



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

OCT 29 2013

MCPB No. 13-146
Site Plan No. 820130200
Travilah Grove
Date of Hearing: October 3, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 19, 2013, Travilah Grove, LLC ("Applicant"), filed an application for approval of a site plan for construction of 298,938 square feet (0.5 FAR) of residential development on 13.72 acres of CR0.5 C0.5 R0.5 H80 zoned land, located approximately 630 feet northeast of Unicorn Way and 3,000 feet south of Darnestown Road (MD 28) ("Subject Property"), in the Great Seneca Policy Area, within the Great Seneca Science Corridor Master Plan ("Master Plan") area, with most of the site also located in the Piney Branch Special Protection ("SPA") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130200, Travilah Grove ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 23, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 3, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130200 for construction of five 60-foot high multi-family residential buildings with a total of 300 dwelling units, including 38 moderately priced dwelling units

Approved as to
Legal Sufficiency

Chris [Signature] 10/3/13

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("MPDUs") on 13.72 gross acres in the CR-0.5 C0.5 R0.5 H80 Zone ("Subject Property") and the accompanying Final Water Quality Plan and Final Forest Conservation Plan. The development is limited to a maximum 0.5 residential FAR totaling 298,938 square feet. All site development elements as shown on the site, landscape, lighting, and architectural plans received by the M-NCPPC on July 3, 2013, are required, except as modified herein, subject to the following conditions:¹

1. Preliminary Plan Conformance

The development must comply with the conditions of the approved Preliminary Plan No. 120120290 (MCPB No. 12-114 dated December 19, 2012), including any amendments approved by the Planning Board.

2. Transportation – Pedestrian and Bicycle Facilities

a. The Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Montgomery County Department of Transportation ("MCDOT") and the Planning Board to participate in the Greater Shady Grove Transportation Management District ("TMD") and assist the Transportation Management Organization ("TMO") in achieving the 2010 *Great Seneca Science Corridor Master Plan's* Stage 2 non-auto drive mode share goal of 18% and the ultimate goal of 30%. The TMAg must be executed prior to the issuance of the first building permit.

b. The Applicant must provide at least 138 bicycle parking spaces as follows:

1) A total of 108 privately accessible bicycle parking spaces using bike lockers or secured bicycle parking spaces distributed proportionally (0.35 spaces per unit) between the five residential buildings in a well-lit area near the elevator or the building entrance.

2) Thirty (30) publicly accessible bicycle parking spaces using inverted-U bike racks located as follows:

a) Thirty (30) bicycle parking spaces proportionally distributed near the main entrances of the five apartment buildings and the clubhouse.

3. Maintenance

Maintenance of all on-site landscaping, lighting, hardscape, and site elements is the responsibility of the Applicant and subsequent owner(s).

4. Final Forest Conservation Plan

a. The Category I conservation easement must be recorded prior to any land disturbing activities occurring on-site.

b. A financial security agreement for the planting requirements specified on the Final Forest Conservation Plan must be approved by the M-NCPPC Office of the General Counsel prior to any land disturbing activities occurring onsite.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- c. The Applicant must obtain Staff approval of a five-year maintenance and management agreement prior to M-NCPPC accepting any on-site planting.

5. Final Water Quality Plan

Total impervious surfaces for the entire site must not exceed the impervious area indicated on the final Water Quality Plan, unless amended.

6. Financial Security and Agreement

Prior to issuance of a building permit, the Applicant must provide financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant materials, on-site lighting, and exterior site furniture.
- c. Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of the General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The Bond/Surety must be tied to the Development Program, and completion of plantings and installation of particular materials and facilities covered by the surety for the development will be followed by inspection and reduction of the surety.

7. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

8. Development Program

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

- a. Demolition of existing buildings may commence prior to approval of the certified Site Plan after M-NCPPC inspection and approval of all applicable environmental protection devices.
- b. Street lamps and sidewalks adjacent to the building(s) must be installed prior to the release of the use-and-occupancy permit for the building(s). Street tree plantings may wait until the next planting season.
- c. Recreation facilities adjacent to any building, including the picnic/sitting area, open play areas, and sidewalks, must be installed prior to release of the use-and-occupancy permit for the building.

- d. Community-wide recreation facilities, including the swimming pool, community building, and indoor fitness facility must be installed before the earlier of i) release of a use-and-occupancy permit for the 4th residential building, or ii) 24 months of completion of the 3rd residential building.
- e. 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 applicable environmental protection devices.
- f. The development program must provide for installation of on-site landscaping and lighting.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

9. Certified Site Plan

Before approval of the certified Site Plan the following revisions to the Site Plan must be made and/or information provided for Staff review and approval:

- a. Include the Final Forest Conservation Plan approval, development program, inspection schedule, and Resolution approving this Site Plan on the approval or cover sheet.
- b. Confirm compliance with surface parking landscaping standards in Sec. 59-C-15.635 and modify as necessary.
- c. Ensure safe lighting levels within pool area and modify as necessary.
- d. Reconcile net tract area for impervious calculations.
- e. Remove unnecessary plan sheets, as required by Staff.
- f. Make corrections and clarifications to details, labeling, data tables, and schedules, as required by Staff.
- g. Ensure consistency of all details and layout among the site, landscape, and forest conservation plans.

BE IT FURTHER RESOLVED, that all site development elements as shown on Travilah Grove drawings stamped by the M-NCPPC on July 3, 2013, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the 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.

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to conditions of Preliminary Plan No. 120120290 in MCPB Resolution No. 12-114, which may be modified at the time of site plan review under Section 59-C-15.43(d) of the Montgomery County Code.

2. *The Site Plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets the requirements of the Montgomery County Zoning Ordinance for the CR Zone, using the standard method of development.

The Site Plan also conforms to the Master Plan and design guidelines as more specifically set forth in Preliminary Plan No. 120120290. Specifically, the Site Plan provides the density, height, and use recommended in The Master Plan. As discussed in detail in the preliminary plan approval, the site has been sensitively designed to meet the environmental goals in the Master Plan while respecting a large WSSC easement and protecting an endangered plant with conservation easements. Further, parking has been reduced below the maximum allowed, and compact-spaces have been used to reduce impermeable surfaces.

Requirements of the CR Zone

As shown on the following data table the Site Plan meets the applicable requirements of the CR Zone.

Table 1: Development Standards Data Table - CR Zone Standard Method of Development

Development Standard	Allowed/Required	Approved by the Planning Board and Binding on the Applicant
Maximum Height (in feet)[Sec. 59-C-15.71]	80	60
Bicycle Parking [Sec. 59-C-15.62]		
Public	32	30 ²

² As conditioned.

Private (0.35 per unit per building)	108	108
Parking (Spaces/Unit) [Sec. 59-C-15.63]	328 minimum, 409 maximum	388
Maximum Density (FAR) [Sec.59-C-15.71]	0.5 FAR	0.5
Minimum Setbacks (feet) [Sec. 59-C-15.72 (a) (1)] ³		
Abutting Residential	25	25
All other	0	0
Minimum Public Use Space (% of net tract) [Sec. 59-C-15.73]	10	10
Residential Amenity Space (20SF/unit up to 5,000SF) [Sec. 59-C-15.74]		
Indoor	5,000	5,000
Outdoor	5,000	5,000

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**

All six buildings are located in an adequate, safe, and efficient manner. The four buildings closest to Travilah Road are oriented specifically to maximize energy efficiency, and the two remaining buildings closest to Shady Grove Road are located to manage site constraints including grades, WSSC easements, and conservation easements. Each residential building is located close to parking and open space and has direct access to the centrally located clubhouse. Finally, the Site Plan demonstrates that the buildings are appropriately setback from the detached residential units to the south of the Subject Property.

b. **Open Spaces and Recreation**

The open spaces provide adequate, safe, and efficient opportunities for recreation and relaxation and provide a pleasing and healthy environment for play and general enjoyment. Several types of recreational amenities are provided, including a pool, clubhouse with fitness and community space, open play areas, and picnic spaces. These facilities exceed the quantitative and

³ (a) Where a tract of land is adjacent to a lot or parcel in a one-family residential or agricultural zone that is not improved with a commercial, industrial, or utility use, any building: (1) must have a minimum setback of 25 feet or the setback required by the adjacent lot or parcel, whichever is greater. The Subject Property abuts the existing Willow Oaks single-family subdivision to the south.

qualitative requirements of the Planning Board's recreation guidelines as detailed on the Site Plan.

c. Landscaping and Lighting Plans

The landscaping and lighting plan provides an adequate, safe, and efficient environment complementing the site design and open space amenities. Significant numbers of trees will provide canopy for comfort and shade throughout the site and lighting will ensure a safe environment throughout the parking area and along pedestrian paths. Finally, buffering is provided along the edges of the Subject Property abutting the detached residential units.

d. Pedestrian and Bicycle Facilities

Adequate, safe, and efficient sidewalks are provided throughout the Subject Property connecting all of the buildings, open spaces, and amenities. Sidewalks also connect to the adjacent streets, providing access to the greater pedestrian network. Bicycle facilities will be provided at and within each of the residential buildings and at the clubhouse.

e. Vehicular Circulation

Adequate, safe, and efficient vehicular facilities are provided by the development. Access points remain unchanged from the approved preliminary plan, which was reviewed by MCDOT and the Fire Marshal. Parking is provided along the internal drives in front of each residential building; handicap spaces are provided near the entry points.

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

There are no pending applications for adjacent development. The residential uses are compatible with adjacent residential development, and the buildings are designed and sited with appropriate setbacks and buffering to be compatible with the size and types of buildings surrounding the Subject Property.

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.*

This Site Plan is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and a Final Forest Conservation Plan has been approved with this Application. The Final Forest Conservation Plan required a total of 2.07 acres of

afforestation. The Applicant will meet this requirement by planting 0.98-acres of forest, and the remaining 1.09-acre planting requirement will be met through landscape and tree canopy credits. In addition, the Applicant will place the 0.98-acres of forest planting and the 0.10-acres of retained forest in a Category I conservation easement.

The Stormwater Concept Plan proposes to meet required stormwater management goals via installation of a combination of micro-bioretenment and pervious concrete. Redundant sediment controls are to be used throughout the site. The use of sediment traps with forebays that provide 125% of the normally required storage volume is acceptable for larger disturbed areas.

Although there is no impervious limit established for the Piney Branch Special Protection Area, the Final Water Quality Plan does meet the *Environmental Guidelines* and reduces the impervious surface area on the entire site to the maximum extent practicable.

BE IT FURTHER RESOLVED, that this Resolution 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 29 2013 (which is the date that this resolution is mailed to all parties of record); and

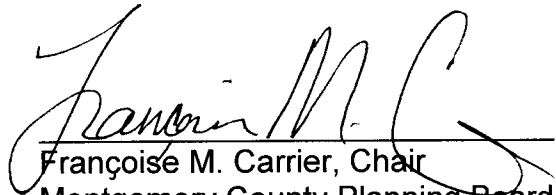
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor, and Commissioner Anderson absent, at its regular meeting held on Thursday, October 3, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board