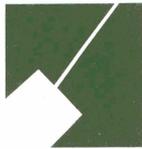


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# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-111  
Preliminary Plan No. 120100230  
Darnestown at Travilah  
Date of Hearing: July 15, 2010

SEP 27 2010

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION

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 March 17, 2010, Fifty, L.L.C., ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 39 lots on 4.89 acres of land in the RT-8 zone, located on the north side of Darnestown Road between the intersection of Travilah Road and Key West Avenue ("Property" or "Subject Property"), in the Great Seneca Science Corridor master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120100230, Darnestown at Travilah ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 5, 2010, 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 July 15, 2010, 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

WHEREAS, on July 15, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Carrier, Dreyfuss, and Wells-Harley voting in favor, with Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved

Approved as to  
Legal Sufficiency:

*Christina Sorrent* 8/16/10

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

Preliminary Plan No.120100230 to create 39 lots on 4.89 acres of land in the RT-8 zone, located on the north side of Darnestown Road, between the intersections of Travilah Road and Key West Avenue, in the Great Seneca Science Corridor Master Plan area, subject to the following conditions:

1. Total development under this Preliminary Plan approval is limited to a maximum of 39 townhouse units, including 12.5% Moderately Priced Dwelling Units (MPDU).
2. The Applicant must comply with the conditions of approval of the Final Forest Conservation Plan. The Applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s) as appropriate. Conditions include, but are not limited to:
  - a. Record plat to show Category I conservation easements over all afforestation areas as shown on the forest conservation plan.
  - b. The easement area to be protected with split rail fencing, or other Staff approved equivalent, to prohibit damage from mowing and other landscaping activities due to the proximity of the tot lot and residential uses.
  - c. The Applicant shall have an ISA certified arborist prepare and implement a specific tree save plan for tree #42.
3. The Applicant must dedicate Darnestown Road to a full Master Plan width of 50 feet from the centerline as shown on the Preliminary Plan drawing. Dedications to be shown on the record plat(s).
4. 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.
5. The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks shown on the Preliminary Plan.
6. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
7. The record plat must 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 the Covenant by reference.
8. The Applicant must comply with the conditions of the MCDPS stormwater management approval dated December 11, 2008. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval
9. The Applicant must comply with the conditions of the MCDOT letter dated June 14, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. Before any building permit is issued, the Applicant must make a school facilities

- payment at the high school level for each dwelling unit to the Montgomery County Department of Permitting Services (MCDPS).
11. Prior to issuance of the building permit, Applicant is required to make a lump sum payment of \$110,000.00 to mitigate 10 peak-hour trips which represent 40% of new trips generated by the proposed development.
  12. No clearing, grading or recording of plats prior to certified site plan approval.
  13. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
  14. Final number of MPDU's as per condition #1 above to be determined at the time of site plan.
  15. Site Plan #820100070 must be approved by the Board and signed (certified) by the Development Review Staff prior to the approval of the record plat.
  16. The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
  17. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
  18. The record plat must show necessary easements.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

Great Seneca Science Corridor Master Plan

The Preliminary Plan is in conformance with both the prior Approved and Adopted July 1990 Shady Grove Study Area Master Plan and the currently applicable and recently Approved Great Seneca Science Corridor Master Plan (GSSCMP). The May 4, 2010 Approved Planning Board Draft of the Great Seneca Science Corridor Master Plan (GSSCMP) addresses the Life Sciences Center (LSC) District and the Subject Property. The GSSCMP confirms the site as rezoned to R-T 8 following the approved Schematic Development Plan.

The GSSCMP includes a discussion of Urban Form as a general concept for the LSC West development. With respect to the Subject Property the Urban Form discussion suggests that there should be one roadway traversing the southeast portion of the Subject Property from Darnestown Road through to one of the residential blocks adjacent to the transit station. Staff and the Board considered the Schematic Development Plan and found that this particular roadway element was not needed for development of the future adjacent residential and mixed use community at the vacated PSTA central land area. This road was found to also have significant site distance issues at the location shown in the Urban Form section of the GSSCMP, therefore, it was not included as an element of the SDP or the Preliminary Plan.

The Board finds the Preliminary Plan to be in substantial conformance with the Great Seneca Science Corridor Master Plan.

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

### Roads

#### Local Area Transportation Review (LATR)

The Application generates 30 or more vehicle trips during the morning or evening peak-hours, therefore it is subject to LATR. Two intersections were identified as critical intersections affected by the proposed development and were examined in a submitted traffic study to determine whether they meet the applicable congestion standard. The congestion standard for the R&D Policy Area is 1,450 Critical Lane Volumes (CLV). Both analyzed intersections are currently operating within an acceptable CLV level of 1,450 and are expected to continue the same for the background and total future development conditions. Therefore, the Board finds that the Application meets the LATR requirements of the Adequate Public Facilities review.

#### Policy Area Mobility Review (PAMR)

The site is located within the R&D Policy Area where there is a 40% PAMR trip mitigation requirement according to the County's Growth Policy. Therefore, in order to mitigate 10 peak-hour trips which represent 40% of the new trips generated by the proposed development, the Applicant will be required to make a lump sum payment of \$110,000 to the County prior to issuance of building

permits. The Board finds that the Preliminary Plan satisfies the requirements for PAMR requirements of the Adequate Public Facilities review.

#### Site Access and Vehicular/Pedestrian Circulation

Two vehicular access points are proposed from Darnestown Road. Due to the sight distance limitations, the eastern entrance is limited to a right-in only movement and the western entrance is limited to a right-in/ right-out only movement. The internal private street system was found to function as a public street based on adequate pavement width and turnarounds at the ends of the stub streets. The Board finds that vehicular access and circulation is adequate.

The Preliminary Plan shows internal sidewalks along all private streets and an eight foot wide hiker/biker along the Darnestown Road frontage with lead-in sidewalks to the internal sidewalks. Sidewalks are extended to the northern boundary of the site where they can provide future pedestrian access to the Public Service Training Academy site when it re-develops in the future. The Board finds that pedestrian circulation is adequate.

#### Other Public Facilities and Services

The Board finds that all public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by public water and sewer systems. 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 operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. Electrical, gas, and telecommunications services are also available to serve the Property. The Property is not within a school moratorium area; however, Wooten High School is operating at inadequate levels (107%) so the Application is subject to a School Facilities Payment at the high school level.

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

The Planning Board has reviewed the Preliminary Plan for compliance with all other sections of Chapter 50, the Subdivision Regulations. The Application meets all applicable sections including the provision that the proposed lots' size, width, shape and orientation are appropriate for the location of the subdivision given the specific recommendations in the Master Plan.

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

The Board finds that the Preliminary Plan meets all applicable requirements of the Montgomery County Forest Conservation Law, Chapter 22A. The forest conservation requirement on the 5.24 acre site equals 0.73 acres. To meet this requirement, the Forest Conservation Plan shows 0.15 acres of landscaping credit, 0.49 acres of afforestation which is to be protected in a Category I easement, and 0.09 acres to be met off-site via a forest conservation bank. The Forest Conservation Plan requires permanent split-rail fencing and signage to prevent accidental encroachments into the easement area.

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 dated December 11, 2008, meets MCDPS' standards.*

The concept for the project includes on site channel protection measures via the offsite Stonebridge Regional pond and on-site water quality controls via underground sand filter. On-site recharge is not required due to shallow bedrock. The Board finds that the Preliminary Plan complies with Section 50-24(j) of the Montgomery County Subdivision Regulations.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 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 Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 27 2011 (which is the date that this Resolution is mailed to all parties of record); and

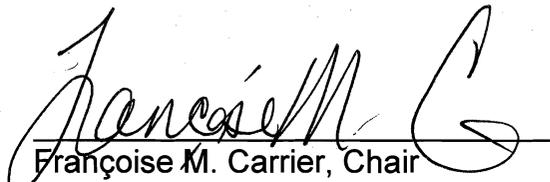
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Alfandre, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board