



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

MCPB No. 15-154
Site Plan No. 820150090
Woodfield Commons
Date of Hearing: December 17, 2015

JAN 22 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on August 3, 2015, Woodfield Commons Associates, LLC ("Applicant") filed an application for approval of a site plan application for 84 multi-family dwelling units, including 11 MPDUs, in three, four story buildings on 3.88 acres of land in the CRT-1.5, C-0.5, R-1.0, H-55T zone located on the west side of Woodfield Road (Rt.124), approximately 1,075 feet north of the intersection of Rt.124 and Main Street in Damascus ("Subject Property") in the Damascus Policy Area and Damascus Master Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820150090, Woodfield Commons ("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 December 4, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 17, 2015, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on December 17, 2015, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Dreyfuss, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Site Plan No. 820150090 for up to 118,000 square feet of residential development, with

up to 84 multi-family residential units including 11 MPDUs, in three, four-story buildings on 3.88 acres of CRT-zoned land, subject to the following conditions:¹

1. Preliminary Plan Conformance

The development must comply with conditions of approval for Preliminary Plan No. 120150170 and any amendments.

2. Forest Conservation & Tree Save

The development must comply with the conditions of the approved Final Forest Conservation Plan (FFCP). The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 120150180, subject to the following:

a. Revise Final Forest Conservation Plan prior to Certified Site Plan to reflect:

- 1) A supplemental planting plan within the wetland and wetland buffer area.
- 2) A detailed five-year invasive management plan.
- 3) Boardwalk cross section and construction details.
- 4) Privacy fence cross section and construction details.

b. The boardwalk and fence located within the wetland and wetland buffer area must be constructed on helical piers. The railing for the boardwalk must be attached to the boardwalk structure.

c. The limits of disturbance shown on the final Sediment Control Plan must be consistent with the limits of disturbance shown on the FFCP.

d. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.

e. Fee-in-lieu payment for the 1.58 acre reforestation planting requirement must be satisfied prior to any clearing and grading.

3. Stormwater Management

The Planning Board has accepted the recommendations of the MCPDS – Water Resources Section in its stormwater management concept letter dated October 26, 2015, and has incorporated those recommendations as a condition of the Preliminary Plan approval.

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.

4. Planning Board Modification

The Planning Board accepts the request by the Applicant to modify the Build-to-Area (BTA) and maximum front setback for an apartment building type in the CRT zone per Section 59.4.5.3.C.3; the Board's modification to the BTA and front setback must be noted on the Certified Site Plan.

5. Public Use Space, Facilities and Amenities

- a. The Applicant must provide a minimum of 18,600 square feet of public open space.
- b. Prior to the issuance of Use and Occupancy certificates for any residential units, all public open space areas on the Subject Property must be completed.

6. Recreation Facilities

- a. Prior to Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide at a minimum the following recreation facilities: a fitness center, furnished community room, an outdoor play area that provides opportunities for intergenerational interaction and that is accessible to all users, and a pedestrian trail and boardwalk on the Subject Property. Installation of the existing pedestrian trail beyond the boundaries of the property shall not be the responsibility of the Applicant. A TV lounge and computer lab or similar uses must also be provided.

7. Maintenance of Public Amenities

Maintenance of all on-site public use space is the responsibility of the Applicant and any successor(s) and assigns. This includes maintenance of paving, plantings, lighting, and benches. Maintenance may be taken over by a governmental agency by agreement with Applicant or any successor(s) and assigns and applicable agency. For the purpose of this condition, the term "Applicant and any successor(s) and assigns" means the owner or any successor(s) in interest to the Public Use Space that is responsible for common area maintenance, such as a homeowners association.

8. Transportation

- a. The Applicant must show on the record plat, a common access easement over the sidewalk on the southeastern edge of the property, as shown on the Site Plan.
- b. Prior to the issuance of a Use and Occupancy Certificate, the Applicant must:
 - i. Provide a bicycle room in each residential building in the location as specified in the Architectural sheets for the Site Plan.

- ii. Provide and install one bicycle parking racks ("inverted U" rack or similar) on the western side of Building C, adjacent and to the south of the Seating Area as shown in the Site Plan.
- iii. Provide a four-foot wide crushed stone pedestrian trail and boardwalk located along the western boundary of the property as shown on the Site Plan.

9. Moderately Priced Dwelling Units (MPDUs) and Affordable Units

- a. The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated September 17, 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 letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b. The proposed development must provide, and show on the Certified Site Plan, a total of 12.5 percent MPDUs on-site in accordance with the requirements of Chapter 25A and the Damascus Master Plan. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build units in accordance with the Site Plan between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

10. Building Height

The maximum height for the three multi-family buildings is 55 feet, as measured from the building height measuring point in accordance with Section 59-4.1.7.C.2.

11. Site Design

- a. The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on sheets "Building A & B Elevations", and "Building C Elevation", both dated May 27, 2015, as determined by M-NCPPC Staff.
- b. Prior to issuance of a use and occupancy certificate, the Applicant must provide a 4-foot tall splitrail fence that generally extends from the trail at the boardwalk location, along the limits of disturbance line south of Building B, to the southern boundary of the Property. The final location of the fence to be determined at the time of Certified Site Plan.

12. Landscaping

- a. Prior to issuance of any residential Use and Occupancy Certificate for each respective building all on-site amenities, including, but not limited to sidewalks, streetlights, hardscape, benches, trash receptacles, and recreation amenities (including the fitness center, furnished community

- room, TV lounge, computer lab, for Building C) outdoor playground, and an extension of an existing pedestrian trail and boardwalk must be installed.
- b. Final landscaping must be substantially similar to what is shown on landscape sheets LA-1, LA-2 and LA-3, dated December 3, 2015.
 - c. The Applicant must install landscaping no later than the next growing season after completion of site work.

13. Lighting

- a. Prior to issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor recommendations.
- b. Extend the illumination guide to the western boundary on the Landscape Plan (Sheet L1-1) and provide additional lighting at the western end of the central courtyard area between Buildings A and B.
- c. All on-site down- light fixtures must be full cut-off fixtures.
- d. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- e. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- f. The height of the light poles must not exceed the height illustrated on the Certified Site Plan.

14. 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 Council that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety as required by Section 59.7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon M-NCPPC Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private drives, paths and associated improvements.

- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety, will be followed by inspection and potential reduction of the surety.
- d. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

15. Development Program

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

16. 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 letter, stormwater management concept approval letter, development program, Preliminary Plan and Site Plan resolutions 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 approved by the Planning Board.
- d. Ensure consistency off all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of the Woodfield Commons Site Plan No. 820150090 drawings, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, 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 development satisfies any previous approval that applies to the site.*

The Site Plan is in conformance with the Preliminary Plan No.120150170, approved concurrently with this Application.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

There are no previous approvals for a development plan or schematic development plan on the Subject Property.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This finding is not applicable; the zoning classification for the Subject Property on October 29, 2014 was the result of a District Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

As demonstrated by the data table below, the Applicant conforms to the development standards of the CRT Zone, with the following modifications to the Build-to-Area (BTA) requirements for an apartment building type:

- 1) A reduction in the amount of building façade required in the front street BTA from 70% to 0%; and
- 2) A reduction in the maximum front setback from 30 feet to approximately 247 feet.

Under Section 59.4.5.3.C.3 of the Zoning Code, the Planning Board approves the above modifications, which are appropriate due to the unique physical constraints created by the Subject Property's shape. The Application deviates from the BTA requirements to the minimum extent necessary for development of the Subject Property. The flag-shaped lot has minimal frontage on Woodfield Road, and development within the lot's pipe stem is infeasible. Moreover, the Site Plan incorporates design elements that engage the surrounding publicly accessible spaces by including sidewalk access to Woodfield Road and the adjacent post office and a pedestrian path to the shopping center south of the Subject Property.

Site Plan Data Table

Development Standard	Permitted/Required	Approved
Total Residential Density (max) 59-4.5.3.B	1.0 FAR, 384,200 SF	0.31 FAR, 118,000 SF
Public Open Space (59-4.5.3.C.1) 10% Minimum Standard Method	16,901 SF	18,600 SF
Placement (59-4.5.3.C.3)		
- Front @ CRT	0 ft. min.	267 ft.
- Rear setback @ CRT	0 ft. min.	80 ft. min.
- Side setback @ R-200 (1.5x12 ft.) ²	18 ft. min.	44 ft. and 55 ft. min.
Parking Setbacks for surface Parking Lots		
- Front setback	Behind front building line	Behind front building line
- Rear	Landscaping required under Section 6.2.9	Min. 33 ft. wide wooded area & street trees provided
- Side setback	Landscaping required under Section 6.2.9	Street trees and fence provided
Building Height (feet)	55	55
Parking Facility Internal Landscaping (%)	5%	18.5%
Parking Spaces³		
- MPDU (11 units)	6 min. – 9 max.	
- Other Residential (73 units)	73 min. – 108 max.	
Total (84 units)	79 min. – 117 max.	95 min.
Loading Space Requirement (59-6.2.8.B)	1 Space	1 Space
Bicycle Parking Requirement (59-6.2.4.C)	40 (long term spaces) 2 (short term spaces)	42 total bike spaces
Signage (59-6.7.9) freestanding sign (2 SF for each linear foot of frontage)		
- Frontage - 50 linear feet	100 SF	100 SF

Section 4.5.3.C.5 Form

The Site Plan conforms to the form standards for transparency and blank walls. All three buildings have exterior walls with doors, windows or openings at the ground level which provide more than the 20% minimum transparency requirement. All three buildings are also designed so there are no blank walls

² 59-4.1.8.A.2. Setback Compatibility. Setback required along a side or rear lot line is equal to 1.5 times the minimum required for a detached house on abutting property in R-200 Zone.

³ The parking minimums and maximums are based on 84 multi-family units, consisting of 11 MPDUs (4 one bedroom, 6 two bedroom and 1 three bedroom units) and 73 units with (26 one bedroom, 39 two bedroom and 8 three bedroom units). The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.2 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

more than the maximum 35 feet in length at the ground level, facing a street or open space.

b. General Requirements

i. *Site Access*

The Subject Property has adequate, safe, vehicular and pedestrian access. The Subject Property shares vehicular access from Woodfield Road with the Damascus Post Office via a 24-foot private driveway. Pedestrian access is also from Woodfield Road via a sidewalk on the south side of the driveway that leads to the residential buildings. Another pedestrian only access will also be provided on the Subject Property's western boundary via an existing gravel pathway that will be extended into the Subject Property.

ii. *Parking, Queuing, and Loading*

Parking is appropriately located and designed on the Subject Property. Structured parking is provided on the ground floor levels of Buildings A and B. Surface parking is provided in front of, and on the southern end of Building C. Of the 95 total parking spaces on the Subject Property, there are 54 structured parking spaces and 41 surface parking spaces. The Site Plan also provides 42 bike spaces and one loading space. Additionally, the Site Plan includes one loading space.

iii. *Open Space and Recreation*

Public Open Space

The Applicant is required to provide 10% public open space. Public open space is intended to be devoted to public use or enjoyment that attracts public appreciation due to its location and amenities. Under the standard method of development, public open space must:

- a. Abut a public sidewalk or other public pedestrian route;
- b. Be a minimum of 15 feet wide;
- c. Include seating and shade; and
- d. Be in a contiguous space.

The public open space provided as part of the Site Plan meets the requirement noted above. The Public Open Space comprises an 18,600 square-foot area located between the western boundary of the Subject Property to the western sides of Buildings A and B, and also contains a 15-foot wide area that includes a gravel trail and boardwalk along the Subject Property's western boundary. A path from the central courtyard leads to the trail, which will have benches integrated into the boardwalk

that overlook a natural wetland area planted with a mix of shade and flowering trees, shrubs, and other vegetation. The path and trail provides another pedestrian link to the nearby shopping center. The public open space also includes a gravel wetland area and a large stand of trees that will be retained along the northwest corner of the Subject Property.

Recreation Facilities

The Site Plan meets the recreation standards required by Section 6.3.9 by providing a tot lot, an indoor community space, an indoor fitness facility, four seating areas, and a pedestrian trail and boardwalk.

iv. *General Landscaping and Outdoor Lighting*

Landscaping

Landscaping, lighting and other site features will be provided to enhance the development and to ensure safety for residents and visitors. The central, rectangular courtyard area between Buildings A and B features flowering trees and other attractive landscaping and seating areas. Flowering trees, shrubs and site furnishings will also be provided at the terrace and seating areas surrounding Building C.

Outdoor Lighting

Lighting on the Subject Property will be 0.3 footcandles or less along all property boundaries. Lighting is 0.0 footcandles along the northern property boundary adjacent to the R-200-zoned residential community. In addition to building lighting and accent lighting, pole-mounted street lights are provided with the parking and drive aisles.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

Chapter 19, Erosion, Sediment Control, and Stormwater Management

The Site Plan is in conformance with Chapter 19, Erosion, Sediment Control and Stormwater Management. The Department of Permitting Services, in a letter dated October 26, 2015, accepted the stormwater management concept for the subject site. The stormwater management concept proposes to meet required stormwater management goals via the use of micro biofiltration and a gravel wetland.

Chapter 22A, Forest Conservation

As conditioned, the Final Forest Conservation Plan complies with the Environmental Guidelines and the Forest Conservation Law.

A. Forest Conservation

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on March 31, 2015. The NRI/FSD indicates that the Subject Property contains approximately 0.90 acres of existing forest, 0.23 acres of wetlands, and 0.36 acres of wetland buffer. The Subject Property is within the Upper Patuxent watershed; a Use III-P watershed.

The Applicant does not propose to physically clear all of the existing forest on the Subject Property in connection with this Application. However, after development of the Subject Property, the remaining portions of the forest stand will no longer meet minimum forest stand size requirements, so for purposes of the forest worksheet calculations all the forest are counted as cleared. Based on the land use category and the forest conservation worksheet, the 0.90 acres of forest clearing results in a 1.58-acre reforestation planting requirement for the Application.

Under Section 22A-12(g)(2)(D), the Board finds that the Applicant may make an in-lieu payment rather provide than on- or off-site reforestation. The Subject Property, excluding acreage previously dedicated and used for right-of-way, is 3.88 acres. The Applicant is responsible for planting the on-site wetland area with native trees and shrubs to mitigate for the wetland encroachment described below, which leaves no priority or other planting areas on the Subject Property to meet the 1.58-acre reforestation requirement.

B. Wetland Encroachment

The wetland on the Subject Property appears to have developed due to man-made impacts that blocked a natural drainage feature. As described in the Staff Report, both the U.S. Army Corps of Engineers and the Maryland Department of the Environment have declined jurisdiction over the wetland. The Applicant will encroach approximately 1,600 sf (0.04 acres) into the wetland and 6,635 sf (0.15 acres) into the wetland buffer to accommodate the building layout, utilities, and a pedestrian connection. The remainder of the wetland and wetland buffer, outside of the previously existing WSSC easement, will be protected by a Category I conservation easement.

The pedestrian connection will be a crushed stone trail outside of the wetland, and a boardwalk will span the wetland itself. The boardwalk will be constructed on helical piers (screw-in pilings) to minimize construction within the wetland area. Additionally, the railing along the boardwalk will be attached to the board walk structure and will not require additional posts drilled into the wetland. The use of helical piers will allow for minimal disturbance and blockage of flow of water through the wetland.