



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

**MCPB
ITEM #
03/15/07**



MEMORANDUM

DATE: February 27, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon (301) 495-4543 *CC*
Development Review Division

REVIEW TYPE: Preliminary plan of subdivision

APPLYING FOR: 112 lots for 112 one-family attached residential dwelling units, including
17 moderately priced dwelling units

PROJECT NAME: Symphony Park

CASE #: 120060140

REVIEW BASIS: Chapter 50, the Montgomery County Subdivision Regulations

ZONE: R-60

LOCATION: Located in the southeast quadrant of the intersection of Rockville Pike
(MD 355) and Strathmore Avenue (MD 547)

MASTER PLAN: North Bethesda-Garrett Park

APPLICANT: Centex Homes

ENGINEER: Loiederman Soltesz Associates, Inc.

ATTORNEY: Linowes and Blocher

FILING DATE: August 9, 2005

HEARING DATE: March 15, 2007

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 112 lots for 112 one family attached, townhouse dwellings, including a minimum of 15% Moderately Priced Dwelling Units (MPDUs).
- 2) Final approval of the number and location of dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
- 3) Final number of MPDU's as per condition #1 above, to be determined at the time of site plan.
- 4) No clearing, grading or recording of plats prior to approval of the certified site plan.
- 5) The applicant shall revise the proposed layout at site plan to increase the open space to a minimum of 10 acres adjacent to the Music Center, unless a lesser amount is approved by the Planning Board.
- 6) The applicant will 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 control permits, as applicable. The final details of the plantings, understory and groundcover shall be determined at site plan.
- 7) Prior to the approval of the site plan, the applicant will work in cooperation with the Strathmore Hall Foundation and develop a plan to ensure that noise compatibility is maximized between the residential and amphitheater uses. The applicant's specific responsibilities include, but are not limited to:
 - a) a proposal for exterior noise mitigation, including consideration of earthen land forms and/or sculpted stage/screen/amphitheater area; and
 - b) development of standards for interior noise mitigation if determined to be necessary based on the outcome of noise ordinance compliance review by Montgomery County Department of Environmental Protection (DEP).
- 8) The site plan shall reflect the following pedestrian improvements:
 - a) Remove the existing sidewalk near Rockville Pike and replace it with an 8' wide sidewalk separated from the roadway by an 8' tree panel, unless an alternative configuration is approved as part of the site plan.
 - b) Upgraded street lighting along the sidewalks on the property fronting Rockville Pike and Strathmore Avenue, particularly at the intersection with Jolly Way, in accordance with the American Association of State Transportation and Highway Officials (ASTHO) standards.
 - c) Upgraded vehicular and pedestrian traffic control measures, subject to DPWT approval, to improve the safety of pedestrians crossing Strathmore Avenue at its intersection with Jolly Way.
 - d) Three more pedestrian crosswalks with standard handicapped ramps within the interior of the townhouse development at the following locations:
 - (i) across private street "A" on the northern leg of the intersection with Alley "G";
 - (ii) across private street "A" connecting to the sidewalk on the south side of proposed Lots 24-29; and

- (iii) across private street "B" on the eastern leg of the intersection with private street "A".
 - e) Along the eastern side of the site, the asphalt path should be at least 10 feet wide for its entire length between Strathmore Avenue and the southern property line (then leading into Strathmore Hall's parking area), as part of a regional Class I bike path designated in the *Countywide Bikeway Functional Master Plan*.
 - f) Subject to approval by Strathmore Music Center, upgrade the existing shared-use path, SP-11, through the site between Strathmore Avenue and the music center to comply with the Americans With Disabilities Act (ADA) standards; or, provide an acceptable alternative ADA access through the site.
- 9) The applicant will comply with the conditions of the Montgomery County Department of Permitting Services (DPS) stormwater management concept approval dated October 13, 2006.
 - 10) The applicant will comply with the conditions of the Montgomery County Department of Public Works and Transportation (DPWT) approval dated March 6, 2006, unless otherwise amended by DPWT.
 - 11) The applicant will comply with the conditions of the State Highway Administration (SHA) letter dated November 9, 2006.
 - 12) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
 - 13) 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.
 - 14) The applicant must provide access and improvements as required by SHA prior to issuance of access permits.
 - 15) The record plat will reflect dedication to Montgomery County of the green space along the east, south and west boundaries. The exact boundaries of the dedication area will be determined as part of the site plan approval.
 - 16) The record plat will reflect a Category I conservation easement over all areas of environmental buffer and forest conservation, as shown on the preliminary forest conservation plan. Any amendments to the standard conservation easement language must be approved by staff prior to recording the plat.
 - 17) The record Plat will reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
 - 18) The record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
 - 19) The record plat will reflect grant of a public use and access easement over all private streets, and common ingress/egress easements over all shared driveways.

- 20) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for five (5) years or sixty (60) months from the date of mailing of the Planning Board opinion.
- 21) Other necessary easements will be shown on the record plat.

I. SITE DESCRIPTION

The subject property, identified as Parcel 919 (Garrett Park – Plat 17644), contains approximately 18 acres in the residential R-60 zone. The property is located in the southeast quadrant of the intersection of Rockville Pike (MD 355) and Strathmore Avenue (MD 547) (Attachment A). The site contains the existing headquarters building for the American Speech-Language and Hearing Association (ASHA). Surrounding land uses include townhouses and one-family detached residential lots in the R-60 zone to the north, the Academy of the Holy Cross High School to the east, the Strathmore Music Center to the south, and Georgetown Preparatory School to the west. The existing access to the site is via driveway from Strathmore Avenue. The site is served by public water and public sewer.

The property lies within the Lower Rock Creek watershed (a Use I stream in this section). A tributary to Rock Creek flows along the eastern edge of the property. An existing asphalt walkway connecting Strathmore Avenue with the Music Center property, and ultimately the Grosvenor Metro station, is located in the stream valley. There is also an existing stormwater management facility that serves both ASHA and the Strathmore Music Center. The property slopes from west to east, down to the stream valley. There are no onsite wetlands, floodplains or forest. The site does contain scattered individual trees, 11 of which can be classified as specimens of their species.

II. PROJECT DESCRIPTION

This is an application for a preliminary plan of subdivision to create a residential community consisting of 112 townhouses (Attachment B). The proposal utilizes the option for development including moderately priced dwelling units (MPDUs). The application provides a minimum of 15% MPDUs and achieves a 22% density bonus, which in this case, results in 95 market-rate dwellings and 17 MPDUs.

The development proposes access from one entrance point on Strathmore Avenue (MD 547), via a network of private streets and alleys. The private streets have 28 or 36 feet of paved surface, with parking on one or both sides, respectively. The alleys all include at least 20 feet of paved surface. The application retains and enlarges the existing pond to provide stormwater management.

The residential dwellings are configured to retain green spaces along the eastern, southern and western boundaries. Along the eastern boundary, the green space includes the environmental buffer along the stream, and the aforementioned stormwater pond. To the west, a green space corridor is created by the existing Washington Metropolitan Area Transit Authority (WMATA) easement along MD 355. The largest area of green space is provided to the south, between the Strathmore Music Center property and the residences. The proposal retains and

enhances the existing asphalt pathway along the eastern boundary, and proposes a new eight foot asphalt path along Rockville Pike connecting to a new pathway network in the green space adjacent to Strathmore.

III. COMPLIANCE WITH THE NORTH BETHESDA/GARRETT PARK MASTER PLAN

The Approved and Adopted 1992 North Bethesda/Garrett Park Master Plan recommends R-60 (one-family residential) zoning for the ASHA property noting that the parking and building consumes approximately 9 acres of land. The ASHA office was developed in 1978 and expanded in 1989 via a special exception. No floating zones are recommended for the property.

A. Open Space

The Master Plan notes that the long-range plan for Strathmore Music Center includes a “formal greensward for large outdoor festivals, and a museum. Realizing these goals would require acquisition of the ten adjacent acres of the ASHA property” (p.69). The preliminary plan proposes dedication to the County of approximately 8.9 acres of open space that includes a stormwater management facility and WMATA easement along MD 355.

The Master Plan supports the protection and “retention of much of the existing open space resources of North Bethesda-Garrett Park, both public and private” (p.248). Other Open Space recommendations and objectives of the Master Plan are:

- To “protect green space on both sides of Rockville Pike”(p.62).
- To preserve open space “without public cost by encouraging cluster development through the site design review process. For examples of proposals to preserve open space through the planning process, see this Plan’s land use and zoning recommendations for the Georgetown Preparatory School, Strathmore Hall, and Aubinoe properties” (p.234).
- To meet the planning area’s, and the County’s open space needs the traditional definition of open space as publicly owned land must be expanded. As land prices and development pressures increase, the buying power and ability to negotiate for public land effectively decrease. Open space must also be preserved through the planning process. Open space and recreation facilities may also be dedicated by the developer to a homeowners’ association. The Department of Parks recognizes this as a valuable tool in providing open space to meet the needs of new residents (p.234).

Staff’s Position

In staff’s opinion, the layout reflected on the preliminary plan needs to be modified as part of the required site plan review to meet the open space goals of the Master Plan for this property. Although staff originally thought a minimum 150 feet of separation between proposed residential units and the Strathmore Music Center property boundary would be sufficient, that view changed upon further review of the units and the overall configuration of the proposed open space. A significant portion of the proposed area (more than 3 acres) is comprised of the proposed stormwater management facility, and the existing WMATA tunnel

easement along Rockville Pike (Attachment C). In staff's opinion, the layout should be reconfigured so the 10 acres of open space recommended in the Master Plan is provided. In particular, proposed units 107-112 should be redistributed or removed to increase the open space and create greater separation between the residences and the Strathmore Music Center. In addition, retaining walls adjacent to the stormwater management facility should be reduced so the views to the open space from the Music Center are improved.

Applicant's Position

In their letter dated December 22, 2006 (Attachment D), the applicant's representatives note that the North Bethesda/Garrett Park Master Plan does not require dedication of open space from the subject property, but instead states, "The Strathmore Hall Arts Center, which lies to the south, has a long range plan for development of a County cultural arts campus....Realizing these goals would require the acquisition of the ten adjacent acres of the ASHA property" (p73-74). Centex is offering to dedicate up to 8.9 acres to the County, 5.3 acres of which is clearly usable for outdoor events.

The proposed plan was revised to provide ten feet more than the original minimum setback recommended by staff, for a total of 300 feet of separation between the music center building and the nearest residences. Coupled with plans for heavy landscaping agreed to by the applicant and Strathmore, the applicant believes the proposed open space between the residences and the Music Center is adequate. The applicant also points out that integration, not separation, of the proposed public and private uses on the site has been a shared goal between Centex and Strathmore, and that Strathmore also believes the proposed plan is adequate. The applicant additionally states that the proposed retaining wall is a tiered stone and masonry structure that will not adversely impact visual compatibility, will function as a community amenity, and is supported by Strathmore.

B. Legacy Open Space Assessment

In March, 2005, the Montgomery County Council unanimously passed a resolution to preserve up to 10 acres of the 19-acre ASHA property (Attachment E). The resolution, introduced by Councilmember Nancy Floreen and former member Howard Denis, requested that M-NCPPC begin analyzing the designation of 10 acres for inclusion in the Legacy Open Space Program as a Class I site. In the alternative, the resolution supports obtaining the open space through negotiations associated with the development of the property.

Staff's Position

The assessment conducted by staff for Legacy Open Space did not result in designation of the property. The development application proposes dedication of 8.9 acres to meet the open space envisioned by the Master Plan and affirmed by the Council resolution. As previously noted, staff is recommending that the open space area be increased to the 10 acres recommended by the Master Plan.

Applicant's Position

The applicant's letter points out that the County Council resolution called for *acquisition* of 10 acres of land, or in the alternative, *negotiation* for its preservation with any developer. In the applicant's opinion, the 8.9 acres of dedication, 5.3 acres of which is clearly usable area for outdoor events, is representative of a more than good faith effort to address the desires for this area.

C. Green Corridors

The Master Plan identifies several major transportation corridors, including Rockville Pike and Strathmore Avenue, as green corridors to address visual effects of roadways on abutting properties. The Plan recommends maintaining and enhancing the planting of vegetation along roadsides and in medians of major highways. In addition, the design guidelines for the Corridor include: placing a landscaped buffer between the curb and relocated sidewalks, placing trees in medians and along curbs, screening of front yard parking, and relocating utility poles to allow for optimum tree planting and sidewalks (p.251).

The Metro tunnel easement along Rockville Pike and the proposed 50 foot setback of houses along Strathmore Avenue contribute towards establishing the green corridors along existing roadways envisioned by the Master Plan. Increasing the sidewalk and lawn panel width and adding street trees along Rockville Pike, as recommended, will also improve the visual and pedestrian experience. Staff does not support creation of a separate asphalt walkway along Rockville Pike in lieu of the recommended sidewalk improvement. The future site plan should maximize tree save within the green corridors and provide landscape buffering where appropriate.

IV. ENVIRONMENT

The subject property contains a tributary stream to Rock Creek and is not forested. There are no onsite wetlands or floodplain.

A. Environmental Buffers

The 1.45-acre environmental buffer associated with the on-site stream channel is located along the eastern property boundary. Portions of the existing hiker/biker path and stormwater management pond encroach into the buffer. These encroachments will continue with the proposed plan. In staff's opinion, these encroachments are unavoidable and acceptable because the existing facilities serve off-site uses (Strathmore Music Center and the Grosvenor Metro) and were included in the previous approvals of those uses. The proposed reconfiguration of the stormwater management pond, and enhancement of the path, will not increase the amount of buffer encroachment. The plan improves existing conditions with proposed forest planting in as much of the buffer as possible. In staff's opinion, the planting within the buffer, and elsewhere on the site, will compensate for the continued stream buffer encroachment.

B. Forest Conservation

The property is not forested, but contains several individual trees, including 11 specimens. To meet forest conservation requirements, the applicant must provide 2.76 acres of afforestation planting. The preliminary forest conservation plan for the property, dated September, 2006, proposes meeting this requirement by planting 0.70 acres of the 1.45-acre stream buffer, and 2.12 additional acres in the upland area between the Strathmore Music Center complex and the proposed townhouses.

Staff supports the general concept of meeting afforestation requirements onsite within the stream buffer (as the environmental priority), and between the townhouses and the Strathmore complex, to enhance visual compatibility. However, the details of the plantings, understory, and groundcover must be re-examined and finalized at site plan for consistency with all site objectives (noise, pedestrian movement, etc.).

C. Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on October 13, 2006. The proposed stormwater management plan includes on-site water quantity and quality control with recharge in the proposed retrofit of the existing onsite pond.

D. Noise

A natural amphitheater (with gently sloping topography in the shape of a bowl) exists in the southwestern quadrant of the subject property between the ASHA building and the Strathmore Music Center. This bowl area has become the seasonal venue for outdoor movies (originally shown at NIH in Bethesda) and band concerts/musical performances using electronically-amplified sound. As part of the proposed preliminary plan, this amphitheater area would be enhanced by the applicant and dedicated to the County so these uses can continue.

In recognition of the transition from the noise-compatible ASHA office use to the proposed noise-sensitive residential use, County DEP staff conducted selective monitoring during the summer of 2006 for both movies and concert events. The full results can be found in the report: "Strathmore 2006: Sound Level Monitoring Data; Outdoor Concerts and Movies". In summary, virtually all the events violate the County's nighttime (9 PM to 7AM weekdays; 9PM to 9AM weekends and holidays) residential noise standard of 55 DBA maximum at the nearest property line; and most events violated the less restrictive daytime standard of 65 dBA maximum. Experience with other like venues indicates that, while the noise from concerts and movies may be acceptable or tolerated without complaint by most, there are always those persons who will object to the perceived or real intrusion on their privacy, particularly when the generated noise is not associated with broader community or general public interests (e.g., holiday parades, July 4th fireworks, outdoor school athletic events, etc).

To provide the maximum acoustical protection of the proposed residential units, control must occur both at the noise source (through controls applied by Strathmore) and noise receptors (through installation of barriers/acoustical treatment by CENTEX to protect the residential units). First, Strathmore must submit a noise ordinance compliance plan for County DEP approval, which documents how they will demonstrate compliance, and/or justify a limited waiver from the ordinance. The applicant must participate in formulation of this plan, focusing on exterior mitigation measures for maximizing the barrier effect between the residences and amphitheater activities. All reasonable options should be considered, including possible use of earthen landforms (e.g., landscaped berms and/or steeper green retaining walls), to be enhanced if necessary by acoustical treatment of the residential units. Use of more detailed acoustical mitigation measures (e.g., use of directional speakers systems and/or berm cavities to direct sound away from the residences) should also be investigated. Prompt action by the Strathmore Music Center, working with DEP staff, is needed to establish an amphitheater guidance and operation plan which meets the current noise ordinance requirements, secures a waiver to the ordinance, or abides by any new standards to the ordinance approved by the County Council as may apply to the Cultural Arts Center. The noise mitigation plan must be fully addressed as part of the site plan.

Staff's Position

As discussed above, in staff's opinion, exterior noise measures need to be provided by the applicant that will maximize the barrier effect between the residences and the amphitheater activities. In staff's opinion, this should include consideration of all reasonable options, including possible use of earthen landforms (e.g., landscaped berms and/or steeper green retaining walls) to separate the uses.

Applicant's Position

The applicant states that Strathmore and Centex, through their extensive negotiations, have previously agreed that an integration of public and private uses is more appropriate for this site. The applicant's letter points out that Strathmore is on record as being in support of the proposed layout of uses, and that berming or retaining walls that would prevent the integration of units should not be required. The applicant is willing to work with Strathmore and M-NCPPC at site plan to develop a noise mitigation plan that is sufficient without the use of extensive earthwork or berming.

V. TRANSPORTATION

A. Site Access and Vehicular/Pedestrian Circulation

The proposed vehicle and pedestrian access to the site will be safe and adequate with the recommended conditions. The proposed vehicular access point for the residential dwellings is in the same location as the current ASHA access from Strathmore Avenue, opposite Jolly Way. Two new access points from Strathmore Avenue are also provided for the exclusive use of emergency vehicles. Within the site, vehicles will utilize a network of private roads and alleys.

Sidewalks exist along Rockville Pike and Strathmore Avenue, and a shared-use path is located along the eastern property boundary connecting Strathmore Avenue to the Metro station. The recommended conditions for improvement of pedestrian circulation must be addressed as part of the site plan.

B. Transportation Demand Management

This site is within the boundary of the North Bethesda Transportation Management District (TMD). However, unlike a multi-family residential development, a townhouse development is not required to participate in the North Bethesda Transportation Management Organization (TMO). So the plan is adequate as proposed.

C. Local Area Transportation Review (LATR)

The proposed development will generate 5 additional vehicle trips (after subtracting the existing office building trips) in the morning peak period (6:30 to 9:30 a.m.), and 37 additional vehicle trips in the evening peak period (4:00 to 7:00 p.m.). A traffic study was required to satisfy Local Area Transportation Review (LATR) because 30 or more trips are generated during the evening peak. The critical lane volume (CLV) was analyzed for three selected intersections¹ to determine the impacts of these trips. The analysis demonstrated that CLV for each of the intersections was well under their congestion standards. Therefore, the application satisfies LATR requirements.

VI. CONFORMANCE TO THE SUBDIVISION REGULATIONS AND ZONING ORDINANCE

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance. Except as noted in section III., above, the application meets the applicable requirements, as further discussed below. Access and public facilities will be adequate to support the proposed lots and uses. Staff and appropriate agencies have all recommended approval of the private road network proposed by the plan, and believe it provides adequate access and circulation. Section 59-C-1.628(b) of the Zoning Ordinance permits frontage of townhouses on private streets and common open space as proposed on the preliminary plan. The public facilities for the development, including sewer and water, electrical, and telecommunications, have been deemed adequate to serve the proposed units. Additionally, 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 specified in the Zoning Ordinance for the R-60 zone utilizing the MPDU option. The lots as proposed will meet all applicable dimensional requirements for area, frontage, width, and setbacks in that zone. Some non-specified standards will be established as part of the future site plan review. A summary of this review is included in attached Table 1.

¹ Strathmore Avenue and Rockville Pike; Strathmore Avenue and Jolly Way; and Strathmore Avenue and Kenilworth Avenue were the intersections studied.

A. Unit Mix Finding

Townhouses are permitted in the R-60 zone for developments utilizing the MPDU standards as governed by Section 59-C-1.621 of the Zoning Ordinance. According to footnote 1 of the section, the standard maximum percentage of one-family attached, semidetached, or townhouse units in the subdivision is 60 percent. This percentage can be increased, however, up to 100 percent, upon a Planning Board finding that:

“(1) proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits, or (2) limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site. However, any increase in any dwelling unit type above the standard percentage allowed must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit. Any development that exceeds the maximum percentage of allowable dwelling unit types must be compatible with adjacent existing and approved development.”

By letter of February 6, 2006 (Attachment F), the applicant’s representative states, and staff agrees, that the proposed subdivision meets the necessary criteria.

Staff agrees with the applicant that it is reasonable to extend the meaning of “desirable from an environmental perspective” to include the cultural environment and such conditions as noise and open space. This development site does not include significant environmental features worthy of protection outside the normally protected environmental/stream buffer area. Therefore, environmental staff’s preferred practice of justifying the finding that the proposed development is more desirable from an environmental perspective based on additional protection of the natural environment does not apply here. However, in this case, the proposed 100 percent townhouse development permits clustering of the units in a manner that will allow significant areas of open space to be created. The dedication of the open space for the purpose of enhancing the cultural environment and activity space associated with the Strathmore Music Center is desirable from both the environmental perspective (e.g., new forest will be planted within the dedicated area) and the cultural perspective (e.g., enhancing noise compatibility with proposed music center and amphitheater uses), as envisioned and recommended by the master plan. Therefore, staff supports the unit mix from an environmental perspective because the land dedication and site enhancements will help provide noise compatibility from the noise receptors’ perspective, and forest planting meeting the full afforestation requirements will be provided in the dedicated open space.

With regard to achieving compatibility with surrounding uses, the applicant states, and staff agrees, that the proposed layout will achieve the same level, if not better, than the standard mix of units (maximum 60% townhouses). Green space corridors are maintained on the east and west property boundaries adjacent to the schools, and the units along Strathmore Avenue are configured so that sides of townhouse rows face detached dwellings on the opposite side of the street, and all units are set back from the street a minimum of 50 feet. On

the southern boundary, the proposed open space contributes toward the master plan goal for open space adjacent to the Music Center. Staff agrees with the applicant that the exclusive use of townhouses is directly related to maximizing this open space.

In staff's opinion, the proposed use of 100% townhouse units is more desirable from an environmental perspective, and will be compatible with existing and approved development.

VII. ISSUES TO BE ADDRESSED AT SITE PLAN

Site Plan and Community-Based Planning staff have raised several issues related to the site layout, grading and design that need to be addressed as part of the site plan review. They are raised here to highlight them, and give the Planning Board an opportunity to provide their input.

Open Space

- Provide 10 acres of open space adjacent to the Music Center.
- The applicant should consider incorporating a linear mews running east to west with the stormwater management facility being a focal feature on the eastern end. The mews should vary in width, offer a variety of the proposed unit types and expand to offer vistas, views or opportunities for open play areas. Units need to front or side onto the mews and incorporate a design element (i.e. masonry wall feature, planting, markers, etc.) that could be repeated throughout the proposed development.
- The applicant should retrofit of the stormwater management facility as a site amenity feature rather than a facility. A minimum of 25 feet should be established from the toe of slope or top of embankment from the proposed townhouses for planting and grading of side yards.

Design

- Redistribute, redesign, or remove units (#103-112) to increase open space, reduce retaining walls adjacent to the stormwater management facility, and increase setback from the Music Center. Redistribution can be done in a variety of ways; one of which, would require different and smaller unit types. Consider the Type A unit on the southerly boundary.
- Front residential units along MD 355 to provide additional noise mitigation measures and coordinate with an adequate opening with the linear mews.
- Screen all alleys from MD 355, Strathmore Avenue and the Music Center at Strathmore with landscaping or other materials.
- All of the proposed units need to face Strathmore Hall. There will be a few cases where this is not possible given the layout presented. In these cases, the units should be designed to have the appearance of fronts with access points for these units.

- Design of the mews and alleys is important and should be emphasized with appropriate selections of planting, paving material and lighting.
- Design of the southern part of the ring road is especially important as it relates to the amphitheater. The amphitheater should really be analyzed with the proposed development to be separated or integrated.
- Recreation activities for all age groups, especially teens, needs to be addressed with the site plan.

Streetscape

- Relocate the bus shelter on MD 355, and provide a new bus shelter along Strathmore Avenue.

Grading

- The grading plan should retain the existing evergreens and trees along Strathmore Avenue and Rockville Pike to the maximum extent possible.
- Re-grade the area surrounding the SWM facility to prevent conflicts between the finished floor level of the units and the SWM facility and retaining wall. Provide more separation between retaining walls.
- Move the proposed WSSC easements from the tree area on the southern portion of the site.

VIII. CITIZEN CONCERNS

Strathmore Music Center, as the immediate neighboring property to the south, is the County's premier home of the arts, including a concert hall, educational classes and arts programming. The Strathmore Hall Foundation, which is the organization that manages the Center, has sent two letters concerning the proposed project. The initial letter, dated October 13, 2006 (Attachment G-1), outlined three concerns regarding the preliminary plan.

The first concern centers around the need to amend the County Noise Ordinance to permit outdoor events held in the proposed open space to continue to occur once the proposed residences are constructed. The developer has proposed to place a covenant on the purchase of units that restricts the residents from filing formal complaints regarding noise, but Strathmore notes that the Noise Ordinance should still be changed and is requesting the Planning Board's support. Discussions concerning amendment of the noise ordinance have begun between the applicant, Strathmore, and staff from M-NCPPC and the Montgomery County Department of Environmental Protection (DEP). As yet, no conclusions have been reached. As previously noted, staff is recommending that the detailed plan for noise mitigation be approved with the site plan.

Strathmore's other concerns were the proximity of proposed units #107-112 to the Music Center and the outdoor patio, and a concern that the architecture of proposed units be compatible with the Music Center. The letter noted that maximum compatibility between the uses may not be achieved with the current configuration of units. However, in a second letter dated January 29, 2007 (Attachment G-2), Strathmore states that they support the applicant's proposed open space dedication and believe any remaining issues concerning final design should be worked out at site plan. As noted above, staff continues to have concerns regarding the compatibility between proposed residences and the Music Center, especially proposed units 103-112, and recommends reconfiguration of the layout as part of the site plan.

Two letters, dated August 31, 2005 and January 2, 2006 (Attachments G-3 and G-4), were received from Garrett Park Estates-White Flint Park Citizens Association. Concerns from the Association included: the need for adequate redesign of the existing pedestrian/bicycle path on the eastern boundary, and the sidewalk along Rockville Pike; the need for public access on "Street A", which is the extension of Jolly Way to the north; density of the development; compatibility; size of MPDUs; and traffic. A final letter received from a resident in Garret Park Estates (Attachment G-5) also reiterates the need for an improved sidewalk along Rockville Pike.

Staff's recommended conditions address concerns about the existing pedestrian/bicycle pathway and the sidewalk along Rockville Pike. It may not be possible to regrade the existing path, but at a minimum, a suitable alternative that meets ADA standards will be required as a part of the site plan. The plan proposes to retain the existing sidewalk along Rockville Pike and create a new 8' asphalt path adjacent to it in the WMATA easement. Staff currently supports relocating and widening the existing sidewalk and eliminating the new asphalt path. Final details for this connection will be determined at site plan. The concern regarding the need for public access to the private streets within the development has been addressed by staff's recommended condition 19 that requires recordation of public access easements on the record plat.

As discussed in section VI.A., above, in staff's opinion, the proposed preliminary plan will be compatible with adjacent development. The future site plan, however, will further evaluate compatibility and the appropriate density for the site. The preliminary plan establishes the maximum number of units that may be included, but the number could be reduced as part of site plan review. The base density of the preliminary plan has been appropriately calculated for the "useable area" as defined in Section 59-C-1.628². The proposed preliminary plan includes a fifty foot setback between proposed houses and the boundary of the road right-of-way along Strathmore Avenue. The site plan will also establish the final design of the proposed MPDUs.

IX. CONCLUSION

Staff's review of Preliminary Plan #120060140, Symphony Park, indicates that the plan complies with Chapters 50 and 59 of the Montgomery County Code, except as noted in the discussion above. In staff's opinion, the proposed plan conforms to the North Bethesda/Garrett Park Master Plan recommendation for residential development in the R-60 zone, but does not

² Useable area equals gross tract minus: a) land within a highway right-of-way with a width of 100 feet or more; and, b) certain 100-year floodplain areas.

include enough open space between the proposed residences and the existing Strathmore Music Center property. Consequently, staff recommends that the proposed layout be revised as part of the future site plan. The need for noise mitigation measures within this open space must also be determined.

As to other requirements, staff review indicates that public facilities will be adequate to support and service the area of the proposed subdivision, and the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The application has also been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application is recommended with the conditions specified above.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Proposed Preliminary Plan
Attachment C	Open Space Plan
Attachment D	December 22, 2006 Applicant Letter
Attachment E	County Council Resolution regarding Open Space
Attachment F	February 6, 2006 Applicant Letter
Attachment G	Citizen Correspondence
Attachment H	Referenced Agency Correspondence

TABLE 1. Preliminary Plan Data Table and Checklist

Plan Name: Symphony Park				
Plan Number: 120060140				
Zoning: R-60				
# of Lots: 112				
# of Outlots: n/a				
Dev. Type: Single Family Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	1,500 s.f. – sfa 1,200 s.f. – MPDUs ¹	Must meet minimum	CAC	2/27/07
Lot Width	Established by site plan	Established by site plan	CAC	2/27/07
Lot Frontage	Established by site plan	Established by site plan	CAC	2/27/07
Setbacks				
Front	20 ft. Min. from public street	Must meet minimum	CAC	2/27/07
Side	Established by site plan	Established by site plan	CAC	2/27/07
Rear	Established by site plan	Established by site plan	CAC	2/27/07
Height	40 ft.	May not exceed maximum	CAC	2/27/07
Max Resid'l d.u. per Zoning	92	112 ²	CAC	2/27/07
MPDUs	12.5%	15%	CAC	2/27/07
TDRs	N/a	N/a	CAC	2/27/07
Site Plan Req'd?	Yes	Yes	CAC	2/27/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Lots front on private streets		CAC	2/27/07
Road dedication and frontage improvements	Dedications and improvements as required		Agency letter	3/6/06 and 11/9/06
Environmental Guidelines	Stream Buffers protected		EP memo	2/16/06
Forest Conservation	On-site		EP memo	2/16/06
Master Plan Compliance	Generally Complies with Master Plan, revisions recommended		CPB memo	1/26/07
Other (i.e., parks, historic preservation)	N/a			
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Approved		Agency letter	10/13/06
Water and Sewer (WSSC)	Available		Agency comments	2/27/07
10-yr Water and Sewer Plan Compliance	W-1 and S-1		Agency comments	
Well and Septic	N/A			
Local Area Traffic Review	Meets LATR		TP memo	11/17/06
Fire and Rescue	Approved by MCFRS		Agency letter	8/30/06

¹ Per 59-C-1.625(a)(3), footnote 6, the Planning Board may approve lots smaller than 1,500 sf with site plan review.

² Includes 22% bonus density for providing 15% MPDUs.

(REVISED) SYMPHONY PARK (120060140)



Map compiled on January 12, 2006 at 3:20 PM | Site located on base sheet no - 214NW05

NOTICE

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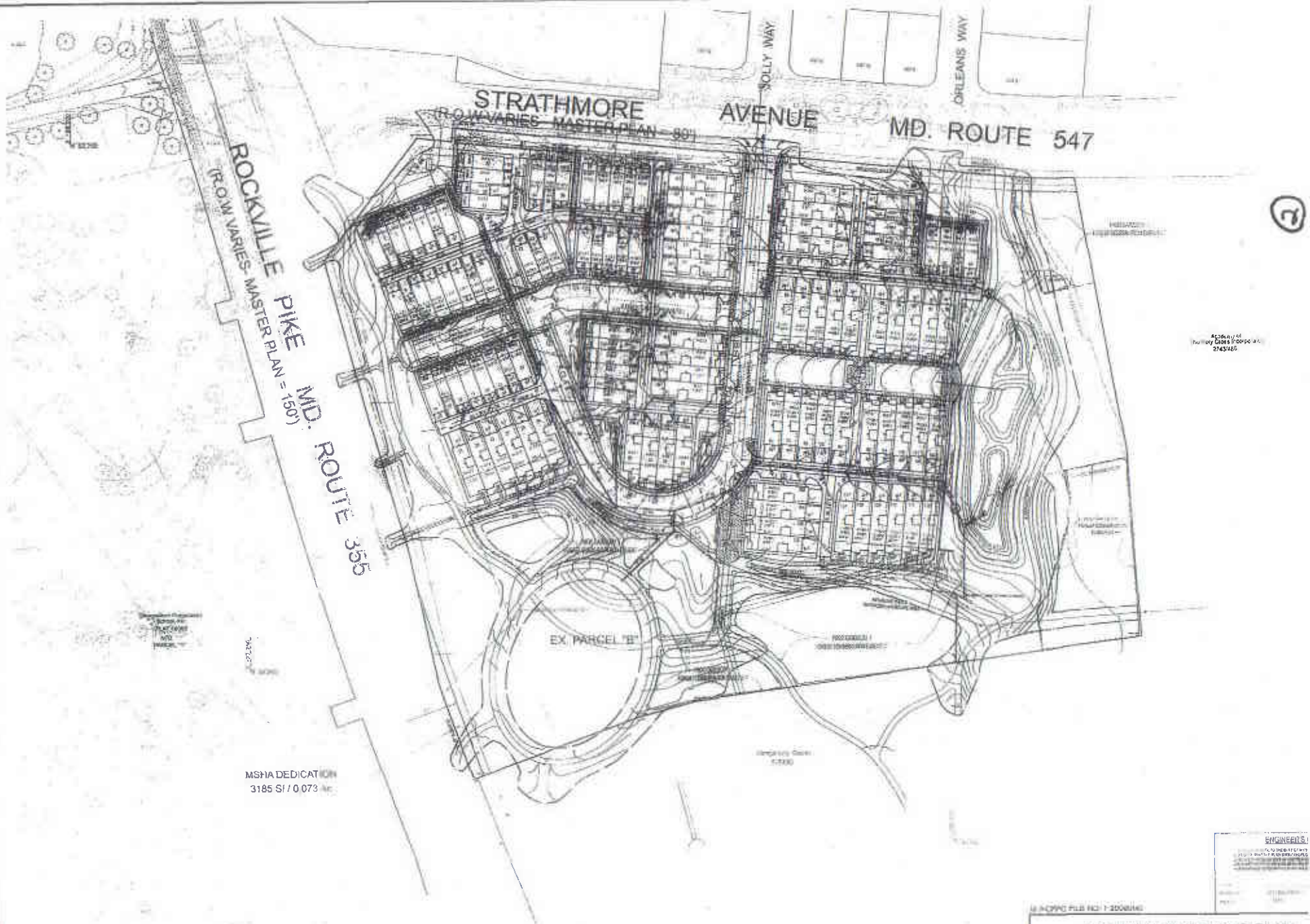
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map other than for general planning purposes is not recommended. - Copyright 1998

Key Map



Attachment B



7

Agency of
Tully Goss & Corp. Inc.
243460

MSHA DEDICATION
3185 S1 / 0.073 AC

ENGINEERS
 PROFESSIONAL ENGINEERS
 TULLY GOSS & COMPANY, INC.
 10000 ROCKVILLE PIKE, SUITE 100
 ROCKVILLE, MARYLAND 20850
 TEL: (301) 948-2750 FAX: (301) 948-9061

MSHPD PLAN NO. 1-2008140

PRELIMINARY GRADING PLAN

SYMPHONY PARK
 WITH ROCKVILLE ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

Landmark
 ENGINEERS, P.C.
 ROCKVILLE OFFICE
 1360 Purnell Drive, Suite 100
 Rockville, MD 20850
 (301) 948-2750 (301) 948-9061

REVISIONS	
NO.	DESCRIPTION

PROJECT	
NO.	DESCRIPTION

CLIENT
 CENTEX HOMES INC
 4800 LANTANA DR
 GAITHERSBURG, MD 20878
 (301) 948-1000
 42ND STREET MARYLAND



DATE: 01/11/09
 SHEET NO. 1 OF 1
 TOTAL SHEETS: 1



LS Landscape Architecture
 10000 Rockville Pike, Suite 100
 Rockville, MD 20850
 Phone: 301.761.1100
 Fax: 301.761.1101
 www.landscape-arch.com

DATE	DESCRIPTION
10/15/14	REVISED
11/10/14	REVISED
12/10/14	REVISED

CLIENT
 CENTER HOMES INC
 7200 BANKERS OF
 GAITHERSBURG RD STE 100
 GAITHERSBURG, MD 20878
 410.486.1100

DATE	DESCRIPTION
10/15/14	REVISED
11/10/14	REVISED
12/10/14	REVISED

OPEN SPACE EXHIBIT

SYMPHONY PARK
 6TH AND ROCKVILLE CREEK DISTRICT
 MONTGOMERY COUNTY, MARYLAND

LS

DATE: 10/15/14

SCALE: AS SHOWN

DATE: 10/15/14

LINOWES
AND BLOCHER LLP
 ATTORNEYS AT LAW

RECEIVED
 2006-1606
 DEC 26 2006

OFFICE OF THE CHAIRMAN
 THE MARYLAND NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

December 22, 2006

Stephen Z. Kaufman
 301.961.5156
skaufman@linowes-law.com

Erin E. Girard
 301.961.5153
egirard@linowes-law.com

Mr. Royce Hanson, Chairman
 and Members of the Montgomery
 County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

Re: Symphony Park; Preliminary Plan No. 12006014R

Dear Chairman Hanson and Members of the Board:

On behalf of our client, Centex Homes, Inc. ("Centex"), applicant for the above-referenced preliminary plan (the "Preliminary Plan") involving the property located at the southwest corner of the intersection of Strathmore Avenue and Rockville Pike (the "Property"), the purpose of this letter is to respond to the latest comments from Planning Staff on the Preliminary Plan, received at a meeting on December 1, 2006, and to request that the Planning Board set a hearing date for the Preliminary Plan as early as possible in 2007. This letter is also intended to convey to the Planning Board that Centex, the contract purchaser of the Property, the American Speech-Language and Hearing Association ("ASHA"), the current owner of the Property, and the Strathmore Hall Foundation, Inc. ("Strathmore"), whose facilities are immediately adjacent to the Property, are all in agreement as to the fundamental aspects of the Preliminary Plan, and believe that the plan, which has been the subject of substantial negotiations between these parties, should be approved as currently proposed, with remaining minor areas of disagreement to be further discussed and resolved at the time of site plan.

As a preliminary matter, Centex recognizes that Staff and the Board are aware that concerns over noise, generated by Strathmore and other users of the Strathmore property in close proximity to existing nearby residential uses and the residential use proposed in the Preliminary Plan, presents an issue. On this point, Centex acknowledges that it fully supports Strathmore's efforts to have the noise ordinance amended to create an exception for exterior events hosted by cultural entity venues, such as Strathmore, and has participated in meetings with Strathmore on this issue. Centex has also agreed, as part of the development of the Property, to place a covenant on the residential portion of the Property, which all future homeowners will be subject to, that will prohibit them from bringing an action against Strathmore or the County for any claim of

Mr. Royce Hanson, Chairman
and Members of the Montgomery
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December 22, 2006
Page 2

damages, injunctive, or other relief resulting from noise generated by outdoor concerts or other indoor or outdoor cultural events held on the Strathmore property. Finally, Centex has agreed to provide reasonable screening and architectural treatments for the proposed units to ensure that noise generated from Strathmore, or other users of the Strathmore property, is reasonably mitigated. Centex therefore believes that it has made all reasonable effort within its power to address any concerns regarding this issue.

To briefly familiarize the Board with the history of the Property, ASHA purchased the Property, which then also included the property currently occupied by Strathmore, in 1977. A year later, ASHA sold the Corby Mansion and the 11 southern acres of the property to Montgomery County for the development of a performing arts and civic center. ASHA's current headquarters were completed in 1981 and have been continuously occupied since then. In that time, ASHA has consistently been recognized by local public and private leaders for its contributions to Montgomery County, most recently winning the 2006 Corporate Volunteer Council of Montgomery County Award. ASHA, who has approximately 225 employees, has also been repeatedly recognized by Washingtonian Magazine as one of the "Great Places to Work" in the region, and, in 2004, received nationwide recognition as one of the 25 best places to work in small businesses by the Great Places to Work Institute.

In 1992, ASHA entered into negotiations with Strathmore to sell an additional ten acres of the Property to Strathmore for expansion of its facilities, which negotiations ultimately failed. Ten years later, in 2002, ASHA granted the County an easement to enlarge the stormwater management facilities on the Property to accept runoff from the new Strathmore Concert Hall, the granting of which saved the County hundreds of thousands of dollars. That same year, in the wake of increased security concerns after September 11, 2001, ASHA partnered with the NIH Recreation and Welfare Association to allow the Outdoor Film Festival, benefiting NIH charities, to be relocated from the NIH campus to the Property. The Outdoor Film Festival has been held on the Property each year since then. In 2004, after extensive analysis, ASHA decided to relocate its headquarters to a new site. To this end, in 2005, ASHA, wishing to remain in Montgomery County, purchased approximately seven acres in Rockville for the new headquarters, and entered into a contract to sell the Property to Centex.

Soon after the proposed sale of the Property to Centex became public knowledge, the County Council, on March 22, 2005, passed Resolution No. 15-936 (the "Resolution"), stating that the open space between the ASHA building and Strathmore was important to the character of MD 355/ Rockville Pike, and that, "public policy objectives...will be best served if a portion of the ASHA property is preserved for continued public use." The Resolution concluded, "[t]he Council requests the Maryland-National Capital Park & Planning Commission begin the process

Mr. Royce Hanson, Chairman
and Members of the Montgomery
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December 22, 2006
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of assessing the open space portion of the ASHA property for designation as a Class I Legacy Open Space property. In the alternative, this may be achieved by negotiation with any developer of the ASHA property.”

Immediately upon entering into a contract to purchase the Property, Centex began outreach both to the community and to Strathmore regarding their concerns and desires for the Property. From March 2005 through the summer, Centex held various meetings with these groups, revising and refining their concept for the Property based on the input received from these parties. Centex then filed the Preliminary Plan for the Property on August 9, 2005, the preliminary Development Review Committee (“DRC”) meeting for which was held on September 12, 2005. In response to comments received at this DRC, as well as ongoing negotiations with Strathmore and the community to address their concerns with the Preliminary Plan, Centex revised the Preliminary Plan during the fall of 2005. As a result of these revisions, a second DRC meeting on the revised Preliminary Plan was deemed appropriate by Staff and was held on January 23, 2006. Thereafter, Centex continued working to address various comments from Staff as they were made aware of them and, as of late October/ early November of this year, believed that these issues had been largely addressed to Staff’s satisfaction, and that the Preliminary Plan would be brought to the Planning Board for public hearing on November 30, 2006.

Much to Centex’s surprise, however, they were contacted by Staff in mid- November and informed that the hearing date would be extended indefinitely and that another meeting was required for Staff to express additional concerns with the Project. As noted above, this meeting occurred on December 1, 2006. Following is a list of issues raised by Staff at this meeting, with Centex’s responses noted in italics:

- Concerned with proximity of units to Strathmore Concert Hall

Response- During Staff’s extensive review of the Preliminary Plan over the last year, Staff clearly indicated to Centex that a setback of the proposed units from the common property line of 150 feet would be sufficient to provide an appropriate buffer. In reliance upon this determination, Centex revised its plan to not only meet this requirement, but to exceed it by 10 feet, providing a total distance between the closest point of the Concert Hall to the closest residential structure of 300 feet. Additionally, pursuant to an agreement with Strathmore, the area between the Concert Hall and the closest units will be heavily landscaped to further enhance this buffer area, and special attention will be paid to the architecture of the closest units. Centex therefore believes that this comment is not only inconsistent with Staff’s previous direction, but is also unwarranted.

Mr. Royce Hanson, Chairman
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- Believe more separation between Strathmore's outdoor facilities, particularly the proposed amphitheater, and the proposed units is necessary

Response- Staff now appears to be arguing for more separation between the public and private uses in the area of the proposed amphitheater. Strathmore and Centex, through their extensive negotiations, have previously agreed that an integration of these uses was more appropriate. For example, Strathmore's October 13, 2006 letter to the Board notes, "[o]verall [Centex has] created an integrated and attractive plan that reflects many of the land use sensibilities that we outlined..." This letter further notes, "Centex has gone to great lengths to listen and respond to our concerns about the site compatibility in many areas. We appreciate Centex's proposed improvements to the forest conservation and landscaping plan, the shaping and layout of the festival lawn, the provision of connecting pedestrian walkways with adequate lighting, and enhancements to the stormwater management pond area. These are positive additions, which strengthen the overall compatibility with Strathmore's campus, and we urge that they be approved and implemented." The integration of units was therefore purposeful on Centex and Strathmore's part.

- Concerned about internal green space

Response- This is an issue that is more properly addressed at time of site plan. However, due to project specific constraints imposed in order to address public, staff, and Strathmore related concerns, over half of the existing site will be open green space; causing a compressing of the proposed developed area and at the same time limiting the area that can internally be devoted to additional green space.

- Desire re-orientation of units to provide only fronts along MD 355 and Strathmore Avenue

Response- Centex is willing to further study this request. However, specifically, the units currently facing the proposed amphitheater can only face one direction - Strathmore or MD 355. Centex has offered, and continues to offer, to fully enhance the exposed side elevation facing MD 355 with architectural features.

- Desire removal of proposed retaining wall along stormwater management pond

Response- Contrary to Staff's apparent belief, this wall is proposed as a tiered stone and masonry structure, that really will function more as a community amenity. Strathmore is

Mr. Royce Hanson, Chairman
and Members of the Montgomery
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in favor of this wall, and believes it will enhance views from the Concert Hall over the stormwater management pond, which will be extensively improved with redevelopment of the Property.

- Believe loss of single family units is unfortunate; would like to see fewer units, including both townhomes and single family units

Response- While Centex had initially proposed inclusion of single family units in the project, these units were necessarily removed due to site constraints and competing interests between Staff, Strathmore, and the community. As ASHA's relocation within Montgomery County is significantly dependent upon the proceeds of the sale of the land to Centex for the successful relocation of their headquarters, and 112 units are necessary for this purpose, Centex is unable to accommodate Staff's request to now reduce units to allow for a greater mix of unit types.

- Prefer that 10 acres of dedication be provided, as per the Master Plan

Response- Contrary to Staff's assertion, the 1992 Approved and Adopted North Bethesda/ Garrett Park Master Plan (the "Master Plan") says nothing about a necessary 'dedication' of exactly ten acres. Rather, the Master Plan states, "The Strathmore Hall Arts Center, which lies to the south, has a long range plan for development of a County cultural arts campus.... Realizing these goals would require the acquisition of the ten adjacent acres of the ASHA property." See Master Plan, pp. 73-74 (emphasis added). Moreover, although the County Council Resolution discussed above mentioned the possibility of assessing the open space for possible designation of Legacy Open Space, such a designation has not occurred and, even if designated, would not necessitate a dedication, but rather acquisition by the County. In fact, the Resolution specifically stated, "in the alternative, [preservation of this area] may be achieved by negotiation with any developer of the ASHA property." Therefore, there is no rational basis upon which Staff or the County could now require the dedication of a full ten acres, approximately half of the Property, for Strathmore's use.

Regardless, as part of the proposed Preliminary Plan, Centex has offered to dedicate up to 8.9± acres to the County's use, 5.3± acres of which is a clearly usable area for outdoor events, the balance being passive open space. Centex therefore believes that it has made more than a good faith effort to address the County's and Staff's desires for this area.

Mr. Royce Hanson, Chairman
and Members of the Montgomery
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December 22, 2006
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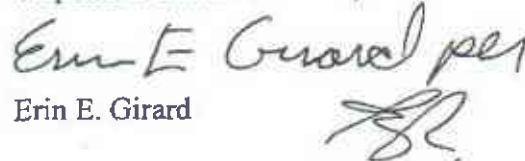
As evidenced by the foregoing, Centex believes that it has made every reasonable effort to address the interests and concerns of Strathmore, ASHA, the community, the County, and Planning Staff with the proposed Preliminary Plan and now believes, almost a year and a half after filing the Preliminary Plan, that, in all fairness, it deserves a prompt hearing before the Planning Board.

Thank you for your consideration of this information and this request. We look forward to hearing from you regarding an established hearing date.

Very truly yours,

LINOWES AND BLOCHER LLP


Stephen Z. Kaufman


Erin E. Girard

cc: Ms. Faroll Hamer
Ms. Rose Krasnow
Mr. John Carter
Mr. Robert Kronenberg
Dr. Arlene Pietranton
Mr. Charles M. Cochran
Mr. Larry Walker
Mr. Howard Katz
Mr. Martin Mankowski

Action

Resolution No.: _____

Introduced: March 1, 2005

Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Denis and Floreen

Subject: Preservation of a portion of the American Speech, Language and Hearing Association property by Maryland-National Capital Park & Planning Commission.

Background

1. The American Speech, Language and Hearing Association (ASHA) is located on approximately 19 acres of land to the north of the Strathmore Hall Arts Center. Zoned R-60, this property was developed under two special exceptions, one granted in 1978 and a modification granted in 1989. The ASHA building and parking lot take up approximately 9 acres. The remaining 10 acres adjacent to the Strathmore Hall Arts Center is open space.
2. The 10 acres of open space has been considered important to the enhancement of cultural resources in County Master Plans. The 1978 Grosvenor Sector Plan recommended acquisition of the southern half of the ASHA property for a County Performing Arts/Civic Center.
3. The 1992 North Bethesda/Garrett Park Master Plan identifies the ten adjacent acres of the ASHA property as important to the long-range plans of the Strathmore Hall Arts Center. According to the Master Plan, realizing these plans would require the acquisition of this portion of the ASHA property.
4. The open space is important to the character of MD355/Rockville Pike, an urban boulevard which is the primary "main street" and economic engine for Montgomery County. In this urbanized setting, the open space has served the public as a location for outdoor concerts and festivals, and has become the home of the National Institute of Health's summer film festival.
5. The open space enhances the setting for the historic Corby Estate/Strathmore Hall and adds to the environmental health of nearby Rock Creek.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council affirms the recommendations of the 1992 North Bethesda Master Plan and believes that these and other important public policy objectives laid out above will be best served if a portion of the ASHA property is preserved for continued public use.

The Council requests the Maryland-National Capital Park & Planning Commission begin the process of assessing the open space portion of the ASHA property for designation as a Class 1 Legacy Open Space property. In the alternative, this may be achieved by negotiation with any developer of the ASHA property.

This is a correct copy of Council action.

Elda M. Dodson, CMC
Acting Clerk of the Council

LINOWES
AND | **BLOCHER LLP**
ATTORNEYS AT LAW

February 6, 2006

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Ms. Catherine Conlon
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Symphony Park; Preliminary Plan No.12006014R

Dear Cathy:

On behalf of our client, Centex Homes, Inc. ("Centex"), applicant for the above-referenced preliminary plan (the "Preliminary Plan") involving the property located at the southwest corner of the intersection of Strathmore Avenue and Rockville Pike (the "Property"), the purpose of this letter is to set forth Centex's factual justification supporting its request for approval of 100 percent one-family attached dwelling units in the proposed project.

Pursuant to Section 59-C-1.621, footnote 1, of the Montgomery County Zoning Ordinance (the "Zoning Ordinance"), the standard maximum percentage of one-family attached, semidetached or townhouse units in a R-60 subdivision is 60 percent. However, this section also provides that, subject to a finding of compatibility with adjacent development, "the Planning Board may approve a development in which up to 100 percent of the total number of units are one-family attached dwelling units, one-family semidetached dwelling units, or townhouses upon a finding that (1) the proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits, or (2) limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site." We believe the Preliminary Plan meets both of these criteria and that an increase in the standard maximum percentage in this case will actually achieve an increased level of compatibility with adjacent development than would exist without the increased percentage.

Ms. Catherine Conlon

February 6, 2006

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With regard to the environmental basis for approval of an increased percentage of attached units, we note that the term "environment" is not defined in this section, nor is it defined anywhere in the Zoning Ordinance. According to the Merriam-Webster Dictionary, however, "environment" is defined as "the circumstances, objects, or conditions by which one is surrounded," an "ecological community," and "the aggregate of social and cultural conditions that influence the life of an individual or community." Thus, it is reasonably assumed that the "environmental perspective" referenced in this standard is not limited to earth, stream valleys, wetlands, etc., but is also intended to include a cultural environment and such conditions as noise and open space. As you are aware, the Property is bordered on the south by the Strathmore Hall Arts Center ("Strathmore"). As part of the Preliminary Plan, Centex is proposing to dedicate approximately 9 acres, comprised mainly of the southern portion of the Property, to the County as part of the Strathmore cultural facility. The County's acquisition of the southern portion of the Property was envisioned in the North Bethesda/ Garrett Park Master Plan, approved and adopted in December 1992, which noted that such an acquisition would be necessary for the "development of a County cultural campus at this location," including, among other things, "a formal greensward for large outdoor festivals." See North Bethesda/ Garrett Park Master Plan, p. 69. To accommodate this goal and spare the County the time and significant expense of acquiring the southern portion of the Property, through condemnation or otherwise, and to maximize the area to be dedicated to the County, Centex is proposing clustering the Property's allowable density on the northern portion of the site, which necessitates the use of an increased percentage of attached units. In fact, in order to fully maximize the dedication area, the percentage of attached units has been increased to 100 percent. The use of attached units therefore directly results in the creation of an enlarged cultural campus and greensward for the County's use and, in turn, enhances the environment, i.e. the "social and cultural conditions," affecting the Montgomery County community. Therefore, use of 100 percent attached units in this case to allow for a significant dedication of land to the County, to be used for green space and cultural uses, will result in a more desirable project from an environmental perspective than development resulting from strict adherence to a 60 percent limit.

Moreover, the use of attached units to cluster the development on the northern portion of the Property is also more desirable from a noise perspective. During the summer months, Strathmore utilizes its gazebo, which is sited near Strathmore's common property line with the Property, for outdoor concerts. By increasing the setback between the closest proposed units and the existing gazebo, through the use of an increased percentage of attached units, the

Ms. Catherine Conlon

February 6, 2006

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effects of the noise to be generated from the gazebo on the proposed community is attenuated. This noise attenuation is therefore also more desirable from an environmental perspective than that which could be accomplished through strict adherence to the standard percentage limit.

With regard to the alternative second prong of the waiver standards outlined above, involving the provision of MPDUs pursuant to Chapter 25A of the Montgomery County Code, the Preliminary Plan, through the use of an increased percentage of attached units, currently includes 15 percent MPDUs. Due to the desire to dedicate the maximum amount of land to the County, as described above, provision of 15 percent MPDUs on-site cannot occur without increasing the number of attached dwelling units in the project above the standard maximum percentage.

Finally, approval of an increased percentage of attached units under either, or both, of the justifications reviewed above will achieve the same, if not better, level of compatibility with adjacent development as would a development using the standard maximum percentage of attached units. The Property is bordered on the north by Strathmore Avenue and a confronting residential community, on the east by the Academy of the Holy Cross, and on the west by Rockville Pike and Georgetown Preparatory School. In each of these directions, setbacks have not been modified with the increase in attached units from the setbacks that would be provided if the standard percentage were strictly adhered to. Additionally, in each of these directions there is a significant distance between the closest proposed building and existing uses. Therefore, compatibility with existing uses to the north, east and west will remain the same as that which would be accomplished using the standard maximum percentage of attached units, if not enhanced through the provision of the significant open space to be dedicated to the County for the benefit of the entire community.

As noted above, the site is bordered on the south by Strathmore Hall. The use of an increased number of attached units is directly related to the desire to provide the County with the maximum land possible for their cultural uses. In maximizing this dedication area, setbacks of the proposed units from the Strathmore property line and facilities have also been maximized. Therefore, the dedication area and the increased setbacks resulting from the utilization of an increased percentage of attached units actually results in a better level of compatibility with Strathmore than could be achieved with a maximum of 60 percent attached units.

Based on the foregoing, we believe that there is ample justification for the Planning Board's approval of 100 percent attached units as part of the Preliminary Plan. Thank you in advance

Ms. Catherine Conlon
February 6, 2006
Page 4

for your consideration of this information. If you have any questions or concerns with regard to the foregoing justifications, or require any additional information, please do not hesitate to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP



Stephen Z. Kaufman



Erin E. Girard

✓ cc: Mr. Martin Mankowski



October 13, 2006

Mr. Royce Hanson, Chairman
Planning Board
MN-CPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Symphony Park 120060140

Dear Mr. Chairman and Members of the Board:

The purpose of this letter is to share with you and the Board our comments and concerns with the proposed Centex development on the corner of Rockville Pike and Strathmore Avenue in North Bethesda, MD (the "Site"). It is currently the corporate headquarters of the American Speech-Hearing-Language Association (ASHA). As the primary affected contiguous neighbor to the proposed development, our future mission and economic sustainability are directly impacted by your decisions on the development of the Site.

For the past 23 years, Strathmore has presented hundreds of concerts, art exhibitions, community festivals, and outdoor movies while welcoming thousands of artists and several million citizens to the 11 acre site. They have come for the Mansion and the new Music Center, and to enjoy the natural beauty of the grounds along with the excellent arts programming and educational activities we present. Strathmore has become synonymous for the cultural quality of life for the residents of Montgomery County, in part due to the free outdoor events offered every year on the lawn and in the Gudelsky Gazebo.

The Strathmore Board of Directors, representing as it does the larger community, is guided by its primary objective to protect the substantial public investment in the Strathmore facilities. With the recent capital investment of \$48 million each by both Montgomery County and the State of Maryland to build the Music Center, a world-class performance venue, we are deeply concerned about maintaining our mission in the face of this new development. In addition to those recent public funds, Strathmore-generated private contributions and earned income over the years now exceeds \$50 million dollars. Protecting this public and private investment is our moral and fiduciary responsibility.

Strathmore Hall Foundation, Inc.

5301 Tuckerman Lane • North Bethesda, Maryland 20852-3385

301.581.5200 • 301.581.5201 FAX

arts@strathmore.org • www.strathmore.org

The applicable North Bethesda Master Plan strongly encourages the development and expansion of the cultural arts campus at Strathmore. The master plan also promotes the protection of the green, open space corridor along Rockville Pike in the vicinity of Strathmore. These Master Plan objectives remain important to Strathmore and the County, and need to be carefully examined for Centex's proposed development.

With respect to this specific proposal, we would make the following observations and urge your careful consideration of our concerns. The proposed change in the use of the Site from office to residential use, coupled with the close proximity of the proposed residences at Symphony Park to the Strathmore campus, could compromise the continuance of all outdoor activities at Strathmore unless certain changes are made both to the proposed development and to the County's current noise regulations.

Noise Compatibility

More than 200,000 patrons visit Strathmore each summer for concerts and the film festival, where they find these events offered free of charge. This has been a successful programmatic element of our mission for 23 years. Portions of the Strathmore campus annually serve as outdoor venues for a variety of community events including festivals, concerts, and outdoor movies that require the use of amplified sound on the campus. All of these functions that require amplified sound occasionally exceed the 65 dbl at the property line statutory limit. When our neighbor is an office park, this is not a problem. With the addition of 112 town homes on our property line, it will effectively eliminate outdoor use of the Strathmore site, unless exceptions are made.

Both Centex and Strathmore recognize the cultural importance and value of these outdoor activities and want them to continue. To their credit, Centex is willing to place a covenant on the purchase of units that restricts the residents from filing formal complaints with the County regarding excessive noise. We support Centex's cooperation in this regard, but believe this alone is not sufficient to adequately ensure the continuation of this outdoor programming over the coming years as long as the noise ordinance defines such activities as illegal.

Now, with this proposed development, the current Noise Ordinance needs to be amended to create a single exemption for the outdoor activities on the County-owned, Strathmore operated arts campus. We respectfully request that the Planning Board recommend to the County Council to narrowly revise the ordinance so Strathmore can continue its outdoor community arts activities. This cultural campus is the gem of Montgomery County; but unless the noise ordinance is amended, it will only be a matter of time before our most accessible programs will be curtailed by citizen appeals to the ordinance.

Site Plan Compatibility

Centex has gone to great lengths to listen and respond to our concerns about site compatibility in many areas. We appreciate Centex's proposed improvements to the forest conservation and landscaping plan, the shaping and layout of the festival lawn, the provision of connecting pedestrian walkways with adequate lighting, and enhancements to the storm water management pond area. These are positive additions, which strengthen the overall compatibility with Strathmore's campus, and we urge that they be approved and implemented.

Centex's work on connecting the sites with an array of public spaces and their willingness to cede almost nine acres of open space to the County for community arts use is highly laudable. Over all, they have created an integrated and attractive plan that reflects many of the land use sensibilities we outlined; assuming the development of residential units on the site was a forgone conclusion.

On the matter of density, as we have said from the inception of our discussions with Centex, we remain concerned about the closeness of certain residential units to Strathmore. Many members of our Board continue to believe that six units, (identified as units 107 to 112 which are the closest to the Music Center) pose the most concern and should be relocated or removed. We acknowledge that Centex has already removed the single family detached homes from the original plan to shrink the overall built footprint and to increase the distance between the town homes and Strathmore's primary "view shed". However, the number of units has not been reduced from the original 112 unit proposal.

As the Planning Board knows, site plan proposals must achieve a maximum of compatibility with adjoining development. Despite Centex's proposed dedication of significant open space for Strathmore's festival lawn, the very close proximity of these six townhouse units to the Music Center is likely to impair the functionality of its outdoor public patios and the overall setting and presence of this magnificent new building. As the applicant, Centex carries a heavy burden to demonstrate maximum compatibility of its proposal; we are concerned that this compatibility has not been achieved with these six townhouses in their current location.

Architectural Design Compatibility

While the specific architectural design of the future units remains unresolved and therefore a concern, we are pleased with the recent progress made in this area with Centex and will continue to advise them on selecting a compatible architectural design to the neighboring historic mansion and new concert hall. We will also work to minimize roof heights and encourage the use of quality building materials that complement the site. We believe Centex has listened to the community and us and has worked hard to deliver a project that addresses most of the concerns.

We thank the Planning Board for this opportunity to outline our position on the Centex proposal. We will be available to discuss these issues in greater depth at the public hearing on this proposal. Mr. Eliot Pfanstiehl, President and CEO of Strathmore Hall Foundation Inc. (301) 581.5120 should be your official contact of record for all matters pertaining to this proposal.

Strathmore looks forward to a successful resolution of these remaining issues by the Planning Board and County Council.

Sincerely,



Catherine Meloy, Chair
Strathmore Hall Foundation, Inc.

cc:

Pam Crampton, Development Review Division (Lead Reviewer)
Steve Federline, Env Planning
Shahriar Etemadi, Trans Planning
Doug Powell, Resource Analysis, Parks Department
Brenda Sandberg, Legacy Open Space, Parks Department
Nkosi Yearwood, Community-Based Planning

FEB-22-2007(THU) 17:33

P 002/003



STRATHMORE

January 29, 2007

Mr. Royce Hanson, Chairman
and Members of the Montgomery
County Planning Board
MNCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Symphony Park - Preliminary Plan No. 12006014R; Applicant - Centex Homes Inc.
("Centex")

Dear Chairman Hanson and Members of the Board:

With reference to the above identified Preliminary Plan for the American Speech Hearing and Language Association Property ("ASHA") and the letter dated December 22, 2006 submitted by the Applicant, Centex, the purpose of this letter is to apprise the Board of Strathmore Hall Foundation Inc.'s continued support for the proposed project and to urge the Board upon its deliberations to approve the pending Preliminary Plan.

Specifically, after several meetings and discussions with representatives of the Applicant, and with the understanding that many suggested modifications have occurred in order to meet the concerns raised by Strathmore and its consultants, Strathmore is confident that any remaining issues concerning the final design of the residential project can and should be worked out at the point of Site Plan approval for the project. The sub-committee of the Board believes that the portion of the property proposed by the Applicant to be dedicated to the County as part of the subdivision approval will be sufficient for its future needs, and that issues concerning screening, architectural compatibility and potential impacts derived from future outdoor activities on the current and future Strathmore property can be adequately addressed between the parties prior to commencement of construction of the proposed residential community.

Accordingly, as Strathmore has no desire to unduly delay the approval of the proposed subdivision application and relying on the good faith assurances received from the Applicant with regard to both modifications to the application already made and issues concerning impacts which will be addressed thru private covenants and other steps to be taken by the Applicant prior to sale of any residential units, on behalf of the Strathmore community, we urge the Planning Board to approve Preliminary Plan No. 12006014R, subject to the County Council revising the current Noise Ordinance as discussed in our October 13, 2006 letter submitted by Ms. Catherine Meloy, Chair, Strathmore Hall Foundation, Inc.

Strathmore Hall Foundation, Inc.
5301 Tuckerman Lane • North Bethesda, Maryland 20852-3385
301.581.5200 • 301.581.5201 FAX
arts@strathmore.org • www.strathmore.org

02/22/07 THU 17:57 [TX/RX NO 8720]

Thank you for your consideration of these comments and we do anticipate that representatives of the Strathmore Community will be present at the Public Hearing on this Application.

Very truly yours,


Eliot Pfanstich

cc: Ms. Faroll Hamer
Ms. Rose Krasnow
Mr. John Carter
Mr. Robert Kronenberg
Dr. Arlene Pietranton
Mr. Charles M. Cochran
Mr. Larry Walker
Mr. Howard Katz
Mr. Martin Mankowski
Stephen Z. Kaufman, Esquire

**Garrett Park Estates — White Flint Park
Citizens' Association**



August 31, 2005

Ms. Cathy Conlon, Supervisor
Development Review Committee
The Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.
Silver Spring, Md. 20910

Re: Preliminary Plan No. 1-06014, Symphony Park

Dear Ms. Conlon:

Garrett Park Estates/ White Flint Park Citizens' Association is pleased to have participated in the community meetings regarding the Centex development. As the community directly opposite the proposed Symphony Park, we are most concerned that the development be compatible with existing community activities and needs. We have reviewed the Preliminary Plan and ask your consideration on several issues of importance:

- replacement of the existing pedestrian/bicycle path;
- public vs. private access within the development; and
- sidewalk on Rockville Pike
- overall density of the development
- traffic
- inter-agency coordination and transparency

Pedestrian/Bicycle Path

A large part of our community depends upon the existing pedestrian/bicycle path between Strathmore Avenue and Strathmore Hall in order to walk to Metro and to Strathmore events. It is our understanding that a public path of the same length and incline will be reconstructed; however this path needs to be clearly indicated on the preliminary plan. The existing path is shown as a dotted line through the development. We believe the portion retained should include the existing path on the east side of the development from Strathmore Avenue until it joins the shaded area marked "relocated 8' asphalt path". On the western side the portion of the existing path should connect the Strathmore property with the "8' asphalt path" and the "5' conc. Sidewalk". We also request that the entire reconstructed path will be lighted, as is the current path. This should also be specified. Additionally, the responsibility for maintenance of the path should be designated.

♦
Officers

Jay Hansen - President ■ Joan Kornblith - Vice President
Jane Huff - Secretary ■ Tom Becker - Treasurer

—
4914 Flanders Avenue, Kensington, MD 20895
T: 301.946.5920 ■ E-mail: gpe_wfp@verizon.net

Ms. Cathy Conlon
August 31, 2005
Page 2

Access

Our second area of concern is the designation of public and private roads. We interpret the Preliminary Plan as showing that only "Street A" is public. Our community is sensitive to the large number of concert goers and movie fans that flock thru our neighborhood to get to these outdoor events. We would expect the same phenomena for this development. If Symphony Park residents believe that private roads and walkways restrict public access, problems could develop, especially at times of large Strathmore events such as outdoor concerts, or during the film fest.

Sidewalk on Rockville Pike

There should be a proper sidewalk along this portion of Rockville Pike. By proper it is meant one that is separated from the roadway by at least a two foot grass area followed by an eight foot paved walkway. The walkway should allow walking and passing of people comfortably, i.e., two couples passing, a mother pushing a baby stroller and holding the hand of a toddler, several teenagers walking to Metro. Walking should be facilitated in this area and safe. Not only for our neighbors but for visitors to Strathmore for events held there. Eventually, there should be such a walkway stretching from the Grosvenor-Strathmore Station to the White Flint Station, a distance of two miles. It begins with new developments like this.

Density

We are also concerned with the issue of density. The developer was less than candid at the community meetings. Those attending left the meetings with the impression that 112 dwelling units was consistent with the acreage and the R-60 zoning, and that 12 1/2% MPDUs were required by the County. The community was not told about the 22% density bonus and 15% MPDUs, or that there was an option to maintain base density of 92 dwelling units. There is a tradeoff being proposed of 20 additional dwelling units in order to provide 5 additional MPDUs. This issue creates a difficult balance in priorities between the need for the County to provide additional affordable housing and the need, as identified by the County, to retain open space for Strathmore. **This issue needs a thorough and frank discussion.** Additionally we note that the MPDUs are significantly smaller in unit width as well as total square feet, with one car garages instead of two. We question whether this is a fair and usual reduction in quality.

Ms. Cathy Conlon
August 31, 2005
Page 3

Traffic

Our community is most concerned about traffic, **especially the non-work related trips that will be generated by this project.** We have reviewed the traffic study titled "Symphony Park, Local Area Transportation Review, Montgomery County Maryland" dated August 5, 2005 and offer several observations.

Montgomery County Planning Board's Final Draft 2005-2007 *Growth Policy for Montgomery County* shows traffic measurements for Rockville Pike and Strathmore Avenue taken May 27, 2004. Traffic measurements taken for this study on April 5, 2005 show a 4 1/2% decrease in congestion, a phenomenon contrary to our observations and experience. We believe this decrease could be due to one or more factors: continued construction on Strathmore Ave. in Garrett Park; traffic stopped by the school crossing guard at Kenilworth; and/or traffic stopped by the hired policeman at the entrance to the Holy Cross Academy on Strathmore.

We also note that the Annual Growth Policy placed the intersection of Strathmore Ave. and Rockville Pike in the North Bethesda Policy Area. If this traffic study considers two of the intersections to be in the Grosvenor Metro Station Policy Area, then the LATR guidelines in Chapter V should be applied. This includes Paragraph B. Site Access and Pedestrian/ Bicycle Safety which states, "Evidence from the DPWT that the pedestrian phase of the traffic signal cycle for each approach at the adjacent and critical intersections will provide at all times at least enough time for pedestrians to completely cross the street walking at a speed of 3.0 feet per second." This evidence has not been provided.

We note that the 473 dwelling units at Georgetown Prep, the 435 dwelling units at White Flint Crossing, and the 112 proposed site dwelling units are all within the Garrett Park Elementary School boundary, and yet there is no background or site traffic turning onto Kenilworth to get to the school.

Interagency coordination and transparency

In a recent Association survey of Garrett Park Estates - White Flint Park residents, pedestrian safety at Strathmore Avenue was ranked the number one issue. As the Committee and Commission consider the future shape and size of Symphony Park, it is absolutely critical that your agency work with the State Highway Administration to design and construct appropriate safety improvements to Strathmore Avenue between Holy Cross School and Rockville Pike.

Ms. Cathy Conlon
August 31, 2005
Page 4

Symphony Park will change the mix of traffic and pedestrians sharing Strathmore Avenue and these changes will have a direct impact on our community's safety and quality of life.

I will copy this letter to Mr. Charlie Watkins, District 3 Engineer for the State Highway Administration and request that all three stakeholders to this project, the Commission, SHA and the GPE-WFP Citizens' Association work to improve pedestrian safety along this busy urban roadway as your agency locates 112 new families at the busy intersection of Strathmore Avenue and Rockville Pike. We would expect these discussions to be frank and open to all ideas that lead to measurable safety improvements.

Thank you for considering our concerns. We look forward to hearing from you at your earliest convenience.

Sincerely,

Jay Hansen
President

C/ Charlie Watkins

**Garrett Park Estates — White Flint Park
Citizens Association**



January 6, 2006

Ms. Cathy Conlon, Supervisor
Development Review Committee
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Md. 20910

Re: Revised Preliminary Plan No. 120060140, Symphony Park

Dear Ms. Conlon:

Garrett Park Estates-White Flint Park Citizens' Association has reviewed the re-filed Preliminary Plan for Symphony Park. We offer comments in addition to those expressed in our letter of August 21st. We ask consideration of the following issues:

- Grade changes for the pedestrian/ bicycle path
- Public vs. private access within the development
- Concentration of density near Strathmore Avenue
- Viability of the moderately priced dwelling units
- Potential Area for Legacy Open Space

Pedestrian/bicycle path

We are pleased to see the 8 foot relocated pedestrian/ bicycle path clearly indicated on the plan. Our only concern is the grade of this path, particularly as the path curves at the southeast portion of the property.

Access

The re-filed preliminary plan changes "Street A" from public to private. We had previously indicated concern about public access via private roads. That concern remains. The intersection of Jolly Way and Strathmore Avenue is one of the crossing points for our community as they walk to the Strathmore Mansion and related Strathmore events, as well as walking to Metro. We recommend that public access via "Street A" be permitted.

Officers

Jay Hansen - President ■ Joan Kornblith - Vice President
Jane Huff - Secretary ■ Tom Becker - Treasurer

—
4914 Flanders Avenue, Kensington, MD 20895
T: 301.946.5920 ■ E-mail: gpe_wfp@verizon.net

Ms. Cathy Conlon
January 6, 2006
Page 2

Density

The re-filed plan shows an entire development consisting of attached 40 foot high townhouses with additional concentration along Strathmore Avenue directly opposite single family homes built in the R-60 zone. The combination of a 22% density bonus applied to the entire acreage, the elimination of single family homes, and the concentration of development on the northern portion of the property presents a development that is not compatible with the R-60 zone maintained in our adjacent community. We would appreciate the Development Review Committee's recommendations on this matter in light of our concern.

Moderately Priced Dwelling Units


We are concerned with the request by Centex to build smaller sized MPDUs. The requested size of 1,248 sq. ft. is 17% below the minimum 1,500 ft standard. The requirement for affordable housing should translate into livable space consistent with the development around it. It seems particularly inconsistent to apply a density bonus and then produce substandard housing units.

Legacy Open Space

Page 1 of the Preliminary Plan indicates a potential area for Legacy Open Space (LOS) consideration of 8.63 acres. If Legacy Open Space were to be used, should not the land be acquired before development and should not the acreage be subtracted from the total acreage before the base density is calculated? In this case the entire 18.4 acres is used to calculate the base density which is then clustered near Strathmore Avenue.

We appreciate your consideration of our comments as you review the Preliminary Plan. The community continues to be kept apprised of this issue and will be monitoring the Development Review committee's actions on this matter.

Sincerely,



.....
President



Coalition of Kensington Communities

A Unified Body of Civic Associations
 Founded To Enhance the Quality of Life in the Kensington Area

**MEMBER
 ASSOCIATIONS**
 (NUMBER OF HOMES)

BYEFORDE ROCK
 CREEK HIGHLANDS
 (364)

CAPITAL VIEW PARK
 (300)

GARRETT PARK
 CITIZENS ASSOCIATION
 (325)

GARRETT PARK
 ESTATES/ WHITE FLINT
 PARK (650)

KENGAR (110)

KENSINGTON ESTATES
 (425)

KENSINGTON HEIGHTS
 (733)

KENSINGTON VIEW
 (155)

PARKWOOD (925)

ROCK CREEK
 PALISADES (1,700)

January 19, 2006

Ms. Cathy Conlon, Supervisor
 Development Review Committee
 Maryland-National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910

re: Symphony Park, Revised Preliminary Plan #120060140
 via fax: 301-495-1306

Dear Ms. Conlon:

The Coalition of Kensington Communities (CKC) represents 10 downcounty communities of more than 5,600 homes in the greater Kensington area and focuses on quality-of-life issues in our communities. In addition to supporting the comments of the Garrett Park Estates/White Flint Park Citizens Association in their January 6 letter on this subject, the CKC would like to comment on the above-mentioned preliminary plan in three areas: Legacy Open Space, density, and MPDUs.

Legacy Open Space. We believe that, in order to invoke the Legacy Open Space program, the land should be acquired before development. We also believe that the Legacy Open Space land should be subtracted from the acreage of the entire parcel before base density is calculated. From our reading of the materials, neither is currently planned.

Density. The re-filed plan presents a development that is not compatible with the single-family, detached, R-60 zone in the neighboring community. Single-family homes have been eliminated from the plan and the developer now plans only attached, 40-foot-high townhomes that will be concentrated along Strathmore Avenue. The incompatibility is made even more egregious by the 22% density bonus being applied to the entire acreage, thus further increasing the number of residences. On the incompatibility issue alone, we do not support this development as currently planned.

Moderately priced dwelling units. We are concerned that the developer plans to produce substandard-sized housing units to fulfill its MPDU requirements. While we understand that MPDUs will not be exactly the same in all respects as the market-rate units, the requested lot size of 1,248 sq.ft. is 17% below the minimum 1,500 sq.ft. standard for this project. We implore the Planning Board to consider mandating that Centex make the outward appearance of the MPDUs as close to that of the market-rate units as possible, for a variety of reasons not the least of which is to make MPDUs

(28)

into livable space consistent with the development around it. It seems particularly inconsistent to apply a density bonus and then produce substandard-sized housing units.

Thank you for considering our opinions and suggestions as you review this Preliminary Plan. Please feel free to contact us for further clarification and to keep us apprised of how our concerns will be handled.

On behalf of the CKC,

Donna R. Savage

Donna R. Savage
10804 McComas Ct.
Kensington, MD 20895
301-942-2447
<Donna@IntelligentFingers.com>

Natalie Goldberg

Natalie Goldberg
11111 Jolly Way
Kensington, MD 20895
301-946-8868
<nmgold@verizon.net>

Added 3/1/07 G-6
ps

1111 Waycross Way
North Bethesda, Maryland 20895

April 10, 2006

RECEIVED
0467
APR 13 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Derick Berlage
Maryland-National Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Berlage:

Re: Preliminary Plan 120060140

I am writing about the preliminary plan submitted for the project Symphony Park. This project is adjacent to my community as I live in Garrett Park Estates. Also, I was president of the citizens association when this development was first proposed.

I want to support and make sure that proper sidewalks are along the Rockville Pike, RT 355, portion of this project. It is my understanding that an eight (8) foot wide sidewalk is included all along the Rockville Pike portion of this project. The existing sidewalks along the Pike are horrible and do not promote walking, much less safe walking. Sidewalks need to be wide enough (8' to 10') so that:

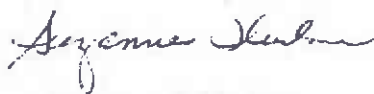
- * people can comfortably pass another;
- * handicap accessibility is guaranteed (so that two wheelchairs can pass each other);
- * a mother can push a baby stroller and hold the hand of a toddler safely.

This proposed development should have proper sidewalks along Rockville Pike to facilitate walking in this area- to Strathmore Hall and between White Flint and Grosvenor-Strathmore Metro Stations. With such sidewalks, people might eat at White Flint Mall and walk to concerts at Strathmore.

You have indicated support for walking and safe pedestrian walkways. With each new development along the Pike, now is the perfect time to obtain such sidewalks.

Thank you for your consideration of my comments.

Cordially,



Suzanne C. Hudson



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

March 6, 2006



Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20060140
Symphony Park

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 12/5/05. This plan was reviewed by the Development Review Committee at its meeting on 1/23/06. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for Strathmore Ave and Rockville Pike in accordance with the master plan.
3. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development one hundred (100) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

4. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
5. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
6. Access and improvements along Strathmore Ave (MD 547) and Rockville Pike (MD 355) as required by the Maryland State Highway Administration.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
8. Please coordinate with DPWT division of Transit Services about their requirements and project impacts on their network.
9. Please coordinate with Department of Fire and Rescue about their requirements for access.
10. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.

Ms. Catherine Conlon
Preliminary Plan No. 1-20060140
Page 3

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/1-20060140, Symphony Park .doc

Enclosures ()

cc: Jim Belcher, Loiederman Soltesz
Stephen Kaufman, Linowes and Blocher
Martin Makowski, Centex Homes
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA

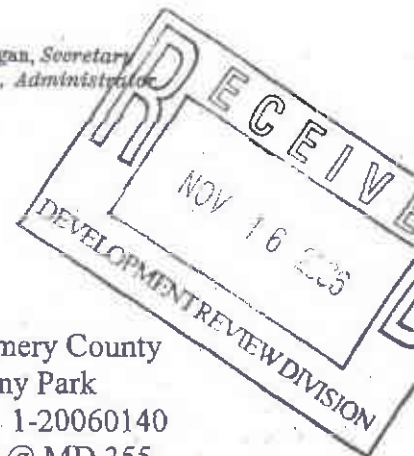
Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

November 9, 2006



Mr. James E. Belcher, Jr., RLA, ASLA
Loiederman Soltesz Associates, Inc.
2 Research Place
Suite 100
Rockville, Maryland 20850

Re: Montgomery County
Symphony Park
File No. 1-20060140
MD 547 @ MD 355
Mile Post: 0.15

Dear Mr. Belcher:

The State Highway Administration (SHA) received your September 27, 2006 submission of revised preliminary plans and point-by-point response letter:

- The proposed Street "A" profile and sight distance evaluation worksheets were received by SHA on March 8, 2006 and are acceptable.
- A meandering eight (8) foot wide shared use path is now shown along MD 355, but outside MD 355 rights-of-way. A twelve (12) foot wide shared use path is shown along the eastern property boundary connecting with the existing sidewalk within MD 547 rights-of-way. These shared use paths are subject to the permit process and requirements of the M-NCPPC.
- Two (2) emergency/fire entrances are proposed along MD 547. As you stated, these emergency vehicle only entrances are proposed to satisfy Montgomery County Fire & Rescue requirements. The westernmost emergency entrance is located very close to the MD 355 @ MD 547 intersection. SHA is concerned about motorist compliance and will require installation of "For Use of Authorized and Emergency Vehicles Only" (R95-2) signs at both entrances.
- The proposed improvements to the Street "A" connection with MD 547 and emergency vehicle only entrances are subject to the terms and conditions of an access permit, which must be received from SHA's Engineering Access Permits Division.
- Truncations and right-of-way dedications need to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications be platted using SHA standards. Please contact Mr. Daniel Andrews of the Plats and Surveys Division at 410-545-8975 for additional information. You may also e-mail Mr. Andrews at dandrews@sha.state.md.us.

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1,800.735.2258 Statewide Toll Free

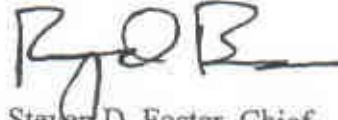
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

34

Mr. James Belcher, Jr.
Page Two

If you have any questions, please contact Ray Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,



for Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb

cc: Ms. Catherine Conlon / M-NCPPC
Mr. Shahriar Etemadi / M-NCPPC
Mr. Sam Farhadi / Montgomery County DPWT
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

October 13, 2006

Robert C. Hubbard
Director

Mr. Ed Wallington
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Symphony Park
Preliminary Plan #: 120060140
SM File #: 219601
Tract Size/Zone: 18.39 Ac./R-60
Total Concept Area: 21.4 Ac
Parcel(s): B
Watershed: Lower Rock Creek

Dear Mr. Wallington:

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 channel protection measures by using a wetland pond and on-site water quality control thru the use of the wetland pond along with dry wells, dry swales. Two hydrodynamic structures will be used for pre treatment. Onsite recharge will be provided by using grass swales and dry wells.

The following **items** 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. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Easements are necessary for the grass swales, hydrodynamic structures, dry wells and pond. All these structures, except the dry wells, will need to be on separate stormwater parcels.
6. Asphalt paths within the stormwater management easement must be constructed to tertiary road section standards.
7. A geotech report and recommendations are necessary for the existing embankment (compaction, materials and core). Based on results of the report, the existing berm may need to be replaced.
8. Provide certifications for adequacy of existing pipe and cradle. The existing pipe may need to be replaced.



9. The hydrodynamic structures must be placed closer to the alleys to provide better access for maintenance.
10. Retaining walls must be located outside of the stormwater management easement and parcel.

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 David Kuykendall at 240-777-6332.

Sincerely,



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

RRB:dm CN219601 Symphony Park.DWK

cc: C. Conlon:
S. Federline
SM File # 219601

QN - Onsite: Acres: 21.4
QL - Onsite: Acres: 21.4
Recharge is provided