



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

Staff Report: Site Plan 820090160, Strawberry Knoll

ITEM #: _____

MCPB HEARING DATE: November 12, 2009

REPORT DATE: October 29, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RK*
Development Review Division

FROM: Sandra Pereira, Senior Planner *SP*
Development Review Division
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APPLICATION DESCRIPTION:

13 one-family detached dwelling units; 4.11 acres; R-200/TDR zone; located on Strawberry Knoll, approximately 300 feet northeast of Quail Valley Boulevard at Traxell Way; 1985 Gaithersburg and Vicinity Master Plan.

APPLICANT: Memon Enterprises

FILING DATE: April 21, 2009

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY:

The development proposes thirteen one-family detached units by using 5 TDRs and developing under the optional method. Access to nine of the thirteen units is proposed via an extension of Traxell Way that will terminate on the property as a cul-de-sac. Four of the lots will have direct access to Strawberry Knoll Road. The Applicant is providing an offsite sidewalk extension along Strawberry Knoll Road to the intersection with Cross Country Lane to the north.

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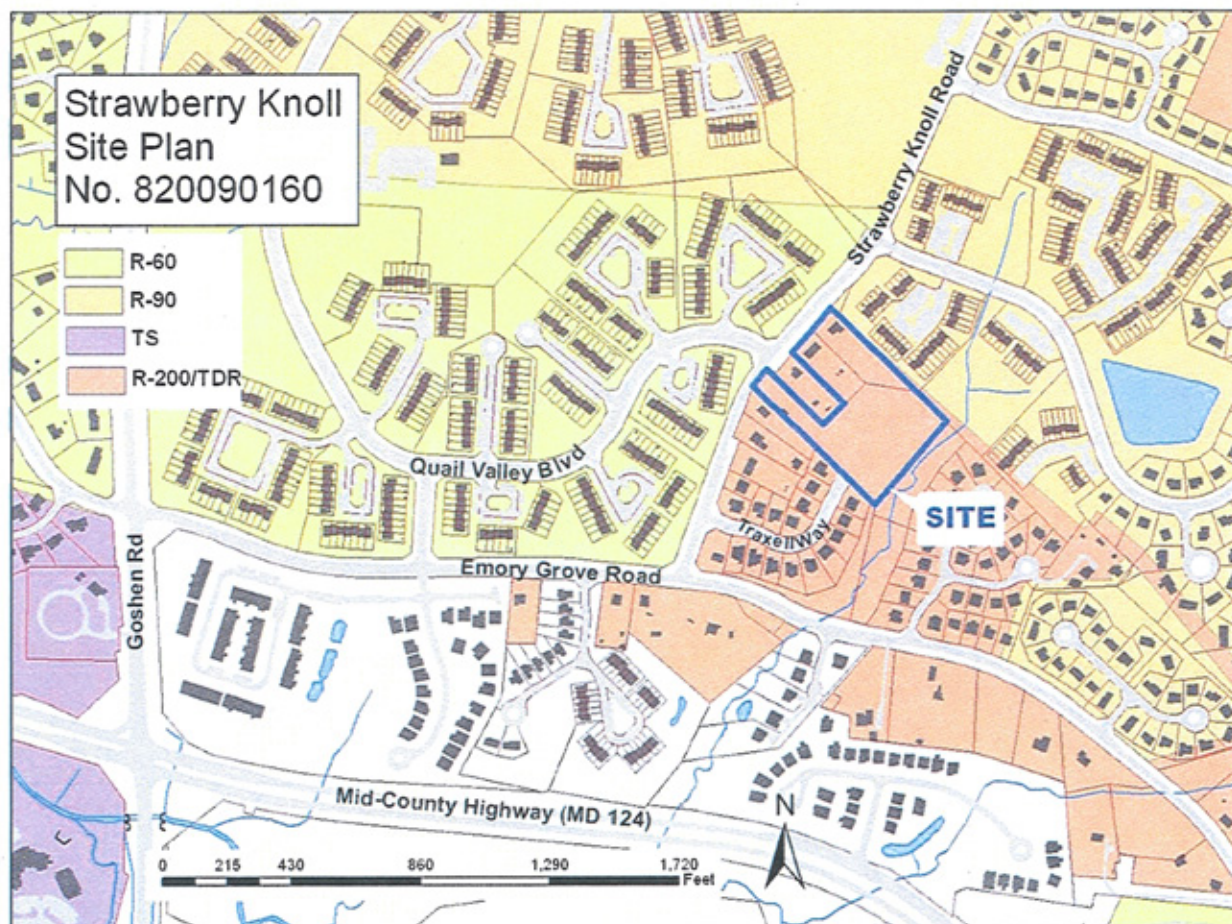
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SITE DESCRIPTION

Vicinity

The 4.11-acre property is located approximately 700 feet north of the intersection of Strawberry Knoll Road and Emory Grove Road in the Gaithersburg and Vicinity Master Plan area. The property is zoned R200/TDR with a TDR-4 overlay. Adjacent uses are all residential with one-family attached development to the north and west, and one-family detached dwellings to the south and east. The surrounding developments are zoned R-90 to the north, R-60 to the west, and R200/TDR to the south and east.

There are no streams on the property, however, there is an off-site stream (Use I-P) adjacent to the eastern boundary. A portion of the stream valley buffer (0.53 acres) for this stream is located on the Property. The aforementioned stream is contained within MNCPPC Property along the eastern border. The property lies within the Great Seneca Creek watershed, a Use Class I stream. The site drains into an unnamed tributary stream which drains into the Whetstone Run, a major tributary to the Great Seneca Creek.



Vicinity Map

Site Analysis

Since Preliminary Plan approval, the three houses that occupied the site have been removed. The topography of the property slopes gently at an 8% to 9% grade from the high point at the northwestern portion of the site where one of the houses was located to the eastern and southeastern portion of the property. The vegetative cover on the site consists primarily of open lawn near the original houses with several large diameter trees. The remainder of the site consists of late successional field growth which borders the forest immediately off-site. This field growth is comprised of Black Cherry, Black Locust, Sassafras, Eastern Red Cedar and Tulip Poplar with an understory of Flowering Dogwood and Bradford Pear. There are no streams, wetlands or forests on the site.



Aerial Photo with approximate site boundary outlined in blue

PROJECT DESCRIPTION

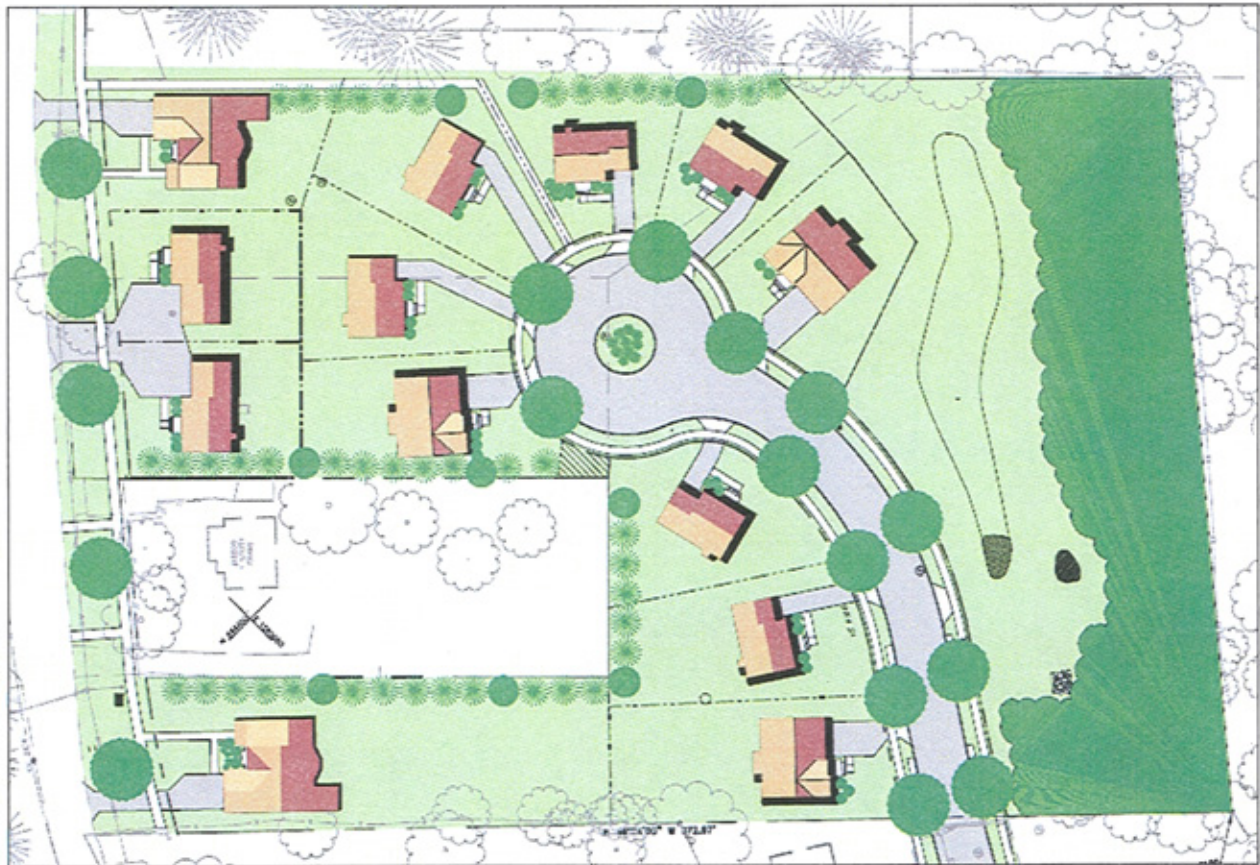
Previous Approvals

The Planning Board approved **Preliminary Plan** No. 120061220 with conditions on September 20, 2007, and reconsidered on July 10, 2008 (Resolution dated October 8, 2008) to create 13 lots on 4.11 acres [Appendix A].

Proposal

The Applicant proposes thirteen one-family detached units located on lots ranging in size from 6,030 square feet to 16,951 square feet. Access to nine of the thirteen units is proposed via an extension of Traxell Way that will terminate on the property as a cul-de-sac. Four of the lots will have direct access to Strawberry Knoll Road. The Applicant is providing an ingress/egress easement from the cul-de-sac to the adjoining property at 18600 Strawberry Knoll Road to accommodate future access to the rear of the property. The Preliminary Plan evaluated connecting Traxell Wall to Strawberry Knoll Road through the property to avoid a cul-de-sac, however, this was not possible because an existing lot (18600 Strawberry Knoll Road) is not part of this application.

New sidewalks will be built on both sides of Traxell Way extended, and along the property's frontage on Strawberry Knoll Road, which will be extended offsite to the intersection with Cross Country Lane to the north. Staff explored having a sidewalk connection from Traxell Way to Strawberry Knoll Road, as requested by the Preliminary Plan approval, however, this proved infeasible due to physical constraints of the site and maintenance concerns.



Illustrative Plan

The main open space area is located in the rear of the property, along the stream buffer, and it will be mostly planted to satisfy the afforestation requirement of the Forest Conservation Law except for the area used by the surface sand filter. This area also counts towards the 35 percent

green space requirement of the zone. The landscaping proposed serves as a buffer and screen from the adjoining properties, which increases compatibility for this development.

The project is zoned R-200/TDR; the Gaithersburg and Vicinity Master Plan recommends this property as a TDR receiving area with a density of 4 units per acre. Therefore, under Section 59-C-1.395 of the Montgomery County Zoning Ordinance, the plan can develop using the R-60/MPDU standards which allows lots as small as 4,000 square feet (Sec. 59-C-1.625). When using TDR's, Section 59-C-1.393(b) of the Zoning Ordinance requires that a development must acquire at least two-thirds of the maximum number of TDR's permitted to be transferred to the property. For this 4.11 acre Property, the maximum number of lots permitted under the base R-200 zoning classification is 8. Utilizing the TDR-4 designation, the maximum number of lots permitted is 16. The difference between the base yield and the TDR yield is, therefore; 8, meaning that 8 TDR's is the maximum number that are permitted to be transferred to the site. Two-thirds of 8 equals 4.8, or 5 TDR's that must be used on this site. This application proposes that 5 TDR's will be used to achieve the requested lot yield of 13.

PROJECT ANALYSIS

Master Plan

The subject site is located within the boundaries of the 1985 Gaithersburg and Vicinity Master Plan. The Plan does not make specific recommendations of the type of development that is appropriate on the Subject Property other than to specify this property as suitable for TDR development at the density of 4 units per acre. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood along Traxell Way.

Transportation

As part of the Preliminary Plan approval, it was determined that this Application is not subject to Local Area Transportation Review (LATR) because the proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours, and is not subject to a Policy Area Mobility Review (PAMR) because the preliminary plan application was submitted before July 1, 2007.

As part of the preliminary plan review, Staff explored the connection of Traxell Way to Strawberry Knoll Road through the property to avoid a cul-de-sac, however, there is an existing lot (18600 Strawberry Knoll Road) that prohibits the connection because it is not part of this application. Additionally, if two intersecting streets do not align, they need to be a minimum distance of 100 feet apart, which this project could not accommodate. Therefore, Staff could not support an additional intersection on Strawberry Knoll Road.

Development Standards

The subject site is zoned R-200/TDR. The purpose of the R-200/TDR Zone is to provide high-density residential uses through development standards that are more flexible. The proposed development meets the purpose and requirements of the zone as detailed in the Findings section

of this report. The following data table indicates the proposed development's compliance with the Zoning Ordinance.

Project Data Table for the R-200/TDR Zone using the Optional Method of Development

Development Standard	Permitted/Required	Proposed for Approval
Gross Tract Area (GTA)	n/a	179,124 square feet/ 4.11 acres
Net Tract Area	n/a	152,295 square feet/ 3.49 acres
Max. Density (du/acre) According to the <i>1985 Gaithersburg and Vicinity Master Plan</i>	4	3.2
Max. Number of Dwelling Units	16	13
TDRs [See calculations below]		5
Min. required	5	
Max. allowed	8	
Green Area (% of GTA) TDR/optional method, 59-C-1.395	35 % (1.22 acres)	35% (1.22 acres)
Min. Lot Area (square feet) R-60/MPDU, 59-C-1.625(a)(1)	4,000	6,030
Min. Building Setbacks (feet)		
From Strawberry Knoll Road	25	25 ^(a)
Front yard	15	15 ^(b)
Side yard	8	8 ^(b)
Rear yard	20	20
Accessory Structures Setbacks (feet)		
From rear lot line	5	5
From side lot line	5	5
Max. Building Height (feet)	40	40
Min. Parking Spaces 59-E-3.7	26 (2 spaces/du)	<u>26 total spaces</u> 13 garage spaces 13 driveway spaces

^(a) Setback from Strawberry Knoll Road reflects an Established Building Line.

^(b) Varies. See certified site plan for exact setback on each lot.

Density Calculations		
	Base Density*	Max. Density**
Density	2 du/ac	4 du/ac
No. of dwelling units	8 (2 x 4.11 acres = 8.22)	16 (4 x 4.11 acres = 16.44)
Max No. of TDR's allowed	8 (= 16 du - 8 du)	
Min. No. of TDR's required	5 (= 2/3 x 8)	

* As permitted under the R-200 zoning

** As recommended by the *1985 Gaithersburg and Vicinity Master Plan* for this property as a TDR receiving area

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

FINDINGS

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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The site plan meets all the requirements of the Overlay Zone as well as the applicable requirements of the underlying zone.*

The proposed use is allowed in the R-200/TDR Zone and the site plan fulfills the purposes of the zone by providing a medium-density development with thirteen one-family detached residential units.

As the project data table on page 7 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is in accord with all the maximum and minimum standards allowed. With respect to green space, the proposed development provides 35 percent, which is the minimum required. The site plan is using the R-60/MPDU development standards for lot size, as permitted under the R-200/TDR zone optional method of development standards.

The strict application of the PD zone standards for setbacks under Section 59-C-7.15 apply to proposed uses with higher densities than abutting one-family detached zones. This is not applicable since one-family detached units are proposed and the adjoining properties are developed as one-family detached units and townhouses. Moreover, Section 59-C-7.15 (b) of the Ordinance does not apply because this property is not a Planned Development zone. The proposed use is more compatible than other residential uses because it proposes one-family detached adjacent to one-family detached and townhouse communities.

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

- a. Locations of Buildings and Structures

The locations of buildings and structures are adequate, safe, and efficient. The thirteen one-family detached units are located in lots ranging in size from 6,030 square feet to 16,951 square feet. Nine of the thirteen units are located along an extension of Traxwell Way that will terminate on the property as a cul-de-sac. The remaining four units will have direct access to Strawberry Knoll Road and continue the established building line with respect to setbacks from the street.

b. Open Spaces

The open spaces provided are adequate, safe, and efficient. The main open space area is located in the rear of the property, along the stream buffer, and it will be mostly planted as part of the afforestation requirement of the Forest Conservation Law except for the area used by the surface sand filter. This area also counts towards the 35 percent green space requirement of the zone.

c. Landscaping & Lighting

As conditioned, the landscaping is adequate, safe, and efficient while serving various purposes. It will provide a buffer from adjoining properties, and include a traditional foundation planting area for the buildings.

The lighting plan consists of colonial post-top, semi-cutoff light fixtures with fiberglass poles with a total height of 14 feet. These lights are located along the perimeter of Traxell Way extended and the cul-de-sac within the public right-of-way to provide adequate visibility and to improve safety without causing glare on the adjacent roads or properties. The light fixtures proposed provide adequate, safe, and efficient site illumination.

d. Recreation facilities

There are no recreation facilities required for this site plan because it proposes less than 25 one-family homes.

e. Pedestrian and Vehicular Circulation systems

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. Access to nine of the thirteen lots is proposed via an extension of Traxell Way that will terminate on the property as a cul-de-sac. Four of the lots will have direct access to Strawberry Knoll Road. The Applicant is providing an ingress/egress easement from the cul-de-sac to the adjoining property at 18600 Strawberry Knoll Road to allow access to the rear of the property, which might be necessary if this property re-subdivides.

The pedestrian circulation system consists of new sidewalks that will be built on both sides of Traxell Way extended to connect to those that already exist, and a new sidewalk along the property's frontage on Strawberry Knoll Road. This sidewalk will be extended offsite to the intersection with Cross Country Lane to the north, which improves pedestrian circulation and helps to integrate the site better with the surrounding community. Staff explored having a sidewalk connection from Traxell Way to Strawberry Knoll Road, as requested by the Preliminary Plan approval, however, this proved infeasible due to physical constraints of the site and maintenance concerns. The narrowness of the site combined with the missing parcel in the middle has yielded lots with minimal side setbacks and narrow lot frontages (especially around the cul-de-sac). This meant that a potential sidewalk connection would intrude upon the proposed lots by going through backyards, being too close to the units, and having light spill-over onto private property. Additionally, since a public path would not be maintained by the County, the HOA would be burdened with the costs of maintenance and up-keep.

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

The proposed residential development is compatible with the adjacent townhouse and one-family detached uses. The unit type, density, and building height are compatible with the adjoining community.

The landscaping proposed on the open space area at the northern property edge will add privacy to the backyards of the proposed units which will increase compatibility between this development and the adjoining townhouse community. Similarly, the landscaping on the side of units 3, 4, 8 and the rear of units 6 and 7 will help buffer and screen the existing house at 18600 Strawberry Knoll Road.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, including the variance provisions to permit clearing of specimen trees, and the requirements of Chapter 19 regarding water resource protection, and any other applicable law.*

There is no forest on-site. The Applicant proposes to meet the 0.68-acre afforestation requirement with a combination of both on-site planting and fee-in-lieu payment. Both the previously approved preliminary forest conservation plan and the submitted final forest conservation plan call for the removal of all four (4) of the on-site significant sized trees. All stream buffer and forest plantings will be protected by a Category I Forest Conservation Easement.

The Maryland State Senate Bill 666 (SB 666) requires the Applicant to file an application for a variance to be able to remove trees that are 30" DBH and greater or trees that are 75 percent of the diameter of the county champion for that species, if a project did not have approval of a Preliminary Forest Conservation Plan prior to October 1, 2009. Since this project received Planning Board approval of the preliminary forest conservation plan on October 16, 2007, in conjunction with Preliminary Plan approval no. 120061220, no variance is required.

The stormwater management concept consists of on-site water quality control via a surface filter and porous pavement. Recharge will be provided onsite by utilizing drywells, porous pavement, and the sandfilter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second. The offsite storm drain bypass is considered a mitigation method to the excessive channel erosion that exists.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820090160, Strawberry Knoll, for 13 one-family detached units on 4.11 gross acres. All site development elements shown on the site and

landscape plans stamped "Received" by the M-NCPPC on August 24, 2009 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 120061220 as listed in the Planning Board Resolution dated October 8, 2008, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions [Appendix A].

Environment

2. Forest Conservation & Tree Save

The Applicant must conform with the conditions of approval as stated in the Environmental Planning memorandum dated October 14, 2009 [Appendix B].

3. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated May 9, 2007 unless amended and approved by the Montgomery County Department of Permitting Services [Appendix B].

Open Space

4. 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 10th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

Transportation & Circulation

5. Transportation

- a. Provide handicapped ramps at the curbs (of the sidewalk connections) in the northeastern and southeastern corners of Strawberry Knoll Road/Quail Valley Boulevard intersection.
- b. The existing turnaround on Traxell Way must be removed with the standard street section restored and the sidewalks connected through on both sides of the street.

6. Pedestrian Circulation

- a. Provide an offsite sidewalk extension along Strawberry Knoll Road to the intersection with Cross Country Lane to the north.
- b. The proposed new sidewalk on Strawberry Knoll Road must be designed to follow a uniform alignment throughout the project, approximately following the alignment shown for the off-site section connecting to Cross Country Lane. The sidewalk will

require the existing fence at 18600 Strawberry Knoll Road to be relocated out of the public right-of-way.

Density & Housing

7. Transfer of Development Rights (TDRs)

Prior to plat recording, the Applicant must provide verification to Staff that five (5) TDRs have been acquired for the proposed development.

Site Plan

8. Site Design

- a. Provide porous pavement on all private driveways.
- b. Remove the extra/unnecessary driveway pavement not required (i.e., serving the adjacent Lot 5, south of proposed Lot 3) along the subject property's Strawberry Knoll Road frontage and replace it with a lawn panel.

9. Landscaping

- a. Provide typical foundation plantings.
- b. Provide a landscape buffer on the side of units 3, 4, 8 and the rear of units 6 and 7.

10. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite light fixtures must be semi cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 14 feet including the mounting base.

11. Performance Bond and Agreement

The Applicant is subject to the following provisions for surety as described in Section 59-D-3.5 of the Montgomery County Zoning Ordinance and Site Plan approval:

- a. The Applicant must provide a cost estimate from the landscape architect or landscape contractor indicating the installed costs of site plan elements, such as, but not limited to landscaping and lighting. The cost estimate should include a 10% inflation factor for the site plan elements to account for changes in price and materials and modifications to the approved plans.
- b. The Applicant must submit a Performance Bond or other satisfactory form of surety as approved by M-NCPPC to cover the installed costs of site plan elements such as but not limited to landscaping and lighting as shown and described in the cost estimate.

- c. The Applicant must execute an agreement for site plan elements in conjunction with the performance bond indicating the Applicant's agreement to install, construct and maintain the site plan elements.
- d. The Bond or other form of surety must be submitted along with the agreement prior to the release of the first building permit.

12. 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. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after final paving of the street is completed. Street tree planting may wait until the next growing season.
- 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. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each building shall be completed as construction of each building is completed.
- e. Provide each section of the development with necessary roads.
- f. Offsite improvements including the sidewalk extension along Strawberry Knoll Road to the intersection with Cross Country Lane must be completed prior to issuance of the 11th building permit.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features.

13. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Provide a list of alternate trees to be approved by Site Plan Review Staff, and add the note "In the event that any of the species listed in the plant schedule are not available, select species from the alternative plant list. Contractor to ensure that the replacements are of equivalent sizes."
- d. Modify data table to reflect development standards enumerated in the Staff Report.
- e. Ensure consistency off all details and layout between site plan and landscape plan.
- f. Label at-grade/level sidewalk crossings of the driveways along Strawberry Knoll Road and Traxell Way.

APPENDICES

- A. Preliminary Plan Resolution
- B. Agency Letters

Appendix A



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

OCT - 8 2008

MCPB No. 08-119
Preliminary Plan No. 120061220
Strawberry Knoll
Date of Hearing: September 20, 2007 and July 10, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on May 26, 2006, Memon Enterprises, L.L.C. ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 13 lots on 4.11 acres of land located on the east side of Strawberry Knoll Road, opposite the intersection with Quail Valley Boulevard ("Property" or "Subject Property"), in the Gaithersburg and Vicinity Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120061220, Strawberry Knoll ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated August 31, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on September 20, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

APPROVED AS TO LEGAL SUFFICIENCY

[Signature] 9/29/08

M-NCPPC LEGAL DEPARTMENT

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, on September 20, 2007, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Lynch; with a vote of 5-0, Commissioners Bryant, Cryor, Hanson, Lynch, and Robinson voting in favor; and

WHEREAS, subsequent to the Planning Board action at the Hearing, Staff determined that the Staff Report presented to the Planning Board at that Hearing was deficient in that it did not make the proper findings for resubdivision pursuant to Sec. 50-29(b)(2) of the Subdivision Regulations; and

WHEREAS on June 12, 2008, Staff requested reconsideration by the Planning Board to re-open the record for the Preliminary Plan so that the proper findings for resubdivision could be discussed; and

WHEREAS, on June 12, 2008, Commissioners Cryor, Hanson and Robinson, being the only current Board members present at the Hearing on the Application, voted unanimously to reconsider the Preliminary Plan; and

WHEREAS, on June 27, 2008 Staff re-issued the Staff Report, along with a Supplemental Memorandum to the Planning Board setting forth the additional analysis, and recommendation for approval of the Application pursuant to Sec. 50-29(b)(2) of the Subdivision Regulations, subject to conditions (together the "Amended Staff Report"); and

WHEREAS, on July 10, 2008, the Planning Board held a second public hearing on the Application and considered testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 10, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 120061220 to create 13 lots on 4.11 acres of land located on the east side of Strawberry Knoll Road, opposite the intersection with Quail Valley Boulevard ("Property" or "Subject Property"), in the Gaithersburg and Vicinity Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 13 lots for 13 one family detached residential dwelling units.

- 2) The proposed development shall comply with the conditions of the preliminary forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) Record Plat shall reflect all areas under Homeowners Association control and specifically identify stormwater management parcels.
- 4) The Applicant shall dedicate all road rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan.
- 5) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.
- 6) The record plat(s) must reflect serialization and liber/folio reference for all TDRs utilized by the development.
- 7) The record plat must reflect a Category I conservation easement over all areas of stream valley buffers and forest conservation areas.
- 8) The Applicant shall comply with the conditions of the MCDPS stormwater management approval dated May 9, 2007.
- 9) The Applicant shall comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) approval dated June 26, 2007, unless otherwise amended.
- 10) The record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant must provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 11) No clearing, grading or recording of plat(s) prior to certified site plan approval.
- 12) Final approval of the number and location of dwelling units, site circulation, and sidewalks will be determined at site plan. Sidewalk connection from Traxell Way to Strawberry Knoll Road to be investigated at the time of Site Plan.
- 13) Final number of TDRs as per condition # 1 above to be determined at the time of site plan.
- 14) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 15) Other necessary easements will be included on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The Gaithersburg and Vicinity Master Plan does not make specific recommendations of the type of development that is appropriate on the Subject Property other than to specify this Property as suitable for TDR development at the density of 4 units per acre. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood along Traxell Way.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours, therefore; the Application is not subject to Local Area Transportation Review. A traffic statement verifying this fact was submitted and accepted by staff. Vehicular and pedestrian access and circulation will be safe and adequate.

Public facilities and services are available and will be adequate to serve the proposed units. Public sewer and water service are available to the Property. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy resolution currently in effect. All other local utilities such as, electrical and telecommunications services are also available to serve the Property.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the R-60 Zone using the MPDU standards (Sec. 59-C-1.625) as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The lots' size, shape width and orientation were also found to be appropriate for their location within the subdivision. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

There is no forest on-site and planting requirements of 0.62 acres will be met within the stream valley buffer on the Property. The Planning Board therefore finds, that the Application satisfies all the applicable requirements of the Forest Conservation Law.

5. *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.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on May 9, 2007. The stormwater management concept includes on-site water quality control via construction of a sand filter with structural pretreatment and recharge via flow disconnection, dry wells, and storage below the sand filter. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Amended Staff Report ("Neighborhood")), as analyzed below.*

Size: Existing lots in the delineated Neighborhood range from 6,008 square feet in size to the largest at 23,707 square feet in size. The proposed lots will range in size from 6,032 square feet to 16,950, and all are within the range of existing lots. The proposed lot sizes are of the same character as the size of existing lots in the neighborhood.

Width: Existing lot widths in the delineated Neighborhood range from 60 feet to 104 feet. All proposed lots are within this range. The proposed lots will be of the same character as the existing lots in the neighborhood with respect to width.

Frontage: The frontages for the existing lots in the delineated Neighborhood range from 47 feet to 300 feet. The proposed lots will have frontages from 31.5 feet to 140 feet. There are three proposed lots that are not within the range of lot frontages for the delineated Neighborhood. This is due to the cul-de-sac that is proposed for the new subdivision. Lots with frontage on a cul-de-sac are generally radial and, by their nature, have narrow frontages. The Board finds that

a cul-de-sac is the appropriate street configuration for this Application and accepts the fact that this results in narrower street frontages around the cul-de-sac bulb. Based on this fact, the Board finds that the proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.

Area: Buildable areas for the existing lots range from 1,900 square feet to 13,940 square feet. The buildable areas for the proposed lots will range from 1,880 square feet to 8,215 square feet. Although the proposal will create the lot with the smallest buildable area, it will only be 20 square feet smaller than the next smallest existing lot. This difference is both statistically insignificant and visually imperceptible. The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.

Alignment: All lots, existing and proposed, will align in a perpendicular fashion to the street. The proposed lots are of the same character as existing lots with respect to the alignment criterion.

Shape: Existing lots have a variety of lot shapes that are best described as rectangular and triangular, although there are irregularities within these lot shapes. The shapes of the proposed lots are also generally rectangular or triangular, with two described as trapezoidal. Given the irregularities with many of the lot shapes in both the delineated neighborhood and proposed lots, the Board finds that the proposed lots are of the same character as the existing lots in the neighborhood with respect to shape.

Suitability for Residential Use: The existing and proposed lots are zoned residential and the lots are suitable for residential use.

7. The proposed cul-de-sac street that exceeds 500 feet in length is justified.

The Application proposes the completion of Traxell Way as a cul-de-sac street that exceeds 500 feet in length, which is defined in the Subdivision Regulations as "overlength". Pursuant to Section 50-26(d) of the Subdivision Regulations, the Planning Board must find justification for use of an overlength cul-de-sac based on the property's shape, size, topography, large lot size, or improved street alignment. Traxell Way is an existing improved street that will be extended onto the site for its primary access.

As part of the review of Traxell Way, consideration was given to how the road might be looped through the Property and back out to Strawberry Knoll Road to avoid a cul-de-sac. MCDPWT advised that, because Strawberry Knoll Road is a primary residential street, the preferred intersection from a safety perspective for any extension of Traxell Way to Strawberry Knoll Road would be

for that extension to align with Quail Valley Boulevard. However, this alignment is not possible because the Applicant does not have control of the property (Lot 3, Strawberry Knoll) needed to make the connection at this location. An alternative was to push the Traxell Way intersection with Strawberry Knoll Road to the north of Quail Valley Road, however, according to MCDPWT road design criteria, the distance of separation between two intersecting streets on a primary residential street must be 100 feet from curb return to curb return. For this project, it was not possible to accommodate this spacing requirement and the review agencies could not support an additional intersection with Strawberry Knoll Road. The minimal intersection separation distances are necessary to avoid unsafe traffic conditions. Based on this discussion, the Board finds that a cul-de-sac is the proper termination for Traxell Way Road.

The cul-de-sac has been reviewed for emergency access and approved by the Department of Fire and Rescue Services. The cul-de-sac does not preclude subdivision of any surrounding properties. The existing road patterns in the surrounding area dictate that the cul-de-sac is the appropriate method to serve the Subject Property and will result in an improved street alignment. Therefore, the Planning Board finds that exceeding the 500-foot length limit for the proposed cul-de-sac street is justified.

BE IT FURTHER RESOLVED, that 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) and that 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; and

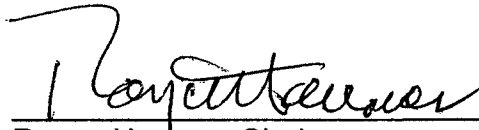
BE IT FURTHER RESOLVED, that the date of this Resolution is OCT 28 2008 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, and Cryor present and voting in favor of the motion, at its regular meeting held on Thursday, October 2, 2008, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board


Appendix B




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

MEMORANDUM

TO: Sandra Pereira, Development Review

VIA: Stephen D. Federline, Master Planner, Environmental Planning 

FROM: Doug Johnsen, RLA; Environmental Planning 

DATE: October 14, 2009

SUBJECT: Strawberry Knoll
Site Plan 820090160

RECOMMENDATION

Staff recommends approval of the Site Plan 820090160 for the above project site with the following conditions:

1. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as specified:
 - a. Signature approval of final forest conservation plan prior to any clearing, grading or demolition on the site;
 - b. A Category I forest conservation easement must be recorded on the record plat over the areas as delineated on the approved Final Forest Conservation Plan;
 - c. Permanent forest conservation easement signage must be installed along the perimeter of the Category I Forest Conservation Easement;
 - d. Installation of the afforestation planting material must begin within two planting seasons following the release of the sediment control permit.

BACKGROUND

The 4.11-acre property is located at 18608 Strawberry Knoll Road approximately 700 feet north of the intersection of Strawberry Knoll Road and Emory Grove Road in Gaithersburg. The property is zoned R200/TDR. The project site is bounded on the north by a townhouse development, on the east by a stream with single family homes beyond, on the south by single family homes and on the west by Strawberry Knoll Road with single family homes beyond. The site currently has two existing single family homes. The applicant is proposing to remove both existing homes and construct 13 single family detached homes.

Environmental Inventory

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the 4.11-acre site and approved by Environmental Planning staff on April 3, 2006. A Preliminary Forest Conservation Plan was approved on October 8, 2007. There are no streams, wetlands or forests on this site. However, there is a stream adjacent to the property approximately 20 feet off-site and a portion of the stream valley buffer extends onto the project site.

The topography of the property slopes gently at an 8% to 9% grade from the high point at the northwestern portion of the site where one of the existing houses is situated to the eastern and southeastern portion of the property. The property lies within the Great Seneca Creek watershed, a Use Class I stream. The site drains into an unnamed tributary stream which drains into the Whetstone Run, a major tributary to the Great Seneca Creek. The Whetstone Run is considered to be in fair condition based on Montgomery County Dept. of Environmental Protection's 2003 Countywide Stream Protection Strategy (CSPS) update.

The vegetative cover on the site consists primarily of open lawn near the original houses with several large diameter trees in the 28" diameter breast height (DBH) to 45" DBH range located near the existing homes. The remainder of the site consists of late successional field growth which borders the forest immediately off-site. This field growth is comprised of Black Cherry, Black Locust, Sassafras, Eastern Red Cedar and Tulip Poplar with an understory of Flowering Dogwood and Bradford Pear.

Forest Conservation

Although the site contains no defined forest there are four (4) significant sized trees 24" DBH or greater in size located on the subject site with two (2) immediately off-site on the adjacent residential lot. These trees range in size from 28" diameter breast height (DBH) up to 45" DBH. 3 of the 4 on-site trees are of specimen size. All six (6) of these trees are listed in good condition. Both the previously approved preliminary forest conservation plan and the submitted final forest conservation plan call for the removal of all 4 of the on-site significant sized trees.

The preliminary forest conservation plan approved on October 8, 2007 indicated the property size to be 4.11 acres. This resulted in an afforestation requirement of 0.62 acres per the forest conservation worksheet. The proposed final forest conservation plan added an additional 0.40 acres to include utility connections and a new sidewalk extended 285 feet north to Cross Country Lane. The additional 0.40 acre area results in an afforestation requirement for this portion of the project of 0.06 acres. The total combined afforestation requirement for this site is 0.68 acres.

The increased area of 0.4 acres was the result of a Development Review Committee (DRC) meeting comment from the Montgomery County Department of Transportation dated June 1, 2009 requesting a sidewalk extension from the property line up to Cross Country Lane on the site plan and for utility connections not shown on the Preliminary Forest Conservation Plan. This additional area was not included in the originally approved Preliminary Plan of Subdivision, or in the Planning Board's Resolution dated October 8, 2008. The addition of the new area increased the applicant's afforestation requirement beyond what could reasonably be met on-site given that the approved Preliminary Plan allowed the applicant to construct 13 lots. This property is being developed under a cluster method of development within a one-family residential zone (R200). As a result, under Montgomery County Code, Chapter 22A (Forest

Conservation Law), Section 22A-12(f)(2)(D) the on-site afforestation must equal the applicable afforestation threshold.

As a result of this new area being the product of another governmental agency's request following Preliminary Plan approval Environmental Planning staff decided to treat this area as separate from the main development and not subject to the requirements under FCL, Sect. 22A-12(f)(2)(D). This allows the applicant to meet the original afforestation requirement of 0.62 acres on-site and to take the additional 0.04 acres created by the extension of the sidewalk either to an off-site forest mitigation bank or pay a fee-in-lieu.

The applicant has proposed to meet the 0.68 acre afforestation requirement with a combination of both on-site planting and fee-in-lieu payment. The applicant is proposing to afforest the 0.58 acres of on-site stream valley buffer along with an additional 0.08 acres of planting immediately adjacent to the stream buffer. The remaining balance of 0.02 acres will be fulfilled by a fee-in-lieu payment. All buffer and forest plantings will be protected by a Category I Forest Conservation Easement.

Forest Conservation Variance

In following the directives of the Maryland State Senate Bill 666 (SB 666) the applicant is required to file an application for a variance to remove trees that are 30" DBH and greater or trees that are 75% the diameter of the county champion for that species. SB 666 became effective on October 1, 2009. If a project did not have approval of a Preliminary Forest Conservation Plan by that date then a variance to remove large trees must be filed with the Planning Board.

This project received Planning Board approval of the preliminary forest conservation plan on October 16, 2007 as result of Preliminary Plan approval number 120061220. Due to the prior approval of the preliminary forest conservation plan no variance is required in this particular case.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

May 9, 2007

Carla Reid Joyner
Director

Mr. Jon Shiancoe, P.E.
JAS Engineering & Design
13911 Barrington Lane
Upper Marlboro, MD 20772

Re: **Stormwater Management CONCEPT Request**
for Strawberry Knoll
Preliminary Plan #: 1-081220
SM File #: 226344
Tract Size/Zone: 4.11 ac./R-200
Total Concept Area: 4.11 ac.
Lots/Block: 1&2
Parcel(s): P310
Watershed: Great Seneca Creek

Dear Mr. Shiancoe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a surface sandfilter and porous pavement. Recharge will be provided onsite by utilizing drywells, porous pavement, and beneath the sandfilter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. The off-site storm drain by-pass is considered a mitigation method to the excessive channel erosion that exists.

The following conditions will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. The driveways to lots 1-3, and 5 will be constructed with porous pavement.


This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way

unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Blair Lough at 240-777-6335.

Sincerely,

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRS:dm bil

cc: C. Conlon
S. Federline
SM File # 226344

ON - not required; Acres: 4.11
QL - on-site; Acres: 4.11
Recharge is provided