**MEMORANDUM**

DATE: December 16, 2004
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *Ma*
 Development Review Division
 FROM: Wynn E. Witthans, RLA, AICP
 Development Review Division
 (301) 495-4584

REVIEW TYPE: **Site Plan Review**
 CASE #: **8-97007A and 8-94031C**
 PROJECT NAME: **Kingsview Village, Section 8**
 APPLYING FOR: Approval of 195 multifamily units inclusive of 64 MPDUs and 53 TDRs
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: R-200 TDR-6
 LOCATION: Southwest quadrant of Darnestown – Germantown Road (MD Route 118)
 and Leaman Farm Road
 MASTER PLAN: Master Plan
 APPLICANT: Pleasant Investment Partnership
 FILING DATE: April 17, 2003
 HEARING DATE: December 23, 2004



STAFF RECOMMENDATION: Approval of 195 multifamily units inclusive of 64 MPDUs and 53 TDRs on 110.44 acres.

1. Site Design
 - a. Add two sitting areas adjacent to the front of the pool house entry.
 - b. Bike and motorcycle parking to be provided on site per Section 59-E.

2. Landscaping
 - a. Provide Street Trees on both edges and median of Leaman Farm Road, respecting eventual curb locations.
3. Lighting
 - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
 - b. All light fixtures shall be cut-off fixtures.
 - c. Deflectors and house shields shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
 - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line.
4. Pedestrian Circulation

Provide continuous sidewalk connection on MD 118 to connect to off site sidewalk to the northwest. Adjust street trees accordingly.
5. Maintenance Responsibility

The applicant shall be responsible for maintaining all on site landscaping and outdoor recreational features.
6. Transfer Development Rights (TDRs)

Prior to recording of plat, the applicant shall provide verification that 53 TDRs have been acquired for the proposed development.
7. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 64 MPDUs on-site.
8. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated December 17, 2004.
9. Forest Conservation
 - a. The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated November 23, 2004.
10. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 15, 1998.
11. Common Open Space Covenant

In the event the units will be condominium units, the record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the building permit for the third building that the Applicant has recorded Homeowners Association Documents incorporate by reference the Covenant.

12. Development Program

Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:

- a. Streets tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. Community-wide pedestrian pathways and recreation facilities (ie benches, play equipment, walks) shall be completed prior to occupancy.
- c. Landscaping associated with each parking lot and building shall be completed as construction of each building is completed.
- d. Pedestrian pathways and seating areas associated with each building shall be completed as construction of each facility is completed.
- e. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

13. Clearing and Grading

The Applicant may begin clearing and grading prior to M-NCPPC approval of signature set of plans only after the final Forest Conservation Plan and Sediment Control Plans have been approved. Signature set of plans shall be approved by M-NCPPC prior to issuance of any building permit or recording of plat(s).

14. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Forest Conservation easement areas.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- f. Centralized, screened trash areas for all multi-family units.

SITE PLAN REVIEW ISSUES

I. ISSUE: Site Plan Comments from Community

In the course of review, a letter from the community was received that requested increased screening for the parking lot along Leaman Farm Road, for a revised entrance

location on MD Route 118 and increased screening for the trash compactor along MD Route 118.

Applicant Position

The applicant has amended the drawings to address the concerns.

Staff Recommendation

The conditions reflect staff recommendations to change the plans to increase pedestrian circulation and safety. The citizen's letter has been addressed in regards to their screening requests. The entrance location along MD Route 118 is fixed per the MDSHA review.

II. ISSUE: Site Plan revisions

Staff recommended additional sitting areas within the greenspace, sidewalk connections to the tot lot and off site, street trees adjacent the site on both sides of Leaman Farm Road and a revised sidewalk connection along MD Route 118. Landscape revisions have been made that removed planting from the public utility easements; increased planting in front of views from and to increase visibility to the tot lot. Along the frontage of MD Route 118, the applicant has also moved the sidewalk inward from the curb, a safer location away from the travel lanes.

Applicant's Proposal

The applicant has relocated the walk along MD Route 118 and it will connect with the existing sidewalk further to the west. It is adjacent to the curb in some areas to avoid environmental areas. The plans have increased landscaping per staff comments.

Staff Analysis/Position

The plans conform to staff recommendations, with conditions as noted above.

III. ISSUE: Earlier Planning Board Hearing

The Planning Board first heard this site plan on November 13, 2004. They denied the site plan on the basis that the application was an incomplete submittal for forest conservation and provided inadequate pedestrian connections to off-site sidewalks. Also, at that hearing, representatives from Elm Street Development Company testified that the developer violated a Preliminary Plan condition that required them to participate financially in local road improvements.

The Applicant brought a reconsideration request to the Planning Board on September 23, 2004. The Planning Board approved the Applicant's request to have the site plan application presented for approval once again on December 23, 2004.

The report from the earlier hearing has been incorporated in to this new report format (it will not require the Site Plan Enforcement agreement). The report includes the improvements made to the site plan from the earlier hearing.

Applicant's Proposal

The Applicant does not agree that they are legally or financially obligated to participate in the road improvements.

The Applicant has amended their proposal to incorporate environmental and pedestrian circulation issues. The Applicant has purchased the land where the forest conservation areas are located.

Community Position

The community has not commented on this issue.

Staff Analysis

Staff has reviewed the road club participation issue and has issued a report for Planning Board review. See Attachment 1 dated December 17, 2004.

The Applicant has updated the environmental report with the following information:

Forest Conservation

The net tract area included in this site plan is included in the forest conservation plan prepared for site plan 8-94031. Site plan 8-97007A plan does not have exactly the same amount of land reforested and in a conservation easement as shown in forest conservation plan 8-94031. Environmental Planning staff agrees that the difference in the planting amounts can be planted offsite. The applicant has identified a non-forested site, outside of any current or future stream buffers within the same watershed for planting. The offsite planting location is on a confronting parcel directly across future Leaman Farm Road from the subject property.

Imperviousness

The Planning Board approved a limited amount (0.19 acres) of encroachment into the stream buffer when site plan 8-97007 was initially approved. Site plan 8-97007A indicates an increase of 0.12 acres of impervious surfaces in the stream buffer. This additional impervious surface is for a roadway and parking at the outer limits of the stream buffer. The applicant has proffered to expand the area of offsite reforestation to compensate for the additional encroachment into the stream buffer.

The applicant will place 0.30 acres of land outside of the stream buffer on a confronting property in a category I conservation easement. They will plant this area with 2 to 2 ½ inch caliper trees. The land used for the compensatory planting is now under the ownership of this applicant. The compensatory planting is more than two times the additional impervious encroachment and original planting area, thus qualifying for the Planning Board's approval of site plan 8-97007A.

The site plan application has been adequately updated for pedestrian circulation connections, as conditioned.

PROJECT DESCRIPTION: Site Vicinity

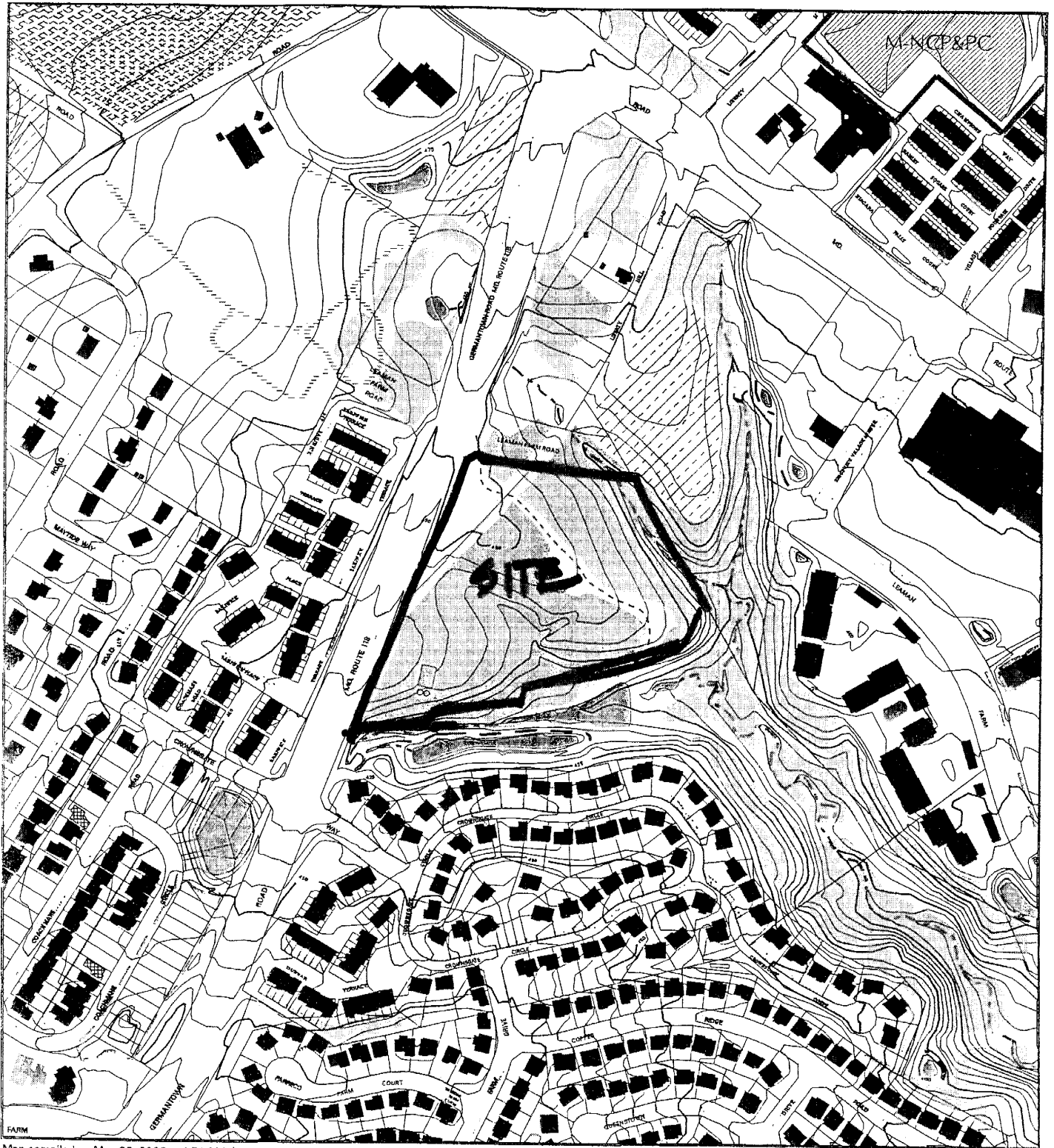
Adjoining the site to the south is a wooded ravine beyond which are SFD homes within Phase One of Kingsview Village. To the west is MD Route 118 and to the north is Leaman Farm Road that serves as an access point to the site. On the west side of MD Route 118 are townhouses, also within Phase One of Kingsview Village. To the northwest of MD Route 118 and Leaman Farm Road is a proposed fire station, to the northeast – opposite the site - is undeveloped area.

PROJECT DESCRIPTION: Site Description

The multifamily portion of Kingsview Village is wooded with a stream valley to the south.

VICINITY MAP FOR

KINGSVIEW VILLAGE - SEC. 8 (8-97007A)



Map compiled on May 20, 2003 at 1:53 PM | Site located on base sheet no - 225NW13

NOTICE

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

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Key Map



Research & Technology Center
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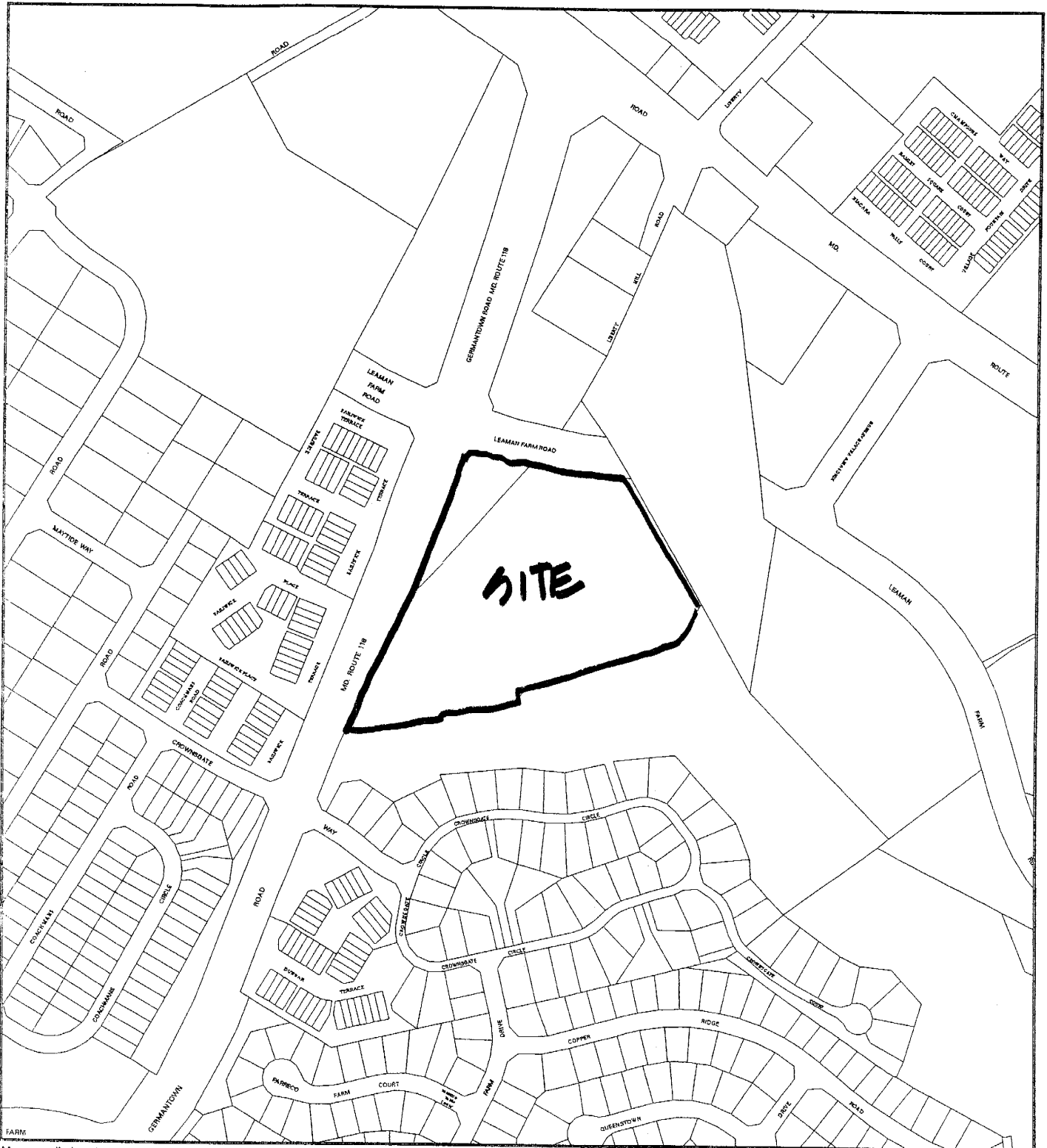
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

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VICINITY MAP FOR

KINGSVIEW VILLAGE - SEC. 8 (8-97007A)



Map compiled on January 20, 2000 at 10:00 AM | Site located on base sheet no - 225NW13

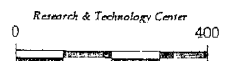
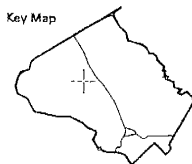
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Key Map



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PROJECT DESCRIPTION: Proposal

The proposed site plan includes three four-story apartment buildings and one story pool house arranged in a square with a pool and open grassy area in the center.

A pedestrian system connects the building entrances to the open spaces and the parking lot. Pedestrian connections are made to the adjacent public streets in several locations through the parking lot. The plan proposes sidewalks along MD route 118 and Leaman Farm Road's northern edge. The MD Route 118 sidewalk is relocated, where possible, to be at least 8 feet away from the curb for greater pedestrian safety. This same walk needs to be connected to other walks, off-site if required, along the southern edge of MD Route 118 and is recommended with this approval.

The parking is provided with a double loaded parking bay encircling the building. Around the outer tier of parking, towards the open space areas, are some single space parking garages that are leased to residents. There are two access points to the site through the parking lots from adjacent roads.

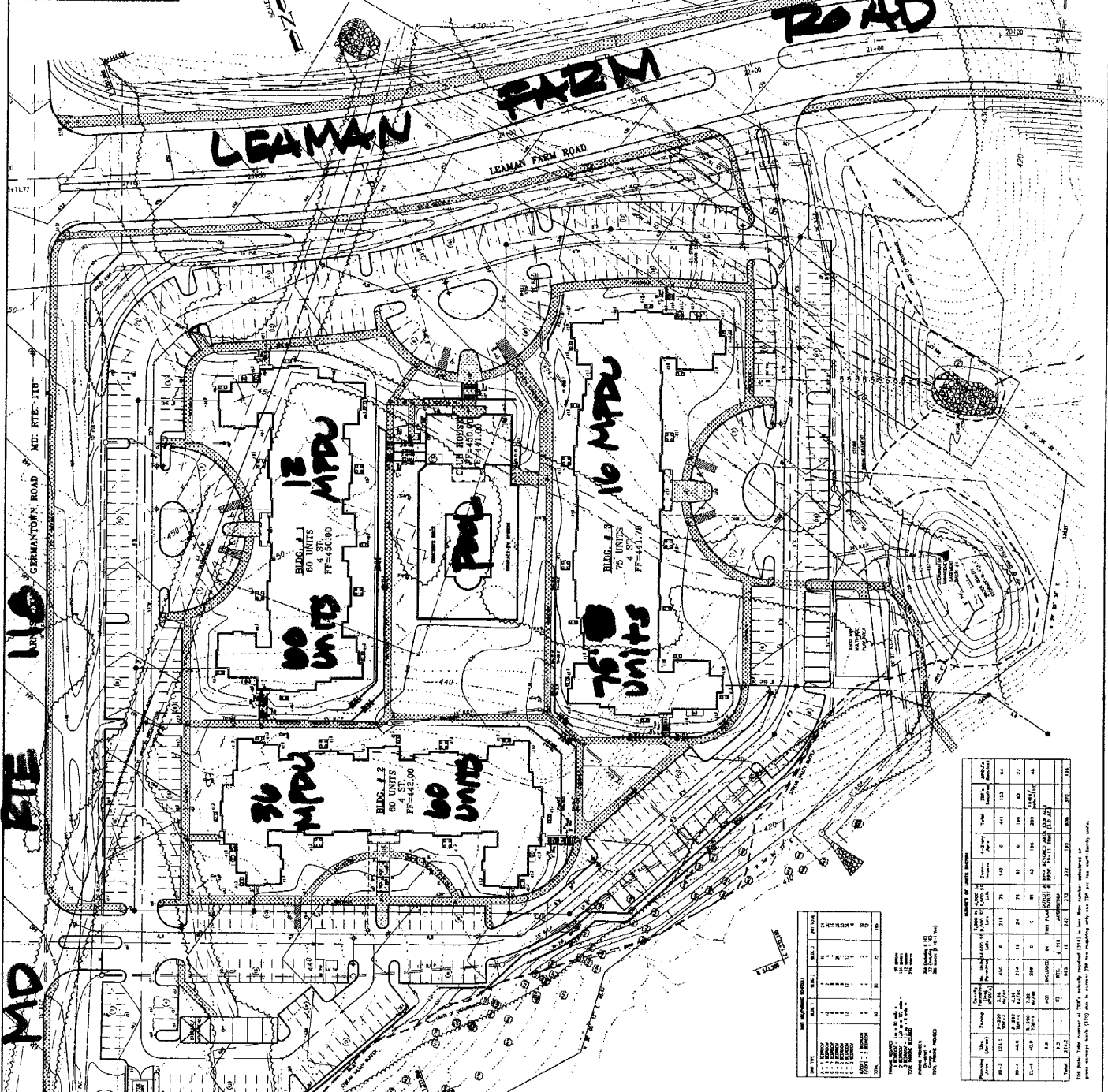
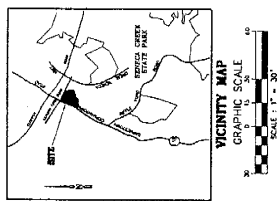
Landscaping includes street trees along the site frontages, shade trees within the parking lot and extensive beds of ornamental planting that provide screening for the parking lots and between walks and buildings. The central open space is highlighted by the pool and pool house. The internal sides of the buildings (towards the pool and open space) are extensively landscaped and outfitted with sitting areas

Lighting is provided on the site as well. The light levels conform generally to IESNA standards. However, more detail is needed to analyze the light fixture to determine if it is designed to reduce glare and upward light pollution.

DATE	NO.	DESCRIPTION
11/11/77	1	PRELIMINARY PLAN
11/11/77	2	AMENDED SITE DEVELOPMENT PLAN
11/11/77	3	FINAL PLAN

AMENDED SITE DEVELOPMENT PLAN
 KINGSEW VILLAGE - SECTION 8
 BARNSTOWN (6th) BLOCK DISTRICT
 MONTGOMERY COUNTY, MARYLAND

CPI
 Charles P. Johnson & Associates, Inc.
 ARCHITECTS
 1100 WASHINGTON BLVD., SUITE 200
 WASHINGTON, D.C. 20036
 PHONE: (202) 462-1100
 FAX: (202) 462-1101



LANDSCAPE ARCHITECT CERTIFICATE
 I HEREBY CERTIFY THAT THE LANDSCAPE ARCHITECTURE PORTION OF THIS PLAN IS THE WORK OF MY FIRM AND THAT I AM A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF MARYLAND.

DATE: 11/11/77
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT: [Signature]

OWNER'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN AND THAT I HAVE REVIEWED AND APPROVED THE SITE DEVELOPMENT PLAN AND ALL INFORMATION CONTAINED THEREON.

DATE: 11/11/77
REGISTERED PROFESSIONAL OWNER: [Signature]

ENGINEER'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MARYLAND AND THAT I HAVE REVIEWED AND APPROVED THE ENGINEERING PORTION OF THIS PLAN AND ALL INFORMATION CONTAINED THEREON.

DATE: 11/11/77
REGISTERED PROFESSIONAL ENGINEER: [Signature]

GENERAL NOTES - SECTION 8

- SEE SHEET 1100-1 FOR GENERAL NOTES.
- SEE SHEET 1100-2 FOR GENERAL NOTES.
- SEE SHEET 1100-3 FOR GENERAL NOTES.
- SEE SHEET 1100-4 FOR GENERAL NOTES.
- SEE SHEET 1100-5 FOR GENERAL NOTES.
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- SEE SHEET 1100-49 FOR GENERAL NOTES.
- SEE SHEET 1100-50 FOR GENERAL NOTES.

NO.	DESCRIPTION	AMOUNT	DATE
1	CONSTRUCTION	100,000	11/11/77
2	LANDSCAPE	50,000	11/11/77
3	PAVING	20,000	11/11/77
4	UTILITIES	15,000	11/11/77
5	LAND ACQUISITION	10,000	11/11/77
6	PROFESSIONAL FEES	5,000	11/11/77
7	MARKETING	3,000	11/11/77
8	CONTINGENCY	2,000	11/11/77
9	TOTAL	205,000	11/11/77

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9	TOTAL	205,000	11/11/77

11/11/77

PROJECT DESCRIPTION: Prior Approvals

Master Plan

The Germantown Master Plan, July 1989, designates the multifamily units to be within the CL-6 or R-200/TDR-6 analysis area. The plan identifies a pedestrian system that this plan contributes to with the sidewalks along MD Route 118 and Leaman Farm Road.

Preliminary Plan

The Planning Board previously approved this site plan on July 24, 1997. The report is attached to the Planning Board’s copy and the original is within the staff file for public review. The TDR and MPDU calculation sheet, attached, is the culmination of review for the entire subdivision and the numerous site plan reviews and revisions. The earlier site plan approvals indicate the site plan’s conformance to the Preliminary Plan and the APF approvals as well. In addition, staff has reviewed the status of the APF projects as a background for this review. A memo from Transportation Planning staff is attached.

ANALYSIS: Conformance to Development Standards

Conformance to Development Standards – R-200/TDR utilizing the optional method of development per section 59-C-1.33 and 59-C-1.39:

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):	n/a	10.44 acres
Dwelling Units:		
Multiple-family	199	195
Percentage of units	35% of 902 315 permitted	21.6%
TOTAL		195
Moderately-priced DU’s included		64
Transferable Development Rights incl.		53
Green Space (%):	40% or 4.176 acres	3.46 acres on site
Building Height (ft.):	four story	four story

Setbacks (ft.):		
Front yard	25 ft	25 ft
Side yard	n/a	
Rear yard	20 ft	20 ft
Parking: for 195 MF	226	382
Total		(1.95 spaces
Standard		per unit)
Handicapped-accessible	8	8
Bicycle	20	20
Motorcycle	8	8

MPDU and TDR CALCULATIONS:

See Attachment dated September 1, 1999 that references the entire Kingsview Village (Pleasant Property) Subdivision and the earlier approvals.

ANALYSIS: Prior Approvals

The Planning Board previously approved this site plan on July 24, 1997, the report is attached to the Planning Board's copy and the original is within the staff file for public review.

The TDR and MPDU calculation sheet, attached, is the culmination of review for the entire subdivision and the numerous site plan reviews and revisions. The earlier site plan approvals indicate the site plan's conformance to the Preliminary Plan and the APF approvals as well. In addition, staff has reviewed the status of the APF projects as a background for this review. A memo from Transportation Planning staff dated, November 7, 2003, is attached.

ANALYSIS: Conformance to Master Plan

The Germantown Master Plan, July 1989, designates the multifamily units to be within the CL-6 or R-200/TDR-6 analysis area. The plan identifies a pedestrian system that this plan contributes to with the sidewalks along MD Route 118 and Leaman Farm Road.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development, if required.*

An approved development plan or a project plan is not required for the subject development.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

As amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the R-200/TDR-6 zone as demonstrated in the project Data Table above.

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

- a. Buildings

The buildings are arranged in a horseshoe configuration that allows for the creation of central outdoor spaces that are protected from exterior noise sources. Each building entrance is oriented to the loop driveway for the site - thus allowing for quick orientation to each building for visitors, deliveries and residents. The building height at four stories is compatible with surroundings and creates a focal point at this major intersection.

- b. Open Spaces

The opens spaces on site are protected from external noise sources by the building locations that create an enclosure for the pool and adjacent areas. The open space area and playground are easily accessible from each building and the open spaces link together.

The storm water management concept and wetland-monitoring plan was approved by DPS in a memo dated September 15, 1998. The stormwater management concept consists of on-site water quantity and quality control via the proposed stormwater management ponds sand filters and constructed wetlands.

- c. Landscaping and Lighting

The landscaping will create a buffer along the project's boundaries and will provide shading for the parking lot that encircles the building. Evergreen landscaping is placed adjacent to retaining walls that front an adjacent neighborhood to the south. The landscaped areas adjacent to the walks and building edges will create an inviting appearance for the building and will make

the pedestrian areas on the site attractive and pleasant to be in. The plant material will have seasonal interest for year round appeal.

Additional screening has been added to the northern edge of the parking lot areas to screen the oblique view from MD Route 118. Additionally, the street trees along MD Route 118 have been re-positioned to be further away from the street edge to allow the tree to grow unobstructed and free from the traffic.

The proposed lights are Washington Globe styled light fixtures. The proposed lighting plan will include footcandle averages of 1.15 within the site. This falls within the IESNA parking light averages. The photometric point to point study needs to extend to the property lines show the light levels are .01 footcandles along all property lines. The light fixture selected need to show they are retrofitted to include reflectors that reduce the upward light throw and convert the fixture in to a full cut-off or semi- cut-off light throw pattern. The pole heights provided are 10 and 14 feet.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The recreation will provide for a variety of outdoor exercise and play opportunities. Additional benches are required outside the swimming pool entrance.

e. Vehicular and Pedestrian Circulation

The street connections to the site are in accordance with the approved Preliminary Plan, and the layout provides for a circular circulation pattern that allows for convenient access to each building front door and through the parking lot.

Pedestrian paths are provided internally with several links for pedestrian connections from the parking lot to the external public walks at several locations along each frontage.

Public sidewalks are located along Leaman Farm Road and MD Route 118 per earlier approvals. The sidewalks along MD Route 118 have been relocated from the curb to a right-of-way edge location where possible for increased pedestrian safety. This sidewalk connection needs to be extended to link to the sidewalk along MD Route 118 to the north west and along the Leaman Farm Road frontage of the property.

Street trees are required (in advance of lane construction) along the length of both edges and median of Leaman Farm Road in the future right-of-way per MCDPW&T cross sections.

The natural surface trail on site connects the southwest corner of the site to open space areas further to the southwest.

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

The building locations minimize impact on external sites by clustering them internally and by providing layers of landscaping to create the additional landscape buffer. Compatibility is achieved by the presence of the natural spaces to the south that contain preserved and newly planted landscape material.

Properly designed lights, with cut off features and house shields if required will provide adequate and compatible light levels for pedestrian use with no excessive glare into units or the sky above.

Landscaped buffers are provided within the landscaped edge adjacent to the parking lot. With the additional landscape planting along the southern edge of the site the buffer will be complete.

The activity associated with the proposed residential uses will not cause any negative effect on the adjacent roads, environmental areas and residential areas.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The net tract area included in this site plan is included in the forest conservation plan prepared for site plan 8-94031. Site plan 8-97007A plan does not have exactly the same amount of land reforested and in a conservation easement as shown in forest conservation plan 8-94031. Environmental Planning staff agrees that the difference in the planting amounts can be planted offsite. The applicant has identified a non-forested site, outside of any current or future stream buffers within the same watershed for planting. The offsite planting location is on a confronting parcel directly across future Leaman Farm Road from the subject property.

APPENDIX

1. Transportation Memo December 17, 2004 /attachments under separate cover
2. Elm Street Letter December 15, 20004
3. Crescent Development Letter September 1, 1999 – MPDU and TDR calculations.
4. Environmental Planning Memo November 23, 2004
5. MCDPS Memo September 15, 1998
6. Citizen Letter May 13, 2003
7. Original Site Plan #8-97007