


**MEMORANDUM**

DATE: July 7, 2006

TO: Montgomery County Planning Board

FROM: Catherine Conlon, Supervisor 
Development Review Division
(301) 495-4542

SUBJECT: Summary of Record Plats for the Planning Board Agenda for July 20,
2006

The following ten record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plat drawings for each record plat.

220061290 Fairland View, 1 of 2
220061300 Fairland View, 2 of 2
220061400 North Glen Hills
220061530 River Quarry, 1 of 2
220061540 River Quarry, 2 of 2
220061660 Glover Preserve, 1 of 2
220061670 Glover Preserve, 2 of 2
220061790 Boyd's Highland
220062080 White Ground, 1 of 2
220062090 White Ground, 2 of 2

PLAT NO. 220061290

Plat 1 of 2

Fairland View, Lots 15-29, Parcel B, Block A

Located in the southeast quadrant of the intersection of Fairland Road and US 29

25 townhouse lots

R-60 zone

Community Water, Community Sewer

Master Plan Area: Fairland

Applicant: Hailey Development LC

PLAT NO. 220061300

Plat 2 of 2

Fairland View, Lots 1-14, Parcel A, Block A

Located in southeast quadrant of the intersection of Fairland Road and US 29

14 townhouse lots

R-60 zone

Community Water, Community Sewer

Master Plan Area: Fairland

Applicant: Hailey Development LC

These two plats were the subject of Preliminary Plan 120050010 (formerly 1-05001), Fairland View, approved by the Planning Board on 01/20/05 and Site Plan 82005007A (formerly 8-05007A), approved by the Planning Board on 01/10/06, for 39 residential townhouses.

MNCPPC staff and other applicable agencies have reviewed the record plat as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120050010 and Site Plan 82005007A, as approved by the Planning Board; and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan and site plan.

RECORD PLAT REVIEW SHEET

Plan Name: Fairland View Plan Number: 170050010
 Plat Name: Fairland view Plat Number: 220061290
 Plat Submission Date: 12/19/05
 DRD Plat Reviewer: P Weiss
 DRD Prelim Plan Reviewer: Richard Weaver

Initial DRD Review:

Signed Preliminary Plan - Date 4/15/05 Checked: Initial RW Date 6/23/06
 Planning Board Opinion - Date 10/28/04 Checked: Initial PW Date 12/16/05
 Site Plan Req'd for Development? Yes No Verified By: PW (initial)
 Site Plan Name: Fairland View Site Plan Number: 82005007A
 Planning Board Opinion - Date 1/10/06 Checked: Initial PW Date 6/22/06
 Site Plan Signature Set - Date 6/05/06 Checked: Initial PW Date 6/05/06
 Site Plan Reviewer Plat Approval: Checked: Initial MM Date 6-23-06

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths Easements Open Space
 Non-standard BRLs Adjoining Land Vicinity Map Septic/Wells NA
 TDR note NA Child Lot note NP Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C Bunnay</u>	<u>12/27</u>	<u>1/13/06</u>	<u>1/11/06</u>	<u>Made revisions CB 6/22/06</u>
Research	<u>Bobby Fleury</u>			<u>12/28/06</u>	
SHA	<u>Doug Mills</u>				
PEPCO	<u>Jose Washington</u>				
Parks	<u>Doug Powell</u>				
DRD	<u>Steve Smith</u>			<u>1-10-06</u>	

Transp CB

OK - CB 6/22/06

Final DRD Review:

DRD Review Complete:	Initial <u>PW</u>	Date <u>6/22/06</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>PW</u>	<u>6/23/06</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>PW</u>	<u>6/28/06</u>
Board Approval of Plat:		
Plat Agenda:	<u>PW</u>	<u>7/20/06</u>
Planning Board Approval:	_____	_____
Chairman's Signature:	_____	_____
DPS Approval of Plat:		
Engineer Pick-up for DPS Signature:	_____	_____
Final Mylar for Reproduction Rec'd:	_____	_____
Plat Reproduction:		
Addressing:	_____	_____
File Card Update:	_____	_____
Final Zoning Book Check:	_____	_____
Update Address Books with Plat #:	_____	No. _____
Update Green Books for Resubdivision:	_____	_____
Notify Engineer to Seal Plats:	_____	_____
Engineer Seal Complete:	_____	_____
Complete Reproduction:	_____	_____
Sent to Courthouse for Recordation:	_____	_____

RECORD PLAT REVIEW SHEET

Plan Name: Fairland View Plan Number: 20050010
 Plat Name: Fairland View Plat Number: 220661300
 Plat Submission Date: 12/19/05
 DRD Plat Reviewer: PWESS
 DRD Prelim Plan Reviewer: Richard Weavers

Initial DRD Review:

Signed Preliminary Plan - Date 4/15/05 Checked: Initial PW/PW Date 6/22/06
 Planning Board Opinion - Date 10/28/04 Checked: Initial PW/PW Date 12/16/05
 Site Plan Req'd for Development? Yes No Verified By: PW (initial)
 Site Plan Name: Fairland View Site Plan Number: 82005007A
 Planning Board Opinion - Date 1/10/06 Checked: Initial PW Date 6/22/06
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 Site Plan Reviewer Plat Approval: Checked: Initial MM Date 6-23-06

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 TDR note NA Child Lot note NA Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Bunn</u>	<u>12/27</u>	<u>1/13/06</u>	<u>1/11/06</u>	<u>Needs revision CB 6/22/06</u>
Research	<u>Bobby Fleury</u>			<u>12/28/06</u>	
SHA	<u>Doug Mills</u>				
PEPCO	<u>Jose Washington</u>				
Parks	<u>Doug Powell</u>				
DRD	<u>Steve Smith</u>			<u>1-10-06</u>	

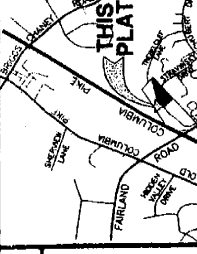
Trump Engen

all - CE 6/22/06

Final DRD Review:

DRD Review Complete:	<u>PW</u>	<u>6/22/06</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>PW</u>	<u>6/23/06</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>PW</u>	<u>6/28/06</u>
Board Approval of Plat:		
Plat Agenda:	<u>PW</u>	<u>7/20/06</u>
Planning Board Approval:	_____	_____
Chairman's Signature:	_____	_____
DPS Approval of Plat:		
Engineer Pick-up for DPS Signature:	_____	_____
Final Mylar for Reproduction Rec'd:	_____	_____
Plat Reproduction:		
Addressing:	_____	_____
File Card Update:	_____	_____
Final Zoning Book Check:	_____	_____
Update Address Books with Plat #:	_____	_____
Update Green Books for Resubdivision:	_____	_____
Notify Engineer to Seal Plats:	_____	_____
Engineer Seal Complete:	_____	_____
Complete Reproduction:	_____	_____
Sent to Courthouse for Recordation:	_____	_____

No. _____



VICINITY MAP 1"=2000'

PLAT TOTALS	
NUMBER OF LOTS/PARCELS	14 / 1
AREA OF LOTS & PARCELS	2.50969 AC.
AREA OF STREET DEDICATION	0.28801 AC.
TOTAL AREA THIS PLAT	2.79770 AC.

CURVE DATA							
NO	RADIUS	ARC	DELTA	TANGENT	CHORD	BEARING	CHORD
1	38.00'	30.55'	45° 03' 44"	16.15'	N 76° 29' 04" W	28.73'	
2	66.00'	284.91'	272° 07' 28"	57.82'	N 36° 32' 48" E	85.26'	
3	38.00'	30.55'	46° 03' 44"	16.15'	S 30° 28' 20" E	28.73'	

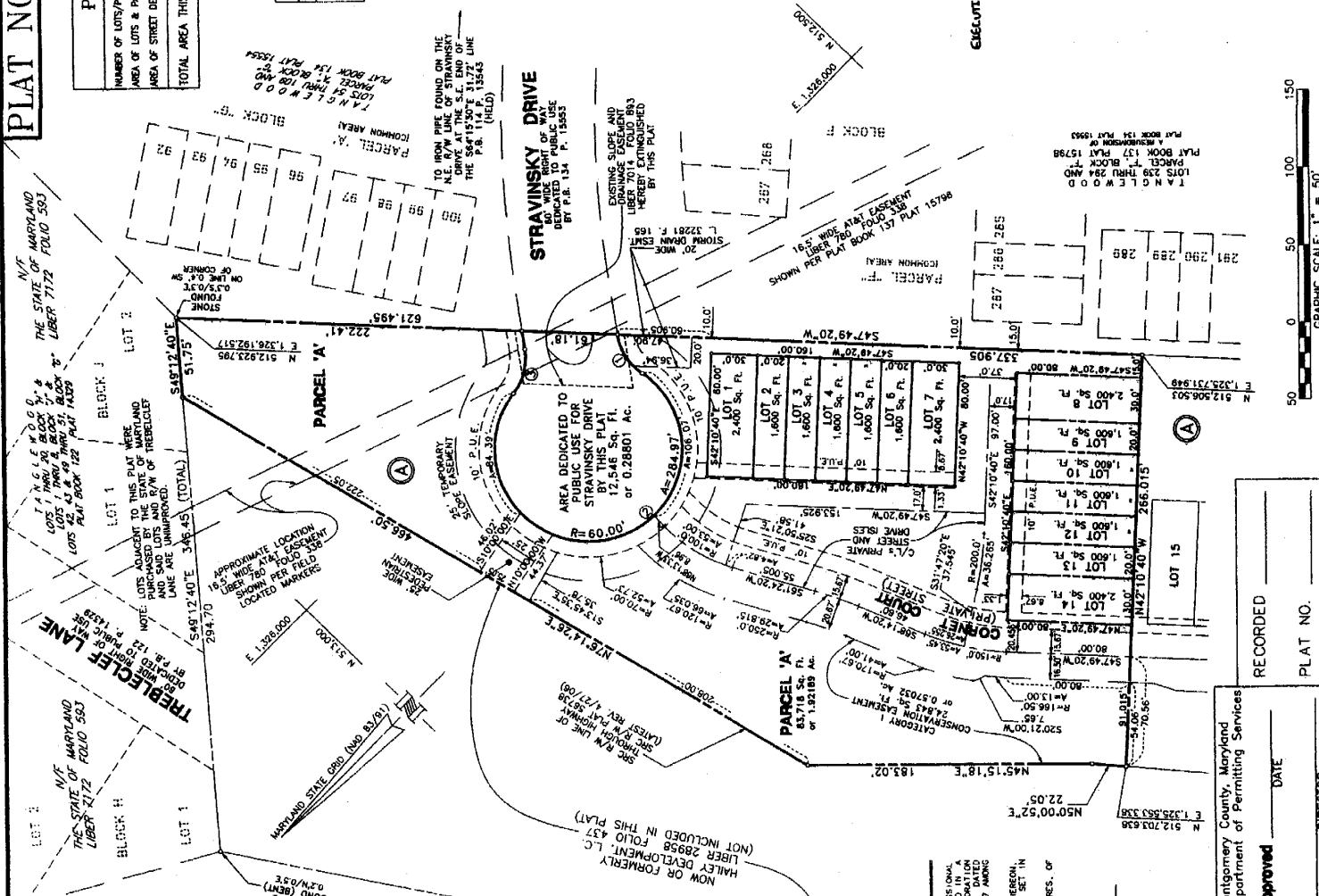
OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY DESCRIBED HEREON, HEREBY CONFIRM AND REAFFIRM THE VALIDITY OF THE SUBDIVISION AND THE CONVEYANCE THEREOF TO THE MONTGOMERY COUNTY PLANNING BOARD AND TO THE MONTGOMERY COUNTY PLANNING COMMISSION. WE HEREBY WARRANT THAT THE PROPERTY IS FREE OF ALL ENCUMBRANCES, UNLESS OTHERWISE SPECIFIED, AND THAT THE PROPERTY IS SUBJECT TO THE TERMS AND CONDITIONS OF THE SUBDIVISION AND CONVEYANCE. WE HEREBY WARRANT THAT THE PROPERTY IS SUBJECT TO THE TERMS AND CONDITIONS OF THE SUBDIVISION AND CONVEYANCE. WE HEREBY WARRANT THAT THE PROPERTY IS SUBJECT TO THE TERMS AND CONDITIONS OF THE SUBDIVISION AND CONVEYANCE.

BY: *[Signature]* OWNER
 BY: *[Signature]* WITNESS
 DATE: 6-28-06

SUBDIVISION RECORD PLAT
LOTS 1 THRU 14 AND
PARCEL 'A' - BLOCK A
FAIRLAND VIEW
 COLESVILLE ELECTION DISTRICT NO. 5
 MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=50'
 GRAPHIC SCALE: 1"=50'



NOTES:
 PROPERTY IS ZONED R-40.
 THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX MAP W-541-010-010, AS PARCELS P-200 AND P-201.
 THIS PLAT IS IN ACCORDANCE WITH THE APPROVED PRELIMINARY PLAT P-2000, ENTITLED "FAIRLAND VIEW".

OWNER'S CERTIFICATE
 WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY DESCRIBED HEREON, HEREBY CONFIRM AND REAFFIRM THE VALIDITY OF THE SUBDIVISION AND THE CONVEYANCE THEREOF TO THE MONTGOMERY COUNTY PLANNING BOARD AND TO THE MONTGOMERY COUNTY PLANNING COMMISSION. WE HEREBY WARRANT THAT THE PROPERTY IS FREE OF ALL ENCUMBRANCES, UNLESS OTHERWISE SPECIFIED, AND THAT THE PROPERTY IS SUBJECT TO THE TERMS AND CONDITIONS OF THE SUBDIVISION AND CONVEYANCE.

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS TRUE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. THAT IT IS A SUBDIVISION OF PART OF THE LAND DESCRIBED IN A CONVEYANCE FROM PARCEL RECORDED IN LIBER 2895 FOLIO 437, A MARYLAND RELIGIOUS CORPORATION, TO THE MONTGOMERY COUNTY PLANNING BOARD, ON JANUARY 3, 2005, IN LIBER 2895 FOLIO 437, AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

BY: *[Signature]* SURVEYOR
 DATE: 06-28-06

APPROVED
 MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PERMITTING SERVICES
 MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD

RECORDED
 PLAT NO.
 DIRECTOR
 DATE

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-5760
301-495-4300, www.mncppc.org

Date Mailed:

JAN 20 2005

Action: Approved Staff

Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Wellington,
with a vote of 5-0.

Commissioners Berlage, Perdue,
Bryant, Robinson and Wellington voting
in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05001

NAME OF PLAN: Fairland View

The date of this written opinion is JAN 20 2005 (which is the date that this opinion is mailed to all parties of record).—Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, as provided in the Maryland Rules of Court.

On July 1, 2004, Winchester Homes submitted an application for the approval of a preliminary plan of subdivision of property in the R-60 zone. The application proposed to create 73 lots on 12.08 acres of land. The application was designated Preliminary Plan 1-05001. On October 28, 2004 Preliminary Plan 1-05001 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.¹

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application;

¹ Commissioner Wellington disclosed, at the beginning of the hearing, that her husband works for the law firm of Steptoe and Johnson, which represents the Sierra Club, on a *pro bono* basis, on matters related to the Intercounty Connector (ICC). Her husband is not personally involved in the representation. Ms. Wellington also noted for the record that, given her longstanding views on the ICC, that she can render objective and independent judgment in the public interest on matters involving the ICC.

all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action following the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

I. Background

On Thursday, May 20, 2004, the Planning Board considered pre-preliminary plan application No. 7-04059 for the same subject property (Fairland View). This plan was presented to the Planning Board as a non-binding pre-preliminary plan. The Board considered testimony from the staff, applicant and citizens. Staff sought direction from the Board regarding the applicant's request that the project be developed as 100 townhomes, pursuant to section 59-C-1.621 of the Zoning Ordinance. This finding is based on the application proving that it provides an environmental and compatibility benefit over what could be achieved with 60% townhomes and 40% single family detached.

Environmental Planning supported the plan as shown indicating that it provided a tighter clustering of lots away from the existing road network and the proposed Inter County Connector (ICC) right-of-way. The plan provided for a 50 ft. wide strip along the northern boundary of the site that can be used to accommodate a berm and dense landscaping to buffer the effects of the ICC. Staff believed that these benefits could not be achieved with a mix including single family detached homes. Staff also supported the use of 100% townhomes to provide compatibility with the adjacent townhome subdivision. The Board generally agreed with the findings of staff, but elected to make this finding at the time of preliminary plan.

The issue of parking was raised by residents in the adjacent townhouse community who cited concerns about the potential for loss of parking along Stravinsky Drive to accommodate traffic flow. The Board felt that additional visitor parking should be designed into the proposal to counter any loss of parking on Stravinsky Drive.

The Planning Board did not object to the submission of a preliminary plan and advised the applicant to address parking issues.

The applicant appeared and testified at the October 28, 2004 hearing, represented by counsel, and agreed to staff's recommendation approval and conditions of approval, with one request to change Condition No. 2, which change was agreed-to by staff and is reflected below. No speakers testified in opposition to the plan at the hearing.

II. SITE DESCRIPTION

This 12.08-acre parcel is located in the northeast quadrant of the intersection Colesville Road and Fairland Road. The approved Natural Resource Inventory/Forest Stand Delineation indicates that the property is mostly open field with two existing houses with associated buildings. There are no streams, wetlands or steep slopes on this property.

The site is directly impacted by the master plan alignment for the Intercounty Connector (ICC). The master planned U.S.29/Fairland Road interchange is to the southwest corner of the property.

The plan shows an open strip on the northern boundary that is to be used for screening and a potential berm to visually screen the units from any ICC improvements.

III. PROJECT DESCRIPTION

The Preliminary Plan proposes seventy-three single-family attached residential dwelling units to be situated on the middle and southern portion of the property. The subdivision will be accessed by an extension of Stravinsky Drive. Proper termination of Stravinsky Drive has been addressed by MCDPWT in their memorandum. Access to Fairland Road and U.S. 29 has been denied by reviewing agencies. A private street network provides internal circulation to the individual units. Site plan staff and DPS will further review details of the site circulation and parking at the time of site plan.

IV. PARKING

At the Pre-Preliminary Plan hearing, the Planning Board heard testimony from the adjacent subdivision regarding their contention that parking for the application was inadequate. The residents were also responding to a statement that MCDPWT may need to restrict parking on one side of Stravinsky Drive to accommodate two way traffic movement. This would seemingly impact the existing neighborhood more so than the proposed subdivision since parking on Stravinsky Drive is more accessible to the existing community.

A final decision on the need to restrict the parking by MCDPWT has not been made, however, the applicant has provided MCDPWT with a requested study that indicates 18 spaces may be lost on Stravinsky if parking is restricted. The applicant has attempted to address this and respond to the Planning Board's concerns about visitor parking internal to the site by increasing parking by 20 visitor spaces. According to staff this is an additional 58 parking spaces, and according to the applicant 57 more spaces than the Zoning Ordinance required.

The parking requirements for this project are 2 spaces per unit. The Pre-Preliminary Plan was at a rate of 2.48 spaces per unit, above the minimum and consistent with other approvals. By providing an additional 20 spaces, the application is now at 2.8 spaces per unit. The 20 space increase is also in excess of the potential loss of 18 spaces on Stravinsky Drive if enforced by MCDPWT at a later date. Staff

believes that the additional parking spaces should be sufficient for the proposed subdivision.

V. TRANSPORTATION

A. Proposed Intercounty Connector

SHA is currently developing detailed mapping as part of its preparation of the Draft Environmental Impact Statement (DEIS) for the proposed ICC (a limited-access east-west highway intended to link areas between I-270 and I-95/US 1, through central/eastern Montgomery County and western Prince George's County).

The ICC planning process has concurrence on two alternative alignments, selected through the Alternatives Retained for Detailed Study (ARDS) process, called Corridor 1 and Corridor 2. Corridor 1 is the southern alignment that generally follows the alignment incorporated in the area master plans for the ICC, and Corridor 2 is the alignment to the north that is not represented in any area master plans. Of the above two alternative roadway alignments, based on the most current information provided by the SHA, the proposed Corridor 1 alignment interchange with Columbia Pike (US 29) would physically impact the proposed Fairland View development as shown on within the staff report presented at the public hearing.

B. Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *Fairland Master Plan* describes the nearby master-planned roadways, pedestrian and bikeway facilities as follows:

1. Columbia Pike (US 29), to the west of the property, as a six-lane divided Major Highway (CM-10) between Northwest Branch to the southwest and MD 198 to the northeast. A minimum right-of-way width of 100 to 200 feet is recommended for this section of US 29. The master plan also recommends a commuter bikeway for US 29.
2. Fairland Road, to the south of the property, as a two- to four-lane divided, east-west Arterial (A-75) between Paint Branch to the west and Prince George's County Line to the east, with a minimum 80-foot right-of-way, and sidewalks. A Class I bikeway (PB-50) is recommended in the master plan for Fairland Road from Old Columbia Pike to Prince George's County Line along the south side of the roadway.
3. Musgrove Road, between Old Columbia Pike (P-25b) to the southwest and Fairland Road (A-75) to the northeast, is a two-lane Arterial (A-100), with a minimum right-of-way width of 80 feet. The Master Plan also recommends sidewalks and a Class II/III bikeway (PB-43) along Musgrove Road/US 29 between Cherry Hill Road and Fairland Road. Additionally, Marlow Road to the east of Musgrove Road to Galway Elementary School is recommended as a Class III bikeway (PB-56) in the Fairland Master Plan.

4. Brahms Avenue, between Schubert Drive to the north and Fairland Road to the south, as a two-lane Primary (P-33), with a minimum right-of-way width of 70 feet.
5. Intercounty Connector (ICC), as a Freeway (F-9) within the *Fairland Master Plan* area, to the north of the property.

C. Nearby Transportation Improvement Projects

The Maryland State Highway Administration (SHA) Consolidated Transportation Program (CTP), and the Montgomery County Department of Public Works and Transportation (DPWT) Capital Improvement Program (CIP) includes the following nearby projects:

1. Fairland Road: This DPWT project involves reconstruction of Fairland Road from US 29 to Prince George's County line, including widening to 3 lanes, a sidewalk on the north side of the road, a Class I bikeway on the south side of the road, etc. The project is in final design and is anticipated to start construction in late 2006.
2. US 29/Briogs Chaney Road Interchange: The above interchange is currently under construction by SHA and is approximately 14% complete as of September 2004. The estimated completion date for the project is October 2007.
3. US 29/Musgrove Road/Fairland Road Interchange: SHA is currently in the process of preparing preliminary design plans for the interchange. The project is fully funded for Preliminary Engineering and has funding for partial right-of-way.
4. The Intercounty Connector (ICC): Planning studies for this SHA project are currently ongoing.

D. Local Area Transportation Review

A traffic study was required for the subject Preliminary Plan per the *Local Area Transportation Review (LATR) Guidelines* since the subject development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 – 9:30 a.m.) and evening (4:00 – 7:00 p.m.) peak periods.

The consultant for the applicant submitted a traffic study (dated June 11, 2004) that determined the traffic-related impacts of 74 townhouses on the nearby roadway intersections during weekday morning and evening peak periods. Staff review of the above traffic study indicated that the study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by the staff.

The proposed Fairland View development was estimated to generate approximately 36 peak-hour trips during the weekday morning peak-period, and

approximately 61 peak-hour trips during the weekday evening peak-period. A summary of the above is provided in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
FAIRLAND VIEW - 74 TOWNHOUSES**

Time Period	Trip Generation		
	In	Out	Total
Weekday Morning Peak-Hour	6	30	36
Weekday Evening Peak-Hour	41	20	61

Note: Based on M-NCPPC trip generation rates for townhouses.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak hours within the respective peak periods from the traffic study is presented in Table 2.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS (CLV)
FAIRLAND VIEW - 74 TOWNHOUSES**

Intersection	Traffic Conditions							
	Existing		Background		Total		Total w/Applicant Funded Improvements	
	AM	PM	AM	PM	AM	PM	AM	PM
US 29/Fairland Rd	1,541	1,485	1,560	1,491	1,569	1,504	1,544	1,459
Fairland Rd/Brahms Ave/Verizon Access ¹	823	727	832	733	5.1	6.5	-	-
Fairland Rd/Musgrove Rd/Marlow Farm Rd ¹	765	605	774	620	9.0	7.9	-	-
Schubert Dr/Stravinsky Dr/Access Dr	117	117	117	117	153	179	-	-
Schubert Dr/Brahms Ave	256	275	256	275	291	331	-	-

Source: Fairland View Traffic Study. The Traffic Group, Inc. June 11, 2004.
FY 2005 Congestion Standard for Fairland/White Oak Policy Area: 1,500

¹ Background and Total Traffic Conditions reflect proposed DPWT improvements along Fairland Road. Total traffic conditions reflect operation of the intersection with a roundabout/traffic circle.

As shown in Table 2, under Total traffic conditions, CLV values at the study intersections were either below the FY 2005 Fairland/White Oak congestion standard of 1,500, or with an applicant identified roadway improvement (lane designation changes to the eastbound Fairland Road approach to US 29) did not exceed the respective CLV under Background traffic conditions. It is noted that the above mitigation improvement is being utilized by another pending Development Plan Amendment (DPA-04-2), and is acceptable to both the M-NCPPC staff and Maryland State Highway Administration (SHA) (see Attachment 2).

Per Section IIIA of the *LATR Guidelines* (see Attachment 3), "An intersection improvement may be used by two or more developments if construction of the improvement has not been completed and open to the public. In order to be considered, the program or improvement must provide sufficient capacity to:

- result in a calculated CLV in the total traffic condition that is less than the congestion standard for that policy area, or
- mitigate the traffic impact if the calculated CLV in the total traffic condition exceeds the intersection congestion standard for the applicable policy area. Mitigation is achieved when the CLV in the total traffic condition that includes traffic from each contributing development *with* the improvement is equal to or less than the CLV in the background traffic condition *without* the improvement.

Based on the review of the analysis presented in the traffic study, staff concludes that the proposed improvement to the eastbound Fairland Road approach to its intersection with US 29 will create adequate capacity to accommodate traffic associated with both the subject development as well as the pending DPA.

Staff has also reviewed a parking survey/parking demand analysis presented by the applicant (dated August 30, 2004), performed at the request of DPWT staff. Based on the findings contained in the study, staff support DPWT recommended parking restriction to one side of Stravinsky Drive.

VI. ENVIRONMENT

As stated in the Site Description, the site is generally open field with no associated streams, wetlands, or steep slopes. The focus on the environmental review was related to noise impacts from the local road network, both existing and proposed. Conditions No. 1, 2 and 3 address the need to screen the proposed units from the

existing and proposed roads and to provide the necessary noise studies that will project the noise impact to the proposed units. Adjustments to the unit layout and/or noise attenuation may be recommended as part of the site plan review.

VII. FINDINGS

Having given full consideration to the recommendations of its Staff, the recommendations of the applicable public agencies², the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-05001 substantially conforms to the Fairland Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

VIII. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05001 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05001, subject to the following conditions:

² The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permits. Conditions include but are not limited to:
 - a. Detailed afforestation planting plan for the earth berm to create a dense visual screen.
- 2) At site plan, applicant to provide a noise study prepared by a professional engineer with competency in acoustical analysis to demonstrate that proposed units will attenuate projected exterior noise levels to an interior level not to exceed 45 dBA, Ldn. The study must use projected traffic noise levels for the ICC, Rte. 29, and Fairland Road, if the projected traffic noise levels are available.
- 3) Mitigation measures for projected traffic noise impacts from the ICC, Rte. 29, and Fairland Road to be addressed at the site plan stage. Noise mitigation measures would include, but are not limited to, measures to reduce interior noise levels recommended in the noise study and changes in the configuration and types of some townhouse units to reduce projected outdoor noise levels to parts of the subdivision.
- 4) Place in reservation the area on Attachment 1 of the Transportation Planning memorandum (attached), dated March 17, 2004 ("Reservation Area") until the earlier of (a) September 1, 2005; or (b) a final Record of Decision is issued by the FHWA, and that Record of Decision does not include the Reservation Area, or any portions thereof, within the final Intercounty Connector (ICC) alignment.
- 5) If FHWA issues a final Record of Decision that includes the Reservation Area, and the applicant has not submitted a phased site plan that excludes the full Reservation Area, the applicant shall submit a site plan that locates all dwelling units and related infrastructure (e.g.: roads, public areas, etc.) outside of the Reservation Area.
- 6) Limit any future development as part of this subject Preliminary Plan on the site to 73 townhouse units.
- 7) Dedicate, and show on final record plat, adequate right-of-way along Fairland Road to provide 50 feet of right-of-way from the roadway centerline.
- 8) Construct Stravinsky Drive extension and its terminus within the property as a 60-foot wide secondary residential street with sidewalks, and with proper termination (with a cul-de-sac).
- 9) Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT), and the Department of Permitting Services on design requirements for the proposed extension and termination of Stravinsky Drive, DPWT

recommended parking restrictions along Stravinsky Drive, and on-site/off-site sidewalk, parking requirements.

- 10) Record plat to show delineation of a Category I Conservation Easement over the areas of forest conservation.
- 11) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 12) Compliance with the conditions of approval of the MCDPS stormwater management approval letter dated, July 6, 2004.
- 13) Compliance with conditions of MCDPWT letter dated, October 21, 2004, (except that the review of the detailed design as specified in condition #2 should be applied at site plan) unless otherwise amended.
- 14) No clearing, grading or recording of plats prior to site plan.
- 15) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 16) Final number of MPDUs to be determined at site plan.
- 17) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 18) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 19) Other necessary easements.

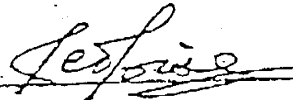
WJK 07/20/04

Legal sufficiency
General Counsel

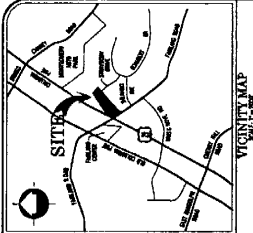
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

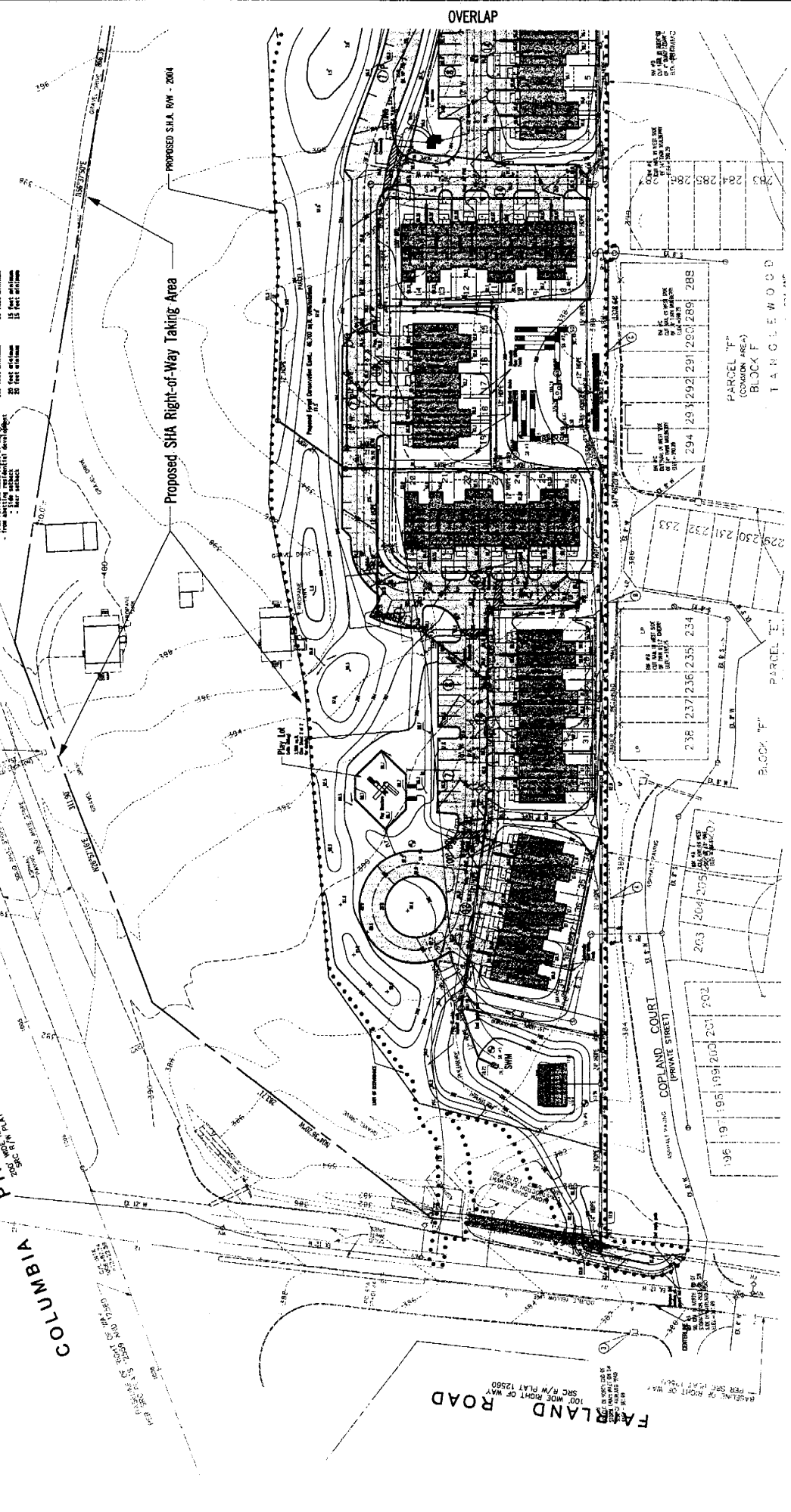
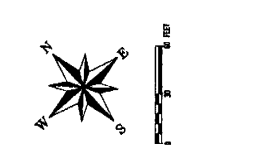
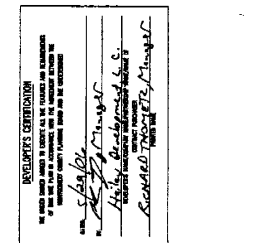
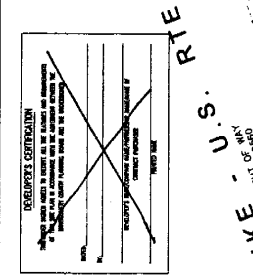
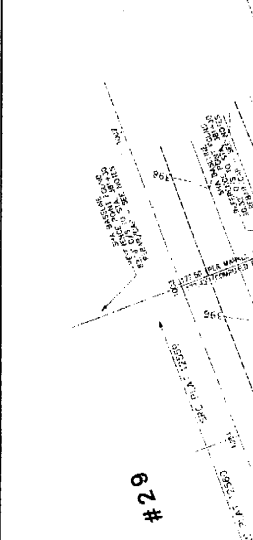
At its regular meeting, held on Thursday January 13, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Wellington, seconded by Commissioner Perdue, with Chairman Berlage and Commissioners Perdue and Wellington voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan 1-05001, Fairland View.



Certification As To Vote of Adoption
M. Clara Moise, Technical Writer



- ### SITE DATA
1. Gross Acreage: 12.46 Acres
 2. Net Acreage: 12.46 Acres
 3. Total Building Area: 1,100,000 sq. ft.
 4. Total Parking Spaces: 1,100
 5. Type of Units: Proposed
 6. Approximate Area of Impervious Surface: 1,100,000 sq. ft.
 7. Estimated Annual Runoff: 1,100,000 gal.
 8. Estimated Annual Runoff Volume: 1,100,000 gal.
 9. Estimated Annual Runoff Volume: 1,100,000 gal.
 10. Estimated Annual Runoff Volume: 1,100,000 gal.
 11. Estimated Annual Runoff Volume: 1,100,000 gal.
 12. Estimated Annual Runoff Volume: 1,100,000 gal.
 13. Estimated Annual Runoff Volume: 1,100,000 gal.
 14. Estimated Annual Runoff Volume: 1,100,000 gal.
 15. Estimated Annual Runoff Volume: 1,100,000 gal.
 16. Estimated Annual Runoff Volume: 1,100,000 gal.



APPLICANT: Hilly Development, L.C.
2805 National Drive / Suite 105
Charlotte, NC 28205
Tel: (704) 771-1111
Fax: (704) 771-1112

PROJECT: FAIRLAND VIEW
LOTS 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J, 10K, 10L, 10M, 10N, 10O, 10P, 10Q, 10R, 10S, 10T, 10U, 10V, 10W, 10X, 10Y, 10Z

DATE: 10/15/2009

SCALE: 1" = 30'

SHEET: 1 of 2

PROJECT NO.: 1000

DATE: 10/15/2009

PROJECT NO.: 1000

DATE: 10/15/2009

PROJECT NO.: 1000

DATE: 10/15/2009

SCALE: 1" = 30'

SHEET: 1 of 2

PROJECT NO.: 1000

DATE: 10/15/2009

Date Mailed: **JAN 10 2006**

Hearing Date: July 21, 2005

Action: Approval with conditions

Motion of Commissioner Robinson, seconded by Commissioner Bryant, with a vote of 4 to 0; Chairman Berlage and Commissioners Bryant, Perdue, and Robinson voting in favor. Commissioner Wellington was absent.

MONTGOMERY COUNTY PLANNING BOARD OPINION

Site Plan No. 8-05007A
Project: Fairland View

The date of this written opinion is JAN 10 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days from the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules). This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On April 18, 2005, the applicant, Hailey Development, L.C. ("Applicant"), filed an application with the Planning Board to amend Site Plan No. 8-05007. The application was captioned Site Plan Review No. 8-05007A (Fairland View) ("Application" or "Site Plan Amendment"). On July 21, 2005, the Site Plan Amendment was brought before the Montgomery County Planning Board for a public hearing ("Hearing"). At the Hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

BACKGROUND

Preliminary Plan No. 1-05001 ("Preliminary Plan") was approved by the Planning Board on January 20, 2005, for the creation of 73 lots on 12.08 acres of land in the R-60 zone. Site Plan No. 8-05007 was approved by the Planning Board on February 24, 2005. The Site Plan approval was subject to a condition requiring a land reservation to accommodate a potential taking by the State Highway Administration ("SHA") for the proposed Intercounty Connector ("ICC"), a limited-access east-west link between I-270 and I-95 that will connect central and eastern Montgomery County with the western Prince George's County.¹ Through the Maryland State planning process known as The Alternatives Retained for Detailed Study ("ARDS"), two feasible alternative road alignments have emerged ("Corridor 1" and "Corridor 2"). Corridor 1 follows a more southerly alignment incorporated within existing ICC Master Plans. At present, the ICC planning process is moving forward with the State's recently announced selection of Corridor 1 as its preferred alternative for construction.

Corridor 1 and its resultant interchange at Columbia Pike (US 29) would physically impact the approved Preliminary Plan No. 1-05001 and approved Site Plan NO. 8-05007 for the Fairland View development. The Applicant has filed the subject Site Plan Amendment to accommodate the reduction in available land area that will result should the State decide to proceed with the taking of a portion of the subject site for the construction of Corridor 1.

THE SUBJECT PROPERTY

The 12.08-acre site is located at the northeastern quadrant of the intersection of Columbia Pike (US 29) and Fairland Road, and adjoins the neighborhood formally identified as Tanglewood ("Subject Property"). The Subject Property is one of the three undeveloped properties remaining within the Fairland Road section of the Fairland Planning Area. The site is generally flat, and currently supports two residences with ancillary sheds and a barn. Little significant vegetation exists on the site; the 33-inch black walnut tree and the 20-inch Linden tree will be cleared, as will the hedgerow along the drainage channel that bisects the site transversely. There are no wetlands or stream buffers on the property.

The residential subdivisions in the vicinity of the Subject Property were developed in the 1970s and 1980s, and support a diverse housing supply of townhouses and detached one-family homes. The developed subdivisions provide a remarkable degree of privacy achieved by the narrow interior road access, limited street parking and the setbacks from Fairland Road and US 29. The street patterns cluster the housing in small enclaves that are focused on private, internal spaces shared among nearby neighbors.

¹ Condition No. 8, Site Plan No. 8-05007 (February 24, 2005).

The Tanglewood Neighborhood Park comprises 18.7-acres between Fairland Road and Briggs Chaney Road. It features a playground and tennis courts. The park was acquired by M-NCPPC in 1982.

PROPOSED DEVELOPMENT

The Site Plan Amendment proposes 39 residential townhouses of which 5 are MPDUs provided on-site. The proposed townhouses will be clustered in three groups appended to the south side of the curved, internal access drive. The private drive, convex in plan, follows the edge of the buildable envelope—the SHA alignment proposed for ICC Corridor 1 and its accompanying berm.

The placement of this internal driveway essentially encloses the new subdivision as a “cup handle” that is attached to the existing townhouse development to the south, Tanglewood. In defining this edge condition, the placement of the private street orients the new neighborhood inward, to itself, protected visually, physically, and acoustically from the adjacent Columbia Pike and the ICC (Corridor 2) to the north.

The site design manages to define well the internal street system, and, by the central core’s massing with the two linear extensions of houses, creates “neighborhoods within a neighborhood,” that mediate the excessive linearity of the development. More importantly, the three mini-neighborhoods establish, vis-à-vis a loose grid, a satisfactory terminus to the overall Fairland Road development pattern, organizing by reference, numerous layers of townhouse development to the south.

The housing itself is oriented in front-to-front fashion with unit fronts facing internal streets, reinforcing the “public” realm and demarcating the “private” realm of the back yards. The building design varies per each “stick” of townhouses, numbering from 5 to 7 units per structure, with alternating unit depth, footprint, and rear massing. The resulting array of house size and shape will enhance the perspective views of the streets. MPDUs are distributed evenly throughout the site, well integrated with the market rate units.

A formal play lot, its perimeter articulated by varied size and species of planting, rests in the open space at the western edge of the afforested berm near the terminal cul-de-sac. Each cluster features a sitting and picnic area; another substantial picnic area, with table and benches, is sited near the subdivision entrance, with direct connection to the proposed ICC trail and in close proximity to the M-NCPPC Tanglewood Neighborhood Park. An Open Play Area is efficiently sited to accommodate the underground stormwater management facility.

Vehicular and pedestrian access to the site is provided at the southeast corner of the site, via Stravinsky Drive. The privacy of the prospective neighborhood is enhanced by the circuitous

vehicular entry sequence: Access from Fairland Road is accomplished via Brahms Avenue to Schubert Drive to Stravinsky Drive. The plan proposes pedestrian access from Fairland Road.

The Application requests that the Planning Board approve the Site Plan Amendment to permit 100% townhouses, pursuant to §59-C-1.621 of the Zoning Ordinance. The zoning ordinance allows a departure from the development standard of 60% townhouses, 40% one-family detached homes provided the Planning Board finds that the proposed development provides "an environmental and compatibility benefit over what could be achieved" per the usual standard.

The Planning Board considered the proposal for 100% one-family attached dwelling units previously, first as a non-binding Pre-Preliminary Plan on May, 20, 2004, and further at the Preliminary Plan No. 1-05001 hearing on October 28, 2004. In approving the 100% townhome proposal during consideration of Preliminary Plan No. 1-05001, the Planning Board made the finding that the plan as proposed provided environmental and compatibility benefits that could not be achieved with 60% townhouses and 40% one-family detached dwellings, as follows:

- The plan provides a tighter clusters of lots away from the existing road network and proposed ICC;
- The plan provided a 50-foot berm² with dense landscaping on the north boundary to buffer the effects of the ICC;
- The provision of 100% townhouses relates more compatibly with the adjacent townhouse community.

In approving Site Plan No. 8-05007, the Planning Board also approved 100% one-family attached dwelling units (townhouses) in the subject development based on the testimony and evidence provided by Environmental Staff.

In its review of the instant Site Plan Amendment, Staff recommended approval of the proposal for 100% one-family attached dwelling units, based on the recommendations of Subdivision Staff and the Planning Board's prior findings of environmental and compatibility benefits.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval of the Site Plan Amendment in its memorandum dated July 14, 2005 ("Staff Report"). Staff presented its findings consistent with the Staff Report at the Hearing, providing a description of the proposed plan, including a review of zoning conformance with particular attention to the R-60 MPDU development

² The berm is within a 50-foot wide forest conservation easement as set forth on the Site Plan.

standards. Staff presented information about prior approvals, including the Preliminary Plan approved on May 20, 2004 and the original Site Plan approval approved on January 27, 2005. Staff described the changes in the Site Plan proposed by the subject Site Plan Amendment, prompted by the SHA's selected alignment of the ICC. The original Site Plan approval of January 27, 2005 (8-05007) was for 73 townhouses, compared to the proposed amendment (8-05007A) for 39 townhouses. Staff explained that prior to recordation of the record plat, the selected site plan would be identified, and the alternate site plan approval would be expired.

Staff addressed the existing site conditions and the potential alignments associated with the proposed ICC at the Fairfield Road-Columbia Pike interchange. Staff described the proposed site plan, using GIS maps, aerial photographs, and oblique angle aerial photography, along with rendered analytical plans. The architectural treatment of the site's road frontage along Fairfield Road was particularly delineated.

The Applicant appeared at the hearing represented by legal counsel and associated experts. The Applicant testified that it agreed with Staff's recommendations, as conditioned.

The Board requested a clarification regarding language in the Staff Report Revised Project Data Table indicating that the proposed building height would be limited to 3 stories or 40 feet. Staff and Applicant clarified to the Board that the building height would be restricted to 3 stories or 40 feet, whichever is less. Staff also clarified that the proposed building height would be binding and required once approved.

No other speakers testified in support of, or in opposition to the Application. Additionally, the Record includes no correspondence either in support of, or in opposition to, the Application.

FINDINGS

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

Not applicable.

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

The Site Plan meets all the requirements of the R-60 zone for developments with MPDUs, as demonstrated in the Revised Project Data Table introduced at the Hearing and set forth, in pertinent part, below:

<u>PROJECT DATA TABLE</u>		
	Zoning Ordinance Development Standard	Development Standard approved by the Planning Board and binding on the Applicant
<u>Gross Site Area</u> Total Gross Tract Area Public Dedication Previous Public Dedication SHA Taking ICC Total Net Tract		12.08 acres 0.28 acres (12,401 sf) 100' ROW (previous dedication) 6.58 acres approx. 6.40 acres
Development Standards R-60 MPDUs Lot Area (Minimum Density (standard) MPDUs	1,500 sf 6.10 DU/acre (73 units) 12.5% (5 units)	1,600 sf 3.2 DU/acre (39 units) 12.5% (5 units)
Building Setbacks From public street From adjoining lot – rear From adjoining lot – side	20 feet minimum 15 feet minimum 20 feet minimum	20 feet minimum 20 feet minimum 20 feet minimum
Maximum Building Height in Stories Maximum Building Height in Feet Building Coverage Impervious Area Green Area Green Area per unit Green Area Total Parking Standard	3 stories 40 feet N/A N/A 2,000 sf/unit 78,000 sf 2.95 spaces/unit	3 stories 40 feet 11.5% net tract 26.1% net tract 4,700 sf/unit net tract 180,000 sf net tract 78 residential + 37 surface = 115

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

a. Building Locations

The location of the buildings and structures are adequate, safe, and efficient. The overall site development of the Fairland View property is determined by the imposition of the surrounding roadways and the selected alternative for the alignment of the ICC. These linear throughways establish the formal perimeter of the site, constraining available land area, and limit the access to one main driveway. The placement of the roadway against the indispensable noise berm requires careful organization of the central housing cluster and placement of the two subordinate lines of houses. To this end, the plan creates a satisfactory residential pattern, responding to the adjoining existing subdivision, and providing a loose grid, that is pleasing in its role as the "end" of several layers of townhouse development.

b. Open Spaces

The location of the open spaces are adequate, safe, and efficient. The site's open spaces are, by nature of the site's constraints, assigned to the residual spaces that remain along private streets and the east and west edges, and corners. The placement of the play lot at the private street terminus utilizes the residual space to great effect, anchoring the tip, and capping the tip of the landscaped noise berm. The provision of visible recreation amenities at the far ends of the site balances the design and enhances accessibility. Sitting areas are provided for each housing cluster, well sited within their small pockets of green space. The open play area at the far eastern end functions dually for recreation and the underground storm water management facility. The essentially "private" open space created by the central housing core additionally functions as the underground storm water quantity management.

c. Landscape and Lighting

The landscaping and lighting is adequate, safe, and efficient. The tight constraints imposed by the surrounding roadways and rights-of-way severely limit the development capacity of the site, and its corresponding usable open space. Landscaping consists of evergreen screening at the adjoining subdivision line, and street trees along the private streets, provided as a mixture of shade and ornamental trees.

Landscaping for the noise mitigation berm consists of approximately 50,500 square feet of planting, including Red Maple, Tulip Poplar, White Pine, White Oak, Red Oak, Virburnum, and Arrowwood. Design of the berm is crucial to achieving a satisfactory level of compatibility: visually, physically and acoustically.

d. Recreation

Recreation demand is satisfied as shown in the Recreation Calculations table on page 14 of the Staff Report. The proposed development offers adequate, safe, and efficient recreational amenities. On site recreation includes a 10,000 square foot open play area (that functions additionally as the surface of the storm water management facility), a play lot, two small sitting areas, and a picnic area near the trail connection to the ICC. The site's proximity to the Tanglewood Neighborhood Park and to the trails through the stream valley offers access to additional recreational amenities.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is adequate, safe, and efficient. The vehicular circulation system consists of a single entry point from the Stravinsky Drive cul-de-sac, extended linearly along the site's longitudinal axis, terminating in a private cul-de-sac. The public road roundabout is connected to the main thoroughfare of Fairland Road via circuitous tertiary subdivision roads. The private streets that serve the interior of Fairland View are well placed, with respect to vehicular maneuvering and direct pedestrian passage. The plan provides for a direct pedestrian connection to Fairland Road.

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

The proposed housing is compatible with the established patterns of the Tanglewood Neighborhood. The entrance to the new subdivision via Stravinsky Drive is well defined by the public street's cul-de-sac terminus and its landscaped roundabout. The private internal streets, along with the building placement, create a loose grid that provides logical relationships in building massing and site navigation, particularly with respect to the established residential form of the townhouse subdivisions to the south.

Clearly, the greatest challenge to compatible development for this site rests with its adjacency to Columbia Pike and ICC location. This site design is protected from the major roadways by its landscaped berm. This design strategy can successfully mitigate the intrusion of roadway effects.

The Board hereby approves 100% one-family attached dwelling units in the subject development, and finds that, pursuant to Zoning Ordinance Section 59-C-1.621, the proposed development is more desirable from an environmental and compatibility perspective than development that would result from adherence to the usual percentage limit on such units; and further finds that the proposed development will be compatible with adjacent existing and approved development.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The plan conforms to the requirements of Chapter 22A for forest conservation by the applicant's provision of 1.32 acres of on-site afforestation.

6. The Record of this Application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review No. 8-05007A for 39 residential townhouses on 12.08 acres in the R-60 Zone, of which 5 are MPDUs provided on-site. All site elements of the Fairland View (Amendment 8-05007A) site plan(s) dated June 18, 2005, by M-NCPPC staff, and matching plans submitted electronically on June 24, 2005, via MNCPPC FTP site, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 1-05001, approved by the Planning Board on October 28, 2004.

2. Site Design

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Indicate unit utility feed locations showing rear utility feeds; if rear utility feeds and meters are not allowed by PEPCO, the applicant shall provide brick architectural screening for utility meters compatible with unit facades; applicant shall provide details, including specifications and dimensions for architectural screening;

- b. Provide architectural elevations for all unit facades visible from Fairland Road, and use masonry materials for such facades; provide fence for rear yards visible from Fairland Road, 5-6 feet in height, also of compatible masonry materials;
- c. Provide architectural screening at a minimum 36 inches in height for the surface parking visible from Fairland Road; use materials such as masonry to achieve maximum compatibility; coordinate lead walk entry with wall and/or landscape design;
- d. Provide locations and details for decks; decks visible from Fairland Road should be constructed of sight-tight materials.

3. Landscaping

- a. Remove all landscaping from the surface of underground SWM parcels;
- b. Provide screen hedge for parking visible from the Stravinsky Drive cul-de-sac;
- c. Provide street trees within the Fairland Road ROW, subject to SHA approval; provide lirope closely spaced on both sides of the lead walk from Fairland Road, subject to SHA approval;
- d. Provide additional landscaping as follows:
 - i. Provide a shade tree on the parking island opposite Unit 31;
 - ii. Provide two shade trees at the curb between Unit 33 and Unit 34;
 - iii. Provide additional shade trees at the curb in front of Unit 38
 - iv. Substitute for the Quercus Fastigiata an ornamental tree for curbside plantings directly in front of residential units; retain consistent use of the same species for street trees along each individual segment of the private drives;
 - v. Add four groups of three trees at the edges of the underground stormwater management facility to more clearly define the space; allow adequate root zones for shade trees;
 - vi. Provide ground cover planting within the west cul-de-sac island;
 - vii. Add four street trees (shade trees) to the south side of the main drive aisle.

4. Lighting

- a. All light fixtures shall be full cut-off fixtures.

- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- d. The height of the light poles shall not exceed 14 feet including the mounting base;
- e. Provide lighting schedule showing each fixture, housing shield type, wattage, and mounted height.

5. Pedestrian Circulation

- a. Provide painted, striped crosswalks across the internal private road(s) in locations where the sidewalk continues;
- b. Relocate pedestrian crossing shown near Unit 31 across internal private drive; move crossing to location near Unit 34; provide striping on road surface.

6. Recreation Facilities

- a. Provide a plan, elevation and specifications for the Play Lot play equipment at 1:10 scale; show fall zones;
- b. Label required setback from street.

7. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development shall provide 5 MPDUs on-site; the applicant is receiving no density bonus for providing MPDUs on-site.

8. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated July 13, 2005, and other conditions as specified below:

- a. At the US 29/Fairland Road intersection, with Maryland State Highway Administration (SHA) approval, re-stripe the eastbound Fairland Road approach to Columbia Pike (US 29) to a left, left, through, through/right lane combination (from existing left, left/through, through, right lane combination).
- b. Provide a lead-in sidewalk from Fairland Road to the site.

- c. Provide adequate sidewalks, handicapped access ramps and crosswalks within the site in coordination with the Montgomery County Department of Permitting Services (DPS).

9. Forest Conservation and Environmental Planning

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated June 30, 2005, and others, including:

a. Forest Conservation Plan

The proposed development shall comply with the conditions of the Final Forest Conservation Plan, including the following:

- i. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services issuance of sediment and erosion control permits;
- ii. Provide 1.07 acres of afforestation area to be placed in Category I conservation easement. Easement to be shown on record plat;
- iii. Provide a modified plant list that includes more evergreen species, such as American holly and inkberry. Also, staff recommends using deciduous species such as American beech;

b. Noise Mitigation

- i. Signature set of site plan to include end walls for townhouse unit nos. 14, 20, and 39 to provide some noise attenuation for outdoor deck areas. Details of these end walls to be submitted for staff review and approval as part of the signature set of site plan;
- ii. Prior to signature set of the amended site plan, or prior to the release of the first building permit for the subdivision, whichever is earlier, the applicant must provide and commit to implement a noise abatement study prepared by a professional engineer with competency in acoustical analysis. The study shall demonstrate and certify that, if built to recommended acoustical standards, all proposed building shells for residential dwelling units located within the projected, exterior noise impact area of 65 dBA, Ldn or higher will attenuate projected exterior noise levels to an interior noise level not to exceed 45 dBA, Ldn. The analysis of exterior noise levels must use the projected worst-case scenario for combined traffic noise levels for the ICC, Rte. 29, and Fairland Rd., incorporating information from the latest available SHA ICC Environmental Impact Statement and related technical reports

and plans. Any subsequent changes in building shell materials or coverage that may affect acoustical performance shall be approved by an acoustical engineer prior to approval of building permit for the unit(s);.

- iii. Prior to release of the first building permit for the subdivision, the following items must be met:
 - a. There shall be certification from an acoustical engineer that the building shell for residential dwelling units are designed to attenuate projected exterior noise levels to an interior level of no more than 45 dBA, Ldn. Any subsequent changes in building shell materials or coverage that may affect acoustical performance shall be approved by an acoustical engineer prior to implementation;
 - b. The builder shall commit to construct the residential units in accordance with the acoustical specifications identified by the acoustical engineer;
 - c. The builder or an authorized agent shall disclose in writing to all prospective purchasers that these homes will be affected by traffic noise from current and possible future roadway projects, including the proposed ICC ramp/interchange and Fairland overpass. The builder shall also identify all noise mitigation measures to be used in the subdivision. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents (including any illustrative site plan(s) on display within any sales-related offices), in Homeowner Association documents, and by inclusion in all subdivision and site plans, and with all Deeds of Conveyance. Notification language shall be provided to M-NCPPC staff for approval prior to issuance of first building permit.

10. Stormwater Management

Comply with conditions of MCDPS stormwater management concept approval dated July 6, 2004, and reconfirmed May 20, 2005. Final design of the stormwater management pond shall be submitted to Environmental Planning and Parks Planning staff for review and comment prior to MCDPS approval.

11. Occupancy Provisions

Occupancy of MPDU units shall be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for Moderately Priced

Dwelling Units and any regulations duly adopted thereunder, as such Article or regulations may be amended from time to time.

12. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 16th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

13. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. Community-wide pedestrian pathways and recreation facilities, including Play Lot, internal sidewalks, natural paths, sitting areas, and the Open Play Area shall be completed prior to issuance of the 28th building permit;
- c. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed;
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion;
- e. Coordination of roads with each section of the development;
- f. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

14. Clearing and Grading

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

15. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion;
- b. Limits of disturbance;