



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

April 14, 2004

Robert C. Hubbard
Director

Mr. John Clapsaddle, P.E.
Patton Harris Rust & Associates
8818 Centre Park Drive
Columbia, MD 21045

Re: Stormwater Management **CONCEPT** Request
for Clopper's Mill Manor
Preliminary Plan #: 1-91052
SM File #: 211530
Tract Size/Zone: 2.75 acres/PD-4
Total Concept Area: 2.75 acres
Lots/Block: Block A
Parcel(s): E
Watershed: Great Seneca Creek

Dear Mr. Clapsaddle:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of channel protection measures via an off-site pond; on-site water quality control via a dry swale and structural sand filter; and, onsite recharge via dry wells.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Reinforce or armor the swale that runs along the toe of the fill slope from the point where the two swales from the building converge to where the swale moves away from the toe of the slope.

Please note that the fill placement and foundation systems for the proposed buildings will be required to follow the Department of Permitting Services (DPS) complex structure approval due to the nature and complexity of the project. As such, the fill placement and foundation systems must be constructed under the supervision of a DPS approved geotechnical engineer licensed in the State of Maryland. This engineer must certify and submit reports on the compaction and soil bearing capacity of the fills and certify that the fill is adequate for the proposed foundation systems. If you have any questions, please call George Muste, Manager with DPS at 240-777-6232.

This list may not be all-inclusive and may change based on available information at the time.



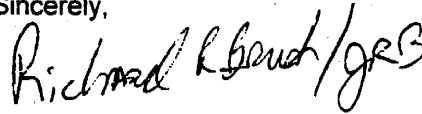
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Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



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

RRB:dm

cc: M. Shaneman
S. Federline
SM File # 211530

QN - onsite; Acres: 2.75
QL - onsite; Acres: 2.75
Recharge is provided

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: March 31, 1994

SITE PLAN REVIEW #8-94012

PROJECT: VILLAGE OF CLOPPER'S MILL - PHASE III

Action: Approval subject to conditions. Motion was made by Commissioner Floreen, seconded by Commissioner Baptiste, with a vote of 4-0, Commissioners Hussmann, Richardson, Floreen and Baptiste voting for. Commissioner Aron was absent.

The date of this written opinion is March 31, 1994 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before April 30, 1994 (which is thirty days from the date of this written opinion). If no administrative appeal is filed, then this site plan unless otherwise provided for in the adopted Guidelines and Policies for Site Plan Extensions, shall remain valid until June 29, 1995 (which is the date that the validity period associated with the preliminary plan is set to expire as of the date of this opinion).

On November 18, 1993, Charles P. Johnson and Associates submitted an application for the approval of a site plan for property in the PD-4 zone. The application was designated Site Plan Review #8-94012.

On March 24, 1994, Site Plan Review #8-94012 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, and which is make a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan meets all of the requirements of the zone in which it is located.
2. The locations of the buildings and structures, the open

spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

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

The Montgomery County Planning Board approves Site Plan Review #8-94012 as follows:

APPROVAL of Phase III, consisting of 133,139 square feet of retail, 10,000 square feet of office, 16,550 square feet of church, and a 6-pump service station with carwash

subject to the following conditions:

1. All buildings on pad sites shall have materials that are consistent with the rest of the Village Center, including dark green standing seam and black roof, and cream and gray colored walls of ground face block with accent banding.
2. Submit signage plan to staff prior to approval of signature set. Signage shall consist of a single monumental sign located in buffer area approximately half-way between Deer Path Lane and Mateny Road. No free-standing signs, other than those of a directional nature shall be allowed except at the entrance to the automobile filling station.
3. Method of diminishing visual impact of rooftop mechanical units to be reviewed for approval by staff prior to approval of signature set.
4. Structures and fencing of play yard at fast food restaurant to have colors and materials compatible with the colors and materials of the village center. No bright colors are permitted. Play yard must be in scale with, and no taller than fast food restaurant.
5. Final signature set landscape plan to include:
 - a) Twelve-foot height evergreen trees in buffer area between rights-of-way and parking lot;
 - b) Evergreen hedge along the west side of the fast food loading area;
 - c) Eight-foot height screen fence planted with climbing vines between elderly apartment parking and rear of office/retail building;
 - d) Specimen tree, shrubs, and groundcover in focal area behind grocery store on axis with Stags Leap Terrace;

- e) Seven-foot height evergreens on east edge of church parking lot;
 - f) One row of double row of street trees in Great Seneca Highway right-of-way located between bikepath and curb, in accordance with Germantown Streetscape Concept Plan.
6. The applicant shall provide streetscape improvements in accordance with the Germantown Streetscape Concept Plan and provide maintenance for streetscapes for two years from the time of installation or until notified that public sector maintenance will begin, whichever is less.
7. Maintenance of the village green to be performed by an individual or company qualified in the care of perennial gardens.
8. Submit a Site Plan Enforcement Agreement, Development Program, and Reciprocal Easement Agreement for review prior to approval of the signature set as follows:
- a. Development Program to include a phasing schedule as follows:
 - 1) Parking lot tree planting shall be completed as parking lot construction is completed but no later than occupancy of the first building for that phase.
 - 2) Site plan features such as pedestrian pathways, seating, trash receptacles, and landscaping associated with a building shall be completed prior to occupancy of that building.
 - 3) Landscaping of Great Seneca Highway right-of-way and area between Great Seneca Highway and Mateny Road rights-of-way and parking lots shall be completed prior to occupancy of first phase.
 - b. Site Plan Enforcement Agreement to reference agreement regarding streetscape maintenance, and agreement regarding maintenance of village green.
 - c. Reciprocal Easement Agreement to include:
 - 1) Agreement to maintain upgraded streetscape for up to two years, in accordance with 3/10/94 Planning Board approval of Germantown Streetscape Plan.
 - 2) Agreement to participate with the HOA of the Village of Clopper's Mill in the maintenance of the village green.
9. The following information must be clearly shown on the

signature set of site and landscape plans and must be incorporated into the sediment and erosion control plan for staff review prior to approval by MCDEP:

- a. Forest conservation areas including reforestation and afforestation planting areas;
 - b. Limit of disturbance line;
 - c. Conservation easements;
 - d. Methods and location of tree protection;
 - e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - f. The development program inspection schedule.
10. Compliance with the conditions of the forest conservation plan, listed in the Environmental Planning Division memo of March 18, 1994.

Resolution No.: 11-2268
Introduced: October 9, 1990
Adopted: October 9, 1990

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY

By: County Council

Subject: APPLICATION NO. G-650 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Jody S. Kline, Attorney for Great Seneca Investments, Contract Purchaser, Applicant, OPINION AND RESOLUTION ON APPLICATION
Tax Account Nos. 6-1-02753512 & 6-1-00277500

OPINION

Application No. G-650 requests reclassification from the R-200 Zone to the PD-4 Zone of 117.73 acres, known as the property of Great Seneca Investments, located on the east side of the Great Seneca Highway approximately 3,000 feet south of the intersection with Clopper Road, Germantown, in the 6th Election District.

The hearing examiner recommended approval of the development plan and approval of the reclassification subject to the specifications and requirements of the development plan. These recommendations were based on conclusions that the PD-4 Zone at the proposed location is a proper use for the comprehensive and systematic development of the county; that the proposed development is capable of accomplishing the purposes of the PD-4 Zone; that the proposed development is in substantial compliance with the applicable master plan; and, that the proposed development satisfies all the technical requirements of a PD-4 Zone provide recommended waivers are approved. The Technical Staff and the Planning Board provided similar recommendations. The District Council agrees with the findings and conclusions of the Technical Staff, the Planning Board and the hearing examiner.

The subject property lies at the southern tip of the Germantown and Vicinity Planning Area. The property contains about 2,100 feet of frontage along the east side of the Great Seneca Highway and lies immediately north of the Seneca Creek State Park. It is irregular in shape and extends eastward about 2,700 feet.

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The site contains some mature hardwood trees along its northern boundary line and contains two streams which cross portions of the site.

The surrounding area is bounded on the north by Clopper Road, on the west by Route 118, on the southwest by Riffle Ford Road, and on the southeast and east by the Seneca Creek State Park. This area contains a mixture of densities and land uses. Existing multi-family development is located north of the site along the east side of the Great Seneca Highway extending to Clopper Road. The South Gunners Branch local park, the proposed South Gunners Branch Elementary School and a townhouse community developed under both the R-90 and RT-12.5 Zones are all located east of the multi-family development. Mateney Road extends from Clopper Road south to the subject property and provides access for the townhouses. Located to the southwest is the site of the future Seneca Waste Water Treatment Plant. Located directly west of the site is an undeveloped 190-acre parcel which is classified in the RDT Zone and was formerly included as part of the zoning application. The remainder of the area consists of public land and residential uses.

The development plan proposes a mixed use community of residential, retail, office, public and quasi-public components. Residential uses include 154 single-family detached units on lots ranging between 6,000 and 8,000 square feet in the eastern portion of the site, 54 townhouses as a transition between the single-family areas and a retail center, 274 garden apartments located north of the retail center, and housing for the elderly containing 120 dwelling units in six-story structures located adjacent to the village center. Retail uses in two separate one and two-story buildings are proposed adjacent to a village square. Two freestanding office buildings and a bank with drive-through facilities comprise the office uses located near the retail uses. The retail uses are proposed at a density of 153,000 square feet and office uses are proposed at a density of 17,000 square feet. An automobile filling station is proposed adjacent to this commercial area.

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The proposed development also includes a number of amenities. A 5.4-acre area located at the northeast tip of the site is proposed for an elementary school site to be jointly developed along with an adjacent 8.32-acre parcel already owned by the Board of Education. A child day care center is proposed on a 1.2-acre site located next to the elderly housing. Four acres are reserved for a place of worship. Stormwater management areas are proposed to be located immediately south of the school and at the southwest corner of the property. An off-site recreational area is also proposed for the South Gunners Branch Park if approved at the site plan stage. Almost half the site is proposed as passive open space.

Vehicular and pedestrian circulation systems interconnect with the retail and residential portions of the site by using sidewalks, pathways and streets. Most of the streets will be dedicated. Mateney Road will extend through the site to an intersection with the Great Seneca Highway. This intersection will provide ingress and egress to and from the retail and office components of the village center. Mateney Road is proposed to be constructed within a 100-foot right-of-way throughout the site although it will reflect a four-lane width with a median strip from its intersection with the Great Seneca Highway to the edge of the town center and a two-lane width as it extends eastward through residential portions of the site and past a stream valley conservation area and elementary school site.

The development plan contains a three part phasing schedule that is keyed to the approved capital improvement program, the annual growth policy and transportation improvement agreements. Development of public roads, the pedestrian and bicycle system, community facilities, open space and stormwater management facilities will occur sequentially with each particular phase of development. Phase I is scheduled to begin in 1997 and includes the village center, retail and office uses, the village square, the child day care center, and

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the automobile service station. Phase II is scheduled for 1992 and consists of 75 single-family detached units, 54 townhouses, and 274 multi-family units. The last phase is scheduled for 1993 and would complete the development with 82 single-family detached units, 120 elderly housing units, and a place of worship.

The Germantown and Vicinity Master Plan, as amended in 1989, provides PD-4 zoning as an alternative recommendation for the site and encourages a mix of retail services, offices and community facilities with mixed residential densities. The recommended community facilities include an elementary school, local park, child day care center and place of worship. The site was classified for half-acre residential density by comprehensive zoning in 1958. It was downzoned to two-acre density by comprehensive zoning in 1974. The most recent comprehensive zoning occurred on February 13, 1990, and reclassified the property back to its original half-acre density and applied the R-200 Zone to the site. There have been no previous local map amendments pertaining to this property.

The District Council agrees with the determination of the hearing examiner that the development plan satisfies the requirements of §59-D-1.6. In this respect, the District Council finds that the PD-4 Zone at the proposed location is in compliance with the recommendations of the master plan and does not conflict with the general plan, capital improvement programs or other applicable county plans or policies. Also, the proposed zoning is in compliance with the requirements of the P-D Zone and will provide for a maximum safety, convenience and amenity of residents of the development, as well as being compatible with adjacent development. The evidence of record also demonstrates that the proposed vehicular and pedestrian circulation systems are safe, adequate and efficient. The development plan, by its site design, will minimize grading of the site; and, by the most desirable use of building locations, will prevent soil erosion and preserve natural vegetation and other natural features of the site. Finally, the

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development plan proposes an adequate and sufficient method of assuring perpetual maintenance of recreational, common or quasi-public areas.

The District Council also agrees with the determination of the hearing examiner that several waivers from strict requirements of the P-D Zone are justified. Under the provisions of §59-C-7.131, it is more desirable for either environmental reasons or master plan conformity to waive the minimum 25 percent requirement for townhouses and the maximum 40 percent requirement for multi-family housing to allow a minimum of 11 percent for townhouses and the maximum of 56 percent for multi-family housing. Moreover, under the provisions of §59-C-7.15 there is sufficient basis to waive the 100-foot setback requirement to allow the location of multi-family housing units within the northern setback areas because the master plan recommends the adjacent land for use other than one-family detached homes and the adjacent land will not be adversely affected by the waiver.

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11/10/04
West
Lewiston
South

The District Council also agrees with the determination of the hearing examiner that the application satisfies the requirements of the PD-4 Zone. In this respect, the PD-4 Zone at the proposed location constitutes a proper use for the comprehensive and systematic development of the county, it is capable of accomplishing the purposes of the zone, and is in substantial compliance with the applicable master plan. Moreover, the proposed development satisfies the minimum area, compatibility, greenspace, dedication and parking requirements of the zone. The proposed elderly housing for 120 units satisfies the requirements of §59-C-7.14(d)(3) for a three-acre minimum; adequate accessibility to transportation and medical services, shopping areas, and recreational and community services; a maximum coverage of not more than one-third of the site; compatibility; and promotion of the public interest. Finally, the proposed development satisfies the overall density and technical requirements of the PD-4 Zone given the aforesaid findings and approved waivers.

120 elderly housing
§59-C-7.14(d)(3)
30% coverage
120 units
11/10/04

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For these reasons and because to grant the instant application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution.

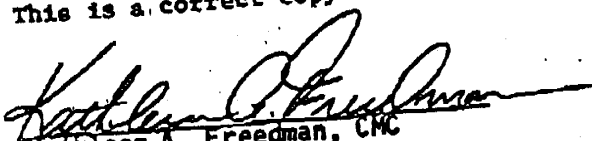
The amended development plan, submitted as Exhibit 54(a) is hereby approved;

Waivers from the 25 percent minimum percentage for townhouses and 40 percent maximum percentage for multi-family units under §59-C-7.131 are hereby approved to permit 11 percent for townhouses and 56 percent for multi-family housing;

A waiver for the location of multi-family units within the 100-foot northern setback area under §59-C-7.15 is hereby approved; and

Application No. G-650, for the reclassification from the R-200 Zone to the PD-4 Zone of 117.73 acres, known as the property of Great Seneca Investments, located on the east side of the Great Seneca Highway approximately 3,000 feet south of the intersection with Clopper Road, Germantown, in the 6th Election District, is granted for the PD-4 Zone in the amount requested and subject to the specifications and requirements of the amended development plan and waivers approved above.

This is a correct copy of Council action.


Kathleen A. Freedman, CM
Secretary of the County Council

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