



Item # 2  
MCPB  
10/23/03  
2/19/04

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board



**MEMORANDUM**

**DATE:** ~~October 16, 2003~~ February 13, 2004  
**TO:** Montgomery County Planning Board  
**VIA:** Joe R. Davis, Chief *JRD*  
Michael Ma, Supervisor  
Development Review Division  
**FROM:** Wynn E. Witthans *W*  
Planning Department Staff  
(301) 495-4584  
**REVIEW TYPE:** Final Water Quality Plan and Site Plan Review  
**APPLYING FOR:** Approval of 90,009 square feet on 11.40 acres  
**PROJECT NAME:** Traville Parcels I and J  
**CASE #:** 8-03012  
**REVIEW BASIS:** Div. 59-D-3, Montgomery County Zoning Ordinance for Site Plan  
Section 19-64 for Final Water Quality Plan  
**ZONE:** MXN  
**LOCATION:** Shady Grove Road 1,500 east of Silver Bell Terrace  
**MASTER PLAN:** Potomac and Vicinity  
**APPLICANT:** Willco Construction  
**FILING DATE:** November 1, 2002  
**HEARING DATE:** ~~October 23, 2003~~ February 19, 2004

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**FINAL WATER QUALITY APPROVAL FOR SPECIAL PROTECTION AREA**

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**STAFF RECOMMENDATION:** Approval of Final Water Quality Plan for Site Plan # 8-03012  
With the following conditions:

- 1) Conformance with all requirements of DPS approval letter dated March 4, 2003.
- 2) Compliance with Textual Stipulation #2 on the approved Diagrammatic Plan requiring an impervious limit for the entire Traville site of 33% maximum..
- 3) Approval of a Final Forest Conservation Plan by the time of signature set.
  - a. Final forest conservation plan worksheet shall be amended accordingly to reflect inclusion of only those areas which equal or exceed forest retention area minimum dimensions of 50' in width and 10,000 square feet in size.
  - b. Additional stress reduction measures for preserving trees in serpentine formations shall be examined by an ISA certified arborist due to significant documented dieback after construction.
- 4) If found applicable to this site by MC DPS, applicant agrees to voluntarily comply with the County recommendation for asbestos control performance plan in areas of serpentine formations as they may be found on the property.

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## SITE PLAN

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**STAFF RECOMMENDATION:** Approval of 90,009 square feet on 11.40 acres with the following conditions to be met prior to staff release of signature set:

1. Inter Parcel Connection

- ~~a. Applicant to record an ingress and egress easement to accommodate a driveway and sidewalk connection from the southeast corner of the site to the southern property line to allow for future inter parcel connection between this site plan and the adjacent Rickman site.~~
- a. The Applicant will provide access to the Rickman property via Parcel "K" utilizing a separate agreement.

2. Lighting and Landscaping Plan

- a. Street trees to be located per DPS guidelines of 35 feet on center within the paved section of the streetscape and 40 feet on center elsewhere.
- b. Evergreen hedge to be installed adjacent to Travilah Road.
- c. Shade trees to be located at the perimeters of the parking lot.
- d. Lighting plan for the public street to conform to DPWT guidelines and fixture selections. Applicant to submit detail of light fixtures for on-site parking lots and pedestrian areas to ensure cut-off features and lack of glare.
- e. Bike parking to be provided on site.
- f. The final landscape Plan shall increase the number of native species trees with substantial canopies within the parking lot area.

3. Environmental Planning

- a. Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s).
- b. SWM waiver of open section streets within Special Protection Areas per Preliminary Plan Approval.
- c. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

4. Division of Permitting Services

- a. SWM Memo - Conditions of DPS Stormwater Management Concept approval letter dated March 4, 2003.
- a. Streets and Paving Memo - DPS

5. Signature Set Documentation

A. Submit a Site Plan Enforcement Agreement and Development Review Program for review and approval prior to release of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
  - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion buildings adjacent to those streets.
  - 2) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
  - 3) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
  - 4) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
  - 5) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for M-NCPPC technical staff review prior to approval by Montgomery County Department of Permitting Services (DPS):

- a. Limits of disturbance.
- b. Methods and locations of tree protection.
- c. Forest Conservation areas.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

- e. The development program inspection schedule and Site Plan Opinion.
- f. Conservation easement boundary.
- g. Streets trees 35-40 feet on center along all public streets.

4 No clearing or grading prior to M-NCPPC approval of signature set of plans.

## SITE PLAN REVIEW ISSUES

### I. ISSUE

#### **Provide Access to the adjacent Rickman parcel**

The Preliminary Plan Approval #1-97022 approved on September 11, 1997 showed a road "B" located immediately adjacent to the Rickman Parcel at the edge of the Traville site. Road "B" was relocated during the diagrammatic plan and site plan reviews because later in-depth study showed the water line (a 60" subsurface trunk line traversing the site adjacent to Shady Grove Road) created an insurmountable obstacle to locating the road in its current location. The road was relocated to a more interior portion of Parcels I and J in order to clear the grade.

Subsequent to the Preliminary Plan and the Diagrammatic Plan approval for Traville, the Shady Grove Master Plan was amended. It now recommends that access to the Rickman parcel, south west of the Traville diagrammatic plan area, be allowed via Shady Grove Road. This could be achieved with two routes :one through Parcel "K" and the second through the proposed site plan. See Master Plan discussion ahead.

Parcel "K," is an intervening piece of land between the Rickman parcel and Shady Grove Road. Parcel "K" partially contains the rare threatened and endangered species - the krigia dandelion - but has adequate space to make a connection to the Rickman parcel. Initially Parcel "K" was part of this site plan but was later dropped from the application.

The second opportunity for the Rickman parcel access would be through this site plan. An internal driveway has been designed that would allow for this interparcel connection. DPS and DPWT have favorably reviewed the internal driveway intersection with the connector street within the proposed site plan.

On October 23, 2003, a hearing was held for the original site plan that proposed a connection utilizing either technique. After discussion with the Planning Board, the applicant requested a deferral of the hearing so a negotiation could be held between the two property owners.

### Applicant Position

The Traville parcel is owned by the Percontee (Gudelsky Family) and the contract purchaser is Willco/(Richard Cohen).

~~Richard Cohen has attempted to allow the connection through his site but has withdrawn the connection from his proposal because he has been unable to negotiate a suitable "business" arrangement with the Rickmans (from his point of view). Likewise the Rickmans and Percontee have been unable to create an appropriate arrangement to allow the connection for the Parcel "K" connection.~~

~~Letters from Jonathon Genn of the Percontee organization dated October 16, 2003 and one from the Rickman's attorney Joe Lynot dated are attached. The letters reflect the positions regarding desire to connect and the inability of the parties to reach an agreement.~~

Ultimately they reached agreement on access through Parcel "K", they updated the impervious are chart for the Traville subdivision and submitted to staff a copy of their agreement indicating the condition requiring the connection would be met. Their letters of agreement are attached.

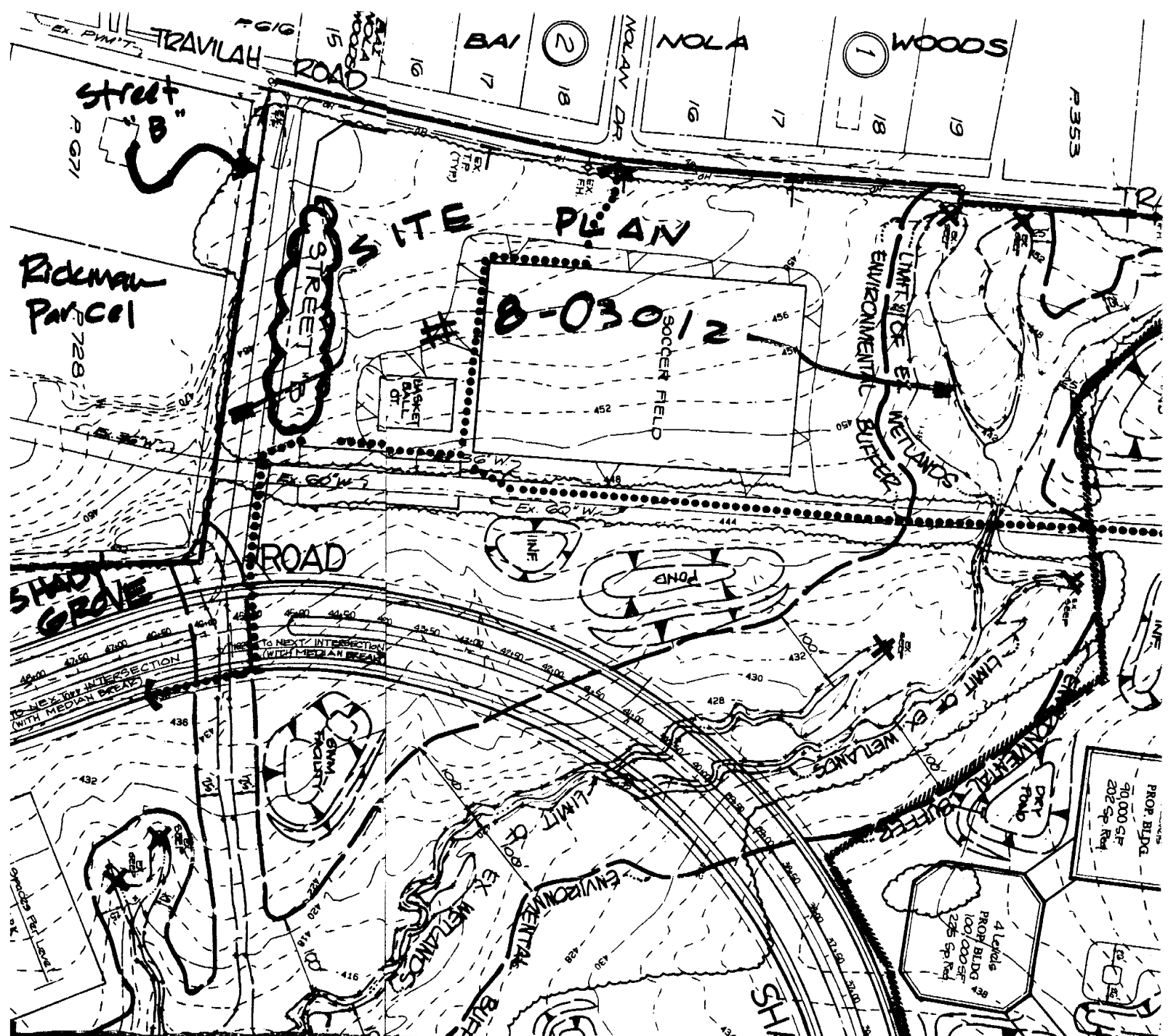
### Staff Recommendation

Staff has set up a series of meetings in an attempt to foster a resolution of the issue. ~~They were not successful.~~ Staff maintains that the Preliminary Plan shows an alignment that allows for the connection that can be accomplished with this site plan and the internal drive. The connection is not exactly as shown in the Preliminary Plan (due to physical constraints) but it accomplishes the same goal.

The secondary point of access would more evenly distribute the trips on the site between Travilah Road and Shady Grove Road. Inter-parcel connection in this area is a concept used in many of the residential site plans in this area with great success given the lack of intersecting roads to Travilah and Shady Grove Roads. The Master Plan recommendation that the Rickman parcel orient to Shady Grove Road is incumbent on having access to that same street. Additionally it is more desirable to have the Rickman parcel presence on Shady Grove Road, a predominately business street (to the north) rather than Travilah Road, a predominately residential street.

~~Staff recommends that the internal drive within the Parcel I and J be extended to the property line to allow future access to the Rickman parcel.~~

Staff will be pleased to recommend the site plan for approval during the Planning Board's February 19, 2004 hearing.



Rickman Parcel

SITE PLAN

# B-03012

SOCCER FIELD

ROAD

SHAD GROVE

POND

GYM FACILITY

LIMIT OF EX. WELANDS  
ENVIRONMENTAL BUFFER

LIMIT OF EX. WELANDS  
ENVIRONMENTAL BUFFER

PROP. BLDG.  
90,000 SF  
202 Sp. Red.

4 Levels  
PROP. BLDG.  
100,000 SF  
225 Sp. Red.

From:  
Preliminary Plan 1-97022

Street "B" as shown  
in preliminary Plan





**ISSUE:**

**Final Water Quality Plan Approval**

The Planning Board must approve a final water quality Plan (FWQP) associated with the approval of this site plan per the Special Protection Area legislation contained in Chapter 19.65 fo the County Code. This approval should be a separate action and precede the Board's actions on the site plan. This approval conforms to the basic tenants of an earlier Planning Board approval of the preliminary water quality plan for the overall Traville property granted in February 1996.

Recommendation:

Staff recommends approval of the final water quality plan with the following conditions:

- 1) Conformance with all requirements of DPS approval letter dated March4, 2003.
- 2) Compliance with Textual Stipulation #2 on the approved Diagrammatic Plan requiring an impervious limit for the entire Traville site of 33% maximum..
- 3) Approval of a Final Forest Conservation Plan by the time of signature set.
  - a. Final forest conservation plan worksheet shall be amended accordingly to reflect inclusion of only those areas which equal or exceed forest retention area minimum dimensions of 50' in width and 10,000 square feet in size.
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- 4) If found applicable to this site by MC DPS, applicant agrees to voluntarily comply with the County recommendation for asbestos control performance plan in areas of serpentine formations as they may be found on the property.

**Impervious Cap Issues:**

With approval of this plan the overall impervious cap for the site is 32.71% pr 62.75 acres of the 191.84 acre Traville site. The area covered by this site plan contributes 4.9 acres of imperviousness to this total.

## ISSUE

### **Citizen Comments:**

Since the first hearing, staff was heard by the Planning Board, staff has received comments from the Willows neighborhood association member, Mr. Tom De Graba. They have raised concerns about: the size and type of shade trees planted; the type of light fixtures and light distribution patterns; architectural elevations; and the impervious calculations for the Traville subdivision (that includes this subdivision). We have also received a letter from the Stonebridge Homeowners Association protesting the traffic generated by the proposed site.

### **Applicant Response:**

The Applicant has given Mr. DeGraba and staff information on all of the above issues.

### **Staff Response:**

Staff has amended the conditions of approval to include more native trees within the parking areas and to request updated lighting information. The updated impervious chart has been added to the staff report. Staff has no comment on the architecture. Given the location of the building (ie not immediately adjacent to housing), the extent of the buffer planting surrounding it, the nature of the building design is not typically reviewed for compatibility. Staff has received no follow up comments from Mr. DeGraba. The traffic issues were addressed with the Preliminary Plan approval.

**PROJECT DESCRIPTION:** Site Description

The site is wooded and drops 20 – 30 feet in elevation from Travilah Road down to Shady Grove Road. The site is bisected from north to south by a 60" water line that parallels Shady Grove Road.

The site is between Travilah and Shady Grove Road. On the opposite side of Travilah Road is a residential subdivision with the fenced backyards of single family detached homes facing the project. North of the site is a wooded environmental area beyond which is the Human Genome Sciences site plan, under construction. East of the site on the other side of Shady Grove Road is stormwater management facility associated with the Trville development. South east of the site is the site for the Avalon Bay apartments, a previously approved site plan. The parcel to the south of the site is owned by the Rickmans and is slated for R&D development via Master Plan recommendation. Currently it houses commercial/industrial type uses.