



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

JUN 16 2009

MCPB No. 09-52
Site Plan No. 820080220
Project Name: Naylor Property
Date of Hearing: May 7, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on April 15, 2008, Tricapital Partners, LLC ("Applicant"), filed an application for approval of a site plan for twelve (12) one-family attached dwelling units on ("Site Plan" or "Plan") on 2 acres of RT-8 zoned land, located on Greencastle Road, 1,800 feet from the intersection at Greencastle and Robey Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820080220, Naylor Property ("Site Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 22, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on May 7, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on May 7, 2009 the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre; seconded by

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Commissioner Presley; with a vote of [5-0], Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080220 for twelve (12) one-family attached dwelling units, on 2 gross acres in the RT-8 zone, subject to the following conditions:

1. Zoning Ordinance Compliance

The proposed development must comply with the purpose clause of the RT-8 Zone as approved by the Zoning Case G-821 (Resolution dated January 18, 2005) unless amended. This Property is subject to the appropriate densities and uses allowed in the RT zones.

2. Preliminary Plan Compliance

The proposed development must comply with the conditions of approval for preliminary plan No. 120060600 as listed in the Planning Board Resolution dated January 11, 2007, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

3. Environmental (as referenced in the Staff Report dated April 22, 2009)

- a. The proposed development must comply with all the conditions of approval for the Final Forest Conservation Plan (FFCP) prior to plat recordation or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control as appropriate.
- b. The proposed development must comply with the arborist's report dated October 14, 2008.
- c. Record plat must show all areas of forest retention, forest planting and environmental buffering within a Category I Conservation Easement.
- d. The proposed development is subject to Stormwater Management Concept approval conditions dated June 20, 2005 unless amended and approved by the Montgomery County Department of Permitting Services.

4. Common Open Space Covenant

- a. The record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant").
- b. Applicant shall provide verification to M-NCPPC Staff prior to issuance of the 9th (the same number used for completion of amenities) building permit that Applicant's recorded Homeowners Association Documents incorporate by reference to the Covenant.

5. Landscaping

- a. The proposed plant materials shall be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan.
- b. An alternate plant list may be provided on the Landscape and Lighting plan; to accommodate plant substitutions.
- c. The proposed plantings shall be properly installed and maintained so as not to conflict with the public right of way, and/or cause damage to any existing public utilities.

6. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite light fixtures must be semi cut-off fixtures with house-side shields and refractive panels.
- c. Deflectors 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 of the on-site light fixtures shall not exceed 0.5 foot-candles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 14 feet, including the mounting base.

7. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lighting and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. Community-wide pedestrian pathways, including the 8-foot wide bike pathway, must be completed within 6 months of the completion of the road construction.
- d. Provide each section of the development with necessary roads.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.

8. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Ensure consistency of all details and layout between Site Plan and landscape plan.
- d. Provide a building envelope (with setbacks labeled on the Site Plan) that will account for any minor and/or major shifts in the final construction of the proposed buildings.
- e. Provide a diagram delineating the location of the on-site Green Area.

BE IT FURTHER RESOLVED that all site development elements as shown on the Naylor Property drawings stamped by the M-NCPPC on March 26, 2009, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

A diagrammatic plan, schematic development plan, and/or a project plan are not required for the subject site. However, the use and density of this Site Plan are consistent with the Zoning case for G-821.

2. *The Site Plan meets all of the requirements of the RT-8 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed use is allowed in the RT-8 Zone. The purpose of the RT-8 Zone is to provide suitable sites for townhouses while providing amenities normally associated with less dense zoning categories. The Site Plan fulfills this purpose by providing 12 townhouse units, additional guest parking in combination with 1

to 2 car garages, and adequate open spaces that support the functional uses of the site.

Requirements of the RT-8 zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the RT-8 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standards Approved by
the Planning Board and Binding on
the Applicant

Building Height	35 feet
Building Setback	
Public Street	25 feet
Rear	20 feet
Side (End Unit)	10 feet
Green Area	75%
Building Coverage	12%
Internal Landscaping for Parking	8.8%
Parking Spaces	36 spaces (2 spaces per unit, plus 12 visitor spaces).

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

The buildings and structures of the proposed development are located perpendicular and parallel to the main access road (Greencastle Road), which is

appropriate for the character envisioned by the Master Plan. The overall layout is very similar to the character and pattern of surrounding developments. The locations of the buildings and structures are safe, adequate, and efficient.

The open space provided protects the stream valley, preserves the existing vegetation, and separates the proposed uses from adjoining properties. The landscaping is a visual screen for the proposed surface parking, a traditional foundation planting area for the units, and ornamental interest all-year round. The interior lighting will create enough visibility to secure the grounds, however does not cause any glare on the adjacent roads or properties.

Existing pedestrian sidewalks (directly adjacent to the main access road), efficiently integrate the site with its surroundings. Although on-site recreation is not required for developments less than 25 units, Fairland Recreational Park is located within walking distance along Greencastle Road. The vehicular circulation directs traffic into and through the site with minimal impacts to the pedestrian circulation. The paved areas for both pedestrian and vehicular traffic are designed to minimize the impact to the natural environment, while efficiently reducing the need for excess impervious surfaces. Essentially these details adequately and efficiently address the needs of the proposed usage, while establishing a safe and sustainable living environment.

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

The proposed development is compatible with the adjacent uses and pending development plans. The structures are in scale with the nearby buildings and will not adversely impact existing and/or proposed adjacent uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The stormwater management (SWM) concept consists of on-site water quality control via construction of a bio-filter. Onsite recharge is via nonstructural measures. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second. The SWM concept for this Property was approved on June 20, 2005.

The proposed development is not subject to water resources protection; however it is subject to the forest conservation law. The final forest conservation plan (FFCP) shows 0.25 acres of forest clearing and 0.94 acres of forest retention. Based upon the forest conservation worksheet, the Applicant will have no

afforestation/reforestation requirement as the break-even point has been met or exceeded on this site.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

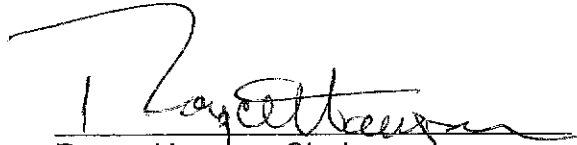
BE IT FURTHER RESOLVED, that the date of this Resolution is JUN 16 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Cryor, and Presley voting in favor of the motion, and Commissioner Alfandre absent, at its regular meeting held on Thursday, June 11, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board