



Mt. Prospect: Site Plan Amendment No. 82017016A

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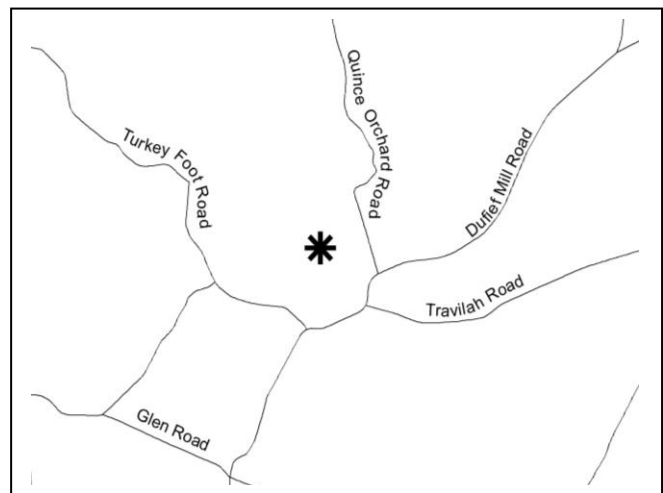
Completed: 12/6/18

Description

Mt. Prospect: Site Plan Amendment No. 82017016A: Amendment to make modifications to site grading, stormwater management, landscaping, forest conservation, utilities, and the limits of disturbance, located broadly in the northwest quadrant of the intersection of Quince Orchard Rd, Dufief Mill Rd, and Travilah Rd.; 170.77 acres, PD-2 Zone, 2002 Potomac Subregion Master Plan.

Recommendation – Approval with conditions

Applicant: Toll Brothers
Application Accepted: 9/14/2018
Review Basis: Chapters 59, 22A



Summary

- Primary purpose of the amendment is to modify site-wide grading and to amend the Site and Forest Conservation Plans, including the Tree Variance request to show changes to the off-site sewer connection required through the Muddy Branch Stream Valley Park.
- Changes to stormwater, and landscaping are minor and are mostly reflective of the modified grades.
- Limits of disturbance and stream valley impacts are modified as a result of the new grading and the updated sewer connection in the park.
- The proposed mitigation and stream restoration work may necessitate additional impacts to Muddy Branch Stream Valley Park. Limits of disturbance are shown on the amended Forest Conservation Plan, with the ultimate design of the mitigation to be field determined with Parks Staff and the inspectors.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Site Plan Amendment No 82017016A: Staff recommends approval of the Consent Site Plan Amendment No. 82017016A for Mt. Prospect with modified conditions. All previous conditions of approval remain in effect except as modified by the conditions below:

3. g) The required ~~3.74~~ ~~3.70~~ acres of forest planting for Phase I must be completed within one year or two growing seasons after issuance of the 90th residential building permit.
- h) The required ~~3.47~~ ~~3.32~~ acres of forest planting for Phase 2 must be completed within one year or two growing seasons after issuance of the 170th residential building permit.

The Site Plan Amendment also implements the following new conditions of approval as shown below:

3. m) Mitigation must be provided on the Property for the removal of three additional trees subject to the variance provision. Mitigation for the removal of these three trees must be provided in the form of planting native canopy trees totaling 29.5 bringing the total amount of mitigation to 282.5 caliper inches. The mitigation must include trees with a minimum planting stock size of three caliper inches. The trees must be planted on the Property, in locations shown on the approved Preliminary/Final Forest Conservation Plan, as amended, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
21. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right-of-Way Section in its letter updated September 10, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location and Vicinity

The subject property consists of four parcels, Parcel P105 on Tax Map ER62, and Parcels P945, P885 and P412 on Tax Map ER53, totaling 170.77 +/- acres of land located in the PD-2 Zone (“Property” or “Subject Property”). The Property is broadly located in the northwest quadrant of the intersections of Quince Orchard Road, Dufief Mill Road and Travilah Road, as outlined in Figure 1 below. Not part of the Subject Property is a collection of eight existing lots located directly on the northwest corner of Quince Orchard and Dufief Mill Roads, known as the Versailles properties. The Subject Property is located directly south and east of the Muddy Branch Stream Valley Park, and immediately east of the Property is the Potomac Horse Center, which is owned by M-NCPPC. Less than 1/3 of a mile away to the southeast is Travilah Elementary School. To the southeast, south and west of the Property are numerous lots improved with one-family detached houses in the RE-2 Zone. East of the Property is high voltage electric distribution lines owned by Exelon, with one-family attached and one-family detached houses developed in the R-200 zone further east.



Figure 1 - Vicinity

Site Analysis

The Property is currently an active family cattle farm, with existing farm houses on three of the four parcels, and a cluster of associated sheds and barns around the central farmhouse on Quince Orchard Road. Around the edges of and connecting the fields are some existing dirt driveways that provide for farm access, and there is a network of existing natural surface trails that extend into the wooded areas that have been built and used by the family. There are two farm ponds including a larger central pond and a smaller pond in the southern portion of the Property. Both ponds are located at the natural headwaters of two creeks that flow directly into the Muddy Branch main stem and have areas of emergent wetlands around them. Most of the Property is cleared farmland, however there are 52.7 acres of both upland and stream valley forest located along the southwestern and northern edges of the Property. The topography is gently rolling in the higher elevations closest to Quince Orchard Road, and quickly drops off to the north and west into the stream valleys associated with the Muddy Branch and the multiple on-site tributaries. There are no FEMA mapped floodplains on the Property however an approved NRI/FSD indicated presence of a floodplain. There are also small areas of highly erodible soils, and areas with slopes greater than 25 percent, mainly near the tributary streams.



Figure 2 - Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Zoning Case No G-884

The Subject Property was the subject of Local Map Amendment (“LMA”) G-884, with the accompanying Development Plan, which was approved by County Council Resolution No. 16-1393 on June 15, 2010. LMA G-884 rezoned 170.77 acres of land from the RE-2 Zone to the PD-2 Zone and established a list of 12 binding elements, and four development districts that were to be followed during subsequent development review.

Preliminary Plan No 120170130 and Site Plan No 820170160

The Subject Property was the subject of a Preliminary Plan Approval, by MCPB No. 18-016 dated March 16, 2018, and a Site Plan approval, by MCPB No. 18-017 dated March 16, 2018. The Preliminary and Site Plans approved the Subject Property for up to 187 lots, including 12.5% MPDUs, 19.56 acres of Muddy Branch stream valley park (SVP) dedication, 10.05 acres of local park dedication, new public road dedications, open spaces, and amenities. The lots include one lot for an existing dwelling, 120 lots for new one-family detached dwellings, and 66 lots for new one-family attached dwellings.



Figure 3 – Rendered Site Plan

Proposed Amendment

The Applicant submitted a Site Plan Amendment, No. 82017016A (Amendment) to make the following modifications:

- Change the grading across the Property resulting in a better balance of cut and fill, and to reduce the total number of and size of retaining walls on the Property.
- Modify the off-site disturbance shown in the Muddy Branch SVP necessary to make the sewer connection
- Updates to the stormwater management facilities and outfalls
- Changes to the limits of disturbance (LOD) relating to the changes in grade, the sewer connection and the stormwater management
- Amendment to the tree variance request due to the sewer connection re-alignment and mitigation required by Parks
- Minor updates to landscaping and site amenities resulting from the changed grade and stormwater locations

None of the proposed changes result in any substantial change to the intent of the original plans, or have a substantiated impact on the necessary findings for approval. However, the extent of some of the changes, such as the site grading and the location and size of the stormwater facilities, is wide reaching across the Subject Property. None of the requested changes with this Amendment result in any adjustment to lot, parcel or right-of-way lines, the amount or quality of public open spaces, or the location of site amenities.

SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 82017016A

The Site Plan Amendment is being reviewed under the old Zoning Ordinance in effect on and prior to October 29, 2014 because it is subject to grandfathering under Section 7.7.1.B.1. Unless explicitly stated below, all previous Planning Board findings from the original Site Plan approval remain in full force and effect.

- 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 Structures

The location of all proposed buildings and most structures is remaining the same, however the location of the fishing pier in the central farm pond is being moved off of the dam face to the side of the pond for better structural soundness, and the modifications in grading have further reduced a couple sections of retaining wall, especially along the northern edge of the Property where trails connect the proposed development to the Muddy Branch Park. These changes do not impact the overall quality of the project and actually results in fewer walls requiring long term maintenance.

Location of Open Spaces, Landscaping and Recreation Facilities

The location of open spaces, landscaping and recreation facilities is safe, adequate and efficient as proposed by the Site Plan Amendment. As stated in the Proposal section of this Staff Report, most of the changes to the open spaces and site amenities are reflective to the changes in grading and stormwater management. The quantity of recreation amenities is remaining the same, and the only change is the location of the fishing pier and seating areas around the central pond. Analysis shows that locating the fishing pier on the existing dam embankment on the north side of the pond was not ideal, and the Applicant is now proposing to construct the pier on the west side of the pond where it can be anchored to more stable ground. To compensate for the relocated pier, one of the two sitting areas around the pond is shifting to the east side of the pond to keep balance in the location of amenities. Both sitting areas are located at the end of viewsheds between the pond and either the reserve lot or the 10-acre local park. These modified locations for the recreation amenities are all still in the same first phase of development and are easily accessible and well integrated to the overall development.

The location and quantity of landscaping is also safe, adequate and efficient. The primary driver of change in the landscaping is the changes in stormwater facility locations. As the design of the stormwater has been refined, it's become necessary to adjust the planting location of the landscaping to match. The adjusted landscaping still meets the same goals of providing visual interest to the development in addition to providing shade to the open spaces, without negatively impacting visibility.

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 Amendment, as conditioned, continues to meet the applicable requirements of Chapter 22A and Chapter 19. The net tract area for forest conservation purposes increased from 173.57 acres to 174.09 acres due to an expanded, off-site limits of disturbance necessary for the sewer outfall construction on Park property and road and utility improvements within the surrounding road rights-of-way. The proposed impacts to the Muddy Branch SVP for the sewer outfall result in an additional 0.02 acres of forest clearing. Proposed revisions to the stormwater management facilities, storm drain outfalls, and Department of Parks required stream restoration result in an additional 0.08 acres of forest clearing on-site within the proposed Park dedication areas, therefore a total of 15.08 acres of forest are now being cleared. The resulting reforestation requirement has increased from 0.25 acres to 0.46 acres, which is provided on-site within the unforested stream valley buffer. The proposed forest impacts are located on existing and proposed M-NCPPC Park property, therefore no changes to forest conservation easements are required. These impacts to the forested park property have been negotiated with M-NCPPC Parks to minimize the ultimate impact of the sewer connection, and to provide space to conduct some stream restoration and stormwater outfall restoration projects on Parks' property.

As a result of the proposed amendments, the Application proposes to protect a total of 15.13 acres of forest (retained and planted) through dedication to the M-NCPPC Department of Parks and 30.21 acres of forest through Category I conservation easements, for a total of 45.34 acres of protected forest on the Property.

Section 22A-12(b)(3) of the 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 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. The Amendment to the Application includes changes to the LOD resulting in impacts to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted an amendment to their original variance request for these changes in impacts (Attachment B). The following table summarizes the proposed revisions to the previously approved Tree Variance request.

Table 1. Revisions to Tree Variance Request

Tree I.D. #	Species	Size (DBH)	Previously Approved Status	Proposed Status/%CRZ Impact	Reason for Impact
17	Black Oak	34"	Save/20% Impact	Save/24% Impact	stormwater mgmt
96	Red Maple	34"	No disturbance	Save/15% Impact	relocated fishing pier
155	Bigtooth Aspen	32"	Save/11% Impact	Save/24% Impact	grading adjustment
390	Tulip Tree	34"	Save/8% Impact	Remove	remove existing gravel
391	Black Gum	36"	No disturbance	Save/28% Impact	remove existing gravel
520	Tulip Tree	36"	Save/26% Impact	Remove	sewer outfall
524	Tulip Tree	38"	Removed	Save/18% Impact	sewer outfall
562	Sycamore	48"	No disturbance	Remove	sewer outfall

Variance Findings – 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 determination based on the required findings in the review of the variance request and the forest conservation plan, and has determined that granting the amendments to the variance request:

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 disturbance to the Protected Trees is due to the reasonable development of the Property. The amended plan proposes to increase impacts to the critical root zones of two trees (#17 and #155) that were previously granted a variance for slightly smaller impacts. The increased impacts are due to required revisions to stormwater management and grading. These two trees will receive adequate tree protection measures to minimize the disturbance during construction. Two trees that were previously undisturbed (#96 and #391) will be impacted by the proposed revisions to the plan. Tree #96 will be impacted due to the relocation of the proposed fishing pier. The fishing pier was initially proposed to be located along the pond embankment, but upon further evaluation, that location was determined to be inappropriate as the embankment should be left free and clear of anything that could potentially compromise its

stability. Tree #391 will be impacted to allow for the removal of existing surface gravel on the site which is no longer necessary when the Property is developed. This area will be restored to a pervious, natural condition. Three trees that were previously proposed to be retained, will now be removed (#390, #520, and #562). Tree #390 was previously granted a variance for impacts to its CRZ; however, this tree has been further evaluated due to its close proximity to the proposed house and its condition rating of "fair", as well as additional impacts related to removal of existing gravel on the Property. The Applicant is seeking a variance to remove this tree in the event that it is determined during construction that it cannot be saved without creating a hazardous condition for the future home owner. Trees #520, #524, and #562 are located within the Muddy Branch Stream Valley Park. The previous design for the sewer outfall connection required removal of Tree #524; however, the location of the sewer has been revised with the input of M-NCPPC Department of Parks' staff and this tree will now be saved, and approximately 18% of its CRZ will be impacted. The result of the sewer realignment requires the removal of Tree #562 in lieu of Tree #524. Tree #520 is also included in the request for removal due to increased impacts related to the WSSC public water and sewer easement. The Applicant proposes to work with Parks' staff during construction to retain this tree; but requests the variance for removal in the event it is not feasible to save. The requested removal of and impacts to Protected Trees are due to required road and utility connections that would be necessary under any similar-sized application for development of the Property, and disturbance within the anticipated developable area of the site. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes 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 need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, including the location of the Protected Trees within the developable area.

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

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and 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. Onsite mitigation for the removal of the Protected Trees and the proposed reforestation within the currently unforested stream buffers, will ultimately replace the functions currently provided by the Protected Trees to be removed. In addition, the Montgomery County Department of Permitting Services (MCDPS) has found the stormwater management concept for the proposed project to be acceptable. The stormwater management concept incorporates Environmental Site Design standards.

Mitigation for Protected Trees

The Amended Forest Conservation Plan includes an update to the mitigation requirements for the tree variance. Additional mitigation has been provided for the removal of Trees #390, #520 and #562 using the same standards as on the previously approved Forest Conservation Plan. The mitigation previously calculated for the removal of Tree #524 has been removed since this tree will now remain. The resulting mitigation requirement for the removal of variance trees is planting a minimum of three inch caliper replacement trees, totaling 282.5 caliper inches.

Stream Buffer Encroachment

The Application is subject to the *Guidelines for Environmental Management of Development in Montgomery County* dated January 2000 (“Environmental Guidelines”), which includes guidance for the protection of streams and their buffers. Section IV-A1 of the Environmental Guidelines allow for some encroachments within the stream buffer under certain circumstances, and when determined by staff that there are no reasonable alternatives and the impacts have been minimized as much as possible. The previously approved plans included impacts to the stream valley buffer. The Amended Application includes some revisions that result in some changes to the stream valley buffer encroachments. Revisions to the stream valley buffer impacts are due to the realignment of the sewer outfall and proposed restoration work within the Muddy Branch Stream Valley Park, required revisions to a storm drain outfall, relocation of the proposed fishing pier, and revised grading within the unforested portion of the stream buffer. Some portions of the stream buffer that were previously proposed to be disturbed will remain undisturbed under the amended plans. The changes in impacts to the stream buffer are illustrated on the attached exhibit (Attachment C). The approved plans included 2.60 acres of stream buffer disturbance and the amended plans include 2.61 acres of disturbance.

SECTION 6: COMMUNITY CORESPONDENCE

The Site Plan Amendment met all of the noticing requirements for amendments as required by the Zoning Ordinance. The Property was posted with signs and the adjacent property owners and near-by associations were sent notice of the Application. As of the publishing of this Staff Report, Staff has not received any correspondence from the community regarding the Site Plan Amendment.

SECTION 7: CONCLUSION

The Site Plan Amendment meet all requirements established in the Zoning Ordinance, and continues to meet all the requirements and findings of Chapters 22a and 59. Staff recommends approval of the Site Plan Amendment, with the conditions as enumerated in the Staff Report.

Attachments

- A – Resolution for 820170160
- B – Variance Request
- C – Stream Valley Buffer Impact Changes
- D – DPS ROW comments



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

MCPB No. 18-017
Site Plan No. 820170160
Mt Prospect
Date of Hearing: March 1, 2018

MAR 16 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on September 14, 2017, Toll Brothers (“Applicant”) filed an application for approval of a site plan for 186 new dwelling units including 121 one-family detached units, 66 one-family attached units, and to retain one existing dwelling, including 24 MPDUs and 17 TDRs on 170.77 acres of PD-2 zoned-land, located in the northwestern quadrant of the intersections of Quince Orchard Road, Dufief Mill Road and Travilah Road (“Subject Property”), in the Rural West Policy Area and 2002 Potomac Subregion Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820170160, Mt Prospect (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 16, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 1, 2018, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

Approved as to
Legal Sufficiency:

Christina Somet 3/5/18

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170160 for 186 new dwelling units including 121 one-family detached units, 66 one-family attached units, and to retain one existing dwelling, including 24 MPDUs and 17 TDRs on the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals & Agreements

1. LMA and Development Plan Conformance

The Applicant must comply with the binding elements of County Council Resolution No. 16-1393 Dated June 15, 2010 for LMA Case No. G-884.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120170130.

Environment

3. Forest Conservation & Tree Save

The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820170160, approved as part of this Site Plan, subject to the following conditions:

- a) Prior to Certified Site Plan, the Applicant must revise the Preliminary & Final Forest Conservation Plan to:
 - i. Revise the notation regarding approval of a forest bank on the Property to indicate there is potential for the creation of a forest bank for 7.02 acres of forest planting. Final approval of the amount and specific areas to be included in the bank will be determined after coordination with the M-NCPPC forest bank manager.
- b) Site inspection by M-NCPPC Staff must occur per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c) The Final Sediment and Erosion Control Plan must be consistent with the limits of disturbance shown on the approved Preliminary & Final Forest Conservation Plan.
- d) The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary & Final Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector or the M-NCPPC Department of Parks Staff, when located on M-NCPPC Department of Parks property.

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

- e) The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or at the discretion of the M-NCPPC forest conservation inspector.
- f) The Applicant must install signs indicating areas of no disturbance/no mow, and boulders or similar physical features around the perimeter of the wetlands at the head of each farm pond as depicted on the approved Landscape Plan.
- g) The required 3.70 acres of forest planting for Phase 1 must be completed within one year or two growing seasons after issuance of the 90th residential building.
- h) The required 3.32 acres of forest planting for Phase 2 must be completed within one year or two growing seasons after issuance of the 170th residential building permit.
- i) The Applicant must bond the tree variance mitigation as part of the Site Plan surety bond, and must complete installation of the tree mitigation in conjunction with completing the open space amenity areas the trees are located within.
- j) Prior to issuance of the first Sediment Control Permit for each of the two Phases shown on the Certified Site Plan, the Applicant must:
 - i. provide a Maintenance and Management Agreement to the M-NCPPC Planning Department for the required planting for that Phase, and the Agreement must be in such a form as to be acceptable to the Department, as the designee/representative of the Planning Board; and
 - ii. provide financial surety to the M-NCPPC Planning Department to guarantee the forest plantings for that Phase, in a form acceptable to the Commission's Office of the General Counsel.
- k) In the event that one or both farm ponds need to be breached, the Applicant must submit a Final Forest Conservation Plan Amendment to restore the existing pond and dam embankment area with a mix of forest and emergent wetland habitat. Final limits of disturbance and type of mitigation will be determined during the Amendment.
- l) In the event that the limits of disturbance or impacts to variance trees changes as part of the Park Construction Permit Process for the sewer connection through the Muddy Branch Stream Valley Park, the Applicant will need to amend the Final Forest Conservation Plan to reflect the necessary changes.

Open Space, Green Area, Facilities and Amenities

4. Green Area

The Applicant must provide a minimum of 78% green area as defined on the approved Green Area Exhibit.

5. Developed Area

The Developed Area of the Subject Property must not exceed 50% of the total tract as shown on the Certified Site Plan, after subtracting the 10-acre local park dedication. Developed area as defined by the binding elements of LMA Case No. G-884 includes land located in building lots and road rights of way.

6. Open Space, Facilities, and Amenities

a) The Applicant must complete the open space amenity areas, to include stabilized final grade, stormwater, and installing lawn furniture and hardscape for each open space and/or amenity area prior to issuing the last building permit within the block the open space amenity area is located in, except for the following major amenity development triggers:

- i. Prior to the issuance of the 45th building permit, the Applicant must complete either the multi-age playground and associated open space on Parcel M, Block A, or the Applicant must complete the amenities around the central farm pond including the sitting areas, path over the dam embankment and the fishing pier identified on the Certified Site Plan as Parcel J Block A.
- ii. Prior to the issuance of the 68th building permit, the Applicant must have completed both the multi-age playground and associated open space identified on the Certified Site Plan as Parcel M Block A, and the amenities around the central farm pond including the sitting areas, path over the dam embankment and the fishing pier identified on the Certified Site Plan as Parcel J, Block A.
- iii. Prior to issuance of the 100th building permit, all open spaces and amenity areas located within phase I of the development shall be completed.
- iv. Prior to issuance of the 138th building permit, the Applicant must have completed either the shared use path located along Street D, the trailhead along Street D, and the natural surface trail connection from the trailhead into the Muddy Branch Stream Valley Park, or the multi-age playground and lawn area and associated open space identified on the Certified Site Plan as Parcel C Block G.
- v. Prior to the 177th building permit, the Applicant shall complete all remaining natural surface trails and natural surface trail connections, including two connections from Street E and one connection from Street J, and the Applicant shall have completed both the shared use path and trailhead located along Street D, and the multi-age playground and lawn area located on Parcel C Block G as identified on the Certified Site Plan.

- vi. Prior to release of the final building permit (number 186), all remaining amenity and open spaces on the Subject Property must be completed and landscaping installed.
 - b) Any other landscaping shown within the open space and amenity areas must be installed no later than the next growing season after completing the space.
7. M-NCPPC Department of Parks
- a) Prior to the construction of the sewer connection through the Muddy Branch Stream Valley Park, the Applicant must receive a Park Construction Permit from MNCPPC Parks separate from the approval of the Site Plan. To minimize impacts to the existing natural resources, Parks will require alternative construction methods and mitigation including replanting, habitat enhancement, and stream stabilization as part of the Permit. Should the final Construction Permit change the limits of disturbance, or change the impacts to any variance trees, an amendment to the Final Forest Conservation Plan will be required.
 - b) The Applicant must install permanent M-NCPPC Department of Parks property line identification poles along the perimeter of the M-NCPPC park dedication areas, in locations determined by the M-NCPPC Department of Parks Staff.
 - c) Consistent with the development trigger in condition 6a, the Applicant must install the natural surface trail connection from the identified trailhead along Street D, into the Muddy Branch Stream Valley Park and connecting to the existing Muddy Branch Stream Valley Park natural surface trail. The ultimate alignment of this trail may be field adjusted in coordination with Staff.
 - d) The Applicant must comply with the following development triggers and conditions for the clearing, construction and dedication of the 10-acre local park, identified as Parcel A, Block H:
 - i. No construction equipment or material staging, stockpiling of dirt, or stripping of existing topsoil outside of that necessary to demolish the existing structures and install the interim improvements shall be permitted on the area designated for the 10-acre local park;
 - ii. Prior to issuance of the 138th building permit, demolition of the existing farm house and all associated sheds and outbuildings on the 10-acre park shall be complete, and plat(s) must be recorded creating the 10-acre park parcel;
 - iii. Prior to the issuance of the 163rd building permit, construction of the 10-acre local park interim improvements must be complete and final concurrent inspections scheduled with MCDPS and MNCPPC Parks to ensure the 10-acre park is free of any trash and unnatural debris, and is in compliance with the elements as shown on the

- Certified Site Plan. Prior to the final concurrent inspection, the Applicant must submit to Staff a certification from a certified professional that all improvements within the 10-Acre local park have been built according to the Certified Site Plan;
- iv. Prior to release of the 180th building permit, the 10-acre local park parcel must be conveyed by deed to MNCPPC Parks. At the time of conveyance, the entire park including the interim improvements shall be completed and in an acceptable condition as determined by MCDPS and MNCPPC Parks Staff.
 - v. The portion of the Certified Site Plan covering the 10-acre local park will remain in full force and effect until final conveyance of the land for the 10-acre local park. After conveyance, the MNCPPC Parks will be free to maintain and modify the 10-acre local park in a manner that may or may not be consistent with the Certified Site Plan without the requirement for a Site Plan Amendment, except for maintenance of the eight-foot wide shared use path, which must remain unless amended.
- e) The Applicant must show on the Certified Site Plan at a minimum the following interim improvements on the 10-acre local park. The Certified Site Plan shall include engineered drawings, and amenity details including minimum design specifications. Review and approval of these improvements will be performed by MNCPPC Staff during Certified Site Plan review. Only the improvements, as shown on the Certified Site Plan, shall be required in the 10-acre local park.
- i. Picnic Area:
 - 1. A minimum of four picnic tables, two of which must be ADA accessible located on a concrete pad with at least 3 feet of clearance around the table. The tables should be located in the northern portion of the 10-acre park, taking advantage of the existing tree canopy near the location of the Farm House that is to be removed;
 - 2. At least 1 ADA accessible grill, to be located adjacent to at least one of the ADA accessible picnic tables, including an ash container for proper ash disposal; and
 - 3. At least one trash receptacle, to be located along the ADA accessible path between the picnic tables and Street B.
 - ii. Dog Park:
 - 1. In the northeastern portion of the 10-acre local park a minimum of 30,000 square feet for a dog park, including a minimum 10,000 square foot small dog enclosure and a minimum 20,000 square foot large dog enclosure. The primary dog enclosure spaces may have a natural (grass) surface;

2. Access to both dog enclosures shall be through one common, ADA accessible access point, including a double-gated entrance feature, with a hard surface (crushed stone or concrete);
3. All enclosure fencing shall be a minimum of five feet high, galvanized welded wire fencing, Design Master panel or equivalent, in a black finish;
4. All fencing must have an 18-inch wide concrete mow strip located under the fence;
5. One, double swing, self-latching maintenance gate shall be provided for each dog enclosure area; and
6. Two benches, one trash receptacle and one doggie bag holder per dog enclosure. Benches shall be located along the western side of the enclosure, and be partially shaded by providing a minimum of four total new canopy trees planted just outside the dog enclosures.

iii. Other general park improvements

1. All ADA accessible features must be connected to the parking located along Street B by way of an ADA compliant hard surface path. The main ADA accessible path shall be a minimum of eight feet wide, and all side paths must be a minimum of five feet wide;
2. Where the ADA accessible path to the picnic area and dog park meets the shared use path along Street B, the Applicant shall install a trailhead amenity area to include a pergola, a minimum of two benches, a bike rack accommodating four bikes, and one drinking fountain that is frost free, ADA compliant and contains both a dog dish and a jug filler; and
3. Provide at least one point of maintenance access from a public road into the 10-acre park, with a minimum 10-foot wide paved driveway.

8. Recreation Facilities

- a) The Applicant must provide at a minimum the following recreation facilities as shown on the Certified Site Plan, which are to be built to the specifications found in the 2017 Recreation Guidelines : one (1) fishing pier, one (1) pedestrian connection or trail system, one (1) bikeway, five (5) open grass area lawns – small, two (2) open grass area lawn – large, one (1) natural area, two (2) multi-age playgrounds for all ages (2-12), two (2) neighborhood greens, six (6) sitting areas and dedicate one (1) local park.

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to mailboxes, trash receptacles, benches, trails, trailheads, sculptures, the fishing pier, recreation facilities, light fixtures, landscaping, retaining walls, and hardscape.

Transportation & Circulation

10. Transportation

All private alleys must be constructed with a roadbed built at a minimum to public tertiary street standards. Alleys 2, 4, 5 and 6 as identified on the Certified Site Plan serve as fire lanes and must be a minimum of 20 feet wide. The remaining alleys (1 and 3) shall be a minimum of 16 feet wide. Before the release of bond or surety, the Applicant must provide MCDPS Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

11. Pedestrian & Bicycle Circulation

a) The Applicant must provide the following bicycle parking facilities:

- i. Parking for a minimum of four bikes at the Muddy Branch Stream Valley Park trailhead along proposed Street D;
- ii. Parking for a minimum of four bikes at trailhead located at the 10-acre local park entrance; and
- iii. Parking for a minimum of two bikes at each of the proposed multi-age playgrounds.

b) Prior to the specified development triggers below, the Applicant must construct the following master planned pedestrian and bicycle facilities. The exact location, design and construction of which must comply with the requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:

- i. Prior to issuance of the 45th building permit, the Applicant must construct a 10-foot wide shared use path along the property frontage with Travilah Road from the proposed traffic circle with Turkey Foot Road and the Property access, to a location off-site approximately 300 feet east of the end of the Property boundary as shown on the Certified Site Plan;
- ii. Prior to issuance of the 138th building permit, the Applicant must construct an eight-foot wide shared use path along the Property Frontage on Quince Orchard Road from the southern Property boundary to the northernmost Property access location; and
- iii. As part of the construction of a new traffic circle at the intersection of Travilah Road, Turkey Foot Road and the Subject Property

entrance, the Applicant must construct a 10-foot wide shared use path completely encircling the traffic circle.

Density and Housing

12. Density

This Site Plan is limited to 187 total dwelling units, including 120 new one-family detached dwellings, 66 new one-family attached dwellings and one existing one-family detached dwelling including 24 MPDUs and 17 TDRs.

13. Transfer of Development Rights (TDRs)

- a) The Applicant must acquire 17 TDRs for the development.
- b) The record plat(s) must reflect serialization and liber/folio reference for all TDRs used by the development.

14. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated January 26, 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 a minimum of 12.5 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

15. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet ARCH-820170160-001 and ARCH-820170160-002 of the submitted architectural drawings in the Certified Site Plan, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units, as shown on the schematic elevations shown on Sheet ARCH-820170160-002 of the submitted architectural drawings in the Certified Site Plan.

- c) The buildings on lots 63 – 66, Block A of the Certified Site Plan must be constructed to a minimum of two stories in height.

16. Landscaping

- a) The Applicant must install the site elements including retaining walls, animal sculptures, trailheads and the fishing pier as shown on the landscape plan sheets of the Certified Site Plan, or an equivalent approved by Staff.
- b) The Applicant must install the plantings shown on the landscape plans of the Certified Site Plan. Any variation in plant species or quantity not already accounted for in the plant substitution list needs MNCPPC approval.
- c) Landscape and hardscape improvements shall be installed in each open space or amenity area prior to that space being deemed complete per the open space, facilities, and amenities development trigger.
- d) Landscape and hardscape not associated with a specifically identified open space or amenity must be installed by the end of the next planting season, after development activities conclude on the adjacent land.

17. Lighting

- a) Before issuance of any building permit, the Applicant must provide certification to Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential development.
- b) All on-site down-lights must have full cut-off fixtures.
- c) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and adjacent residential properties, except for street lighting.

18. 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: plant material including forest conservation variance mitigation trees; on-site lighting; site furniture; mailbox pad sites; trash receptacles, retaining walls; fences; railings; hardscape; paths; bike racks; recreation facilities, play equipment, sculptures, trailheads, amenities planned for the 10-

- acre local park, fishing pier, private alleys, and any other associated improvements.
- 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.
 - e) The bond or surety for any improvements located within the 10-acre local park must not be released until Staff receives a certification from a certified professional that all improvements within the 10-Acre local park have been built according to the Certified Site Plan, and both MCDPS and MNCPPC Department of Parks have completed a final inspection.

19. 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.

20. 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, DHCA approval letter, any other agency approval letters, 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 the MCDOT and MCDPS."
- 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 data table to reflect any differing development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) The Site Plan and Landscape Plan shall be updated to include the necessary changes to implement the requirements of Site Plan condition 7e.
- h) Update all Certified Site Plan drawings to include the increased lot area for lots 19 – 24 and 58 – 61 in Block A, and lots 3 – 11 in Block B.
- i) Update the Developed Area exhibit to reflect a 50% developed area as approved by the Planning Board.

- j) Include in the Certified Site Plan Set a Green Area exhibit that matches the Site Plan drawings and include the following notes:
 - a. Green Area shown on this exhibit is illustrative and subject to refinement as development occurs on the Subject Property.
 - b. The minimum Green Area requirement for the Subject Property is 78%.
 - c. Green Area is defined as area that provides light and air, or scenic, recreational or similar amenities. This space must generally be available for entry and use by the occupants of the buildings or area involved, but may include space so located and treated as to enhance the amenity of the development by providing landscaping features or screening for the benefit of the occupants or those in neighboring areas. Green Area may include but is not limited to public and private lawns, decorative plantings, sidewalks and walkways on private lots, swales and sidewalks within rights-of-way, active and passive recreational areas including children's playgrounds, public plazas, fountains, public open spaces, private patios and swimming pools, wooded areas and watercourses. Green Area does not include parking lots, driveways, roads or any other vehicular surface, primary structures, or accessory structures other than pools.
- k) Ensure all Certified Site Plan drawings, figures and tables that reference the 10, 10.05 or 10.1 -acre local park parcel refer to the area as a minimum 10-acre local park, or as 10.05 acres +/-.
- l) Update the Binding Element No. 13 data table on the Certified Site Plan to reflect a proposed total area for Land Bay A of 14.7 acres, a proposed total area for Land Bay B of 9.5 acres, and a proposed total area for Land Bay D of 131 acres.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820170160, Mt Prospect, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

The Site Plan is subject to the binding elements of a Development Plan, associated with LMA case No. G-884 approved on June 15, 2010 by County Council Resolution No. 16-1393. The Development Plan contained a total of 13 binding elements and the Site Plan conforms with each of them.

2. *The Site Plan meets all of the requirements of the zone in which it is located*

Requirements of the PD-2 Zone

The Site Plan meets all the requirements of the PD-2 Zone which the Subject Property is located within. The PD zone allows flexibility in design, the integration of compatible uses and optimum land planning. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the PD-2 Zone. Included in the table are how the Site Plan meets the requirements for the required unit mix between attached and detached dwellings, Green Area, Setbacks from adjacent development, and the specific requirement that lots 63-66 Block A as shown on the Site Plan meet the zoning standards of the RE-2 zone.

Data Table

Zoning Data Table: PD – 2 with TDR			
<u>Development Standard</u>	<u>Required Z O</u>	<u>Required by G-884</u>	<u>Required by 820170160</u>
Tract Area			
Gross Tract Area	N/A	170.77 AC	170.77 AC
Public ROW Dedication	N/A	TBD @ Site Plan	20.23 AC
MNCPPC SV Park Dedication	N/A	TBD @ Site Plan	48.92 AC
MNCPPC Local Park Dedication	N/A	10 AC min	10.05 AC
Net Developable Area	N/A	TBD @ Site Plan	91.57 AC
59-C-7.13 & 7.14 Uses and Density			
SFD Units	35% min	55% min	65%, 121 units

SFA Units	35% min	35% min/ 45% max	35%, 66 units
Total Density	N/A	187 Units max	187 Units
MPDU Units	12.5% min	12.5% min	12.5%, 24 units
TDR Units	N/A	17 units max 170 units + 17 TDR = 187 total units ²	17 units
59-C-7.16 Green Area			
Green Area	30% min	30% min	78%, 133.2 AC
Developed Area	N/A	50% max	50%, 80.3 AC
Lots, Setbacks, Building Placement (lots 1 – 62, Block A; 1 – 11, Block B, 1 - 24, Block D, 1 – 21 Block E, 1 – 25 Block F, 1 – 22, Block G)			
Minimum Lot Area			
Single Family Detached (SFD)	N/A	TBD @ Site Plan	1,750
Single Family Attached (SFA)	N/A	TBD @ Site Plan	5,500
Lot width at front lot line			
SFD	N/A	TBD @ Site Plan	25 ft min
SFA	N/A	TBD @ Site Plan	14 ft min
Frontage on streets or open space	Required	Required	Provided
Front setbacks from street or open space, Principal Building Only			
SFD	N/A	TBD @ Site Plan	10 ft min
SFA	N/A	TBD @ Site Plan	10 ft min
Side Street Setbacks, Principal Building Only			
SFD	N/A	TBD @ Site Plan	4 ft min
SFA	N/A	TBD @ Site Plan	4 ft min
Side Setbacks, Principal and Accessory Structures			
SFD	N/A	TBD @ Site Plan	4 ft min
SFA	N/A	TBD @ Site Plan	4 ft min

² The Master Plan recommended 170 units maximum, with up to an additional 17 if TDRs are purchased. LMA G-884 was approved assuming 17 TDRs for a total of 187 units.

Rear Setbacks, abutting other lots, Principal and Accessory Structures			
SFD	N/A	TBD @ Site Plan	4 ft min
SFA	N/A	TBD @ Site Plan	4 ft min
Rear Setbacks, alley, Principal and Accessory Structures			
SFD	N/A	TBD @ Site Plan	4 ft min
SFA	N/A	TBD @ Site Plan	4 ft min
Compatibility Section 59-C-7.15	100' for SFA	TBD @ Site Plan	220 ft min
Building Height, All Buildings	N/A	TBD @ Site Plan	40 ft max
Lots, Setbacks, Building Placement RE-2 Zone (lots 63 – 66, Block A) 59-C-1.32			
Minimum Lot Area	87,120 sq. ft.	87,120 sq. ft.	87,120 sq. ft.
Lot Width at Front Building Line	150 ft min	150 ft. min	150 ft. min
Front Yard Setback	50 ft min	50 ft. min	50 ft. min
Side Yard Setback (Principal Building)	17 ft/35 ft total	17 ft/35 ft total	17 ft/35 ft total
Side Yard Setback (Accessory Building)	15 ft min	15 ft. min	15 ft. min
Rear Yard Setback (Principal Building)	35 ft min	35 ft. min	35 ft. min
Rear Yard Setback (Accessory Building)	10 ft min	10 ft. min	10 ft. min
Building Height	50 ft max	50 ft. max	50 ft. max
Lot Coverage	25% max	25% max	25% max
Parking (Entire Site Plan, lots 1 – 187)			
Vehicle Spaces On Lot, All Dwelling Types	2 spaces/unit	2 spaces/unit	374
Street Parking Local Park	N/A	51 spaces min	52 spaces
Street Parking, All Others	N/A	193 spaces max	164 spaces ³
Total Site Parking	N/A	TBD @ Site Plan	590 spaces

³ On-Street parallel parking spaces located on public roads is subject to MCDOT and MCDPS Right-of-Way permitting review and approval at ROW permit.

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

a. Buildings and Structures

The location of buildings and structures is adequate, safe and efficient. The design of the Site Plan establishes distinct hamlets of higher density development and open spaces in the interior of the Property, with larger lots and cul-de-sacs around the edges of the Property. This layout supports compatibility with surrounding development, and locates development away from environmentally sensitive resources. Within the dense hamlets, most of the dwellings face the public streets or open spaces and have rear loaded garages, framing the public realm with the front face of the dwellings and reduces pedestrian/vehicle conflict along the sidewalks. The placement of the dwellings on lots 63 – 66 on Block A are set back farther from the road, consistent with the binding elements from the Development Plan requiring these lots and dwellings comply with the RE-2 zone standards.

b. Open Spaces

The location of the open spaces is safe, adequate and efficient. The Site Plan creates multiple different forms and functions of open spaces including active amenity filled playground, open play and lawn areas, smaller greens and sitting areas, stormwater management areas, passive green areas that will be managed as meadow, and forested areas protected with forest conservation easements. The existing farm pond that is centrally located on the Property will serve as the center of the new community. The pond is surrounded by open spaces activated through landscaping, sitting areas, a fishing pier and artistic sculptures. Radiating out from the central pond are roads that are each lined with linear open spaces on one side, that are a mix of open green lawns and landscaped stormwater management facilities. These linear spaces extend to the outer edges of the developed area and provide continuous open space connections between the Hanson Reserve, the farm pond, and areas of stream valley buffer. This visually and physically connects the central amenity to the more natural open spaces around the periphery, and ensures all future dwellings are located close to open space. The Subject Property is able to take advantage of the existing Muddy Branch Stream Valley Park, and also dedicates the new 10-acre local park, which will serve as a second focal point for the development once fully improved by MNCPPC Department of Parks.

c. Landscaping and Lighting

The location and type of landscaping and lighting is safe, adequate and efficient for the development. The landscaping serves multiple purposes including providing tree canopy coverage within a new residential development and creating visual interest and enjoyment within the proposed open spaces without negatively blocking sight lines or hindering their use. Much of the landscaping including street trees and stormwater management planting is under the purview of County agencies but is still integral in establishing the urban canopy. The open spaces include additional plantings as a means of further enhancing tree cover over many of the pedestrian routes while still leaving some lawn areas in part or full sun. The two multi-age playgrounds also have a special landscape treatment with a mix of shade and ornamental trees, and limited use of shrubs to frame in the play areas without hiding them from public view. The Site Plan takes advantage of existing vegetation in many areas such as saving the trees and shrubs around the farm ponds, the 10-acre local park, and along Quince Orchard Road. Because the Property is currently mostly farmland, many of the unimproved open spaces will be maintained as meadow, which will help maintain some of the agricultural history of the land. The open space area at the southernmost portion of the Property between Travilah Road and proposed Street A, is being enhanced with a meadow seed mix of native perennial wild flowers and sporadic plantings of new trees to maintain the existing pastoral views from Travilah Road today. Additionally, native perennial wildflowers will be planted around the existing farm pond in the center of the development to enhance vegetation and interest around the pond without blocking views to this central amenity.

The Lighting on the Site Plan is primarily street lighting which is under the final review of MCDOT. The Applicant is however placing hip-height bollards along some of the pedestrian pathways within the open spaces and mid-block connections that will enhance nighttime safety on these more heavily used pedestrian routes. These low bollards will have a negligible impact on any new dwellings and will not have any impact on properties not within this Application.

d. Recreation Facilities

The location and quantity of provided recreation facilities is safe, adequate and efficient. The Site Plan is providing for a total of 187 total dwelling units and is subject to the recreation guideline requirements. The provided

recreational amenities will include passive and active facilities. The Applicant also receives limited off-site credit for the existing Muddy Branch Stream Valley Park which the Site Plan provides for two separate connections into. The Site Plan proposes development of the Property in two phases, and the quantity and location of amenities has been designed to allow each phase to stand alone in the supply requirements. Conditions are in place to require certain major amenities be provided as the entire Site Plan develops. The multi-age playgrounds are both centrally located with one in each phase, providing easy access to the denser hamlets near the center of the Property, and the farm pond amenities are centrally located to the entire community and will be established within the first half of the project. Village greens and lawn areas of various sizes will be completed as the block they are located within is finalized. The Staff Report details how the recreation demand and supply is calculated, verifying that the Site Plan supplies an adequate amount of recreational amenities for the number of units approved.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation within the Subject Property is safe, adequate and efficient. The road layout of the Site Plan is a modified grid of streets in the central hamlet areas that radiate out into two cul-de-sacs in the western portion of the Subject Property. This layout allows for adequate traffic distribution and follows the higher developable portion of the terrain. Within the hamlet areas, private alleys provide rear vehicle access to these dwellings which reduces curb cuts to the road, and on the periphery of the development where the lots are larger, the vehicle access is accommodated in the front of the units. Sidewalks are provided on both sides of most of the streets to ensure equal and adequate pedestrian circulation within the Site Plan. The sidewalks are upgraded to shared use paths along sections of streets A and B that are adjacent to the 10-acre local park, and street D between the local park and the main Muddy Branch Stream Valley Park trailhead where pedestrian and bike traffic is anticipated to be higher. Mid-block crossings are provided in some of the hamlets to link parking, open spaces and dwelling units together, and most of the larger amenity areas have sidewalks either encircling or crossing through them, ensuring access to the front of all dwelling units and use of the amenity space.

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

The uses and structures are compatible with other uses, Site Plans, existing, and proposed development on adjacent properties. The mix of attached and detached dwellings on smaller lots in the central hamlets, immediately surrounded by larger lots, helps the development integrate different lot and dwelling sizes in close proximity while achieving the necessary compatibility around the edges. Compatibility was also a major component of Zoning Case G-884 which approved the rezoning from RE-2 to PD-2 and informed many of the binding elements on the associated Development Plan. The four, two-acre lots located near the Property's southern entrance conform to the development standards of the RE-2 zone standards to ensure that the lot size and placement of dwellings is similar to that of the existing RE-2 development located west and south of the Property. The 11 lots in the southeastern portion of the Property on Block B and adjacent to the Versailles development are also on larger lots, and include an open space parcel and landscaping to buffer the new development from the existing dwellings. The placement of the 10-acre local park along Quince Orchard Road helps maintain the low density feel experienced from that road, and it also places the new local park adjacent to the Muddy Branch Stream Valley Park and opposite from the Potomac Horse Center. The remainder of the Property is bordered by MNCPPC-Stream Valley Park property which placed high priority on ensuring the protection of forest resources.

The PD zone, under Zoning Ordinance Section 59-C-7.15 requires that no units other than one-family detached be placed within 100 feet of the Subject Property boundary to ensure compatible development types between new and existing homes. Because the Site Plan design establishes a development pattern with the densest portion of the development kept to the interior of the Property including the attached dwelling units, and only one-family detached dwellings on larger lots located closest to existing and proposed park resources, the Site Plan meets the zoning ordinance requirement. The closest one-family attached dwelling to the Property boundary is approximately 230 feet as shown.

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

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan ("FCP") complies with the requirements of the Forest Conservation Law. The Preliminary FCP, No. 120170130 analyzed at a request by the Applicant to have stream buffer encroachment, under Section IV-A1 of the Environmental Guidelines, including five factors the Board must consider when evaluating the request. The request for stream buffer encroachment has not changed with

the Final FCP and the Planning Board still finds the encroachment with provided mitigation acceptable and conforming with the Environmental Guidelines.

The Final FCP has the same net tract area of 173.57 acres, with 53.19 acres of existing forest, 38.21 acres of forest retention and 14.98 acres of forest clearing. Section 22A-12(f) requires a minimum retention of 34.71 acres which is equal to the conservation threshold which the Final FCP meets. In total, the Final FCP worksheet generates a 0.25 acre reforestation requirement which is being met through upland planting on the Subject Property. The Final FCP also shows 7.02 acres of stream valley reforestation to meet Master Plan requirements, and includes a request by the Applicant to consider forest banking the reforested stream valley areas.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

During review of the Preliminary FCP, the Planning Board considered a Variance for this Application. The Applicant requested the removal of 85 Protected Trees and CRZ impact to 49 Protected Trees as identified in the Staff Report. No change to the limits of disturbance or impacts to Protected Trees is being shown on the Final FCP. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the findings necessary to grant the Variance as part of the Preliminary FCP, and because no changes are made to the Final FCP, the Planning Board re-confirms approval of the Variance, with the mitigation of 263 new caliper inches of native canopy trees.

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

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

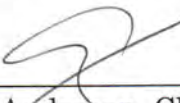
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 16 2018 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, March 8, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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MS. CHRISTINA CONTRERAS
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Frank Bossong
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19847 Century Blvd.
Suite 200
Germantown, MD 20874

Kyle Lyne
Toll Brothers
18423 Blue Moon Ct.
Boyd's, MD 20841

MR. MARK ETHERIDGE, MANAGER
MCDPS-SEDIMENT/STORMWATER
INSPECTION & ENFORCEMENT
255 ROCKVILLE PIKE, 2ND FLOOR
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Tom Mateya
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Patricia Harris
Lerch, Early & Brewer
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Bethesda, Maryland 20814-5367

Gary Unterberg
Rodgers

[By email: guntererg@rodgers.com](mailto:guntererg@rodgers.com)

820170160 & 120170130 – Hanson Farm (Mt Prospect)

November 12, 2018

Mary Jo Kishter
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Mt. Prospect (Hanson Property)
Site Plan- A Amendment
Tree Variance Request and Justification
RCI Project No.: 0696P3

Dear Ms. Kishter:

This specimen tree variance request is being submitted in conjunction with the Mt. Prospect Site Plan A Amendment and amended Preliminary/Final Forest Conservation Plan. Revisions to the approved plan necessitate impacts to the critical root zone of two (2) additional specimen trees, a small increase in the impacts to one (1) previously impacted tree, the retention of one specimen tree previously shown to be removed and the removal of two (2) new specimen trees.

Please accept this letter as a formal written request for a variance from section 22A-12(b)(3) of the Montgomery County Code. The referenced section addresses the requirement to not disturb *any tree with a diameter, measured at 4.5 feet above the ground, of (i) 30 inches or more; or (ii) 75% or more of the diameter measured at 4.5 feet above ground of the current State champion tree of that species.*

I Tree-By-Tree Analysis - Removals

I.I WSSC Sewer Line Outfall

At the direction of the Parks Department of M-NCPPC, the sewer outfall alignment was shifted south to avoid the removal of tree# 524, a Tulip Tree located on steep slopes located uphill (north) of the sewer alignment. As a result, the critical root zone impacts to the tree have been reduced to 18% and the tree will be retained. The alignment shift requires the removal of tree# 562, an American Sycamore. Tree# 562 was previously to be retained and not shown on the previously approved Preliminary and Final Forest Conservation plan. Tree# 562 was discussed in the field with, and in subsequent correspondence with, Parks Department staff and ultimately selected to be removed in order to save the tulip poplar (tree# 524) located uphill of the sewer alignment.

Tree# 520 is a 36" tulip tree. The approved site plan proposed impacts to 26% of the critical root zone to tie into the existing grade for the WSSC public water and sewer easement. Further coordination with the Parks Department subsequent to the approval of the site plan may necessitate the removal of this tree in order to accommodate additional grading and improvements associated with the sewer line stream crossing. It is the applicant's intention to retain the tree if deemed feasible during final engineering and negotiations with the Parks Departments during the Park Permitting process unless it is not possible to provide Parks with the improvements they desire with removing the tree.

II Upland Tree North of Turkey Foot Road

The project contains conditions that require the removal of one (1) additional specimen tree (tree# 390, 34" Tulip Tree) located northeast of Turkey Foot Road and northwest of a proposed single family residential home. This tree occurs along the periphery of a narrow wooded area that extends southwest from a larger contiguous forest and is bordered by a fallow field to the south. The edge of the narrow wooded area that the tree is contained within is directly behind the proposed house and is only 25' away at its closes point. Even though this tree is in fair health, the changing environment caused by the removal of the nearby gravel area and the construction of the proposed house can negatively affect the trees health and become hazardous. The applicant intends to coordinate with a Certified Arborist in the field to determine the feasibility of retaining this tree prior to constructing the house and proposes to mitigate for the removal of the tree even if the arborist determines that the tree can be retained.

III Tree-By-Tree Analysis- Disturbed/Retained

The following presents an analysis for individual disturbed/retained trees.

Tree#17: Tree# 17 is a 34-inch black oak in good health. Adjustments to the LOD in order to adequately engineer the originally proposed bioretention pond has resulted in a slight increase in impacts to the critical root zone of tree# 17. Impacts to the critical root zone result from a stormwater discharge outfall and construction of a bioretention pond. Impacts to the critical root zone have increased from 20% to 24%.

Tree# 96: Tree# 96 is a 34" red maple. Impacts to 15% of the critical root zone are required for the construction of a fishing pier. The approved site plan envisioned constructing a wooden deck and fishing pier on the northern pond embankment. After further consideration, a decision was made to relocate the fishing pier to the southeast corner of the pond to avoid making structural impacts to the existing pond embankment and to shorten the length of trail and associated disturbances to environmentally sensitive areas required to access the fishing pier. The new fishing pier location will impact the critical root zone of one specimen (tree #96) as shown on the Amended Preliminary and Final Forest Conservation Plan.

Tree# 155: Tree# 155 is a 32" big tooth aspen in fair health northeast of a farm pond near the center of the project area. Impacts have been increased from 11% to 24% of the critical root zone due to grading adjustments made to balance the earthwork for the site.

Tree# 391: Tree # 391 is a 36" Blackgum. Temporary impacts to 28% of the critical root zone anticipated for the removal of surface gravel deposited within this portion of the project area. Historically, gravel at the site functioned as an unimproved parking lot to support Boy Scout activities or other forms of passive and active recreational opportunities. These types of activities will no longer occur since Mt. Prospect is a proposed residential development as called for in the Potomac Region Master Plan. The Applicant proposes to remove the gravel and restore the area to a pervious condition.

Tree #524: Tree# 524 is a 38" tulip tree. As mentioned in section 1.1 the sewer outfall alignment was shifted to retain this tree. As a result, critical root zone impacts were reduced to 18% to retain this tree.

IV Requirements for the Granting a Variance Request

(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship:

Efforts to minimize impacts to high priority sensitive natural resources such as streams, ponds, stream valley buffers, wetlands, and steep slopes, were taken into consideration early in the project development phase. After re-evaluating structural impacts to the existing pond embankment that would be required to construct the fishing pier and environmental impacts of constructing the proposed pier and a paved trail along the northwest quadrant of the northern pond, a decision was made to relocate the proposed fishing pier to the southeast corner of the pond. Resultantly, impacts to high priority natural resources have been further avoided and minimized. Resultantly, the proposed pier will result in minimal impacts to the critical root zones of one specimen tree.

Upon the request of MNCPPC Parks Department staff, the sewer alignment was shifted southward to avoid impacting a Tulip Tree (tree# 524) located on steep slopes. The adjusted sewer line will require the removal of an American Sycamore (tree# 562).

Removing the compacted gravel surface from lots bordering Turkey Foot Road and impacts to address engineering constraints associated with providing stormwater management near the entrance of the entrance off Quince Orchard Road adjacent to the local perk to be dedicated to MNCPPC will provide environmental benefits such as ground water recharge, reduced runoff from gravel surfaces and increase beneficial microbial activity in the upper part of the soil profile.

The removal of the tree near Turkey Foot Road and the proposed house is based on the location of the tree in proximity to the existing compacted gravel area. The removal of the compacted gravel area will impact the critical root zone of this tree which may impact the health of the tree potentially creating a hazardous condition.

Denying the applicant, the ability to remove the subject trees would deprive the landowners' ability to implement the Master Plan, provide public sewer, address potential hazardous tree concerns, and deprive residents from taking advantage of a natural resource (pond with fishing pier) and other neighborhood amenities (i.e., recreational/visual aesthetics), which would be an undue hardship.

(2) Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas:

Not allowing the Applicant to construct the pier would deprive the Applicant from incorporating natural resources into the design of the community to be utilized by future residents. Constructing the fishing pier provides the communities with societal benefits such as gathering places and passive outdoor activities that are a common features in similar Montgomery County communities.

The shift in the sewer line alignment was implemented upon the recommendation of MNCPPC Parks Department staff. Hence, failing to grant a variance will preclude the Applicant from implementing the Potomac Region Master Plan vision and create undue hardship on the Applicant.

Other impacts are related to engineering constraints and to address potential hazardous tree concerns, a right commonly enjoyed by others in similar areas.

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

Environmentally sensitive, high priority areas have been incorporated into the development design for protection to the extent feasible. Undisturbed forested areas and stream valley buffers will be dedicated to Maryland National Capital Park and Planning Commission or placed in a perpetual conservation easement and will continue to safeguard water quality standards and maintain societal and natural benefits to streams and wetlands. Furthermore, the proposed development is subject to Chapter 19 of the Montgomery County Code, which has been determined by the Maryland Department of the Environment to be in conformance with the State's water quality standards.

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

Implementation of the proposed development will place previously farmed stream buffers in perpetual conservation easements. Construction of the fishing pier affords residents to take full opportunity of the pond natural resource for active/passive opportunities, including functioning as a social gathering place. Moving the fishing pier to its new location has significantly reduced water resource impacts and eliminated pile driving vibration effects on the pond embankment. Standard best management practices such as root pruning, if applicable, or timber matting will be implemented to protect the critical root zone to the extent feasible. Overall the development of this property will provide a societal benefit.

In addition to meeting the criteria of subsection (a), the granting of this variance:

(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. Efforts to minimize adverse impacts and preserve forested areas were taken into consideration early in the project development design phase to the extent feasible, with inputs from the regulatory community. Failing to grant a variance would deprive the landowners' ability to implement the specific recommendation for this property contained in the Potomac Region Master Plan (approved and adopted 2002), which would be an undue hardship.

(2) Will not be based on conditions or circumstances which result from the actions by the applicant.

This specimen tree variance request is based on the specific recommendations for this property contained within the Potomac Region Master Plan (approved and adopted 2002), the size, type and distribution of trees, engineering constraints, and the requirements of MNCPPC staff. It is not based on circumstances which result from the actions by the applicant.

(3) Will not be based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

The requested variance is based upon the recommendations of the Potomac Region Master Plan (approved and adopted 2002) specific to the property and not on a condition relating to land or building use on a neighboring property. The shift in the sewer line alignment was implemented upon recommendation of the MNCPPC staff.

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

Environmental Site Design (ESD) planned for development of this property will maintain or improve water quality standards. The proposed development is subject to Chapter 19 of the Montgomery County Code, which has been determined by the Maryland Department of the Environment to be in conformance with the State's water quality standards.

Mt. Prospect- Site Plan A Amendment
MNCPPC # 120170130
Rodgers Consulting Project #: 0696P3
November 12, 2018

Please do not hesitate to contact me with any questions or comments concerning this application. I can be reached at (240) 912-2150 or mwessel@rodgers.com.

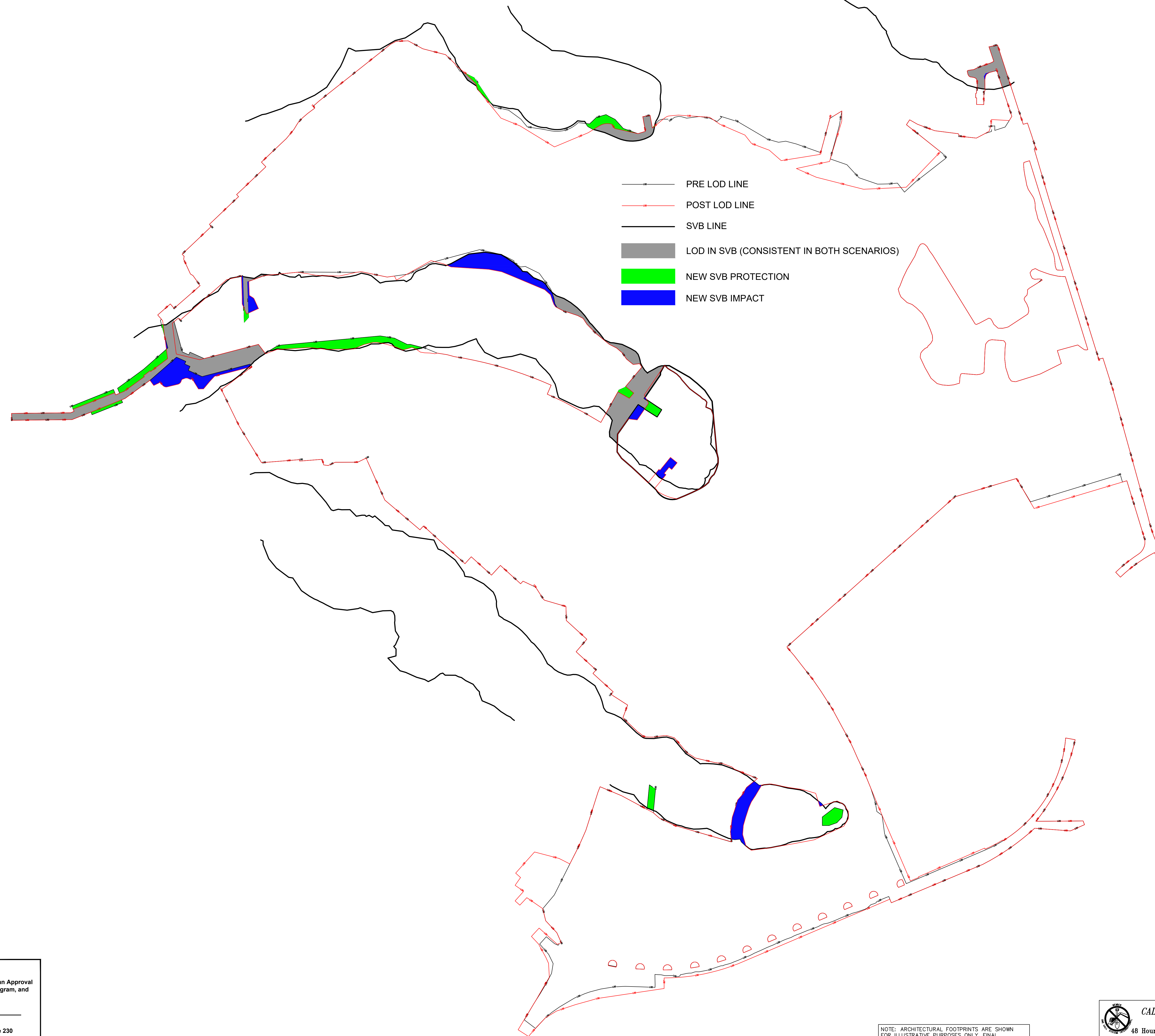
Sincerely,
Rodgers Consulting, Inc.

A handwritten signature in black ink that reads "Matthew J. Wessel". The signature is written in a cursive style with a large, prominent initial "M".

Matthew J. Wessel, PLA, ISA Certified Arborist
Environmental Team Leader

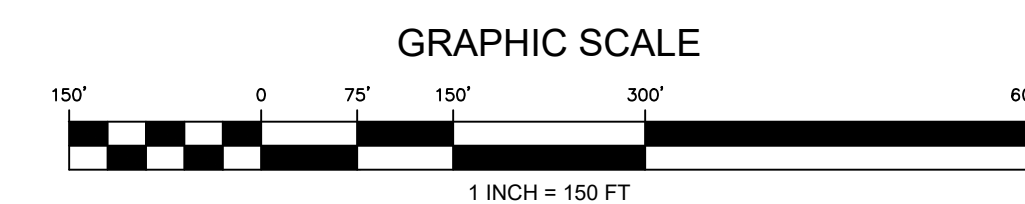
Encl: Preliminary & Final Forest Conservation Plan
N:\MD-Montgomery\Hanson Farm\documents\Technical\Environmental\Tree variance letter\MtProspect-tree-variance 2018-11-12.doc

Attachment C



NOTES:

PRE-LOD IN SVB: 2.60 AC
 POST-LOD IN SVB: 2.61 AC



DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. 82017016A, including Approval Conditions, Development Program, and Certified Site Plan.

Developer: Toll MD XI, LP John Harris
Company Contact Person

Address: C/O Toll Bros., Inc. 7164 Columbia Gateway Drive, Suite 230
Columbia, MD, 21046

Phone: (410) 872-9105

Signature: _____

NOTE: LOT SIZES ARE SUBJECT TO MINOR MODIFICATIONS AT THE TIME OF RECORD PLAT REVIEW, BUT WILL REMAIN GENERALLY CONSISTENT WITH THE SITE PLAN AND SHALL COMPLY WITH THE STATED MINIMUM/MAXIMUM DEVELOPMENT STANDARDS.

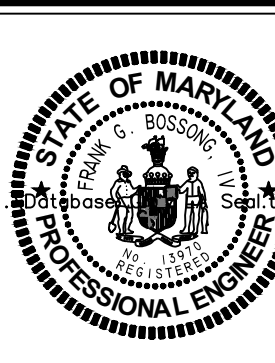
NOTE: ARCHITECTURAL FOOTPRINTS ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FINAL ARCHITECTURE AND BUILDING HEIGHT SHALL BE DETERMINED AT BUILDING PERMIT.

NOTE: UTILITIES SHOWN ARE FOR INFORMATIONAL PURPOSES AND ARE SUBJECT TO CHANGE AT FINAL ENGINEERING.

CALL "MISS UTILITY" AT 1-800-257-7777 48 Hours Before Start Of Construction

PROFESSIONAL CERTIFICATION

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, License No. 13970, Expiration Date: 6/1/20.



The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 35A of the Montgomery County Code.

REVISION	DATE	REVISION	DATE	REVISION	DATE
SITE PLAN 82017016A MCRB No. 18-017	4/19/2018				

APPLICANT:
TOLL MD XI, LP
c/o TOLL BROS., INC.
 7164 COLUMBIA GATEWAY DRIVE, SUITE 230
 COLUMBIA, MD 21046
 PHONE: (410) 872-9105
 CONTACT: MR. TOM MATEYA

MT. PROSPECT (HANSON FARM)
 PARCEL 020, L. 13737 F. 591, PARCEL 945, L. 13900 F. 553, & PARCEL 412, L. 820 F. 346
 ELECTION DISTRICT No. 8 GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND
 WISSC MAPS 218NW12, GRIDS J6 & K6 AND 218NW12, GRIDS J7, J8 & K8
 TAX MAPS ER 562, GRIDS ER52 & ER62 AND ER 563, GRIDS ER53 & ER63

RODGERS CONSULTING
 19847 Century Boulevard, Suite 200, Germantown, Maryland 20874
 Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com

BY	DATE
BASE DATA	
DESIGNED	
DRAWN	
REVIEWED	
RODGERS CONTACT:	
RELEASE FOR	
BY: _____	DATE: _____

LOD SVB AREA COMPARISON

SCALE: 1" = 30'
 JOB No. 0696P
 DATE: SEPT., 2018
 SHEET No. OF

DPS-ROW CONDITIONS OF APPROVAL

September 19, 2017

82017016A Mt Prospect (aka Hanson Farm)

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files that have been uploaded on/ dated “**9/10/2018**”.

The followings need to be addressed prior to the certification of site plan:

1. Revise the landscaping and site plans to address comments that have been provided at the ROW permit.

And, the followings need to be conditions of the certified site plan:

1. Private streets to be built to tertiary roadway structural standards at minimum.
2. All existing easements within ROW area are subject to subordination agreement prior to the recordation of plat.
3. The storm drain system design and layout that has been shown is for reference only and will be reviewed/ approved at the time of ROW permit.