



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

AUG 10 2015

MCPB No. 15-83
 Site Plan No. 82013020A
 Travilah Grove
 Date of Hearing: July 16, 2015

RESOLUTION

WHEREAS, under Montgomery County Code Division 59.7.1.2, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, this site plan amendment is reviewed under the Zoning Ordinance in effect on October 29, 2014, as permitted under Section 59-7.7.1.B.3.a of the current Zoning Ordinance; and

WHEREAS, on October 29, 2013, the Planning Board, by Resolution MCPB No. 13-146, approved Site Plan No. 820130200, for construction of five 60-foot high multi-family residential buildings with a total of 300 dwelling units, including 38 moderately priced dwelling units ("MPDUs") on 13.72 acres of CR-0.5 C0.5 R0.5 H80 zoned-land, located at 14211 Travilah Road, 630 feet northeast of Stonebridge View Drive, and approximately 3,000 feet south of Darnestown Road (MD 28) ("Subject Property"), in the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, on February 24, 2015, Brookfield Travilah Grove, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan to replace the previously approved Site Plan with maximum of 298,938 square feet of development for the construction of a maximum of 131 single-family townhouse units, including 17 MPDUs, with related site improvements on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82013020A, Travilah Grove ("Site Plan," "Amendment" 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 July 6, 2015, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 16, 2015, 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

Approved as to
 Legal Sufficiency:  7/23/15

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WHEREAS, on July 16, 2015, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Wells-Harley, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0; Commissioners Anderson, Fani-Gonzalez, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82013020A for a maximum of 298,938 square feet for the construction of a maximum of 131 single-family attached townhouse units, including 17 MPDUs (12.5%), on 13.72 gross acres, subject to the following conditions, which supersede all conditions of approval for Site Plan 82013020:¹

1. Preliminary Plan Conformance

The development must comply with the conditions of the approval for Preliminary Plan 12012029A.

2. Final Forest Conservation Plan

- a. The development must comply with the conditions of the approved Final Forest Conservation Plan (FFCP).
- b. The Sediment and Erosion Control Plan and Stormwater Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
- c. Prior to any demolition, clearing, or grading occurring onsite, the Applicant must obtain a financial security agreement reviewed and approved by the M-NCPPC Associate General Counsel Office for the planting requirements specified on the FFCP.
- d. Prior to M-NCPPC accepting any on-site planting, the Applicant must obtain M-NCPPC approval of a five-year maintenance and management agreement.

3. Moderately Priced Dwelling Units (MPDUs)

- a. The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its email dated April 15, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the email, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b. The development must provide 12.5% MPDUs on-site in accordance with the requirements of Chapter 25A.

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.

- c. Prior to the release of any building permits for any residential units, the MPDU agreement-to-build between the Applicant and DHCA must be executed.

4. Landscape Plan

The Applicant must identify and label on the Landscape Plan the four areas of Forest Conservation Landscaping Credit as shown on the approved FFCP.

5. On-Site 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 fixtures must be full or partial cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 15 feet including the mounting base.

6. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include 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. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, entrance signage features, decorative and security fencing, plant materials, on-site lighting, and exterior site furniture (including the brick pavers, fire pit, outdoor grills, and the bocce ball court), all recreation and playground equipment/features, retaining walls, wrought iron railing, private streets, alleys, curbs, gutters, sidewalks and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

7. Architecture

The final exterior architectural character, proportion, materials, and articulation of the townhouses must be substantially similar to the schematic elevations shown on the submitted architectural drawings. Each of the sixteen end units shown on

the Highly Visible Units Exhibit must be constructed with brick side facades as depicted on the Architectural Plans.

8. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Planning Staff prior to the approval of the Certified Site Plan.

9. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, and Site Plan resolution (and other applicable resolutions).
- 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 the data table to reflect development standards enumerated in the Planning Board Resolution.
- d. Ensure consistency of all details and layout among the site, landscape and lighting, and forest conservation plans.
- e. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."

BE IT FURTHER RESOLVED, that all site development elements as shown on the site, landscape, lighting, and architectural plans received by the M-NCPPC as July 6, 2015, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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 an element of the project plan.*

The Subject Property is not subject to a development plan, diagrammatic plan, schematic development plan, 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.*

This Amendment is reviewed under the Zoning Ordinance in effect on October 29, 2014, as permitted under Section 59-7.7.1.B.3.a of the current Zoning Ordinance for amendments to plans approved before October 30, 2014. The Application complies with Section 59-7.7.1.B.3.a.i., because, it does not increase the approved density or building height allowed under Section 7.7.1.C. The Application also complies with Section 59-7.7.1.B.3.a.ii(a), because it retains the approved setback from the improved R-200-Zoned property with existing single-family detached units to the south.

The Site Plan meets the requirements of the CR Zone, Standard Method of Development, as shown below. An urban renewal plan is not applicable to the Subject Property.

General Requirements

Under Sections 59-C-15.61 through 63, development in the CR Zone must comply with several specific planning elements, including master plan conformance, landscaping and lighting, public use space, and parking.

Master Plan Conformance

The Application is substantially consistent with the Master Plan.

The Subject Property occupies the site identified as the Rickman Property in the Life Sciences Center (LSC) South district of the Great Seneca Science Corridor Master Plan. The “primary objective” of the Master Plan is to “Transform the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests.” The Application addresses this recommendation by providing residential units in this predominantly commercial area, thereby creating a more mixed-use, live/work community.

Many of the applicable recommendations of the Master Plan focus on water quality. These recommendations include using best available stormwater treatment techniques and various Environmental Site Design treatment approaches. The Master Plan also includes a section focusing on the Piney Branch Special Protection Area, with a specific reference to the Subject Property, noting that “Development on this property should minimize new impervious surfaces especially on that portion of the property that drains to the Special Protection Area.”

Additional Master Plan guidelines for the development of the Subject Property are:

- Minimize impacts to the SPA by orienting buildings and parking nearer Travilah Road, outside the SPA boundary to the extent feasible;
- Ensure proper sediment control during construction;

- Consider parking underneath buildings (ground-level), compact development design, and other techniques to minimize impervious surfaces;
- Consider placing recreation facilities that are not noise-sensitive closer to Shady Grove Road; and
- Consider meeting afforestation requirements in the area adjacent to the existing protective strip along Shady Grove Road to enhance protection of the *Krigia dandelion* population.

To the extent practical, the Applicant has minimized imperviousness on the Subject Property, which is partially located in the Piney Branch SPA. The Applicant will provide significant planting onsite, both in landscaping and in afforestation. The Applicant will also provide numerous planters and bio-retention filters onsite. The increased canopy coverage and abundant stormwater management features will help address water quality, air quality, and climate protection goals of the Master Plan. The Applicant has designed the open space to minimize impervious surfaces, while adhering to the suggested setback from the WSSC water lines.

Twenty six units are located with frontage on Travilah Road and away from the SPA boundary. These 26 units have rear loaded vehicular parking access and garages; parking for these units will be outside of the SPA boundary. The majority of the townhomes will be located west of the WSSC water lines, closer to Travilah Road, as suggested by the Master Plan. The remaining buildings are just to the east of the WSSC water lines. Visitor parking has been spread out across the Subject Property in the form of on-street, parallel spaces, both for convenience and to minimize imperviousness by providing a more compact design. Although the Amendment does not include underground parking, all townhouses will have integrated garages.

Sediment and Erosion Plan review and approval are the responsibility of the MCDPS. However, conditions of approval of the Final Forest Conservation Plan (FFCP) require the Sediment and Erosion Control and Stormwater Management Plan to be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP. Additionally, the Applicant will include a playground in the southeast portion of the Subject Property, closer to Shady Grove Road.

Krigia dandelions, listed on the State's endangered plant list, are located east of the Subject Property along Shady Grove Road, which was specifically aligned to avoid disturbance of this plant. The Master Plan recommends that development in this area avoid disturbance of this population and provide a buffer area from new uses. The Application avoids disturbing this area of *Krigia dandelion*, and will provide adequate buffering for the residential use. The site layout was also designed in a way to discourage pedestrian movement through the area.

Finally, the Master Plan encourages the provision of housing to improve the area's jobs-housing balance. The Master Plan recommends a range of housing options to help

meet County housing goals, including MPDUs and workforce housing. The Application meets this requirement by providing 12.5% MPDUs.

Landscape and Lighting

The Landscape Plan addresses Section 59-C-15.635 in that it contains a mix of large, medium and small canopy deciduous, native tree species, evergreens, and shrubs to accent the townhouse units, and the proposed open lawn/gathering area from the front entry units designed along Alleys D and E. Other landscaping will enhance the two open space areas and the perimeters of the site. Landscape edge areas will be defined with accent plant material such as perennial/ornamental grasses. The Landscape Plan shows Forest Conservation landscaping credits in the required open space areas per the Final Forest Conservation Plan. The Landscape Plan must identify the open space areas with a note to distinguish them as forest conservation landscaping credit areas as required by the FFCP and must note that the plantings cannot be removed from either plan, which would violate the forest conservation planting requirement.

The Applicant submitted a Photometric Plan to address the requirements of the CR Zone. The Plan shows the locations of street and alley light fixtures and lighting for the open space areas. Each individual unit will have a light fixture at the front door. The three monumental entrance signs will have LED lighting for continuous illumination during evening hours. At Certified Site Plan review, the Applicant must submit a detail sheet for the light fixtures for the private streets and alleys, open space areas and at the front doors of the units, and include a note that the industry standards will be met in relation to adjacent residential properties.

Parking

As a development located in the CR Zone, no bicycle parking spaces are required for a townhouse development. However, publicly accessible bicycle spaces will be provided at both play areas. Per the CR Zone, the Applicant is required to provide 1.8 parking spaces per market rate unit (206 spaces), and 0.9 spaces per MPDU (16 spaces) for a total of 222 parking spaces. A total of 278 parking spaces are approved as part of this Application, of which 33 are on-street visitor parking spaces.

Public Use Space

The Application provides three open space areas totaling 2.0 acres, which exceeds the CR Zone's requirement that 10% of the limits of disturbance be public use space. The open spaces as identified in the Staff Report will provide for active and passive recreational opportunities and meet the requirements of the CR Zone.

Development Standards

As shown below, the Application conforms to the applicable development standards of the CR Zone.

Table 1: Development Standards Data Table - CR Zone Standard Method of Development

Development Standard	Permitted/Required	Approved/Binding
Maximum Density (Sec.59-C-15.71) Site Area = 587,712 sf	0.5 FAR or 298,938 SF	0.5 FAR or 298,938 SF
Maximum Height (in feet)(Sec. 59-C-15.71)	80'	50'
Motorized vehicle parking (Sec. 59-C-15.63)	222	278
Minimum Setbacks (feet) (Sec. 59-C-15.72 (a) (1)) ² Abutting Residential zone All other zones	25' (R-200) 0	25' 0
Minimum Public Use Space (Sec. 59-C-15.73) for sites with a Gross Tract Area over 3 acres: (% of LOD [14.38 acres])	10% of LOD= 62,639 sf	87,120 sf
MPDUs ³	12.5%= 17 units	17

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

Building Locations

Buildings are located to provide direct and efficient access for pedestrians from private streets and alleys. The townhouse units have been designed to face landscaped mews and open spaces, and away from a forest conservation area at the eastern portion of the Subject Property. The lot layout and building locations will create an adequate, safe, and efficient grid pattern of new private streets and alleys.

Open Spaces

The Application includes three open space areas, which will be easily accessible via the interconnected sidewalk system. The Application provides for more than the required open space area that is based on 10% of the Subject Property's limits of disturbance for a site with a gross tract area of over three acres. The open space areas have been designed in an adequate, safe, and efficient layout.

² Where a tract of land is adjacent to a lot or parcel in a one-family residential or agricultural zone that is not improved with a commercial, industrial, or utility use, any building: (1) must have a minimum setback of 25 feet, or the setback required by the adjacent lot or parcel, whichever is greater. The Subject Property abuts the existing Willow Oaks single-family subdivision to the south zoned R-200.

³ The location of these units is determined at the Certified Site Plan review by the Department of Housing and Community Affairs (DHCA).

Landscape and Lighting Plans

The Applicant's Landscape Plan, with its variety of native deciduous trees, shrubs and ornamental grasses will be adequate, safe, and efficient. In addition, the Board finds the Lighting Plan will meet the industry IESNA illumination standards for visibility during evening hours and as a result, will create a residential neighborhood that is adequate, safe, and efficient.

Recreational Facilities

Opportunities for outdoor recreation will be in the three open space areas with the greatest of these being available in Parcels A and B. These two parcels will offer both active and passive recreation features with outdoor equipment including: picnic table seating and park bench sitting area, a bocce ball court, barbeque grills and a fire pit. In Parcel B, playground equipment will be installed for multi-age groups of children, including a labyrinth. These facilities will be accessible by an internal interconnected sidewalk system. Bike racks will be provided in both Parcels A and B for bicycle parking. The Board finds the sum total of these outdoor recreational facilities comply with the Planning Board's Recreation Guidelines for a townhouse development and the anticipated demand by population category.

Pedestrian and Vehicular Circulation

A six-foot wide sidewalk exists along the Shady Grove Road frontage. Shared-use paths exist on the opposite side of Shady Grove Road and Travilah Road. Additionally, the Applicant will install a five-foot wide sidewalk with a green panel along the Subject Property's frontage. An internal sidewalk system will be constructed throughout the townhouse neighborhood to connect the existing sidewalks at both Travilah Road and Shady Grove Road. Pedestrian circulation will be adequate, safe, and efficient.

Although no bicycle parking spaces are required for a townhouse development under the Zoning Ordinance, the Applicant will install publicly accessible bicycle parking spaces at both playgrounds. The Application includes three vehicular access points to the Subject Property; two from Travilah Road and one from Shady Grove Road. The access point at Shady Grove Road will be a right-in/right out only to minimize potential vehicular conflicts with through traffic. A grid pattern of new private streets and alleys will provide adequate, safe, and efficient internal vehicular circulation.

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

The Amendment is compatible with the existing single-family detached units nearby, and the existing office development to the northeast, in terms of building height. The Applicant's Landscape Plan will provide adequate screening along the common property lines.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.*

The Site Plan meets the requirements of the Montgomery County Forest Conservation Law, the County's Environmental Guidelines regarding water quality and stormwater management requirements for Environmentally-Sensitive Design standards of the Montgomery County Department of Permitting Services. The Final Forest Conservation Plan approved as part of the Site Plan amendment meets all applicable requirements of Chapter 22A and is consistent with the Preliminary Forest Conservation Plan approved in conjunction with Preliminary Plan 12012029A. An amended Preliminary/Final Water Quality Plan was approved as part of Preliminary Plan 12012029A.

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 AUG 10 2015 (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 Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, July 30, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board