



MCPB
7/21/05
Item # 5

MEMORANDUM

DATE: July 14, 2005
TO: Montgomery County Planning Board
VIA: Rose G. Krasnow, Chief *RKK*
Michael Ma, Supervisor *MA*
Development Review Division
FROM: Mary Beth O'Quinn, Site Plan Review
(301) 495-1322

REVIEW TYPE: Site Plan Amendment Review
APPLYING FOR: Approval of 39 townhouses on 12.02 acres,
that includes 10 MPDUs on site
PROJECT NAME: Fairland View
CASE #: 8-05007A
REVIEW BASIS: Sec. 59-D-3, Zoning Ordinance: Site Plan required in the R-60 Zone
under the MPDU Option
ZONE: R-60
LOCATION: NE Quadrant of Fairland Road and Columbia Pike (US29)
MASTER PLAN: Fairland
APPLICANT: Winchester Homes, Inc.
FILING DATE: April 18, 2004
HEARING DATE: July 21, 2005



STAFF RECOMMENDATION: Approval of 39 residential townhouses of which 5 area MPDUs provided on site, on 12.08 acres, in the R-60 Zone, subject to the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 1-05001, approved by the Planning Board on October 28, 2004.
2. Site Design
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. Indicate unit utility feed locations showing rear utility feeds;
 - b. Provide architectural elevations for all unit facades visible from Fairland Road, and use masonry materials for such facades; provide fence for rear yards visible from Fairland Road, 5-6 feet in height, also of compatible masonry materials;
 - c. Provide architectural screening at a minimum 36 inches in height for the surface parking visible from Fairland Road ; use materials such as masonry to achieve maximum compatibility; coordinate lead walk entry with wall and/or landscape design;
 - d. Provide locations and details for decks; decks visible from Fairland Road should be constructed of sight-tight materials.
3. Landscaping
 - a. Remove all landscaping from interior of SWM parcels;
 - b. Provide screen hedge for parking visible from Fairland Road and the Stravinsky Drive cul-de-sac;
 - c. Provide street trees within the Fairland Road ROW, subject to SHA approval; provide hedges on both sides of the lead walk from Fairland Road, subject to SHA approval;
 - d. Provide additional landscaping as follows:
 - i. Provide additional hedges on both sides of the Fairland Road lead walk to enhance pedestrian safety;

- ii. Provide a shade tree on the parking island opposite Unit 31;
 - iii. Provide two shade trees at the curb between Unit 33 and Unit 34;
 - iv. Provide additional shade tree at the curb in front of Unit 38;
 - v. Substitute for the *Quercus Fastigiata* an ornamental tree for curbside plantings directly in front of residential units; retain consistent use of the same species for street trees along each individual segment of the private drives;
 - vi. Add four groups of three trees at the edges of the underground stormwater management facility to more clearly define the space; allow adequate root zones for shade trees;
 - vii. Provide ground cover planting within the west cul-de-sac island;
 - viii. Add four street trees (shade trees) to the south side of the main drive aisle.
4. Lighting
- a. All light fixtures shall be full cut-off fixtures.
 - b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
 - c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
 - d. The height of the light poles shall not exceed 14 feet including the mounting base;
 - e. Provide lighting schedule showing each fixture, housing shield type, wattage, and mounted height.
5. Pedestrian Circulation
- a. Provide painted, striped crosswalks across the internal private road(s) in locations where the sidewalk continues;
 - b. Relocate pedestrian crossing shown near Unit 31 across internal private drive; move crossing to location near Unit 34; provide striping on road surface.
6. Recreation Facilities
- a. Provide a plan, elevation and specifications for the Play Lot play equipment at 1:10 scale; show fall zones;
 - b. Label required setback from street.
7. Moderately Priced Dwelling Units (MPDUs)
- a. The proposed development shall provide 5 MPDUs on-site; the applicant is receiving no density bonus for providing MPDUs on site.
8. Transportation
- The applicant shall comply with the following conditions of approval from M-NCPPC- Transportation Planning in the memorandum dated July 13, 2005, and other conditions as specified below:
- a. At the US 29/Fairland Road intersection, with Maryland State Highway Administration (SHA) approval, re-stripe the eastbound Fairland Road approach to Columbia Pike (US 29) to a left, left, through, through/right lane combination (from existing left, left/through, through, right lane combination).
 - b. Provide a lead-in sidewalk from Fairland Road to the site.
 - c. Provide adequate sidewalks, handicapped access ramps and crosswalks within the site in coordination with the Montgomery County Department of Permitting Services (DPS).
9. Forest Conservation and Environmental Planning
- The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated June 30, 2005, and others, including:
- a. Forest Conservation Plan
The proposed development shall comply with the conditions of the Final Forest Conservation Plan, including the following:
 - i. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services issuance of sediment and erosion control permits;
 - ii. Provide 1.07 acres of afforestation area to be placed in Category I conservation easement. Easement to be shown on record plat;

- iii. Provide a modified plant list that includes more evergreen species, such as American holly and inkberry. Also, staff recommends using deciduous species such as American beech;
- b. Noise Mitigation
- i. Signature set of site plan to include end walls for townhouse unit nos. 14, 20, and 39 to provide some noise attenuation for outdoor deck areas. Details of these end walls to be submitted for staff review and approval as part of the signature set of site plan;
 - ii. Prior to signature set of the amended site plan, the applicant must provide and commit to implement a noise abatement study prepared by a professional engineer with competency in acoustical analysis. The study shall demonstrate and certify that, if built to recommended acoustical standards, all proposed building shells for residential dwelling units located within the projected, exterior noise impact area of 65 dBA, Ldn or higher will attenuate projected exterior noise levels to an interior noise level not to exceed 45 dBA, Ldn. The analysis of exterior noise levels must use the projected worst-case scenario for combined traffic noise levels for the ICC, Rte. 29, and Fairland Rd., incorporating information from the latest available SHA ICC Environmental Impact Statement and related technical reports and plans. Any subsequent changes in building shell materials or coverage that may affect acoustical performance shall be approved by an acoustical engineer prior to approval of building permit for the unit(s);
 - iii. Prior to release of the first building permit for the subdivision, the following items must be met:
 - a. There shall be certification from an acoustical engineer that the building shell for residential dwelling units are designed to attenuate projected exterior noise levels to an interior level of no more than 45 dBA, Ldn. Any subsequent changes in building shell materials or coverage that may affect acoustical performance shall be approved by an acoustical engineer prior to implementation;
 - b. The builder shall commit to construct the residential units in accordance with the acoustical specifications identified by the acoustical engineer;
 - c. The builder or an authorized agent shall disclose in writing to all prospective purchasers that these homes will be affected by traffic noise from current and possible future roadway projects, including the proposed ICC ramp/interchange and Fairland overpass. The builder shall also identify all noise mitigation measures to be used in the subdivision. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents (including any illustrative site plan(s) on display within any sales-related offices), in Homeowner Association documents, and by inclusion in all subdivision and site plans, and with all Deeds of Conveyance. Notification language shall be provided to M-NCPPC staff for approval prior to issuance of first building permit.
10. Stormwater Management
Comply with conditions of MCDPS stormwater management concept approval dated July 6, 2004 and reconfirmed May 20, 2005. Final design of the stormwater management pond shall be submitted to Environmental Planning and Parks Planning staff for review and comment prior to MCDPS approval.
11. Occupancy Provisions
Occupancy of MPDU units shall be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for Moderately Priced Dwelling Units and any regulations duly adopted thereunder, as such Article or regulations may be amended from time to time.
12. Common Open Space Covenant
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 16th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.
13. Development Program

Applicant shall construct the proposed development in accordance with the 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. Street 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, including Play Lot, internal sidewalks, natural paths, sitting areas, and the Open Play Area shall be completed prior to issuance of the 28thnd building permit;
- c. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed;
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion;
- e. Coordination of roads with each section of the development;
- f. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

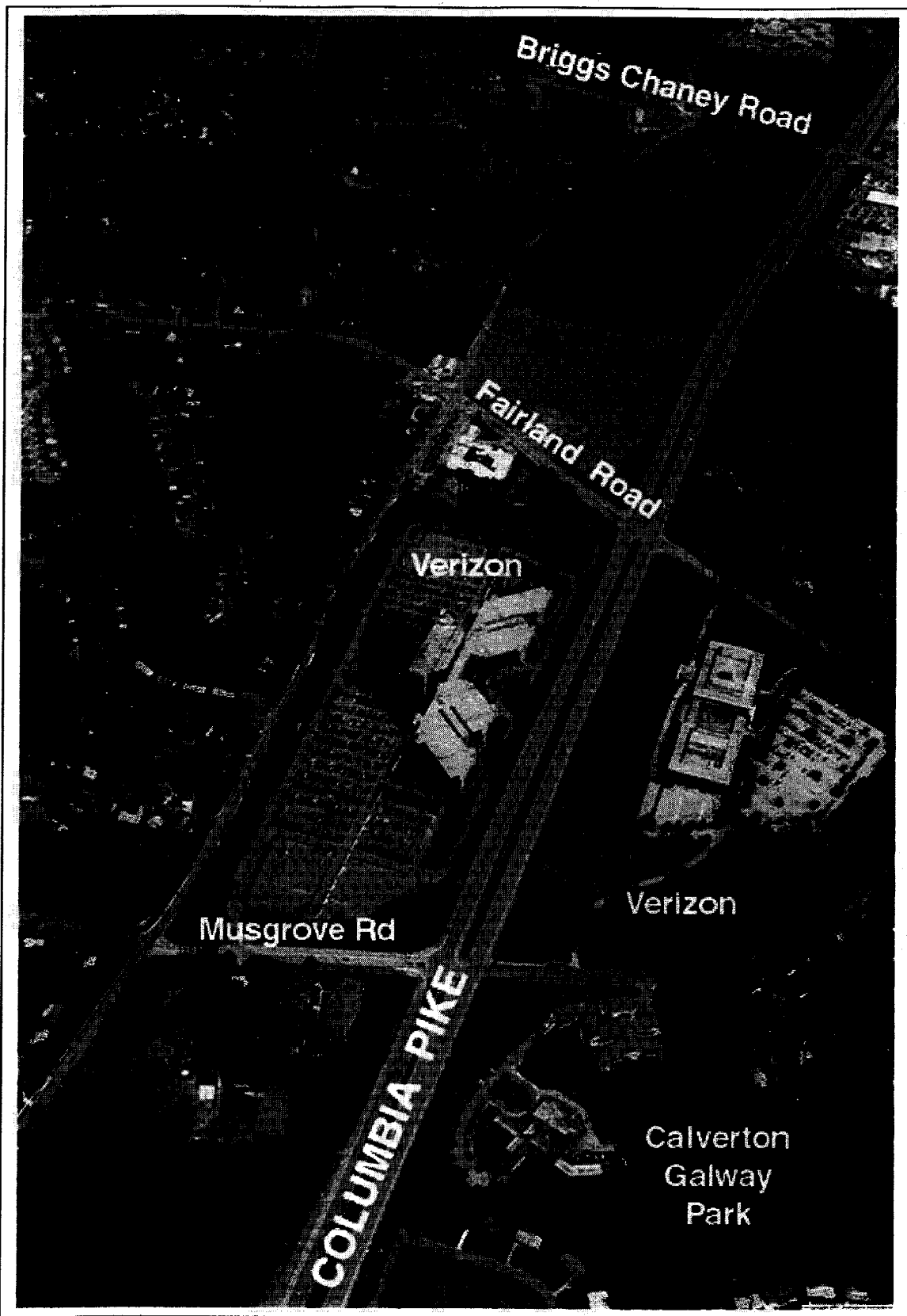
14. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

15. 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. MPDU and recreation facility calculations;
 - f. Note stating that the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
16. Prior to building permit, provide supplemental signature set sheet with documentation of compliance with parking restrictions along Stravinsky Drive, as recommended by DPWT.



Oblique aerial photograph (2003) showing the Fairland View Property. The subject property is outlined in red (upper right) within the northeast quadrant of the intersection of Columbia Pike and Fairland Road. Two Verizon parcels straddle Columbia Pike to the south of Fairland View. The Reservation Area for the Intercountry Connector lies over the portion of the noted site, east of Columbia Pike. The State Highway Administration has indicated its intention to issue a Record of Decision delineating the actual boundaries of the ICC land by September 1, 2005. Additional land area may be required.

ISSUES OF SITE PLAN REVIEW

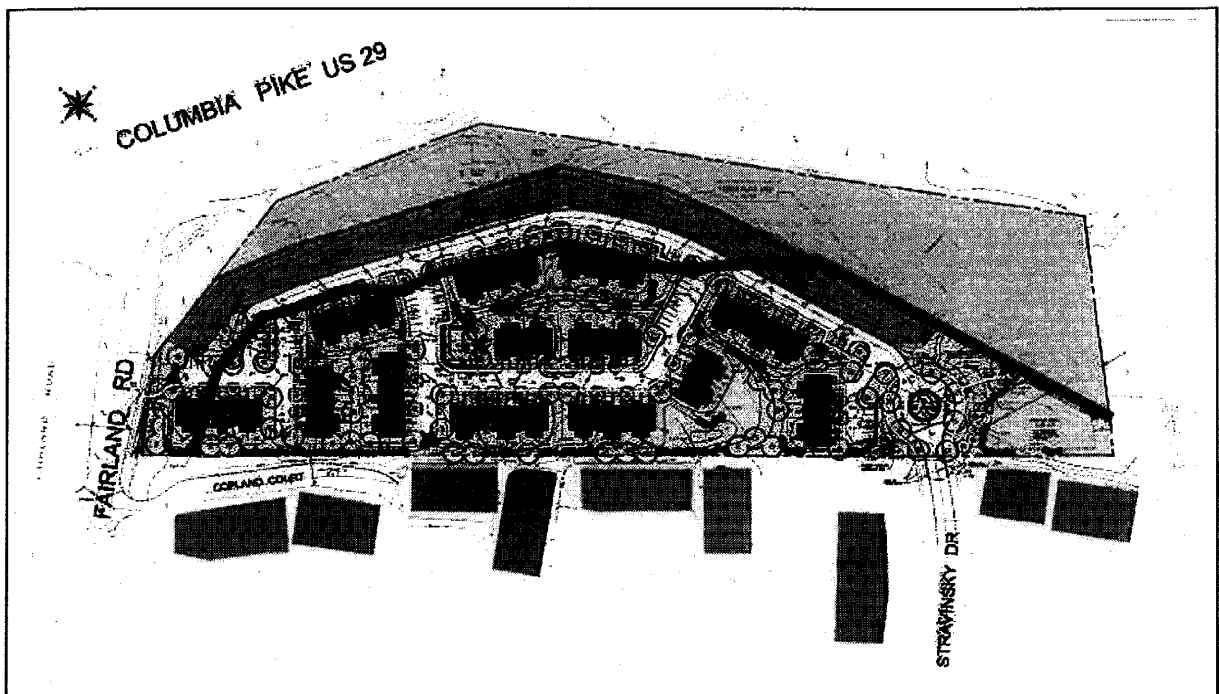
In the course of site plan amendment review, staff and applicant reviewed building locations, open space, recreation amenities and safe pedestrian access. Applicant and staff also addressed compatibility issues, with particular attention to the views from Fairland Road and the mitigation of noise related to the proposed Intercounty Connector. Plans for the future Intercounty Connector and exact land area required for reservation comprised the most significant issue of site plan review, as discussed below:

I. Land Reservation for the Intercounty Connector (ICC)

At the time of this site plan review, detailed mapping strategies for the proposed Intercounty Connector have been developed by The State Highway Administration (SHA). The subject thoroughfare, a limited-access east-west link between I-270 and I-95, will connect central and eastern Montgomery County with the western Prince Georges County.

Through the Maryland State planning process known as The Alternatives Retained for Detailed Study (ARDS), two feasible alternative road alignments have emerged, namely Corridor 1 and Corridor 2. The first alternative follows a more southerly alignment incorporated within existing ICC Master Plans. At present, the ICC planning process is moving forward with the State's recently announced selection of Corridor 1 as its preferred alternative for construction.

Corridor 1 and its resultant interchange at Columbia Pike (US 29) would physically impact the approved Preliminary Plan 1-05001 and the approved Site Plan for Fairland View development as shown below. The applicant has filed the subject site plan amendment to accommodate the reduction in available land area.



The previously approved Site Plan for Fairland View showing the effect of the preferred location for the Intercounty Connector. The red dashed line illustrates the approximate location of "SHA Corridor 1," the more southerly route recently selected by SHA. The selection of Corridor 1 necessitates substantial change to the proposed plan, including a reduction in residential units from 73 to 39. The changes require the applicant to file a Site Plan Amendment.

History: ICC Planning and Previous Approvals for Fairland View

At the time of the Planning Board's consideration of the Preliminary Plan in October 2004, the state planning process (ARDS), in compliance with NEPA, provided for the Environmental Impact Study (EIS) that incorporates the two alternative alignments for the ICC (as relevant to the Fairland View site). As such, SHA

had not issued a Declaration of Decision regarding the final alignment of the ICC, pending the final decision for the alignment.

The applicant clearly addressed the issues of the ICC reservation and the pending EIS at the time of Preliminary Plan, with respect to §50-31 of the Subdivision Regulations: *No one knows whether SHA will ever build where some imagine it will build [sic] the ICC or US 29 improvements . . . SHA has made no formal offer to condemn the subject property and such improvements are not shown on an adopted Master Plan for the areas. MNCPPC's reservation powers . . . cannot reasonably be applied.* Despite the uncertainty of the final ICC alignment location, the applicant elected to proceed with the Preliminary Plan review in October 2004 and with the subsequent Site Plan review.

Subdivision staff acknowledged the applicant's desire and right to proceed with a Planning Board hearing for the site development plan. Staff presented a condition of approval that required the applicant to place in reservation the area delineated in the SHA drawing dated March 17, 2004, also recognized as Corridor 1.

The Planning Board, at its hearing of October 28, 2004, took appropriate action, and approved the staff conditions as recommended, thus requiring the reservation of the area of Corridor 1 until the earlier of September 1, 2005 or the Final Record of Decision is issued by the Federal Highway Administration. The applicant was further required to submit a Site Plan (or Site Plan Amendment) that respects the final reservation area.

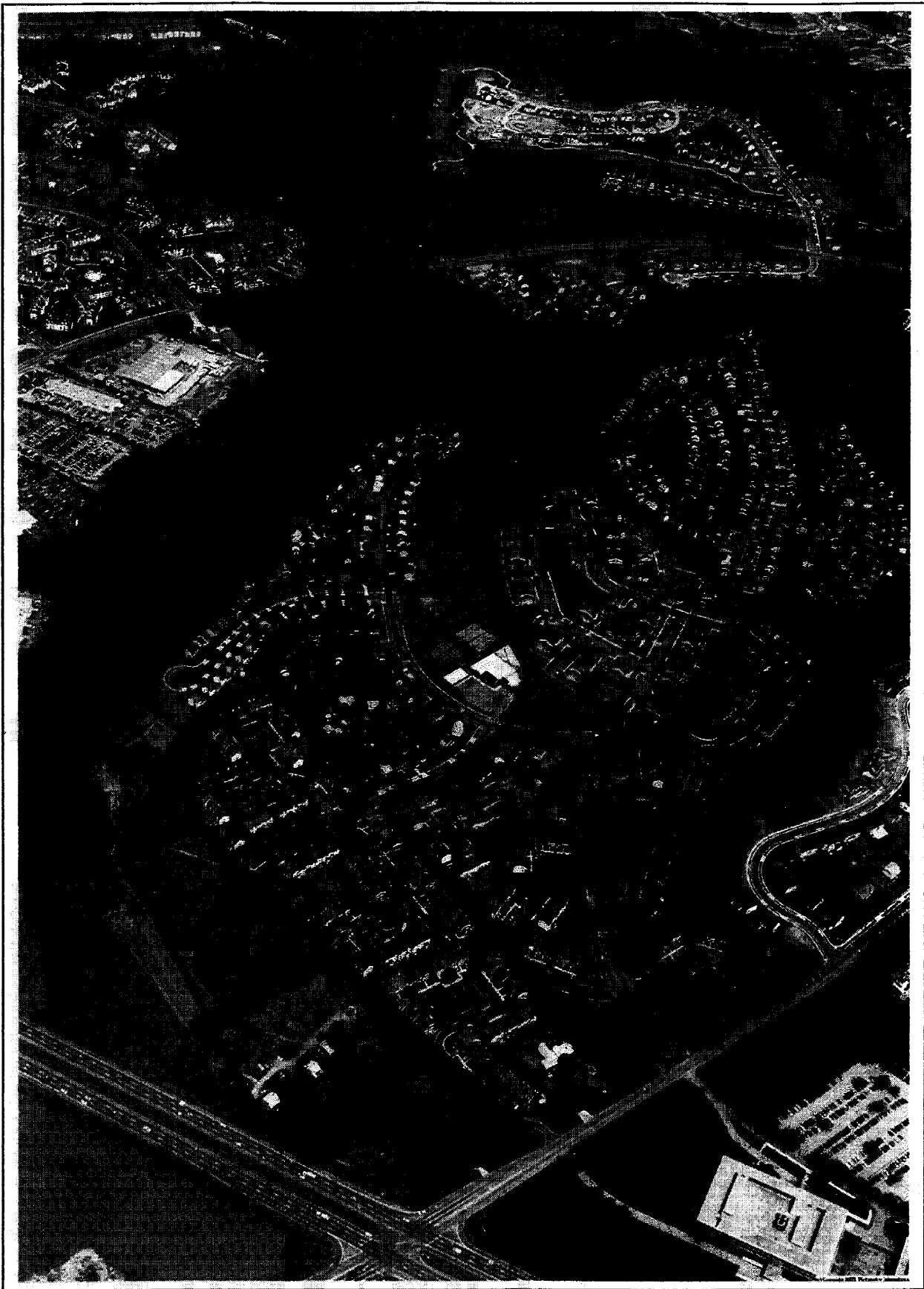
II. Housing Types Proposed: 100% Townhouses

The applicant requests Planning Board consideration of the subject site plan to permit 100% townhouses, pursuant to §59-C-1.621 of the Zoning Ordinance. The zoning ordinance allows a departure from the development standard of 60% townhouses, 40% one-family detached homes provided the Planning Board finds that the proposed provides "an environmental and compatibility benefit over what could be achieved" per the usual standard.

The Planning Board considered the proposal previously, first as a non-binding Pre-Preliminary Plan on May 20, 2004. Staff sought the direction on the issue at the time of the Pre-Preliminary hearing. The Planning Board agreed with Environmental Planning staff opinion that supported the plan with 100% townhouses. At the Preliminary Plan (1-05001) hearing on October 28, 2004, the Planning Board made the finding that the plan as proposed provided environmental and compatibility benefits that could not be achieved with 60% townhouses and 40% one-family detached dwellings, as follows:

- The plan provides tighter clusters of lots away from the existing road network and proposed ICC;
- The plan provided a 50-foot berm with dense landscaping on the north boundary to buffer the effects of the ICC;
- The provision of 100% townhouses relates more compatibly with the adjacent townhouse community.

Site Plan staff concurs with the recommendations of Subdivision Staff, and the Planning Board finding of environmental and compatibility benefits. Staff recommends that the Planning Board again make this finding for approval of the site plan amendment

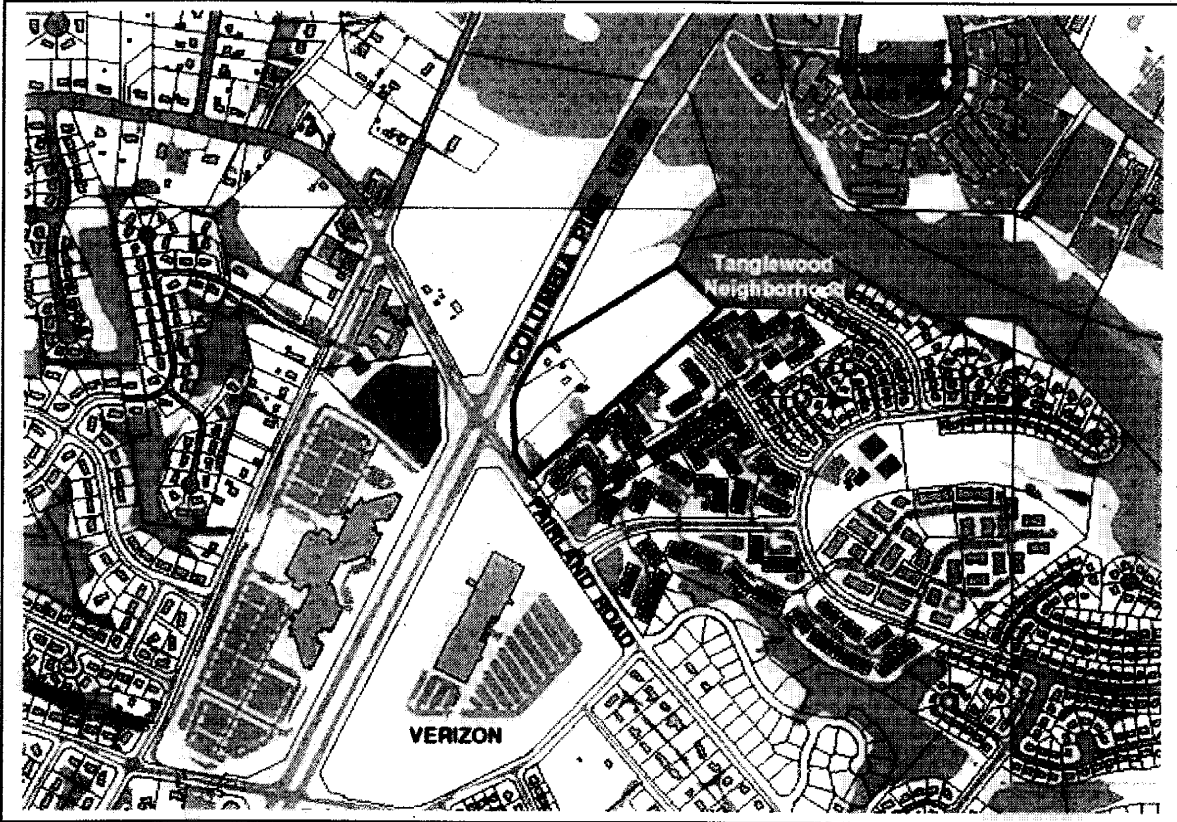


Aerial oblique photograph showing the Fairland View site (approximate boundaries in red). Fairland Road is located at bottom right. Columbia Pike (divided highway) is shown at bottom left.

PROJECT DESCRIPTION: Surrounding Vicinity

The 12.08-acre site is located at the northeastern quadrant of the intersection of Columbia Pike (US 29) and Fairland Road, and adjoins the neighborhood formally identified as Tanglewood. The area's residential subdivisions were developed in the 1970's and 1980's, and support a diverse housing supply of townhouses and detached one-family homes. The developed subdivisions provide a remarkable degree of privacy achieved by the narrow interior road access, limited street parking and the setbacks from Fairland Road and US 29. The street patterns cluster the housing in small enclaves that are focused on private, internal spaces shared among nearby neighbors.

The Tanglewood Neighborhood Park comprises 18.7-acres between Fairland Road and Briggs Chaney Road. It features a playground and tennis courts. The park was acquired by M-NCPPC in 1982.



Planametric map of the Fairland-Columbia Pike intersection.



Aerial Orthography Fairland Area. The site is marked in red.