

# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 13-85  
Site Plan No. 820050370  
Tapestry  
Date of Hearing: May 30, 2013

JUL 19 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 May 4, 2005, Miller and Smith at Tapestry, L.L.C., ("Applicant"), filed an application for approval of a site plan on 38.82 acres of land in the R-200 zone, located on the west side of Frederick Road and on the north and south sides of West Old Baltimore Road, in the Clarksburg Policy Area and Clarksburg Master Plan and Hyattstown Special Study Area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820050370, Tapestry; 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 July 13, 2007, setting forth its analysis and recommendation for approval of the application, subject to certain conditions; and

WHEREAS, on July 26, 2007, 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 accept a request by the Applicant to defer action on the application to address concerns related to the layout of the lots shown on the preliminary plan; and

WHEREAS, on February 10, 2012, the Applicant filed a revised application for approval of a site plan on 30.33 acres of land in the R-200 zone, located on the west side of Frederick Road and on the north and south sides of West Old Baltimore Road, ("Subject Property") in the Clarksburg Policy Area and Clarksburg Master Plan and Hyattstown Special Study Area, ("Master Plan"); and

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Approved as to

Legal Sufficiency:

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

WHEREAS, the revised site plan was designated Site Plan No. 820050370, Tapestry ("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 20, 2013, setting forth its analysis and recommendation for approval of the Application; and

WHEREAS, on May 30, 2013, the Planning Board held a public hearing on the Application, and at the hearing 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 the Site Plan No. 820050370 to create 67 lots, with 57 one-family detached units, and 10 single family semi-detached units as 10 MPDUs on the Subject Property, subject to the following conditions:<sup>1</sup>

**Conformance with the Tapestry Preliminary Plan**

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 120050950.

**Environment**

2. Forest Conservation & Tree Save

The Site Plan must comply with the conditions of approval for the Final Forest Conservation Plan No. 820050370, approved as part of Preliminary Plan No. 120050950.

3. Stormwater Management

The proposed development is subject to the SPA Preliminary/Final Water Quality Plan conditionally approved by a MCDPS letter dated April 1, 2013 and as approved by the Planning Board with Preliminary Plan No. 120050950.

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<sup>1</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. Noise Mitigation

- a) Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
  - i. The location of the noise mitigation techniques to attenuate current and/or proposed noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes and areas of common outdoor activity are adequate.
  - ii. The building shell for residential dwelling units to be constructed within the projected 60 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If any changes occur to the plan that affect the validity of the noise analysis dated December 18, 2011 and subsequent addendums dated May 16, 2012 and October 17, 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.
- c) Applicant/developer/builder to certify that they will construct the noise-impacted units and noise mitigation fences/walls in accordance with the recommendations of the engineer who specializes in acoustical treatments.

**Parks, Open Space, and Recreation**

5. Common Open Space Covenant

The Record Plat(s) must reference the Common Open Space Covenant recorded at Liber 28045, Folio 578. The Applicant must provide verification to the M-NCPPC staff prior to issuance of the 48th building permit that Applicant's recorded Homeowners Association Documents incorporate the Covenant by reference.

6. Recreation Facilities

- a) Meet the requirements for all of the proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) Provide all of the recreation facilities and elements included in the Site and Landscape Plans, including: the dedicated Park, preserved HOA wooded areas, 1 tot lot, 1 play lot, 2 picnic/sitting Areas, 1 open play area II, 1 pedestrian system, 1 nature trail system, and the natural areas.
- c) Dedicate the 5.15 acre Park, Parcel G, to the M-NCPPC, in compliance with requirements of the Department of Parks.

### **Transportation & Circulation**

#### **7. Transportation**

- a) The development is limited to 67 residential units (57 one-family, market rate, detached units, and 10 semi-detached MPDUs).
- b) Required improvements for the MD 355 and West Old Baltimore Rd. intersection segments must comply with conditions of the Preliminary Plan and be included in the Certified Site Plan.

### **Density & Housing**

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

- a) The development must provide 14.5 % of the total number of units as MPDUs consistent with the requirements of Chapter 25A. The Applicant is providing 67 total units including 10 MPDUs with a 20 percent density bonus.
- b) The MPDU Agreement To Build must be executed with DHCA before the issuance of any building permits by the MCDPS.
- c) The site locations of the MPDUs must follow the plans as proposed with 6 MPDUs north of West Old Baltimore Road and 4 MPDUs south of West Old Baltimore Road.
- d) The Applicant must provide two dedicated off-street parking spaces for each MPDU unit.
- e) The Applicant must provide, at the time of the Offering Agreement submission to DHCA, illustrative architectural elevations of the MPDUs to demonstrate architectural compatibility with adjacent market rate units.
- f) All of the proposed 10 MPDUs must be provided on-site.

### **Site Plan**

#### **9. Site Design**

- a) Provide sidewalk ramps in accordance with MCDPS approvals.
- b) For the private access alleys/roadways provide a minimum roadway paving width of 20 ft.

#### **10. Landscape Elements**

- a) Provide and install all site landscape elements as included in the Site and Landscape Plans.
- b) Prior to approval of the Certified Site Plan complete the final design of the monumental signage located at the MD 355, West Old Baltimore intersection frontage.

#### **11. Lighting**

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All on-site 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 for lighting located outside of right-of-ways must not exceed 0.5 footcandles at property lines abutting residential properties.
- e) The height of the light poles above grade shall not exceed 14 feet including the base.

12. Landscape Surety

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

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

13. Development Program

Construct the proposed development in coordination with the intersection of MD 355 and West Old Baltimore Road in accordance with a development program. The development program must include the following items:

- a) Satisfy the requirements for the West Old Baltimore Road/MD 355 intersection in accordance with the conditions of the Preliminary Plan.
- b) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- d) On-site recreational facilities, associated landscape planting, and site elements such as sidewalks, benches, picnic tables and trash receptacles must be installed and completed as each adjacent section of development is completed.
- e) Provide each section of the development with necessary roadway access meeting County MCDOT and MCDPS requirements.
- f) The development program must provide phasing of dedications, installation of landscaping, street lighting, utilities including the WSSC sewer system and pump station, stormwater management, sediment and

erosion control, afforestation, and other features as included within the Site Plan.

14. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and 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) Include all details necessary to meet requirements as proposed by the Applicant's Noise consultant.
- e) Ensure consistency off all details and layout between site plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Tapestry plans stamped "Received" by The M-NCPPC on May 20, 2013 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having considered the Staff recommendations and findings 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.*

This project is not subject to a development, diagrammatic, or project plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements for the R-200 Zone with MPDUs under Sec. 59-C-1.62, as summarized in the following Data Table, and as allowed under permitted unit types within this zone.

Development Standard	Zoning Ordinance Required/Allowed	Approved Standards
<ul style="list-style-type: none"> <li>▪ Gross tract area</li> <li>▪ Dedication (west side of MD 355, 120 ft. ROW)</li> <li>▪ Useable area</li> </ul>	NA Deduct for useable ac. NA	30.33 acres <u>2.27</u> ac. 28.06 ac. useable
<ul style="list-style-type: none"> <li>▪ Maximum Density (with 28.06 acres useable)</li> </ul>	68 units (2.44 DUs/acre)	67 units (2.38 DUs/Acre)
<ul style="list-style-type: none"> <li>▪ Maximum Bonus w/MPDUs</li> </ul>	22%	19.4% or 20%
<ul style="list-style-type: none"> <li>▪ Minimum MPDUs (based on a maximum of 67 units provided)</li> </ul>	10 MPDUs (14.5%)	10 MPDUs (14.9%)
<ul style="list-style-type: none"> <li>▪ One-family detached</li> <li>▪ One-family semidetached</li> <li>▪ Maximum percentage of semi-detached units</li> </ul>	NA NA 40.0%	57 units 10 units 14.9%
<ul style="list-style-type: none"> <li>▪ One-family detached</li> <li>▪ One-family semi-detached</li> <li>▪ Minimum lot width for a one-family detached unit at street line</li> </ul>	6,000 minimum 3,500 minimum 25 feet	6,000 minimum 3,500 minimum 25 feet minimum
<ul style="list-style-type: none"> <li>▪ From street (front and side all units)</li> <li>▪ From subdivision boundary (rear all units)</li> <li>▪ From subdivision boundary (side all units)</li> <li>▪ From rear (accessory detached structures)</li> <li>▪ From any property line (Noise fence (&gt;6.5'))</li> </ul>	25' 20' min. rear yard or equal to adj. zoning 12' N/A N/A	25' 20' min. rear yard or equal to adj. zoning N/A 5' 0 feet
2,000 square feet per one-family attached unit	0.46 acres (10 units = 20,000 square feet)	23.05 acres (76%)
<ul style="list-style-type: none"> <li>▪ One-family detached or semi-detached units</li> <li>▪ Accessory building</li> </ul>	40 feet (3 stories) 25 feet (2 stories)	40 feet (3 stories) 25 feet (2 stories)
<ul style="list-style-type: none"> <li>▪ 31 one-family detached front load (2 per/du)</li> <li>▪ 26 one-family detached rear load (2 per/du)</li> <li>▪ 10 one-family semi-detached (2 per/du)</li> <li>▪ Visitor on street</li> <li>▪ Visitor off street</li> <li>▪ Total</li> </ul>	62 52 10 garage/10 off street  134	124 52 20 17 29 242 (avg. 3.61/d.u.)

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

### **Locations of Buildings and Structures**

The residential units and structures are efficiently and appropriately located on the site in response to:

1. The two north and south areas required by the east-west alignment of the dedicated 80 ft. right-of-way of West Old Baltimore Rd. that bisects the site.
2. The unique configuration of the site consisting of the triangular shape of the north portion, and the south portion divided into two segments linked by a somewhat narrow land area adjacent to and parallel to West Old Baltimore Rd.
3. The primary design objective of fronting all of the residential units to public right-of ways.
4. The design, location, and area requirements of the proposed new intersection at West Old Baltimore Rd. and Frederick Rd., MD 355. This intersection as proposed requires a minimum distance of approximately 290 ft. from the centerline of the future MD 355 right-of-way to the centerline of the first intersecting internal street, Street B.
5. Internal access roads, with ingress and egress at West Old Baltimore Rd., consisting of: Street A at the northwest portion of the Property; Street B at the southeastern portion, and Street C at the southwest area.
6. Preservation of a significant amount of internal open space including buffers and forested areas, and the 5.15 acre "Parcel G" M-NCPPC Park Dedication at the southeast portion of the Subject Property.

The internal roadways with street-fronting residential units are located efficiently on the separated geometry of the site. The plan contains woodland buffer areas and significant internal open space areas that provide separation of the units throughout the site. The location of the residential units directly fronting and near Frederick Road, MD 355 will provide an attractive, green, and very appropriate gateway entry sequence for vehicles traveling north from Germantown into Clarksburg. The MD 355 streetscape will also present an attractive, largely green frontage for southbound vehicles. The residential units that will directly front the north and south sides of West Old Baltimore Road will also be well located and spaced and will provide an attractive east-west gateway at the center of the Tapestry development.

### **Open Spaces**

The plan as proposed will include 76% of the total site area as green space. The southeast portion of the development will preserve an extensive portion of the MD 355 frontage as woodlands and open space, providing a green, low density gateway entry to Clarksburg.



The overall plan preserves sensitive environmental areas and significant areas of woodlands while also accommodating right-of-way dedications, utility easements, including a required WSSC structure, and a 5.15 ac. Park Dedication on Parcel G.

The intersection gateway from MD 355 to West Old Baltimore Road will include over an acre of open, landscaped streetscape frontage.

An open and landscaped park is located in the north central area of the site. Open play and seating areas are included in this HOA Parcel D area. North of this Park, a wooded area, HOA Parcel C, abuts the MD 355 frontage, providing a green buffer at the Street A cul-de-sac.

An open landscaped area at MD 355 together with a wooded buffer at the north corner of the Subject Property, abutting the Goddard School site, will provide an attractive streetscape.

#### **Landscape Design and Lighting**

The Landscape and Lighting Plan includes a generous commitment for installation of: deciduous streetscape trees along both sides of the dedicated frontages of West Old Baltimore Road, and along the frontage of the MD 355 ROW dedication; deciduous trees, well-spaced, along both sides of each of the internal public roadways; and an adequate spacing of street lighting standards throughout the project. The Landscape Plans includes wood fencing provided in locations necessary to meet the consultant's findings of the noise impact analysis.

#### **Recreation Facilities**

As shown in the Staff Report, the recreational facilities provided on-site will be adequate as shown on the Applicant's demand and supply calculations for the proposed on-site recreation facilities. Eight recreational facilities are provided on site for the Tapestry project: a tot lot, play lot, open play area, pedestrian system, nature trails system, natural area, and two picnic/seating areas.

#### **Pedestrian and Vehicular Circulation**

**Pedestrian Circulation** - Sidewalks and pathways are integrated throughout the development. Sidewalks are provided on both sides of each of the three major internal streets. The Master Plan required 8-foot shared use pathway will be constructed along the MD 355 frontage. Sidewalks will be constructed along the full frontage at both sides of the dedicated right-of-way of West Old Baltimore Road. These pedestrian facilities, within the Tapestry project and adjacent roadway right-of-ways, will allow pedestrian circulation within the project area and neighborhood.

**Bikeway at MD 355** - The Applicant and the County will jointly implement the Master Planned 8 ft. shared use path on the Tapestry frontage of MD 355. As shown on the Site Plan, the Applicant will be responsible for the segment from the northern most

Tapestry frontage to a point opposite Greenbrook Drive. The County will complete the remaining segment to the south Subject Property line and beyond as part of a CIP project approved for MD 355.

**Vehicular Circulation/Site Access Plan and Facilities** - The reconfigured and reconstructed MD 355 and West Old Baltimore Rd. intersection and improvements to West Old Baltimore Rd. will result in three points of access for the development to West Old Baltimore Rd: one on the north side, Street A, with a 60-foot public ROW; and two on the south side, Street B, with a 60-foot public ROW, and Street C with a 54-foot ROW. These three site access locations are well spaced and provide a distribution of vehicle trips and turning movements at adequate distances from the West Old Baltimore Rd. and MD 355 intersection.

Street A provides access to all 36 residential units located north of West Old Baltimore Road, with: 16 single family detached units fronting the cul-de-sac portion and with 20 units accessed from a private alley that accesses rear yard garages. The alley ways are 28 ft. wide and provide on street parking in addition to rear lot garage parking. The 31 units south of West Old Baltimore Rd. will be provided access by Streets B and C.

The intersection locations of the three new streets on West Old Baltimore Rd. are spaced in response to the geometry of the Subject Property and the operational requirements of the intersection. Due to the required minimum distance from the MD 355 intersection, turning movements at the Street B intersection will be restricted by a median in West Old Baltimore Rd. to prohibit left turns for vehicles approaching from the east (MD 355). These vehicles must proceed to Street C to make a left turn into the development. The roadway width and design has been approved by MCDOT and it will be adequate, safe and efficient for these required directional trips.

The Tapestry residential project and the required intersection improvements will be managed and constructed as one overall neighborhood development. The Applicant has provided design and preliminary engineering input for the intersection. MCDOT and MDSHA will provide final design coordination and will construct the intersection.

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

The structures and uses proposed are well spaced internally and are compatible with other uses and site plans, and with existing and proposed adjacent development.

**Compatibility at MD 355 and West Old Baltimore Road**

At MD 355, 68.5% of the streetscape frontage is comprised of proposed parkland and open space. The locations, spacing, and limited number of residential units fronting both MD 355 and West Old Baltimore Rd. will provide well designed, attractive circulation gateways adjacent to and through the project.

**Compatibility at Northwest Property Line**

The retention of existing wooded areas at the site's north boundary adjacent to the Goddard School, and along the eastern boundary of the adjacent Musgrove's Addition at Neelsville Subdivision (Ruby Drive lots), provide an appropriate buffer between the Tapestry Property and these two developments. The Tapestry residential units (Lots 1-10) along this northwestern property line are well sized and spaced, providing internal compatibility among the units fronting Street A.

**Compatibility at Southwest and South Property Areas**

The large residential lots (Lots 1-5) in the southwest area of the Tapestry Property are sized to be compatible with the adjacent Beau Monde Estate subdivision to the west and south. The Preliminary Plan analysis addresses the resubdivision criteria and the lot size waiver for the two smallest lots in this group (Lots 4 and 5) that would also be the smallest in this designated neighborhood. Both of these lots are relatively large, at 18,765 sq. ft. and 16,685 sq. ft., without inclusion of the forested open space area to the east of the rear yards. The remaining entire southeastern Tapestry Property frontage abuts the large forested greenway, a significant amenity that extends to Black Hill Regional Park to the southwest.

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.*

The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection as described in the Preliminary Plan Findings.

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 JUL 19 2013 (which is the date that this resolution is mailed to all parties of record); and

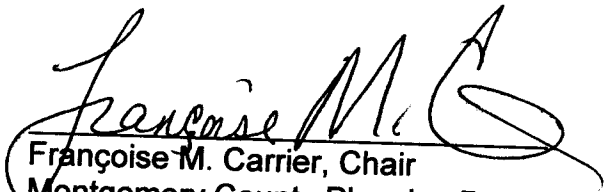
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 11, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board