



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

JUN 19 2013

MCPB No. 13-77
Site Plan No. 820120100
Garnkirk Farms
Date of Hearing: May 30, 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, on April 17, 2012, Garnkirk Inc. ("Applicant") filed an application for approval of a site plan for 392 residential dwelling units (including 12.5% MPDUs) consisting of 18 one-family detached units, 190 townhouses, and 184 multi-family units on 37.18 acres of PD-11 zoned-land, located on Shawnee Lane approximately 3,000 feet west of Fredrick Road (MD 355) ("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. 820120100, Garnkirk Farms ("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 May 17, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 30, 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, on motion of Commissioner Anderson and seconded by Commissioner Presley, by a vote 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820120100 for 392 residential dwelling units (including 12.5% MPDUs)

Approved as to
Legal Sufficiency:


8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

consisting of 18 one-family detached units, 190 townhouses and 184 multi-family units, the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals

1. Development Plan Conformance

The development must comply with i) the binding elements, conditions, and development standards as shown on the Certified Development Plan G-832, approved on December 11, 2006; and ii) the conditions and binding elements adopted in Resolution No. 15-1680, approving Local Map Amendment G-832 by the District Council on October 31, 2006.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120080240, or as amended.

Density & Housing

3. Density

The development is limited to 392 residential dwelling units consisting of 18 one-family detached units, 190 townhouses, and 184 multi-family units on the Subject Property.

4. Moderately Priced Dwelling Units (MPDUs)

- a) The development must include 12.5 percent MPDUs on-site in accordance with the correspondence from the Department of Housing and Community Affairs ("DHCA") to the Applicant dated April 12, 2013.
- b) The MPDU agreement to build between the Applicant and DHCA must be executed prior to the release of the first building permit.
- c) Prior to Certified Site Plan, the Applicant shall obtain the approval of DHCA of a construction sequencing plan, or development program for the project, which demonstrates compliance with the MPDU staging requirements of Section 25A-5(i) of the Montgomery County Code.

Environment

5. Noise Attenuation

- a) Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that the location of the noise mitigation techniques to attenuate

¹ 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.

current and proposed 20-year noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes and areas of common outdoor activity are adequate. Mitigation techniques must include a solid wood barrier, or something similar, along the outdoor pool of the multi-family building. Specifications of the barrier to be determined by a Barrier Analysis.

- b) If any changes occur to the plan which affect the validity of the noise analysis dated, November 27, 2012, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.

6. Stormwater Management/Final Water Quality Plan

The development is subject to final Water Quality Plan approval conditions dated April 16, 2013, 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.

Open Space & Recreation

7. Recreation Facilities

The Applicant shall provide the following recreation facilities: a multi-age playground, two tot lots, five sitting areas, an open play area (minimum 5,000 SF), a larger open play area (minimum 10,000 SF), bike system, pedestrian system, natural areas, two swimming pools, and a wading pool.

8. 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, Clubhouse, swimming pools, wading pool, multi-age playground, tot lots, sitting areas, HOA open spaces, bike system, pedestrian system, retaining walls, streetscape elements and natural features.

Site Plan

9. Site Design

- a) Provide at least 2 benches at the tot lot and multi-age playground locations.
- b) Provide a minimum of 10 bike spaces in the central amenity area (near the Clubhouse entrance), 6 bike spaces near the multi-age playground, and 6 bike spaces outside the multi-family building.
- c) Prior to certified site plan approval, the retaining walls shall be minimized to a height of no more than 36 inches and ramps shall be limited to no more than a 30-foot long ramp at 8.33% adjacent to Shawnee Lane and/or Observation Drive.

- d) Prior to building permit release, the Applicant must submit evidence to M-NCPPC Staff that the detached garages have a subordinate location to the front of the dwelling units.

10. Pedestrian Circulation

The Applicant must field locate and install the natural surface trail required on the Approved Development Plan G-832, within the first planting season after issuance of the first grading permit. The exact location of the path must be approved by M-NCPPC Staff prior to installation.

11. Private Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All onsite down- light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e) The height of the light poles shall not exceed 12 feet including the mounting base.

12. Surety

Prior to issuance of first building permit within each relevant phase of development, 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) 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, retaining walls, entry signs and private roads within the relevant phase of development.
- c) Prior to issuance of the first building permit, 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.

13. Development Program

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

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to Staff approval of a final Forest Conservation Plan and the Certified 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 within each block must be installed prior to release of any building occupancy permit within the same block.
 - ii. The central amenity area consisting of the Clubhouse, swimming pool area and large open play area (minimum of 10,000 SF) with amphitheater must be completed prior to issuance of the 145th building permit for the townhouse/one-family detached units, which represents 70 percent of the 208 non-multi-family units for the project. Landscaping and lighting associated with these facilities must be installed no later than six months after completion of the facilities.
 - iii. The multi-age playground and open play area (minimum of 5,000 SF) must be completed prior to issuance of the 166th building permit for the townhouse/one-family detached units, which represents 80 percent of the 208 non-multi-family units for the project. Landscaping and lighting associated with these facilities must be installed no later than six months after completion of the facilities.
 - iv. The swimming pool and pool house in the multi-family building must be completed, including landscaping and lighting, prior to issuance of any use-and-occupancy permit for the multi-family building.
 - v. The tot lot on Private Street M must be completed prior to release of building permits for units 26-35 in this Block. Landscaping and lighting

- associated with the tot lot must be installed no later than six months after the completion of the tot lot.
- vi. The tot lot on Private Street D must be completed prior to release of building permits for units 105-114 in this Block. Landscaping and lighting associated with the tot lot must be installed no later than six months after the completion of the tot lot.
 - vii. The remaining seating areas and open spaces must progress with construction of the adjacent residential units. Landscaping and lighting associated with these spaces must be installed no later than six months after the completion of these amenities.
- e) Landscaping associated with each dwelling unit and building shall be completed as construction of each unit and building is completed.

14. Certified Site Plan

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

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b) Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Modify data table to reflect development standards enumerated in the staff report.
- d) Show the approximate location of the natural surface trail described in Binding Design Principle no. 29 of G-832 on the Certified Site Plan and FFCP.
- e) Provide details for the fence, trellis, benches, trash receptacles, bike racks, and entry signs.
- f) Provide at least two means of pedestrian ingress and egress for the multi-family building along the Observation Drive frontage.
- g) Adjust minimum side and rear setback for one-family detached and townhouse units to 4 feet.
- h) All driveways to a public right-of-way must be at least 18 feet in order to accommodate the full length of a parked car without encroaching onto the sidewalk.

BE IT FURTHER RESOLVED, that all site development elements as shown on Garnkirk Farms drawings stamped by the M-NCPPC on March 22, 2013, are 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, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64.*

The Site Plan conforms to all non-illustrative elements of the development plan and all binding elements of County Council Resolution No. 15-1680 approving Local Map Amendment G-832 to reclassify the Subject Property from the R-200 zone to the PD-11 zone.

The Development Plan includes "Water Quality Plan Binding Conditions," which address concerns related to stormwater management ("SWM") facilities located on the east side of the Observation Drive right-of-way, known as the King property. Since the G-832 approval, the SWM for the project has been revised to conform with new SWM regulations that utilize Environmental Site Design techniques to the Maximum Extent Possible. As a result, no SWM facilities are located on the King Property, and these binding elements are no longer applicable.

The Development Plan also contains a detailed list of 29 "Binding Design Principles," which were created to ensure that the Development Plan would conform to the purpose clause of the PD Zone. The Site Plan incorporates each of the Binding Design Principles as discussed below.

- 1 – The major amenity area for the project, consisting of a clubhouse, swimming pool, open play area and amphitheater, is centrally located in the core of the neighborhood.
- 2 – The Site Plan is framed by comprehensive edges. Existing wooded areas form the northern and western edges, and Observation Drive and Shawnee Lane form the southern and eastern edges.
- 3 – The street system consists of a series of interconnected public and private streets and alleys.
- 4 – The street system connects to the surrounding street system at 3 locations. One access point is provided off Shawnee Lane, and the other two are provided off Observation Drive.
- 5 – On average, neighborhood blocks range in size between 200 and 400 feet in length. Blocks were measured along public streets from intersecting perpendicular private streets, or in some instances from open spaces effectively dividing up the public street frontage.
- 6 – A continuous sidewalk system provides access to all open space and recreation areas within the neighborhood.

- 7 – The internal sidewalk system connects to the community-wide pedestrian system along Shawnee Lane and the future sidewalks along Observation Drive.
- 8 – Sidewalks are provided on all public and private streets, except alleyways.
- 9 – All of the townhouses and the majority of the detached units are rear-loaded and served by alleys. Only 3 detached units on corner lots along Street A have front or side loaded garages. As conditioned, these garages will have a diminished appearance subordinate to the front of the houses.
- 10 – The driveways of all homes abutting the sidewalk system are a minimum of 18 feet, which will accommodate the full length of a car.
- 11 – On-street parking is provided along the perimeter of the central amenity area, along Private Street B, and next to amenity areas.
- 12 – The Site Plan provides a total of 120 parking spaces on private streets and alleys, in addition to the 330 spaces on private lots above the Zoning Ordinance requirement. These spaces are sufficient to accommodate visitors and guests.
- 13 – The Site Plan includes streetscape treatment consisting of sidewalks, green panels, street trees, street lights, and street furniture, on all major streets.
- 14 – Public streets along the perimeter of the site are lined with townhouse fronts and thus have no views into alleys since those are in the rear. Public streets within the site have very limited views into alleys, which is accomplished architecturally with detached units and associated garages pinching the viewshed. Landscaping is also used to enhance views.
- 15 – The Clarksburg Streetscape Guidelines have not been published, and therefore this design principle is not applicable.
- 16 – Each block includes a mix of one-family detached units and townhouses, which achieves variety at the street scale. Additionally, certain blocks also include MPDUs and market rate units, which further adds variety.
- 17 – As conditioned, the front facades and building materials within each block will be verified at building permit release to create visual distinction.
- 18 – The mix of unit types and sizes within each block will by default create variety in the roof designs and rooflines. In addition, slight variations in the front building line of townhouse rows will also add variety in the rooflines.
- 19 – The Site Plan provides variety in lot widths and sizes. Lot widths range between approximately 18 feet and 80 feet. Lot sizes range between approximately 1,000 SF for townhouse MPDUs and 5,920 SF for one-family detached units.
- 20 – The Site Plan provides varying building heights within the same street block as a result of the different unit types within each block.
- 21 – The single family attached two-over-two unit type was eliminated from the project. Thus, this design principle is no longer applicable.
- 22 – The vast majority of the units front onto streets. A limited number front onto mews or open space areas.
- 23 – The single family attached two-over-two unit type was eliminated from the project. Thus, this design principle is no longer applicable.

- 24 – As conditioned, the placement of detached garages will be verified at building permit release to ensure a subordinate location to the dwelling unit.
- 25 – As conditioned, the multi-family building will have at least two means of ingress and egress along the Observation Drive frontage.
- 26 – A hierarchy of open spaces is provided throughout the neighborhood with the largest, most significant space centrally located and the other smaller spaces dispersed throughout the various blocks.
- 27 – The open space and recreational facilities in the center of the neighborhood are the largest, most prominent visually and accommodate greater patronage.
- 28 – Smaller open space areas, such as sitting areas and tot lots, are located within each block to provide convenient access for the future residents.
- 29 – As conditioned, The Applicant will field locate and install the natural surface trail required within the first planting season after issuance of the first grading permit. The exact location of the path will be approved by M-NCPPC Staff prior to installation.

The Development Plan, on Sheet 2, provides binding specifications for setbacks and building height limitations for each housing type. The DPA presented two different methods to measure building height:

1. The "building structure height" as measured from the floor of the first above-grade level to the mid-point of the roof. This method allowed the Applicant to make commitments about building height without taking into account grading conditions.
2. The grade-dependent height as measured from the centerline of the street to the floor of the first above-grade level. This method is consistent with the Zoning Ordinance definition of building height. As shown on the project data table below, the Site Plan conforms to the setbacks and building heights shown on the DPA.

In order to address community concerns, the one-family attached 2 over 2 unit type shown on the DPA has been eliminated. As a result the unit mix has been slightly adjusted and the overall number of units has decreased from 408 to 392. The table below compares the unit types approved with the DPA and those proposed with the Site Plan. The Planning Board finds that the Site Plan conforms to the DPA because the number of units provided does not exceed the number of units approved and the mix is generally consistent. The Site Plan has 46.9 percent multi-family units whereas the DPA had 45 percent. The Site Plan has 48.5 percent townhouses whereas the DPA had 50 percent (townhouses combined with 2 over 2s). The Site Plan has 4.6 percent one-family detached whereas the DPA had 5 percent. These variations are very minor and do not change the intent of the DPA approval.

Unit Types	Development Plan G-832	Site Plan
One-family detached	21 (5%)	18 (4.6%)
One-family attached (2 over 2)	62 (15%) 10 MPDU	0
Townhouse	141 (35%) 18 MPDU	190 (48.5%) 24 MPDU
Multi-Family	184 (45%) 23 MPDU	184 (46.9%) 25 MPDU
Total units	408 du	392 du
Total MPDUs	51 (12.5%)	49 (12.5%)

2. *The Site Plan meets all of the requirements of the PD-11 zone in which it is located.*

The Site Plan meets all of the requirements of the Planned Development (P-D) zone, and satisfies the design, housing, amenity, circulation, and other purposes of the PD zone. The Site Plan will provide a range of dwelling types consistent with the purpose of the zone. The development provides for a unified form of development at an overall density and mixture of unit types that is generally consistent with the recommendations in the Master Plan. The development also encourages preservation of the sensitive environmental resources existing on site and includes measures that are designed to enhance natural stormwater filtration and recharge. The design of the development also provides maximum social and community interaction through pedestrian and vehicular linkages, provides for the safety, convenience and amenity of residents, and assures compatibility with the surrounding residential land uses.

The PD zone contains setback requirements to ensure compatibility with existing uses adjacent to or in the vicinity of the site. Section 59-C-7.15 specifically states that only one-family detached homes may be constructed within 100 feet of any adjoining one-family detached zone. It also prohibits buildings constructed to a height greater than its distance from such adjoining land. The Site Plan abuts land zoned R-200 across from future Observation Drive. As discussed in finding No. 4, the setback requirements along this frontage are met through a combination of right-of-way dedication and building setbacks from future Observation Drive.

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 PD-11 zone.

Data Table for the PD-11 Zone

Development Standard	Zoning Ordinance Permitted/Required	Approved with G-832	Approved and Binding on the Applicant
Site Area (acres)			
Gross Tract Area (GTA)	n/a	n/a	37.18
Public Street Dedication (59-C-7.17)	n/a	n/a	6.39
Net Area	n/a	n/a	30.79
Density			
Max. Residential Density (du/acre) 59-C-7.14(a)	11 †	11	10.5
MPDUs	49 (12.5%)	51 (12.5%)	49 (12.5%)
Max. Number of Dwelling Units	408	408	392
One-family detached		(21)	(18)
One-family attached (2 over 2) ‡		(62)	(0)
Townhouse		(141)	(190)
Multi-family		(184)	(184)
Housing Mix (59-C-7.13)			
One-family detached	n/a ¥	5%	4.6%
Min. % one-family attached (2 over 2)	20%	15%	0
Min. % Townhouses	20%	35%	48.5%
Min. % Multi-family	35%	45%	46.9%
Min. Setbacks (feet)			
Adjoining one-family detached zoned land (59-C-7.15)	100 *	n/a	100 **
Separation between buildings	n/a	8	8
One-family detached	n/a		
- Front (from street)		15	15
- Rear yard (opposite front door)		3	4 ***
- Side yard		3	4 ***
Townhouse	n/a		
- Front (from street)		10	10
- Rear yard (opposite front door)		5	5
- Side yard		0	0
- Side yard for end units		n/a	4
- From Shawnee Lane		25	25
- From Observation Drive		25	25
Multi-family	n/a		
- Front (from street)		10	10
- From Shawnee Lane		20	20
- From Observation Drive		20	20
Min. Lot Area (SF)			

One-family detached	n/a	3,500	3,500
Townhouse	n/a	1,000	1,000
Max. Building Height (feet)			
One-family detached	n/a	41 (2-3 stories)	41 (2-3 stories)
Townhouse	n/a	52 (3-4 stories)	52 (3-4 stories)
Multi-family	n/a	64 (4 stories)	64 (4 stories)
Clubhouse	n/a	36 (1-2 stories)	36 (1-2 stories)
Min. Green Area			
(% of GTA) (59-C-7.16)	50% (18.6 acres)	51% (18.8 acres)	51% (18.8 acres)
Vehicle Parking Spaces (59-E)			
One-family detached (18)	36 (2 sp/du)		
Townhouse (190)	380 (2 sp/du)		
Multi-family (184)			
- 1 bedroom (90)	113 (1.25 sp/du)		
- 2 bedroom (94)	141 (1.5 sp/du)		
Total	670	1,053	1,000 (minimum)
On private streets/alleys	n/a	136	120
Bicycle Parking Spaces (59-E)			
Within structured parking	15 (5%/MF sp provided)	n/a	15
Outdoor amenity areas	n/a	n/a	22
Motorcycle Parking Spaces (59-E)			
Number of spaces	6 (2%/MF sp provided)	n/a	6

† In accordance with the land use recommendations in the 1994 Clarksburg Master Plan, p.55.

‡ The 2-over-2 unit type is no longer part of the Project.

¥ Section 59-C-7.13 indicates that one-family detached units are permitted, but no minimum or maximum percentage is provided.

* Applicable to all buildings other than a one-family detached residence.

** The Site Plan meets this requirement through a combination of building setbacks and right-of-way dedication for the future Observation Drive.

*** The Site Plan increased the side and rear setbacks from 3 to 4 feet to ensure compliance with the DPA's requirement to have 8-foot minimum separation between buildings.

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 has 392 dwelling units (including 12.5% MPDUs) consisting of 18 one-family detached units, 190 townhouse units, and 184 multi-family units.

The Site Plan is organized into four quadrants resulting from Public Street A bisecting the site in the north-south direction, and the large amenity area bisecting the site in the east-west direction. The units are oriented towards the

perimeter of these quadrants, fronting on public and private streets, and rear-loaded from alleys. The various unit types are adequately integrated throughout the site, with a mix of townhouses and one-family detached units, MPDUs and market rate units, in every block. The multi-family units are all clustered in a 4-story building comprised of several wings surrounding an interior parking structure. The building is located at the corner of Observation Drive and Shawnee Lane to capitalize on the proximity to the future transit stop on the opposite corner.

Other structures provided include a 2-story Clubhouse with a pool area centrally located. The Clubhouse is efficiently located in the center of the project, which provides adequate and convenient access to the approved units. In addition the Clubhouse functions as a focal point for the amenity area and visual terminus for the mid-point entrance to the development on Observation Drive.

A series of retaining walls are provided along the perimeter of Street C, which hold relatively flat grades for the development while causing minimal disturbance to the existing natural features.

b. Open Spaces

The Site Plan includes a hierarchy of open spaces that are adequately distributed within the various blocks and provide safe and convenient access for the future residents. The largest open space area is centrally located, has direct frontage on Observation Drive, and bisects the project in the east-west direction. This open space area is integral to the layout and combined with Public Street A, which bisects the site in the north-south direction, creates four distinct quadrants for the project. A series of smaller open spaces are strategically located within the four quadrants. Surrounding the development on the northern and western sides, the Site Plan preserves an L-shaped portion of wooded land, which adequately buffers the site from the adjoining properties in the I-3 Zone. All open spaces are well connected through the sidewalk and path systems.

The PD Zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the gross tract area. The Site Plan meets the green area requirement by providing a total of 57 percent (or 21.12 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 public streets. A combination of shade and ornamental trees line all private streets. Open play areas are delineated by a hierarchy of plant material that adds interest and creates an edge. The landscaping provides a focal point at the terminus of Public Street A by having a hierarchy of plant material densely planted.

The lighting consists of pole mounted light fixtures with a maximum height of 13 feet located on all public and private 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 facilities provided on-site include a multi-age playground, two tot lots, five sitting areas, an open play area (minimum 5,000 SF), a larger open play area (minimum 10,000 SF), bike system, pedestrian system, natural areas, two swimming pools, and a wading pool.

This development meets the recreation requirements for the various age groups through a combination of on-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 off Shawnee Lane at Public Street A, and off Observation Drive at Public Street C and Private Street O. These connect internally to a network of private streets and alleys. The vehicular circulation efficiently directs traffic into and through the site with minimal impacts to sensitive environmental features and pedestrian circulation. The Site Plan will provide for the construction of Observation Drive along the frontage of the site as recommended in the Master Plan.

The pedestrian and bicycle circulation system adequately and efficiently integrates this site into the surrounding area. Sidewalks are provided along Shawnee Lane and an off-street bikeway will be provided at Observation Drive in conformance with Master Plan recommendations and in coordination with MCDOT and the future CCT. As conditioned, the Site Plan will provide a natural surface trail through the L-shaped wooded area to the north and west of the

Subject Property. Within the site, 5-foot wide sidewalks on all public and private streets (except alleys) 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 structures and residential uses in this Site Plan are compatible with other uses and site plans, and with existing adjacent development. To the east/northeast, between the site and MD 355, the 10 to 12 single-family detached homes will be buffered by the 150-foot right-of-way for future Observation Drive, as well as the extensive stream buffer east of that right-of-way. To the south/southeast, across from Shawnee Lane, the Master Plan recommends mixed residential development at densities similar to the subject Site Plan. Currently, they are occupied with non-residential uses, such as a moving company and school bus depot, which would not be adversely affected by the residential community approved. Directly south, the Gallery Park (formerly Eastside) development has been approved for a mixed residential community of 256 units (Site Plan 82005038A). The density at 10.5 du/ac is compatible with the approved density at Gallery Park at 10.7 du/ac. To the north, the site abuts the Gateway Commons property, on which a mixed residential development with 286 units is under construction in the R-200/TDR Zone (Site Plan 82003023A). To the west/northwest, the development is buffered from the Gateway Center Drive industrial park (Preliminary Plan 119870410), by an L-shaped forested area with the average width of 110 feet on its narrowest side.

As discussed above, the Site Plan meets the compatibility requirements of Section 59-C-7.15(b) by providing a building setback from Observation Drive that is at least 25 feet for the townhouses and 20 feet for the multi-family building. These setbacks, combined with 75-foot dedication along the townhouses frontage and 91-foot dedication along the multi-family frontage on Observation Drive, meet and exceed the 100-foot minimum setback. In addition, none of the buildings along Observation Drive, including the multi-family building of 64 feet, would be higher than their respective distances from the adjacent R-200 land.

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

A Final Water Quality Plan and Final Forest Conservation Plan were conditionally approved as part of Preliminary Plan Application No. 120080240. Thus, the Site Plan meets all applicable requirements of Chapter 22A regarding forest

conservation, Chapter 19 regarding water resource protection, as conditioned for the special protection area Water Quality Plan.

A Traffic Noise Impact Analysis was prepared for the Subject Property and the results provided in a report dated November 27, 2012. A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas along Shawnee Lane and future Observation Drive. The Montgomery County "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" stipulate a 60 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

The Noise Analysis for the Subject Property indicates that future unmitigated traffic noise levels above 60 dBA Ldn will impact the pool of the multi-family building and any other outdoor recreation areas planned within the courtyards of the multi-family building. The analysis recommends a solid wood barrier along the pool area – the height and extent of the barrier to be determined by a barrier analysis. The noise analysis also determined that residences will not require enhanced building materials to meet the interior noise guidelines. Per the analysis, standard construction materials will reduce exterior noise levels by a minimum of 20 dBA without modification. The analysis determined that the highest building façade noise level will be 63.4 dBA. Assuming standard construction reduces this by 20 dBA, the resulting interior noise level at this highest point would be 43.4 dBA, which is below the interior noise guideline limit of 45 dBA.

As conditioned, the Applicant is required to provide further details for and location of noise mitigation techniques to attenuate current and projected noise levels to no more than 60 dBA Ldn for areas of common outdoor activity, specifically the areas in the vicinity of the multi-family building, including the outdoor pool.

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

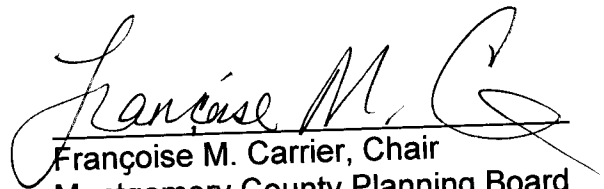
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 19 2013 (which is the date that this resolution is mailed to all parties of record); and

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).

* * * * *

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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor, and Commissioner Presley absent, at its regular meeting held on Thursday, June 13, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board