



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

MCPB
Item # **2**
2/28/08

MEMORANDUM

DATE: February 14, 2008

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor
Development Review Division *CC*
(301) 495-4542

FROM: Stephen Smith *SS*
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for February 28, 2008

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220080500 **Loneoak Townes**
220080950 **Brooke Grove Foundation**

PLAT NO. 220080500

Loneoak Townes

Located on the east side of Georgia Avenue (MD 97), approximately 500 feet north of Shorefield Drive

RT-12.5 zone; 6 lots, 1 parcel

Community Water, Community Sewer

Master Plan Area: Kensington-Wheaton

Mirali Mirtaghavi, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120050520, and Site Plan No. 820060100, as approved by the Board, and that any minor modifications reflected on the plat does not alter the intent of the Board's previous approval of the aforesaid plans.

RECORD PLAT REVIEW SHEET

Plan Name: Loneoak Townes Plan Number: 120050520
 Plat Name: Loneoak Townes Plat Number: 220080500
 Plat Submission Date: 9-7-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: D. Kinney

Initial DRD Review:

Signed Preliminary Plan – Date 4/12/05 Checked: Initial DMK Date 10/9/07
 Planning Board Opinion – Date 4/8/05 Checked: Initial SOS Date 10-9-07
 Site Plan Req'd for Development? Yes No Verified By: SOS (initial)
 Site Plan Name: Loneoak Townes Site Plan Number: 820060100
 Planning Board Opinion – Date 10-23-06 Checked: Initial SOS Date 10-9-07
 Site Plan Signature Set – Date 8-8-07 Checked: Initial SOS Date 10-9-07
 Site Plan Reviewer Plat Approval: Checked: Initial Rak Date 2.14.08

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths Easements OK Open Space OK
 Non-standard BRLs N/A Adjoining Land Vicinity Map Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindow</u>	<u>9-17-07</u>	<u>10-5-07</u>	<u>9-17-07</u>	<u>Category II (CB)</u>
Research	Bobby Fleury			<u>9-19-07</u>	<u>OK</u>
SHA	Doug Mills				
PEPCO	Steve Baxter			<u>10-15-07</u>	<u>P.U.E. + Conservation Easement</u>
Parks	Doug Powell				
DRD	Nellie Carey			<u>9-18-07</u>	<u>OK</u>

Final DRD Review:

DRD Review Complete: Initial SOS Date 2/14/08
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): SOS 2-8-08
 Final Mylar w/Mark-up & PDF Rec'd: SOS 2/13/08
Board Approval of Plat:
 Plat Agenda: SOS 2/28/08
 Planning Board Approval: _____
 Chairman's Signature: _____
DPS Approval of Plat:
 Engineer Pick-up for DPS Signature: _____
 Final Mylar for Reproduction Rec'd: _____
Plat Reproduction:
 Addressing: _____
 File Card Update: _____
 Final Zoning Book Check: _____
 Update Address Books with Plat #: _____
 Update Green Books for Resubdivision: _____
 Notify Engineer to Seal Plats: _____
 Engineer Seal Complete: _____
 Complete Reproduction: _____
 Sent to Courthouse for Recordation: _____

No. _____



ENGINEER CERTIFICATE
 I HEREBY CERTIFY THAT THE INFORMATION
 SHOWN HEREON IS CORRECT AND TAKEN
 FROM AVAILABLE PLANS AND RECORDS.

11-19-04
 DATE
 MICHAEL J. WASSERMAN, P.E.
 No. 9 1874

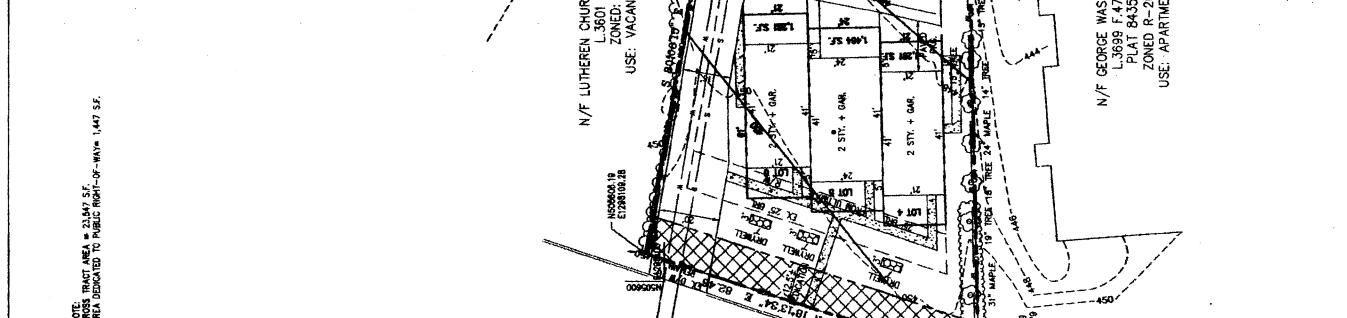
NOTES:
 1. PROPERTY FIELD REFERENCE IS USED 2314.65(1) 163
 2. PROPERTY IS LOCATED ON TAX MAP 403 PARCEL P.77
 3. PROPERTY TAX ACCOUNT NO. IS 15-068060
 4. 2007 SHEET REFERENCE IS 216 NW 2
 5. PROPERTY IS LOCATED IN NORTHWEST BRANCH WATERSHED AREA.
 6. TOTAL SITE AREA IS 23,547 S.F. OR 0.54 ACRES
 7. PROPERTY IS LOCATED IN NORTHWEST BRANCH WATERSHED AREA.
 8. TOTAL SITE AREA IS 23,547 S.F. OR 0.54 ACRES
 9. NO FOREST ON SITE AND PROPERTY IS EXEMPT FROM FOREST CONSERVATION

NOTE:
 1. APPROVAL UNDER THIS PRELIMINARY PLAN IS LIMITED TO SIX (6) DWELLING UNITS.
 2. APPROVAL UNDER THIS PRELIMINARY PLAN IS LIMITED TO SIX (6) DWELLING UNITS.
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 8. APPROVAL UNDER THIS PRELIMINARY PLAN IS LIMITED TO SIX (6) DWELLING UNITS.
 9. APPROVAL UNDER THIS PRELIMINARY PLAN IS LIMITED TO SIX (6) DWELLING UNITS.
 10. APPROVAL UNDER THIS PRELIMINARY PLAN IS LIMITED TO SIX (6) DWELLING UNITS.

Maryland-National Capital
 Park and Planning Commission
 Approved Preliminary Subdivision Plan No. 150002
 At its meeting of 09/17/08

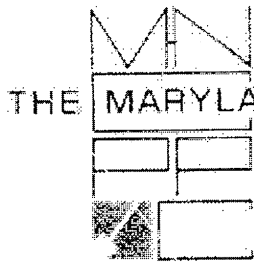
Approval, subject to the following condition:
 1) Approval under this preliminary plan is limited to six (6) dwelling units.
 2) Approval under this preliminary plan is limited to six (6) dwelling units.
 3) Final approval of the number and location of buildings, dwelling units, onsite
 parking, and other improvements shall be subject to the approval of the
 Commission. Approval shall be subject to the approval of the Commission.
 4) This applicant shall submit a detailed site plan as part of a site plan for staff
 review and approval.
 5) Final approval of this preliminary plan is limited to six (6) dwelling units.
 6) Access and improvements as required to be approved by MDRSHA prior to
 construction of the improvements.
 7) Construction of the improvements shall be completed by February 24, 2005, unless
 otherwise amended.
 8) Record Plan shall reflect all areas under Homotomies Association and
 other necessary easements.
 9) Other necessary easements.

Development Engineer
 Michael J. Wasserman
 Date



Item	Required/Permitted	Proposed	Building Element
Green Tract Area	20,000 S.F.	23,547 S.F.	---
Development Density	12.5 DU/AC, 8.75 DU	11.0 DU/AC, 6 DU	6 DU
Building Coverage	35% Max. (OTA)	23% (OTA)	25% (OTA)
Green Area	50% Min. (OTA)	50% (OTA)	35% (OTA)
Building Height	35 Ft. Max.	35 Ft.	35 Ft.
Building setbacks:			
From Street	25 Ft. Min.	25 Ft.	25 Ft.
From Adjoining Lots	10 Ft.	10 Ft.	10 Ft.
Side	20 Ft.	20 Ft.	20 Ft.
Rear	20 Ft.	20 Ft.	20 Ft.
From Outlined Residential Unit Zone	30 Ft.	N/A	---

(OTA) = Green Tract Area



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3780

Date Mailed: APR 08 2005
Action: Approved Staff
Recommendation
Motion of Commissioner Bryant,
seconded by Commissioner
Wellington, with a vote of 5-0.
Chairman Berlage and
Commissioners Perdue, Bryant,
Wellington and Robinson voting in
favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05052
NAME OF PLAN: Loneoak Townes

APR 08 2005

The date of this written opinion is _____ (which is the date this Opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

On 11/19/04, Mirali Mirtaghavi ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the R-T 12.5 zone. The application proposed to create 6 lots on 0.54 acres of land located at the east side of Georgia Avenue (MD 97) ("Subject Property"), approximately 60 feet south of Mason Street in the Kensington-Wheaton master plan area. The application was designated Preliminary Plan 1-05052. On 3/17/05, Preliminary Plan 1-05052 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

This is an application to create six (6) residential lots for the construction of six (6) one-family attached dwellings. The Subject Property is located in an area identified in the Kensington-Wheaton Master Plan for development of infill and under developed parcels. The existing surrounding residential properties consist primarily of multi-family dwellings and townhomes. The Subject Property will have direct access from Georgia Avenue (MD 97) and is not subject to a local area traffic review (LATR). There are no streams, wetlands, floodplains or environmental buffers on the property, and it is exempted from forest conservation plan requirements.

The site was recommended in the master plan to be rezoned to R-60/TDR. However, the site was rezoned to R-T 12.5 pursuant to Rezoning Application #G-818 which was adopted by the Montgomery County Council by resolution on September 14, 2004. The Applicant, represented by legal counsel, appeared at the public hearing and testified in support of the staff's recommendation of approval and staff's recommended conditions of approval. No other speakers appeared and testified at the hearing, and the record contains no evidence of opposition to staff's recommendation of approval, or to the recommended conditions.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on the uncontested evidence of record, that:

¹ The application was referred to outside agencies for comment and review, including (but not limited to) Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and other public agencies. All of reviewing agencies recommended approval of the application.

- a) The Preliminary Plan No. 1-05052 substantially conforms to the Kensington-Wheaton master plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05052 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05052, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to six (6) dwelling units.
- 2) Compliance with the specifications and requirements of the approved development plan for Zoning Application No. G-818, County Resolution No.15-740.
- 3) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
- 4) The applicant shall submit a detailed tree save plan as part of site plan for staff review and approval.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval dated December 10, 2004.

- 6) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 7) Compliance with conditions of MCDPWT letter dated February 24, 2005, unless otherwise amended.
- 8) Record Plat shall reflect all areas under Homeowners Association and stormwater management parcels.
- 9) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

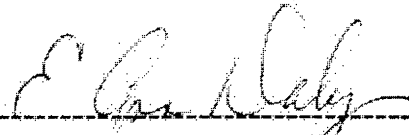
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MR 3/25/05
Approved for legal sufficiency
M-NOPPC Office of General Counsel

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, March 31, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-05052, Loneoak Townes**. Commissioner Perdue was absent.



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer

REVISIONS	NO.	DATE	DESCRIPTION
1	1/2/07		REVISIONS COMMENTS BASED ON STAFF REPORT
2	6/27/06		REVISIONS COMMENTS BASED ON STAFF REPORT
3	4/21/07		REVISIONS COMMENTS BASED ON STAFF REPORT

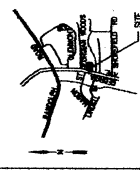
M.M. CADD
 APPROVED
 1-16-07

SITEPLAN

OWNER/DEVELOPER:
 MIRAL MIRTAGHAVI
 P.O. BOX 10375
 ROCKVILLE, MD. 20849
 (301) 279-9990

LANDPLAN ASSOCIATES
 P.O. BOX 10375
 ROCKVILLE, MD. 20849
 TEL (301) 279-9990
 FAX (301) 578-5058
 Mike@landplannassociates.com

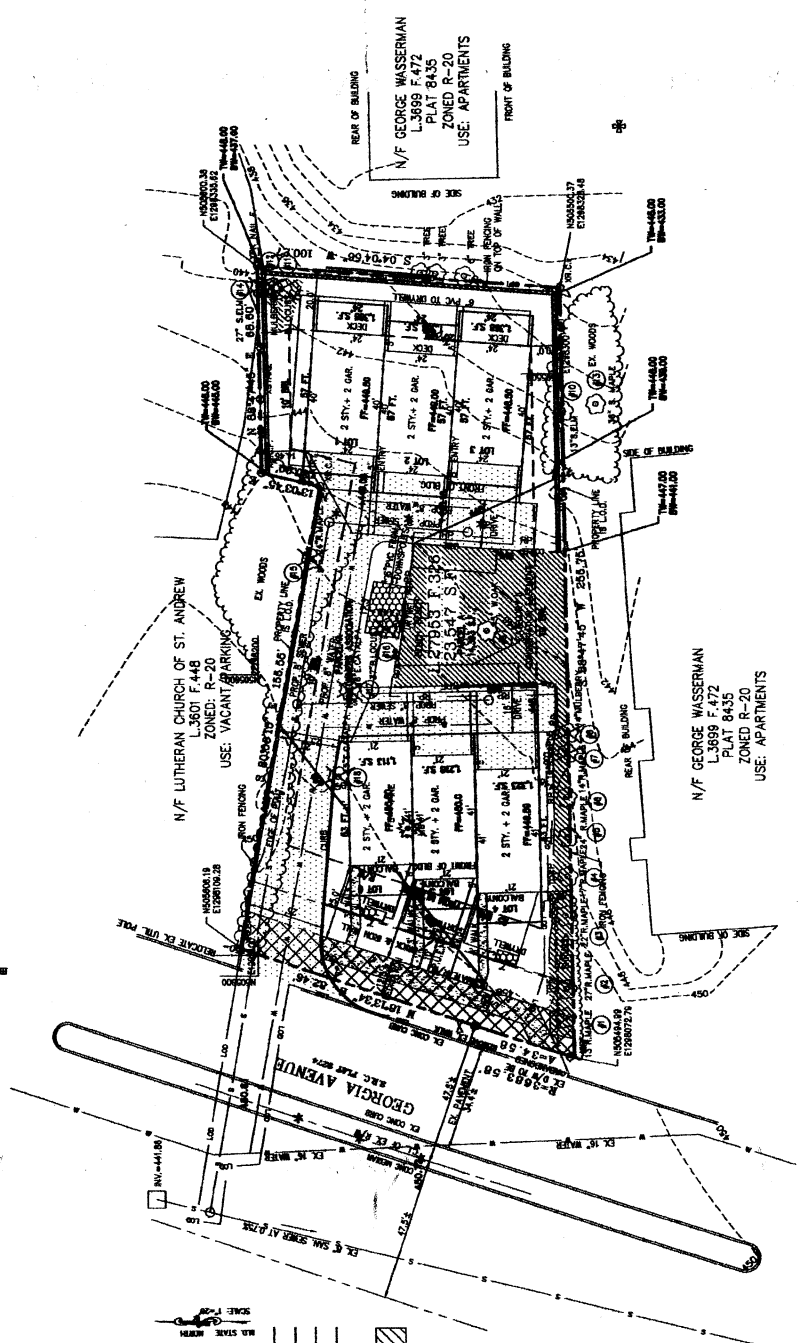
Sheet No. 2/2
 Project No. 02-240



- NOTES:**
1. PROPERTY DEED REFERENCE IS LIBER 27843 FOLD 128
 2. PROPERTY IS LOCATED ON TAX MAP 2013 PARCEL P377
 3. PROPERTY AREA IS 23,147 S.F. AND IS ZONED R-12.5
 4. PROPERTY AREA IS 23,147 S.F. AND IS ZONED R-12.5
 5. 200' SETBACK REFERENCE IS TO THE 20' WY 2
 6. PROPERTY IS LOCATED IN A WATERSHED WHICH WATERSHED AREA.
 7. PROPERTY IS LOCATED IN A WATERSHED WHICH WATERSHED AREA.
 8. TOTAL DISTURBED AREA IS 23,147 S.F.
 9. TOTAL UNDISTURBED AREA IS 23,147 S.F.
 10. NO FOREST ON SITE AND PROPERTY IS EXEMPT FROM FOREST CONSERVATION

- NOTES:**
1. SPONGER TREES AS IDENTIFIED ON THE PREPARED PLAN ARE TO BE SAVED AS PER TREE SAVE PLAN.
 2. M-NOVAPCO STAFF MUST INSPECT TREE-SAVE AREAS AND PROTECTION DEVICES PRIOR TO CLEARING AND GRADING.
 3. FRONT SETBACK FOR BUILDINGS MEASURED FROM GEORGIA AVE. LA TRAVIE HIGHWAY.

NOTE: TRACT AREA = 23,147 S.F.
 AREA DEDICATED TO PUBLIC RIGHT-OF-WAY = 1,417 S.F.



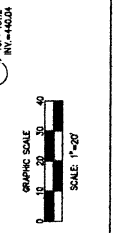
ENGINEER CERTIFICATE
 I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MONTGOMERY, M.D.

DATE: 6-27-07
 PRINTED NAME: MIRAL MIRTAGHAVI

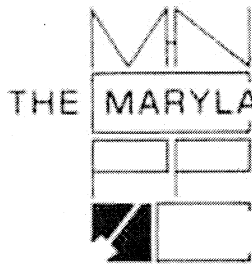
OWNER/DEVELOPER/APPLICANT'S CERTIFICATE:
 THE UNDERSIGNED AGREES TO DISCLOSE ALL FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: 6-27-07
 PRINTED NAME: MIRAL MIRTAGHAVI

HEIGHT OF BUILDING TABULATION
 NOTE: STREET ELEVATION IS CENTRINE OF STREET ELEVATION AT OPPOSITE TO MIDDLE OF BUILDING. ITS LOCATION IS SHOWN AS * ON THE PLAN.



TOP=451.2
 INT=440.0



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

OCT 23 2006

MCPB Resolution No. 06-51

Site Plan No. 820060100

Loneoak Townes

Hearing Date: May 18, 2006

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review site plan applications; and

WHEREAS, pursuant to Montgomery County Code § 59-D-3.4(b), following a public hearing on the application, the Planning Board must, by resolution, approve, approve with conditions or disapprove a proposed site plan; and

WHEREAS, on August 25, 2005, Mirali Mirtaghavi ("Applicant"), filed an application for approval of a Site Plan for six dwelling units on 0.54 acres of land in the RT-12.5 Zone on the east side of Georgia Avenue, approximately 60 feet south of the intersection with Mason Street ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060100 (Loneoak Townes) (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on May 18, 2006, Staff presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, on April 24, 2006, Staff had issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application and approved the Application on the motion of Commissioner Wellington, seconded by Commissioner Bryant, with Chairman Berlage and Commissioners Bryant, Perdue, Wellington and Robinson voting in favor of the motion.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approves Site Plan No. 820060100 for six dwelling units on 0.54 acres of land in the RT-12.5 Zone, subject to the following conditions:

1. Development Plan

The proposed development shall comply with the binding elements of the Schematic Development Plan associated with Zoning Application No. G-818.

2. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 120050520.

3. Site Design

- a. Provide building setbacks and the ultimate right-of-way line on the site plan.
- b. The data table on the site plan shall be revised to match the data table in the staff report.
- c. The recreation table in the staff report shall be added to the site plan.
- d. Provide two benches (one sitting area) to meet the recreational demands on site.
- e. Provide the revised entry for Lot 3 on the landscape plan, lighting plan and the tree save plan.

4. Lighting

- a. All light fixtures shall be full cut-off fixtures or be able to be equipped with refractors, reflectors or shields.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent properties
- c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line.
- d. The height of the light poles shall not exceed 14 feet including the mounting base.

5. Pedestrian Circulation

Provide the width of the proposed pedestrian connections

6. Forest Conservation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated April 19, 2006:

- a. Approval of the tree save plan dated February 1, 2006 with the following conditions:
 - (1) ISA certified arborist to be present at the pre-construction meeting and to implement the tree protection and tree care measures described in the tree save plan before, during, and after construction.
 - (2) Prior to issuance of the occupancy certificate for the sixth unit,
 - (a) a post-construction meeting shall be held between the M-NCPPC inspector builder, and the certified arborist to determine the conditions of the trees identified for protection.
 - (b) After the post-construction meeting, the builder shall submit a certified arborist's program and schedule for post-construction care of trees for M-NCPPC review and approval. Post construction care of trees to continue at least two years from completion of construction.
- b. Category II conservation easement to be placed over Parcel A to protect the 45" white oak as shown on the tree save plan. Conservation easement to be shown on record plat.
- c. Prior to submission of record plat, Applicant shall submit to M-NCPPC Environmental Planning staff for its review and concurrence a noise study prepared by a professional engineer with competency in acoustical analysis to demonstrate that proposed units will attenuate projected exterior noise levels to an interior level not to exceed 45 dBA, Ldn. The study must use projected traffic noise levels for Georgia Avenue.
- d. Prior to issuance of the first building permit for the subdivision, the following items must be met:

- (1) There shall be certification from an acoustical engineer that the building shells for residential dwelling units are consistent with the noise study and are designed to attenuate projected exterior noise levels to an interior level of no more than 45 dBA, Ldn. Any subsequent changes in building shell materials or coverage that may affect acoustical performance shall be approved by an acoustical engineer prior to implementation.
- (2) The builder shall submit a written agreement to the M-NCPPC Environmental Planning staff to construct the residential units in accordance with the acoustical specifications identified by the acoustical engineer.

7. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated December 10, 2004.

8. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the first building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

9. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

- a. Landscaping associated with individual lots shall be planted prior to occupancy of the units.
- b. All street trees, retaining walls, landscaping, stormwater management, tree save areas, pedestrian connections and recreational facilities shall be installed along with the construction of adjacent units but no later than six months following occupancy of the 4th unit.
- c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

10. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified plans.

11. Certified Site Plan

Prior to approval of the certified site plans, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Resolution.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

BE IT FURTHER RESOLVED, that all site development elements shown on Loneoak Townes plans stamped by the M-NCPPC staff on February 16, 2006, shall be required except as modified by the above conditions of approval; and

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 the Planning Board's approval of the Application is based on the following findings:

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*
The site plan complies with all the Binding Elements of the Schematic Development Plan and is in general conformance with the general layout shown on the Schematic Development Plan of the rezoning application G-818.
2. *The Site Plan with the conditions of approval meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the RT-12.5 Zone with the development standards approved in the following project Data Table:

DATA TABLE

	<u>Development Standard Approved by the Planning Board and Binding on the Applicant</u>
Gross Tract Area (ac/sf.):	0.54 acres 23,547 sq.ft.
ROW Dedication (ac/sf.)	0.03 acres 1,447 sq.ft.
Net Lot Area (ac/sft..)	0.51 acres 22,100 sq.ft.
Development Density	11.1 D.U./Ac 6 D.U.
MPDUs	Not required
Minimum Lot Area	857 sq.ft.
Minimum Building Setbacks From Public Street	25'
From One-Family Residential Zone	Not adjacent to a one-family residential zone on any side
From Adjoining Lot - Side	10'
From Adjoining Lot - Rear	20'
Maximum Building Height Main Building	35' (as measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof; to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof AND as referenced in the building height table and on the site plans.)
Accessory Building	NA
Maximum Building Coverage	23% of GTA 0.13 ac 5,412 sq.ft.
Minimum Green Area	50.7% of GTA 0.28 ac 11,938 sq.ft.
Parking Garage Parking Spaces	2 per unit 12 total

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

- a. Buildings and Structures

The proposed buildings are located along the front and rear of the property. No buildings are proposed in the central portion of the Property so that a tree save area can be provided to protect the existing 45" white oak tree.

The Subject Property is impacted by noise due to the traffic on Georgia Avenue. According to staff's preliminary noise analysis, the traffic noise projections for the year 2030 will be 65 dBA and higher. A condition of approval has been added to require the Applicant to submit a detailed noise mitigation study to accurately define projected noise levels from Georgia Avenue and identify noise mitigation measures for interior noise levels not to exceed 45 dBA. Conditions of approval have also been added to require certification of the building shell to ensure that the interior noise levels are not more than 45 dBA. The conditions require a written commitment from the builder to construct the noise-impacted units in accordance with the acoustical specifications identified in the analysis.

- b. Open Spaces

The binding elements require a minimum of 50% of green area and the Applicant has provided 50.7% of green area. The green areas/open spaces are located along the property lines and in the central portion of the site to maximize tree protection for the existing trees. The landscape buffers along the property lines are adequate to screen the townhouses from the adjacent properties.

The Applicant's tree save plan shows the preservation of an existing 45" white oak tree in the center of the Property and some smaller trees (on and adjacent to) the site. A condition of approval has been added to require a Category II conservation easement around the existing oak tree.

The stormwater management concept consists of on-site water quality control via the construction of dry wells for the roof areas and use of porous pavers for the vehicular areas and onsite recharge via dry wells. The Department of Permitting Services (DPS) has recommended approval of the stormwater management concept plan.

c. Landscaping and Lighting

Trees are proposed along Georgia Avenue and landscaping is proposed along the southern property line and along the rear of the Property. Trees and shrubs are also proposed for individual units along Georgia Avenue.

Pole mounted light fixtures are proposed along the access driveway and internal driveways. The light poles will be Luminaire lighting fixtures and ten feet high.

d. Recreation Facilities

The recreation demand is not satisfied on-site. Conditions of approval have been added to require the Applicant to provide additional recreational facilities on-site. With the additional recreational facilities, the recreation demand will be satisfied on-site.

e. Vehicular and Pedestrian Circulation

The access road from Georgia Avenue will be 25 feet in width at the entrance and will taper to 20 feet along the interior of the Property. The internal driveways will be 16 feet in width.

Pedestrian connections are proposed from Georgia Avenue to the units facing Georgia Avenue and pedestrian connections are proposed from the driveway at the rear to the units in the rear. A condition of approval has been added to provide the width of the pedestrian connections.

The proposed vehicular and pedestrian circulation is safe, adequate and efficient.

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

The proposed buildings are located along the front and rear of the Property. No buildings are proposed in the central portion of the Property so that a tree save area can be provided to protect the existing 45" white oak tree.

The maximum height of the townhouse units will be 35 feet. The design of the townhouse units will be compatible with the surrounding residential development consisting of single-family residences and townhouses.

The proposed noise mitigation measures will ensure that there are no exterior or interior noise impacts.

Therefore, the proposal is compatible with existing and proposed adjacent development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Property is exempt from the forest conservation plan requirements under the small property category (forest conservation plan exemption no. 4-03249E). The Applicant has however, submitted a tree save plan showing the retention of the existing 45" white oak specimen tree and some of the smaller trees on and adjacent to the site. The Environmental Planning Section has recommended approval of the tree save plan with conditions of approval to require evaluation of the retained trees by a certified arborist. The conditions also require a tree care program and a Category II conservation easement around the 45" white oak tree.

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code Section 59-D-3.8; and

~~BE IT FURTHER RESOLVED~~, that the date of this written resolution is OCT 23 2006 (which is the date that this resolution is mailed to all parties of record); and **OCT 23 2006**


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 written resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in the Circuit Court (Rule 7-203, *Maryland Rules*).

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At its regular meeting, held on **Thursday, October 5, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission **ADOPTED** the above Resolution, on motion of Commissioner Wellington, seconded by Commissioner Robinson, and with

Commissioners Perdue, Bryant, Robinson, and Wellington voting in favor, and with Commissioner Hanson abstaining. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan No. 820060100, Loneoak Townes.**

Adopted by the Montgomery County Planning Board this 5th day of October, 2006.



Royce Hanson
Chairman, Montgomery County Planning Board



Trudye M. Johnson
Executive Director