



DEC 9 2009

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

MCPB No. 09-141
Site Plan No. 820090160
Project Name: Strawberry Knoll
Date of Hearing: November 12, 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 21, 2009, Memon Enterprises ("Applicant"), filed an application for approval of a site plan for thirteen one-family detached units ("Site Plan" or "Plan") on 4.11 acres of R-200/TDR-zoned land, located on Strawberry Knoll, approximately 300 feet northeast of Quail Valley Boulevard at Traxell Way ("Property" or "Subject Property"); and

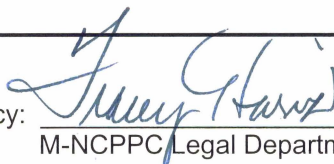
WHEREAS, Applicant's site plan application was designated Site Plan No. 820090160, Strawberry Knoll (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 29, 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 November 12, 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

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, on November 12, 2009, the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley; seconded by Commissioner Alfandre; with a vote of 4-0, Commissioners Alfandre, Hanson, Presley, and Wells-Harley voting in favor, with one seat being vacant.

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. 820090160 for thirteen one-family detached units, on 4.11 gross acres in the R-200/TDR zone, subject to the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120061220 as listed in the Planning Board Resolution dated October 8, 2008, 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.

Environment

2. Forest Conservation & Tree Save

The Applicant must conform with the conditions of approval as stated in the Environmental Planning memorandum dated October 14, 2009.

3. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated May 9, 2007, unless amended and approved by the Montgomery County Department of Permitting Services.

Open Space

4. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant must provide verification to M-NCPPC staff prior to issuance of the 10th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

Transportation & Circulation

5. Transportation
 - a. Provide handicapped ramps at the curbs (of the sidewalk connections) in the northeastern and southeastern corners of Strawberry Knoll Road/Quail Valley Boulevard intersection.
 - b. The existing turnaround on Traxell Way must be removed with the standard street section restored and the sidewalks connected through on both sides of the street.

6. Pedestrian Circulation
 - a. Provide an offsite sidewalk extension along Strawberry Knoll Road to the intersection with Cross Country Lane to the north.
 - b. The new proposed sidewalk on Strawberry Knoll Road must be designed to follow a uniform alignment throughout the project, approximately following the alignment shown for the off-site section connecting to Cross Country Lane. The sidewalk will require the existing fence at 18600 Strawberry Knoll Road to be relocated out of the public right-of-way.

Density & Housing

7. Transfer of Development Rights (TDRs)

Prior to plat recording, the Applicant must provide verification to Staff that five (5) TDRs have been acquired for the development.

Site Plan

8. Site Design
 - a. Provide porous pavement on all private driveways.
 - b. Remove the extra/unnecessary driveway pavement not required (i.e., serving the adjacent Lot 5, south of approved Lot 3) along the subject property's Strawberry Knoll Road frontage and replace it with a lawn panel.

9. Landscaping
 - a. Provide typical foundation plantings.
 - b. Provide a landscape buffer on the side of units 3, 4, 8 and the rear of units 6 and 7.

10. 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.

- 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 shall not exceed 0.5 footcandles (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.

11. Performance Bond and Agreement

The Applicant is subject to the following provisions for surety as described in Section 59-D-3.5 of the Montgomery County Zoning Ordinance and Site Plan approval:

- a. The Applicant must provide a cost estimate from the landscape architect or landscape contractor indicating the installed costs of site plan elements, such as, but not limited to landscaping and lighting. The cost estimate should include a 10% inflation factor for the site plan elements to account for changes in price and materials and modifications to the approved plans.
- b. The Applicant must submit a Performance Bond or other satisfactory form of surety as approved by M-NCPPC to cover the installed costs of site plan elements such as but not limited to landscaping and lighting as shown and described in the cost estimate.
- c. The Applicant must execute an agreement for site plan elements in conjunction with the performance bond indicating the Applicant's agreement to install, construct and maintain the site plan elements.
- d. The Bond or other form of surety must be submitted along with the agreement prior to the release of the first building permit.

12. Development Program

The Applicant must construct the 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 lamps and sidewalks must be installed within six months after final paving of the street 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. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each building shall be completed as construction of each building is completed.

- e. Provide each section of the development with necessary roads.
- f. Offsite improvements including the sidewalk extension along Strawberry Knoll Road to the intersection with Cross Country Lane must be completed prior to issuance of the 11th building permit.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features.

13. 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 the final forest conservation approval, 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. Provide a list of alternate trees to be approved by Site Plan Review Staff, and add the note "In the event that any of the species listed in the plant schedule are not available, select species from the alternative plant list. Contractor to ensure that the replacements are of equivalent sizes."
- d. Modify data table to reflect development standards enumerated in the Staff Report.
- e. Ensure consistency off all details and layout between site plan and landscape plan.
- f. Label at-grade/level sidewalk crossings of the driveways along Strawberry Knoll Road and Traxell Way.

BE IT FURTHER RESOLVED, that all site development elements as shown on Strawberry Knoll drawings stamped by the M-NCPPC on August 24, 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 as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, 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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The Site Plan meets all of the requirements of the R-200/TDR zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The approved use is allowed in the R-200/TDR Zone and the site plan fulfills the purposes of the zone by providing a medium-density development with thirteen one-family detached residential units.

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 R-200/TDR Zone. With respect to building height, setbacks, and density the development is in accord with all the maximum and minimum standards allowed. With respect to green space, the development provides 35 percent, which is the minimum required. The site plan is using the R-60/MPDU development standards for lot size, as permitted under the R-200/TDR zone optional method of development standards.

The strict application of the PD zone standards for setbacks under Section 59-C-7.15 apply to proposed uses with higher densities than abutting one-family detached zones. This is not applicable since one-family detached units were approved and the adjoining properties are developed as one-family detached units and townhouses. Moreover, Section 59-C-7.15 (b) of the Ordinance does not apply because this property is not a Planned Development zone. The approved use is more compatible than other residential uses because it provides one-family detached adjacent to one-family detached and townhouse communities. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standard	Development Standards Approved by the Planning Board and Binding on the Applicant
Gross Tract Area (GTA)	179,124 square feet/ 4.11 acres
Net Tract Area	152,295 square feet/ 3.49 acres
Max. Density (du/acre) According to the <i>1985 Gaithersburg and</i>	3.2

<i>Vicinity Master Plan</i>	
Max. Number of Dwelling Units	13
TDRs [See calculations below]	5
Green Area (% of GTA) TDR/optional method, 59-C-1.395	35% (1.22 acres)
Min. Lot Area (square feet) R-60/MPDU, 59-C-1.625(a)(1)	6,030
Min. Building Setbacks (feet)	
From Strawberry Knoll Road	25 ^(a)
Front yard	15 ^(b)
Side yard	8 ^(b)
Rear yard	20
Accessory Structures Setbacks (feet)	
From rear lot line	5
From side lot line	5
Max. Building Height (feet)	40
Min. Parking Spaces 59-E-3.7	<u>26 total spaces</u> 13 garage spaces 13 driveway spaces

(a) Setback from Strawberry Knoll Road reflects an Established Building Line.
 (b) Varies. See certified site plan for exact setback on each lot.

Density Calculations		
	Base Density*	Max. Density**
Density	2 du/ac	4 du/ac
No. of dwelling units	8 (2 x 4.11 acres = 8.22)	16 (4 x 4.11 acres = 16.44)
Max No. of TDR's allowed	8 (= 16 du – 8 du)	
Min. No. of TDR's required	5 (= 2/3 x 8)	

* As permitted under the R-200 zoning

** As recommended by the 1985 Gaithersburg and Vicinity Master Plan for this property as a TDR receiving area

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.*

a. Buildings and Structures

The locations of buildings and structures are adequate, safe, and efficient. The thirteen one-family detached units are located in lots ranging in size from 6,030 square feet to 16,951 square feet. Nine of the thirteen units are located along an extension of Traxwell Way that will terminate on the property as a cul-de-sac. The remaining four units will have direct access to Strawberry Knoll Road and continue the established building line with respect to setbacks from the street.

b. Open Spaces

The open spaces provided are adequate, safe, and efficient. The main open space area is located in the rear of the property, along the stream buffer, and it will be mostly planted as part of the afforestation requirement of the Forest Conservation Law except for the area used by the surface sand filter. This area also counts towards the 35 percent green space requirement of the zone.

c. Landscaping and Lighting

As conditioned, the landscaping is adequate, safe, and efficient while serving various purposes. It will provide a buffer from adjoining properties, and include a traditional foundation planting area for the buildings.

The lighting plan consists of colonial post-top, semi-cutoff light fixtures with fiberglass poles with a total height of 14 feet. These lights are located along the perimeter of Traxell Way extended and the cul-de-sac within the public right-of-way to provide adequate visibility and to improve safety without causing glare on the adjacent roads or properties. The light fixtures provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

There are no recreation facilities required for this site plan because it proposes less than 25 one-family homes.

e. Vehicular and Pedestrian Circulation

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. Access to nine of the thirteen lots is provided via an extension of Traxell Way that will terminate on the property as a cul-de-sac. Four of the

lots will have direct access to Strawberry Knoll Road. The Applicant is providing an ingress/egress easement from the cul-de-sac to the adjoining property at 18600 Strawberry Knoll Road to allow access to the rear of the property, which might be necessary if this property re-subdivides.

The pedestrian circulation system consists of new sidewalks that will be built on both sides of Traxell Way extended to connect to those that already exist, and a new sidewalk along the property's frontage on Strawberry Knoll Road. This sidewalk will be extended offsite to the intersection with Cross Country Lane to the north, which improves pedestrian circulation and helps to integrate the site better with the surrounding community. Staff explored having a sidewalk connection from Traxell Way to Strawberry Knoll Road, as requested by the Preliminary Plan approval, however, this proved infeasible due to physical constraints of the site and maintenance concerns. The narrowness of the site combined with the missing parcel in the middle has yielded lots with minimal side setbacks and narrow lot frontages (especially around the cul-de-sac). This meant that a potential sidewalk connection would intrude upon the lots by going through backyards, being too close to the units, and having light spill-over onto private property. Additionally, since a public path would not be maintained by the County, the HOA would be burdened with the costs of maintenance and up-keep.

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

The residential development is compatible with the existing adjacent townhouse and one-family detached uses. The unit type, density, and building height are compatible with the adjoining community.

The landscaping on the open space area at the northern property edge will add privacy to the backyards of the approved units which will increase compatibility between this development and the adjoining townhouse community. Similarly, the landscaping on the side of units 3, 4, 8 and the rear of units 6 and 7 will help buffer and screen the existing house at 18600 Strawberry Knoll Road.

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.*

There is no forest on-site. The Applicant will meet the 0.68-acre afforestation requirement with a combination of both on-site planting and fee-in-lieu payment. Both the previously approved preliminary forest conservation plan and the

submitted final forest conservation plan call for the removal of all four (4) of the on-site significant sized trees. All stream buffer and forest plantings will be protected by a Category I Forest Conservation Easement.

The Maryland State Senate Bill 666 (SB 666) requires the Applicant to file an application for a variance to be able to remove trees that are 30" DBH and greater or trees that are 75 percent of the diameter of the county champion for that species, if a project did not have approval of a Preliminary Forest Conservation Plan prior to October 1, 2009. Since this project received Planning Board approval of the preliminary forest conservation plan on October 16, 2007, in conjunction with Preliminary Plan approval no. 120061220, no variance is required.

The stormwater management concept consists of on-site water quality control via a surface filter and porous pavement. Recharge will be provided onsite by utilizing drywells, porous pavement, and the sandfilter. 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 offsite storm drain bypass is considered a mitigation method to the excessive channel erosion that exists.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Board in this matter 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 DEC 9 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).

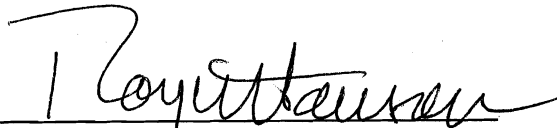
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CERTIFICATION

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 Presley, seconded by Commissioner

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Alfandre, with Commissioners Hanson, Alfandre, and Presley voting in favor of the motion, and Commissioner Wells-Harley absent, with a four-member Board, at its regular meeting held on Thursday, December 3, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, appearing to read "Royce Hanson". The signature is written in black ink and is positioned above a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board