



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


Staff Report: Site Plan 820080010 Symphony Park

ITEM #: _____

MCPB HEARING DATE: July 10, 2008

REPORT DATE: June 30, 2008

TO: Montgomery County Planning Board

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

FROM: Joshua Sloan, Coordinator 
Development Review Division
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APPLICATION DESCRIPTION:

112 residential dwelling units, including 17 MPDUs, on 18.61 gross acres in the R-60 zone; located in the southeast quadrant of the intersection of Rockville Pike (MD 355) and Strathmore Avenue (MD 547). Part of the North Bethesda/Garrett Park Master Plan

APPLICANT: Centex Homes

FILING DATE: July 4, 2007

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY:

The proposed development would create an infill subdivision for 112 one-family attached residential dwelling units on the property formerly occupied by the headquarters of the American Speech, Language and Hearing Association (ASHA). A preliminary plan for this development was approved by the Planning Board at a public hearing on March 15, 2007. At that time the Board made a finding that the development met the necessary criteria to allow 100% townhouses, as allowed by the R-60/MPDU optional method. In addition, the Board approved a minimum lot size of 1,200 square feet for the MPDUs only; all other units will be sited on a minimum lot of 1,500 square feet. Vehicular access is limited to one point on Strathmore Avenue; pedestrian trails and sidewalks are provided throughout the development to connect to adjacent properties and streets. There are significant open spaces and environmental features on site.

TABLE OF CONTENTS

SITE DESCRIPTION	3
Vicinity	3
Site Analysis	4
PROJECT DESCRIPTION	5
Previous Approvals	5
Proposal	6
PROJECT ANALYSIS	8
Master Plan	8
Transportation and Circulation	10
Environment	11
Development Standards	12
FINDINGS	14
RECOMMENDATION & CONDITIONS	15
APPENDICES	18

ILLUSTRATIONS & TABLES

<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Illustrative Plan</i>	6
<i>Illustrative Analysis</i>	8
<i>Grosvenor Sector Plan Area</i>	9
<i>Grosvenor Sector Plan Sub-Areas</i>	10
<i>Suggested Cross-Section of Strathmore Avenue (Looking East)</i>	11
<i>Project Data Table</i>	13

SITE DESCRIPTION

Vicinity

The subject site is located in the southeast quadrant of the intersection of Rockville Pike (MD 355) and Strathmore Avenue (MD 547), which is approximately 6,000 feet north of the Capital Beltway (495). Directly east of the site, across MD 355, is a school; to the north are one-family attached and detached residential units; to the west are another school and a church. Directly south of the site is the Strathmore Hall Arts Center. Numerous other uses, including commercial and multi-family residential buildings, are nearby. The Grosvenor-Strathmore Metro Station and the Rock Creek Hiker-Biker Trail are both a short walk away.



Vicinity Map

Site Analysis

The subject site was occupied by the headquarters of the American Speech, Language and Hearing Association (ASHA). A large portion of the site is also developed with surface parking, a stormwater management pond (shared with Strathmore Hall), and a rolling lawn with numerous plantings. A bus stop is located midway along the MD 355 frontage and there is a mid-block crosswalk near Jolly Way connecting the sidewalks on either side of Strathmore Avenue. Numerous asphalt trails wind around the stormwater pond and through the lawn providing a connection to Strathmore Hall and the metro station to the south. An existing four-foot sidewalk flanks MD 355 and Strathmore Avenue. A large portion of the lawn, in the southwest corner of the site, naturally lends itself to be used as an outdoor amphitheatre and is used for movies during the summer.



Aerial Photo (looking east)

The subject site is within the Lower Rock Creek watershed (Class I) and there is a stream valley buffer along the eastern edge of the property – most of the drainage runs from a high point in the northwest corner to this stream. There are no known rare, threatened, or endangered species on

site; there are no forests, but there are eleven (11) trees classified as specimens of their species. There are no known historic properties or features on site.

PROJECT DESCRIPTION

Previous Approvals

A preliminary plan, #120060140, was approved for 112 lots on 18.40 gross acres (prior to dedication on MD355) on March 15, 2007.¹

The Board found that the preliminary plan:

- Substantially conforms to the North-Bethesda/Garrett Park Master Plan,
- Meets the recommendations for retaining open space and green corridors,
- Needs further examination of the open space dedication at site plan,
- Satisfies adequate public services requirements and circulation adequacy, but requires further review at site plan,
- Meets the requirements for lot standards,
- Creates a more desirable environment by providing 100% townhouses (above the standard 60% maximum),
- Satisfies the applicable requirements of the Forest Conservation Law and stormwater management, and
- Must incorporate further noise mitigation measures in the development of the site plan with respect to the amphitheatre area of the open space dedication.

The conditions of approval for this plan include:

- Limiting development to a maximum of 112 lots for 112 one-family attached townhouse dwelling, including 15% MPDUs,
- A requirement to ensure aesthetic and noise compatibility between the proposed units and the Strathmore Music Center,
- Numerous pedestrian improvements,
- Dedication of open space between the proposed townhouses and the tract boundaries to the east, south, and west to Montgomery County,
- A requirement to submit a landscape and lighting plan for the dedicated open space, and
- Various standard conditions and references to other Agencies' letters of approval.

The noise mitigation, pedestrian improvements, dedication, and aesthetics of the proposed design have been adequately addressed and, in some cases, significantly enhanced by the proposed site plan.

The proposed site plan is subject to the conditions of the preliminary forest conservation plan as modified herein and by the final forest conservation plan. There are no other previous approvals that encumber this site.

¹ The Resolution was adopted on September 6, 2007 and became effective on the date of mailing: September 24, 2007. See Appendix A.

Proposal

The proposed development is for 112 townhouses on 18.61 acres. Approximately one-half of the acreage under consideration will be open space for several uses: expansion of the Strathmore Hall Arts Center property, a wetland stormwater management pond, a stream valley, and landscaped lawn areas. The townhouses are of two types: some with internal courtyards, the others traditionally sited; all have garages or driveways served by alleys. Various seating areas, trails, sidewalks, and play areas are dispersed throughout the development. Parallel parking is provided along the internal private streets for visitors. The frontage along MD 355 (Rockville Park) is remaining a "green corridor" but with upgrades to the lighting, planting and pedestrian system – the existing 4-foot sidewalk will be replaced with an 8-foot path providing connections to the adjacent sidewalks, the existing bus shelter, and to the Strathmore Hall Music Center.



Illustrative Plan

Dedicated Area and Net Usable Area

The net usable area for the development is 18.54 acres after deducting the dedication for MD 355 (a right-of-way over 100' wide). This area includes the open space to be conveyed to Montgomery County to become part of the Strathmore Hall Music Center. The originally conceived conveyance was to include the stormwater management pond and the entire stream-valley buffer. After discussions with Strathmore, the conveyance to the County has been reduced to the usable area between the proposed townhouses and the Hall. The stormwater management pond and most of the stream-valley buffer will be dedicated to the future homeowners association. This results in a net conveyance of approximately 5 acres to the County, but retains the entire open space as recommended by the Master Plan.

Architecture & Building Layout

The orientation of the units generally faces the street. To achieve a continuous frontage along the only private street leading into the development, the units along this street have their sides facing Strathmore Avenue. One additional stick of townhouses in the northwest corner also has a side facing Strathmore Avenue to enable it, in this case, to front towards the egress lane from MD 355. This allows these units to tie into the façades presented by the adjacent units directly to the west. All of the units along MD 355 are set perpendicular to the road to maintain internal consistency. Because the units lack backyards, each of the front yards (and side yards for those that have one) is fenced in by a brick and wood fence similar to many urban plots in older cities.

Landscape and Open Space

As noted earlier, there is a large amount of open space on site due, in large part, to the conveyance of land to Strathmore Hall Music Center. Because the frontage of the property along MD 355 is covered by a WMATA tunnel easement, the site cannot provide a street-wall with active uses and definition of the street with buildings. Instead, this easement area has been combined with the open-space concept to create a transitional green entry to the more urban and "building-defined" streets of the White Flint area. A further area along the eastern edge of the property will remain open for a wetland pond to replace the existing stormwater pond, which has become an important habitat for wetland flora and fauna.

The frontage along MD 355 is proposed to become more park-like with a sweeping 8-foot path that runs from Strathmore Avenue to several locations within the Music Center and back to MD 355. The existing 4-foot sidewalk will be removed except where it provides access to the bus shelter. This design has been extensively reviewed by DPS, DPWT, SHA, and Park and Planning to ensure ADA-compliant pedestrian connectivity, access to transit facilities, and a conceptually sound design solution for this site.

Within the site there are two large mews with flanking townhouses and several seating areas of different character. A tot-lot for active recreation is provided at a central location, and the amphitheatre lawn will provide additional non-programmed play space. As noted, numerous trails, paths, and sidewalks provide a pedestrian network throughout the site. All of these areas are lit for safety and enjoyment and shaded by trees for comfort.



Illustrative Analysis

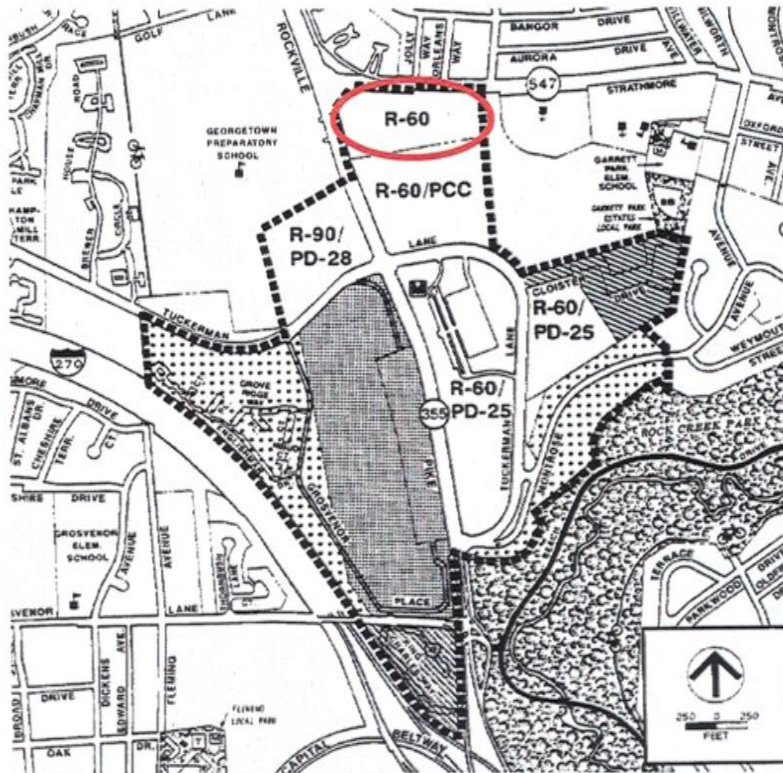
The conveyed area of the Strathmore open space is a bit of an experiment in urban forestry. The Applicant has worked with Staff to create a landscaped transitional park that also meets the requirements of forest conservation law with native species and large masses of understory plantings as well as deciduous and evergreen trees. These plantings serve many purposes: they provide habitat for animals, buffering of sound and views, aesthetic pleasure, and environmental benefits. The maintenance of this area will be more intense than a typical conservation easement, so, although it meets the afforestation requirements, it will be placed within a Category II Conservation Easement; protection of the landscape will be through site plan enforcement.

PROJECT ANALYSIS

Master Plan

The subject site is located within Area 2 of the Grosvenor Sector Plan Area of the North Bethesda/Garrett Park Master Plan (1992). The relevant general objectives (page 62) and recommendations (page 63) of the Grosvenor Sector Plan Area are:

- Develop Grosvenor as a transit serviceable residential district, ensuring compatibility with the adjacent Stoneybrook and Parkside communities.
- Develop policies to protect green space on both sides of Rockville Pike.
- Provide for development of cultural facilities.
- Support expansion and development of a cultural arts campus at the Strathmore Hall Arts Center.



Grosvenor Sector Plan Area

The proposed development is compatible with the adjacent development with regard to density, orientation, and circulation patterns. It also enhances the green space along Rockville Pike and provides for expansion of the cultural facilities of Strathmore Hall. In addition to these objectives, the Cultural Facilities recommendations for the site include the expansion of the Strathmore site with “if possible, an additional ten acres of land that they hope to acquire from the adjacent ASHA property” (page 241). While only five acres are being conveyed to the County, an approximately equal amount of land is being maintained in open space to accommodate stormwater from the Hall and provide pedestrian access to the Strathmore Property, thus meeting the intentions of the Plan.

Sub-Area 2 of the Grosvenor Sector Plan Area has a detailed discussion of the history and future of the American Speech, Language and Hearing Association (ASHA) building and the Strathmore Hall Arts Center. Included in the discussion is the recommendation that the ASHA property remain zoned R-60 and that the Strathmore property be zoned Planned Cultural Center (PCC) along with any land acquired by Strathmore (page 69).



Grosvenor Sector Plan Sub-Areas

Green Corridors

The Master Plan identifies several major transportation corridors, including Rockville Pike and Strathmore Avenue, as green corridors to address the visual effects of roadways and 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 proposed relocated sidewalk along Rockville Pike achieves the intent of the Plan by creating a new green buffer along the roadway.

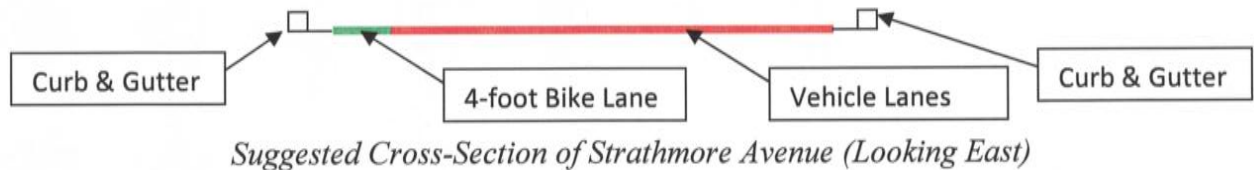
Transportation and Circulation

Transportation Planning provided a detailed review and set of conditions at the time of preliminary plan. No further analysis or Staff recommendations are required for the site plan.

Both adjacent roads are maintained and permitted by the State Highway Administration (SHA). The only vehicular access to the site is via Private Street 'A' from Strathmore Avenue directly across from Jolly Way. Every internal private street will have a public access easement over its roadbed and sidewalks recorded on the record plat. Private Street 'A' loops around in a horseshoe, each end of which is connected by Private Street 'B'. Alleys off of these private streets provide access to rear-loaded garages and driveways for each of the townhouses. Sidewalks are provided internally along all roads and adjacent streets. Additional shared use

paths, from 8 to 10-feet are provided on the eastern and western edges and throughout the conveyed open space.

The County and SHA will be reviewing the final permits for the road sections and access for this property. The County Department of Transportation (DOT) and SHA engineers, in particular, are interested in providing the master-planned Class II bikeway on Strathmore Avenue – a lane designated by striped paving. Planning Staff recommends restriping Strathmore Avenue to create a 4-foot designated bike lane on the northern side, while reducing vehicle lane widths to approximately 10-feet, as the speed limit on this road is only 30 miles per hour.



Environment

At the preliminary plan review, a number of environmental concerns were brought to the attention of the Board and designated as issues for further review during the site plan review. Of the environmental issues, including analysis of the environmental buffers, stormwater management, forest conservation, and noise mitigation, the latter two are discussed in more detail here.

Environmental Guidelines

The Applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 420053050 on October 10, 2005. The approved NRI/FSD indicates 0.00 acres of existing forest, 1.45 acres of environmental buffers, and no wetlands or floodplains. The only slopes greater than 15 percent are the result of previous grading.

The site as currently developed includes encroachment into the stream valley buffer by portions of an asphalt path and a stormwater management facility. This site plan proposes to maintain but enhance these encroachments, as well as add a necessary WSSC sewer connection. Outside of these encroachments, all areas of stream valley buffer large enough to support forest creation will be afforested and placed in Category I conservation easements. This plan improves existing conditions with the proposed planting in as much of the buffer as practicable.

Forest Conservation

There is no existing forest on the subject property. But 2.76 acres of forest are required to meet planting requirements, as per Sec. 22A-12(c). This plan proposes to create 0.70 acres of forest, in and adjacent to stream valley buffers.

In addition, the Applicant is creating 2.74 acres of landscaping that is essentially an urban managed forest. It will be less dense than a traditional forest planting, with 2.07 acres of planting materials spread over a 2.74 acre area. These plantings will be covered by a Category II conservation easement to allow mowing and other approved maintenance and management activities. 2.07 acres of planting credit are counted towards the afforestation requirement.

Minimum Retention

As per Sec. 22A-12(f)(2)(B), *“In a planned development or a site developed using a cluster or other optional method in a one-family residential zone, on-site forest retention must be equal the applicable conservation threshold in subsection (a).* However, as per Sec. 22A-12(f)(2)(D), *“If a site covered by this subsection is unforested, on-site afforestation must equal the applicable afforestation threshold.”* For this property, the afforestation threshold is 15%, or 2.76 acres. This property meets this requirement by planting 2.77 acres.

Tree Save

There are 19 large or specimen trees on the subject property. Nine trees will be removed and ten trees retained. In addition, ten smaller trees will be transplanted from the existing parking lot area to the urban forest landscaping area.

Noise Compatibility

The Applicant and Strathmore Arts have reached a conceptual agreement on the responsibilities of each party relative to noise generated by outdoor activities associated with Strathmore. Activities at the complex are subject to the requirements contained in the County Noise Ordinance (Chapter 31B of the County Code), as it currently exists or is subsequently amended, per communication with Stan Edwards, Chief of Environmental Policy and Compliance with the County Department of Environmental Protection (DEP). The responsibility for compliance is solely the responsibility of the Strathmore Arts Foundation.

Development Standards

The subject site is zoned R-60 and is being developed according to the MPDU optional method. This option allows for greater density and fewer restrictions on lot sizes and standards. The data table below enumerates the development standards for this zone and indicates that the proposed development meets the requirements for the R-60/MPDU zone.

At the time of preliminary plan review, two waivers were granted by the Planning Board. First, a unit mix with the typically allowed a maximum of 60% townhouses was found to create a less desirable environmental condition and be less compatible with the surrounding uses than the Applicant's proposal to develop the site with 100% townhouses. Second, the minimum lot size of 1,500 square feet for townhouses was waived for the MPDUs, thus allowing lot sizes as small as 1,200 square feet for these units.

Project Data Table for the R-60/MPDU Option Zone

Development Standard	Permitted/Required	Proposed for Approval
Gross Tract Area (acres)	n/a	18.61
Previous Dedication (Strathmore Avenue)	n/a	0.20
Dedication (MD 355)	n/a	.07
Conveyance	n/a	5.00
Net Tract Area (acres)	n/a	13.34
Net Usable Area (acres)	n/a	18.54 ²
Maximum % of Townhouses	60 ³	100 ⁴
Density (units/acre of usable area)	6.10 (112 total) ⁵	6.10 (112 total)
MPDUs	12.5%	15% (17 units)
Building Height (feet)	40 ⁶	40
Building Setbacks (feet)		
Right-of-Way	n/a	25
Front	n/a	5
Rear	n/a	5
Side (if provided)	n/a	4
Lot Size (square feet)		
Townhouse, Market Rate	1,500	1,500
Townhouse, MPDU	1,500 ⁷	1,200 ⁸
Green Area (square feet/lot)	2,000 (224,000 total)	3,456 (387,104 total)
Parking Spaces (per unit)	2 (224 total)	3.3 (373 total)

² Includes area to be conveyed and dedications of rights-of-way under 100 feet in width for purposes of calculating density.

³ Unless a greater percentage is approved by the Planning Board for environmental and compatibility reasons.

⁴ Approved by the Planning Board during preliminary plan review (120060140).

⁵ Includes 15% MPDU density bonus.

⁶ As measured from the individual building height measuring points on the street in front of each unit.

⁷ Unless a smaller minimum lot area is approved by the Planning Board at site plan review.

⁸ Approved by the Planning Board at preliminary plan review (120060140).

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

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

2. *The site plan meets all the requirements of the zone in which it is located.*

The proposed use is allowed in the R-60 Zone when developed using the MPDU option and the site plan fulfills the purposes of the zone by providing a higher density of units on less land thus conserving open space and enhancing site sustainability.

As the project data table on page 13 indicates, the site plan meets all of the development standards of the R-60 Zone based on the optional MPDU requirements. With respect to building height, setbacks, and density, the proposed development conforms to the standards allowed or required by the zone. With respect to green area, the proposed development provides approximately 50% more than the amount required, thus allowing for a greater amount of permeable surface and landscaped open space.

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

The buildings and structures of the proposed development are located in a safe and efficient manner and adequately address the need for conservation of open space and compatibility with adjacent uses. The building fronts provide a sense of traditional streetscape internally and along Strathmore Avenue and are well integrated with open space, recreation facilities, and the circulation systems. These circulation systems allow for pedestrians, cyclists, and vehicles to safely and efficiently travel through and within the site.

The open space that is provided is well landscaped and serves many purposes. In various areas it provides visual buffers; a space for stormwater management; a green corridor along MD 355 as prescribed by the Master Plan; recreation space; protection of environmental buffers; forest conservation in an urban-garden setting; and a colorful space for ornamental plantings. Street trees and lighting are provided along the streets and pedestrian paths to create a unified landscape. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties.

The recreation facilities provided include a tot-lot, open play space, seating areas, and a pedestrian circulation system. These facilities will provide opportunities for adequate, safe, and efficient active and passive recreation for the proposed community.

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

The proposed townhouses are compatible with the adjacent and confronting cultural and residential uses in terms of layout, orientation, and scale. They directly relate to the residential structures across Strathmore Avenue; are set off from the environmental buffers and transportation easements; and are set back as far as practical from the outdoor cultural venues.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

As conditioned, the proposed development meets all of the requirements of the forest conservation law. By protecting and enhancing environmentally sensitive areas, creating a new urban forest stand, and saving numerous specimen trees, the proposed development will meet all of its forest conservation requirements on site. In addition, noise mitigation devices and processes will be adopted to ensure the livability of residences located in close proximity to the outdoor amphitheatre.

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

The wetland pond will also function as wildlife habitat and an aesthetic feature for residents and pedestrians walking through the site. Marsh plantings, tiered walls and an overlook, and the adjacent shared-use path integrate this feature into the overall landscape concept of a park-like urban forest.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820080010, Symphony Park, for 112 townhouses, including 17 MPDUs on 18.54 net usable acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on May 27, 2008 are required except as modified by the following conditions.

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 120060140 as listed in the Planning Board Resolution, unless amended. This includes, but is not limited to, all references to density, rights-of-way, dedications,

easements, open space covenants, transportation conditions, DPWT conditions, and DPS stormwater conditions.

2. Environmental

- a. The proposed development must comply with the staff recommended conditions of approval for the final forest conservation plan, as per the letter dated June 25, 2008.
- b. The Applicant must place a category I conservation easement over environmental buffers and all planted forests.
- c. The Applicant must place a category II conservation easement over all landscape areas used to meet the additional forest conservation planting requirements.
- d. Prior to approval of any sales contract, the Applicant must provide a disclosure to any prospective homeowners highlighting activities that may occur in the amphitheater and other outdoor areas of the Strathmore Hall Arts complex. The notification will note the applicability of the county Noise Ordinance to all outdoor activities at Strathmore, and the joint efforts to reduce noise to levels that comply with the Noise Ordinance.

3. Transportation

- a. The development is subject to the requirements of the State Highway Administration (SHA) Engineering Access Permits Division.
- b. The Applicant will work with SHA to develop a cross-section of Strathmore Avenue to provide a Class II bike lane on the north side of the road, unless determined to be unattainable by SHA.
- c. The Applicant will satisfy SHA requirements for a safe pedestrian crossing at the intersection of Jolly Way and Strathmore Avenue.
- d. The Applicant will remove portions of the existing 4-foot sidewalk along MD 355 and retain the section providing access to the bus shelter as determined by SHA. The Department of Permitting Services and Planning Department Staff support the layout on the Site Plan dated 5/27/08.
- e. The Applicant will adjust the 8-foot path along MD 355 and remove any plantings that pose a safety hazard as determined during the Certified Site Plan review, unless amended by SHA.

4. Lighting

The Applicant must ensure that each of the following conditions is met and is reflected on the site plan:

- a. Lighting distribution must conform to IESNA standards for residential development.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

- d. The height of any on-site light poles shall not exceed 16 feet including the mounting base.
5. Recreation Facilities
- a. The Applicant must ensure that the proposed recreation facilities are constructed in conformance with the approved M-NCPPC Recreation Guidelines.
 - b. The Applicant must provide, at a minimum, one tot-lot, one open play area, one pedestrian system, and 15 picnic/seating areas.
6. Moderately Priced Dwelling Units (MPDUs)
- a. The proposed development must provide 17 MPDUs (15%) on-site in accordance with Chapter 25A of the Montgomery County Code. The Applicant is receiving a 22% density bonus for providing 15% MPDUs on-site.
 - b. The Applicant must obtain an agreement pertaining to the construction and staging of MPDUs from the Department of Housing and Community Affairs (DHCA) prior to the issuance of any building permits.
 - c. The final unit distribution and bed-rooms per unit must be approved by DHCA.
7. Stormwater Management
- The proposed development is subject to Stormwater Management Concept approval conditions dated May 26, 2008 unless amended and approved by the Montgomery County Department of Permitting Services.
8. Development Program
- The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:
- a. Street lamps and sidewalks for public and internal private streets must be installed within six months after street construction is completed. Tree planting may wait until the next growing season.
 - b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
 - c. The development program must provide phasing for installation of on-site landscaping and lighting, recreation facilities, sidewalks and paths, open spaces, and construction and installation of landscape and site details on land to be conveyed to the County.
 - d. The development program must provide phasing of pre-construction meetings, conveyance, dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

9. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Provide final open space conveyance landscape plan.
- e. Ensure consistency off all details and layout between site plan and landscape plan.
- f. Provide limits of disturbance and other minor plan details and modifications.
- g. Additional landscaping must be provided along MD 355.
- h. Provide a maintenance plan for area to be conveyed to the County to ensure continued protection of urban forest resources and forest conservation requirements.

APPENDICES

A. Preliminary Plan 120060010 Resolution



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

SEP 24 2007

MCPB No. 07-130
Preliminary Plan No. 120060140
Symphony Park
Date of Hearing: March 15, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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

WHEREAS, on August 9, 2005, Centex Homes ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property to create 112 lots on 18.40 acres of land located in the southeast quadrant of the intersection of Rockville Pike (MD 355) and Strathmore Avenue (MD 547) ("Property" or "Subject Property"), in the North Bethesda-Garrett Park master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060140, Symphony Park ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated February 27, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on March 15, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

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

Approved as to
Legal Sufficiency:

David L. P. C.

8787 Georgia Avenue, Suite 200, Spring, Maryland 20910

MNCPPC Legal Department
www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

WHEREAS, on March 15, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Perdue; seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Bryant, Hanson, Perdue, Robinson, and Wellington voting in favor;

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060140 to create 112 lots on 18.40 acres of land located in the southeast quadrant of the intersection of Rockville Pike (MD 355) and Strathmore Avenue (MD 547)("Property" or "Subject Property"), in the North Bethesda-Garrett Park master plan area ("Master Plan"), 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) The final 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 MPDUs as per condition #1 above will 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) At site plan, the Applicant shall present a layout that demonstrates aesthetic and noise compatibility between Strathmore Music Center and the proposed residential units, and that may, or may not, involve increases in either dedicated or common open space.
- 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. Final configuration shall include consideration of the overall MD 355 corridor improvement plan for sidewalks and pedestrian connections.
 - 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 (AASHTO) 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 or II conservation easement, as determined at site plan, 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 Planning 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.
- 22) The landscape and lighting plan submitted with the site plan must include a plan for upgraded landscaping between the proposed residential units and Strathmore Music Center.

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

1. *The Preliminary Plan substantially conforms to the 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. The Planning Board finds that the proposed application for a residential development in the R-60 zone using the option for MPDUs is consistent with the Master Plan recommendations for use of the Property.

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 that apply to the Property 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" (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).
- § To maintain green corridors along several major transportation corridors, including Rockville Pike and Strathmore Avenue, 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 Master Plan also includes several specific recommendations for open space on the Subject Property adjacent to the Strathmore Music Center. In particular, the plan anticipates future expansion of the Music Center in a manner that would require acquisition of ten acres of the Subject Property. In March, 2005, the Montgomery County Council unanimously passed a resolution to preserve up to 10 acres of the Property, and 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 Council's resolution supports obtaining the open space through negotiations associated with the development of the

Property. The assessment conducted by staff for Legacy Open Space did not result in designation of the Property.

The Planning Board finds that 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. With regard to maintaining and enhancing the planting of vegetation and locating sidewalks along these roadways, the Planning Board finds, subject to site plan review, that an improved sidewalk or pathway must be provided along Rockville Pike, and the proposed corridors will provide sufficient space for landscaping or tree save along both Rockville Pike and Strathmore Avenue.

The Application proposes dedication to the County of approximately 8.9 acres of open space, including approximately 5 acres adjacent to the Strathmore Music Center that is usable for outdoor events, approximately 3 acres associated with the proposed stormwater management facility, and additional acreage included in the WMATA easement along MD 355. The Planning Board finds that the overall acreage and location of the proposed open space should be further examined during site plan review to ensure that both aesthetic and noise compatibility are achieved between the Music Center and residential dwellings. The Planning Board finds that it is important to ensure compatibility between Strathmore and the proposed residential development, and that this might (or might not) require increases in dedicated or common open space areas above that proposed in the Application. Compatibility is to be determined at site plan. As a separate matter, and without pre-judging the amount of open space that may be determined to be necessary for compatibility or other purposes at site plan, the Board finds that for purposes of approving the Application it is inappropriate to strictly apply the Master Plan's recommendation of 10 acres of open space for the Property because the actual development of the Strathmore site has occurred differently than envisioned by the Master Plan.

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

Roads and Public Transportation Facilities

The Planning Board finds that 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 that the Board finds, subject to site plan review, will provide adequate internal circulation for the site.

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 Planning Board finds that pedestrian paths are adequate subject to site plan review to determine the exact location and any necessary improvements, particularly along Rockville Pike.

This site is within the boundary of the North Bethesda Transportation Management District (TMD), but participation in the North Bethesda Transportation Management Organization (TMO) is not required for a townhouse development. 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 intersections² to determine the impacts of these trips. The analysis demonstrated that CLV for each of the intersections was well under their congestion standards. The Planning Board, therefore, finds that the Application satisfies LATR requirements.

Ride-On routes 5, 6 and 46, and Metrobus route J-5 operate along Rockville Pike. Ride-On routes 5 and 6 operate along Strathmore Avenue. A bus stop is located on Rockville Pike near the intersection with Strathmore Avenue, and another two bus stops are located on Strathmore Avenue at the intersection with Jolly Way and Kenilworth Avenue. The Property is within walking distance of the Grosvenor-Strathmore Metrorail Station. The Planning Board finds that public transportation facilities will adequately serve the Property.

Other public facilities and services

The Planning Board finds that other public facilities and services are available and will be adequate to serve the proposed units. The Property is served by public sewer and water and a determination has been made by the Washington Suburban Sanitary Commission that adequate capacity exists for the proposed subdivision. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and

² Strathmore Avenue and Rockville Pike; Strathmore Avenue and Jolly Way; and Strathmore Avenue and Kenilworth Avenue were the intersections studied.

services, such as schools, police stations, firehouses and health services are currently operating within acceptable county standards and will be adequate to serve the Property. Gas, electrical and telecommunications services are also available to serve the Property.

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

The Planning Board finds, subject to site plan review, that size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision. The proposed lots will have frontage on private streets that the Planning Board finds will provide adequate access and circulation. Private streets are permitted for townhouse development pursuant to Section 59-C-1.628(b) of the Zoning Ordinance. The lots were reviewed for compliance with the dimensional requirements specified in the Zoning Ordinance for the R-60 zone using 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.

4. *The proposed subdivision with 100 percent townhouse units is more desirable from an environmental perspective than development that would result from the standard maximum percentage limits.*

Townhouses are permitted in the R-60 zone for developments using 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.

The Planning Board finds that the proposed development is more desirable from an environmental perspective because it provides a significant amount of open space that will: (1) buffer the onsite stream and provide opportunity for reforestation; (2) protect existing large individual trees; and (3) provide space for tree planting and landscaping between the Music Center and the proposed residential units. The Board also finds that, subject to site plan review, the proposed layout will achieve the same level of compatibility, if not greater, than the standard mix of units (maximum 60% townhouses). The units along Strathmore Avenue are configured so that sides of individual townhouse units, rather than 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. Green space corridors are maintained on the east and west property boundaries adjacent to the adjacent schools, and on the southern boundary, the proposed open space helps to achieve the Master Plan goal of keeping open space adjacent to the Music Center. The exclusive use of townhouses is directly related to maximizing this open space.

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

The Property is not forested, but contains several individual trees, including 11 specimen trees. 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. The preliminary forest conservation plan meets the requirements of the Forest Conservation Law.

6. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS's standards.*

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.

7. *The required site plan review must include detailed review of the noise impacts from potential uses in the dedicated open space area. The site plan must include*

the measures for noise mitigation that will be both, applied at the noise source, and/or provided as a part of the development.

A natural amphitheatre (with gently sloping topography in the shape of a bowl) exists in the southwestern quadrant of the Property that is currently used as a seasonal venue for outdoor movies and musical performances that are sponsored by, and benefit, the Strathmore Music Center. These events use electronically-amplified sound at levels that would be in conflict with the proposed residential dwellings. The area will be dedicated to the County as part of this Application, and the Music Center would like to continue the events. The Planning Board finds that the proposed development must incorporate noise mitigation measures, where feasible, to reduce the potential noise impacts. Because the results of an ongoing analysis of the noise issues by the Applicant and Strathmore Music Center are not yet available, the Board finds that these issues must be addressed as part of the site plan review.

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

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 24 2007 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

At its regular meeting, held on Thursday September 6, 20067 in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes

the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060140
– Symphony Park.



Royce Hanson, Chairman
Montgomery County Planning Board