan.

A variety of unit types including attached, detached, front-, rear- and side-loaded, add variety and address the unique conditions of the site's layout. The Site Plan

exceeds the parking requirement of 374 spaces (2 per unit) by providing 542 spaces located on individual lots in garages and driveways. Additionally, the Site Plan shows public roads with a pavement width of 26 feet, which will accommodate on-street parallel parking on one side, subject to coordination with MCDPS and Montgomery County Fire and Rescue Services.

The Site Plan includes a series of retaining walls along the western edge to accommodate for a severe grade drop with minimal disturbance on environmentally sensitive resources. The retaining walls are tiered in certain areas to limit their individual heights. The total cumulative height of the tiered system can be a maximum of 30 feet at specific locations. The use of retaining walls onsite is necessary to accommodate the densities envisioned by the Master Plan with minimal impact on environmentally sensitive areas. The Site Plan has reduced the retaining walls provided, as directed by Preliminary Plan No. 12003110B, by approximately 900 linear feet.

The Site Plan includes one monumental sign at each entrance to the development off MD121. The two signs are similar in character, size and materials. These signs adequately identify the community and efficiently contribute to the sense of arrival.

b) Open Spaces

The Site Plan preserves the stream valley area and associated environmental features as open space and amenity area, and provides readily accessible smaller open spaces and active recreation areas within the residential clusters. All open spaces are well connected through the approved trail and sidewalk systems. Additionally, open spaces were strategically placed as a visual terminus for streets and visual connections to the adjacent stream valley area.

The RMX-1/TDR zone does not have an open space requirement; instead it has a minimum green area requirement of 35 percent of the tract area. The Site Plan meets the green area requirement by providing a total of 40.5 percent (or 14.98 acres) of green space. All green areas, both active and passive, will be accessible to all residents of the development. The diversity of open spaces is adequately dispersed throughout the development to provide safe and convenient access to all residents.

c) Landscaping and Lighting

The landscape plan achieves several objectives. It provides canopy coverage and shade for the roads and open spaces. A variety of shade trees line all the public streets. The tot lot and open play areas are enclosed by a hierarchy of plant material that adds interest and delineates the spaces. On individual lots, foundation plantings including herbaceous plants, evergreen and deciduous



shrubs, and ornamental trees provide scale to the units. As conditioned, the landscaping provides an adequate buffer and screening from MD 121 through a mix of plant material.

The lighting consists of pole mounted light fixtures with a maximum height of 13 feet located on all public roads. The lighting is residential in character and affirms the pedestrian scale. It will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties.

d) Recreation Facilities

The recreation facilities provided on-site include a tot lot, open play area (minimum 5,000 square feet), sitting areas, bike system, pedestrian system, nature trails, and natural areas. Facilities outside the boundaries of this Site Plan, but within the overall Cabin Branch tract and intended to serve the entire community include:

- A community center with a swimming pool and wading pool;
- A local park with a soccer field (regulation), tot lot, play lot, 4 sitting areas, 2 picnic areas, and an open play area; and
- A school site with a multi-age playground, junior softball field, and junior baseball field.

This development meets the recreation requirements for the various age groups through a combination of on-site and off-site facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. These facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups.

e) Vehicular and Pedestrian Circulation

Access to the Subject Property is provided at two locations off Clarksburg Road (MD 121): one immediately south of the future school site and the other where MD 121 curves in the northeast direction. These connect to the main public street (Woodcock Way) running in a general north-south direction on the western side of the Cabin Branch tract and connecting to another residential development to the south. These will be publically dedicated roads connected to an internal network of private alleys. The vehicular circulation efficiently directs traffic into and through the site with minimal impacts to sensitive environmental features and pedestrian circulation.

The pedestrian circulation system adequately and efficiently integrates this site into the surrounding area. The Site Plan efficiently accommodates pedestrian circulation to the school site and recreation areas within the larger Cabin Branch tract via sidewalks and paths. In addition, a 4-foot wide natural surface trail is provided across the stream valley and other environmentally sensitive areas

towards the commercial and employment areas on the east side of Cabin Branch. Dedication of land for a future 8-foot wide bike path will be provided along the Subject Property's frontage. Within the site, 5-foot wide sidewalks on both sides of all public streets facilitate pedestrian circulation and access to the various units, open spaces and amenities.

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

The residential uses with a density of 5 dwelling units per acre and a majority of one-family detached units creates a compatible transition between the highest densities and most intense uses within Cabin Branch located along the I-270 corridor, and the lower densities across MD 121. This distribution of densities is consistent with the Master Plan recommendations and preliminary plan approval. A compatible transition to the rural/open space character of MD 121 is achieved with a landscaped, transitional setback, with units fronting and generally exceeding 40 feet from the completed eastern lane of MD 121.

Compatibility within Cabin Branch is reinforced through the use of the Design Guidelines, which ensure the cohesive development of the Cabin Branch community through the design and placement of new buildings, streets and public spaces. High visibility lots, identified and coordinated with the Town Architect, will have special architectural treatment and materials. The front façades of the MPDUs will be designed and finished with architectural elements comparable to those found on other attached units within the site.

As discussed above, The Site Plan meets the compatibility requirements of Section 59-C-7.15(b) by providing a building setback from MD 121 that is greater than the building height approved at a maximum of 50 feet.

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.*

As part of the requirements of the Special Protection Area ("SPA") Law, a SPA Water Quality Plan should be reviewed in conjunction with a Preliminary Plan of subdivision or Site Plan. MCDPS and the Planning Board have different responsibilities in the review of a water quality plan.

MCDPS has reviewed and approved the technical elements of the water quantity and quality control facilities including engineering and design. The Planning Board's responsibility is to determine if SPA forest conservation planting requirements,

environmental buffer protection, and site imperviousness limits have been addressed or satisfied.

The Site Plan, as conditioned for the SPA Water Quality Plan and Forest Conservation Plan meets all requirements of Chapter 22A (regarding forest conservation) and Chapter 19 (regarding water resource protection).

**Forest Conservation (applicable to entire Cabin Branch Development, including Winchester Phase III)**

Final Forest Conservation Plan

As with each individual site plan, consistent with conditions 1 and 14(c) of the Infrastructure Site Plan (82005015B), the final Forest Conservation Plan ("FCP") for the overall Cabin Branch development (and the Infrastructure Site Plan) is being amended through this Site Plan. The entire 535-acre Cabin Branch development has an FCP which was approved with the Infrastructure Site Plan. The FCP was designed to allow for the grading and installation of roads, utilities, and public amenities such as school and park sites. The intent of having one FCP was to ensure that as this multi-year project developed in phases, portions would not be left uncovered by an individual FCP and the entire Cabin Branch development would remain in compliance with the Montgomery County Forest Conservation Law.

The Environmental Guidelines, which guide implementation of the SPA regulations, require accelerated reforestation of the SPA stream buffers, and afforestation of any unforested portions of the stream buffer above and beyond standard forest conservation requirements. Cabin Branch includes land both in and outside of the SPA, however, with tributaries that drain to a common water body, of the Planning Board appropriately treats the planting requirements for Cabin Branch as if the entire development is located within the Clarksburg SPA. Therefore, conditions 1 and 14 of the Infrastructure Site Plan (82005015B) require the Applicant to plant the stream buffers in accordance with the FCP including the Planting Phasing Plan. The Applicant must provide a five-year maintenance period for all planting areas credited toward meeting the forest conservation plan worksheet requirements.

Amendments to the FCP have been approved with the site plans approved for Gosnell (820060240), Winchester Phase I (820060290 and 82006029A), Winchester Phase II (820110080), and amendments to the Infrastructure Site Plan (82005015A, B and C).

### Winchester III Site Plan and Stormwater Management Pond Improvements

This Site Plan and the stormwater management pond improvements outside the boundaries of this Site Plan (but part of the Cabin Branch Development), require revisions to 22 sheets (1-4, 16, 20, 21, 34-39, 46, 48, 49, 54, 56, 58, 62, 63, and 63A) of the approved Final Forest Conservation Plan.

### **Environmental Guidelines for the Protection of Streams, Buffers, Wetlands, Floodplains, and Seeps (applicable to entire Cabin Branch Development, including Winchester Phase III)**

#### Stream Buffer Encroachments (applicable to entire Cabin Branch Development, including Winchester Phase III)

The Infrastructure Site Plan for the Cabin Branch property requires that permanent SWM facilities do not encroach within the stream valley buffer, particularly the forested area, *without Planning Board approval*. For reasons discussed below, this Site Plan requires certain SWM related encroachments into the stream buffers to meet stringent Maryland Department of the Environment ("MDE") design criteria for the safe conveyance of discharge adopted since the approval of the Infrastructure Site Plan. With this Site Plan, the remaining SWM ponds (1, 2, 3, 7, 8, 9, 13) for the Cabin Branch Development will be brought up to final design standards to meet current state and county requirements for safe conveyance.<sup>4</sup> Other than those related to the safe conveyance of discharge from the SWM outfalls, there are no environmental buffer encroachments within this Site Plan area.

The expanded outfalls change the overall impacts to both forested and unforested stream valley buffer. The Planning Board finds that the increased impacts to the stream valley buffer is appropriate for the purposes of safe conveyance of stormwater and approves such revisions to the FCP and the Infrastructure Site Plan.

### **Related Solely to the Winchester Phase III Final Water Quality Plan**

With regard to a final water quality plan, the Planning Board has Primary responsibility for:

- (i) Conformity with all policies in the Planning Board's Environmental Guidelines which apply to SPAs;

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<sup>4</sup> Similar changes were addressed by the Planning Board at the time of the Winchester Phase I Site Plan amendment (82006029A), Winchester Phase II Site Plan amendment (820110080), and the Infrastructure Site Plan amendment (82005015B) on December 1, 2011. The encroachments to the stream buffer required for this Application are similar to those required for the prior amendments.

- (ii) Conformity with any policy or requirement for SPAs, including limits on impervious area, in a land use plan, watershed plan, or the Comprehensive Water Supply and Sewer System Plan; and
- (iii) Any other element of the plan in which the Planning Board has primary approval responsibility.

Environmental Guidelines and Protection of Seeps, Springs and Wetlands

One of the performance goals for the final Water Quality Plan for Cabin Branch is to protect springs, seeps, and wetlands. The Planning Board is responsible to protect environmental elements through the delineation of stream and wetland buffers. Conservation easements are recommended over all streams and wetlands identified on the approved NRI/FSD.

This Site Plan is in compliance with the Environmental Guidelines and has no forested environmental buffer impacts beyond what is required for the pond outfalls and safe conveyance of discharge. All areas of environmental buffers that are not required for the pond outfalls and safe conveyance of discharge or other utility easements will be placed into Category I conservation easements and forested.

Site Imperviousness

There are no impervious limitations within this portion of the Clarksburg SPA; however, the SPA regulations encourage the Applicant to reduce imperviousness. As part of the preliminary Water Quality Plan for Cabin Branch a goal of less than 45% imperviousness was established.

This Site Plan indicates an impervious level of approximately 42% with approximately 15.5 acres of impervious surface and is therefore consistent with that goal. With this Site Plan, the Cabin Branch Development remains on course to stay below an aggregate level of 45% imperviousness.

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

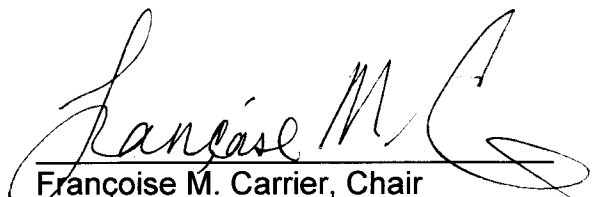
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 9 2013 (which is the date that this resolution is mailed to all parties of record); and

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 4, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board