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**MEMORANDUM**

DATE:

TO: Montgomery County Planning Board  
 Rose Krasnow, Chief *RK*  
 Cathy Conlon, Supervisor *CC*  
 Michael Ma, Supervisor *Ma*  
 Development Review Division

VIA:

FROM: Richard Weaver *RW*  
 Robert A. Kronenberg *RAK*  
 Development Review Division  
 (301) 495-4544 and 495-2187



REVIEW TYPE: **Final Water Quality Plan Review  
Preliminary and Site Plan Review**

CASE #: **1-02063B & 8-03030A**

PROJECT NAME: Fraley Property

APPLYING FOR: Approval of 21 additional townhouse units for a total of 53 townhouse units, including 7 MPDUs, on 6.24 acres

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance  
 Chapter 50, Montgomery County Subdivision Regulations  
 Art. IV, Chapter 19-60, Water Quality Review of Special Protection Areas

ZONE: RT-12.5

LOCATION: North side of Muncaster Mill Road (MD 115), 400 feet West of Redland Road

MASTER PLAN: Upper Rock Creek Master Plan

APPLICANT: The Bozutto Group

FILING DATE: February 17, 2005

HEARING DATE: July 21, 2005

**STAFF RECOMMENDATION FOR PRELIMINARY PLAN 1-02063B:** Approval of 21 additional townhouse units for a total of 53 townhouses, including 7 MPDUs units, on 6.24 acres, with the following conditions:

- 1) Approval under this preliminary plan is limited to 21 townhouse units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.

- 3) All road right-of-ways shown on the approved preliminary plan shall be constructed by the applicant, to the full width mandated by the Upper Rock Creek Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
  - 4) Prior to submission of initial plat application, applicant to receive authorization from the State Attorney's Office for relocation of identified grave sites on the subject property.
  - 5) Record plat to reflect common ingress/egress easements over all shared driveways.
  - 6) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas.
  - 7) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to the issuance of the 14th building permit for the lots approved in Phase II that Applicant's recorded HOA Documents incorporate by reference the Covenant.
  - 8) Compliance with the conditions of MCDPS stormwater management approval dated July 29, 2003.
  - 9) Compliance with conditions of MCDPWT letter dated, August 28, 2003 unless otherwise amended.
  - 10) Access and improvements, as required, to be approved by MDSHA prior to issuance of building permits.
  - 11) No clearing, grading or recording of plats prior to site plan signature set approval.
  - 12) Final approval of the number and location of dwelling units, sidewalks, and bike paths will be determined at site plan.
  - 13) Final number of MPDUs, as per condition #12 above, to be determined at the time of site plan.
  - 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
  - 15) Other necessary easements.
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**STAFF RECOMMENDATION FOR FINAL WATER QUALITY PLAN:** Approval of Final Water Quality Plan, including the Stormwater Management Concept, with the following conditions:

1. Compliance with the conditions of approval for the final forest conservation plan. The applicant must meet all conditions prior to recording of plat and MCDPS issuance of sediment and erosion control permit(s).
  2. Conformance to the conditions of Montgomery County Department of Permitting Services SPA water quality plan approval letter dated May 24, 2005 [Appendix B].
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**STAFF RECOMMENDATION FOR SITE PLAN 8-03030A:** Approval of 21 additional townhouse units for a total of 53 townhouse units, including 7 MPDUs, on 6.47 acres, with the following conditions:

1. Site Plan Conformance  
The proposed development shall comply with the conditions of approval for Site Plan 8-03030 as listed in the Planning Board opinion dated October 20, 2003 [Appendix A].

2. Site Design  
Extend the masonry pier and rail fence from proposed Phelps Mill Lane to the western boundary, subject to approval from the Montgomery County Department of Permitting Services to avoid any conflicts with the stormwater management facility.
3. Landscaping  
Provide additional shade and ornamental trees along the proposed masonry pier and split-rail fence.
4. Lighting
  - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development that includes the outdoor wall lantern (8507-02) referenced in the lighting plan.
  - b. All light fixtures shall be full cut-off fixtures or equipped with refractors, reflectors or shields to negate glare to adjacent properties.
  - c. Deflectors, refractors or reflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
  - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
  - e. The height of the light poles shall not exceed 12 feet including the mounting base.
  - f. Provide the locations of the light fixtures on the site plan and landscape plan.
5. Recreation Facilities  
Provide five picnic/seating areas, an open play area and a pedestrian system in accordance with the Recreation Guidelines.
6. Forest Conservation  
The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
7. Historic Preservation  
Prior to signature set approval, the Applicant shall provide a letter from the State of Maryland attorney's office for the internment and re-internment of the grave-sites located on the site.
8. Stormwater Management  
The proposed development is subject to Stormwater Management Concept approval conditions dated July 29, 2003 and the Final Water Quality approval dated May 24, 2005 [Appendix B].
9. Moderately Priced Dwelling Units  
The Applicant shall provide 7 MPDUs on-site, consistent with the requirements of Chapter 25A.
10. 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 14th building permit for the lots approved in Phase II that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

11. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The 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 shall be completed prior to issuance of the 14th building permit for the additional lots in Phase II.
- c. Landscaping associated with each unit shall be completed as construction of each unit is completed.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- e. Provide each section of the development with necessary roads.
- f. Phasing of dedications, stormwater management, sediment/erosion control, recreation, community paths, trip mitigation or other features.

12. Clearing and Grading

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

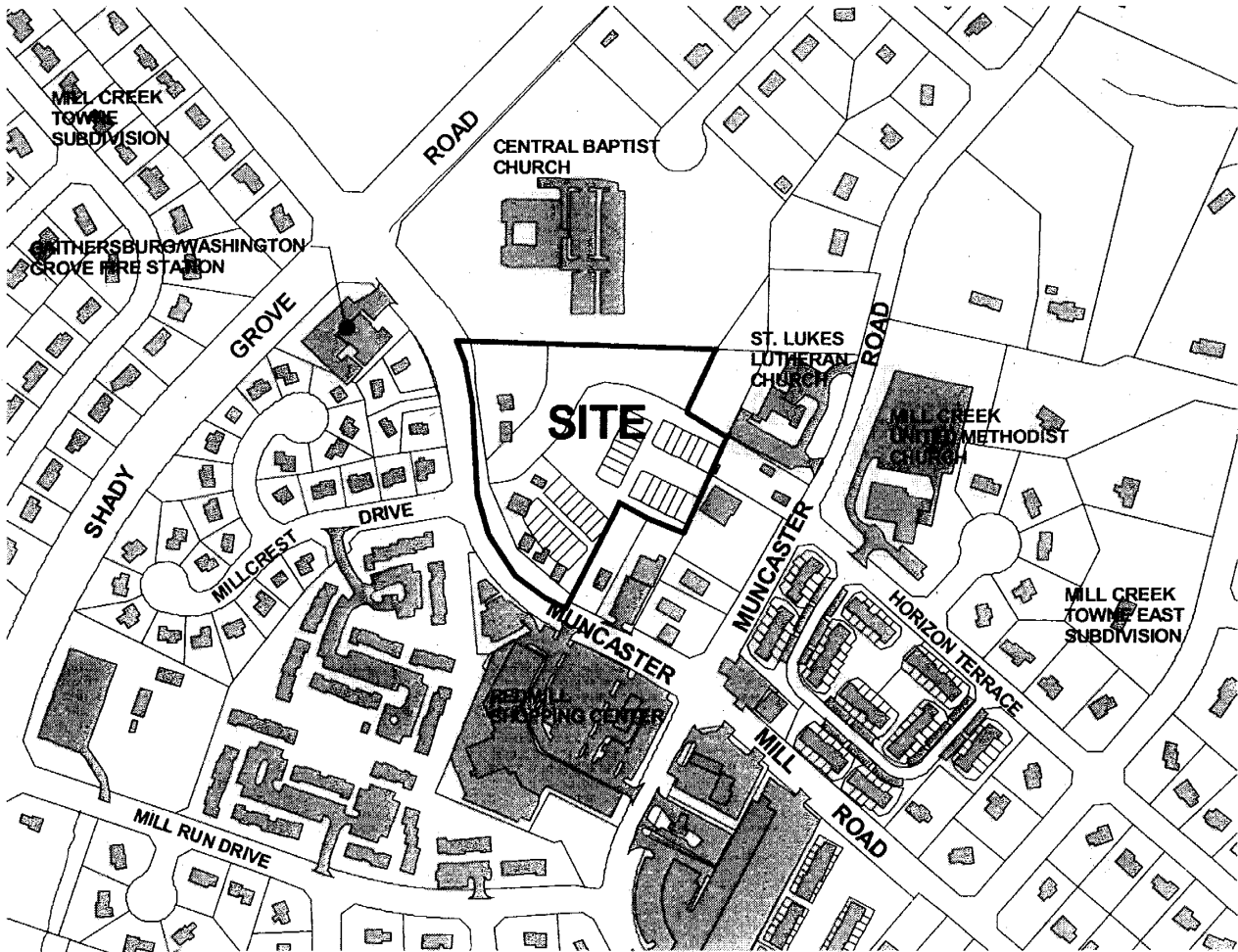
13. Signature Set

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. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. Letter from the State of Maryland accepting the internment and re-internment of existing gravesites
- f. Details of the masonry pier and rail fence.

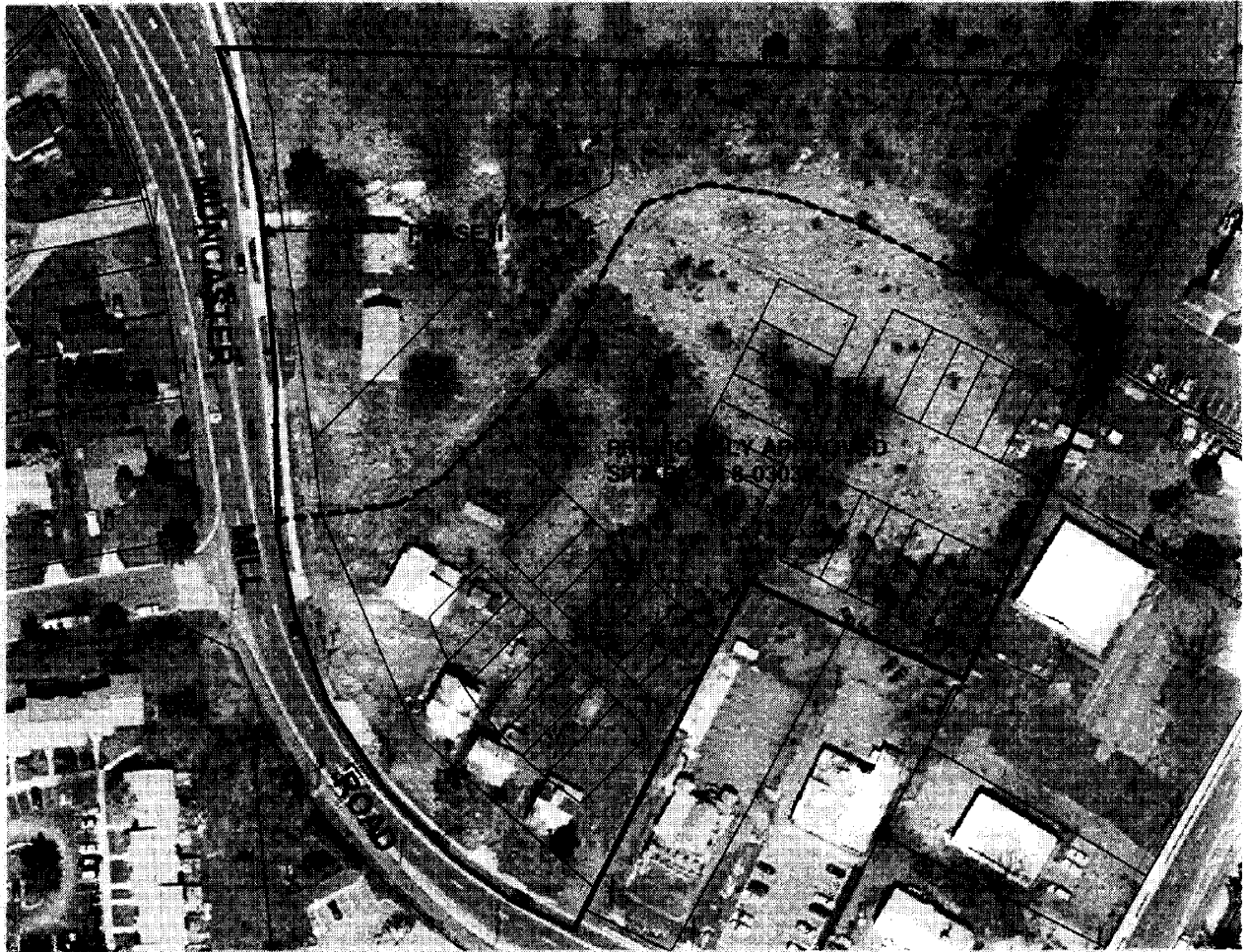
**PROJECT DESCRIPTION:** Site Vicinity

The property is located within the Upper Rock Creek watershed, a Use III stream, near the intersection of Muncaster Mill and Shady Grove Roads. Muncaster Mill Road (MD Rte. 115) borders the site to the west and south; Saint Luke's Lutheran Church and Mill Creek United Methodist Church are located to the east, and Central Baptist Church to the north. The church sites are zoned R-200 and R-90, respectively. The surrounding properties to the south and east of the subject site at the intersection of Muncaster Mill Road and Muncaster Road consist of a mix of individual commercial and retail establishments. Additional retail and commercial establishments are located within the Redmill Shopping Center directly across Muncaster Mill Road. The Gaithersburg/Washington Grove Fire Station is located at the southeastern quadrant of the intersection of Shady Grove Road and Muncaster Mill Road. The Mill Creek Towne Subdivision is located at the northwest quadrant of the intersection with Shady Grove Road and Muncaster Mill Road.



**PROJECT DESCRIPTION:** Site Description

The site is a combination of five parcels, which formerly contained five older residential structures and open lawn areas. The site has recently been cleared and graded in conformance with the previously approved site plan. A stormwater management facility is located in the southwestern portion of the site near Muncaster Mill Road. No forest exists on the site and a board-on-board fence has been installed on the northeastern boundary adjacent to the two church properties. The site falls in elevation by approximately twenty feet from north to south.

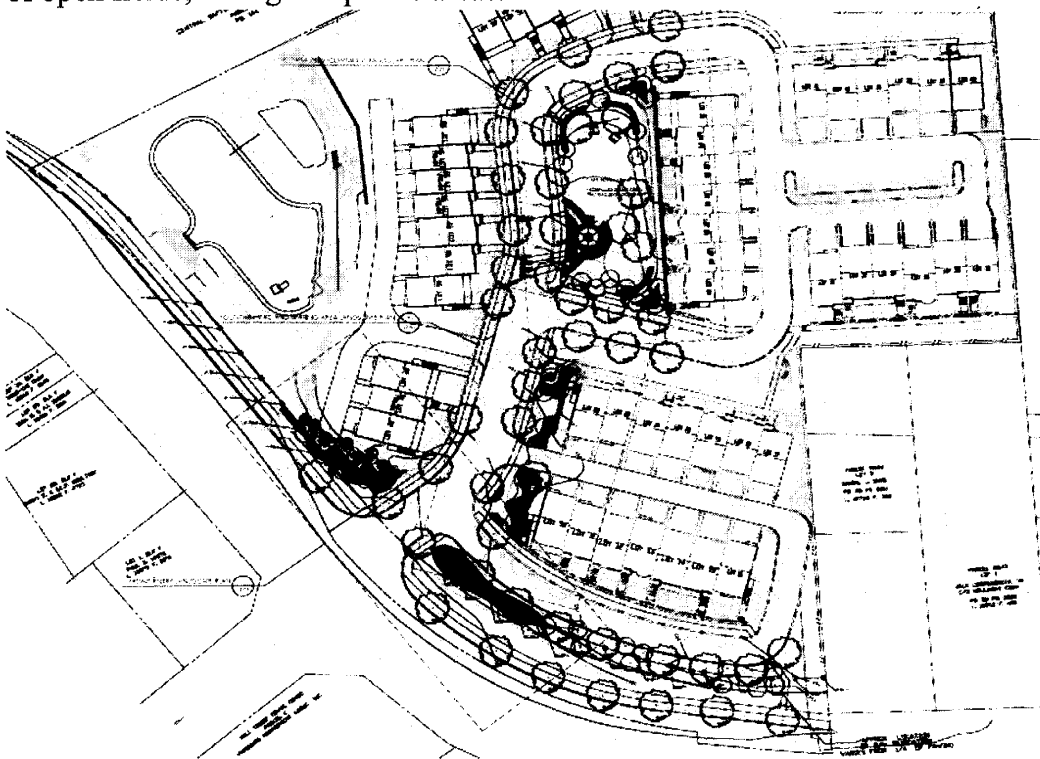


**PROJECT DESCRIPTION:** Proposal

This first section of this two-phase project included 32 townhouses. The units are located in two clusters with the front doors of one row of units facing Muncaster Mill Road. The remainder of the townhouse units is located in a cluster internal to the site. The second phase of the project was originally anticipated to include 14 duplex units and one additional townhouse unit for a total of 47 units. The proposed application for the amendment to the site plan now includes twenty-one additional units for a total of 53, located on the north and west side of proposed Phelps Mill Lane. All of the units are rear-loaded garage units that front on a private street, with an alley for access in the rear of the buildings.

Due to the site configuration and single point of access, all of the internal streets are private and are lined with street trees and sidewalks on both sides.

A 6 ft. wooden fence is located on the eastern boundary that will screen the adjacent commercial, institutional and office uses from the proposed site. A decorative masonry pier and rail fence is proposed along the Muncaster Mill frontage. The site is planned with street trees, evergreen screening, foundation shrubs and ornamental trees. Small shrubs have been proposed for the alleys in-between every other driveway to improve the alley's appearance. Lights are proposed on site that will be on 12-foot poles. The maximum foot-candles are 3.7 utilizing a 100-watt metal halide light source. The recreation facilities are located in the center of the site and consist of open fields, sitting and picnic areas.



Noise contours for the site indicate the front units along Muncaster Mill Road and 4 rear yards are above 65 dBA and mitigation is required. Architectural controls and internal sound walls (at the end of units) are proposed.

**PROJECT DESCRIPTION:** Prior Approvals

Zoning/Development Plan

A portion of the subject property was rezoned from the R-90 Zone to the RT-12.5 Zone by Sectional Map Amendment G-827 on October 26, 2004. The reclassification of this portion of the site was intended specifically to encourage the provision of moderately priced dwelling units, previously not required under the initial preliminary plan approval. As an incentive to provide the MPDUs, the site is not subject to the Upper Rock Creek impervious cap.

Preliminary Plan

Preliminary Plan 1-02062 was approved on December 20, 2002 for 32 one-family detached dwelling units in the RT-12.5 Zone.

Preliminary Plan Revision

Preliminary Plan 1-02062A was approved for revisions to the road alignment that was originally connecting through Parcel 532 to Muncaster Road.

Site Plan

Site Plan 8-03030 was approved on October 20, 2003 for 32 townhouses in the RT-12.5 Zone.

**ANALYSIS:** Conformance to Development Standards

PROJECT DATA TABLE (RT-12.5 Zone)

Development Standard	Permitted/ Required	Proposed
Min. Tract Area (ac.):	0.46	
Phase I (previously approved)		4.68
Phase II		<u>1.56</u>
Total		6.24
Net Site Area after dedication (ac.):		
Phase I (previously approved)		4.21
Phase II		<u>1.56</u>
Total		5.77
Max. Density of Development (d.u./ac.)	12.5	9.3
Number of Dwelling Units (townhouses):	72	
Phase I (previously approved)		32
Phase II		<u>21</u>
Total		53
Min. Building Setbacks (ft.)		
From any detached dwelling lot or land Classified in a one-family, detached, residential Zone	30	10* (Applicable to Lot 43 only)
from a public street	25	25
from an adjoining lot rear yard	10	10



side yard	20	20
Min. Lot Size (sf.)	N/A	1,206
Min. lot width at existing or proposed Street line (ft.):	25	25
Max. lot coverage (%):	35	26
Min. Green Area (%):	50	52
Max. Building Height (ft.):	35	35
Parking Spaces		
townhouse units	106	112
(2 sp./unit)		(99 garage sp./ 13 surface sp.)

\* Pursuant to Sect. 59-C-1.732. Building Setbacks.  
Unless a more desirable form of development can be demonstrated by the applicant to the satisfaction of the planning board using the street side and rear lot line setbacks as provided in this section.

The Planning Board originally recommended a reduction of the setback from 30 feet to 0 feet for the units that abutted a single-family zone for Site Plan 8-03030. The Applicant is requesting the reduction for lot 43 from the required 30 feet to 10 in Phase II in the northwest corner directly adjacent to Parcel 532. The remaining lots shall meet the 30 foot side yard setback.

#### RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
<b>Demand Points</b>					
Housing type : Townhouses (Demand per 100 d.u.)					
TH (53)	9.01	11.66	9.54	68.37	4.77
Total Required Points	9.01	11.66	9.54	68.37	4.77
<b>Supply Points</b>					
Open Play Area II (1)	3.0	4.0	4.0	10.0	1.0
Picnic/Sitting Area (5)	5.0	5.0	7.5	25.0	10.0
Pedestrian System	0.90	2.33	1.91	30.77	2.15
Total Supply Points	8.90	11.33	13.40	65.80	13.10
% of demand met on-site	99	97	140	96	275

The supply is within 20 % of aggregate demand and each category is within 10% of demand as allowed for smaller projects within the recreation guidelines. The calculations have been prepared to be inclusive of the entire site so there is opportunity to upgrade recreation with the second phase site plan as well.

#### **ANALYSIS:**

##### Conformance to Master Plan

The Upper Rock Creek Area Master Plan recommends the RT-12.5 zone for the Fraley property. The property (or, more accurately, properties) had been split between the RT-12.5 and R-90 zones. The Master Plan's rationale was that, given the existing pattern of development, a modest expansion of townhouse zoning in the area of the Redland business district was appropriate and consistent with the original intent of the 1968 Upper Rock Creek Master Plan, which was to

create an appropriate transition from the commercial area to surrounding residential communities.

The Master Plan included the Fraley property in the area designated for both the special protection area and the accompanying environmental overlay zone. As an incentive to provide some affordable housing at this location (the original proposal predated the reduction in the number of lots needed to trigger provision of MPDUs from 50 units to 35 units), the County Council elected to exempt the Fraley property from the impervious caps set out in the environmental overlay zone if a subdivision plan showing moderately priced dwelling units was submitted. The original Preliminary and Site Plan was submitted and approved. The amendment and subsequent plans are consistent with the Upper Rock Creek Area Master Plan.

**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.*

The Site Plan meets all of the requirements of the RT-12.5 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 courts and clusters that relate to surrounding and internal streets. The two phases have a desirable relationship with each other and to the surrounding uses and structures. The buildings allow for the creation of useable open spaces for outdoor recreation. The layout allows for optimal orientation to each unit for visitors on site.

Staff recommends that the Planning Board find this proposed layout a more desirable form of development and approve this configuration. The Applicant is requesting the reduction for lot 43 from the required 30 feet to 10 in Phase II in the northwest corner directly adjacent to Parcel 532. The remaining lots shall meet the 30 foot side yard setback. The reduction of the side yard setback from 30 feet to 10 feet allows more flexibility for the development and does not create an adverse impact on the adjoining property.

- b. Open Spaces

The site plan is within the Environmental Overlay Zone for the Upper Rock Creek watershed; however, the site is not subject to the impervious cap instituted as part of the Master Plan guidelines. The RT-12.5 Zone requires 50 percent of the total site to remain as green space, and the site plan provides 52 percent. The majority of the open space is centered in the development with proposed units facing a larger green area. The additional open space is concentrated in the southwest portion of the site as part of the stormwater management facility and along the perimeter of the site.

The Stormwater Management concept has been approved by Montgomery County Department of Permitting Services (DPS) in a letter dated July 29, 2003. The

concept consists of on-site channel protection measures via a dry pond; on-site water quality control via a surface sand filter; and on-site recharge via stormchambers. The Final Water Quality Plan for the Upper Rock Creek Special Protection Area was approved by DPS in a letter dated May 24, 2005 specifically to address stormwater runoff in the Upper Rock Creek watershed.

c. Landscaping and Lighting

The proposed landscaping will provide shade, buffering and create attractive open spaces. Additional landscaping is needed around the open space play area and within the common open spaces in general to more clearly define the public and private spaces.

The proposed lighting plan will include an average foot-candle level of .9 to .7 for the paved surfaces on site and max to min. ratio of 6 and 9.5 to 1 for the site. The pole heights are 12 feet and they are located on the site with a 120-foot separation. The site plan indicates that projections from all of the light fixtures will remain within the property boundaries.

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 with the open space play areas and sitting and picnic areas.

Recreation demand is satisfied as shown in the recreation calculations table above; however supply falls just short of demand in three categories. The Recreation guidelines allow each category to be within 10% of demand. Three of the categories fall within 1 to 4 percent of the 10 percent demand.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

The street connections to the site are in accordance with the pending amended Preliminary Plan, and the layout provides private street access to each unit and adequate circulation within the site.

Pedestrian paths/bike paths are provided along each street and along the frontage road of Muncaster Mill Road. The bike path will connect to an offsite bike path in the adjacent parcel to the north along Muncaster Mill Road.

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

The buildings will create minimal impact on the adjacent commercial and institutional buildings and land uses. The side yards will be oriented to adjacent land uses so the greatest mass of the building will be minimized. The reduction of the side yard setback does not adversely affect the adjoining church parcel and the existing evergreen screen provides sufficient buffer from the church property.

Buffers proposed between this residential project and the adjacent uses to the east will include a 6-foot wooden fence and some evergreen buffer plantings.

#### Noise Issues

A noise analysis was conducted for the subject property and revealed that the proposed residential units nearest Muncaster Mill Road will be impacted by the current and future noise generated from vehicle traffic along Muncaster Mill Road. The noise analysis indicates that unmitigated noise levels will range from 65 and 70 dBA Ldn for the units facing Muncaster Mill Road, which is greater than the levels recommended in the Noise Guidelines. Fronting the units to Muncaster Mill Road will reduce the noise levels to the rear of the units to an acceptable exterior noise level of less than 60 dBA Ldn. For those units in which the townhouses do not act as a barrier, side screens are proposed to reduce the impacted deck areas. The noise consultant indicates that interior noise levels can be reduced by good quality construction. By complying with the recommendations provided by the applicant's noise consultant, Environmental Planning believes the interior and exterior noise levels can be reduced to acceptable levels.

The activity associated with the proposed residential use will not cause any negative effect on the adjacent restaurants and churches and offices.

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

The property does not contain any existing forest. The existing vegetation includes hedgerows, shrubs, unmowed fields, and invasive trees, shrubs, and vines. There are specimen trees on the property; however, the trees are in poor condition, undesirable species, or invasive trees. The applicant will remove the poor, undesirable and invasive plants during the clearing of the site.

Since no forest exists on the site, the applicant has an afforestation requirement of 0.94 acres. The applicant will meet the planting requirements through a combination of on-site landscaping planting and off-site planting. The applicant has requested to utilize a forest conservation bank because the development of the site does not permit the creation of forest and no suitable off-site planting areas are available in the watershed.

## APPENDICES

- A. Planning Board opinion for Preliminary Plan 1-05038 and Site Plan 8-03030.
- B. Memoranda from agencies