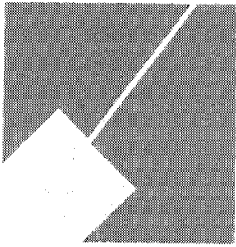


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

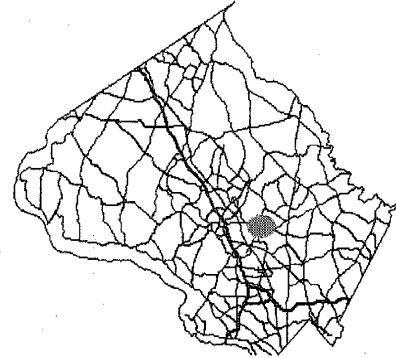
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

Item # 5  
MCPB 04-20-06

**MEMORANDUM**

DATE: 04/07/06  
TO: Montgomery County Planning Board  
VIA: Rose Krasnow, Chief *RK*  
Robert A. Kronenberg, Acting *RK*  
Supervisor  
FROM: Development Review Division  
Laxmi Srinivas, Senior Planner *LS*  
Development Review Division  
(301) 495-4584



REVIEW TYPE: **Site Plan Review**  
CASE #: **820060070**  
PROJECT NAME: Rock Creek Woods  
APPLYING FOR: Approval of 30 townhouses including four MPDUs on 5.69 acres of land in the RT-8 Zone

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance  
ZONE: RT-8  
LOCATION: **Located in the northwest quadrant of Baltimore Road, approximately 1300 feet north of the intersection with Twinbrook Parkway**

MASTER PLAN: Aspen Hill  
APPLICANT: Oxbridge Development at Northwest, LLC  
FILING DATE: August 1, 2005  
HEARING DATE: April 20, 2006

**STAFF RECOMMENDATION:** Approval of Site Plan 820060070 formerly (8-06007) for 30 dwelling units, including 26 townhouse units and four MPDUs townhouse units on 5.69 acres of land in the RT-8 Zone. All site development elements as shown on Rock Creek Woods plans stamped by the M-NCPPC on March 2, 2006, shall be required except as modified by 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-822. [Appendix A]
2. Preliminary Plan Conformance  
The proposed development shall comply with the conditions of approval for Preliminary Plan (12006010). [Appendix B]

3. Site Design
  - a. Provide building setbacks and the 35-foot right-of-way from the centerline for Baltimore Road on the site plan.
  - b. Provide dimensions of the internal driveways for individual units on the site plan. The length of the driveway shall be a minimum of 18 feet.
  - c. The data table on the site plan shall be revised to match the data table in the staff report.
  - d. The recreation table on the site plan shall be revised to match the recreation table in the staff report.

3. 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 school and synagogue.
  - 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.
  - e. The light pole along the entrance of the property (B-1) shall be relocated so that the illumination levels do not exceed 0.5 footcandles along Baltimore Road.

4. Pedestrian Circulation
  - a. Extend the five-foot-wide sidewalk within the Baltimore Road right-of-way from the proposed driveway to the High School.
  - b. Provide a four-foot-wide natural surface trail connection from the private street for the townhouses to the existing gravel road within Rock Creek Park to the north of the subject property.

5. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated March 15, 2006: [Appendix C]  
Comply with the requirements of Montgomery County Department of Public Works and Transportation (DPW&T) and the Montgomery County Department of Permitting Services (DPS) to upgrade Baltimore Road to County's primary residential street standards with dedication for at least 35 feet of right-of-way from its centerline in accordance with DPWT's letter dated March 7, 2006.

6. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated March 9, 2006: [Appendix D]

  - a. Compliance with the preliminary forest conservation plan conditions of approval.
  - b. Applicant to incorporate a detailed tree save plan, prepared by an ISA certified arborist, into the final forest conservation plan for all specimen trees impacted by the proposed limits of disturbance.

- c. Applicant to plant supplemental native canopy trees within the retained forest, as recommended by the applicant's arborist.
  - d. The forest conservation plan shown on Sheet 1.3 of the site plan shall be revised to match the forest conservation plan submitted with the preliminary plan.
  - e. The 1.53 acres designated as "Forest Conservation Area" shall be retained as forest and dedicated in its entirety to public parkland, unless the Planning Board directs that all or part of that forest or woodlands should instead be placed in a conservation easement, in which case the applicant shall comply with the Planning Board's instructions.
7. Stormwater Management  
The proposed development is subject to Stormwater Management Concept approval conditions dated November 12, 2004. [Appendix E]
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. Street trees shall be planted along with the construction of units but no later than six months following completion.
  - b. All retaining walls, landscaping, stormwater management, forestation, sediment/erosion control shall be completed along with the construction of units but no later than six months following completion.
  - c. All community-wide pedestrian pathways, sidewalks, trails and recreation facilities shall be completed prior to issuance of the 23<sup>rd</sup> building permit (70% of the construction) for the proposed townhouses.
  - d. 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. MPDUs
- a. The applicant shall provide 12.5% or four MPDUs on-site, consistent with the requirements of Chapter 25A.
  - b. The MPDU agreement shall be executed prior to the release of the first building permit.

12. 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 Opinion.
- 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.

**PROJECT DESCRIPTION:** Site Vicinity

The proposed development is located in the northwest quadrant of Baltimore Road, approximately 1300 feet north of the intersection with Twinbrook Parkway. The property is surrounded by M-NCPPC owned Rock Creek Park zoned R-90 and R-200 to the north and northwest, the recently subdivided Beth Tikva Synagogue zoned R-90 and R-200 to the south, the City of Rockville Corporate Limits and the Rockville High School to the southwest and Baltimore Road to the east. The property across Baltimore Road is zoned R-90 and developed with townhouses. Access to the property is from Baltimore Road.



**PROJECT DESCRIPTION:** Site Description

The property is located on the west side of Baltimore Road. An existing house and an existing driveway on the property will be removed. The majority of the site is undeveloped. There are no streams or wetlands on the property, although the stream buffer of an off site stream extends into the east side of the property. The property slopes up from Baltimore Road at approximately a 25% rate and then flattens out to a gentler slope along its northern and western property lines. There are some moderately sloped areas in the northern and northeastern portions of the site along the Rock Creek Park boundaries.



**PROJECT DESCRIPTION:** Proposal

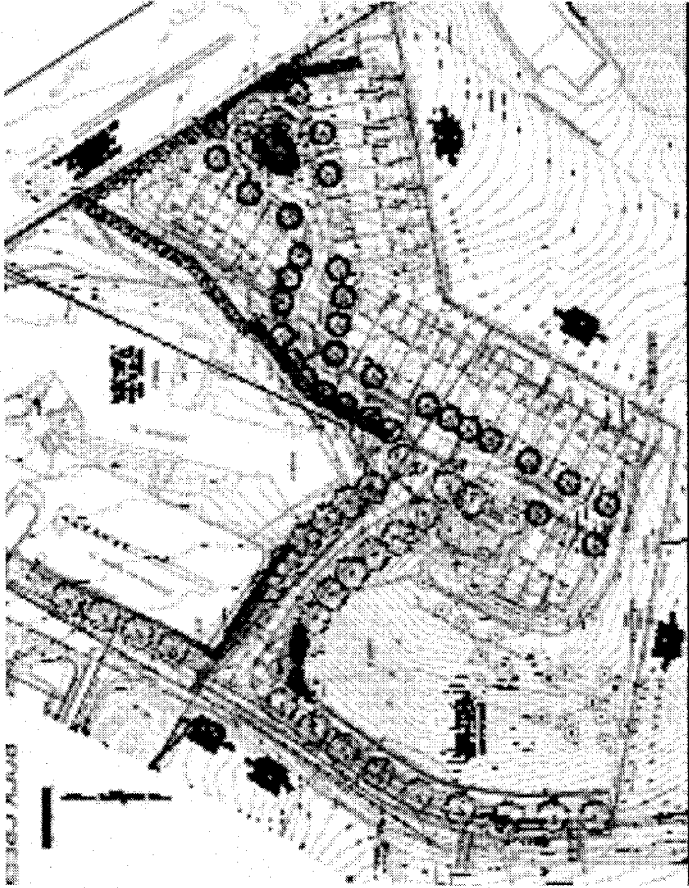
The applicant is proposing a total of 30 townhouses, including four MPDUs on 5.69 acres of land. Access to the property is from a single entrance along Baltimore Road. The townhouses are proposed in the north and northwestern portions of the property and, the forest conservation area is proposed in the northeastern portion of the property. A stormwater management pond is proposed along the eastern side of the proposed townhouses. A recreational area consisting of a picnic area, an open play area and a gazebo with four benches is proposed within a cul-de-sac along the northwestern portion of the property. The MPDUs are dispersed throughout the development. Visitor parking is proposed in two locations. Retaining walls are proposed along the western and southern sides of the townhouse development and along Baltimore Road.

The access road from Baltimore Road and the internal streets are proposed as private streets with a 20-foot-wide pavement and five-foot-wide sidewalks. A four-foot-wide trail connection is provided along the northern portion of the site to connect to Rock Creek Park. Direct pedestrian connections are not proposed from within the site to the adjacent Rockville High School and the synagogue because of steep slopes and security concerns. A five-foot-wide sidewalk is proposed from the access point on Baltimore Road to the south, across the synagogue frontage, to the northernmost access drive into Rockville High School. This sidewalk will provide a safe pedestrian path along Baltimore Road.

Trees are provided along the access road, the internal streets and along Baltimore Road. The entrance to the site and the recreational areas are landscaped with a combination of trees, shrubs and perennials. Pole mounted light fixtures are proposed along the access road and internal streets.

The 0.08-acre stream buffer along the eastern portion of the property will be impacted by the removal of 0.07 acres of forest in the public utility easement that parallels Baltimore Road. The removal of the forest is necessary to provide a clear path for utilities. There are no other proposed encroachments into the stream buffer.

The applicant is proposing to retain 1.48 acres of forest and 0.05-acres of woodland. Combining the 1.48-acre forest retention area and the 0.05-acre woodland retention area results in 1.53 acres of forest retention or existing woodland. The binding element for the rezoning case for this property requires retention of 1.53 acres of forest retention or existing woodland. The proposed combination retention area complies with this binding element requirement.



**PROJECT DESCRIPTION:** Prior Approvals

**Zoning Application**

The subject property originally comprised two parcels totaling 9.3 acres. The portion of the site containing the existing synagogue is zoned R-90 and R-200. The remainder of the site (5.69 acres) was rezoned from the R-90 and R-200 zones to the RT-8 Zone under Zoning Application No. G-822. The Schematic Development Plan associated with the Zoning Application capped density at 30 units for the RT-8 zoned portion of the property. The subject site plan review application is for the RT-8 zoned property.

<u>Development Standard</u>	<u>Binding Element</u>
Gross Tract Area (ac/sf.):	5.68 acres 247,735 sq.ft.
Development Density	30 D.U.
MPDUs	MPDUs to be included without increasing the 30 D.U. limit
Minimum Building Setbacks	
From Public Street	220'
From Single-Family Residential Zone	30'
Building Coverage	13% 0.75 ac 32,832 sq.ft.
Green Area	68% 4.32 ac 169,325 sq.ft.
Parking	72
Forest Conservation	1.53 acres (66,650 sq.ft.) of forest conservation or existing woodlands to be retained to be dedicated in its entirety to public parkland, unless during subdivision or site plan review, the Planning Board directs that all or part of that forest or woodlands should instead be placed in a conservation easement, in which case applicant will comply with the Planning Board's instructions.

**Preliminary Plan**

On March 30, 2006, the Planning Board approved a Preliminary Plan of Subdivision (12006010) for the subject property. The Preliminary Plan subdivided an existing site comprised of two parcels totaling 9.3 acres. The existing synagogue will be located on a newly created 3.7-acre parcel after subdivision.



The Preliminary Plan application created thirty residential lots and three recorded parcels. One parcel was created for the existing synagogue and the other two were created for the townhouse open space and stormwater management.

The conditions of approval for the Preliminary Plan required the following during site plan review:

- Limiting the development to a maximum of 30 one-family attached units, including four MPDUs.
- Compliance with the binding elements of the rezoning application G-822.
- The location of the five-foot-wide sidewalk along Baltimore Road to connect to Rockville High School on the site plan.
- The final number of MPDUS, number and location of units, on-site parking, site circulation, sidewalks and trails on the site plan.
- A landscape and lighting plan.

The applicant has complied with the above conditions of approval, except on the site plan, the five-foot-wide sidewalk is not shown extended to the northernmost access drive into Rockville High School. A condition of approval has been added to require the applicant to show the same. Other conditions of approval have been added to label the building setbacks and the 35-foot right-of-way dedication along Baltimore Road and add dimensions of the internal driveways for the individual units.

**ANALYSIS: Conformance to Development Standards**

**SITE PLAN DATA TABLE (RT-8 ZONE)**

<b>Development Standard</b>	<b>Zoning Ordinance</b>	<b>Binding Elements</b>	<b>Proposed for Approval</b>
Gross Tract Area (ac/sf.):	20,000 sq.ft.	5.68 acres 247,735 sq.ft.	5.68 acres 247,735 sq.ft.
ROW Dedication (ac/sf.)	Not specified	Not specified	0.36 acres 16,098 sq.ft.
Net Lot Area (ac/sft..)	Not specified	Not specified	5.32 acres 231,637 sq.ft.
Development Density	8 D.U./Ac 45 D.U.	30 D.U.	5.3 D.U./Ac 30 D.U.
MPDUs	according to Ch. 25A of the Montgomery County Code 12.5% of total units 4 for 30 units	MPDUs to be included without increasing the 30 D.U. limit	4 MPDUs (26 market rate units + 4 MPDUs for a total of 30 D.U.)
Minimum Lot Area MPDUs Market Rate	Not specified	Not specified	1,447 sq.ft. 1,920 sq.ft.
Minimum Building Setbacks From Public Street	25'	220'	220'
From Single-Family Residential Zone	30'	30'	NA
From Adjoining Lot - Side	10'	Not specified	20'
From Adjoining Lot - Rear	20'	Not specified	21'
Maximum Building Height	35'	Not specified	35' (as measured from the average elevation of finished ground surface along the front of the 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)
Maximum Building Coverage	35% 1.99 ac 86,707 sq.ft.	13% 0.75 ac 32,832 sq.ft.	13% 0.75 ac 32,832 sq.ft.

<u>Development Standard</u>	<u>Zoning Ordinance</u>	<u>Binding Elements</u>	<u>Proposed for Approval</u>
Minimum Green Area	50% min 2.84 ac 123,868 sq.ft.	68% 3.89 ac 169,325 sq.ft.	76% 4.32 ac 188,232 sq.ft.
Parking	2 per unit 60 for 30 units	72	2.4 per unit 72
Garage parking spaces			30
Driveway parking spaces			30
Surface parking spaces			12
			----- 72 total
Forest Conservation	Not specified	*1.53 acres (66,650 of forest retention and or existing woodlands to be retained	**Combination of 1.48 acres of forest retention and 0.05 acres of woodland retention for a total of 1.53 acres of forest retention and existing woodland

\*The binding elements require the 1.53 acres of forest retention or existing woodland to be dedicated in its entirety to public parkland, unless during subdivision or site plan review, the Planning Board directs that all or part of that forest or woodlands should instead be placed in a conservation easement, in which case applicant will comply with the Planning Board's instructions.

\*\* A condition of approval has been added to dedicate the combination of 1.53 acres of forest retention and existing woodland to be dedicated to public parkland or placed in a conservation easement according to the Planning Board's instructions.

### RECREATION CALCULATIONS

	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>
<b>Demand Points</b>					
<u>Demand per 100 d.u.</u>					
TH	17.00	22.00	18.00	129.00	7.00
<u>Demand for 30 units</u>					
TH	5.1	6.6	5.4	38.7	2.1
<b>Supply Points</b>					
Pedestrian System	0.10x5.1 0.51	0.2x6.6 1.32	0.2x5.4 1.08	0.45x38.7 17.42	0.45x2.1 0.95
Open Play Area II	3	4	4	10	1
Picnic Area	1	1	1.5	5	2
Gazebo sitting area (2)	2	2	3	10	4
<b>Total Supply Points</b>	<b>6.51</b>	<b>8.32</b>	<b>9.58</b>	<b>42.42</b>	<b>7.95</b>

Note: Recreation demand is met on site

**ANALYSIS:**

Conformance to Master Plan

The proposal conforms to the Aspen Hill Master Plan because the development is a continuation of the residential zoning for the property. The site plan complies with all the Binding Elements of the Schematic Development Plan and is in general conformance with the layout shown on the Schematic Development Plan of the rezoning application G-822.

**FINDINGS:** For Site Plan Review

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 as demonstrated in the table below and is in general conformance with the general layout shown on the Schematic Development Plan of the rezoning application G-822.

<u>Development Standards</u>	<u>Binding Element</u>	<u>Proposed for Approval</u>
Gross Tract Area (ac/sf.):	5.68 acres 247,735 sq.ft.	5.68 acres 247,735 sq.ft.
Development Density	30 D.U.	30 D.U.
MPDUs	MPDUs to be included without increasing the 30 D.U. limit	4 MPDUs (26 market rate units+ 4 MPDus for a total of 30 D.U.)
Minimum Building Setbacks From Public Street	220'	220'
From Single-Family Residential Zone	30'	NA
Maximum Building Coverage	13% 0.75 ac 32,832 sq.ft.	13% 0.75 ac 32,832 sq.ft.
Minimum Green Area	68% 3.89 ac 169,325 sq.ft.	76% 4.32 ac 188,232 sq.ft.
Parking	72	72
Forest Conservation	*1.53 acres (66,650 sq.ft.) of forest conservation or existing woodlands to be retained	**Combination of 1.48 acres of forest retention and 0.05 acres of woodland retention for a total of 1.53 acres of forest retention and existing woodland

\*The binding elements require the 1.53 acres of forest retention or existing woodland to be dedicated in its entirety to public parkland, unless during subdivision or site plan review, the Planning Board directs that all or part of that forest or woodlands should instead be placed in a conservation easement, in which case applicant will comply with the Planning Board's instructions.

\*\* A condition of approval has been added to dedicate the combination of 1.53 acres of forest retention and existing woodland to be dedicated to public parkland or placed in a conservation easement according to the Planning Board's instructions.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the RT-8 Zone as demonstrated in the project Data Table above.

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

The proposed townhouses are located in the northern portion of the site to take maximum advantage of the views of the adjacent Rock Creek Park, avoid building on areas with moderately steep slopes and avoid noise and visual impacts to the adjacent school and synagogue. Retaining walls are proposed along the western and southern sides of the townhouse development and along Baltimore Road to address steep slope and grading issues.

The townhouse bays consist of three, six and seven units. The MPDUs are dispersed throughout the development.

b. Open Spaces

The binding elements require a minimum of 68% of green area and the applicant has provided 76% of green area. The green areas/open spaces are strategically located along the Rock Creek Park property to maximize views of the park and provide continuity of the open space. The open space/landscape buffers along the property lines are adequate to screen the townhouses from the adjacent properties.

The applicant is proposing to retain 1.48 acres of forest and 0.05-acres of woodland. Combining the 1.48-acre forest retention area and the 0.05-acre woodland retention area results in 1.53 acres of forest retention or existing woodland. The binding element for the rezoning case for this property requires retention of 1.53 acres of forest retention or existing woodland. The proposed combination retention area complies with this binding element requirement.

The proposed recreational area provides open space along the private streets.

A stormwater management pond is proposed along the eastern side of the proposed townhouses. The Department of Permitting Services DPS has recommended approval of the stormwater management concept plan.

c. Landscaping and Lighting

Trees are provided along the access road, the internal streets and along Baltimore Road. The entrance to the site and the recreational areas are landscaped with a combination of trees, shrubs and perennials. The proposed landscaping provides trees along the access road and private streets and adequately screens the townhouses from the adjacent existing synagogue, Rockville High School and Baltimore Road.

Pole mounted light fixtures are proposed along the access road and internal streets. The light poles will Gardco lighting fixtures and 14 feet high.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The recreational area consisting of a picnic area, an open play area and a gazebo with four benches is proposed within the cul-de-sac area. It is conveniently located to be easily accessible by all the townhouse units and is landscaped with a combination of trees, shrubs and perennials to provide an attractive setting for encouraging social contact. The open play area and picnic areas provide opportunities for active and passive recreation. The location of the recreational area within the cul-de-sac and the proposed landscaping ensure that there are no noise and visual impacts to the proposed townhouses and adjacent properties. The proposed recreation area is adequate in terms of location, layout, quantity and quality.

e. Vehicular and Pedestrian Circulation

The access road from Baltimore Road and the internal street are designed as private streets with a 20-foot-wide pavement width and five-foot-wide sidewalks for safe and efficient pedestrian circulation. The proposed cul-de-sac in the northwestern portion of the site provides adequate turn around radius for fire trucks. The visitor parking is conveniently located along the internal streets. A four-foot-wide trail connection is provided along the northern portion of the site to connect to Rock Creek Park.

A five-foot-wide sidewalk is proposed from the access point on Baltimore Road to the south, across the synagogue frontage, to the northernmost access drive into Rockville High School. This sidewalk will provide a safe pedestrian path along Baltimore Road.

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 location and orientation of the townhouses along the northern portion of the site avoids noise and visual impacts to the adjacent existing synagogue and school. The proposed landscaping adequately screens the townhouses from the adjacent properties. The operation of the existing school and synagogue will not be impacted by the proposed development. A five-foot-wide sidewalk is proposed from the access point on Baltimore Road to the south, across the synagogue frontage, to the northernmost access drive into Rockville High School. This sidewalk will provide a safe pedestrian path along Baltimore Road.

The proposed townhouses are located in the northern portion of the site to take maximum advantage of the views of the adjacent Rock Creek Park. The green areas/open spaces are strategically located along the Rock Creek Park property to maximize views of the park and provide continuity of the open space.

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 0.08-acre stream buffer along the eastern portion of the property will be impacted by the removal of 0.07 acres of forest in the public utility easement that parallels Baltimore Road. The removal of the forest is necessary to provide a clear path for utilities. There are no other proposed encroachments into the stream buffer.

The applicant is proposing to retain 1.48 acres of forest and 0.05-acres of woodland. Combining the 1.48-acre forest retention area and the 0.05-acre woodland retention area results in 1.53 acres of forest retention or existing woodland. The binding element for the rezoning case for this property requires retention of 1.53 acres of forest retention or existing woodland. The proposed combination retention area complies with this binding element requirement.

The proposed forest conservation plan intends to retain and enlarge the existing forest stand. The applicant has submitted an arborist's report that recommends additional indigenous plantings to enhance the existing species composition in the forest retained. The Environmental Planning Section has stated that the plan complies with Chapter 22A of the forest conservation regulation and the Binding Element related to Forest Retention. The Section has recommended approval of the site plan.

## APPENDIX

- A. Vicinity Map
- B. Site Plan Checklist.
- C. Appendix A – Development Plan Opinion
- D. Appendix B - Staff Report for Preliminary Plan 1-06010.
- E. Appendix C – Memorandum from Transportation Planning Section
- F. Appendix D – Memorandum from Environmental Planning Section
- G. Appendix E – Memorandum from DPS
- H. Appendix F - Memorandum from Other Agencies