MCPB
05.07.2009
Item No.:____

MEMORANDUM

DATE:	April 27, 2009
TO:	Montgomery County Planning Board
FROM:	Renée M. Miller, AICP, Senior Planner Development Review Division – Zoning (301.495.4723)
VIA:	Rose Krasnow, Chief, Development Review Division Ralph D. Wilson, Zoning Supervisor
SUBJECT:	**DEVELOPMENT PLAN AMENDMENT No. 09-1:** Fairland Community (Fairland Development, LLC and Fairland Development II, LLC) – an amendment to the approved development plan associated with G-813 & G-814
MASTER PLAN:	1997 Fairland Master Plan
PUBLIC HEARING:	May 15, 2009

STAFF RECOMMENDATION: Approve Development Plan Amendment No. 09-1 to create three Amended Development Plans: G-813 Part I and G-814; G-813 Part II; and G-813 Part III in order to remove the golf course component and previously anticipated land exchanges with Montgomery County from the proposed development. The amended development plan has many features to support its approval. It satisfies the land use, environmental protection, and dwelling unit objectives of the 1997 Fairland Master Plan. The plan proposes a total of 365 units, with 46 MPDUs dispersed throughout the development, the dedication of an elementary school site, road connections and extensions, trails and paths providing access to Fairland Recreational Park, open space, a community recreation center with pool and clubhouse, and significant preservation of environmental areas.

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I. APPLICATION SUMMARY:

Site Size and Location:	The site consists of a total of 313.94 acres. The site is located south of Sandy Spring Road/MD-198, north of Green Castle Road, east of Columbia Road/US-29 and lies on the boundary between Prince George's and Montgomery Counties. (See Circle Pg 1.)
Current Use and Zone:	The primary use of the site is the Gunpowder Golf Course. The remainder of the site is undeveloped. The site was rezoned in 2004 from the R-200 zone and RE-2 zones to the PD-2 zone, under applications G-813 and G-814.
Proposed Use and Density:	The proposed use is a residential community with 365 dwelling units, including 48 MPDUs. The overall development density for the site is 2.0 dwelling units per acre.
PD-2 Zone Density:	A density of 2.0 dwelling units per acre is the maximum density allowed under the zone.
Open Space Provided:	The plan shows approximately 136 acres of area being developed under G-813, Part I and G-814. Approximately 14 acres of County parkland and 116 acres are golf course, as shown in G-813, Part II and G-813, Part III, respectively.
Road Improvements:	The plan shows three extensions of Cedar Tree Drive, Saddle Creek Drive and Riding Stable Road. Cedar Tree Drive is proposed to connect to Old Gunpowder Road, via a "sister" development in Prince George's County.
Master Plan Consistency:	The amended development plan complies with the recommendations of the 1997 adopted Fairland Master Plan by providing a well-designed, mixed-use form of development at a density of 2.0 dwelling units per acre.

II. PROPERTY DESCRIPTION AND SURROUNDING AREA

The property is generally located south of Sandy Spring Road/MD-198 approximately 400-feet north of Green Castle Road and runs approximately 1,000 feet along the boundary between Montgomery County and Prince George's County. The property is zoned PD-2. Portions of the site have been mined for sand and gravel, which have resulted in an assortment of cleared areas. The Little Paint Branch stream bisects the property from north to south, and a PEPCO easement bisects the property generally from northwest to southeast. The site has forested areas, steep slopes, and wetlands associated with the upper reaches of the Little Paint Branch. (See Circle Pg 1.)

The surrounding area for this development plan application is specifically referenced in the 1997 Fairland Master Plan and is known as the "Oakfair/Saddle Creek" area. The boundaries of this area include Sandy Spring Road/MD-198 to the north, the Prince George's/Montgomery County line to the east, and Fairland Regional Park to the south and west. (See Circle Pg 2.) The area contains a mixture of uses, from primarily residential, single-family attached and detached units and recreational uses on the Montgomery County side to industrial and recreational uses on the Prince George's County side. There are no designated historic resources within the boundaries of the development plan; therefore, this project would be not subject to any regulatory review by the Montgomery County Historic Preservation Commission under Chapter 24A. The subject site; however, is adjacent to the Burton Log House, located at 15107 Birmingham Drive. The Burton Log House is designated in the Master Plan for Historic Preservation. (See Circle Pg 3.)

Adjacent to the subject property is a proposed residential development in Prince George's County, which can be considered the "sister" application to this site. The 1997 Fairland Master Plan envisioned a Fairland Golf Community with 510 dwelling units overall between Montgomery and Prince George's. The preliminary plan for the Prince George's development proposes approximately 128 dwelling units, with mixture single-family attached and detached units. (See Circle Pg 4.)

III. CASE HISTORY

The subject property was reclassified in April 2004, from the R-200 and RE-2 zones to the PD-2 zone in connection with Local Map Amendment (LMA) applications G-813 and G-814. (See Circle Pg 5.) Two applications were necessary since the property is separated into two tracts by the PEPCO right-of-way. As approved by the District Council, the property was to be developed by Artery/Fairland, LLC, with M-NCPPC as co-applicant, as a golf course community with 396 residential dwelling, including 50 Moderately Priced Dwelling Units (MPDUs), and a public golf course that would straddle the boundary between Montgomery County and Prince George's County. Sixteen of the golf course holes would have been located in Montgomery County and two of the golf course holes with driving range would have been in Prince George's County. Approximately 11 acres at the western edge of the property, adjacent to the existing Saddle Creek neighborhood, were shown to be dedicated for a new elementary school. On-site recreational facilities were also proposed and included a community building, an outdoor playground, a pool, and tot lots.

Since about half of the property is owned by Montgomery County and managed by M-NCPPC and the remainder of the land in private ownership, development of the property as a whole was dependent on land exchanges between the private developer and M-NCPPC. The approved development plan anticipated that 39.53 acres of the publicly-owned land would be transferred to private ownership, and about 86.68 acres of the privately-owned land would be transferred to public ownership. This amounted to a net gain of 47.15 acres in publicly-owned land. Of the land transferred to public ownership, 11.31 acres was to be used for an elementary school site and the rest would have been parkland.

Because the private and public land exchanges could not be achieved, the applicants are now proposing to sever the publicly-owned land from the development proposal. Accordingly, the originally approved Development Plan is being amended to remove the lands associated with the public golf course component and the previously anticipated public/private land exchanges from the approved Development Plan.

To achieve the objectives of removing the public land as a component of the proposed development and developing a residential community without a public golf course, three amended developments plans identified as G-813 Part I and G-814; G-813 Part II; and G-813 Part III were created. (See Circle Pg 6.) G-813 Part I and G-814 of the amended development plan consists of approximately 183.3 acres and is the location proposed for the residential community. Parts II and III combined consist of about 130.6 acres and account for the public land components of the previously approved Development Plan.

IV. AMENDED DEVELOPMENT PLAN

The amended development plan proposes 365 dwelling units, including 46 MPDUs (12.5 percent of the total number of housing units). This is 31 dwelling units less than the approved development plan. The overall housing unit mix being proposed is essentially the same as under the previously approved plan. Table 1 below compares the housing mix approved in 2004 with the housing mix under the amended plan. The amended plan shows similar community amenities, such as a community pool, play areas, and a trail system that interconnects Fairland Recreational Park, the proposed school site, and the upland forest protection area. A single through street, Cedar Lane, will provide a traffic connection with the Prince George's portion of the development. The key element of the amended plan is the elimination of the 116.1 acre golf course and 14.51 acres of parkland (both publicly-owned) from the development proposal.

Table 1: Proposed Dwelling Unit Mix

Application No.	2004 Approved Plan		2009 Proposed Plan	
	Single-Family Detached	Single-Family Attached	Single-Family Detached	Single-Family Attached
G-813	341	50[1]		
G-813, Part I	*0*	*0*	*307*	*46*[2]
G-813, Part II	*0*	*0*	*0*	*0*
G-813, Part III	*0*	*0*	*0*	*0*
G-814	5	0	12	0
Total Units	346	50	319	46

The applicant has filed three amended development plans, each one representing one "part" of the overall amended development plan. The key land use elements of the three amended development plans include:

[1] All 50 single-family attached units were moderately priced dwelling units. Approximately 16 dwelling units of the 50 dwelling units were duplex, the remaining 34 dwelling units were townhouses.

[2] All 46 single-family attached units proposed are moderately priced dwelling units. Approximately 8 dwelling units are proposed as duplex units, the remaining 38 dwelling units are proposed as townhouses.

G-813-Part I and G-814 –This amended development plan contains all of the residential development, and includes the community facilities (e.g., pool, community center, trails, roadways, etc.). Included with the land use plan is a phasing plan identifying, stages for building the dwelling units will be built, as well as the proposed community amenities, school dedication, trails and open space areas. (See Circle Pgs 7 -9.) Unless otherwise noted, the land use areas depicted on the development plans are binding. The applicant proposes several illustrative components on the land use plan, such as the property lines, trails and trail connections, and community recreational areas. Staff has no objection to those areas on the land use plan being non-binding, as specific locations can be better determined during site and preliminary plan due to other un-foreseen factors; both reviews will be required.

Approximately 11 lots shown on the plan have either wetlands or wetland buffer areas located entirely within or partially on the proposed lots. The wetland areas are shown as buildable lots. The wetland areas are generally located along the boundaries between G-813 Part I and G-813 Part III (Gunpowder Golf Course) and on the western edge of G-813 Part I, nearest to Cedar Lane. (See Circle Pg10.) These wetlands may have been an outgrowth or remnant of the previous sand and gravel extraction operations. The applicant believes that the Maryland Department of the Environment (MDE) should make the ultimate determination of the viability and sustainability of these wetlands, which would, in turn determine whether or not these eleven lots can be built upon. This evaluation, however, will not be completed prior to preliminary plan stage, when Environmental Planning staff will performing a required assessment of these wetlands areas. If these wetlands are determined to be suitable for protection the development must preserve the both wetlands and their buffers in a natural condition. The number of lots proposed on this development plan could, therefore, be further reduced at the time of preliminary plan.

G-813 Part II – This amended development plan was created to remove the non-contiguous parkland component and previously anticipated land exchanges with Montgomery County from the proposed development and will be used only for open space, wetland and parkland purposes. (See Circle Pg 11.)

G813 Part III – This amended development plan was created to remove the non-contiguous golf course component and previously anticipated land exchanges with Montgomery County from the proposed development and will be used for only open space, wetland and parkland purposes. (See Circle Pg 12.)

Attached Unit Waiver - The amended plan identifies only 12.5 percent of the total dwelling units as single-family attached units. Under the PD zone, a minimum of 20 percent of the total dwelling units must be attached units for developments between 200 and 800 dwelling units and 35 percent of the total dwelling units, if less than 200. However, a waiver can be sought by the applicant and approved by the District Council if a lesser percentage of attached units is more desirable for environmental reasons, or better achieves the polices of recommendations of the applicable master plan, . The applicant will need a waiver from the attached unit requirements for amended plans G-813 and G-814. Staff supports the waiver. The amended development plan promotes the objectives of the Fairland Master Plan by

seeking to maximize the percentage of single-family detached units for the proposed community.

The waiver is strongly supported by the Fairland Master Plan Citizens Advisory Committee. The waiver is seen as a significant element of the historic record and reflects a high master plan priority. The advisory committee sees no value in adding what it calls a token amount of additional townhouses to satisfy the Code requirement for a minimum 20 percent attached units that would neither result in community diversity or distinctiveness. The advisory committee strongly urges that the waiver be supported by the Board. (See Circle Pgs 13 - 14.)

V. ANALYSIS

A. MASTER PLAN CONSISTENCY

The amended development plan satisfies the land use, environmental protection, and dwelling unit objectives of the 1997 Fairland Master Plan. The plan proposes a total of 365 units, with MPDUs dispersed throughout the development, the dedication of an elementary school site, road connections and extensions, trail connections and paths that provide access to Fairland Recreational Park, open space, a community recreation center with pool and clubhouse, and a significant preservation of environmental areas. These land use features are in strict compliance with the master plan recommendations. (See Circle Pgs 15 - 17.)

Although the amended development plan satisfies the environmental protection objectives of the master plan, six proposed lots and portions of five additional lots may be affected by wetlands and their buffers. An environmental assessment of the wetlands areas to determine their sustainability will have to be made at preliminary plan stage. If the wetlands are determined to be suitable for protection, it may mean fewer lots than now proposed.

Since the master plan supports creating more single-family detached units in this part of the County, community-based planning staff recommends that the 20 percent attached unit requirement be waived.

B. TRANSPORTATION

Transportation Planning staff recommends that the development be limited to 365 dwelling units, consisting of 319 single-family detached and 46 townhouse/duplex units. The density proposed in this DPA is less than that included in the previously approved APF finding for Fairland Park (Preliminary Plan No.: 120050200). Therefore, should an amendment to the previously approved preliminary plan be submitted, the application would satisfy findings of the APF test. The 1997 Fairland Master Plan includes several Master Plan roadways, bikeways, sidewalks and trail facilities. (See Circle Pgs 18 - 22.)

The proposed vehicular and pedestrian circulation system and points of external access for the Fairland Park Community are judged to be safe, adequate, and efficient. However, Transportation staff recommends that at the time when the amended

preliminary plan is reviewed that McKnew Road between Cedar Tree Drive and MD198 be evaluated for adequacy to accommodate additional traffic and that SHA evaluate the Fairland Master Plan recommendation to relocate the traffic signal along MD 198 at Mcknew Road to Cedar Tree Drive.

C. ENVIRONMENTAL

Environmental staff recommends approval of the amended development plan. (See Circle Pg 23.) The amended development plan was measured against stated Master Plan environmental protection objectives and environmental guidelines. The Master Plan objectives include the need to protect the unique and high quality resources of the Silverwood tributary, the undisturbed portions of the Mcknew tributary, and the high-priority forested area. The applicant has taken the responsibility for the stabilization of already degraded areas currently under his control to prevent further degradation. The amended development plan also creates the maximum contiguous high-priority forest on site.

In addition to protecting Master Plan designated high-priority forest and sensitive areas, the environmental guidelines prescribe protection of other valuable recourses. The general standard is that all lots be located outside environmentally-sensitive areas. This is generally the case for the proposed development. However, several lots in the southwestern corner of the site are located in three wetland areas and their buffers. The applicant's environmental consultant has made the argument that essentially these wetland/depressions are artifacts of the prior sand and gravel extraction operations, and are not viable or sustainable within the confines of the proposed development. Environmental staff will conduct a field analysis prior to review of a revised preliminary plan and provide recommendations at that time. Up to 11 lots are identified with wetlands or wetland buffers pending the outcome of staff's review. The northernmost wetland appears savable with minimal loss of lots. Environmental staff does not accept as definitive the applicant's postulation that Maryland Department of the Environment (MDE) would approve permits to fill these areas. In addition to their own statewide criteria, MDE staff depends on local environmental staff familiar with all site design options to determine ultimate recommendations.

Staff notes that the preliminary forest conservation plan shows forest retained on the southernmost portion of the area to be dedicated to school use ("PS" designated area). The portion of the dedicated school site where the applicant has shown forest retention is located below the school's ball field and its limits of disturbance are shown on the illustrative school site layout of the Amendment Development Plan. The forest retention area shown is not inconsistent with any aspect of the proposed school site layout.

Staff strongly supports retention in this area since it prevents forest bifurcation and expands the breadth of contiguous forests between two park dedication/ownership areas. The forest can be permanently protected either by a category I conservation easement over the forest retention area on school property, or by dedication to MNCPPC. (See circle pg. 26).

D. PUBLIC SCHOOL

The property is located within the Burtonsville Elementary School and Benjamin Banneker Middle School service areas and the Northeast Consortium, which lists Paint Branch High School as the base high school. Based on the average yield factors derived from the Montgomery County Department of Planning's 2005 Census Update Survey, the impact of this project is estimated to be approximately 97 elementary, 43 middle and 48 high school students. (See Circle Pgs 28 - 40.)

Enrollment at Burtonsville Elementary School is currently over capacity and is projected to remain over capacity for the six-year forecast period. Enrollment at Benjamin Banneker Middle School is currently within capacity and is projected to remain within capacity for the six-year forecast period. Lastly, Paint Branch High School is to remain over capacity for the six-year forecast period, regardless of the modernization and expansion of the school, is scheduled to be open in August 2012.

With respect to the siting of the elementary school, Montgomery County Public Schools staff supports dedication of the approximate 11-acre school site shown on the plans. There is binding element that calls for dedication to public use prior to recordation of final plats for residential lots in Phase 2. (See Circle Pgs 41 - 42.)

E. REQUIRED FINDINGS

It has been established in previous zoning cases that there are five specific findings required by Section 59-D-1.161 for approval of a development plan amendment and that the general requirement that the application fulfill the "purposes and requirements" of the zone is satisfied if the five findings are satisfied. The five findings required for approval of a development plan amendment are evaluated below:

1. *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.*

   The amended development substantially complies with the use and density recommendations of the 1997 Fairland Master Plan. The project implements the objectives of the Master Plan by providing a well-designed, mixed-use form of development consisting of single-family and attached dwelling units, at a maximum density of 2.0 dwelling units per acre. The plan provides a total of 365 units, with MPDUs dispersed throughout the development the dedication of an elementary school site, road connections and extensions, trail connections and paths that provide access to Fairland Recreational Park, open space, a community recreation center with pool and clubhouse, and significant preservation of environmental areas. The proposed development does not conflict with other county plans and policies. The development implements an important element of the Montgomery County Housing Policy and the general plan by contributing to

the goal of providing housing choices in a suitable living environment for all incomes, ages, and family sizes.

2. *That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in Article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

The amended development plan complies with the purposes, standards, and regulations of the PD-2 zone; provides for the safety. convenience, and amenity of the residents; and would be compatible with adjacent development. The land use plan shows well integrated, pedestrian and vehicular circulation with a trail and open space system that is consistent with master plan objectives. The proposed trail system connects to the existing Fairland Regional Park and to the adjacent development in Prince George's County. The applicant is requesting a waiver from the minimum required mix of dwelling units, which is supported by staff. On balance, the amended plan achieves an appropriate mixture of one-family detached and attached housing, a pedestrian and traffic circulation system that is safe, adequate, and efficient, a network of open space areas for recreation and social activity, and a design that is compatible with existing and proposed land uses.

3. *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate and efficient.*

All pedestrian and vehicular accesses are located and designed to provide for the safe movement of pedestrian and vehicular traffic. The applicant is providing future links to Birmingham Drive. Connections to MD 198, Saddle Creek Drive and Cedar Tree Drive are provided; however, due to stream valley and upland forest protection, no vehicular access is provided between the northern and southern portions of the site. A trail is proposed through this area, which will give residents pedestrian access to the elementary school site.

4. *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The District Council may require more detailed findings on these matters by the Planning Board at the time of site plan approval as provided in §59-D-3.*

The amended development plan complies with this requirement. The applicant has provided considerable protection of the designated high-priority forest and environmentally-sensitive areas, in addition to the stabilization of the degraded area per the environmental restoration recommendations of the Master Plan.

5. *That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.*

   The applicant has provided draft documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient; therefore satisfying this requirement. The applicant is reclaiming and restoring the area associated with the illegal stump dump to be used for open space for the residents.

F. BINDING ELEMENTS

Development under the PD-2 zone is permitted only in accordance with a plan of development approved by the District Council. A development plan may contain binding and non binding elements. The binding elements identify features of the development that cannot be changed unless an amendment to the Development Plan is approved by the District Council. The binding elements proposed by the applicant and printed on the face of the amended development plan include the following limitations and requirements:

Binding elements associated with *G-813 Part I* would be replaced with the following language:

1. The maximum number of dwelling units will be 353 units, including a maximum of 46 Moderately Priced Dwelling Units (MPDUs). The MPDU requirement for G-813, Part I and G-814 will be satisfied within the boundaries of G-813, Part I. The final number of dwelling units for G-813, Part I and G-814, including 12.5% MPDUs, will be established during site plan review.
2. The MPDUs will consist of townhouse and duplex units. If the number of dwelling units is reduced at site plan, the MPDU unit types (townhouses and duplexes) will be proportionally adjusted downward. Final location and siting of MPDUs will be established during site plan review; however no more than 16 units will be provided in one location.
3. Forest conservation requirements will be satisfied within the boundaries of G-813 Part I and G-814 by the retention of the existing forest. The Applicant must consider G-813 Part I and G-814 as one overall project for the forest conservation plan unless the Planning Board approves modifications to the forest conservation plan.
4. The trails shown on this plan are illustrative only. The trail system and locations will be established during site plan review.
5. The minimum required green area will be increased from 30% to 45%. As used in this Binding Element, green area is gross tract area less the roads, buildings and driveways.
6. The Elementary School site shall be dedicated to public use prior to recordation of final plats for residential lots in Phase II.

7. No building other than a single-family detached residence shall be constructed within 100 feet of any boundary of the property comprising G-813 Part I, which adjoins land for which the area master plan recommends a one-family detached zone.

Binding elements associated with *G-814* would be replaced with the following language:

1. The maximum number of dwelling units will be 12 units.
2. Forest conservation requirements will be satisfied within the boundaries of G-813 Part I and G-814 by the retention of the existing forest. The Applicant must consider G-813 Part I and G-814 as one overall project for the forest conservation plan unless the Planning Board approves modifications to the forest conservation plan.
3. The trails shown on this plan are illustrative only. The trail system and locations will be established during site plan review.
4. The minimum required green area will be increased from 30% to 45%. As used in this Binding Element, green area is gross tract area less the roads, buildings and driveways.

Binding Element numbers 4, 6 and 7 (G-813 Part I) and Binding Element number 3 (G-814) have remained the same between the approved and proposed plans. Department of Housing and Community Affairs does not support any language in the binding elements that refers to the location of MPDUs, nor do they support a waiver of the minimum required percentage of single-family attached units. (See Circle Pgs 43 - 45.) No binding elements are proposed for G-813, Parts II and III.

VI. CONCLUSION

Based on a careful review of the application, staff concludes that Development Plan Amended (DPA) 09-1 satisfies the land use, environmental protection, and dwelling unit objectives of the 1997 Fairland Master Plan. The plan proposes a total of 365 units, with 46 MPDUs dispersed throughout the development, the dedication of an elementary school site, road connections and extensions, trails and paths providing access to Fairland Recreational Park, open space, a community recreation center with pool and clubhouse, and a significant preservation of environmental areas. For these reasons, staff recommends that DPA-09-1 to create three Amended Development Plans: G-813 Part I and G-814; G-813 Part II; and G-813 Part III in order to remove the golf course component and previously anticipated land exchanges with Montgomery County from the proposed development be approved.

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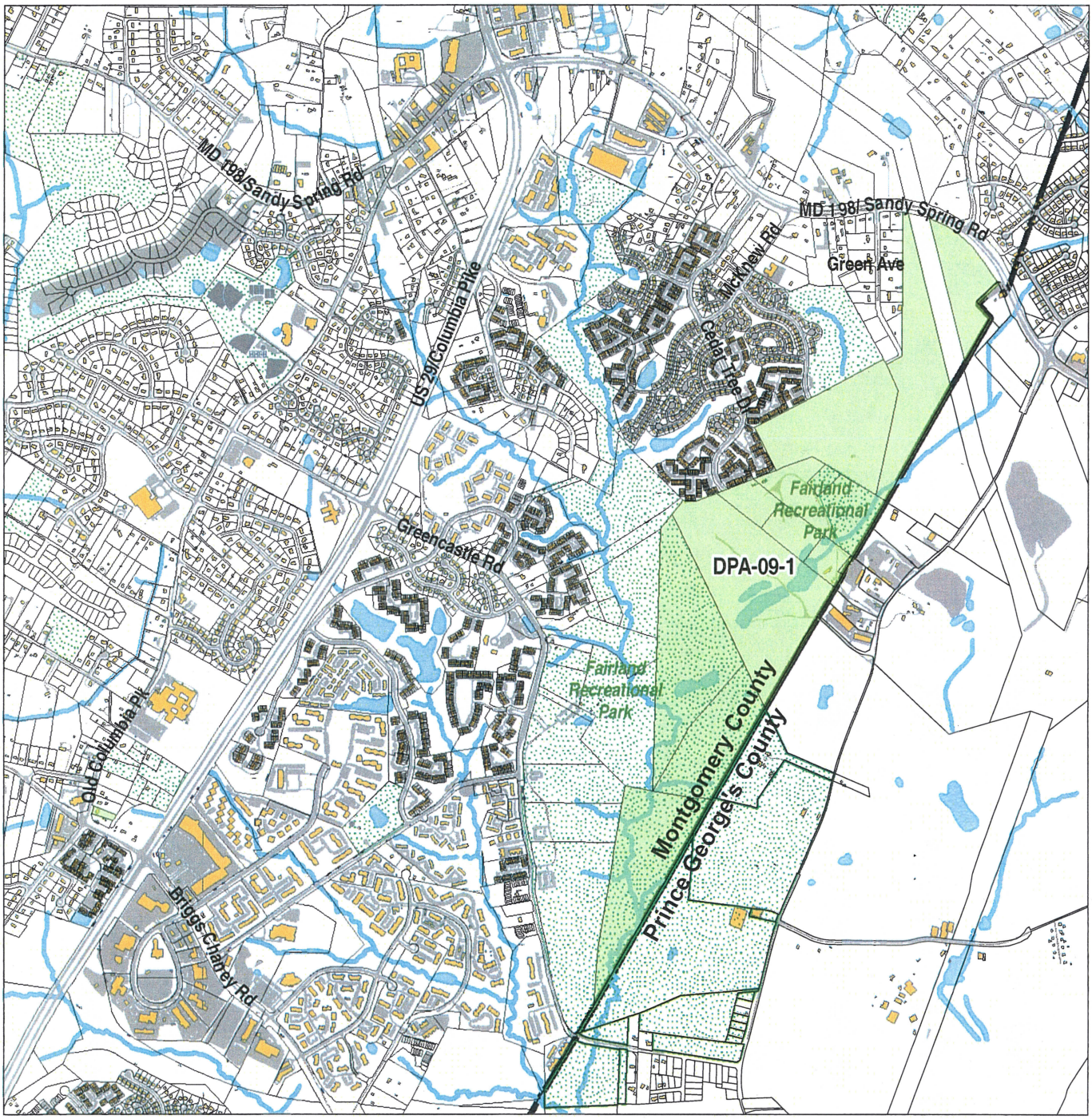
Division, dated April 15, 2009

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Attachment 17. Email Correspondence from Lisa S. Schwartz, Montgomery County Department of Housing and Community Affairs to Renée M. Miller, AICP, Development Review Division, dated April 16, 2009 43 – 45

ATTACHMENT 1

General Location Map



L E G E N D

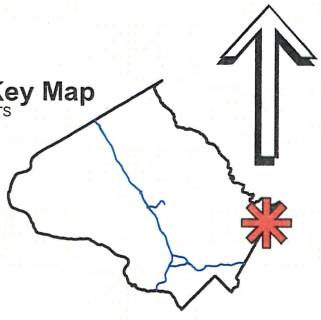
- DPA-09-1
- Building
- Paved Area
- Lake and Pond
- Stream and River

1" = 2,000 ft

Address: East of Rt 29, between Green Castle Rd and MD 198

Key Map

NTS



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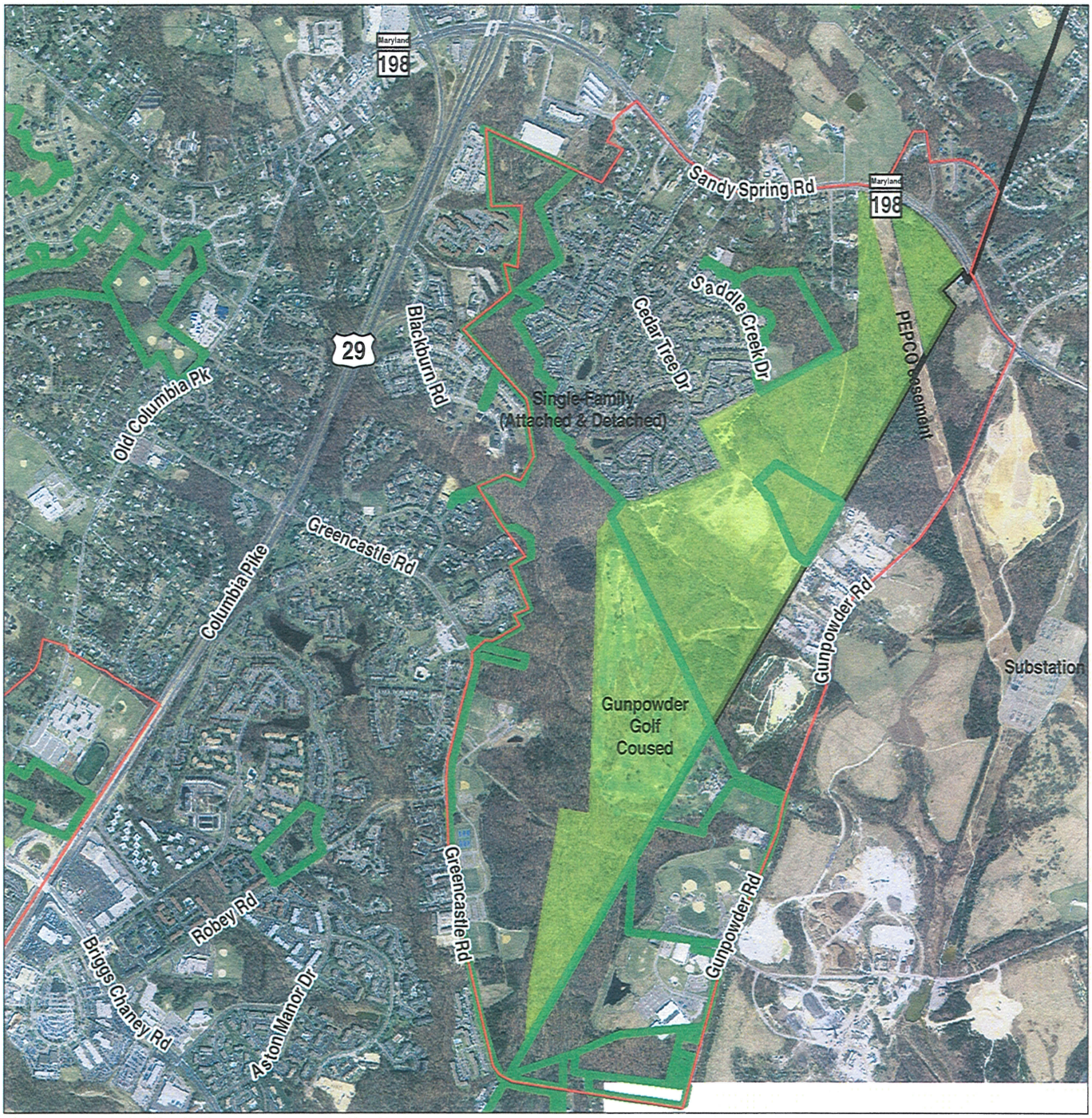
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ATTACHMENT 2

Surrounding Area Map

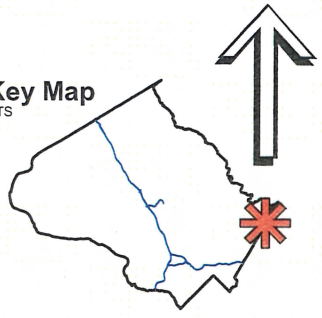


L E G E N D

- DPA-09-1
- Building
- Paved Area
- Lake and Pond
- Stream and River

1" = 2,000 ft
Address: East of Rt 29, between Green Castle Rd and MD 198

Key Map
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Miller, Renee **ATTACHMENT 3**

From: Whipple, Scott
Sent: Thursday, January 29, 2009 10:33 AM
To: Miller, Renee
Subject: Zoning Application No. DPA-09-1 (Fairland)

There are no designated historic resources within the boundaries of the development plan that is the subject of the above referenced zoning application. Therefore, this project would not be subject to any regulatory review by the Montgomery County Historic Preservation Commission under Chapter 24A of the County Code. However, the subject development plan abuts the Burton Log House (#34/14), at 15107 Birmingham Drive, a site designated in the Master Plan for Historic Preservation. The Burton Log House, which dates to c1800, is one of the first buildings constructed in the Burtonsville area and is a rare, highly representative example of an early log residence associated with the County's agricultural history.

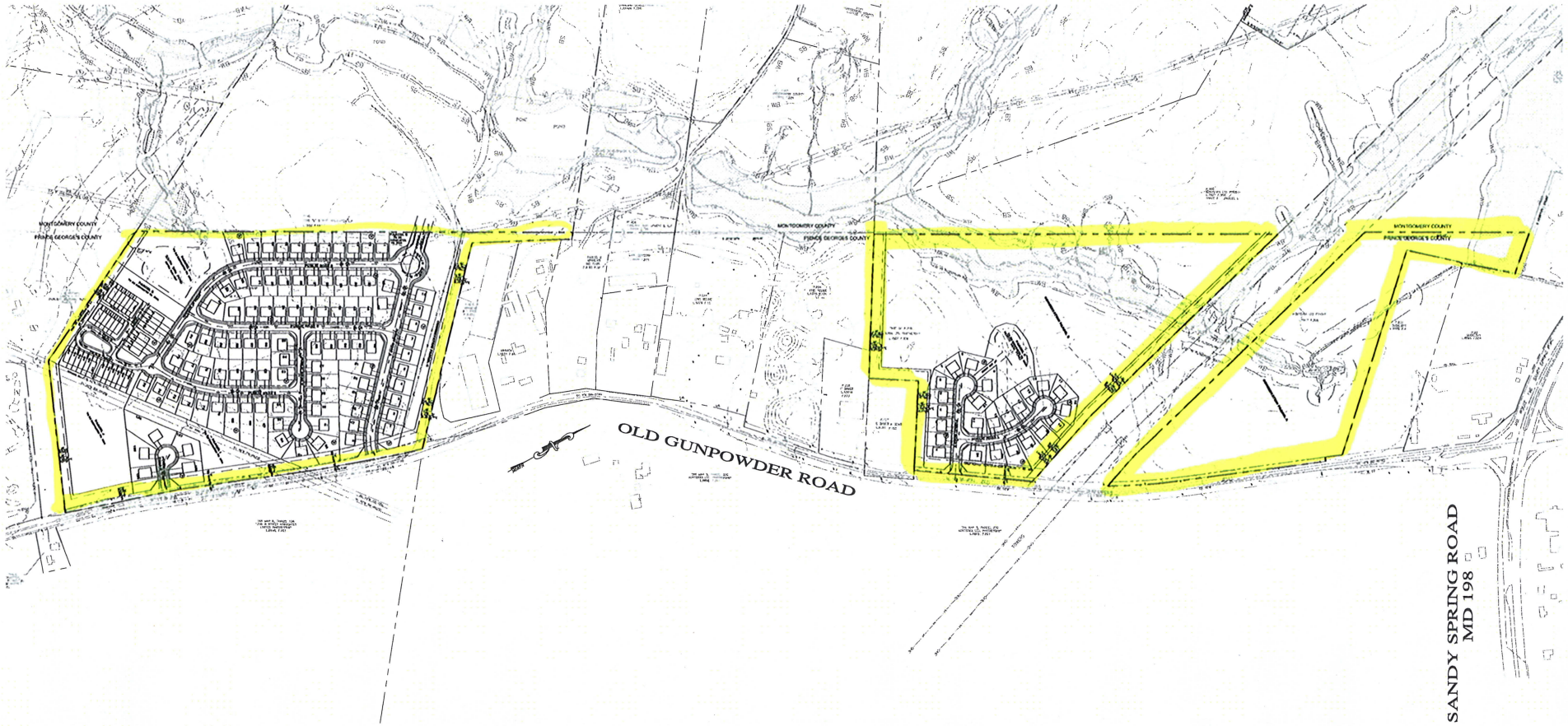
The development plan could have an adverse effect on this historic resource. The Historic Preservation section recommends that conditions of approval be placed on this project to ensure the sensitive design and siting of the road abutting the environmental setting of the Burton Log House and of residential buildings within proximity of the Burton Log House. Further mitigation may also be warranted, such as appropriate screening to reduce any adverse impact the development may have on the historic resource.

Scott D. Whipple, Supervisor
Historic Preservation Section | Urban Planning Division
Montgomery County Planning Department | M-NCPPC
Office: 1109 Spring Street, Suite 801 | Silver Spring
Mail: 8787 Georgia Avenue | Silver Spring MD 20910
301-563-3400 phone | 301-563-3412 fax
scott.whipple@mncppc-mc.org | http://www.mc-mncppc.org/historic/

FAIRLAND PARK COMMUNITY

PRINCE GEORGE'S COUNTY PRELIMINARY PLAN EXHIBIT

MARCH 2009



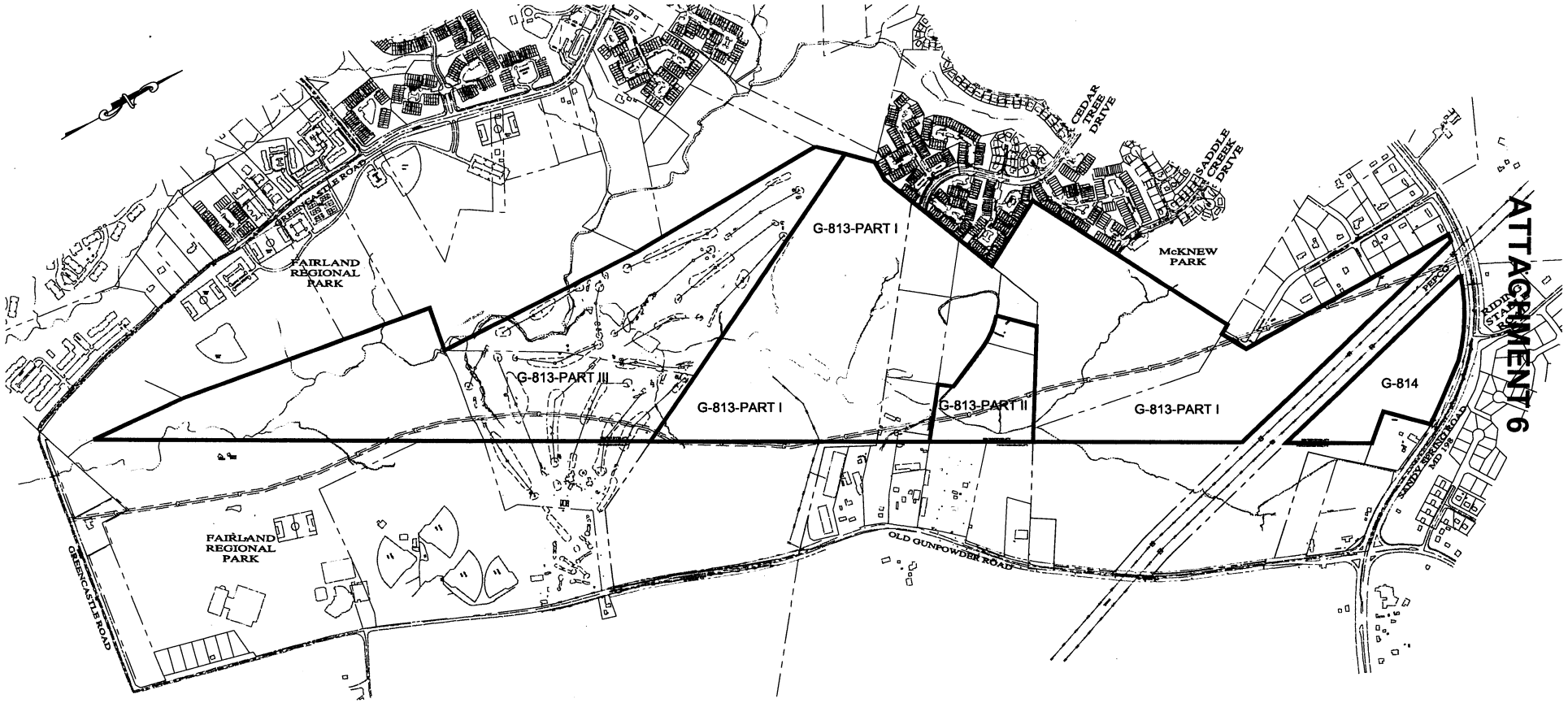
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APR 10 2009
DEVELOPMENT REVIEW DIVISION

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www.dewberry.com

4

ATTACHMENT 4

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www.dewberry.com



ATTACHMENT 6

FAIRLAND PARK COMMUNITY

ILLUSTRATIVE PLAN SHOWING DEVELOPMENT PLAN PARTS

DPA 09-01

MARCH 2009

FAIRLAND PARK COMMUNITY

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN INCLUDES LOCAL MAP AMENDMENT APPLICATIONS - G-813 PART I AND G-814

APRIL 2008

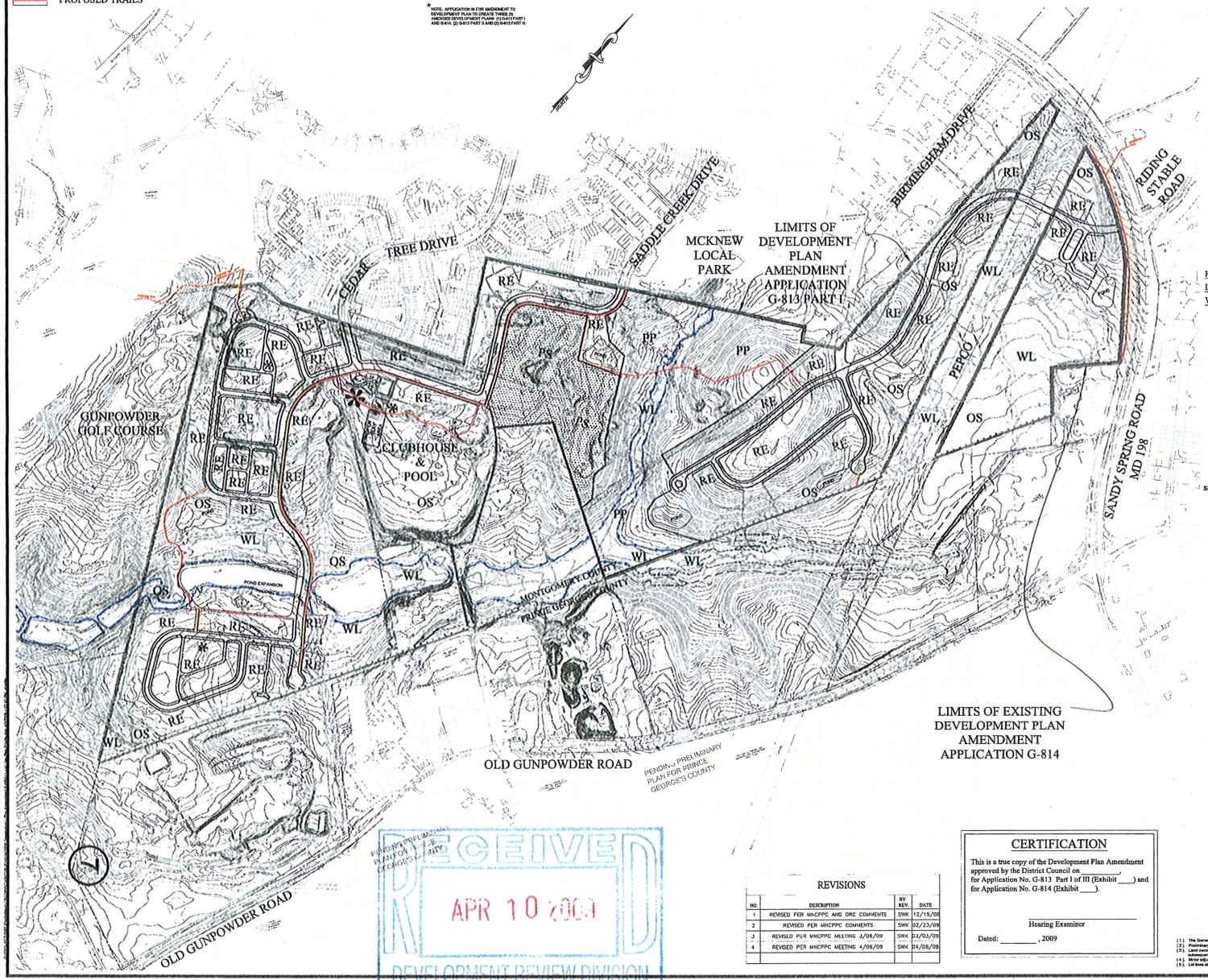
LEGEND [4]

- PP — PUBLIC PARK LAND
- RE — RESIDENTIAL
- OS — COMMON OPEN SPACE
- PS — PROPOSED SCHOOL DEDICATION SITE (11.00 ACRES ±)
- WL — WETLAND
- * — COMMUNITY RECREATION AREA
- * — MULTI-PLAY/TOT LOT
- 100 YEAR FLOODPLAIN
- STATE THREATENED SPECIES AND BUFFER
- EXISTING TRAILS
- PROPOSED TRAILS

GENERAL NOTES [1]

1. TOTAL AREA OF APPLICATIONS G-813 AND G-814 IS 315.94 ACRES
2. AREA OF DEVELOPMENT PLAN AMENDMENT:
   APPLICATION G-813 PART I IS 184.330 ACRES
   APPLICATION G-813 PART II IS 113.618 ACRES
   APPLICATION G-813 PART III IS 1.9 ACRES
   APPLICATION G-814 IS 17.996 ACRES
3. EXISTING ZONING: PD-2
4. 100-YEAR FLOODPLAINS ON THIS SITE ARE APPROXIMATE FROM A DENSERRY STUDY AND ARE SUBJECT TO A FUTURE STUDY.
5. WATERSHED: LITTLE PAINT BRANCH , USE CLASS I
6. WETLANDS ON-SITE DELINEATED BY Mellenry AND ASSOCIATES, INC. AND FIELD LOCATED BY DENNERRY & DAVIS LLC, 6/2007 TO 8/2007.
7. NO HISTORIC RESOURCES EXIST ON SITE PER THE LOCATIONAL ATLAS OF HISTORIC SITES IN MONTGOMERY COUNTY, MARYLAND.
8. PROPOSED STORMWATER MANAGEMENT FACILITIES ARE SUBJECT TO MODIFICATIONS DURING FINAL ENGINEERING REVIEW AND APPROVAL.
9. THE FINAL LIMITS OF CLEARING AND GRADING FOR THE DEVELOPMENT PLAN WILL BE ESTABLISHED AT TIME OF SITE PLAN AND WILL BE SHOWN ON THE APPROVED FINAL FOREST CONSERVATION PLAN. A PRELIMINARY FOREST CONSERVATION EXHIBIT HAS BEEN SUBMITTED AS PART OF THE DEVELOPMENT PLAN AMENDMENT.
10. LAND USED FOR STORM WATER MANAGEMENT FACILITIES MAY BE PUBLICLY OWNED, PUBLICLY MAINTAINED AND BE PUBLICLY OR PRIVATELY MAINTAINED AS DETERMINED AT SITE PLAN REVIEW.
11. THE FINAL NUMBER OF SINGLE-FAMILY LOTS IN EACH RESIDENTIAL POD MAY VARY AT TIME OF PRELIMINARY PLAN AND SITE PLAN APPROVALS.
12. RECREATIONAL AMENITIES WILL BE PRIVATE, NOT FOR THE GENERAL PUBLIC, AND ACCESS FOR THE ENTIRE FAIRLAND PARK COMMUNITY SUBDIVISION IN MONTGOMERY AND PRINCE GEORGE'S COUNTY.

* NOTE: APPLICATION IS FOR AMENDMENT TO DEVELOPMENT PLAN TO CREATE THREE (3) AMENDED DEVELOPMENT PLANS: (1) G-813 PART I AND G-814, (2) G-813 PART II AND (3) G-813 PART III.



FAIRLAND PARK COMMUNITY
LOCAL MAP AMENDMENT APPLICATION G-813 PART I
WRITTEN BINDING ELEMENTS

1. The maximum number of dwelling units will be 353 units, including a maximum of 46 Moderately Priced Dwelling Units (MPDUs). The MPDU requirement for G-813, Part I and G-814 will be satisfied within the boundaries of G-813, Part I. The final number of dwelling units for G-813, Part I and G-814, including 12.5% MPDUs, will be established during site plan review.
2. The MPDUs will consist of townhouse and duplex units. If the number of dwelling units is reduced at site plan, the MPDU unit types (townhouses and duplexes) will be proportionally adjusted downward. Final location and siting of MPDUs will be established during site plan review; however no more than 16 units will be provided in one location.
3. Forest conservation requirements will be satisfied within the boundaries of G-813 Part I and G-814 by the retention of the existing forest. The Applicant must consider G-813 Part I and G-814 as one overall project for the forest conservation plan unless the Planning Board approves modifications to the forest conservation plan.
4. The trails shown on this plan are illustrative only. The trail system and locations will be established during site plan review.
5. The minimum required green area will be increased from 30% to 45%. As used in this Binding Element, green area is gross tract area less the roads, buildings and driveways.
6. The Elementary School site shall be dedicated to public use prior to recordation of final plats for residential lots in Phase II.
7. No building other than a single-family detached residence shall be constructed within 100 feet of any boundary of the property comprising G-813 Part I, which adjoins land for which the area master plan recommends a one-family detached zone.

FAIRLAND PARK COMMUNITY
LOCAL MAP AMENDMENT APPLICATION G-814
WRITTEN BINDING ELEMENTS

1. The maximum number of dwelling units will be 12 units.
2. Forest conservation requirements will be satisfied within the boundaries of G-813 Part I and G-814 by the retention of the existing forest. The Applicant must consider G-813 Part I and G-814 as one overall project for the forest conservation plan unless the Planning Board approves modifications to the forest conservation plan.
3. The trails shown on this plan are illustrative only. The trail system and location will be established during site plan review.
4. The minimum required green area will be increased from 30% to 45%. As used in this Binding Element, green area is gross tract area less the roads, buildings and driveways.

SITE DATA TABLE FOR LOCAL MAP AMENDMENT APPLICATIONS G-813 PART I AND G-814 [1]

1. **Unit Classification**

	Preliminary Classification of Number of Bedrooms[2]
Local Map Amendment Application G-813-Part I	
307 Single Family Detached Units	Four to Five
46 Single Family Attached Units	Two to Four
Local Map Amendment Application G-814	
12 Single Family Detached Units	Four to Five

2. **Housing Mix**

	Minimum Required	Provided
Local Map Amendment Application G-813-Part-I		
Single Family Detached Units	30% / 106 D.U.	67% / 307 D.U.
Single Family Attached Units	70% / 71 D.U.	33% / 46 D.U.*
*Pursuant to footnote 1 of Section 59-C-7.131, the Applicants have requested a waiver of this requirement.		
Local Map Amendment Application G-814		
Single Family Detached Units	75% / 9 D.U.	100% / 12 D.U.
Single Family Attached Units	25% / 3 D.U.	0% / 0 D.U.*
*Pursuant to footnote 1 of Section 59-C-7.131, the Applicants have requested a waiver of this requirement.		

3. **Density**

	Maximum Permitted in FAR/D Zone	Provided**
Local Map Amendment Application G-813-Part I	2.44 D.U. / Acre	2.135 D.U. / Acre (353 D.U. / 165.33 Acres)
Local Map Amendment Application G-814	2.44 D.U. / Acre	.66 D.U. / Acre (12 D.U. / 18 Acres)

** Includes MPDUs.
Base Density is 2.0 DU / AC x 183.23 Acres = 366 Units
Required MPDU's is 12.50% of 366 Units = 46 Units.
Applicant is not requesting a MPDU bonus density.

4. **MPDU's**

	Minimum Required	Provided
Local Map Amendment Application G-813-Part-I	12.50% / 46 D.U. *	46 D.U.*
Local Map Amendment Application G-814	Under 20 D.U. = 0 MPDU's	—

* If the applications were considered together, the applicant would be required to provide 46 MPDUs (12.50% of 366 units).

6. **Land Devoted To Public Use** [1]

	L/MA G-813-Part I	L/MA G-814	Total
Road Dedication for Right-of-Way	18.70 Acres	0.78 Acres	19.48 Acres
M-NCPPC Dedication Area	23.00 Acres	0 Acres	23.00 Acres
School Dedication Area	11.00 Acres	0 Acres	11.00 Acres
			53.48 Acres

8. **Parking** [1]

Local Map Amendment Application G-813-Part I	Minimum Required	Provided
Community Recreation Clubhouse, Swimming / Wading Pool	Not Specified	37 Spaces
Total Residential: 46 Single Family Attached	92 (2 Spaces / D.U.)	46 Garage, 46 Tandem — 92 Total Spaces
307 Single Family Detached	614 (2 Spaces / D.U.)	614 Garage, 490 Tandem — 1,104 Total Spaces
Local Map Amendment Application G-814		
12 Single Family Detached	24 (2 Spaces / D.U.)	24 Garage, 20 Tandem — 44 Total Spaces

7. **Green Area** [1]

Local Map Amendment Application G-813- Part I	Minimum Required	Provided	
	30% (55.60 Acres)	Site Area	198.33 Acres
		Less Roads/Driveways	15.70 Acres
		Less Buildings	8.84 Acres
		Less Parking/Pool	0.74 Acres
		Less School Site	2.70 Acres
		Green Area	130.44 Acres
* Assume 30% green area on school dedication area (2.70 acres impervious)			73.85 %
Local Map Amendment Application G-814	30% (5.4 Acres)	Site Area	18.00 Acres
		Less Roads/Driveways	0.80 Acres
		Less Buildings	0.59 Acres
		Green Area	16.61 Acres
			93.28 %

(1). The General Notes and the Site Data Table are informational only and are not binding elements of the Development Plan Amendment.
(2). Preliminary classification of number of bedrooms and number of parking spaces are subject to adjustment at time of final site plan.
(3). Land devoted to public use and green area are approximate and subject to change based on final engineering and further revision based on subsequent subdivision and site plan proceedings provided a minimum of 45% of gross tract area is green area.
Minor adjustments to limits and extents of geographical areas and amenities areas defined by the legend and depicted here on, may occur at time of site plan.
(4). List lines shown are based on Illustrative Concept Exhibit and are illustrative only.

REVISIONS

NO.	DESCRIPTION	BY REV.	DATE
1	REVISED PER MNCPPC AND DRC COMMENTS	SWK	12/15/08
2	REVISED PER MNCPPC COMMENTS	SWK	02/23/09
3	REVISED PER MNCPPC MEETING 3/06/09	SWK	03/03/09
4	REVISED PER MNCPPC MEETING 4/06/09	SWK	04/06/09

CERTIFICATION

This is a true copy of the Development Plan Amendment approved by the District Council on _____ for Application No. G-813 Part I of III (Exhibit ____) and for Application No. G-814 (Exhibit ____).

_____
Hearing Examiner

Dated: _____, 2009

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Dewberry
Fairfax, VA 22030
Phone: 703.849.0100
Fax: 703.849.0101

Drawn by: SWK
Designed by: DAD
Checked by: MAM
Preliminary Plan #: -
Tax Map #: -
Zone: -

LEGAL DESCRIPTION

APPLICANT/DEVELOPER
FAIRLAND DEVELOPMENT, LLC
7200 WISCONSIN AVENUE, SUITE 1000
BETHESDA, MARYLAND 20814
CONTACT: MR. WAYNE KAPPAUF
Phone: (301) 961-6555
Fax: -

Title: AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN INCLUDES LOCAL MAP AMENDMENT APPLICATIONS - G-813 PART I AND G-814
FAIRLAND PARK COMMUNITY
MONTGOMERY COUNTY, MARYLAND

Date: APRIL 2008
Scale: 1"=200'
Sheet: 1 of 2
File number: -

ATTACHMENT 7A

FAIRLAND PARK COMMUNITY
LOCAL MAP AMENDMENT APPLICATION G-813 PART I
WRITTEN BINDING ELEMENTS

1. The maximum number of dwelling units will be 353 units, including a maximum of 46 Moderately Priced Dwelling Units (MPDUs). The MPDU requirement for G-813, Part I and G-814 will be satisfied within the boundaries of G-813, Part I. The final number of dwelling units for G-813, Part I and G-814, including 12.5% MPDUs, will be established during site plan review.
2. The MPDUs will consist of townhouse and duplex units. If the number of dwelling units is reduced at site plan, the MPDU unit types (townhouses and duplexes) will be proportionally adjusted downward. Final location and siting of MPDUs will be established during site plan review; however no more than 16 units will be provided in one location.
3. Forest conservation requirements will be satisfied within the boundaries of G-813 Part I and G-814 by the retention of the existing forest. The Applicant must consider G-813 Part I and G-814 as one overall project for the forest conservation plan unless the Planning Board approves modifications to the forest conservation plan.
4. The trails shown on this plan are illustrative only. The trail system and locations will be established during site plan review.
5. The minimum reguired green area will be increased from 30% to 45%. As used in this Binding Element, green area is gross tract area less the roads, buildings and driveways.
6. The Elementary School site shall be dedicated to public use prior to recordation of final plats for residential lots in Phase II.
7. No building other than a single-family detached residence shall be constructed within 100 feet of any boundary of the property comprising G-813 Part I, which adjoins land for which the area master plan recommends a one-family detached zone.

FAIRLAND PARK COMMUNITY
LOCAL MAP AMENDMENT APPLICATION G-814
WRITTEN BINDING ELEMENTS

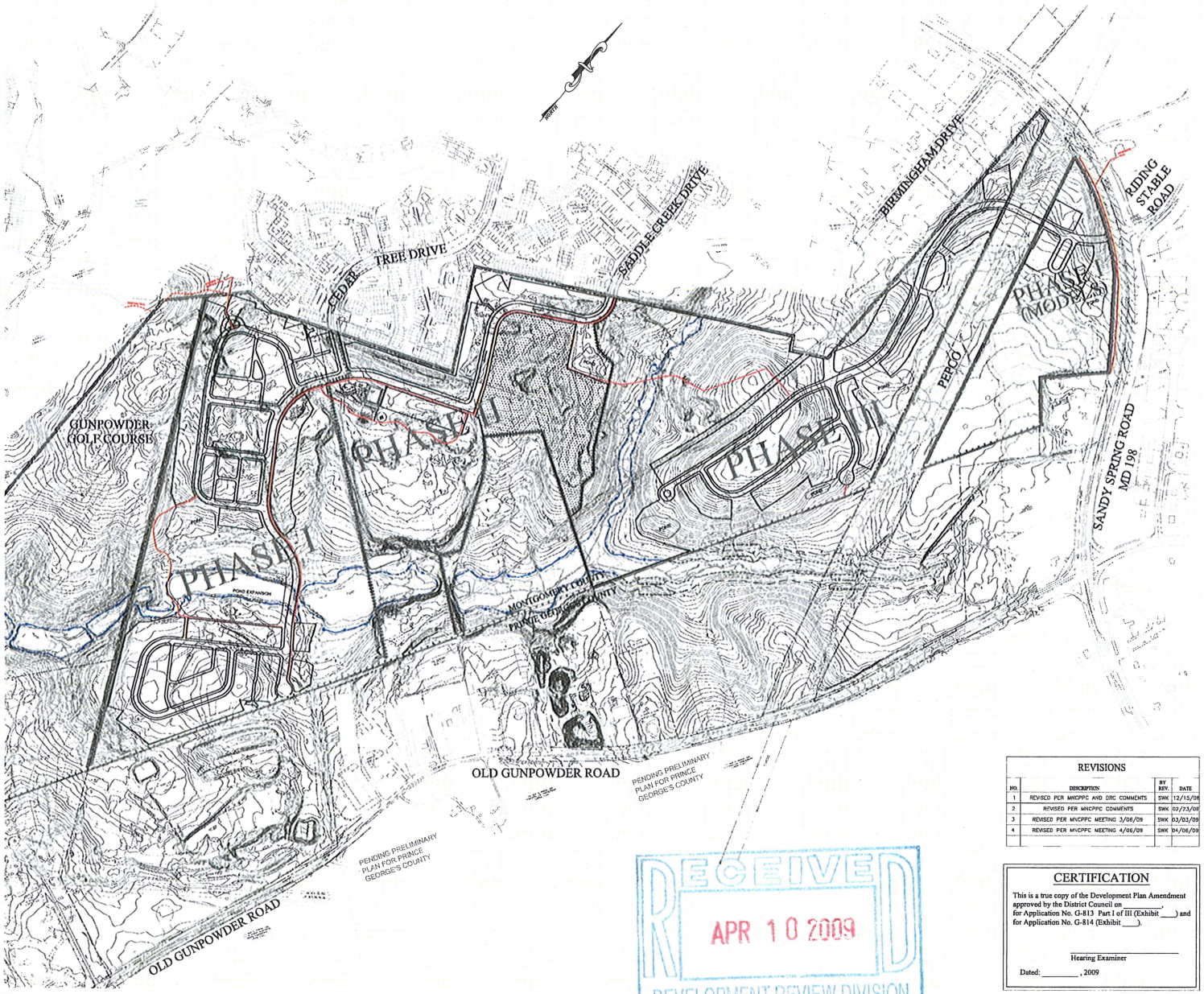
1. The maximum number of dwelling units will be 12 units.
2. Forest conservation requirements will be satisfied within the boundaries of G-813 Part I and G-814 by the retention of the existing forest. The Applicant must consider G-813 Part I and G-814 as one overall project for the forest conservation plan unless the Planning Board approves modifications to the forest conservation plan.
3. The trails shown on this plan are illustrative only. The trail system and location will be established during site plan review.
4. The minimum reguired green area will be increased from 30% to 45%. As used in this Binding Element, green area is gross tract area less the roads, buildings and driveways.

8

FAIRLAND PARK COMMUNITY

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN PHASING

APRIL 2008



REVISIONS			
NO.	DESCRIPTION	BY REV.	DATE
1	REVISED PER MNCPPC AND DRC COMMENTS	SWK	12/15/08
2	REVISED PER MNCPPC COMMENTS	SWK	02/23/09
3	REVISED PER MNCPPC MEETING 3/06/09	SWK	03/03/09
4	REVISED PER MNCPPC MEETING 4/06/09	SWK	04/08/09

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DEVELOPMENT REVIEW DIVISION

CERTIFICATION

This is a true copy of the Development Plan Amendment approved by the District Council on _____, for Application No. G-813 Part I of III (Exhibit ___) and for Application No. G-814 (Exhibit ___).

_____
Hearing Examiner

Dated: _____, 2009

Dewberry
8401 Arlington Blvd, Fairfax, VA 22031-4666
703.849.0100 Fax: 703.849.0118
www.dewberry.com

Drawn by: SWK
Designed by: D&D
Checked by: MAM
Preliminary Plan #:
Tax Map #:
Zoned:

LEGAL DESCRIPTION:

APPLICANT/DEVELOPER:
FAIRLAND DEVELOPMENT, LLC
A MARYLAND LIMITED LIABILITY COMPANY
TRI-PACIFIC DEVELOPMENT, LLC
A MARYLAND LIMITED LIABILITY COMPANY
CONTRACTUAL PURCHASER/AUTHORITY
Phone: (301) 963-3000
Fax: (301) 963-3001
Attn: Phil Perrine

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN PHASING
FAIRLAND PARK COMMUNITY
5TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

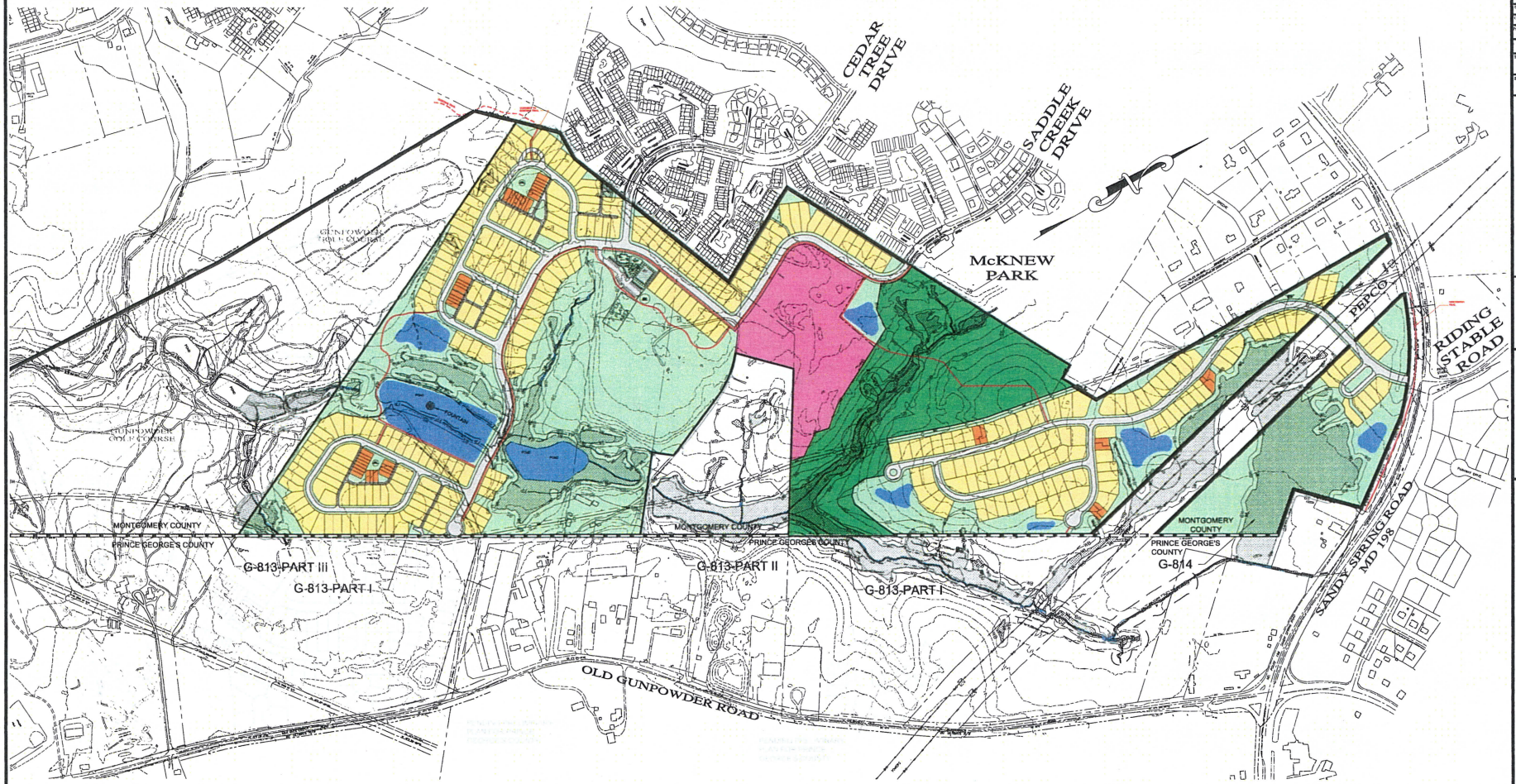
Date: APRIL 2008
Sheet: 2 of 2
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File number:

ATTACHMENT 7B

FAIRLAND PARK COMMUNITY

MONTGOMERY COUNTY ILLUSTRATIVE CONCEPT EXHIBIT

APRIL 2008



- RESIDENTIAL
- RESIDENTIAL - MPDU
- PAVEMENT
- PATH
- OPEN WATER
- FUTURE HOME OWNERS ASSOCIATION
- PROPOSED STREAM VALLEY PARK DEDICATION (23.00 ACRES ±)
- PROPOSED SCHOOL DEDICATION (11.00 ACRES ±)

REVISIONS			
NO.	DESCRIPTION	BY REV.	DATE
1	REVISED PER MNCPPC AND DRC COMMENTS	SWK	12/15/08
2	REVISED PER MNCPPC COMMENTS	SWK	02/23/09
3	REVISED PER MNCPPC MEETING 3/06/09	SWK	03/03/09
4	REVISED PER MNCPPC MEETING 4/06/09	SWK	04/06/09

0' 200' 400'

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8161 Maple Lawn Boulevard, Suite 101
Fulton, MD 20759
301.498.4800 Fax: 301.483.3379
www.dewberry.com

Drawn by: SWK
Designed by: D&D
Checked by: MAM
Preliminary Plan #: -
Tax Map #: -
Zoned: -

LEGAL DESCRIPTION

APPLICANT/DEVELOPERS:
FAIRLAND DEVELOPMENT, LLC
ATTN: JEFFREY BRAUTIGAM
7500 GREENWAY CENTER, SUITE 1500
GREENBELT, MARYLAND 20770
CONTACT: MS. BRIDGE RAFFERTY
Phone: (301) 441-4000
Fax: (301) 441-4001

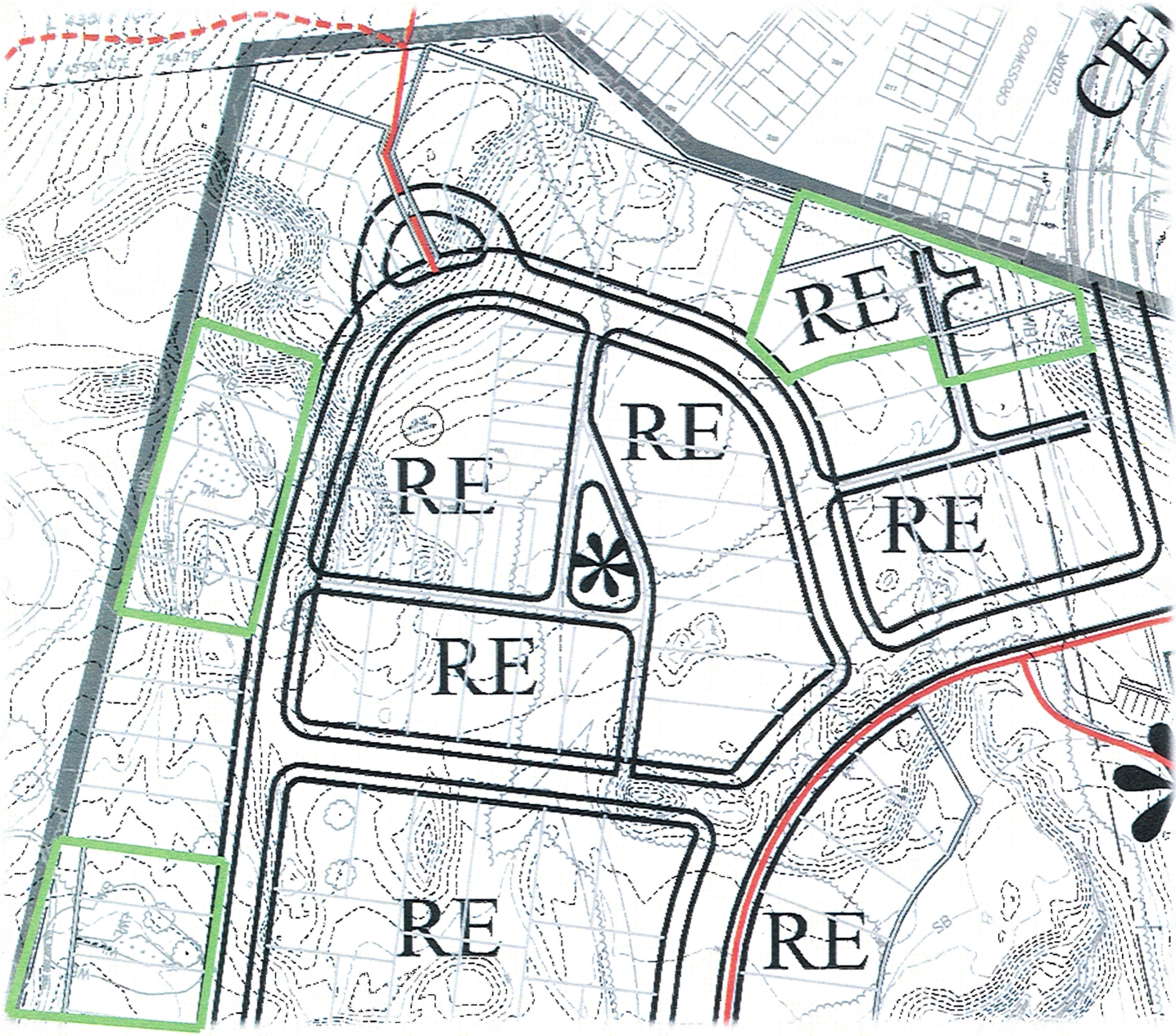
MONTGOMERY COUNTY ILLUSTRATIVE CONCEPT EXHIBIT

FAIRLAND PARK COMMUNITY
5TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Date: APRIL 2008
Sheet: 1 of 1
Scale: 1"=200'
File number:

ATTACHMENT 7C

ATTACHMENT 8



Lots within wetland boundary

Proposed Trails

FAIRLAND PARK COMMUNITY

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN INCLUDES
LOCAL MAP AMENDMENT APPLICATIONS - G-813 PART II

APRIL 2008

LEGEND [1]

- PP — PUBLIC PARK LAND
- WL — WETLAND
- 100 YEAR FLOODPLAIN
- STATE THREATENED SPECIES AND BUFFER
- EXISTING TRAILS



11

GENERAL NOTES [1]

1. TOTAL AREA OF LOCAL MAP AMENDMENT APPLICATIONS G-813 AND G-814: 18.313 M ACRES
2. AREA TO BE AMENDED ARE AS FOLLOWS:
   APPLICATION G-813-PART I: 18.220 ACRES
   APPLICATION G-813-PART II: 5.960 ACRES
   APPLICATION G-813-PART III: 0.118 ACRES
   APPLICATION G-814: 11.140 ACRES
3. EXISTING ZONING: RE-2
4. 100 YEAR FLOODPLAIN ON THIS SITE ARE APPROXIMATE FROM A DEWBERRY STUDY AND ARE SUBJECT TO A FUTURE STUDY. SUBJECT
5. WATERSHED: LITTLE PAINT BRANCH , USE CLASS I.
6. WETLAND DELINEATED BY HABITATION AND ASSOCIATES, INC. AND FIELD LOCATED BY DEWBERRY & DAVIS LLC, 6/2007 TO 8/2007.
7. NO HISTORIC RESOURCES EXIST ONSITE PER THE LOCATIONAL ATLAS OF HISTORIC SITES IN MONTGOMERY COUNTY, MARYLAND

[1] General Notes are informational only and are not binding elements of the Development Plan Amendment.
[2] Minor adjustments to limits and extents of geographical areas and amenities areas defined by the legend and depicted here on, may occur at time of site plan.

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REVISIONS

NO.	DESCRIPTION	BY REV.	DATE
1	REVISED PER MNCPPC AND DRC COMMENTS	SWK	12/15/08
2	REVISED PER MNCPPC COMMENTS	SWK	02/23/09
3	REVISED PER MNCPPC MEETING 3/06/09	SWK	03/03/09

CERTIFICATION

This is a true copy of the Development Plan Amendment approved by the District Council on _____, for Application No. G-813 Part II of III (Exhibit ___)

_____
Hearing Examiner

Dated: _____, 2009

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321 Ballenger Center Drive, Suite 101
Frederick, MD 21703
301.695.3176 FAX 301.663.3679
www.dewberry.com

Drawn by: SWK
Designed by: D&D
Checked by: MAM
Preliminary Plan #: -
Tax Map #: -
Parcel: -

LEGAL DESCRIPTION

APPLICANT/DEVELOPER
FAIRLAND DEVELOPMENT, LLC
FAIRLAND DEVELOPMENT II, LLC
2275 RESEARCH BOULEVARD, SUITE 500
ROCKVILLE, MARYLAND 20850
Phone: (301) 840-8888
Fax: (301) 840-8881

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN INCLUDES LOCAL MAP AMENDMENT APPLICATIONS - G-813 PART II
FAIRLAND PARK COMMUNITY
5TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Date: APRIL 2008
Sheet: 1 of 2
Scale: 1"=200'
File number: -

ATTACHMENT 9

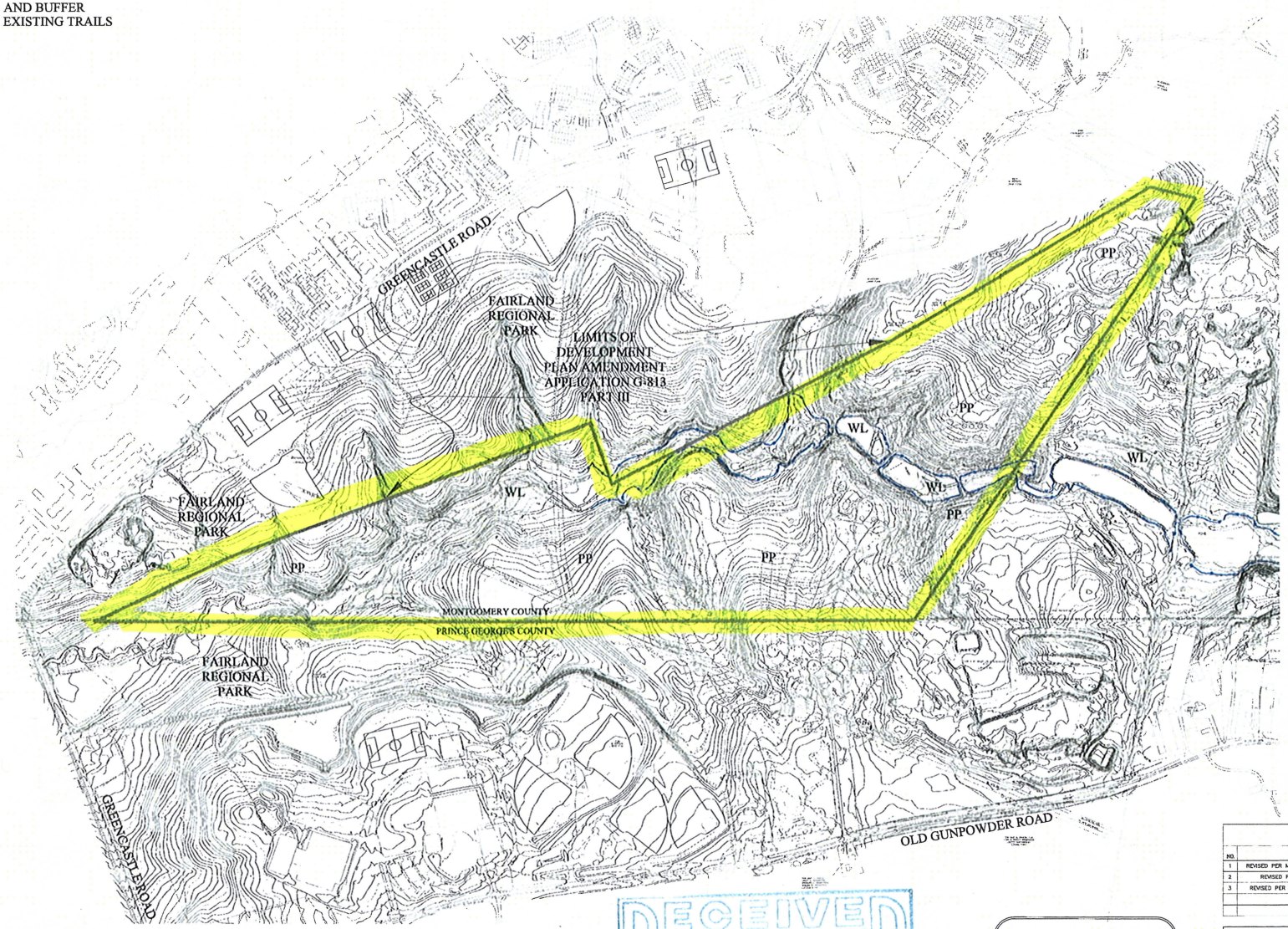
FAIRLAND PARK COMMUNITY

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN INCLUDES
LOCAL MAP AMENDMENT APPLICATIONS - G-813 PART III

APRIL 2008

LEGEND [1]

- PP — PUBLIC PARK LAND
- WL — WETLAND
- 100 YEAR FLOODPLAIN
- STATE THREATENED SPECIES AND BUFFER
- EXISTING TRAILS



12

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DEVELOPMENT REVIEW DIVISION

GENERAL NOTES [1]

1. TOTAL AREA OF LOCAL MAP AMENDMENT APPLICATIONS G-813 AND G-814 IS 313.94 ACRES.
2. AREA TO BE AMENDED ARE AS FOLLOWS:
   APPLICATION G-813-PART I IS 192.200 ACRES
   APPLICATION G-813-PART II IS 14.229 ACRES
   APPLICATION G-813-PART III IS 110.383 ACRES
   APPLICATION G-814 IS 17.846 ACRES
3. EXISTING ZONING: PD-2
4. 100-YEAR FLOODPLAIN ON THIS SITE ARE APPROXIMATE FROM A DEWBERRY STUDY AND ARE SUBJECT TO A FUTURE STUDY. SUBJECT
5. WATERSHED: LITTLE PAINT BRANCH , USE CLASS I
6. WETLANDS ON-SITE DELINEATED BY MANIKOTH AND ASSOCIATES, INC. AND FIELD LOCATED BY DEWBERRY & DAVIS LLC. 5/2007 TO 8/2007.
7. NO HISTORIC RESOURCES EXIST ON-SITE PER THE LOCATIONAL ATLAS OF HISTORIC SITES IN MONTGOMERY COUNTY, MARYLAND.

[1]. General Notes are informational only and are not binding elements of the Development Plan Amendment.
[2]. Minor adjustments to limits and extents of geographical areas and amenities areas defined by the legend and depicted here on, may occur at time of site plan.

REVISIONS

NO.	DESCRIPTION	BY REV.	DATE
1	REVISED PER M/NCPPC AND DRC COMMENTS	SWK	12/15/08
2	REVISED PER M/NCPPC COMMENTS	SWK	02/23/09
3	REVISED PER M/NCPPC MEETING 3/06/09	SWK	03/03/09

CERTIFICATION

This is a true copy of the Development Plan Amendment approved by the District Council on _____, for Application No. G-813 Part III of III (Exhibit ___)

_____
Hearing Examiner

Dated: _____, 2009

Dewberry
8401 Arlington Expressway, Suite 300
Fairfax, VA 22031-4666
703-849-0100 FAX 703-849-0101
www.dewberry.com

Drawn by: SWK
Designed by: D&D
Checked by: MAM
Preliminary Plan #: -
Tax Map #: -
Zoned: -

LEGAL DESCRIPTION

APPLICANT/DEVELOPER
FAIRLAND DEVELOPMENT, LLC.
FAIRLAND DEVELOPMENT LIMITED PARTNERSHIP
7501 WISCONSIN AVENUE, SUITE 1500W
BETHESDA, MARYLAND 20814
ATTENTION: MR. JOSEPH ALFANDRE
Phone: (301) 941-1500
Fax: (301) 652-6851

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN INCLUDES LOCAL MAP AMENDMENT APPLICATIONS - G-813 PART III
FAIRLAND PARK COMMUNITY
5TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Date: APRIL 2008
Sheet: 2 of 2
Scale: 1"=200'
File number: -

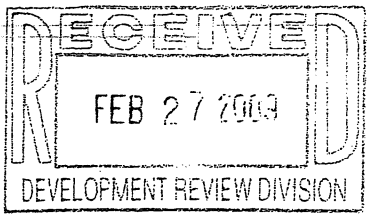
ATTACHMENT 10

ATTACHMENT 11

FAIRLAND MASTER PLAN CITIZENS ADVISORY COMMITTEE
2901 Greencastle Road Burtonsville MD 20866

February 23, 2009

Ms. Rose Krasnow
Chief, Development Review Division, M-NCPPC
8787 Georgia Avenue
Silver Spring MD 20910



Dear Ms. ~~Krasnow~~ Rose:

I do not mean to belabor the "waiver" issue with respect to the Fairland Park development, but the Fairland Master Plan Citizens Advisory Committee felt it important to submit a letter for the record underscoring the points I made verbally to the development review committee on the subject. They are as follows:

1. The grant of the waiver is a significant element of the historic record and reflects a high master plan priority, central to the plan and particular to this site, to maximize the number of single-family-detached houses on the remaining developable acreage in an area that has taken a disproportionate number, indeed large concentrations, of townhouses and apartments. The rationale for the waiver was so obvious and so consistent with master plan intent that the waiver was supported without argument by the developer, the community, the Planning Board, and the County Council.
2. To add a token of townhouses to the plan would result in neither diversity nor distinctiveness but in a cookie-cutter sameness. Think coals to Newcastle, or in this instance Greencastle. The DRC is entitled to impose its own priorities on the plan but not to pretend they are consistent with the plan's primary goals—to remedy the demographic and housing imbalances and reduce transiency on the east side of US 29, as well as to create a distinctive community of "move-up" housing to encourage residents to remain in the area.
3. The conditions on the east side of US 29 that justified the waiver remain as valid and relevant today as they did previously. Indeed, more than ever market townhouses are being converted to rental units in the challenged neighborhoods east of US 29, and elementary school transiency rates remain among the highest in the County.
4. The elimination of the golf course, and now possibly the school, if anything makes maintenance of the single-family-detached goal more compelling than ever in order to achieve the signature quality and character of development envisioned for this site.
5. That the developer and the community share the same vision and much the same conclusions speaks to the strong working consensus that has evolved over the years with respect to the waiver and other aspects of the plan. To substitute its own judgment on the merits of the waiver would put the development review

committee in the unusual position of undermining a concurrence between residents and developer that was the product of a long collaborative process, indeed one that included the previous planner!

6. The community will be extremely upset to learn they have not only lost the improved golf course and stand to lose a school site that was always understood to be a key element of the PD, but that planning staff are watering down other goals of the plan as well—*and without residents being a part of that process*. **As I mentioned at the last meeting, it would be unimaginable that if the golf course had been removed from the Avenel plan, the adjacent Potomac homeowners and the surrounding community would not have been a full participant in discussing an alternative concept for that PD, one that remained faithful to the underlying principle the community bought into, including the substitution of other amenities rather than a depreciation of what remained of the original concept.** The Burtonsville community deserves as much. In the end, I believe the process issue may be the most serious of all.

Please share these thoughts with the members of the development review committee. I hope I've contributed to some better understanding of how much this project means to the community as well as to the sustainability of a healthy, stable planning area, and that there is a history and context here that deserves to play a more prominent part in your deliberations.

Sincerely,

Stuart Rochester
Chair, Fairland Master Plan CAC

cc. Ralph Wilson
Renee Miller

ATTACHMENT 12

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

April 14, 2009

MEMORANDUM

TO: Renee Miller, Development Review Division

VIA: Khalid Afzal, Team Leader, East Transit Corridor Team
Vision Division

FROM: Kristin O'Connor, Senior Planner, East Transit Corridor Team
Vision Division

SUBJECT: DPA 09-01 – Fairland Park Community

APR 14 2009

Recommendation

The Vision Division has reviewed the proposed revised Fairland Park Community Development Plan Amendment, located within the *1997 Approved and Adopted Fairland Master Plan*, and finds that the proposed plan is consistent with the Master Plan.

Master Plan Discussion

The subject site is located in the Oakfair-Saddlecreek Community. Prior to the 1980's, the site was used for sand and gravel excavation. It has forested areas, steep slopes, and wetlands associated with the upper reaches of the Little Paint Branch (page 47). It is zoned PD-2 and is designated as Area 2 in the Master Plan (Figure 21, see attached). The Master Plan states that Area 2 "has the potential for adding detached units to the housing mix; expanding or reconfiguring the Gunpowder Golf Course, as proposed by one of the land owners; improving the road network including a possible extension of roads to Old Gunpowder Road in Prince George's County; and a hiker/biker access to the Fairland Recreational Park." The Plan recommended the PD Zone to "promote compatibility between the golf course and the existing community that will share a street network and an elementary school." In addition to a new school and street network, the community was envisioned as a new development with connected trails and open space.

In addition to the general guidance of the Master Plan regarding this parcel, staff reviewed this amendment using the following eight criteria, outlined on page 48 in the Master Plan:

1. "A density cap of 396 units in Montgomery County with an appropriate mix of housing types including single-family detached and attached units;
2. MPDUs to be distributed throughout the development;
3. Extension of the existing road network;
4. Areas of no disturbance or environmental impact (reference to Page 119 of the Master Plan);

6. Connect road(s) to Old Gunpowder Road in Prince George's County, if desirable;
7. Common open space for residents of the new community; and
8. A 12-15 acre site for a new elementary school."

The revised plan proposes a total of 365 units, with MPDUs dispersed throughout the development, the dedication of an elementary school site (approximately 11 acres), road connections and extensions, trail connections and paths that provide access to Fairland Recreational Park, open space, a community recreation center with pool and clubhouse, and a significant preservation of environmentally sensitive areas.

Environmental Impacts

While the plan meets the environmental protection objectives of the Master Plan, four areas of wetlands and their buffers is still a concern as they are shown as buildable lots in the amendment. These wetlands are generally found along the existing M-NCPPC Gunpowder golf course boundary, and may have been an outgrowth/remnant of previous sand and gravel extraction operations. Six proposed lots and portions of five additional lots are affected by the wetlands and their buffers. Environmental Planning staff proposes to perform an assessment of these wetlands to evaluate their sustainability. If they are deemed suitable for protection by the time of preliminary plan stage, the proposed development should preserve the wetlands and their buffers as required.

Waiver

The applicant is requesting a waiver of the PD Zone's requirement of minimum 20 percent attached units. The revised plan proposes 319 single-family detached units (87.5 percent) and 46 (12.5 percent) one-family attached units. Since the Master Plan supports clustering and developing the community with the appropriate mix of housing types including single-family detached and attached units, Vision staff supports the applicant's proposal to develop a community with predominately single-family units. The PD Zone's standard of minimum 20 percent attached units would yield an appropriate mix of housing types for this site. However, Vision staff believes that a waiver of this requirement to reduce the number of attached units would be consistent with the Master Plan's emphasis on creating more single-family detached houses in this part of the County.

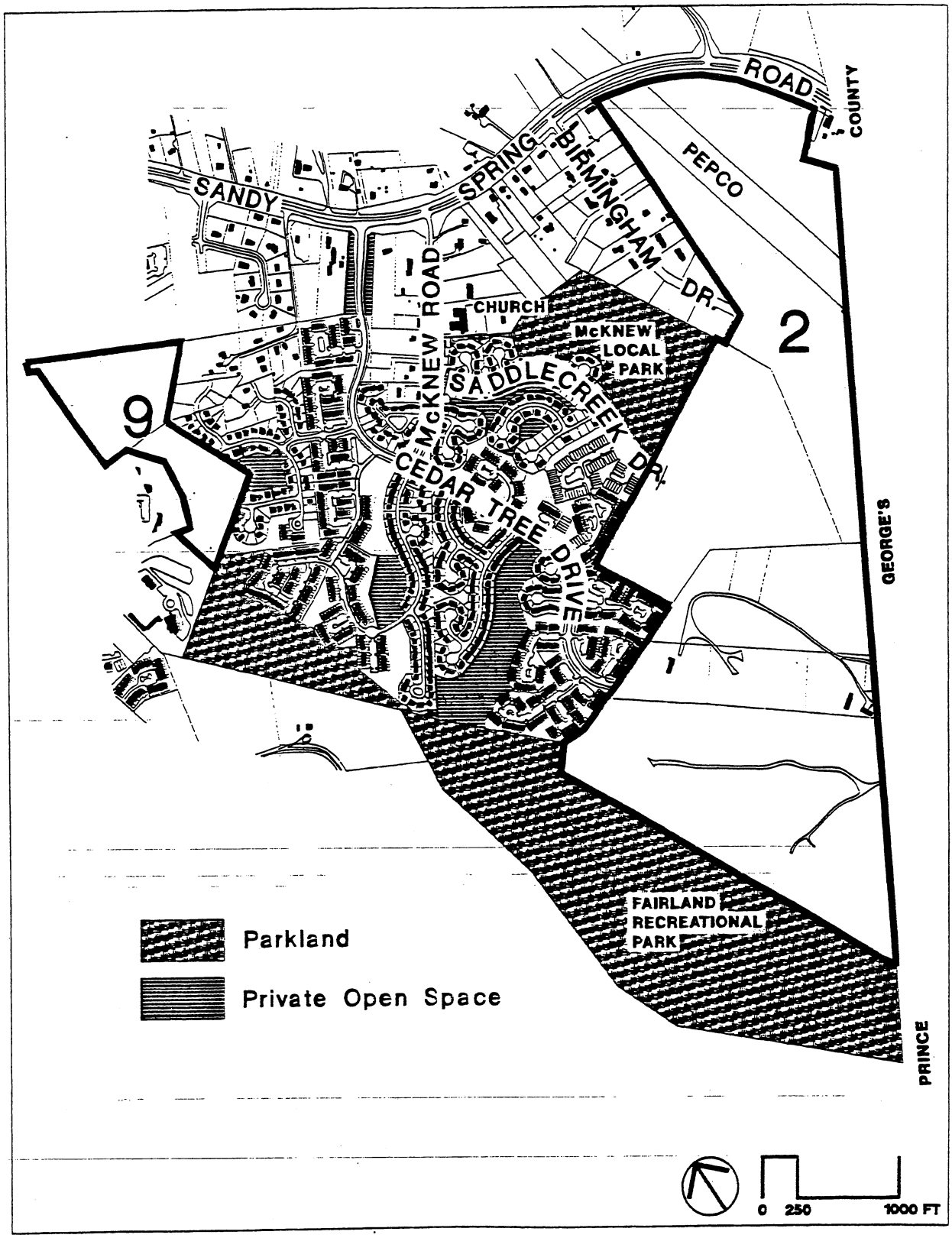
Conclusion

Based on staff's analysis, the proposed amendment is consistent with the *1997 Approved and Adopted Fairland Master Plan*. In an effort to further meet the environmental goals of the Plan, Vision staff makes the following comment:

1) At the time of preliminary plan review, Environmental staff should conduct an assessment of the wetland areas. If they are deemed suitable for protection by the time of preliminary plan stage, the proposed development should preserve the wetlands and their buffers in a natural condition.

Attachment

FIGURE 21


SANDY
SPRING
ROAD
BIRMINGHAM
DR.
PEPCO
COUNTY
McKNEW ROAD
CHURCH
McKNEW
LOCAL
PARK
SADDLECREEK DR.
CEDAR TREE DRIVE
2
9
1
GEORGE'S
PRINCE
FAIRLAND
RECREATIONAL
PARK
Parkland
Private Open Space
0 250 1000 FT

ATTACHMENT 13

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

Revised April 23, 2009
~~April 20, 2009~~

MEMORANDUM

APR 24 2009

TO: Renee Miller, Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning Division
301-495-4525

SUBJECT: Development Plan Amendment DPA-09-1
Application to amend previously approved Development Plan associated with Zoning Applications G-813 and G-814, and to remove the golf course component and previously anticipated land exchanges with Montgomery County integral to G-813 and G-814
Fairland Park Community
Fairland Development LLC ("Applicant")
Fairland/White Oak Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject application to amend previously approved Development Plan associated with Zoning Applications G-813 and G-814, and to remove the golf course component and previously anticipated land exchanges with Montgomery County that were part of G-813 and G-814.

RECOMMENDATIONS

Transportation Planning staff recommends that the following condition be part of the Planning Board's transportation-related recommendations on the above Development Plan Amendment. The density proposed in this DPA for Fairland Park Community is less than that included in the previously approved APF finding for Fairland Park (Preliminary Plan No. 120050200). Therefore, should an amendment to the previously approved preliminary plan be

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submitted, the application would satisfy findings of the APF test. ~~Please note that this condition may or may not satisfy APF requirements when an amendment to the previously approved preliminary plan (Fairland Park – 122050200) is considered, but is acceptable for Development Plan Amendment/Zoning purposes since the recommendation listed can be considered probable of fruition in the foreseeable future.~~

1. The Applicant must limit future development on the site to 365 dwelling units consisting of 319 single-family detached units and 46 townhouse/duplex units.

DISCUSSION

Site Location

The Fairland Park Community development is located within the southwest quadrant of the MD 198/Old Gunpowder Road intersection in Montgomery County. The Montgomery County and Prince George's County line runs north-south along the eastern edge of the subject site. The Gunpowder Golf Course and the Fairland Recreational Park are to the south of the site. The site is also adjacent to McKnew Local Park located along Saddle Creek Drive.

Master Plan Roads, Bikeways, Sidewalks, and Trail Facilities

The 1997 Approved and Adopted Fairland Master Plan include the following nearby master-planned facilities:

1. Sandy Spring Road/Spencerville Road (MD 198), as a four-lane divided major highway (M-76) with a 120-foot minimum right-of-way and a Class I bikeway (PB-34) to the south side of the roadway between US 29 and the Prince George's County line.

2. Cedar Tree Drive, as a two-lane primary road (P-45) with a 70-foot minimum right-of-way and a Class III bikeway (PB-46) between MD 198 and Fairland Recreational Park. A Class I bikeway (PB-47 – Cedar Tree Drive Connector) that connect Cedar Tree Drive with Robey Road to the south through Fairland Recreational Park is also included in the Master Plan. The existing portion of Cedar Tree Drive is built as a two-lane primary road to master plan recommendations with sidewalks on both sides and a Class III bikeway. The Fairland Park Community development proposes to construct Cedar Tree Drive through the site and make provisions to ultimately connect it with Old Gunpowder Road in Prince George's County.

3. McKnew Road, as a two-lane primary road (P-26) with a 70-foot minimum right-of-way and sidewalks on both sides between MD 198 and Sugar Pine Court. The existing section of McKnew Road to the south of Sugar Pine Court is currently built as a two-lane primary road to master plan recommendations with sidewalks on both sides.

4. Saddle Creek Drive, as a two-lane primary road (P-27) with a 70-foot right-of-way and sidewalks on both sides along the roadway. The Master Plan recommends Saddle Creek Drive to be either extended from McKnew Road to an undetermined point near Cedar

Tree Drive as a cul-de-sac or connected to Cedar Tree Drive. The existing section of Saddle Creek Drive is built as a two-lane primary road to master plan recommendations with sidewalks on both sides. The Fairland Park Community development proposes to extend Saddle Creek Drive through the site and connect it with Cedar Tree Drive. The Saddle Creek Drive extension will serve the future elementary school proposed on the site as well.

5. Riding Stable Road, as a two-lane primary road (P-47) with a 70-foot minimum right-of-way and rural open-section to the north of MD 198 across from the site, with a Class III bikeway (PB-61) from MD 198 north to the Prince George's County line/Brooklyn Bridge Road.

6. Patuxent Trail (PB-41), as an unpaved trail through the site and within the PEPCO right-of-way.

Vehicular/Pedestrian Access and Circulation

Within Montgomery County, the Fairland Park Community development is proposed to have three access points from MD 198. These include:

1. Cedar Tree Drive: Cedar Tree Drive has a monumental entrance at MD 198 that is restricted to right-turns in and right-turns out only and built to primary residential street standards between MD 198 and the site.

2. Saddle Creek Drive via McKnew Road: The MD 198/McKnew Road intersection is signalized. The intersection has a median break that permit full movement of vehicles to and from McKnew Road. The section of McKnew Road between Sugar Pine Court/Saddle Creek Drive (approximately 200 and 400 feet north of Cedar Tree Drive respectively) and MD 198 (approximately 1,500 feet) is not built to primary residential street standards.

3. Proposed New Road (as Riding Stable Road to the south): An internal residential street proposed across from existing Riding Stable Road. The existing intersection of MD 198 and Riding Stable Road is not signalized. Previous traffic signal warrant studies had indicated that a traffic signal is not warranted at this intersection under either existing or projected future traffic volumes.

The development anticipates a connection to Old Gunpowder Road in Prince George's County via an extension of Cedar Tree Drive into Prince George's County. The development will also have sidewalks, hiker-biker trails, and unpaved trails for adequate internal pedestrian circulation, connectivity, as well as recreational activity.

Overall, we find the proposed internal vehicular and pedestrian circulation system and points of external access for the Fairland Park Community development to be safe, adequate, and efficient. However, we recommend that at the time of review of an amendment to the previously approved preliminary plan for the development:

1. Montgomery County Department of Transportation (DOT) evaluate adequacy of the section McKnew Road between Cedar Tree Drive and MD 198 to accommodate additional traffic from Fairland Park Community, and

2. Maryland State Highway Administration (SHA) evaluate Fairland Master Plan recommendation to relocate traffic signal along MD 198 at McKnew Road to Cedar Tree Drive.

On-going Transportation Projects in the Area

On-going transportation projects within the study area include the following:

1. MD 28/MD 198 Corridor Improvement Planning Study: A Draft Environmental Impact Statement for this SHA study is expected to be released in Summer 2009. Currently, the project is funded for planning study only.

Adequate Public Facilities Ordinance Review

A summary of site trip generation under the current density mix is provided in Table 1 below. As shown in Table 1, the proposed development is estimated to generate 270 peak-hour trips during the weekday morning peak period and 342 peak-hour trips during the weekday evening peak period.

TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED FAIRLAND PARK COMMUNITY DEVELOPMENT

Proposed Density	Trip Generation					
	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Dwelling Units off New Access Rd off MD 198						
109 Single Family Detached Units	23	70	93	70	40	110
8 Single Family Attached (Duplex) Units	1	3	4	5	2	7
Dwelling Units off Cedar Tree Dr/Saddle Creek Dr						
210 Single Family Detached Units	39	116	155	124	69	193
38 Single Family Attached (Duplex) Units	3	15	18	21	11	32
Total Trips – 365 DU's (319 SFDU's/46 SFAU's)	**66**	**204**	**270**	**220**	**122**	**342**

Note: Based on M-NCPPC *LATR/PAMR Guidelines* Trip Generation rates.

The total number of units proposed (365 vs. 396) and total trips generated (270 AM Peak Hour and 342 PM Peak Hour vs. 289 AM Peak Hour and 368 PM Peak Hour) by this DPA for Fairland Park Community is less than that included in the previously approved APF finding for

21

Fairland Park, and therefore should an amendment to the previously approved preliminary plan be submitted, the application would satisfy findings of the APF test at that time. ~~The subject application to amend previously approved development plan associated with zoning applications G-813 and G-814 satisfies the Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) requirements of the APF test since the total number of units proposed as part of this amendment as well as trips generated by the density proposed as part of this amendment are the same as that proposed and generated under the previously approved zoning application.~~

SE:CE:tc

cc: Barbara Sears, Esq.
Wes Guckert
Cathy Conlon
Robert Kronenberg
Khalid Afzal
Carol Rubin
Shawn Burnett
Corren Giles
Greg Leck
Sarah Navid
Eric J. Foster

mmo to RM re fairland park-revised.doc

ATTACHMENT 14

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

APR 24 2009

April 23, 2009

MEMORANDUM

TO: Renee Miller, Development Review

VIA: Mark Pfefferle, Acting Chief, Environmental Planning MP

FROM: Stephen D. Federline, Environmental Planning SDF

SUBJECT: Staff Recommendations for Fairland Park Community - Amendment to DPA No. 09-01

STAFF RECOMMENDATIONS

APPROVAL of the Amendment to the approved Development Plan.

Based on review of the most recent plans, Environmental Planning recommends approval of the proposed amendment for the Fairland Park Community known as DPA No. 09-01 (Amended Land Use Plan revision dated 4/06/09). The recommendation is premised on the conceptual development plan morphing into a detailed plan through subsequent plan reviews which demonstrate full compliance with the Environmental Guidelines; continues efforts to stabilize and restore the impacted environmental areas; achieves forest retention objectives as stated in Section 22A-12(b)(1) of the County Code to avoid reforestation; meets minimum retention requirements in accord with Section 22-A 12(f)); and protects forest and other natural resources in a configuration consistent with the intent of the Master Plan's recommendations.

There are two items for Planning Board review for the Fairland Park Community project: Development Plan Amendment (DPA) No. 09-01, and the associated Preliminary Forest Conservation Plan. This memorandum covers staff's review and recommendations on the DPA, including the associated Land Use Plan (revised: 4/06/09) and its binding elements.

Recommendations for Planning Board approval of a Preliminary Forest Conservation Plan associated with the DPA are included under separate cover as a companion item to the Development Plan Amendment.

BACKGROUND

The previously-approved Development Plan, preliminary plan, and site plan for the Fairland Golf Course Community recognized that achieving all the major Master Plan objectives (including the land-intensive golf course use) would result in significant loss of valuable natural

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resources, principally high-priority forest (99 acres) and environmental buffer area. The current plan, which deletes the golf course, provides far greater opportunity to fully achieve environmentally-compatible development, with the current plan removing 74 acres, or 25 acres less priority forest lost.

The applicant proposes a revision to the approved plan on that portion (183.33 acres) of the original plan which is held in private ownership. The property is located on the Montgomery County line east of Burtonsville with frontage on Sandy Spring Road (Route 198), and internal connections via Cedar Tree and Saddle Creek Drives within the Saddle Creek community. It is designated as Area 2 (Saddle Creek) in the Fairland Master Plan and zoned PD-2.

ANALYSIS

The Master Plan has many environmentally-related design objectives that must be met. The Master Plan emphasized the need to protect the unique and high quality resources of the Silverwood Tributary and the undisturbed portions of the McKnew Tributary. The Plan states the following:

> *"Encourage cluster development of low to medium density residential uses away from environmentally sensitive areas. This would create forested open spaces near the streams that are larger than the regulatory stream buffers to protect the resource." (page 134).*

These resources are more specifically defined on pages 118 and 119 of the Master Plan. The high quality of these areas comes in part from the fact that the areas contain large contiguous forest (over 400 acres), as well as significant areas of diverse geologic and soil conditions and resulting unique vegetation. This is the result of its location at the fall line between the Piedmont and Coastal plain physiographic provinces. Preserving resources in this area and keeping them accessible to the public is a countywide importance. Through its identification in the Master Plan, the forest has the highest priority for forest retention consistent with Section 107-A-3 of the Forest Regulations.

The Master Plan further designated this area as an "Environmental Restoration Area" and recommends restoration activities to benefit the degraded portion of the lower McKnew tributary on this site as specified below:

> *"Consider the degraded area of the northeastern tributary subwatershed as an Environmental Restoration Area. New development in this area should include both standard environmental measures, stormwater retrofit, and/or stream enhancement measures to help correct existing problems ."(p.134)*

The primary area of degradation, shown below, was originally disturbed because of sand and gravel extraction operations, then further disturbed through illegal use of as a dump site. The applicant has taken responsibility for the stabilization of these degraded areas currently under his control to prevent further degradation, consistent with the above Master Plan objective. Restoration should also include reforestation of portions of the stabilized area included within the environmental buffer area, to be considered at later phases of review.

Environmental staff suggests that the restored area be evaluated for appropriate open space/recreational uses serving needs of the larger community and the school during later stages of development review.



FOREST RESOURCES

There are 133.40 acres of forest on-site, all designated as high-priority forest and identified for protection in the Master Plan. The realization of the Master Plan objective for forest preservation is to use zoning options to the greatest extent consistent with other Master Plan objectives to achieve the maximum contiguous high-priority forest. The forest conservation regulatory priority to avoid reforestation, as stated in Section 22A-12(b)(1) of the County Code, and this plan exceeds the amount of retained forest needed to avoid any forest planting requirements (the so-called "break even point") by approximately 2.4 acres. The required amount of forest retained meets the minimum retention per Section 22-A 12(f)) of the County code. The forest conservation law required properties that planned developments to meet the conservation

threshold onsite. The conservation threshold for this particular project is 36.13 acres and the preliminary forest conservation plan shows the retention of 57 acres of forest which exceeds the conservation threshold by approximately 20 acres.

In addition to meeting numerical requirements of Chapter 22A, the configuration of the retained forest provides larger areas of contiguous forests, since it adjoins forest on MNCPPC McKnew Local Park to the north, and the newly acquired parkland area just below the dedicated school site. The amount and configuration of retained forest shown on the preliminary forest conservation plan meets the all the priorities of the forest conservation law, including saving large areas of contiguous forests, and the objective of the master plan to protect the very diverse and unusual plant community.

Staff notes that the preliminary forest conservation plan shows forest retained on the southernmost portion of the area to be dedicated to school use ("PS" designated area). The portion of the dedicated school site where the applicant has shown forest retention is located below the school's ball field and its limits of disturbance are as shown on the illustrative school site layout of the Amended Development Plan. The forest retention area shown is not inconsistent with any aspect of the proposed school site layout.

Staff strongly supports retention in this area since it prevents forest bifurcation and expands the breadth of contiguous forests between two park dedication/ownership areas. The forest can be permanently protected either by a category I conservation easement over the forest retention area on school property, or by dedication to MNCCPC.

ENVIRONMENTAL GUIDELINES

In addition to protecting Master Plan designated high priority forest and sensitive areas, the environmental guidelines prescribe protection of other valuable resources. Using the flexibility inherent in the PD zone, all lots shall be located outside environmentally-sensitive areas. For the most part, this is true for the current revision, except for *lots displacing three wetlands and their buffers in the southwestern corner of the site.*

The applicant's environmental consultant has made the argument that these wetland/depressions are artifacts of the prior sand and gravel extraction operations, and are not viable or sustainable within the confines of the proposed development. Technical staff will review the information submitted and conduct additional field analysis prior to review of a revised preliminary plan and provide recommendations at that time. Up to 11 lots are identified with wetland or wetland boundaries pending the outcome of staff's review. The northernmost wetland appears savable with minimal loss of lots through changes in site design.

Staff does not accept as definitive the postulation that MDE would approve permits to fill these areas. In addition to their own statewide criteria, MDE staff depends on local environmental staff familiar with all site design options to determine ultimate recommendations.

FINDINGS

The Development Plan Amendment must meet specific findings of Section 59-D-1.61 of the Zoning Ordinance. The required finding for environmental issues states,

> *"That by its design, by minimizing grading, and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 must also be satisfied. The District Council may require more detailed findings on these matters by the Planning Board at the time of site plan approval as provided in division 59-D-3."*

The amended development plan meets this zoning requirement for the reasons stated in the discussion above. The measurable protection of designated high-priority forest and environmentally-sensitive areas, plus the stabilization of unstable conditions per the environmental restoration recommendations of the master plan support this finding. This concept meets the findings of the above section to the degree possible at the zoning stage.

The additional finding relates to the variation from minimum percentages for one family detached/attached unit types per Section 59C-7.131. The waiver provision requires a finding that the proposed development is as follows:

> *"more desirable for stated environmental reasons than development in accord with those limits", OR (b) achieves goals, policies, or recommendations stated in the approved and adopted master plan or sector plan."*

In this case, the argument for a waiver based on environmental reasons falls somewhat short, since a higher density configuration with more attached units would save more priority forest. However, Environmental Planning staff can support the second waiver provision since the development *"achieves goals, policies, or recommendations stated in approved and adopted master plan or sector plan"* from an environmental perspective. The stated environmental objectives in the Master Plan and forest law which are met include:

1. Dedication and preservation of high-priority upland forest which
   a. exceeds the forest conservation law's objectives for minimum forest retention;
   b. is larger than the stream buffer; and
   c. exceeds the onsite break-even point for meeting forest requirements.

2. Continuing efforts towards environmental restoration of the degraded areas in the subwatershed.

Given the diverse objectives in the Master Plan to be achieved on this site, it is recommended that the totality of all objectives be considered before the ultimate decision is made on the waiver of housing type.

ATTACHMENT 15

MCPS MONTGOMERY COUNTY PUBLIC SCHOOLS
www.montgomeryschoolsmd.org MARYLAND

April 15, 2009

Ms. Renée Miller
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Ms. Miller:

This is in response to Zoning Application No. DPA-09-1 (revised). This application pertains to a property along the border between Montgomery County and Prince Georges County, south of Route 198, and east and north of Greencastle Road. The portion of the property in Montgomery County would include a residential community of 319 single -family detached units, 38 townhouse units, and 8 one-family semi-detached units.

Based on average yield factors derived from the Montgomery County Department of Planning's 2005 Census Update Survey, the impact of this project is estimated to be approximately 97 elementary school students, 43 middle school students, and 48 high school students.

The property is located within the Burtonsville Elementary School and Benjamin Banneker Middle School service areas. At the high school level, the property is located within the base area for Paint Branch High School, which is part of the Northeast Consortium where students may choose to attend their base area high school, or one of two other high schools in the Consortium.

Enrollment at Burtonsville Elementary School is currently over capacity and is projected to remain over capacity for the six-year forecast period. Enrollment at Benjamin Banneker Middle School is currently within capacity and is projected to remain within capacity for the six-year forecast period. Enrollment at Paint Branch High School is projected to remain over the school's capacity for the six-year forecast period, even with the scheduled modernization and expansion of the school, opening in August 2012. Please see the enclosed pages from the Montgomery County Public Schools FY 2010 Capital Budget and FY 2009–2014 Amended Capital Improvements Program (CIP).

The current growth policy school test (FY 2009) finds enrollment levels in the Paint Branch Cluster are within the school test guidelines.

Sincerely,

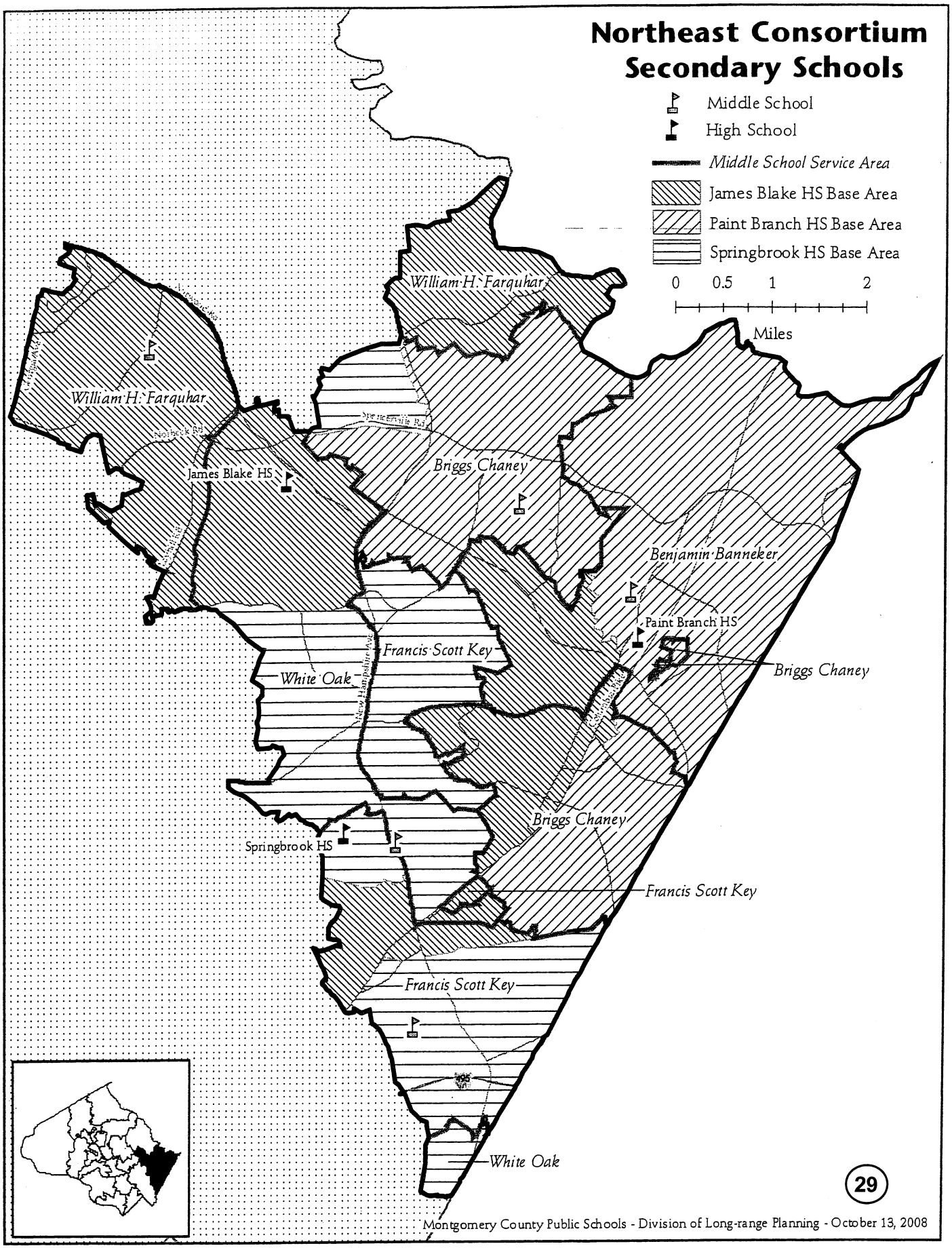
Bruce Crispell

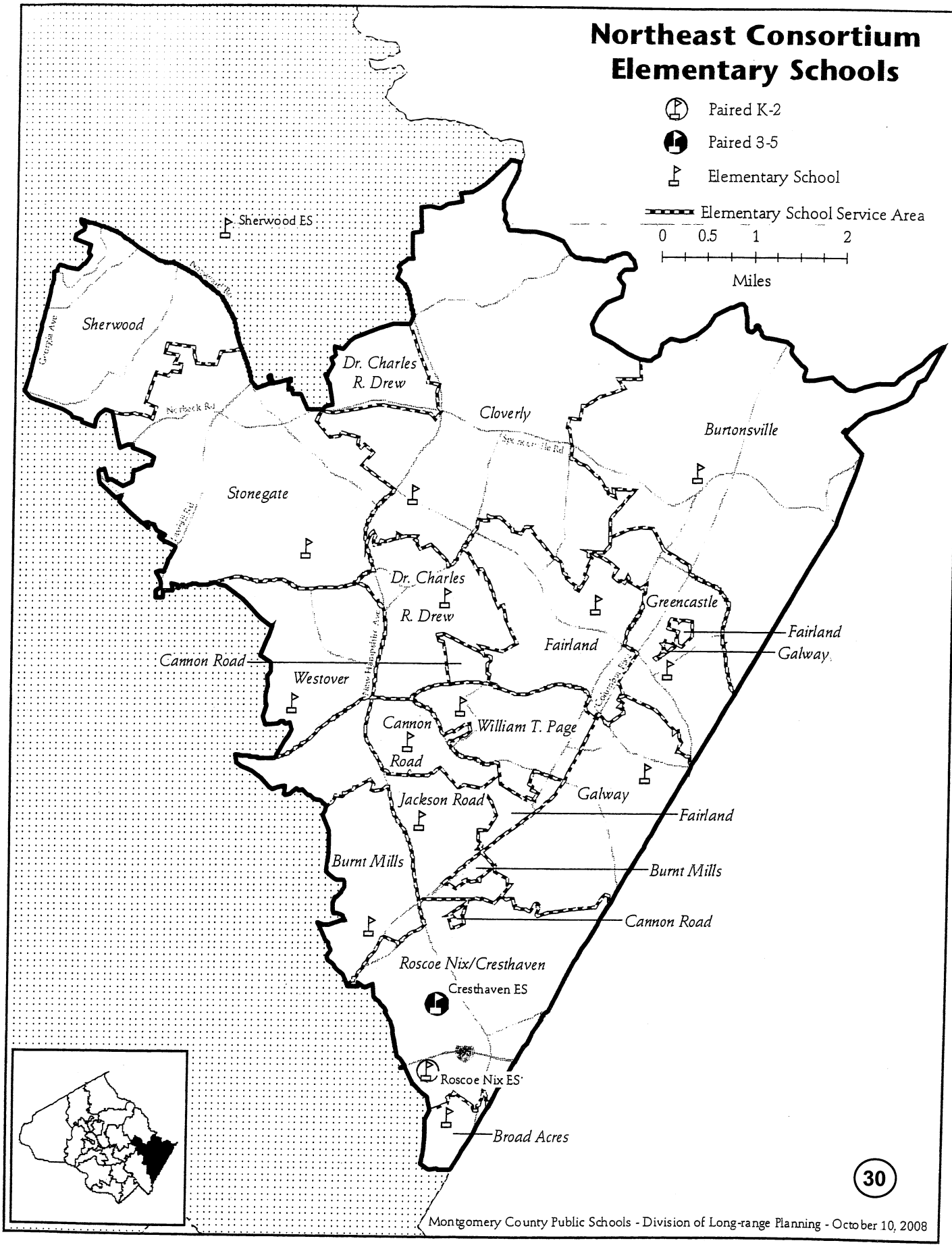
Bruce H. Crispell, Director
Division of Long-range Planning

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BHC:lmt
Enclosure
Copy to: Mr. Bowers, Mr. Lavorgna, Ms. Turpin

Division of Long-range Planning
2096 Gaither Road, Suite 201 ♦ Rockville, Maryland 20850 ♦ 240-314-4700 ♦ Fax 240-314-4707


Northeast Consortium
Secondary Schools
Middle School
High School
Middle School Service Area
James Blake HS Base Area
Paint Branch HS Base Area
Springbrook HS Base Area
0 0.5 1 2
Miles
William H. Farquhar
William H. Farquhar
James Blake HS
Briggs Chaney
Benjamin Banneker
Paint Branch HS
Briggs Chaney
Francis Scott Key
White Oak
Briggs Chaney
Springbrook HS
Francis Scott Key
Francis Scott Key
White Oak
29
Montgomery County Public Schools - Division of Long-range Planning - October 13, 2008


Northeast Consortium
Elementary Schools
Paired K-2
Paired 3-5
Elementary School
Elementary School Service Area
0 0.5 1 2
Miles
Sherwood ES
Sherwood
Dr. Charles R. Drew
Cloverly
Burtonsville
Stonegate
Dr. Charles R. Drew
Greencastle
Fairland
Galway
Cannon Road
Westover
Fairland
Cannon Road
William T. Page
Galway
Jackson Road
Fairland
Burnt Mills
Burnt Mills
Cannon Road
Roscoe Nix/Cresthaven
Cresthaven ES
Roscoe Nix ES
Broad Acres
30
Montgomery County Public Schools - Division of Long-range Planning - October 10, 2008

CONSORTIUM PLANNING ISSUES

The Northeast Consortium provides an innovative program delivery model for the three high schools in the northeast area of the county. Students living in this area of the county are able to choose which of three high schools they wish to attend, based on different signature programs offered at the high schools. The Northeast Consortium's choice program includes James Hubert Blake, Paint Branch, and Springbrook high schools. Choice patterns will continue to be monitored for their impact on projected enrollment and facility utilization.

A high school base area map and middle school articulation diagram are included for the three consortium high schools. Students residing in a base area are guaranteed they may attend the high school served by that base area, if it is their first choice.

SCHOOLS

Paint Branch High School

Utilization: Projected enrollment at Paint Branch High School will exceed capacity throughout the six-year CIP period. An addition is planned as part of the modernization of the school.

Capital Project: Although a modernization project was scheduled for this school with a completion date of August 2010 for the facility and August 2011 for the site work, as part of the FY 2009–2014 CIP, the Board of Education Requested CIP delayed the modernization by one year due to fiscal constraints and a projected revenue shortfall in the county. The County Council, in the adopted CIP, delayed the modernization of the school by an additional year. The new completion date for the project is August 2012 for the facility and August 2013 for the site. An FY 2010 appropriation is recommended to begin the site work for the modernization. In order for this modernization to be completed on the revised schedule, county and state funding must be provided at the levels recommended in this CIP.

William H. Farquhar Middle School

Capital Project: A modernization project is scheduled for this school with a completion date of August 2015. FY 2011 expenditures are programmed for facility planning to determine the scope and cost for the modernization. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Francis Scott Key Middle School

Capital Project: A modernization project is underway for this school with a completion date of August 2009. An FY 2009 appropriation was approved for furniture and equipment funds.

Cannon Road Elementary School

Capital Project: A modernization project is scheduled for this school with a completion date of January 2012. An FY 2009 appropriation was approved for planning to begin the architectural design of the modernization. In order for this modernization to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Capital Project: An FY 2010 appropriation is recommended for planning funds to begin the architectural design of a gymnasium to be constructed as a part of the modernization. The scheduled completion date for this gymnasium is January 2012. In order for this gymnasium to be completed on schedule, the county must provide funding at the levels recommended in this CIP.

Cresthaven Elementary School

Capital Project: A modernization project is scheduled for this school with a completion date of August 2010. An FY 2010 appropriation is recommended for the balance of the construction funds for the modernization. In order for this modernization to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Capital Project: An FY 2009 appropriation is approved for construction funds for a gymnasium to be constructed as part of the modernization project. The scheduled completion date for this gymnasium is August 2010. In order for this gymnasium to be completed on schedule, the county must provide funding at the levels approved in this CIP.

Fairland Elementary School

Capital Project: Projections indicate enrollment at Fairland Elementary School will exceed capacity by four classrooms or more throughout the six-year planning period. A classroom addition was approved as part of the FY 2009–2014 CIP to accommodate the projected enrollment. Due to greater than

Northeast Consortium Articulation

Elementary schools articulating to middle schools within a consortium of high schools

Northeast Consortium High Schools
James Hubert Blake HS
Paint Branch HS
Springbrook HS

Banneker MS	Briggs Chaney MS	Key MS	White Oak MS	Farquhar MS
Burtonsville ES	Cloverly ES*	Burnt Mills ES	Broad Acres ES	Cloverly ES*
Fairland ES*	Fairland ES*	Cannon Road ES	Jackson Road ES	Sherwood ES**
Greencastle ES	Galway ES	Cresthaven ES	Stonegate ES*	Stonegate ES*
	William T. Page ES	Dr. Charles Drew ES	Westover ES	

* Denotes schools with split articulation, i.e., some students feed into one middle school, while other students feed into another middle school.
** Students from Sherwood ES articulate to the Northeast Consortium high schools and Sherwood High School.

anticipated enrollment at the school this year, additional classrooms will be needed to accommodate the revised projected enrollment. As a result of the scope changes, the completion date for the classroom addition will need to be delayed from August 2010 to August 2011. An FY 2010 appropriation is recommended to begin the construction of the project. Some of the expenditures for this project will be shifted out of FY 2010 into the out-years of the CIP. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP. Relocatable classrooms will be utilized until additional capacity can be added.

Galway Elementary School

Capital Project: A modernization project is scheduled for this school with a completion date of January 2009. An FY 2009 appropriation was approved for furniture and equipment funds.

Jackson Road Elementary School

Capital Project: Projections indicate enrollment at Jackson Road Elementary School will exceed capacity by four classrooms or more throughout the six-year planning period. A classroom addition was approved as part of the FY 2009–2014 CIP to accommodate the projected enrollment. Due to greater than anticipated enrollment at the school this year, additional classrooms will be needed to accommodate the revised projected enrollment. As a result of the scope changes, the completion date for the classroom addition will need to be delayed from August 2010 to August 2011. An FY 2010 appropriation is recommended to begin the construction of the project. Some of the expenditures for this project will be shifted out of FY 2010 into the out-years of the CIP. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP. Relocatable classrooms will be utilized until additional capacity can be added.

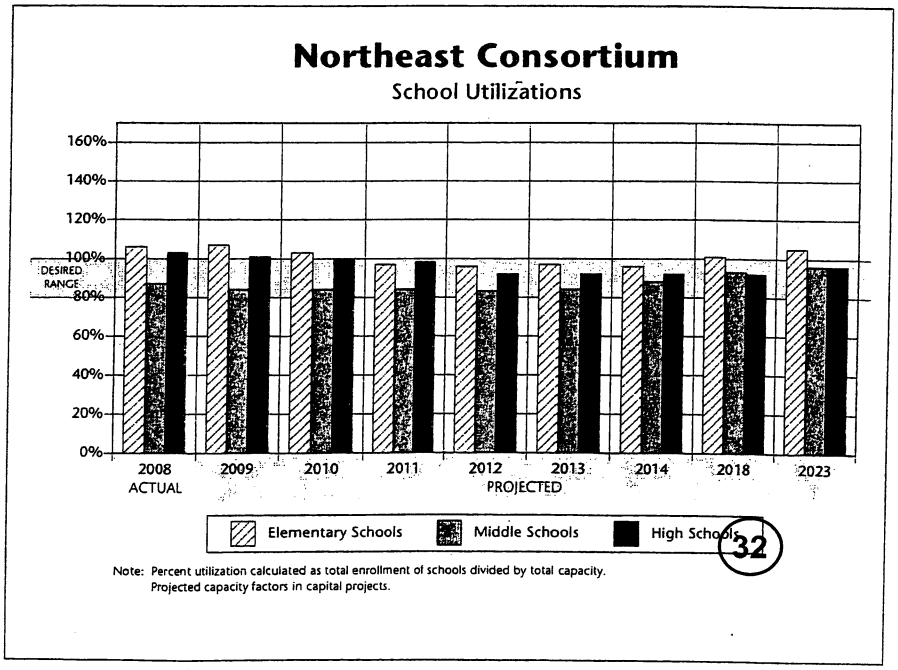
Sherwood Elementary School

Capital Project: Projections indicate that enrollment at Sherwood Elementary School will exceed the school's current capacity by four classrooms or more throughout the six-year CIP period. An FY 2010 appropriation is recommended for construction funds for the classroom addition. The scheduled completion date for the addition is August 2010. In order for this project to remain on schedule, county and state funding must be provided at the levels recommended in this CIP.

Capital Project: Restroom renovations are planned for this school for completion in the 2009–2010 school year.

CAPITAL PROJECTS

School	Project	Project Status	Date of Completion
Paint Branch HS	Modernization	Recommended	Aug. 2012
	Site work	Recommended	Aug. 2013
Farquhar MS	Modernization	Programmed	Aug. 2015
Key MS	Modernization	Approved	Aug. 2009
Cannon Road ES	Modernization	Approved	Jan. 2012
	Gymnasium	Recommended	Jan. 2012
Cloverly ES	Gymnasium	Approved	Aug. 2008
Cresthaven ES	Modernization	Recommended	Aug. 2010
	Gymnasium	Approved	Aug. 2010
Fairland ES	Addition	Recommended (Delay)	Aug. 2011
Galway ES	Modernization	Approved	Jan. 2009
Jackson Road ES	Classroom addition	Recommended (Delay)	Aug. 2011
Sherwood ES	Classroom addition	Recommended	Aug. 2010
	Restroom Renovations	Approved	SY 2009–2010



Projected Enrollment and Space Availability

Effects of Recommended Amendments to the FY 2019–2014 CIP and Non–CIP Actions on Space Available

Schools		Actual 08-09	Projections 09-10	10–11	11–12	12–13	13–14	14-15	2018	2023
James Blake HS	Program Capacity	1715	1715	1715	1715	1715	1715	1715	1715	1715
	Enrollment	**1820**	**1760**	**1777**	**1747**	**1749**	**1708**	**1700**	**1700**	**1775**
	Available Space	*(105)*	*(45)*	*(62)*	*(32)*	*(34)*	*7*	*15*	*15*	*(60)*
	Comments									
Paint Branch HS	Program Capacity	1571	1571	1571	1571	1899	1899	1899	1899	1899
	Enrollment	**1809**	**1873**	**1862**	**1894**	**1964**	**1967**	**1956**	**1960**	**2045**
	Available Space	*(238)*	*(302)*	*(291)*	*(323)*	*(65)*	*(68)*	*(57)*	*(61)*	*(146)*
	Comments			Replacement Facility in Progress		Replace. Comp. Aug. 2012	Site Work Comp. Aug. 2013			
Springbrook HS	Program Capacity	2095	2095	2095	2095	2095	2095	2095	2095	2095
	Enrollment	**1890**	**1799**	**1706**	**1649**	**1561**	**1549**	**1572**	**1575**	**1640**
	Available Space	*205*	*296*	*389*	*446*	*534*	*546*	*523*	*520*	*455*
	Comments									
Benjamin Banneker MS	Program Capacity	876	876	876	876	876	876	876	876	876
	Enrollment	**774**	**779**	**758**	**750**	**728**	**754**	**790**	**830**	**865**
	Available Space	*102*	*97*	*118*	*126*	*148*	*122*	*86*	*46*	*11*
	Comments									
Briggs Chaney MS	Program Capacity	927	927	927	927	927	927	927	927	927
	Enrollment	**907**	**935**	**954**	**953**	**921**	**903**	**957**	**1000**	**1040**
	Available Space	*20*	*(8)*	*(27)*	*(26)*	*6*	*24*	*(30)*	*(73)*	*(113)*
	Comments									
William H. Farquhar MS	Program Capacity	838	838	838	838	838	838	838	838	838
	Enrollment	**701**	**612**	**600**	**606**	**598**	**589**	**595**	**625**	**650**
	Available Space	*137*	*226*	*238*	*232*	*240*	*249*	*243*	*213*	*188*
	Comments			Fac. Plng. For Mod.			@ Tilden Center			
Francis Scott Key MS	Program Capacity	901	878	878	878	878	878	878	878	878
	Enrollment	**772**	**732**	**740**	**741**	**755**	**806**	**846**	**890**	**925**
	Available Space	*129*	*146*	*138*	*137*	*123*	*72*	*32*	*(12)*	*(47)*
	Comments		Mod.Comp. Aug. 2009 +2 AUT							
White Oak MS	Program Capacity	898	924	924	924	924	924	924	924	924
	Enrollment	**700**	**667**	**684**	**685**	**681**	**687**	**732**	**765**	**800**
	Available Space	*198*	*257*	*240*	*239*	*243*	*237*	*192*	*159*	*124*
	Comments		-1 SLC							

Schools			Actual 08-09	Projections 09-10	10-11	11-12	12-13	13-14	14-15	2018	2023
Broad Acres ES	CSR	Program Capacity	694	694	694	694	694	694	694		
		Enrollment	486	511	541	555	564	564	566		
		Available Space	208	183	153	139	130	130	128		
		Comments									
Burnt Mills ES	CSR	Program Capacity	386	386	386	386	386	386	386		
		Enrollment	368	376	379	390	392	393	398		
		Available Space	18	10	7	(4)	(6)	(7)	(12)		
		Comments									
Burtonsville ES		Program Capacity	594	594	594	594	594	594	594		
		Enrollment	634	633	642	645	653	655	645		
		Available Space	(40)	(39)	(48)	(51)	(59)	(61)	(51)		
		Comments									
Cannon Road ES	CSR	Program Capacity	295	305	305	305	490	490	490		
		Enrollment	402	428	439	449	467	463	465		
		Available Space	(107)	(123)	(134)	(144)	23	27	25		
		Comments		-1 LAD	@ Fairland Facility Mod. Comp. Jan. 2012						
Cloverly ES		Program Capacity	460	460	460	460	460	460	460		
		Enrollment	514	510	500	496	504	504	510		
		Available Space	(54)	(50)	(40)	(36)	(44)	(44)	(50)		
		Comments									
Cresthaven ES	CSR	Program Capacity	363	363	453	453	453	453	453		
		Enrollment	338	353	391	402	405	393	397		
		Available Space	25	10	62	51	48	60	56		
		Comments		@ Fairland Facility	Mod. Comp. Aug. 2010 + Gym						
Dr. Charles R. Drew ES	CSR	Program Capacity	406	436	436	436	436	436	436		
		Enrollment	423	420	415	416	428	433	437		
		Available Space	(17)	16	21	20	8	3	(1)		
		Comments		-3 LAD							
Fairland ES	CSR	Program Capacity	346	346	346	653	653	653	653		
		Enrollment	554	550	568	580	588	591	592		
		Available Space	(208)	(204)	(222)	73	65	62	61		
		Comments				+13 Rooms					
Galway ES	CSR	Program Capacity	754	754	754	754	754	754	754		
		Enrollment	745	772	765	760	766	763	734		
		Available Space	9	(18)	(11)	(6)	(12)	(9)	20		
		Comments	Mod. Comp. Jan. 2009								
Greencastle ES	CSR	Program Capacity	570	570	570	570	570	570	570		
		Enrollment	605	640	644	648	650	647	639		
		Available Space	(35)	(70)	(74)	(78)	(80)	(77)	(69)		
		Comments									

Schools			Actual 08-09	Projections 09-10	10–11	11–12	12–13	13–14	14-15	2018	2023
Jackson Road ES	CSR	Program Capacity	386	386	386	685	685	685	685		
		Enrollment	587	595	609	625	645	650	645		
		Available Space	(201)	(209)	(223)	60	40	35	40		
		Comments				+14 Rooms					
Roscoe R. Nix ES	CSR	Program Capacity	486	486	486	486	486	486	486		
		Enrollment	414	408	397	403	408	410	412		
		Available Space	72	78	89	83	78	76	74		
		Comments									
William T. Page ES	CSR	Program Capacity	371	371	371	371	371	371	371		
		Enrollment	390	390	383	393	391	398	389		
		Available Space	(19)	(19)	(12)	(22)	(20)	(27)	(18)		
		Comments									
Sherwood ES		Program Capacity	376	376	606	606	606	606	606		
		Enrollment	471	475	478	484	508	522	523		
		Available Space	(95)	(99)	128	122	98	84	83		
		Comments			+8 Rooms						
Stonegate ES		Program Capacity	431	431	431	431	431	431	431		
		Enrollment	442	431	424	429	417	416	421		
		Available Space	(11)	0	7	2	14	15	10		
		Comments	+Gym								
Westover ES		Program Capacity	298	298	298	298	298	298	298		
		Enrollment	260	267	256	262	275	280	294		
		Available Space	38	31	42	36	23	18	4		
		Comments									
Cluster Information		HS Utilization	103%	101%	99%	98%	92%	92%	92%	92%	96%
		HS Enrollment	5519	5432	5345	5290	5274	5224	5228	5500	5650
		MS Utilization	87%	84%	84%	84%	83%	84%	88%	93%	96%
		MS Enrollment	3854	3725	3736	3735	3683	3739	3920	3850	4100
		ES Utilization	106%	107%	103%	97%	96%	97%	96%	101%	105%
		ES Enrollment	7633	7759	7831	7937	8061	8082	8067	8410	8775

anticipated enrollment at the school this year, additional classrooms will be needed to accommodate the revised projected enrollment. As a result of the scope changes, the completion date for the classroom addition will need to be delayed from August 2010 to August 2011. An FY 2010 appropriation is recommended to begin the construction of the project. Some of the expenditures for this project will be shifted out of FY 2010 into the out-years of the CIP. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP. Relocatable classrooms will be utilized until additional capacity can be added.

Galway Elementary School

Capital Project: A modernization project is scheduled for this school with a completion date of January 2009. An FY 2009 appropriation was approved for furniture and equipment funds.

Jackson Road Elementary School

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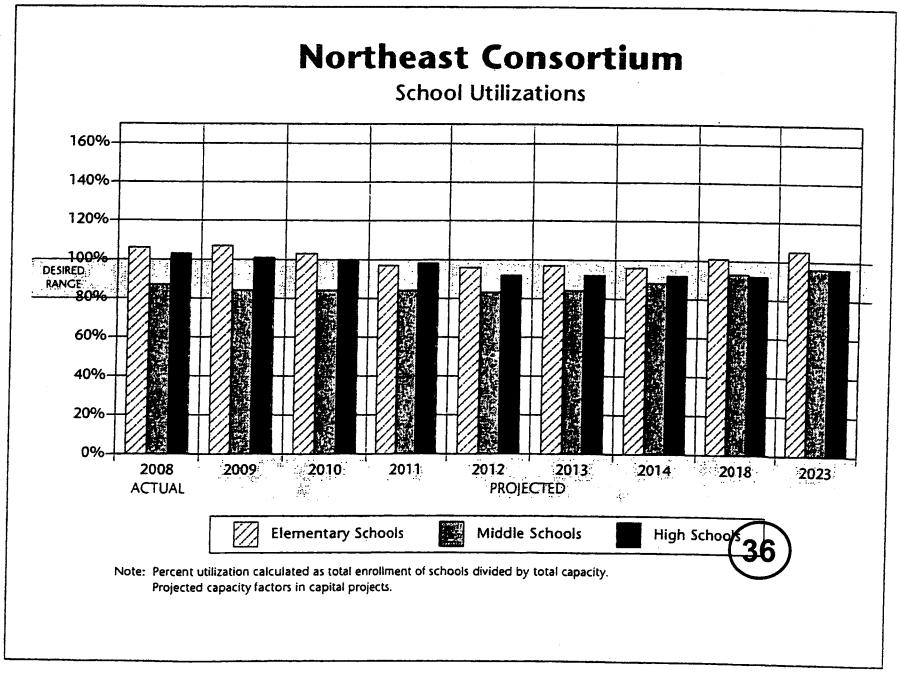
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Capital Project: Restroom renovations are planned for this school for completion in the 2009–2010 school year.

CAPITAL PROJECTS

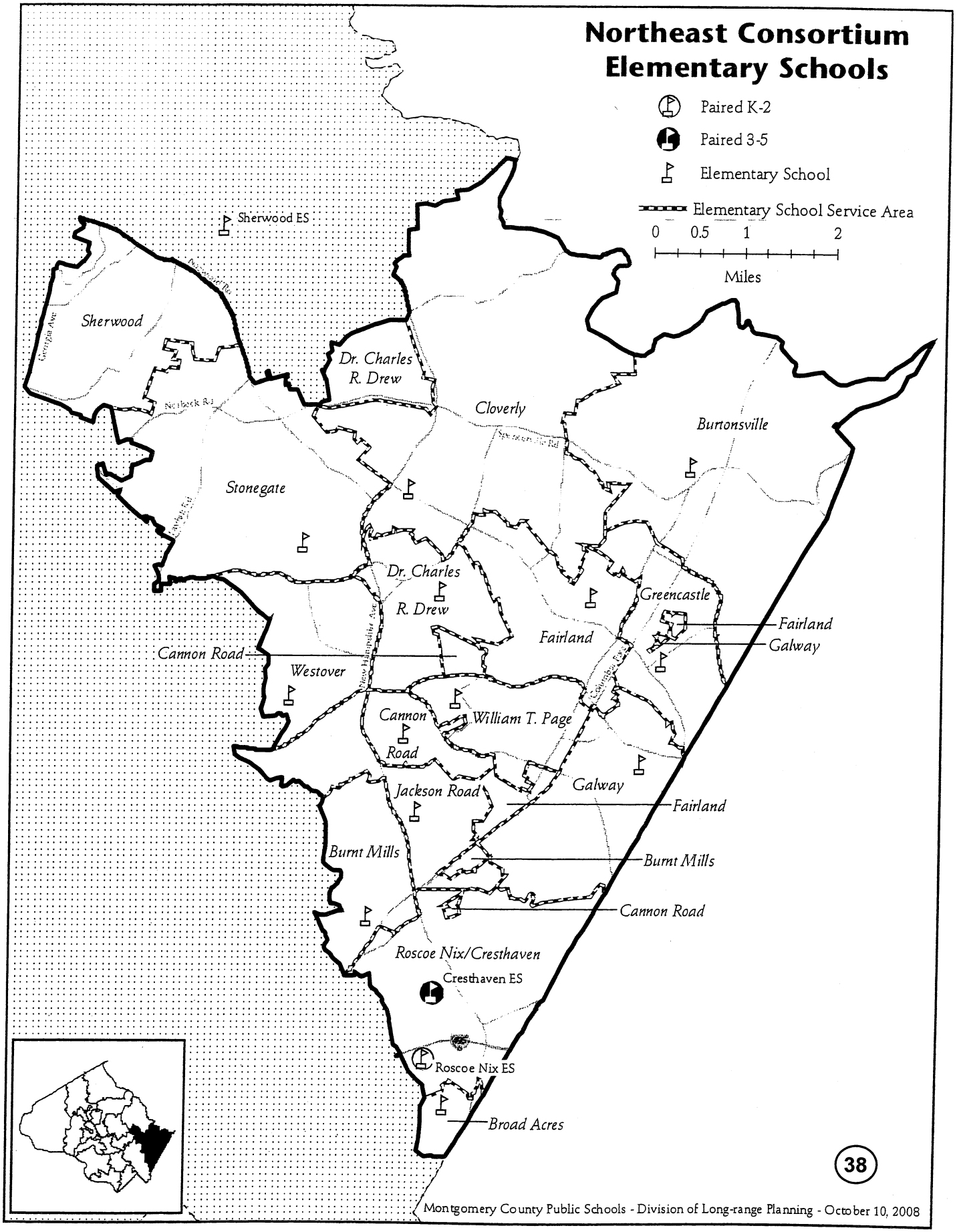
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	Enrollment	**1890**	**1799**	**1706**	**1649**	**1561**	**1549**	**1572**	**1575**	**1640**
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	Comments		Mod.Comp. Aug. 2009 +2 AUT							
White Oak MS	Program Capacity	898	924	924	924	924	924	924	924	924
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Cannon Road Elementary School

Capital Project: A modernization project is scheduled for this school with a completion date of January 2012. An FY 2009 appropriation was approved for planning to begin the architectural design of the modernization. In order for this modernization to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Capital Project: An FY 2010 appropriation is recommended for planning funds to begin the architectural design of a gymnasium to be constructed as a part of the modernization. The scheduled completion date for this gymnasium is January 2012. In order for this gymnasium to be completed on schedule, the county must provide funding at the levels recommended in this CIP.

Cresthaven Elementary School

Capital Project: A modernization project is scheduled for this school with a completion date of August 2010. An FY 2010 appropriation is recommended for the balance of the construction funds for the modernization. In order for this modernization to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

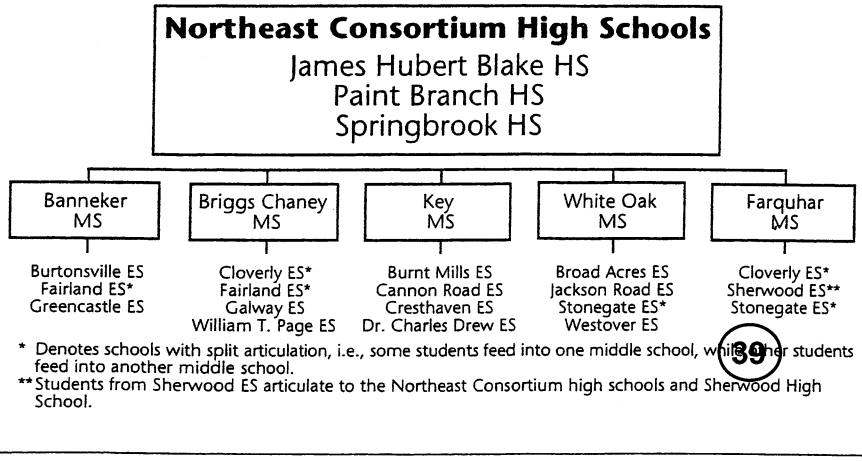
Capital Project: An FY 2009 appropriation is approved for construction funds for a gymnasium to be constructed as part of the modernization project. The scheduled completion date for this gymnasium is August 2010. In order for this gymnasium to be completed on schedule, the county must provide funding at the levels approved in this CIP.

Fairland Elementary School

Capital Project: Projections indicate enrollment at Fairland Elementary School will exceed capacity by four classrooms or more throughout the six-year planning period. A classroom addition was approved as part of the FY 2009–2014 CIP to accommodate the projected enrollment. Due to greater than

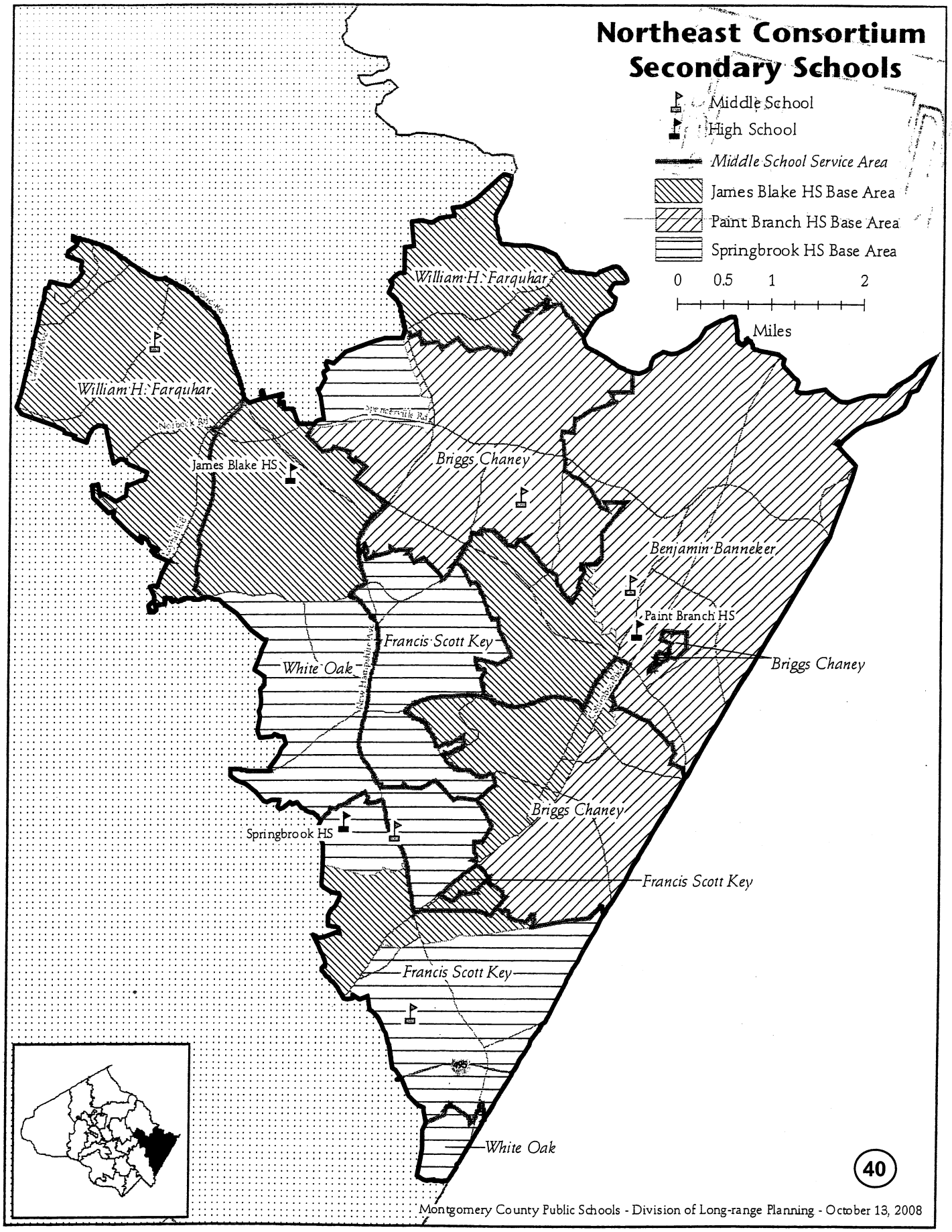
Northeast Consortium Articulation

Elementary schools articulating to middle schools within a consortium of high schools



* Denotes schools with split articulation, i.e., some students feed into one middle school, while other students feed into another middle school.

** Students from Sherwood ES articulate to the Northeast Consortium high schools and Sherwood High School.

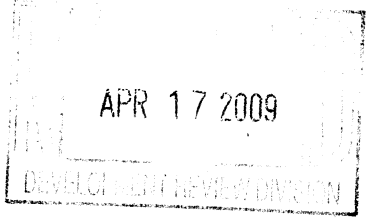

Northeast Consortium
Secondary Schools
Middle School
High School
Middle School Service Area
James Blake HS Base Area
Paint Branch HS Base Area
Springbrook HS Base Area
0 0.5 1 2
Miles
William H. Farquhar
William H. Farquhar
James Blake HS
Briggs Chaney
Benjamin Banneker
Paint Branch HS
Francis Scott Key
White Oak
Briggs Chaney
Springbrook HS
Briggs Chaney
Francis Scott Key
Francis Scott Key
White Oak
40
Montgomery County Public Schools - Division of Long-range Planning - October 13, 2008

ATTACHMENT 16

MCPS MONTGOMERY COUNTY PUBLIC SCHOOLS
www.montgomeryschoolsmd.org MARYLAND

April 16, 2009

Ms. Renée M. Miller
Development Review—Zoning
Maryland–National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



Dear Ms. Miller:

Re: DPA-09-1 Fairland Park Community—Future Elementary School Site

Montgomery County Public Schools (MCPS) staff is pleased to support the referenced development plan amendment. The enclosed drawing entitled, "Fairland Park Community," demonstrates a proposed plan that serves the public interest by generously offering a dedicated elementary school site at no cost to county taxpayers. The amendment is consistent with both the Fairland Master Plan and the binding elements of the approved planned development zone (PD-2). We ask that the school site dedication be incorporated as a condition of subdivision.

As the exact location and configuration will be determined during the preliminary and site plan processes, MCPS staff will continue to work with the applicant and Maryland–National Capital Park and Planning Commission staff to address additional requirements such as an environmental assessment, off-site forest conservation, stormwater management quantity control measures and site grading.

Thank you for the opportunity to comment. Should you have any questions, please contact Ms. Janice Turpin, real estate management team leader, at 240-314-1069.

Sincerely,

Joseph J. Lavorgna
Acting Director

JJL:jlc
Enclosure
Copy to:
Ms. Turpin
Ms. Wilson
Mr. Rafferty

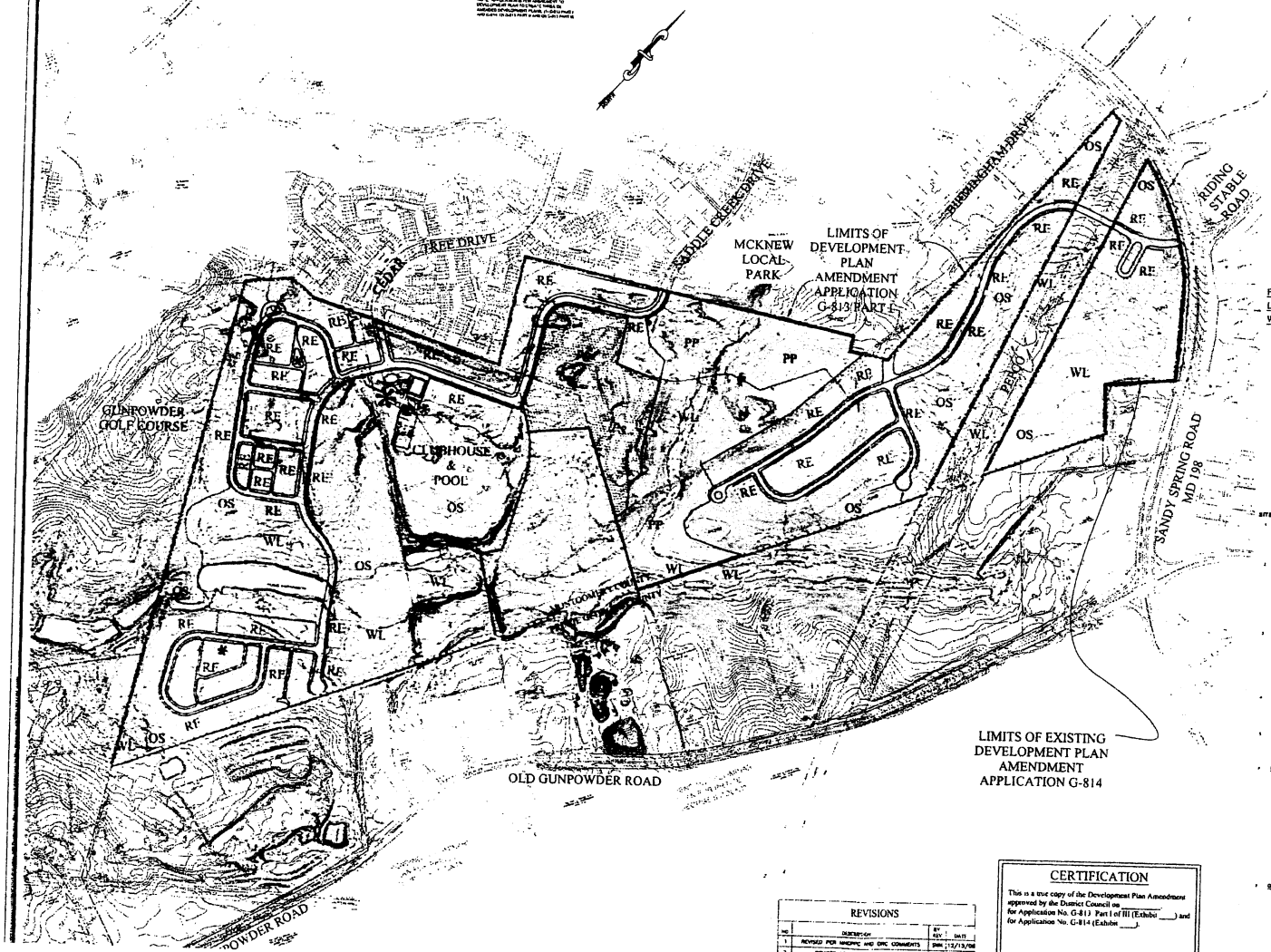
Department of Facilities Management
2096 Gaither Road, Suite 200 ♦ Rockville, Maryland 20850 ♦ 240-314-1060

FAIRLAND PARK COMMUNITY

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN INCLUDES LOCAL MAP AMENDMENT APPLICATIONS - G-813 PART I AND G-814

42 2008

RE RESIDENTIAL
OS COMMON OPEN SPACE
PS PROPOSED SCHOOL DEDICATION SITE (11.00 ACRES ±)
WL WETLAND
COMMUNITY RECREATION AREA
MULTI-PLAY-TOT LOT
100 YEAR FLOODPLAIN
STATE THREATENED SPECIES AND BUFFER
EXISTING TRAILS
PROPOSED TRAILS



FAIRLAND PARK COMMUNITY
LOCAL MAP AMENDMENT APPLICATION G-813 PART I
WRITTEN BINDING ELEMENTS

1. The maximum number of dwelling units will be 353 units, including a maximum of 46 Moderately Priced Dwelling Units (MPDUs). The MPDU requirement for G-813, Part I and G-814 will be satisfied within the boundaries of G-813, Part I. The final number of dwelling units for G-813, Part I and G-814, including 12.5% MPDUs, will be established during site plan review.
2. The MPDUs will consist of townhouse and duplex units. If the number of dwelling units is reduced at site plan, the MPDU unit types (townhouses and duplexes) will be proportionally adjusted downward. Final location and siting of MPDUs will be established during site plan review; however no more than 16 units will be provided in one location.
3. Forest conservation requirements will be satisfied within the boundaries of G-813 Part I and G-814 by the retention of the existing forest. The Applicant must consider G-813 Part I and G-814 as one overall project for the forest conservation plan unless the Planning Board approves modifications to the forest conservation plan.
4. The trails shown on this plan are illustrative only. The trail system and locations will be established during site plan review.
5. The minimum required green area will be increased from 30% to 45%. As used in this Binding Element, green area is gross tract area less the roads, buildings and driveways.
6. The Elementary School site shall be dedicated to public use prior to recordation of final plats for residential lots in Phase II.
7. No building other than a single-family detached residence shall be constructed within 100 feet of any boundary of the property comprising G-813 Part I, which adjoins land for which the area master plan recommends a one-family detached zone.

FAIRLAND PARK COMMUNITY
LOCAL MAP AMENDMENT APPLICATION G-814
WRITTEN BINDING ELEMENTS

1. The maximum number of dwelling units will be 12 units.
2. Forest conservation requirements will be satisfied within the boundaries of G-813 Part I and G-814 by the retention of the existing forest. The Applicant must consider G-813 Part I and G-814 as one overall project for the forest conservation plan unless the Planning Board approves modifications to the forest conservation plan.
3. The trails shown on this plan are illustrative only. The trail system and location will be established during site plan review.
4. The minimum required green area will be increased from 30% to 45%. As used in this Binding Element, green area is gross tract area less the roads, buildings and driveways.

SITE DATA TABLE FOR LOCAL MAP AMENDMENT APPLICATIONS G-813 PART I AND G-814

REVISIONS			
NO.	DESCRIPTION	BY REV.	DATE
1	REVISED PER MNCPPC AND DPS COMMENTS	DMK	12/13/08
2	REVISED PER MNCPPC COMMENTS	DMK	02/23/09

CERTIFICATION

This is a true copy of the Development Plan Amendment approved by the District Council on _____ for Application No. G-813 Part I of III (Exhibit ____) and for Application No. G-814 (Exhibit ____).

_____
Hearing Examiner

Dewberry
8401 Arlington Blvd, Fairfax, VA 22031-4666
703.849.0100 Fax 703.849.0101
www.dewberry.com

SWK
D&D
MAM

LEGAL DESCRIPTION

APPLICANTS
FAIRLAND PARK LLC
FAIRLAND PARK II LLC
C/O MID-ATLANTIC EQUITIES, LLC
7501 WISCONSIN AVENUE, SUITE 1500
BETHESDA, MARYLAND 20814
(301) 961-1400

AGENT/CONSULTANTS
DEWBERRY
8401 ARLINGTON BLVD.
FAIRFAX, VA 22031-4666
(703) 849-0100

AMENDED LAND USE PLAN OF THE DEVELOPMENT PLAN INCLUDES LOCAL MAP AMENDMENT APPLICATIONS - G-813 PART I AND G-814
FAIRLAND PARK COMMUNITY
ELECTION DISTRICT 5
MONTGOMERY COUNTY, MARYLAND

ATTACHMENT 17

Miller, Renee

From: Schwartz, Lisa [Lisa.Schwartz@montgomerycountymd.gov]
Sent: Thursday, April 16, 2009 4:02 PM
To: Miller, Renee
Cc: Nelson, Rick; Reilly, Scott W.; Giloley, Joseph; Anderson, Christopher; Ababu, Essayas
Subject: DPA 09-1: Follow-up DHCA Comments
Attachments: Document.pdf

APR 17 2009

Renée,

I have reviewed the April 6, 2009 letter from Linowes and Blocher, the revised binding elements, and the revised amended Land Use Plan for the Fairland Park Community Development Plan Amendment (DPA 09-1). DHCA's position on DPA 09-1 has not changed from the comments we submitted previously (attached). DHCA continues to object to any language in the binding elements that refers to MPDU locations. Therefore, DHCA recommends that the last phrase of Binding Element #2 be deleted, as follows:

2. The MPDUs will consist of townhouse and duplex units. If the number of dwelling units is reduced at site plan, the MPDU unit types (townhouses and duplexes) will be proportionally adjusted downward. Final location and siting of MPDUs will be established during site plan review~~; however no more than 16 units will be provided in one location~~.

DHCA also continues to object to the requested waiver of the minimum required percentage of single family attached units, and supports the inclusion of market rate townhouses in the development.

We note that the maximum total number of units has been decreased from 396 to 365, and that the applicant is no longer requesting an MPDU density bonus, so that the maximum number of MPDUs has been decreased from 54 to 46 (12.5% of 365).

Please forward this email to the appropriate parties.

Thanks,

Lisa S. Schwartz
Senior Planning Specialist
Montgomery County Department of Housing and Community Affairs
100 Maryland Ave., 4th Floor
Rockville, MD 20850
(240) 777-3786 - office (240) 777-3709 - fax
lisa.schwartz@montgomerycountymd.gov
www.montgomerycountymd.gov/mpdu

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DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr
Director

MEMORANDUM

April 2, 2009

TO: Renée Miller, Development Review, M-NCPPC

FROM: Lisa S. Schwartz, Senior Planning Specialist

SUBJECT: Development Plan Amendment (DPA) 09-1: Fairland Park Community

This is in response to the revised development plans for the above project, which were submitted on March 11, 2009.

In our previous memorandum to you dated February 9, 2009 concerning this project, the Department of Housing and Community Affairs (DHCA) stated that DHCA's only comments on DPA 09-1 were that the written binding elements should include a reference to the MPDU requirement and the fact that the maximum total number of units requires MPDU bonus density. The written binding elements for the revised DPA now include this information. However, the revised binding elements now include information about MPDU locations that was not previously included. DHCA's prior comments were based on the understanding that information concerning MPDU locations would not be included in the DPA, and that these issues would be worked out at the preliminary plan stage. We therefore recommend deletion of the second sentence of Binding Element #2, which reads as follows: "Subject to Binding Element No. 1, the townhouse units will be dispersed in a maximum of three different locations in Phase I, with a maximum of 16 units per location, and the duplex units will be dispersed throughout Phases II and III."

DHCA continues to recommend the following at the preliminary plan stage:

- An approximately even split between MPDU townhouse units and MPDU duplex units, with all units to be dispersed throughout the development. The duplex units should be designed to have the appearance of a single-family detached unit, as has been done in other developments in the County.
- Support of the Department of Planning's recommendation that market rate townhouses be included in the development.

Division of Housing and Code Enforcement

Code Enforcement
FAX 240-777-3701

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
and Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

100 Maryland Avenue, 4th Floor · Rockville, Maryland 20850 · 240-777-3600 · 240-777-3679 TTY
www.montgomerycountymd.gov/dhca

In relation to the second point listed above, DHCA does not concur with the applicant's request to waive the minimum required percentage of townhouse/attached units in G-813 Part I and G-814. Because only 12 units are to be located in G-814, DHCA does not object to the applicant providing the townhouse/attached units required for G-814 in G-813 Part I.

It is DHCA's position that such a plan would be more in keeping with the Fairland Master Plan's general recommendation to "encourage dispersal of MPDUs in new developments to prevent localized areas of high density . . ." (p. 30), the Master Plan's specific recommendations for this property of "a density cap of 510 units overall, with 396 units in Montgomery County and an appropriate mix of housing types including single-family detached homes and attached units" and "MPDUs to be distributed throughout the development" (p. 48), and the recommendation of the Site Plan Guidelines for Projects Containing MPDUs to "encourage a variety of MPDU unit types."

Please let me know if you have any questions.

cc: Barbara A. Sears, Linowes and Blocher
Bernard J. Rafferty, Artery Development Group
Sharon Suarez, M-NCPPC
Tedi Osias, HOC
Richard Y. Nelson, DHCA
Scott Reilly, DHCA
Joseph T. Giloley, DHCA
Christopher J. Anderson, DHCA
Essayas Ababu, DHCA