



Cabin Branch Multi-Family: Site Plan No. 820180060, including a Final Water Quality Plan

BCB

Benjamin Berbert, Planner Coordinator, Area 3, Benjamin.Berbert@Montgomeryplanning.org 301-495-4644

SP

Sandra Pereira, Supervisor, Area 3, Sandra.Pereira@Montgomeryplanning.org 301-495-2186

RAW

Richard Weaver, Chief, Area 3, Richard.Weaver@Montgomeryplanning.org 301-495-4544

Completed: 03/23/18

Description

A. Cabin Branch Multi-Family: Site Plan No. 820180060 (including a Final Water Quality Plan): Application to construct up to 272 multi-family residential dwelling units in two buildings, including 25% MPDUs and 48 TDRs, and to approve a Final Water Quality Plan, located on the east side of Cabin Branch Avenue, approximately 1,900 feet south of the intersection with Clarksburg Road; 9.92 acres, CRT .5, C-0.25 R-0.25 H-130T; 1994 Clarksburg Master Plan & Hyattstown Special Study Area Plan.

Recommendation – Approval with conditions

Applicant: Mike Conley

Application Accepted: November 27, 2017

Review Basis: Chapter 22A, Chapter 59, Ch 19



Summary

- Staff recommends approval of the Site Plan including the Final Forest Conservation Plan and a Final Water Quality Plan.
- This Site Plan qualifies for an exemption pursuant to Section 59.7.7.1.B.1 for Applications in Progress before October 30, 2014, which allows an Applicant to proceed through any additional required application under the standards of the Zoning Ordinance in effect on October 29, 2014. Specifically, this Site Plan is continuing approvals from the Cabin Branch Preliminary Plan No. 120031100 and subsequent amendments first filed in 2003.
- The Site Plan simultaneously amends the Cabin Branch Infrastructure Plan No. 820050150 (and subsequent amendments) for Forest Conservation purposes.
- The project substantially conforms to the 1994 Clarksburg Master Plan.
- The project conforms to LMA G-806, and the subsequent DPA 13-02 for Cabin Branch.
- Application is voluntarily providing for 25% MPDUs (68 total units).
- A total of 48 TDRs will be required, consistent with Cabin Branch policy on calculating each site plan's pro-rata share.
- This application will provide for the eventual dedication of public right-of-way for the continuation of Petrel Street, on the east side of Cabin Branch Avenue.

TABLE OF CONTENTS

SECTION 1 – RECOMMENDATIONS & CONDITIONS	3
SECTION 2 – SITE LOCATION & DESCRIPTION	8
SECTION 3 – APPLICATIONS & PROPOSAL	12
SECTION 5 – ANALYSIS & FINDINGS, SITE PLAN	18
SECTION 6 – COMMUNITY OUTREACH	32
SECTION 7 – CONCLUSION	32

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

SITE PLAN NO. 820180060: Staff recommends approval of the Site Plan with all site development elements shown on the latest electronic version as of the date of this Staff Report, submitted via ePlans to the M-NCPPC except as modified by the following conditions.

Conformance with Previous Approvals & Agreements

1. Development Plan Amendment Conformance
The development must comply with all binding elements of County Council Resolution No. 17-1002 approving Development Plan Amendment DPA 13-02 dated February 4, 2014
2. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan No. 12003110C.

Environment

3. Forest Conservation & Tree Save
The Final Forest Conservation Plan No. 820180060 amends the Final Forest Conservation Plan as part of the Cabin Branch Infrastructure Site Plan No. 820050150 (as amended). The Applicant must comply with the following conditions of the Final Forest Conservation Plan No. 820180060:
 - a) All other applicable terms, conditions, and findings required by the Infrastructure Site Plan, as amended by previous site plan approvals or Infrastructure Site Plan amendments remain in full force and effect.
 - b) The Applicant must install permanent Category I Conservation Easement signage along the perimeter of the conservation easements as specified on the approved Final Forest Conservation Plan (FFCP) or as directed by the M-NCPPC Forest Conservation Inspector at the time of installation of the reforestation planting material.
 - c) Reforestation plantings that are located outside the limits of disturbance (LOD) must occur within the first planting season following approval of the Certified Site Plan. Plantings within areas of future disturbance must occur in the first planting season following the stabilization of the applicable disturbed area.
 - d) The limits of disturbance shown on the Final Sediment Control Plan must be consistent with the final LOD shown on the approved amended FFCP.
 - e) The Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - f) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
4. Water Quality
 - a) The development must comply with the conditions of the Montgomery County Department of Permitting Services Preliminary (MCDPS)/Final Water Quality Plan approval letter dated February 23, 2018.
 - b) The total recommended impervious surface for the overall Cabin Branch project is 45% or less within the Clarksburg SPA. Impervious surface on the Subject Property, based on the Impervious Area Exhibit submitted to ePlans, is 251,112 square feet (58 percent) of the 9.92-

acre tract area. Minor changes to the total imperviousness associated with this Site Plan may be made based on field conditions or recommendations of other regulatory agencies, so long as total imperviousness of this Site Plan does not exceed 255,000 sq ft (59 percent of total tract area) and the overall Cabin Branch recommendation of 45% or less continues.

Open Space, Facilities and Amenities

5. Green Area, Facilities, and Amenities

- a. The Applicant must provide a minimum of 4.7 acres of Green Area on-site.
- b. Before the issuance of Use and Occupancy certificates for the last floor of each residential building, all amenity areas including recreation facilities located on the same lot as that building must be inspected and accepted as complete by MCDPS Site Plan and Zoning Enforcement Staff.

6. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide at a minimum the following recreation facilities, consistent with the onsite recreation supply table on the Certified Site Plan : one pedestrian connection/trail system, one bicycle parking garage, one dog run, one indoor community space, one fitness room, one natural area, one playground (ages 2-5), one resident lounge, one community kitchen, one swimming pool outdoors, one wading pool, eight picnic/sitting areas and one grilling area.

Transportation & Circulation

7. Transportation

- a) The record plat(s) must ensure the creation of a private road parcel on the south side of Building Two, identified as Parcel A, as shown on the Certified Site Plan. The record plat shall contain a note that this parcel is to be dedicated to Montgomery County as public right-of-way at the time that future adjacent development records plats to continue dedication of the street.
- b) The Applicant must construct the street located in Parcel A to all applicable structural and design standards as specified by Montgomery County MC-2005.02 Business District street standards. Prior to the release of bond or surety, the Applicant must provide to MCDPS Zoning & Site Plan Enforcement Staff a certification from a licensed civil engineer that the street and sidewalks have been built to the above mentioned standards.
- c) At the time of dedication of Parcel A to Montgomery County as public right-of-way, the Applicant will be responsible for any necessary upgrades required to ensure the road meets all public standards and requirements.

8. Pedestrian & Bicycle Circulation

- a) The Applicant must provide a minimum of 12 short term bicycle spaces (bike racks) and a minimum of 92 long term bicycle spaces (bike room), as shown on the Certified Site Plan.
- b) The private bicycle spaces must be in a secured, well-lit dedicated bicycle room adjacent to one of the building access doors, or in secure bike lockers located near one of the building entrances and the public space must be an inverted-U rack (or Staff approved

equivalent) installed in a location convenient to the main entrance. The specific location(s) of the public and private bicycle rack(s) must be identified on the Certified Site Plan.

- c) The Applicant must provide five-foot wide sidewalks along both sides of the new street south of Building B.
- d) The Applicant must upgrade the sidewalk crossing ramps at the existing curb cut for the northern driveway entrance for Building 1 from the existing five-foot wide ramps to eight-foot wide ramps, consistent with the eight-foot wide shared use path along Cabin Branch Avenue.

Density and Housing

9. Transfer of Development Rights (TDRs)

- a) The Applicant must acquire 48 TDRs for the development.
- b) The record plat(s) must reflect serialization and liber/folio reference for all TDRs used by the development.

10. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated February 21, 2018, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 25 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

Site Plan

11. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets ARCH-820180060-1-A1-2.01 through ARCH-820180060-1-A1-2.04, as determined by Staff. Specifically, the Applicant must provide at a minimum the following building elements:
 - i. Distinct façade material on the top and bottom levels from that in the middle levels;
 - ii. Façade material and color in the recessed portions of the façade that differ from that on the rest of the façade;
 - iii. A mix pitched roof line articulated with eaves and gables and flat roof areas; and
 - iv. Corner façade treatment on corners along the western elevation of both buildings that is distinct from the rest of the building façade.
- b) Air conditioner compressors must not be located on the Cabin Branch Ave frontage
- c) The Planning Board accepts the recommendations of The Cabin Branch Town Architect in its letter dated March 21, 2018, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the Town Architect may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

12. Landscaping

- a) The Applicant must install the site elements and furniture for the amenity spaces as shown on the landscape plans submitted to M-NCPPC or an equivalent approved by Staff.
- b) The Applicant must install the plantings shown on the landscape plans submitted to M-NCPPC. Any variation in plant species or quantity needs approval of M-NCPPC Staff.
- c) Landscaping shall be installed on each lot no later than the next growing season upon receiving use and occupancy certificates for the first floor of occupancy for the multi-family building on that lot.

13. Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all wall mounted fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

14. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to: The Private Street improvements and associated sidewalks, trees and lighting to be built in Parcel A, on-site plant material; on-site lighting; site furniture; fencing; railings; hardscape; sidewalks; outdoor amenity areas including pools, playgrounds, grilling areas and the dog run; and any other associated improvements. The surety must be posted before issuance of the any building permit, or sediment control permit, and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets.

15. Record Plats

Prior to submission of any plat application, Site Plan No. 820180060 must be certified by MNCPPC Staff.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Certified Site Plan

Before 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 stormwater management concept approval letter, development program, and Site Plan Resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before any land disturbance."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by MCDOT."
- d) Provide the standard landscape plan note that planting in stormwater management areas are subject to the final approval by MCDPS Water Resources staff.
- e) Modify the Development Tabulations data table on sheet SP-1 to reflect development standards approved by the Planning Board, including for long term bike storage, and TDRs, and modify the footnote to match footnote 4 from the Staff data table.
- f) Ensure consistency of all details and layout between Site and Landscape plans, including the addition of the sidewalk around the exterior of the outdoor pool area.
- g) Modify the northern curb cut for Building 1 to show the upgraded ADA compliant sidewalk ramps as eight-feet wide.
- h) Add a TDR tracking table to the Site Plan showing how the TDRs have been calculated for Cabin Branch both in total, and for each approved Site Plan including the subject Site Plan.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location and Vicinity

The subject property is comprised of two distinct developable areas located on the east side of Cabin Branch Avenue approximately 1,900 feet south of the intersection with Clarksburg Road. The boundary of this application is 9.92 acres in size and covers part of P345 on Tax Map EV123, and part of P645 on Tax Map 343 (“Property or Subject Property”) (Figure 1). The remainder of these parcels not shown for development are mostly Category I Conservation Easement recorded by previous site plan approvals, and some developable land available on the southeastern part of P645. The Property is currently zoned CRT.5, C-0.25 R-0.25 H-130T, but is being reviewed under the MXPDP zone because it is eligible for grandfathering pursuant to Section 59.7.7.1.B.1 of the Zoning Ordinance.

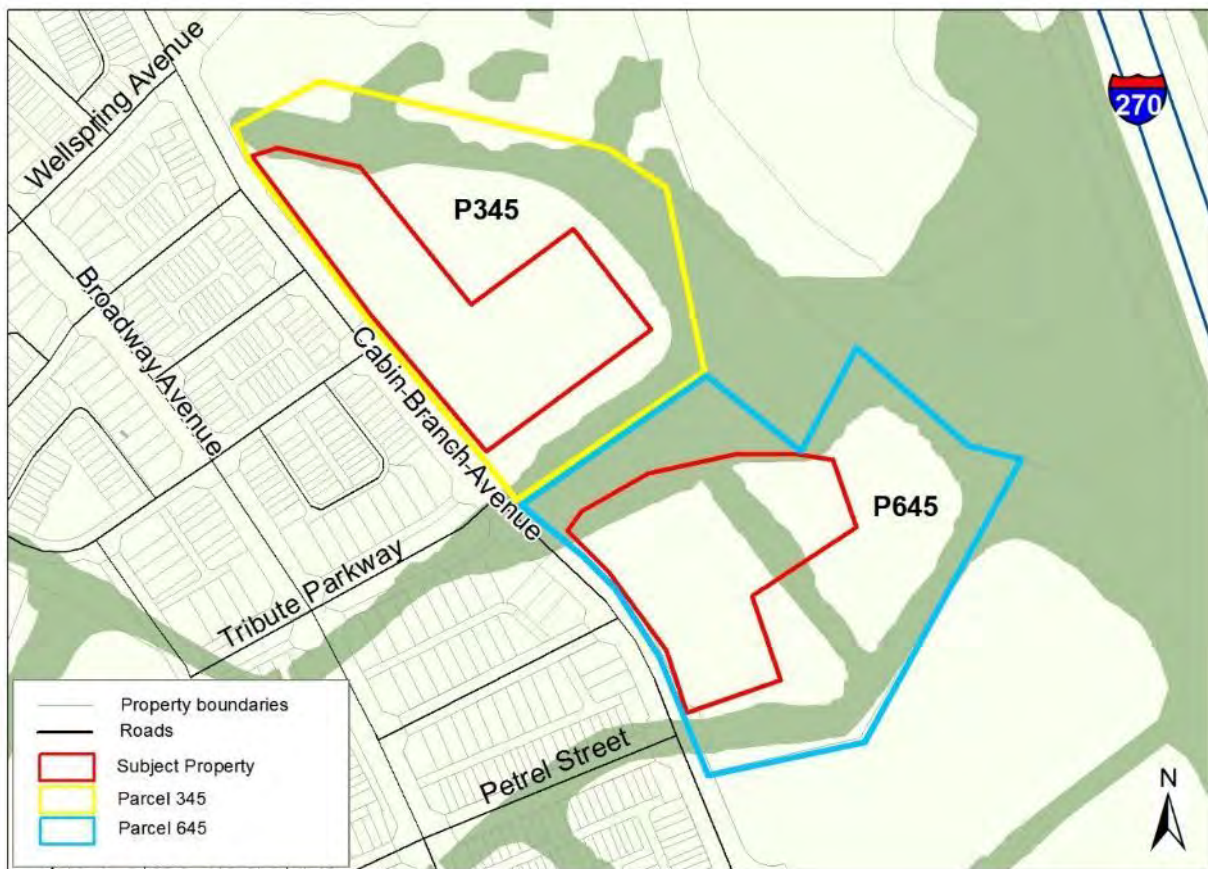


Figure 1 – Property Boundary

The Subject Property is part of the larger Cabin Branch neighborhood which is approximately 545 acres in size, and is bounded to the east by I-270, the north and west by Clarksburg Road, and the south by West Old Baltimore Road (figure 2). Immediately north of the Property in Cabin Branch is a stream valley and forest conservation, with the Cabin Branch Premium Outlets on the other side, which were approved by Site Plan 820140160 in December 2014. West of the Property, on the opposite side of Cabin Branch Avenue, are a mix of one family attached and detached dwellings that are part of the Winchester Phase I and Phase II development approvals. South of the Property the land is still undeveloped and is part of an

area planned for future commercial uses. East of the Property generally is I-270, with the Comsat property located on the opposite side of the interstate. Current zoning has all the land in Cabin Branch east of Broadway Avenue zoned CRT.5, C-0.25 R-0.25 H-130T, which was part of the old MXP zone, and all the land west of Broadway Avenue zoned CRT.5, C-0.25 R-0.25 H-65T/TDR-0.39, which was extend of the old RMX1/TDR zone (figure 3). South of West Old Baltimore Road is the top of Black Hill Regional Park including the park’s main entrance. Across I-270 and beyond the Comsat site are other recent developments implemented as part of the Clarksburg Master Plan, and north of Clarksburg Road is the County correctional facility and the headwaters of the Ten Mile Creek watershed.



Figure 2 - Vicinity

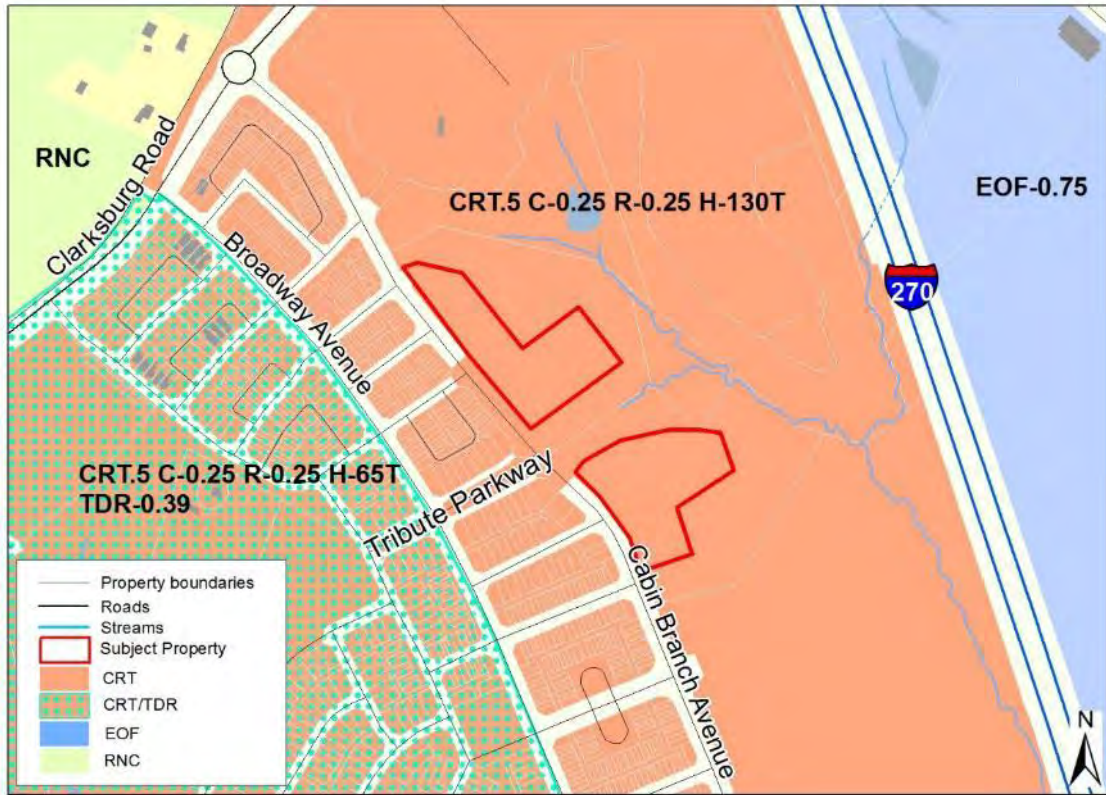


Figure 3 – Current Zoning



Figure 4 – Previous Zoning

Site Analysis

The Property has two distinct developable areas separated by stream buffer. The northern developable area which is slated for Building One is heavily disturbed with rough grading for existing stormwater management infrastructure located immediately adjacent to the site. Building Two's site is less impacted by recent development and is partially rough graded and partly abandoned field. Cabin Branch Avenue exists across the front of both sites which was built by previous development in the Cabin Branch neighborhood. There is a steep sided stream valley both located between the two building sites, and also located to the east of the Property separating it from the Premium Outlet property. There are no identified rare, threatened or endangered species on the Property, and no identified wetland or 100 year floodplain.



Figure 5 - Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Regulatory Approvals

The Cabin Branch neighborhood has a long history of previous development approvals. The full history is available in Attachment E which summarizes each approval by type, resolution date and a short description of what was approved. The following is more detail on the applicable Zoning Case, the Preliminary Plan, the DPA and the infrastructure site plan.

Zoning Case History

LMA G-806

The Cabin Branch neighborhood, which the current Site Plan Application is a part of, was the subject of a Local Map Amendment (LMA) No. G-806. The LMA was approved in 2003 by Resolution No. 15-326, for a total mixed-use development of 535 acres. The LMA retained approximately 250 acres of existing RMX-1/TDR zoned land, and rezoned 283.5 acres of RE-1/TDR-2, RMX-1/TDR, and I-3 zoned land to the MXPDP zone. The rezoning to MXPDP was to allow for a mix of office, retail, residential, and public uses, consistent with the Master Plan vision for the Cabin Branch neighborhood. The accompanying Development Plan broke the MXPDP portion of the Neighborhood into four development areas (A, B, C and D), setting allowed uses and maximum densities within each area. Development area E was the remaining RMX-1/TDR area which would be all lower density residential.

Total development uses for the MXPDP zone were ultimately approved for 2,420,000 square feet of non-residential/employment use including approximately 120,000 square feet of retail and 2,300,000 square feet of office, 1,139 dwelling units, 500 senior dwelling units, and 75,000 square feet of public use. The Development Plan associated with LMA G-806 anticipated the retail to be located in two areas, one north of Clarksburg Road, and a second neighborhood center located near the center of the Neighborhood. The office employment uses would be all along the eastern part of the MXPDP zoned area closest to I-270. The multi-family residential areas were proposed primarily along the east side of Cabin Branch Avenue near the middle of the Neighborhood, with other possible locations in the northern and southern ends of the Neighborhood.

DPA 13-02

A Development Plan Amendment (DPA) No. 13-02 for the Premium Outlets was approved by Resolution No. 17-1002 on February 4, 2014, to increase allowed retail uses to a total of 484,000 square feet to accommodate a major retail center (figure 6). The previous employment use contemplated for development Area A was medical/hospital which was deemed improbable to occur with the Certificate of Need granted to, and recent construction of, Holy Cross Hospital in Germantown. The DPA considered the approximately 450,000 square feet of retail needed for the major retail center as a source of employment and reduced the amount of remaining office uses within the Neighborhood to 1,935,000 square feet. No other substantial changes were made to the Development Plan as a result of DPA 13-02.

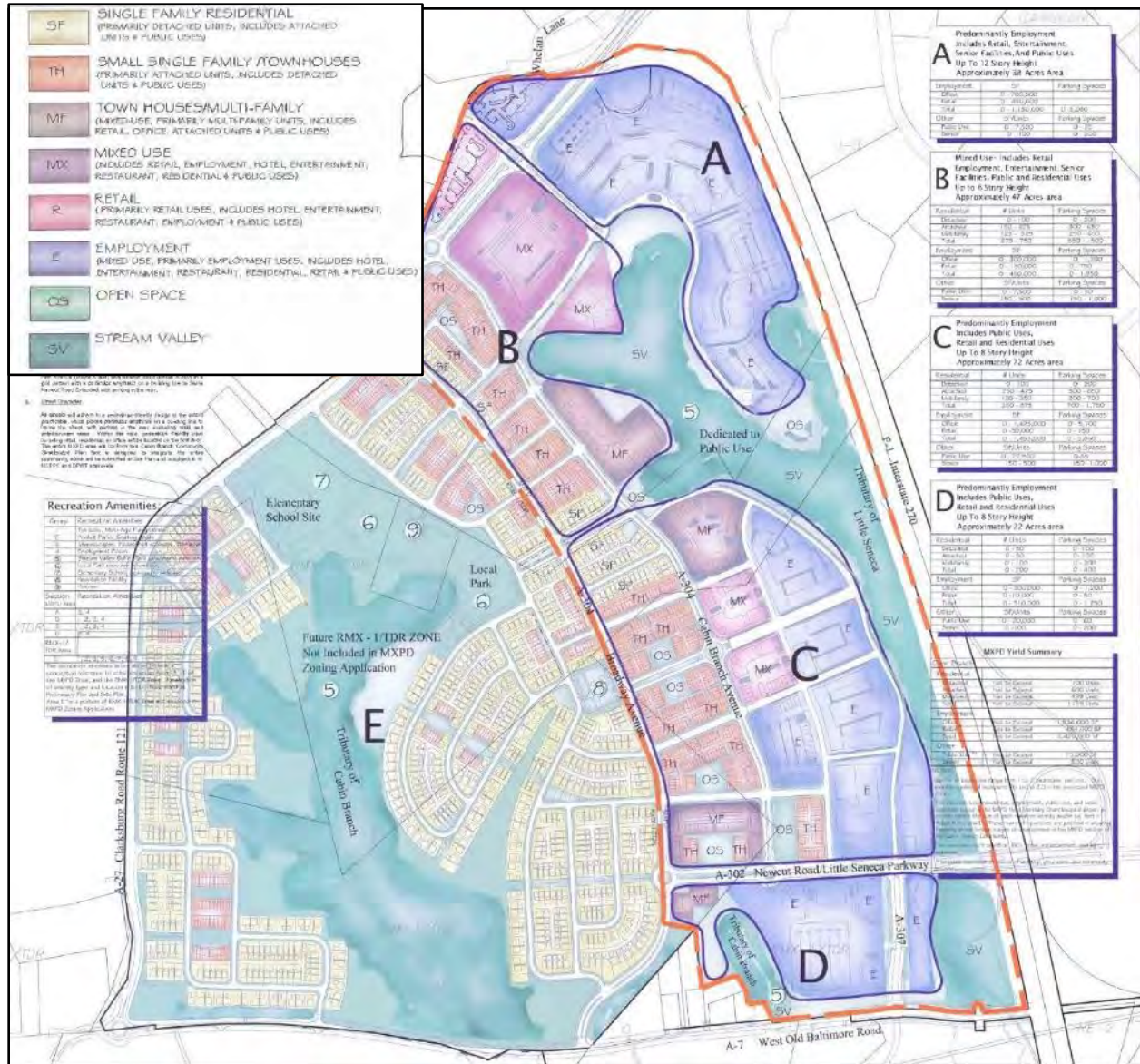


Figure 6 – DPA 13-02

Preliminary Plans
120031100 & 12003110A

The Preliminary Plan for Cabin Branch, No. 120031100 (“Preliminary Plan”), was first submitted in June 2003. However, before it was acted on an amendment No. 12003110A was submitted in September 2003. The A amendment was adopted by resolution dated June 22, 2004 and approved a development with up to 1,600 dwelling units, 500 senior housing units, 1,538,000 square feet of commercial uses, including the necessary APF reviews. The Preliminary Plan and its A amendment also approved the general road layout, consistent with LMA G-806. The Preliminary Plan did not lay out the final network of roads or lots, and the subsequent Site Plan approvals, including an Infrastructure Site Plan, have instead been used to work out these details more typical of a Preliminary Plan. The APF from the Preliminary Plan is still valid through November of 2022 and this Site Plan is utilizing part of that APF capacity for the proposed residential units.

12003110B & 12003110C

The Preliminary Plan B amendment was approved by resolution dated 10/06/2008, increasing the total residential and commercial density allowed in the Cabin Branch neighborhood to 1,886 residential units, and 2.4 million square feet of commercial.

The C amendment to the Preliminary Plan (Premium Outlets) was approved by resolution dated 12/23/2014, and it modified the transportation APF approvals to specifically increase retail uses from 120,000 square feet to 484,000 square feet, and to reduce office uses from 2.3 million square feet down to 1.96 million square feet. The APF validity period remained unchanged as a result of this amendment.

Site Plans

Infrastructure Site Plan 820050150 and Amendments

The Cabin Branch community has an infrastructure Site Plan, first designated as No. 820050150 (“Infrastructure Site Plan”), which has been amended at least seven times since. The Infrastructure Site Plan covers the entire Cabin Branch Neighborhood and includes the details on the roads, utilities and the forest conservation. It has allowed the various different developments within the greater Cabin Branch neighborhood to coordinate and pre-construct the necessary shared infrastructure improvements. As Site Plans are submitted and approved, they automatically update the Infrastructure Site Plan to include any changes to roads, stormwater and forest conservation necessary to accommodate the developments. The listed amendments A – G of the Infrastructure Site Plan are all amendments to the Infrastructure Site Plan independent of any particular Site Plan approval.

All Other Cabin Branch Site Plans

There have been seven previously approved Site Plans in Cabin Branch, including three separate phases of Winchester Homes, two phases of Toll Brothers, The Premium Outlets, and the Gosnell property. Each have implemented another portion of Cabin Branch under the overall development approvals of the LMA and the Preliminary Plan.

The portions of the Cabin Branch neighborhood not currently covered by a site plan is limited to the area that includes the Subject Property, and approximately 60 acres of MXPZ zoned land to the east and south of the Subject Property. This is primarily the commercial part of Cabin Branch located in areas C and D as shown on the Development Plan.

Current Application

Site Plan 820180060

A new Site Plan application, No. 820180060, Cabin Branch Multi-Family (“Site Plan” or “Application”) was submitted on November 27, 2017, for the construction of 272 multi-family residential dwelling units located in two buildings on two, yet to be created lots, along the east side of Cabin Branch Avenue. The Site Plan is proposing to provide a minimum of 25% of the units as MPDUs allowing them to take advantage of Bill 36-17 which would exempt this development from impact taxes. The Site Plan is also proposing the purchase a total of 48 TDRs, which represents this project’s pro-rata share of the total number of TDRs required to develop the Cabin Branch Neighborhood, based on the formula established by the binding elements of the DPA. With this Application, elements of the Infrastructure Site Plan are being amended, and as described above, will automatically be part of the Infrastructure Site Plan.



Figure 7 – Illustrative rendering Building

Building Design and Layout

The 272 multi-family dwelling units are split between two five story tall buildings. Both buildings are L shaped and include a long western facing façade that is adjacent to Cabin Branch Avenue, and another long façade that is parallel to the stream valley located between the two buildings. Building One is the northernmost of the two and will contain 132 total dwellings, including 97 market rate and 35 MPDU units. Building Two, to the south will contain the remaining 140 units, including 107 market rate and 33 MPUDs. On the western façade of both buildings the dwelling units on the ground floor have direct access to the street helping to activate the streetscape of Cabin Branch Avenue. Parking is generally located to the sides and rear of the buildings, except for a small parking lot area north of Building One which is located slightly more prominent to the road, but is set back equal to or behind the front building line. The facades of the building are articulated and include balconies for upper floor units and patios for ground floor units. The corners of the building take on a slightly different design from the middle, helping provide visual interest and reduce the appearance of mass. The roof line is mostly pitched roof, but areas of flat roof particularly on the corners add to the interest. Utilities, trash areas and air conditioner compressors are located either on the roof or around the back side of the building where they are shielded from public view.



BUILDING 1 WEST ELEVATION

Figure 8 – Rendered Façade, Building One

Access and Circulation

The parking lots for both buildings have two points of access. Building One has a full movement intersection in the northern part of the Property that is aligned with existing Estuary Drive, and has a right-in/right-out access just south of the building. Building Two has a right-in/right-out access on the north side of the building, and a full movement access onto an extension of Petrel Street. Both building sites are designed with a continuous parking drive isle wrapping around the back of the buildings, completing a loop between the two access points. Sidewalks also will wrap around the outside of both buildings, providing access to the multiple doors, the parking, and the on-site amenities. The ground floor dwellings on the western facades have access both into the central hallways and with doors and lead in sidewalks extending toward Cabin Branch Avenue. The two buildings have access to each other through the existing sidewalks along Cabin Branch Avenue.



Figure 9 – Property access and neighborhood streets

Open Space, Amenities and Environment

The Site Plan boundary has a limited amount of open space, however the Property boundary is only the developable part of larger parcels within the larger Cabin Branch Neighborhood that also contain large amounts of open space, forest, and environmental buffer areas which residents of the multi-family buildings will be able to access and enjoy. Within the Property boundaries specifically, the Applicant is

providing both indoor and outdoor amenities. Building One will include a clubhouse including a fitness room, lounge and kitchen inside the building, and a pool, and a grilling area accessible off the east side of the building. Building Two also includes a fitness room inside, as well as a playground and a dog run that are outside on the Property adjacent to Building Two.



Figure 10 – Pool Amenity Area



Figure 11 – Outdoor Grilling Area

Included with this Site Plan are Final Forest Conservation Plan drawings and an amendment to the Final Water Quality Plan. These documents will update the Infrastructure Site Plan to include the limits of disturbance for the proposed development and an update to the running total for the forest conservation worksheets. While there is no Category I Conservation Easement on the Subject Property, surrounding the two buildings to the north and east is forested stream valley in Category I Conservation Easement.

SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 820180060

Findings – Chapter 59-D-3.4(C)

The Site Plan is being reviewed under the MXP zone in the zoning ordinance in effect on October 29, 2014, citing an exemption under Section 59.7.7.1.B.1 of the zoning ordinance. The exemption in part states that *an Applicant may proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.* This Site Plan is implementing a Preliminary Plan and a LMA that were both approved under the old MXP zone located in the October 29, 2014 zoning ordinance, therefore qualifying for the above stated exemption.

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 consistent with the Development Plan for the Cabin Branch Neighborhood, adopted by LMA G-806 on September 9, 2003, and as amended by DPA 13-02 by County Council Resolution No. 17-1002 on February 4, 2014. Included on the Development Plan are a list of 11 binding elements, a series of four tables showing the acceptable range of development within the four development areas of the MXP zone, and a MXP zone yield summary for total amount of development allowed within the MXP portion of the Cabin Branch neighborhood. The Development Plan drawing also created an illustrative Neighborhood layout and proposed land uses across the Neighborhood (Figure 6). Both proposed buildings are located in areas identified on this illustrative map as appropriate for multi-family development.

Binding Elements

Of the 11 binding elements, numbers 1, 4, and 6 are pertinent to the development and approval of this Site Plan Application. The remaining binding elements are Cabin Branch wide elements including providing off-site infrastructure, trip reduction, master planned roads, street parking and limits on commercial retail uses. The pertinent binding elements are paraphrased below along with how this Site Plan adheres to them. A full list of all the Binding Elements in their full text can be found in Attachment D.

1. *Transferable Development Rights and Moderately Priced Dwelling Units:* The total Cabin Branch Neighborhood, if built to its full residential density, will require a minimum of 210 MPDUs and up to 635 TDRs, assuming a total development of 1886 units, of which 1,676 are market rate units and 210 are MPDUs which are deducted from providing TDRs. Development within Cabin Branch shall require the purchase of TDRs in conformance with this calculation. The Preliminary Plan and DPA laid out that each development should provide its fair share proportion of MPDUs and TDRs at the time of site plan review.

This Site Plan is proposing a total of 68 MPDUs which is equivalent to 25% of the Site Plan total development, exceeding the minimum 12.5% required of each residential development. Previous site plan approvals in the Cabin Branch Neighborhood have provided more than 12.5% MPDUs, thus raising the current MPDU minimum requirement to 236 MPDUs. The current Application is also proposing 34 more MPDUs than required, effectively raising the total number of required MPDUs for

the overall Cabin Branch to 270 MPDUs. After including the implementation of this Site Plan, the current total number of MPDUs will be 265, which is in keeping with how many MPDUs should be required, considering there are still 34 unapproved residential units in Cabin Branch.

The Site Plan also must provide its pro-rata share of TDRs, which was revised down from 635 to 609 at the same time the number of MPDUs rose from 210 to 236. Additionally, the Cabin Branch TDR Allocation table (Attachment M) split Cabin Branch into two pods, the Toll Brothers pod and the Gosnell, Adventist and Winchester Pod. The Subject Property is part of the Adventist tract, and collectively that pod is responsible for 377 TDRs based on the revised 609 TDR total. There are a total of 1,261 allowed dwelling units in this pod, and the multi-family Application for 272 units represents 21.5% of the allowed development. If the Application were for 272 units providing 12.5% MPDUs, the pro-rata share would be 82 TDRs. The Application however is providing 25% MPDUs, resulting in 34 more MPDUs than required. Consistent with the calculations set up by the DPA, the Applicant is deducting 34 TDRs from the required total, resulting in 48 necessary TDRs. As a result, this Application revises the total Cabin Branch TDR requirement from 609 to 575, and revises the Gosnell, Adventist and Winchester pod total down from 377 TDRs to 343. This process of deducting MPDUs from providing TDRs is consistent with the calculation established by the DPA and as implemented by previous Cabin Branch site plans. The 47 TDRs is the Applicant's pro-rata share of TDRs, consistent with the calculation established at the time of the DPA. After this Application, the total number of TDRs purchased will be 562 of the 575 total, which is on track considering the remaining unapproved residential density in Cabin Branch.

4. *Street Network:* A network of public streets shall be provided, that may be supplemented by private streets, in a grid pattern that promoted interconnectivity. The public streets shall be any Master Plan street and any residential or business streets needed to form blocks that are substantially similar to the street system shown on the Development Plan.

The primary street frontage for both buildings in this Site Plan is Cabin Branch Avenue, which was constructed by others and has already been fully dedicated and constructed to public standards. Along the south side of Building Two, the Applicant is creating a parcel for, and will construct the beginnings of a new business district street. Part of Building Two's access is through this new street. This road parcel and the street is consistent with the Development Plan drawing showing Petrel Street extending across Cabin Branch Avenue, and it will be dedicated to public use and extended east when the adjacent land to the south and east is developed.

6. *Street character:* All streets will adhere to a pedestrian-friendly design to the extent practicable, which places emphasis on a building line to frame the street, and parking in the rear. Within the core, pedestrian friendly uses including retail, residential or office will be located on the first floor. The entire MXPB area will conform to a Cabin Branch Community Streetscape Plan designed to integrate the entire community.

The Site Plan is substantially conforming to the street character requirements of the binding elements. Both buildings place a long façade parallel to Cabin Branch Avenue and use design such as suitable landscaping and ground floor entrances to activate the street frontage. Parking for the buildings is also located either to the side of rear of the structures, minimizing its impact to the streetscape. While some of the parking for Building One is visible to the road, it is landscaped and set behind the front building line. The first floor of the buildings will have many public spaces such as the lobbies, clubhouse and fitness facilities in addition to street accessible residential units which help create activity at the ground level.

Development Range Tables

The Development Plan divides the MXPB portion of Cabin Branch into four distinct areas, labeled A, B, C and D, and includes a range of allowed intensities for each land use within each area. The Subject Property is split between area B and area C with Building One in area B and Building Two in area C. Area B includes the MXPB zoned area on either side of Cabin Branch Avenue between Clarksburg Road and Tribute Parkway. The Area B table suggests an appropriate range of multi-family development between 125 and 325 units, and this Site Plan provides for 132 units, with no existing multi-family currently located in Area B. Area C is on either side of Cabin Branch Avenue from Tribute Parkway south to A-302/New Cut Road. Area C’s table provides a range of multi-family dwellings between 100 and 350. The Site Plan proposes 140 units, and Toll Phase I approved 128 previously, for a total of 268. Therefore, the proposed uses fall within the allowed densities in Areas B and C.

MXPB zone yield summary

Also included on the Development Plan is a total yield for each land use type in all of the MXPB area. A maximum of 439 units may be multi-family within Cabin Branch, based in part on Master Plan recommendations. With the approval of this Site Plan, the multi-family total for Cabin Branch will be 400, leaving room for up to 39 additional multi-family units in the future.

- 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 is not subject to an urban renew plan approved under Chapter 56.

The Subject Property is 9.94 acres in size and is located in the MXPB zone, contained under Section 59-C-7.5 of the zoning ordinance. The objective and purpose of the zone is to allow implementation of comprehensively planned, multi-use centers away from central business districts or transit, and to implement Master Plan recommendations in a more flexible manner. The MXPB zone was established as part of a LMA, which found the MXPB zone the best way to implement the recommendations of the Clarksburg Master Plan. The proposed multi-family use was a part of the original LMA approval which dealt with many of the applicability and use requirements of Section 59-C-7.51 and 59-C-7.52 including the gross tract area for Cabin Branch, and the intensity and location of residential. The following data table, Table 1, provides a summary of the quantifiable development standards required by the MXPB zone and that are provided by this Site Plan, including the parking requirements under Section 59-E. The parking requirements shown in Table 1 are based on the requirements of the old zoning ordinance, however the Applicant is voluntarily providing electric charging station and both short and long term bicycle parking which is more indicative of the new zoning ordinance.

Table 1

Zoning Data Table: MXPB Zone, 59-C-7.5		
<u>Development Standard</u>	<u>Required</u>	<u>Provided</u>
59-C-7.51		

Zoning Data Table: MXPDP Zone, 59-C-7.5		
<u>Development Standard</u>	<u>Required</u>	<u>Provided</u>
Minimum Area	20 acres	283.5 acres ¹ MXPDP
Tract Area		9.94 acres
59-C-7.56		
Minimum Green Area		
MXPDP total	120.98 acres	161.96 acres
40% of Commercial Area	83.10 acres	142.70 acres
50% of Residential Area	37.88 acres	19.26 acres ²
Provided by Site Plan		4.76 acres (48%) ³
Site Plan Development Standards		
Floor Area Building One	N/A	176,153 sq ft.
Floor Area Building Two	N/A	177,600 sq ft.
Building Height	8 stories max	65 ft./5 stories
Front Setback	TBD @ Site Plan	21 ft.
Rear Setback	TBD @ Site Plan	100 ft.
Side Setback (lot)	TBD @ Site Plan	90 ft.
Side Setback (street)	TBD @ Site Plan	9 ft.
Density and Parking 59-E-3.7		
Total Units		272
MPDUs	34 (12.5%)	68 (25%)
TDRs ⁴		48
Building One Parking		
Parking Market Rate (97)	142	142
Studio – 1 space/unit (12)	12	12
1 Bedroom – 1.25 space/unit (25)	32	32
2 Bedroom – 1.5 space/unit (45)	68	68

¹ The Subject Property is only 9.94 acres of a comprehensively planned community totaling 283.5 acres.

² Total Green Area for the MXPDP zone exceeds the requirements. Excess green area is provided on commercial site plan portions of the Property, and less green area in residential site plan areas. Major components of Green Area are the shared stream valleys and forest areas.

³ Green Area is tracked across the entire Cabin Branch Neighborhood, so deficits in this Site Plan are compensated for with other areas.

⁴ Binding Element 1 of the DPA require the purchase of TDRs for residential developments within the Cabin Branch Neighborhood. The DPA established a method for calculating TDRs based on a total build-out of 1,886 dwelling units, including 1,676 market rate units and 210 MPDUs, resulting in 635 TDRs. Site plans approving more than 12.5% MPDUs can deduct the excess MPDUs from their pro-rata share of TDRs, reducing the Cabin Branch Neighborhood total. This Application provides 34 more MPDUs than required, resulting in a modified pro-rata share of TDRs.

Zoning Data Table: MXP Zone, 59-C-7.5		
<u>Development Standard</u>	<u>Required</u>	<u>Provided</u>
3 Bedroom – 2 spaces/unit (15)	30	30
Parking MPDUs (35)	25	25
Studio – 0.5 space/unit (4)	2	2
1 Bedroom – 0.625 space/unit (11)	7	7
2 Bedroom – .75 space/unit (16)	12	12
3 Bedroom – 1 spaces/unit (4)	4	4
Visitor/Extra		19
Total		186
EV Charging		4
Handicap	6	6
Motorcycle (2%)	4	4
Bicycle – 1 bike/20 cars	10	54
Short term		6
Long Term		46
Building Two Parking		
Market Rate (107)	155	155
Studio – 1 space/unit (12)	12	12
1 Bedroom – 1.25 space/unit (33)	42	42
2 Bedroom – 1.5 space/unit (47)	71	71
3 Bedroom – 2 spaces/unit (15)	30	30
MPDU (33)	25	25
Studio – 0.5 space/unit (4)	2	2
1 Bedroom – 0.625 space/unit (9)	6	6
2 Bedroom – .75 space/unit (15)	12	12
3 Bedroom – 1 spaces/unit (5)	5	5
Visitor/Extra		12
Total		192
EV Charging		4
Handicap	6	6
Motorcycle (2%)	4	4
Bicycle – 1 bike/20 cars	10	54
Short term		6
Long Term		46

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

Location of Buildings and Structures

The location of buildings and structures is adequate, safe and efficient. Both Building One and Building Two are positioned to provide a high level of activation to the existing public street which is a requirement of the Cabin Branch Design Guidelines and of the MXPDP zone. The long western facades provide opportunities to frame the street and to have ground level units with access to the sidewalk. The L shape to both buildings takes advantage of the buildable area on both proposed lots and also maximizes views residents have of the adjacent forest and green areas. The building placement close to the street also enables parking to be set to the side and rear of the buildings which is also a requirement of the Cabin Branch Design Guidelines.

Development of this Site Plan does require use of retaining walls to create usable grade within the developable area while minimizing impacts to the adjacent forest and stream buffers. Walls are on the east side of Building One between the parking lot and the existing stormwater management and also the south side of Building One adjacent to the stream valley. The walls approach eight feet tall in one small area adjacent to the stormwater facility but are generally three to five feet in height. Building Two has a retaining wall on the north side of the parking area adjacent to the stream valley that is six feet high in spots but is mostly two to four feet in height. These walls are not inconsistent with other walls in the Cabin Branch development and are necessary because of the terrain and adjacent environmental features.

Location of Open Spaces, Landscaping and Recreation Facilities

Open Spaces and Green Area

The location of the open spaces is safe, adequate and efficient. The open space requirement for the MXPDP zone is Green Area, and the zoning code requires 50% Green Area in residential areas and 40% Green Area in commercial areas. In the Cabin Branch neighborhood, Green Area is averaged across the entire MXPDP zoned portion of the Cabin Branch Neighborhood. While this Site Plan runs a slight deficit of Green Area within the Property tract, the entire Neighborhood is on track to exceed the Green Area requirements. The entirety of Cabin Branch requires 120.98 acres of Green Area, and with the implementation of this Site Plan, and assuming mixed use development to the south, the Green Area will be approximately 162 acres when the neighborhood finishes developing. The primary Green Area and open spaces are located in the more environmentally constrained land to the east of both buildings and include existing Category I Conservation Easements. The setback between the buildings and Cabin Branch Avenue provide additional open areas for landscaping and greenery that is consistent with the definition of Green Area. The Site Plan provides for other areas of private open space intended for use by the residents and their invited guests. These amenity areas are divided equally between the two buildings.

Recreation Facilities

The location and quantity of provided recreation facilities is safe, adequate and efficient. Construction of 272 new dwelling units requires the Site Plan to meet the Recreation Guidelines that the projects supplied recreation amenities meet the recreation demand. Table 2 below illustrates the amount of recreation demand the Site Plan generates.

Table 2

Proposed Residential Project - Units by Type and their Demand Points								
Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
TH	Townhouses and Single-Family attached	0	0	0	0	0	0	0
SFD	Single-Family Detached	0	0	0	0	0	0	0
Hi-Rise	Multiple-Family, 5 stories or more	272	27.20	19.04	8.16	198.56	152.32	68
Total Demand Points =		272	27.20	19.04	8.16	198.56	152.32	68

To satisfy the recreation demand, the Applicant has proposed numerous indoor and outdoor recreation amenities, as shown in the supply table (Table 3). The distribution of these facilities is split between both Buildings providing all future residents immediate access to some of the amenities. All residents will have access to all amenities regardless of which building they are located in. Building One in particular, includes the community space, community kitchen and outdoor pool areas. Building Two includes the children’s playground and dog run. Both buildings include a fitness center and on-site bicycle parking.

Table 3

Proposed Onsite Recreation Facilities and their Supply Points								
Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Connection - Trail System	1	0%	2.72	3.81	1.22	29.78	22.85	6.80
Bicycle Parking Garage	1	0%	0	7	14	14	12	5
Dog Run	1	0%	0	0	4	5	6	6
Indoor Community Space	1	0%	2.72	2.86	2.45	59.57	45.70	27.20
Indoor Fitness Room	1	0%	0	1.90	0.82	49.64	30.46	10.20
Natural Area	1	0%	1.36	0.95	0.82	19.86	15.23	3.40
Playground (Age 2-5) [Tot Lot]	1	0%	9	2	2	3	3	3
Resident Lounge	1	0%	0	2	5	10	8	7
Community Kitchen	1	0%	0	0	2	9	10	6
Swimming Pool – Outdoor	1	0%	1.36	3.81	1.63	69.50	38.08	6.80
Wading Pool	1	0%	5.44	0.95	0	0	7.62	3.40
Picnic/Seating	8	0%	8	8	12	24	24	24
Grilling Area	1	0%	0	0	2	6	6	5
Total Onsite Supply Points =			30.60	33.28	47.94	299.35	228.94	113.80

Table 4 below demonstrates that the proposed recreation supply is adequate to meet the recreation demand, therefore the recreation facilities provided are adequate for this Site Plan.

Table 4

Results: Demand, Supply & Adequacy					
Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	27.20	0	30.60	30.60	Adequate
Children	19.04	0	33.28	33.28	Adequate
Teens	8.16	0	47.94	47.94	Adequate
Young Adults	198.56	0	299.35	299.35	Adequate
Adults	152.32	0	228.94	228.94	Adequate
Seniors	68	0	113.80	113.80	Adequate

Landscaping and Lighting

The location and quantity of the proposed landscaping and lighting is safe, adequate and efficient on the Subject Property. The Site Plan is proposing landscaping to serve multiple purposes, including screening and canopy cover in and around parking facilities, landscaping around amenity areas, and landscaping adjacent to the proposed buildings. Both buildings have extensive foundation plantings including shrubs and ornamental grasses helping to soften bottom edge of the buildings. Along the western facades that face Cabin Branch Avenue, this also includes the addition of understory ornamental trees, helping provide additional visual relief to the building façade, and to mimic landscaping typical of the existing residential dwellings in the Neighborhood. The amenity area landscaping serves both to buffer the amenities from the surrounding parking and to provide shade. The outdoor amenities are enclosed with extensive shrubs, evergreen and understory trees to hide the presence of parked cars. Larger canopy trees will grow to provide adequate shade during the summer months in these amenity areas.

The Site Plan is providing landscaping in and around parking lot areas as required Section 59-E-2.7 of the zoning ordinance, and has provided the adequate plantings between parking and a right-of-way, and will meet and exceed the minimum parking lot landscape area of 5% by providing 7.6% landscape area for Building One’s parking, and 5% landscape area for Building Two’s parking. These numbers are lower than it will appear because the parking facilities are mostly just one long drive isle with parking on both sides, therefore intermittent tree islands providing the only internal landscaping. The landscaping located around the perimeter of the parking will greatly add to the greenery and canopy cover.

Perimeter Landscaping 59-E-2.72

The Applicant has requested the Planning Board consider providing relief to the parking lot perimeter landscape standards under 59-E-2.72. The code states that the Applicant must provide a landscape strip at least four feet in width and contain one canopy shade tree every 40 feet on

center. The code however also allows the Planning Board to not require perimeter screening if the Board finds that parking areas are already effectively landscaped with natural features such as woods or a hill. The Applicant is requesting relief of the perimeter landscaping requirements around the eastern sides of the parking lot for both buildings. Specifically, the Applicant wants relief from providing the canopy trees 40 feet on center around portions of Building One's parking where adjacent to and overlooking the stream valley buffer and regional stormwater ponds, and relief from the canopy trees and the four-foot planting strip on portions of Building Two's parking where overlooking the ESD landscaped bio-infiltration facilities. The Applicant's justification claims that because the land east of both buildings is either forested stream valley buffer or is stormwater management that the adjacent uses provide the necessary screening. The Applicant specifically requests this relief to minimize impacts to the adjacent stream valley buffers and to avoid the existing stormwater ponds. Staff supports the Applicant's request and agrees that there are adequate natural and man-made features that screen the proposed parking from the nearest adjacent vantage points. To mitigate for the reduction of landscape material the Applicant has agreed to add additional canopy trees to locations within the parking lot near the impacted areas to keep canopy coverage adequate.

The lighting provided with this Application is safe, adequate and efficient for ensuring good nighttime visibility within the parking lot and open space areas without negatively impacting surrounding residential dwellings. The lighting proposed is a combination of free-standing poles and wall mounted sconces that provide for broad illumination the parking and loading areas. The outdoor amenity spaces such as the pool deck and the children's play area and seating area are illuminated predominantly with shorter bollard type lighting, which is more in scale with the pedestrian environment creating a space enjoyable in the evening.

Pedestrian and Vehicular Circulation

Pedestrian Circulation

The location and design of the pedestrian circulation on the Subject Property is safe, adequate, and efficient. Both buildings have a continuous sidewalk that encircle each building, providing adequate and efficient access between the parking, amenity areas and the various entrances to the building. This circulation includes the public sidewalk along Cabin Branch Avenue, which provides connections to the greater Cabin Branch Neighborhood and amenities. There are direct connections to both buildings main lobbies from Cabin Branch Avenue, and the ground floor units facing the street have separate private access to the sidewalks. Access between the two buildings is through the public sidewalk along Cabin Branch Avenue. A useful direct inter-Building access can't be provided because of the steep stream valley and necessary retaining walls separating the two Buildings.

Vehicle Circulation

The location and design of vehicle circulation on the Subject Property is safe, adequate and efficient. Access to the Subject Property is through existing Cabin Branch Avenue, and both buildings have two vehicle access points, including one that is full movement and one that is right-in/right-out. The circulation is simple and consists of a single continuous drive-isle that surrounds the buildings on three sides, providing access to parking and to the trash and loading bay areas. The internal design of the drive isle is also adequate for access by fire and rescue services to access all sides of the buildings. The northern entrance of Building Two is slightly mis-aligned with the parking drive isle due to existing stormwater management infrastructure located along the edge

of the roadway in the preferred location. MCDPS water resources staff identified and recommended that the Applicant avoid rather than relocate this feature.

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

The proposed use and structures are compatible with other uses, site plans, existing, and proposed development on adjacent properties. The two multi-family buildings on this Site Plan are part of a larger planned Cabin Branch Neighborhood that has been the subject of a LMA and a single Preliminary Plan. North and east of northernmost Building One is stream valley and forest conservation, and east and south of southernmost Building Two is undeveloped land that is in the same MXP zone and is planned for other senior housing and multi-story tall employment uses. The existing buildings located across the 80-foot wide right-of-way for Cabin Branch Avenue are one-family attached and detached dwellings that are also part of the MXP zone part of the Cabin Branch Neighborhood. The design of the proposed multi-family buildings with the ground floor unit access, the foundation landscaping, building façade and roof articulation, and street trees all help integrate the proposed development with the existing residents. The MXP zone has a requirement in Section 59-C-7.55 that no uses other than one-family detached dwellings may be constructed closer than 100 feet from existing one-family detached dwellings. While this setback does not apply to the detached homes on Cabin Branch Avenue because the existing development shares the same LMA and Preliminary Plan as the multi-family buildings, the setback is still 120 feet. The Site Plan is also starting the extension of Petrel Street across Cabin Branch Avenue to the east, which when extended by others in the future will help integrate this Site Plan with future phases of the Cabin Branch Neighborhood.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

The Site Plan meets the requirements of Chapter 22A, Forest Conservation Law, and Chapter 19, Water Resource Protection.

Special Protection Area/Water Quality Plan

The Subject Property is located within the Clarksburg Special Protection Area (SPA), therefore consistent with SPA law Section 19-62, a Water Quality Plan must be reviewed as part of the Site Plan review. This section of code specifically states:

“(b) Privately owned property. Except as otherwise expressly provided in the Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:

- (1) who is required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan; or
- (2) who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan.”

A Preliminary Water Quality Plan No G-957 was approved by the Planning Board by resolution dated July 24, 2015 as part of DPA 13-02. A Final Water Quality Plan was submitted as part of this Site Plan Application.

Water Quality Plans are reviewed both by the Montgomery County Department of Permitting Services (MCDPS) Water Resources team and MNCPPC Planning Staff. Each group has different responsibilities for review with MCDPS responsible for the technical elements of water quality and quantity control facilities, including engineering and design. MNCPPC has separate review responsibility and Section 19-65(a)(2)(A) of the Montgomery County Code.

MCDPS Special Protection Area Review Elements

MCDPS has established a set of performance goals that are to be met through the implementation of the Final Water Quality Plan which include:

1. Protect the streams and aquatic habitats.
2. Maintain the natural on-site stream channels.
3. Minimize storm flow run off increases.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize increases to ambient water temperatures.
6. Minimize sediment loading.
7. Maintain stream base flows.
8. Protect springs, seeps and wetlands.
9. Minimize nutrient loading.
10. Control insecticides, pesticides and toxic substances.

In a letter dated February 23, 2018 MCDPS has found the Preliminary/Final Water Quality Plan for this site plan to be acceptable for their portion of the Final Water Quality Plan (Attachment I) under its purview including 1) stormwater management facilities, 2) sediment and erosion control measures and 3) Best Management Practices (BMP) monitoring.

Planning Board Special Protection Area Review Elements

Following is an analysis of the Planning Board's responsibilities in the review of the Final Water Quality Plan.

1) Priority Forest Conservation Areas

The Application meets the requirements of Chapter 22A, Montgomery County Forest Conservation Law. The Final FCP (FFCP) was submitted with this Application which will amend the overall FFCP for the Cabin Branch development. The boundary of the Site Plan area has no forest, stream buffers or environmentally sensitive areas within the proposed property boundaries.

2) SPA Environmental Buffer Protection

The Application proposes no additional disturbance within the stream valley buffer (SVB) for the stream at the rear of the project site that has not already been accounted for in the overall FFCP for the Cabin Branch development.

3) Impervious Surfaces

There are no impervious limitations within this portion of the Clarksburg SPA; however, the Special Protection Area regulations allow the M-NCPPC to review imperviousness and to work with the Applicant to reduce imperviousness. As part of the Preliminary Water Quality Plan for the Cabin Branch Development an overall goal of less than 45% imperviousness was established.

This Site Plan indicates an impervious level of approximately 57 % for Lot 1 and 59% for Lot 2 with a combined average of about 58% for this application (Table 5). Although this is above the target of 45% imperviousness, the overall impervious level for the Cabin Branch development continues to be on track to meet this targeted goal of 45%, and higher levels of impervious surface are not uncommon in multi-family development. An Impervious exhibit (Attachment J) shows where these impervious surfaces occur on the Property.

Table 5

	Tract Area	Impervious Surface Area	Percent Imperviousness
Lot 1	223,463 sq. ft. 5.13 acres	127,463 sq. ft. 2.93 acres	57.2%
Lot 2	209,524 sq. ft. 4.81 acres	123,301 sq. ft. 2.83 acres	58.8%
Total	432,987 sq. ft. 9.94 acres	251,112 sq. ft. 5.76 acres	57.9% (avg.)

Based on MCDPS recommendations of approval, and the Staff analysis above, Staff recommends approval of the Final Water Quality Plan submitted as part of this Site Plan Application.

Forest Conservation

The Subject Property is currently covered by a Final Forest Conservation Plan (FFCP) as part of the Infrastructure Site Plan. The entire 535-acre Cabin Branch Development has an overall FFCP which was approved with the Infrastructure Site Plan. The overall FFCP was designed to allow for the grading and installation of roads, utilities, and public amenities such as school and park sites. The intent of having one FCP was to ensure that as this multi-year project developed, portions would not be left uncovered by an individual FCP and the whole project would remain in compliance with the Montgomery County Forest Conservation Law. Consistent with conditions 1 and 14(c) of the Infrastructure Site Plan Amendment No. 82005015B, the FFCP for the overall Cabin Branch neighborhood is being amended through review of a FFCP associated with the improvements proposed by this Site Plan.

The overall FFCP with this Site Plan includes six worksheets separated by zones or land use: MXPD-Employment, RMX-1/TDR, MXPD-Residential, Water Tower Storage Facility, Linthicum West, and "offsite Area A". Each individual site plan application is submitted with final grading and design, the FFCP and the worksheets associated with that particular site plan will be updated to reflect final design and grading details. The FFCP indicates that the individual applicants for each site plan area must meet the forest conservation worksheet requirements through a combination of on-site forest retention,

on-site planting of unforested stream buffers, landscape credit, and off-site planting within the Clarksburg SPA. This Site Plan does not make any changes to the FFCP except add final grading and limits of disturbance for the multi-family housing. The Subject Property does not contain any areas of landscape credit, forest planting or Category I Conservation Easement therefore there is no change to any of the worksheets.

Under the M-NCPPC implementation of the SPA regulations, the Environmental Guidelines require accelerated reforestation of the SPA stream buffers and that any unforested portions of the stream buffer be afforested above and beyond the standard forest conservation requirements. Since the Cabin Branch Development includes land both in and out of the SPA and the tributaries drain to a common water body, Staff consistently recommended the treatment of the planting requirements as if the entire development is located within the Clarksburg SPA. Therefore, conditions 1 and 14 of the Infrastructure Site Plan (82005015B) require the master development application, Cabin Branch Management LLC, to plant the stream buffers in accordance with the overall FFCP including the Planting Phasing Plan. The Applicant must provide a five-year maintenance period for all planting areas credited toward meeting the forest conservation plan worksheet requirements. Amendments to the FFCP have been approved with each of the site plans approved and amendments, to date, to the Infrastructure Site Plan (82005015A through 82005015G).

The FFCP submitted for this Site Plan application conforms to the requirements established by the overall FFCP and meets the requirements of Chapter 22A, Montgomery County Forest Conservation Law. This Application does not alter the existing forest conservation requirements for the Cabin Branch Neighborhood as established by the Infrastructure Site Plan, and Cabin Branch Management LLC continues to fulfil their obligations for the overall FFCP. The FFCP sheets associated with this Site Plan show the proposed construction and LOD, consistent with Section 22A.00.0109.B.

Tree Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection, therefore, the Applicant has submitted a variance request for these impacts.

Variance Request

The Applicant submitted a variance request in a letter dated February 27, 2018. There is one specimen sized tree within the property boundary that will be impacted by construction. This tree is identified as tree number 56, a Black Oak (*Quercus velutina*) with a DBH of 31 inches, and a proposed CRZ impact of 30%.

Unwarranted Hardship Basis

Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship. In this case, the Applicant is faced with having to impact one tree. M-NCPPC staff ("Staff") has determined that the impacts to this tree for the construction on these lots is unavoidable. Tree #56 is located just downslope of a proposed parking area for Building Two. The impacts to Tree #56 are due to the necessary regrading of the land to accommodate construction of the apartment building and necessary parking which was identified as appropriate in this location by the previous LMA and DPA. The Applicant has pulled the limit of disturbance (LOD) as far away as possible from the tree and has proposed a retaining wall system to lessen the impacts to this tree. Without such measures the tree would need to be removed. Development will still impact approximately 30% of Tree #56's critical root zone (CRZ). As a result, not being able to obtain a variance to impact this one tree would constitute an unwarranted hardship on this Applicant to develop this site. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determinations based upon the required findings in the review of the variance request and the Forest Conservation Plan:

Variance Findings

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the impact to this one tree due to the location of the trees and necessary site design requirements imposed by governmental agencies. Because of the tree's location just downslope of the developable area, any reasonable development of this Property as a multi-family building as envisioned by the DPA and allowed for by zoning would likely impact the tree. Therefore, Staff finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the location of the tree, existing site conditions and necessary design requirements of this Site Plan application.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and is not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree being moderately impacted and will not be removed. Therefore, Staff

concur that the project will not violate State water quality standards or cause measurable degradation in water quality.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist however by the posting of this Staff Report staff has not received a final recommendation. Staff will update the Planning Board at the time of the hearing if a recommendation is received.

Variance Recommendation by Staff

Staff recommends approval of the variance request.

SECTION 6: CITIZEN CORESPONDENCE AND ISSUES

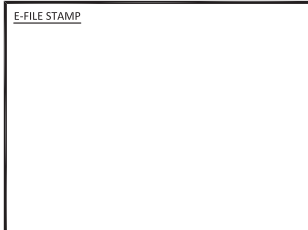
The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Site Plan was held on September 25, 2017 at Clarksburg High School. According to the submitted minutes of the meeting, six were in attendance. The Applicant gave a presentation and engaged in a question and answer with the community in attendance. As of the date of this Staff Report, Staff has not received any correspondence from the community regarding this Site Plan.

SECTION 7: CONCLUSION

The Applications meet all requirements established in the Zoning Ordinance in effect on October 29, 2014. The Site Plan conforms to the binding elements of the LMA and DPA, meets the requirements of the MXP zone, and meets all other necessary Site Plan findings. The Site Plan was reviewed by other county agencies, all of which have recommended approval of the Site Plan.

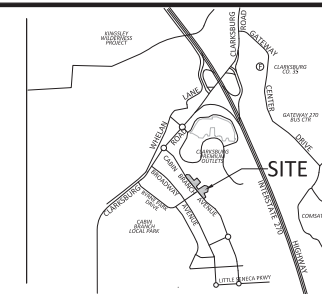
ATTACHMENTS:

- Attachment A – Site Plan
- Attachment B – Final Forest Conservation Plan
- Attachment C – Development Plan
- Attachment D – Binding Elements of DPA
- Attachment E – Cabin Branch Tracking
- Attachment F – MC Fire and Rescue Approval
- Attachment G – MCDPS ROW Permitting
- Attachment H – DHCA
- Attachment I – WQP and SWM Letter
- Attachment J – Impervious Exhibit
- Attachment K – Town Architect
- Attachment L – Variance Request
- Attachment M – TDR Allocation Table



CABIN BRANCH CLARKSBURG, MARYLAND FINAL FOREST CONSERVATION PLAN

Attachment B



VKA
ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
VKA MARYLAND, LLC
20251 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20874
PHONE: (301) 916-4100
FAX: (301) 916-2362
GERMANTOWN, MD. TYSONGS, VA.

PREPARED FOR:
THE NRP GROUP, LLC
5309 TRANSPORTATION
BLVD.
CLEVELAND, OH, 44125
216.584.0602
CHERYL STEIGERWALD

SHEET INDEX (- indicates relevant Site Plans)

Sheet Description	Site Plan References
1. COVER SHEET	OVERALL
2. APPROVALS SHEET	OVERALL
3. OVERALL PLAN	OVERALL
4. FOREST CONSERVATION WORKSHEETS	OVERALL
5. 30 SCALE PLAN	WIN1, GOS, D AMEND
6. 30 SCALE PLAN	WIN1, GOS, D AMEND
7. 30 SCALE PLAN	WIN1, GOS
8. 30 SCALE PLAN	ADV-N
9. 30 SCALE PLAN	ADV-N
10. 30 SCALE PLAN	WIN1, GOS, D AMEND
11. 30 SCALE PLAN	WIN1
12. 30 SCALE PLAN	WIN1, D AMEND
13. 30 SCALE PLAN	ADV-N
14. 30 SCALE PLAN	INFRA C AMEND
15. 30 SCALE PLAN	INFRA C AMEND, MULTI-FAMILY
16. 30 SCALE PLAN	INFRA C AMEND, POND 13, MULTI-FAMILY
17. 30 SCALE PLAN	WIN1, MULTI-FAMILY
18. 30 SCALE PLAN	WIN1, D AMEND
19. 30 SCALE PLAN	WIN1, D AMEND
20. 30 SCALE PLAN	WIN1, WIN3, D AMEND
21. 30 SCALE PLAN	WIN1, WIN3
22. 30 SCALE PLAN	WIN1
23. 30 SCALE PLAN	WIN1
24. 30 SCALE PLAN	WIN1, WIN2
25. 30 SCALE PLAN	WIN1, WIN2, INFRA C AMEND
26. 30 SCALE PLAN	WIN2, INFRA C AMEND, MULTI-FAMILY
27. 30 SCALE PLAN	WIN2, MULTI-FAMILY
28. 30 SCALE PLAN	INFRA C AMEND
29. 30 SCALE PLAN	INFRA C AMEND
30. 30 SCALE PLAN	INFRA C AMEND
31. 30 SCALE PLAN	WIN1, WIN2
32. 30 SCALE PLAN	WIN1, WIN2, TOLL1
33. 30 SCALE PLAN	WIN1, WIN2
34. 30 SCALE PLAN	WIN1, WIN3
35. 30 SCALE PLAN	WIN3, D AMEND
36. 30 SCALE PLAN	WIN3, D AMEND
37. 30 SCALE PLAN	WIN3, D AMEND
38. 30 SCALE PLAN	WIN3, TOLL2, D AMEND
39. 30 SCALE PLAN	WIN1, WIN3
40. 30 SCALE PLAN	WIN1, WIN2, TOLL1
41. 30 SCALE PLAN	WIN2, TOLL1
42. 30 SCALE PLAN	WIN1, WIN2, TOLL1
43. 30 SCALE PLAN	WIN2, TOLL1
44. 30 SCALE PLAN	WIN2, INFRA C AMEND
45. 30 SCALE PLAN	INFRA C AMEND
46. 30 SCALE PLAN	WIN2, TOLL1
47. 30 SCALE PLAN	TOLL1
48. 30 SCALE PLAN	POND 3, TOLL1
49. 30 SCALE PLAN	POND 8
50. 30 SCALE PLAN	TOLL2, D AMEND
51. 30 SCALE PLAN	TOLL2, D AMEND
52. 30 SCALE PLAN	TOLL2
53. 30 SCALE PLAN	D AMEND
54. 30 SCALE PLAN	POND 9
55. 30 SCALE PLAN	TOLL1
56. 30 SCALE PLAN	FOND 2, TOLL1, D AMEND, E AMEND
57. 30 SCALE PLAN	TOLL1, D AMEND
58. 30 SCALE PLAN	WIN1, INFRA C AMEND, D AMEND, E AMEND
59. 30 SCALE PLAN	INFRA C AMEND, D AMEND
60. PLANTING DETAILS AND NOTES	OVERALL
61. SIGNIFICANT TREE DETAILS	OVERALL
62. FC TRACKING DETAILS	OVERALL
63. FC PLANTING DETAILS	OVERALL
63A. FC PHASING PLAN	OVERALL

See Sheet 62 for detailed tracking information.

Any construction activity, grading or forest modifications on adjacent property per the Infrastructure Site Plan approved in 2008 or subsequent revisions per the conditions of approval, is subject to the property owner consent in conjunction with appropriate Montgomery County, MNCPPC, or Maryland State Highway permits and/or authorization to proceed with construction.



LOCATION MAP
SCALE: 1"=400'

M-NCPPC SITE PLAN # 820180060
 M-NCPPC SITE PLAN # 820140160
 M-NCPPC SITE PLAN # 82005015F
 M-NCPPC SITE PLAN # 82005015E
 M-NCPPC SITE PLAN # 82005015D
 M-NCPPC SITE PLAN # 820070140
 M-NCPPC SITE PLAN # 820100030

M-NCPPC SITE PLAN # 82005015B
 M-NCPPC SITE PLAN # 82005015C
 M-NCPPC SITE PLAN # 820060240
 M-NCPPC SITE PLAN # 82006029A
 M-NCPPC SITE PLAN # 820110080
 M-NCPPC SITE PLAN # 820120150

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN NO. 82005015G INCLUDING FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

DEVELOPER'S NAME: CABIN BRANCH APARTMENTS, LLC

CONTACT PERSON OR OWNER: JOE TORG

ADDRESS: 5309 TRANSPORTATION BLVD., CLEVELAND, OH 44125

PHONE: 216.475.8900

SIGNATURE: _____ DATE: _____

DESIGN CONSULTANTS

ARCHITECT
POLLEO GROUP
1760 RESTON PARKWAY
SUITE 510
RESTON, VA, 20190
703.482.6077
TRAVIS RITENOUR

LANDSCAPE ARCHITECT
URBAN
4200-D TECHNOLOGY COURT
CHARLETT, VA, 20155
703.642.2306
ADAM STENER

ATTORNEY
LERCH, EARLY, & BREWER, CHTD.
7600 WISCONSIN AVENUE
SUITE 700
BETHESDA, MD, 20814
301.841.3826
ROBERT HARRIS

TRAFFIC ENGINEER
WELLS & ASSOCIATES
8730 GEORGIA AVENUE
SUITE 200
SILVER SPRING, MD, 20910
301.971.5416
CHRIS KABATT

PLANNER, CIVIL ENGINEER
VKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD, 20874
301.916.4100
BILL LANDFAIR

REVISIONS	DATE

PROFESSIONAL SEAL

CABIN BRANCH
6TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 231NW 13 & 14
TAX MAP: EV 562 & FV-122
MNCPPC
#82005015G

FINAL FOREST CONSERVATION COVER SHEET

DRAWN BY: _____
 DESIGNED BY: _____
 DATE ISSUED: _____
 VKA PROJECT: 50192
 DRAWING NO: _____



BINDING ELEMENTS

- 1. Transferable Development Rights and Moderately Priced Dwelling Units
2. Off-site Amenities and Features
3. Trip Reduction Measures
4. Street Network
5. Area D Street Network
6. Street Character

- 7. Special Roads
8. Service/Public Uses
9. On-street Parking
10. No single retail store will have a gross floor area that is greater than 50,000 square feet...
11. The retail uses located in Area C will be neighborhood retail.

RE-1/TDR

- Recreation Amenities: 1. Tot-Lots, Multi-Age Playgrounds, 2. Pocket Parks, 3. Streetscaping...
Elementary School Site
Local Park
Future RMX-1/TDR ZONE Not Included in MXPD Zoning Application

Attachment C

Summary tables for areas A, B, C, and D showing employment, residential, and public use metrics.

- 12. Section E is a portion of RMX-1/TDR Zone that is not included in MXPD Zoning Application.
13. The property, including the open space, will be subject to the site plan review.
14. Preliminary Water Quality Plan for Cabin Branch SM File # 207133...

MXPD Yield Summary table showing unit counts for residential, employment, and other uses.

NOTES: Number of bedrooms range from 1 to 3 bedrooms per unit. The average number of bedrooms per unit is 2.15 in the proposed MXPD Zone.

- SF SINGLE FAMILY RESIDENTIAL (PRIMARYLY DETACHED UNITS, INCLUDES ATTACHED UNITS & PUBLIC USES)
TH SMALL SINGLE FAMILY/TOWNHOUSES (PRIMARYLY ATTACHED UNITS, INCLUDES DETACHED UNITS & PUBLIC USES)
MF TOWN HOUSES/MULTI-FAMILY (MIXED-USE, PRIMARYLY MULTI-FAMILY UNITS, INCLUDES RETAIL, OFFICE, ATTACHED UNITS & PUBLIC USES)
MX MIXED USE (INCLUDES RETAIL, EMPLOYMENT, HOTEL, ENTERTAINMENT, RESTAURANT, RESIDENTIAL & PUBLIC USES)
R RETAIL (PRIMARYLY RETAIL USES, INCLUDES HOTEL, ENTERTAINMENT, RESTAURANT, EMPLOYMENT & PUBLIC USES)
E EMPLOYMENT (MIXED USE, PRIMARYLY EMPLOYMENT USES, INCLUDES HOTEL, ENTERTAINMENT, RESTAURANT, RESIDENTIAL, RETAIL & PUBLIC USES)
OS OPEN SPACE
SV STREAM VALLEY
BUILDING/PARKING AREAS
RAW DEDICATION

- DEVELOPMENT PROGRAM
Subject to further refinement during the Preliminary Plan of Subdivision and Site Plan stages, and to proposed road improvements and related staging capacity, the anticipated sequence of construction within the MXPD area will be as follows:
- mass grading of site;
- installation of common elements (water and sewer lines, public utilities, storm drain, stormwater management, sediment control and primary road access, including related sidewalks and pathways);
- fine grading of initial development area (expected to be in Area A, B and C);
- construction of initial employment and retail facilities in Area A & B;
- construction of parks and open space areas in Area B & C;
- construction of initial employment and retail in Area C;
- construction of additional structures, recreational facilities, transportation facilities and open space in all Areas.

GENERAL NOTES
1. The development plan depicts the overall concept for the orderly and staged development of Cabin Branch, a large scale, mixed use community made up of several interdependent neighborhoods.
2. Densities, heights, and the mix of uses are as specified in the appropriate table for areas A, B, C, & D.
3. The total area to be rezoned MXPD is 283.5 Acres including Adventist property 142.8 ac, Faller property 13.0 ac, and Gosnell property 127.7ac.
4. The maximum residential density shall not exceed 44 dwelling units per acre for residential areas shown on the development plan. Where residential development is proposed to be located within a proposed commercial area, the maximum residential density for such areas shall not exceed 75 dwelling units per acre.

Current Residential Yields are as follows:
Area # Units Residential Acres Units Per Acre
A 0 Varies Varies
B 275 - 750 32.8 ac 8.4 - 23.0
C 350 - 875 36.0 ac 9.7 - 24.3
D 2 - 200 12.8 ac 2.16 - 8.2
Subtotal 625 - 1925 88.6 ac 8.8 - 26.1
Total 1128 283.5 ac 4.8

NOTES CONTINUED:
5. Develop a commercial/industrial density in the mixed use planned development zone that should be compatible with any gross floor area or floor area ratio recommended in the master plan.
6. The maximum population proposed is approximately 3,800 people.
7. The amount of green area required for the residential portion of a mixed-use planned development shall be no less than 50 percent of the total area shown for residential use.
8. The maximum total residential, employment, public use, and retail densities noted in the MXPD Yield Summary Chart located above, in no way reflect the sum of each maximum density and/or sq. feet in Areas A, B, C and D.
9. Rights of way for the following Master Plan roads will be dedicated as required at Preliminary Plan of subdivision:
A-27 Maryland Route 121
A-307 West Old Baltimore Road
A-304 First Avenue and Second Avenue
A-302 Newcut Road / Little Seneca Parkway
F-1 I-270 RW # Newcut Road Interchange RW to be placed in reservation 10.
10. Off-street parking shall be provided in accordance with the requirements of article 59-E.
11. On-street parking shall be provided on master plan roads A-304 (First Avenue and Second Avenue) and local roads.
12. Section E is a portion of RMX-1/TDR Zone that is not included in MXPD Zoning Application.
13. The property, including the open space, will be subject to the site plan review.
14. Preliminary Water Quality Plan for Cabin Branch SM File # 207133, was approved by Montgomery County Department of Permitting Services by letter dated June 4, 2003.
15. Designates potential SWM features.
The final location and type of stormwater management facilities will comply with all applicable regulations and will be specified on the Final Water Quality Plan at the time of site plan.

Revisions table with columns for Revisions, Date, and Log No.

LAND USE PLAN OF THE DEVELOPMENT PLAN CABIN BRANCH Clarksville, Maryland

May 2013

Figure 1

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE DEVELOPMENT PLAN (EXHIBIT NUMBER 1326) APPROVED BY THE DISTRICT COUNCIL ON February 4, 2014, BY RESOLUTION NUMBER 17-1007 IN APPLICATION NUMBER DPA 13-02

RODGERS CONSULTING
19847 Century Boulevard
Suite 200
Germantown, Maryland 20874
Ph: 301.948.4700 (Main)
Ph: 301.253.6609 (Frederick)
Ph: 301.948.6256
www.rodgers.com

APPENDIX (Binding Elements)

BINDING ELEMENTS

1. Transferable Development Rights and Moderately Priced Dwelling Units

The property that is the subject of this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPB, is zoned RMX-1/TDR and will require the purchase of Transferable Development Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-MCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multifamily) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPB area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation.

2. Off-site Amenities and Features

By the time of issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan, the Applicants will dedicate the sites shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of Subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.

3. Trip Reduction Measures

At the time of Preliminary Plan of Subdivision, the Applicants, M-MCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

4. Street Network

A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to M-MCPPC and DPWT approvals.

5. Area D Street Network

Area D will be designed with a public or private street connecting First Avenue (Route A-304) and Newcut Road (Route A-302) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.

6. Street Character

All streets will adhere to a pedestrian-friendly design to the extent practicable, which places particular emphasis on a building line to frame the street, with parking in the rear, excluding retail and entertainment uses. Within the core, pedestrian friendly uses including retail, residential, or office will be located on the first floor. The entire MXPB area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to M-NCPPC and DPWT approvals.

7. Special Roads

A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to M-NCPPC and DPWT approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.

8. Service/Public Uses

Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care.

9. On-street Parking

Applicants will include on-street parking on streets adjacent to retail facilities. (Excluding MD Route 121, Wellspring Street and Goldeneye Avenue.)

10. No single retail store will have a gross floor area that is greater than 50,000 square feet, which will be a condition of site plan approval and will be referenced on the Certified Site Plan.

11. The retail uses located in Area C will be neighborhood retail.

Attachment E

Case No.	Opinion	Type of Plan	Uses Approved	Status
G-806	9/9/2003	Local Map Amendment w/ PWQP	Rezoned 283.5 acres to MXP. Development Plan 535 acres to allow 1,886 dwelling units, 2,240,000 sf. of commercial and 500 senior housing units.	Approved
DPA 13-02	2/4/2014	Development Plan Amendment	Modified G-806 to split commercial uses to specifically allow up to 484,000 sq. ft. of retail and 1,936,000 sq. ft. of office.	Approved
Preliminary Plans				
120031100 & 12003110A	6/22/2004	Preliminary Plan w/ PWQP	1,600 dwelling units, 500 senior housing units, 1,538,000 sf. commercial space, transportation improvements, LATR review, road construction phasing on 535 acres of land.	Approved
12003110B	10/6/2008	Preliminary Plan w/ PWQP (based on previous approvals)	1,886 dwelling units (including MPDUs), 2,420,000 sf. commercial space, 500 senior housing units.	Approved
12003110C	12/23/2014	Preliminary Plan Amendment w/ PWQP	Modified APF to increase retail from 120,000 sq. ft. to 484,000 sq. ft., and to decrease office from 2.3 million sq. ft. to 1.96 million sq. ft.	Approved
Associated Mandatory Referrals				
08001-WSSC-1	3/24/2008	Mandatory Referral – Water Storage Tank	750,000 gallon storage tank (24-hour operation), intended to serve approximately 15,000 people in the 760A Zone by year 2020.	Approved
MR2014049	6/2/2014	Mandatory Referral	Preliminary/Final Water Quality Plan and Forest Conservation Plan associated with the construction of MD 121 & I-270.	Approved

Case No.	Opinion	Type of Plan	Uses Approved	Status
SITE PLANS				
820050150	09/19/2007	Infrastructure Site Plan w/ FWQP	Roads only. Density per 12003110B, maximum 635 TDRs, 236 MPDUs, 28.32 acres green space, public water and sewer (W-3), Master Plan Unit Mix, 2,436,000 sf. retail and employment.	Approved
82005015A	6/9/2008	Infrastructure Site Plan Amendment	Modifications to the conditions of approval and roadway cross-section of Old Baltimore Road.	Approved
82005015B	3/7/2012	Infrastructure Site Plan Amendment	Revisions to FCP, SMW and FWQP.	Approved
82005015C	11/27/2012	Infrastructure Site Plan Amendment	Revisions to FCP, SMW and FWQP.	Approved
82005015D	5/2/2013	Infrastructure Site Plan Amendment	Modifications to Grading Plan, additional turn lane and additional pavement removed.	Approved
82005015E	6/2/2014	Infrastructure Site Plan Amendment	Revisions to the FCP (category I easements and mitigation project).	Approved
82005015F	9/23/2014	Infrastructure Site Plan Amendment	Revisions to the FCP including adjustments to the LOD.	Approved
82005015G	7/25/17	Infrastructure Site Plan Amendment	Revisions to the LOD and Category I Conservation easements for a new culvert and mitigation.	Approved
820060290	10/20/2008	Winchester I Site Plan w/ FWQP	428 dwelling units, including multi-family, attached and detached one-family homes, 64 MPDUs, 128 TDRs, 62.55 green space.	Approved

Case No.	Opinion	Type of Plan	Uses Approved	Status
82006029A & 820110080	7/11/2012	Winchester I & II Site Plan Amendment w/ FWQP	400 dwelling units in the MXPB and RMX-1/TDR Zones, 341 dwelling units in the MXPB and RMX-1/TDR Zones	Approved
820120150	4/4/2013	Winchester III Site Plan Amendment w/ FWQP	RMX-1/TDR zone w/ 185 dwelling units (including 10 MPDUs), consisting of 128 one-family detached and 57 one-family attached units using 56 TDRs.	Approved
820060240	9/29/2010	Gosnell Property Site Plan w/ FWQP	Hotel, banks (employment), 87,500 sf (hotel) and 8,600 sf. (retail) auto-related uses w/ parking waiver.	Approved
82006024A		Gosnell Site Plan Amendment	Revise size and location of buildings, Modify mix of retail uses, reconfigure parking and on-site circulation	Under Review
820070140	5/2/2013	Toll Brothers I & Site Plan w/ FWQP	435 dwelling units, including 239 one-family detached, 68 one-family attached and 128 multi-family units.	Approved
82007014A	11/9/2016	Toll Brothers I Amendment	Review for final design of the Dovekie Lawn and Seneca Ellipse Open Spaces, adjust lot lines and MPDU locations.	Approved
82007014B	3/29/2016	Toll Brothers I Amendment	Redesign of the community center including additional bicycle parking, new handicap parking and accessibility, and new architecture	Approved
820100030	5/2/2013	Toll Brothers II Site Plan w/ FWQP	RMX-1/TDR-3 Zone w/ 168 dwelling units (including 128 one-family detached and 40 one-family attached units) with	Approved

Case No.	Opinion	Type of Plan	Uses Approved	Status
			10 MPDUs using 63 TDRs on 46.35 acres.	
820140160	12/23/2014	Premium Outlets Site Plan	MXPDP development containing 450,000 square feet of retail and restaurant uses.	Approved
82014016A	4/25/16	Premium Outlets Admin Amendment	Revised grading, SWM, circulation and other minor changes to landscaping.	Approved
82014016B		Premium Outlets Admin Amendment	Removal of a median in the loop drive, improvements to hardscape and landscape materials, and adjustments to retaining walls.	Under Review
820180060		Multi-Family W/ FWQP	272 Multi-family dwelling units in two buildings including 25% MPDUs	Under Review



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 15-Feb-18
TO: Shannon Flickinger - Flickinger@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: Cabin Branch Multi-Family
820180060

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **15-Feb-18** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

LARGE STAMP



VIA
LANDSCAPE ARCHITECTS • CONSULTANTS
VIA DESIGN, LLC
3300 EASTERN PARKWAY, SUITE 500
ANNAPOLIS, MARYLAND 20704
PHONE: (410) 831-4320
FAX: (410) 831-4321
BIRMINGHAM, MD • FREDERICK, VA

PREPARED FOR:
THE NRP GROUP, LLC
5309 TRANSPORTATION
BLVD.
CLEVELAND, OH 44123
216.584.0033
CAREY, LIVESBERGER

DESIGN CONSULTANTS

ARCHITECT
POLLO GROUP
270A WESTON PARKWAY
SUITE 100
RESTON, VA 20190
703.861.6417
TRAVIS WITTEKAMP

LANDSCAPE ARCHITECT
URBAN
4000 HENNINGTON COURT
CHAFFETON, VA 22018
800.586.4246
ADAM STEINER

ATTORNEY
ERIC EARLY & BREWER,
CHTD.
1000 HUNTERS AVENUE
SUITE 500
REHOBOTH BEACH, MS 39414
BRIAN J. EARLY
ROBERT BREWER

TRAFFIC ENGINEER
WELLS & ASSOCIATES
1000 EASTERN AVENUE
SUITE 200
REHOBOTH BEACH, MS 39414
DREW LAMBIT

PLANNER/CIVIL ENGINEER
VIA DESIGN, LLC
3300 EASTERN PARKWAY
SUITE 500
ANNAPOLIS, MARYLAND 20704
PHONE: (410) 831-4320
BILL LARSEN

REVISIONS	DATE
ENR RESPONSE	1/17/19
REVISED PER COMMENTS	1/29/19

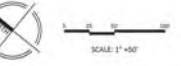
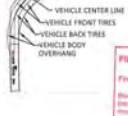


CABIN BRANCH
8TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 231N+ 13 & 14
TAX MAP: EV 562 & PV-122
MNCPPC
#820180060

FIRE ACCESS PLAN

DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: _____

VIA
PROJECT: S0192
DRAWING NO:
SHEET NO. FA-1



FIRE CODE ENFORCEMENT
Fire Department Access Plan
Please Read and use information contained on this plan. Do not alter construction details. Any changes to the construction details must be approved by the Fire Department. If any changes are required, they must be approved by the Fire Department. This plan is the property of the Fire Department. Do not make any copies or alterations without the written permission of the Fire Department.

FA-1
1/29/19
1/29/19

THE LOCATION OF UTILITIES CALL 811 or 1-800-281-5777 OR 1-800-ON TO VIEW AVOID A LINE OR HOLE FROM AN UNIDENTIFIED SOURCE IN ADVANCE OF ANY WORK TO THIS UTILITY.

DPS-ROW CONDITIONS OF APPROVAL

February 2, 2018

820180060 Cabin Branch Multi-Family

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plans files:

“07-SITE-820180060-SP-3.pdf V5” uploaded on/ dated **“1/30/2018”**,

The following needs to be addressed prior to the certification of site plan:

1. Adjust the pedestrian refuge island width for the entrance at centerline station 18+00 to match the existing 8' sidewalk along the site frontage on Cabin Branch Ave.

And, the following needs to be a condition of the certified site plan:

1. At the time ROW permit a roadside tree protection plan should be submitted for review and approval.



Attachment H

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

February 21, 2018

Mr. Benjamin Berbert
Area 3 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Cabin Branch Multi-Family
Site Plan No. 820180060

Dear Mr. Berbert:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval, based on architectural plans dated January 30, 2018. Any substantive changes to these plans that affect the number, bedroom composition, location or design of the MPDUs will need to be reviewed and approved by DHCA.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Chanda Beaufort, VIKa LLC

S:\Files\recurring\Housing\MPDU\Developments\Cabin Branch MF\Cabin Branch MF DHCA Letter_2-21-2018.docx

Division of Housing

Affordable Housing Common Ownership Communities Landlord-Tenant Affairs Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca



Attachment I

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 23, 2018

Ms. Shannon Flickinger
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874

Re: **COMBINED PRELIMINARY AND FINAL
WATER QUALITY PLAN/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for
Cabin Branch Multi-Family
Site Plan #: 820180060
SM File #: 283367
Tract Size/Zone: 10.21 acres
Total Concept Area: 10.21 acres
Lots/Block: Lots 1 and 2
Parcel(s): N/A
Watershed: Clarksburg Special Protection Area
Little Seneca Creek

Dear Ms. Flickinger:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above-mentioned site is **acceptable**. The Preliminary/Final Water Quality Plan proposes to meet required stormwater management goals via the use of micro bioretention structures.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. Micro bioretention drainage areas are to be limited to 20,000 square feet. Also, additional curb cuts may be required for larger overland flows.
3. The existing stormwater management access easement and storm drain easements need to be extinguished. An access location and easement will need to be provided for Pond 13 (currently used as a sediment trap). The location shown on the plans appears to be acceptable however retaining walls should not be shown within any proposed stormwater management easements.
4. As shown it's unclear how the runoff to micro bioretention structure MBF-1B will be conveyed to the structure. This will likely require an adjustment to the proposed contours and/or additional spot elevations.
5. If structures are to be connected there needs to be a solid connecting pipe with a separate perforated underdrain pipe tying into the solid pipe.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Shannon Flickinger
February 23, 2018
Page 2

6. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan and within the micro bioretention areas are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

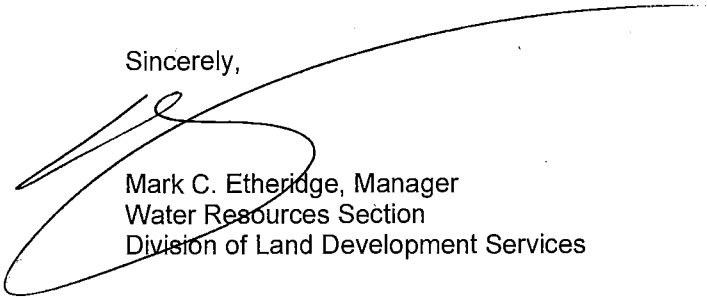
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. A stream monitoring fee for the site area and a BMP monitoring fee for the disturbed area in the SPA is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

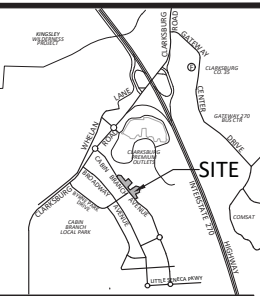
MCE: lmg

cc: N. Braunstein
J St. John
SM File # 283367

ESD: Required/Provided 37,651 cf / 37,666 cf
PE: Target/Achieved: 1.8"/1.8"
STRUCTURAL: 0 cf
WAIVED: 0 ac.

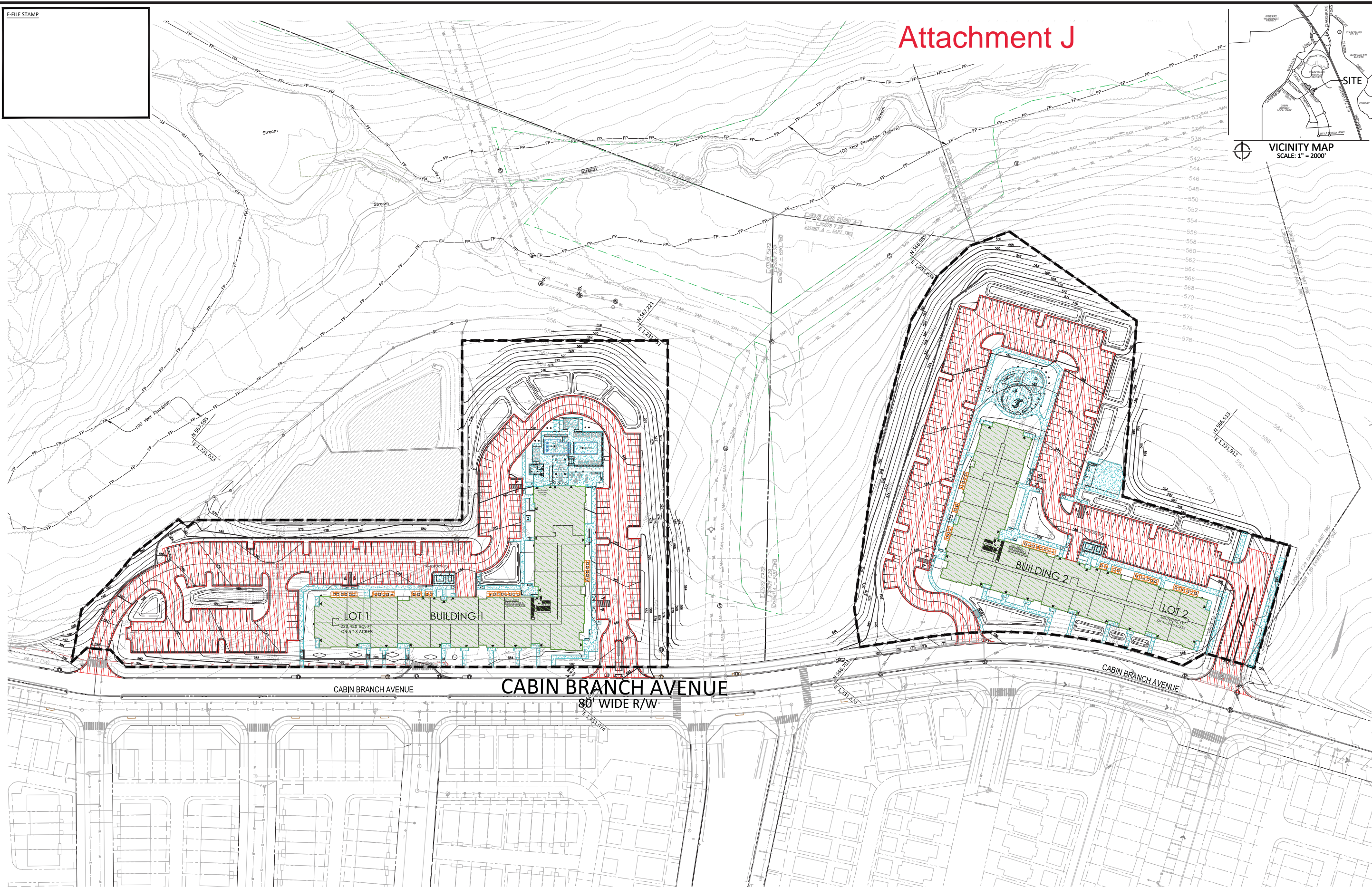
Attachment J

E-FILE STAMP



VKA
ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
VKA MARYLAND, LLC
2025 CENTURY BOULEVARD SUITE 400
GERMANTOWN, MARYLAND 20874
PHONE: (301) 916-4100
FAX: (301) 916-2362
TYSONS, VA.

PREPARED FOR:
THE NRP GROUP, LLC
5309 TRANSPORTATION
BLVD.
CLEVELAND, OH, 44125
216.584.0602
CHERYL STEIGERWALD



DESIGN CONSULTANTS

ARCHITECT
FOLLEO GROUP
1760 RESTON PARKWAY
SUITE 510
RESTON, VA, 20190
703.481.6677
TRAVIS RITENOUR

LANDSCAPE ARCHITECT
URBAN
4200-D TECHNOLOGY COURT
CHANTILLY, VA, 20151
703.562.2306
ADAM STENER

ATTORNEY
LERCH, EARLY, & BREWER,
CHTD.
7600 WISCONSIN AVENUE
SUITE 700
BETHESDA, MD, 20814
301.842.3824
ROBERT HARRIS

TRAFFIC ENGINEER
WELLS & ASSOCIATES
8730 GEORGIA AVENUE
SUITE 200
SILVER SPRING, MD, 20910
301.973.3448
CHRIS KABATT

PLANNER, CIVIL ENGINEER
VKA MARYLAND, LLC
2025 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD, 20874
301.916.4100
BILL LANDFAHR

REVISIONS	DATE
DRG RESPONSE	1/11/18
REVISED PER COMMENTS	1/29/18

PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A duly licensed PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
NAME: CHRYSTOPHER HENDERSON
EXPIRATION DATE: JUNE 28, 2018

CABIN BRANCH
6TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 231NW 13 & 14
TAX MAP: EV 562 & FV-122
MNCPPC
#820180060

IMPERVIOUS AREA EXHIBIT

DEVELOPER'S CERTIFICATE
THE UNDERSIGNED AGREES TO EXERCISE ALL THE FEATURES OF THE SITE PLAN APPROVAL NO. 82018060 INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM, AND CERTIFIED SITE PLAN.
DEVELOPER'S NAME:
COMPANY: CABIN BRANCH APARTMENTS, LLC
CONTACT PERSON: JOE YORG
ADDRESS: 5309 TRANSPORTATION BLVD., CLEVELAND, OH 44125
PHONE: 216.475.8900
SIGNATURE: _____

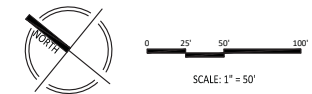
DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: _____
VKA PROJECT: 50192
DRAWING NO. _____
SHEET NO. 1 OF 1

PLAN LEGEND

	IMPERVIOUS AREA (BUILDING)
	IMPERVIOUS AREA (ROAD)
	IMPERVIOUS AREA (SIDEWALK)
	IMPERVIOUS AREA (AC UNITS)
	SITE AREA

LOT 1 (NORTH)
SITE AREA (5.13 AC.) = 223,463 SF
IMPERVIOUS AREA = 127,811 SF
PERVIOUS AREA = 123,648 SF
% IMPERVIOUS = 57%

LOT 2 (SOUTH)
SITE AREA (4.81 AC.) = 209,524 SF
IMPERVIOUS AREA = 123,301 SF
PERVIOUS AREA = 125,336 SF
IMPERVIOUS = 59%



"FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have these facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 516 of the Montgomery County Code.

Cabin Branch Town Architect
c/o KTG Y Group Inc.
8609 Westwood Center Drive, Suite 600
Tysons, VA 22182
T 703-992-6116 F 703-992-6428

Cabin Branch Management, LLC

c/o Mike Conley
Cabin Branch Management, LLC
6905 Rockledge Drive, Suite 800
Bethesda, MD 20817

March 21, 2018

RE: Town Architect Review of *The Cabin Branch Apartments* – Conditional Approval

Good Afternoon Mr. Conley,

We have completed the review of *The Cabin Branch Apartments* for NRP Group at the request of Karl Alt. NRP Group has been very supportive of the review process and helped to ensure this project benefits the greater Cabin Branch Community.

The two apartment buildings, Building #1 & Building #2, as represented in the documents received from NRP Group on March 5, 2018 and supplemental documents received on March 20, 2018 are recommended for approval, subject to the following conditions:

1. Signage & Monument plans will be submitted to the Town Architect for approval once developed.

To the best of our knowledge, the proposed buildings meet the intent of the Cabin Branch Community Guidelines, and we are pleased to recommend that these building be approved pending the above conditions.

If we can be of any further assistance we are happy to help.

Thank you,



Smita Anand
Principal
KTGY Group, Inc.

Date: March 21, 2018

CC John May
Mike Kingsley
Karl Alt



February 27, 2018

Area 3 Division
 Montgomery County Planning Department
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, MD 20910

**Re: Forest Conservation Tree Variance Request
 Cabin Branch Multi-Family
 Clarksburg, Maryland
 Forest Conservation Plan #820180060
 VIKA # VM50192A**

On behalf of our client, The NRP Holdings, LLC, we are submitting this Tree Variance Request to comply with the Department of Natural Resources, Title 5, Section 5-1607(c)(2) of the Maryland Code. This section requires the Applicant to request a variance under Section 5-1611 for impacts or removals of the following trees, shrubs, plants, and specific areas considered priority for retention and protection if a project did not receive Preliminary Forest Conservation Approval before October 1, 2009:

- (i) Trees, shrubs, or plants identified on the list of rare, threatened, and endangered species of the U.S. Fish and Wildlife Service or the Department;
- (ii) Trees that are part of a historic site or associated with a historic structure or designated by the Department or local authority as a national, State, or local Champion Tree; and
- (iii) Trees having a diameter measured at 4.5 feet above the ground of:
 1. 30 inches; or
 2. 75% of the diameter, measured at 4.5 feet above the ground, of the current State Champion Tree of that species as designated by the Department.

This Tree Variance Request is for the construction of 272 units of multi-family residential units within two (2) buildings on Cabin Branch Avenue and accompanies the Forest Conservation plans submitted concurrently with Site Plan #820180060.

The 9.94-acre property is in Clarksburg, Montgomery County, Maryland off Cabin Branch Avenue. It is currently open fields and trees and part of the 540-acre Cabin Branch development. It is generally bounded by Clarksburg Premium Outlets to the north and the east and Cabin Branch Avenue to the south. The proposed project will consist of two (2) 5-story multi-family buildings, associated parking and amenities. A total of one (1) specimen tree with DBH of 30" or greater will be impacted by the proposed development and it will be saved by minimizing fill in the critical root zone area.

Table 1, below, lists the variance specimen tree impacted as identified on the Forest Conservation Plan and provides its respective proposed impact.

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 ♻️ Germantown, Maryland 20874 ♻️ 301.916.4100 Fax 301.916.2262
 Tysons, VA ♻️ Germantown, MD ♻️ Washington, DC

www.vika.com

Table 1

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	VAR. TREE	COND.	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
ON-SITE TREES (TAGGED)									
56	Quercus palustris	Pin Oak	31	x	Good	6,793	2,024	29.80	Save

*Diameter at Breast Height

The Assessment below was performed by Rodgers Consulting at the time of the field work for the NRI as a visual, and at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

1. Tree # 56:

31" Pin Oak (Quercus palustris): Tree 56 is a forest tree located in between lot 1 and lot 2.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 29.80% as the tree lies along the western side of the LOD line of Lot 2, an area impacted by fill grading and construction of a new parking lot and retaining wall.
- **Disposition:** Tree #56 is specified to be saved using by implementing the following:
 - 1.) Increasing the retaining wall height to limit the fill over the CRZ.
 - 2.) Using vertical mulching technique in fill area over the CRZ to help tree survive nearby construction activities.

Justification Narrative for Tree Disturbance

The proposed project will consist of two (2) 5-story multi-family buildings and associated parking and associates. The site is currently open field and trees and part of the 540-acre Cabin Branch development. Additional specimen trees were approved by the original infrastructure forest conservation pan. This forest conservation plan includes any tree that has impacts to the critical root zone.

Under Section 5-1611, variances may be granted

- (a) Where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to an Applicant.
- (b) Variance procedures adopted under this section shall:
 - (1) Be designed in a manner consistent with the spirit and intent of this subtitle; and
 - (2) Assure that the granting of a variance will not adversely affect water quality.

Under State and Montgomery County requirements, four factors are considered when granting a variance; each of these is described in detail below.

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The requested tree variance is necessary to perform grading for the proposed parking lot and retaining wall supporting the new multi-family building. Not granting the requested variance is an unwarranted hardship because the layout is necessary to meet the required parking spaces while maximizing open space and area for bioretention.



2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.

The requested variance is based on plans being developed under the zoning and previous approvals through the County planning process, not conditions or circumstances resulting from actions by the Applicant. There is one (1) variance tree removed by the proposed development for which the Site Plan has been submitted for approval. Strict protection of this variance tree would deprive the Applicant from making any significant changes to the site due to their location and the extent of its critical root zone. The location of the specimen tree is located within the development footprint of the previously approved layout.

There are no conditions relating to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance.

3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.

Based on the limits of disturbance and proposed impervious area, this site requires a target rainfall of 1.80 inches and 38,110 cubic feet of storage, per Chapter 5 of the Environmental Site Design Manual. Through the use of nineteen (19) micro-bioretenion facilities, a total of 1.80 inches of rainfall and 38,198 cubic feet of storage are provided. Therefore, this site provides environmental site design to the maximum extent practicable (ESD to the MEP) and is in compliance with the state's water quality standards.


4. Provide any other information appropriate to support the request.

The subject property is regulated under previously approved rezoning, infrastructure, and entitlement plans, all of which include development on the subject site. The Applicant is pursuing this site plan in conformance with those approvals and is maintaining proper forest conservation areas and installing new trees to mitigate for impacts. In the end, there will be greater tree canopy than the previous condition and the project will continue the redevelopment envisioned by the area Master Plan and previous approvals.

Thank you for your consideration of this Tree Variance Request. We believe that the supporting information provided with this letter justifies the impact to one (1) specimen tree.

If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,
VIKA Maryland, LLC


Chanda S. Beaufort, RLA
Project Manager

CSB/abk



CABIN BRANCH TDR ALLOCATION**Approved Development Plan Methodology****(incorporated into Preliminary Plan and Infrastructure Site Plan)**

<u>Total Units</u>	1886
-less MPDUs	-210
<u>Total Market Units</u>	<u>1676</u>

Base Density

403.1 ac RMX-1/TDR @ 2du/ac	=	806 units
(Original RMX-1/TDR area prior to rezoning)		
15 ac RE-1/TDR @ 1 du/ac	=	<u>15 units</u>
		821 units

<u>Market Density Above Base (1676-821=855)</u>	855 units
Less multifamily adjustment	<u>-220 units</u>
(1 TDR for 2 multifamily units = 439 ÷ 2 = 220)	
<u>Total TDRs</u>	<u>635</u>

TDR Adjustment for Increased Number of MPDUs (236 v. 210) at Infrastructure Site Plan**(Carried through from Preliminary Plan Amendment B)**

(26 additional MPDUs result in 26 fewer units requiring TDRs; no TDRs required for MPDUs)	
<u>Total TDRs</u>	<u>609</u>

TDR Allocation Among Properties**(Assuming 1886 units including 439 multifamily and 1447 single family, with 236 (235.75) MPDUs)****Gosnell, Adventist, Winchester (including Concordia)**

<u>Total Units</u>	1261
-less MPDUs (157.63)	<u>-158</u>
<u>Total Market Units</u>	<u>1103</u>

<u>Base Density</u>	573
---------------------	-----

<u>Market Density Above Base</u>	530
Less multifamily adjustment (306 ÷ 2 = 153)	<u>-153</u>
<u>Total TDRs</u>	<u>377**</u>

Toll Brothers

<u>Total Units</u>	625
-less MPDUs (78.13)	<u>-79</u>
<u>Total Market Units</u>	<u>546</u>

<u>Base Density</u>	248
---------------------	-----

<u>Market Density Above Base</u>	298
-Less multifamily adjustment (133 ÷ 2 = 66)	<u>-66</u>
<u>Total TDRs</u>	<u>232</u>

*NOTE: Due to decimal rounding the total number of MPDUs and TDRs vary from the individual property allocations

CABIN BRANCH WIN 1 SITE PLAN TDR ALLOCATION

<u>Total Units</u>	440
Percent of Maximum dwelling Units (440÷1261=34.89%)	34.89%
Percentage applied to **TDR requirement (34.89% x 377=131.53)	= 132 TDRs required

CABIN BRANCH WIN 2 SITE PLAN TDR ALLOCATION

<u>Total Units</u>	341
Percent of Maximum dwelling Units (341÷1261=27.04%)	27.04%
Percentage applied to **TDR requirement (27.04% x 377=101.94)	= 102 TDRs required

CABIN BRANCH WIN 3 SITE PLAN TDR ALLOCATION

<u>Total Units</u>	185
Percent of Maximum dwelling Units (185÷1261=14.67%)	14.67%
Percentage applied to **TDR requirement (14.67% x 377=55.30)	= 56 TDRs required

CABIN BRANCH TOLL 1 SITE PLAN TDR ALLOCATION

<u>Total Units</u>	436
Percent of Maximum dwelling Units (436÷625=69.7%)	69.7%
Percentage applied to **TDR requirement (69.7% x 232)	= 161 TDRs required

CABIN BRANCH TOLL 2 SITE PLAN TDR ALLOCATION

<u>Total Units</u>	168
Percent of Maximum dwelling Units (168÷625=26.9%)	26.9%
Percentage applied to **TDR requirement (26.9% x 232)	= 63 TDRs required