



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

MCPB No. 17-054  
Site Plan No. 820170060  
**Bradford's Landing**  
Date of Hearing: June 29, 2017

JUL 03 2017

**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, on March 9, 2017, Brookfield Washington, LLC ("Applicant") filed an application for approval of a site plan for 244 dwellings consisting of 222 one-family attached dwellings (townhomes) and 22 one-family detached dwellings including 25% MPDUs, on 28.3 gross acres of R-200/TDR-7 zoned-land, located on the north side of Norbeck Road (MD 28), 1,000 feet east of Coolidge Avenue intersection ("Subject Property"), in the Olney Policy Area and 2005 Olney Master Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820170060, Bradford's Landing ("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 June 16, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 29, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170060 for 244 dwellings consisting of 222 one-family attached dwellings

Approved as to  
Legal Sufficiency:

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(townhomes) and 22 one-family detached dwellings including 25% MPDUs, on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Conformance with Previous Approvals & Agreements**

#### **1. Preliminary Plan Conformance**

The development must comply with the conditions of approval for Preliminary Plan No. 120170060 as listed in MCPB Resolution No. 16-138 dated March 20, 2017.

### **Environment**

#### **2. Forest Conservation & Tree Save**

The development must comply with the conditions of the approved Final Forest Conservation Plan included as part of the Site Plan.

- a) Prior to the start of any demolition, clearing or grading on the Subject Property, the Applicant must record the Category I Conservation Easements as specified on the approved Final Forest Conservation Plan (FFCP). The Category I Conservation Easements approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed and the Liber Folio for the easement and must be referenced on the record plat.
- b) Prior to the start of any demolition, clearing or grading on the Subject Property, the Applicant must submit a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the FFCP, including the reforestation of environmental buffers.
- c) Prior to the start of any demolition, clearing or grading on the Subject Property, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank for the afforestation/reforestation required per the FFCP.
- d) Prior to the start of any demolition, clearing or grading on the Subject Property, the Applicant must provide financial surety to the M-NCPPC Planning Department for the 4.69 acres of new afforestation/reforestation planting.
- e) The Applicant must install the 4.69 acres of afforestation/reforestation plantings specified on the FFCP within the Category I Conservation Easements during the first planting season following the issuance of the first sediment and erosion control permit for this project unless otherwise modified by the M-NCPPC Forest Conservation Inspector. Afforestation within the area of Sediment Control Trap #1 will be planted during the first growing season following the conversion of Sediment Control Trap #1 to a Stormwater Management Facility.

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<sup>1</sup> 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.

- f) The Applicant must install permanent forest conservation easement signage along the perimeter of the conservation easements in all areas, as determined by the FFCP and the M-NCPPC forest conservation inspector.
- g) Applicant must have all required site inspections performed by M-NCPPC Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- h) The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
- i) The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

3. Noise Attenuation

- a) Prior to issuance of the building permit for Lots 17-23 Block A, Lots 24-39 Block A, and Lots 10-11 Block D, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that:
  - i. The location and construction materials of the noise mitigation techniques to attenuate current and/or proposed noise levels to no more than 60 dBA  $L_{dn}$  for the outdoor backyard area of homes and areas of common outdoor activity are adequate.
  - ii. The building shell and materials used for residential dwelling units to be constructed within the projected 60 dBA  $L_{dn}$  noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA  $L_{dn}$ .
- b) Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff that they will construct the noise-impacted units in accordance with the recommendations of the engineer that specializes in acoustical treatments.
- c) Prior to issuance of the first building permit, the Applicant must provide acknowledgement to M-NCPPC Staff that if any changes occur to the plan which affect the validity of the noise analysis dated October 22, 2016, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.

**Open Space, Facilities and Amenities**

4. Common Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 7.19 acres of common open space (25 percent of net lot area) on-site.
- b) Prior to issuance of the 134<sup>th</sup> building permit, which is the last building permit south of Doc Berlin Drive, the Applicant must complete the construction of the joint Central Green and Village Green area with the installation of all associated amenities, landscaping and lighting as shown on the Certified Site Plan.

c) Prior to issuance of the 244<sup>th</sup> building permit, the Applicant must construct the natural surface trails and associated bird boxes.

5. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

6. Recreation Facilities

The Applicant must provide at a minimum the following recreation facilities: one tot lot, one multi-age playground, exercise stations, 18 picnic/sitting areas, one open play area I, one dog park, one picnic shelter including a grill, natural surface trails, natural areas, and a pedestrian and bicycle system, all as shown on the Certified Site Plan.

7. Maintenance of Public Amenities

a) The Applicant (and subsequent homeowner's association) is responsible for maintaining all onsite publicly accessible amenities including, but not limited to the tot lot, multi-age playground, open play area, dog park, sitting areas, grill, natural surface trails, landscaping, lighting, sidewalks and shared use paths.

b) The Maintenance of Public Amenities in the joint area for the Central Green and Village Green must be governed by an agreement, which assigns roles and responsibilities, between the Applicant (and subsequent homeowner's association) and the adjoining property owner (and subsequent homeowner's association). Prior to issuance of the 134<sup>th</sup> building permit or the completion of the Central Green, the agreement must be executed.

## **Density & Housing**

8. Density

The Site Plan is limited to 244 units with up to 222 one-family attached dwelling units and 22 one-family detached dwelling units (including a minimum of 25 percent MPDUs).

9. Transfer of Development Rights (TDRs)

a) The Applicant must acquire 143 TDRs for the development.

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

10. Moderately Priced Dwelling Units (MPDUs)

a) The development must provide 25 percent of the total number of dwelling units as MPDUs on-site consistent with the requirements of Chapter 25A.

- b) Prior to issuance of any building permit for any residential units, the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

## **Transportation & Circulation**

### **11. Private Roads**

The Applicant must provide Private Roads [Private Road A and Alleys], including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:

- a) If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road, including any easements.
- b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
- c) Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified by the approved Preliminary Plan or this Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

### **12. Pedestrian & Bicycle Circulation**

- a) The Applicant must provide a minimum of 10 public bicycle parking spaces.
- b) The public spaces must be inverted-U racks, or approved equal, installed in the community recreation areas as shown on the Certified Site Plan.
- c) The Applicant must provide onsite 5-foot wide sidewalks and 8-foot shared use paths at the locations shown on the Certified Site Plan.
- d) Prior to issuance of the 72<sup>nd</sup> building permit, the Applicant must construct a 10-foot wide shared use path along the Property frontage on Norbeck Road.

Applicant also must construct an offsite path extension to the west on public right-of-way to connect with the terminus of the existing shared-use path along the Greenbriar at Norbeck Crossing frontage, subject to SHA's approval.

- e) Prior to issuance of the 183<sup>rd</sup> building permit, which represents 75 percent of the total number of units, the Applicant must construct an off-site, six-foot-wide hard surface trail connection on Montgomery County owned property between the northeastern corner of the Subject Property, off Proposed Public Road A, and the existing pedestrian bridge at East Norbeck Local Park, subject to the terms and conditions of the Executed Easement Agreement between Montgomery County and the Applicant, and a park permit with M-NCPPC.
- f) Prior to issuance of the 183<sup>rd</sup> building permit, which represents 75 percent of the total number of units, the Applicant must construct a secondary off-site, six-foot-wide hard surface trail connection on Pepco-owned property between the terminus of Doc Berlin Drive on the Subject Property, and the existing pedestrian bridge at East Norbeck Local Park, subject to Pepco's approval.
- g) The Applicant must install the pedestrian signal heads and marked crosswalk(s) at the intersection of Norbeck Road with Norbeck Boulevard, or make alternative arrangements for these improvements to be installed by others, subject to SHA's approval.

### **13. Fire and Rescue**

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section in its letter dated May 1, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

## **Site Plan**

### **14. Site Design, Architecture & Compatibility**

- a) The location of structures and driveways shall match those shown on the Certified Site Plan, including providing a joint 20-foot wide driveway for adjacent MPDUs.
- b) Prior to Certified Site Plan, the Applicant must complete coordination with PEPCO over the location of their PUEs. Rear loaded townhouse lots may shift as much as four feet towards the street to accommodate the PUEs.
- c) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on all Sheets with the prefix of 09-ARCH of the submitted architectural drawings, as determined by M-NCPPC Staff.

- d) 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.
- e) Both end units in each townhouse strip must have similar massing to include similar roof details and similar façade materials.
- f) For end units that are high visibility, as identified in the Certified Site Plan, at a minimum, the side facades must include:
  - i. 1/3, 2/3 or Full brick consistent with the front elevation selected; AND
  - ii. One of the following options:
    - a. 6 windows with similar fenestration to the front elevation selected; OR
    - b. 4 windows with similar fenestration to the front elevation selected AND an architectural highlight, such as, fireplace, bay window, or box window.
- g) For end units that are not high visibility, at a minimum, the Applicant must wrap masonry material around the corner to hug the side façade for a depth of 12 inches and the same height as used in the front façade (1/3, 2/3, or full).

**15. Landscaping**

- a) The Applicant must install all landscaping as shown on the landscape plan sheets of the Certified Site Plan within the latter of six months, or by the next planting season, of receiving the Use and Occupancy certificate for the adjacent residential dwelling.
- b) The Applicant must select a minimum of two additional species of shade/canopy trees to diversify the shade/canopy tree list.

**16. Lighting**

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

**17. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit or sediment 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 59.7.3.4.K.4 [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, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, alleys, sidewalks, paths and associated improvements within the relevant phase of development, and within the Village Green on the adjoining property to the west. The surety must be posted before issuance of the any building permit within each relevant phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each block/phase.

#### **18. 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.

#### **19. Certified Site Plan**

Prior to Certified Site Plan approval, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- 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 Department of Permitting Services."



- d) Extend the board-on-board fence along the western Property boundary to the south by an additional 65 feet to provide additional screening of the existing house at 3521 Norbeck Road.
- e) Modify data table to reflect development standards approved by the Planning Board.
- f) Update recreation calculations table to reflect facilities approved by the Planning Board.
- g) Ensure consistency of all details and layout between Site and Landscape plans.
- h) The Certified Site Plan must show the location of the Temporary Construction Administration or Sales Office.
- i) The FCCP and FCP worksheet must show the minor changes in net tract area, and the removal of the landscape credit from the FCP planting requirements and FCCP.

20. Temporary Construction Administration or Sales Office

- a) The building permit for the Temporary Construction Administration or Sales Office can be released after Certified Site Plan approval, but before Record Plat, provided that the following conditions are met: Site Plan conditions 2 a, b, c, and d; and Preliminary Plan 120170060 conditions 3 a, b, c, d, and e. All other conditions of the Site Plan and the Preliminary Plan are not applicable to the Temporary Construction Administration or Sales Office.
- b) Prior to release of the 72<sup>nd</sup> building permit, the Temporary Construction Administration or Sales Office must be removed.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Bradford's Landing Site Plan No. 820170060, 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 development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all conditions of Preliminary Plan 120170060, which was approved by MCPB Resolution No. 16-138, dated March 20, 2017.

The Site Plan increases the number of MPDUs from 37 (approved with the Preliminary Plan) to 61, which represents 25 percent of the total number of units.

This change is consistent with the Preliminary Plan approval because the total number of units remains the same at 244, and the conditions of approval established a minimum of 15 percent MPDUs with the final number to be determined at Site Plan approval. This increase is consistent with County's priorities to increase the supply of affordable housing and Master Plan recommendations. DHCA supports the increase in MPDUs and their locations.

As required by Preliminary Plan Condition No. 16, the Applicant is actively pursuing the approval of pedestrian signal heads and marked crosswalk(s) at the intersection of Norbeck Road and Norbeck Boulevard. These improvements have been included in the SHA's access permit drawings for the Project, which are currently under review by SHA. If approved, the improvements will be part of the project's access permit, and must be bonded and inspected as part of that permit.

As required by Preliminary Plan Condition No. 17, the Applicant sent letters to the various property owners between the Subject Property and the Local Park in an effort to acquire the necessary right-of-way or public use easements along Norbeck Road to extend the shared-use path off-site to the east and connect to the Local Park. Because some property owners refused while others did not respond, the path cannot be extended offsite to the west. The Applicant has adequately demonstrated a good faith effort to acquire the necessary right-of-way.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use & Development Standards

The Subject Property includes approximately 28.74 acres and is zoned R-200/TDR-7. The Application satisfies the applicable development standards of the R-200/TDR-7 zone developed under Section 59.4.9.16 Transferable

Development Rights (TDR) Overlay Zone for development under the Optional Method, and Section 6.2 Parking, as shown in the following data table. The Applicant is purchasing 143 TDRs, which is the maximum number of TDRs that can be applied to this Property, while providing 25% of the units as MPDUs, which allows development tax relief and a 22% density bonus for a total of 244 dwelling units.

At the time of Preliminary Plan, the Planning Board approved a waiver of the building type mix for environmental and compatibility reasons, in accordance to Section 59.4.9.16.B.2.b. The waiver reduced the minimum percentage of one-family detached units from the required 15% to 9%. The Site Plan is consistent with the minimums established by the Preliminary Plan.

**Data Table**

<b>Development Standard</b>	<b>Zoning Ordinance Permitted/Required</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
<b>Site Area (acres)</b>		
Gross Tract Area (GTA)	n/a	28.74
Norbeck Rd Dedication	n/a	0.77
Bradford Rd Abandonment	n/a	0.36
Net Lot Area	n/a	28.33
<b>Density</b>		
Density of Base Zone (R-200)	57 du (= 28.7 x 2)	
Density with TDRs	200 du	200 du (= 28.7 x 7)
Density with MPDU Bonus (22%)	244 du	244 du (= 200 x 1.22)
MPDU Bonus Density	44 du	44 du (= 244 – 200)
Number of MPDU's	25%	<u>61 MPDU's</u> (= 244 x 0.25)
- One-family attached		61
- One-family detached		0
<b>Unit Mix</b>		
- One-family detached	15% (min)	9% (22 du) <sup>2</sup>
- One-family attached	n/a	<u>91% (222 du)</u>
<b>Total</b>		100% (244 du)
<b>TDR's</b>		
- Max TDR's allowed	143	143 (= 200 – 57)
- Min TDR's required	95	95 (= 2/3 x 143)

<sup>2</sup> At the time of Preliminary Plan, the Planning Board granted a waiver to reduce the minimum percentage of one-family detached units from the required 15% to 9%, pursuant to Section 59.4.9.16.B.2.b.

- TDR provided		143
<b>Common Open Space</b>		
(% of GTA) (59-C-4.9.16.B.2.b)	20% (5.67 acres)	25% (7.19 acres)
<b>Min. Lot Area</b> (square feet)		
One-family detached	n/a	4,750
One-family attached		
Market rate units		1,250
MPDU'S		1,000
<b>Min. Lot Width at Street Front</b> (feet)		
One-family detached	n/a	50
One-family attached		16
<b>Max. Building Height</b> (feet)		
One-family detached	n/a	40
One-family attached		45
<b>Min. Setbacks</b> (feet)		
One-family detached	n/a	
Front from street		15
Side from street (end unit)		10
Rear		20
Side		4
One-family attached	n/a	
Front from street (frontloaded DU)		10
Front from street (rearloaded DU)		5
Side from street		3
Rear		10
Side adjacent to TH unit		5
Side adjacent to SWM		3
Accessory Structures	n/a	
Side		0
Rear		0
<b>Parking</b> (Section 6.2)		
Vehicle		
One-family detached (22)	44 (2 per DU)	44
One-family attached (161)	322 (2 per DU)	322
One-family attached MPDU (61)	61 (1 per MPDU)	61
Visitor on-street parking	n/a	<u>53</u> <sup>3</sup>
Total		480
Bicycle	n/a	10

<sup>3</sup> On-street parallel parking on public roads is subject to MCDOT and DPS-ROW review and approval at ROW permit.

b. General Requirements

i. *Site Access*

The Property access provides safe and convenient vehicular, bicycle, and pedestrian circulation within the Subject Property to the individual residential units, open spaces and amenities, and to adjoining properties.

The Site Plan provides one new vehicular access point to Norbeck Road at Proposed Public Street "A", which will provide adequate site distance and meet intersection spacing requirements. There will be full movement at this location both to, and from, east- and west-bound Norbeck Road. The Site Plan includes other access points to Norbeck Road, which are achieved through internal public road connections to the west through the adjacent Greenbriar at Norbeck Crossing development (Site Plan 820110040). The access to Norbeck Road and the internal public and private street right-of-way widths are all in conformance with those approved by the Preliminary Plan as part of the Adequate Public Facilities Review.

The Site Plan creates a network of public streets that connects to and extends the current public road network on the adjoining development to the west. Public Street "A", Bradford Road, Doc Berlin Drive, Clara Downey Avenue are not listed in the master plan, but will all be extended as public streets through the site. Collectively, the internal network of public and private streets, and alleys provides access to the individual lots via driveways.

Pedestrian and bicycle access to the Property is adequately and safely accommodated at Public Street "A", Doc Berlin Drive and Coolidge Ave, where existing sidewalks and shared use paths are extended into the Property. These connect to an internal network of 5-foot wide sidewalks and 8-foot wide shared use paths, which provide access to the individual units, the open space and amenity areas, and natural surface trails on the northern portion of the Property. The Site Plan provides two offsite hard-surface trail connections to East Norbeck Local Park, subject to easements agreements with Montgomery County and Pepco, respectively.

Along the Property frontage on Norbeck Road, the Applicant is providing the required 10-foot-wide shared-use path with a green panel, which is being extended offsite to the west to the extent

practicable, across the Property addressed 3521 Norbeck Road, thus providing a complete connection to the existing shared use path terminus on the adjoining Greenbriar at Norbeck Crossing development.

ii. *Parking, Queuing, and Loading*

The Site Plan provides adequate, safe and efficient vehicle and bicycle parking to serve the development. Vehicle parking in the R-200/TDR-7 Zone has a minimum of two spaces per single-family dwelling unit, except for MPDUs which is one space per unit. Each one-family detached dwelling includes an integrated two-car garage, each market rate townhouse unit includes an integrated two-car garage, and each MPDU townhouse unit includes an integrated one-car garage. In addition, most of the units, except for MPDUs, include two driveway pad spaces. An additional 16 parking spaces are located within Block B and accessed from alleys, which accommodate some visitor parking. Ultimately, as many as 53 additional on-street parallel parking spaces along Public Street "A", Clara Downey Ave, and Bradford Road, in front of dwellings or framing the Central Green could be implemented by MCDOT, DPS-ROW, and Fire and Rescue Services after Site Plan approval.

Short-term bicycle parking is available to the public and is conveniently located in the community recreation areas. A total of 10 bicycle parking spaces (5 invert-U bike racks) will be distributed between the Central Green and at the trail head leading to East Norbeck Local Park. These facilities are generally located in a pad area immediately adjacent to the sidewalk for ease of access, while not interfering with pedestrian circulation on the sidewalk.

iii. *Open Space and Recreation*

The Site Plan adequately meets the Common Open Space requirements as detailed in the Open Space Applicability section of the zoning ordinance. The Common Open Space provided encompasses outdoor areas that are intended for recreational uses by residents and their visitors. The Site Plan exceeds the minimum 20 percent requirement, by providing a total of 25 percent, or 7.19 acres, of the tract area as Common Open Space that is divided into two major areas.

One area, the Central Green, is centrally located in the development, bordered by streets and building lots, and adjacent to the existing Village Green on the neighboring property, which effectively creates a much larger combined green area for all the residents and their

visitors of the Golden Bear Area, as envisioned by the Master Plan (p.34). This area includes a variety of facility-based recreation, pathways, while incorporating ESD stormwater management facilities.

Another significant area of Common Open Space is located in the rear of the Property taking advantage of important adjacent natural features and open space, including stream and associated buffers, wetlands, and reforestation areas. This area will be protected with a Category I Conservation Easement and includes mainly natural resource-based recreation, such as, natural surface trails and a tot lot near the start of the multi-purpose trail connecting to East Norbeck Local Park. This area encompasses a minimum of 50 percent of the total Common Open Space in one contiguous area. Additional areas of open space that were not counted towards the Common Open Space requirement amount to approximately 2.12 acres.

The Site Plan is in compliance with the 1992 Recreation Guidelines by providing a variety of recreation facilities onsite, and by taking advantage of proximity to East Norbeck Local Park and Olney Manor Recreation Park, and their numerous facilities. Future residents and their visitors of all age groups will be adequately served by a variety of active and passive recreation facilities, which are safe and accessible.

In coordination with the adjoining property owner, the Central Green is designed as one large amenity area together with the adjacent Village Green, including a multi-age playground, a dog park, picnic pavilion with outdoor grills, exercise stations, running track with mileage markers, large open play area I, and sitting areas. Some of these amenities are located on the adjoining property, however, according to Division 59.7.3.4.G.2.c of the Zoning Ordinance, an amendment to the adjoining property's certified site plan is not required because the installation of these amenities or site elements meets all applicable developments standards under Article 59-4 and general requirements under Article 59-6 and do not conflict with any conditions of approval of the adjoining property's Site Plan No. 820110040, as amended. These facilities are an addition to the facilities approved with Greenbriar at Norbeck Crossing, and no existing facilities will be removed. In addition, the Site Plan complies with the Recreation Guidelines without taking

credit for the dog park and exercise stations, which are partially located on the adjoining property.

The natural areas in the rear of the Subject Property will include a network of 6-foot wide natural surface trails with bird boxes, and a tot lot at the head of the multi-purpose trail head. Additional site features, including bird boxes and butterfly boxes, were incorporated into the stormwater management facilities to enhance these facilities as amenity areas.

The offsite hard-surface trail connection between the subject Site Plan, through Montgomery County's property, to the East Norbeck Local Park is a significant amenity that this Application is providing to fulfill Master Plan recommendations (p.34). As conditioned, this connection will be subject to the terms and conditions of the easement agreement between Montgomery County and the Applicant. Additionally, and in response to the Planning Board's request at Preliminary Plan approval, the Applicant is also actively pursuing a secondary hard-surface trail connection to the Local Park at a mid-point location along the eastern Property boundary through Pepco property. As conditioned, the Applicant will build this connection subject to Pepco granting the necessary easements.

Although the Site Plan does not request credit for off-site facilities, at least two parks in the immediate vicinity of the Subject Property provide additional recreation opportunities for the future residents. The Olney Manor Recreational Park, located approximately 0.8-miles north of the Property, includes ballfields, basketball, playground, lighted tennis courts, indoor swim center and a recreation building. The recently renovated East Norbeck Local Park, located 0.2-miles east of the Property, includes tot lots, playgrounds, lighted tennis courts, ballfields, and covered picnic areas.

iv. *General Landscaping and Outdoor Lighting*

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The landscaping provided, with an emphasis on native species, is appropriate for this residential development by achieving several objectives. It provides canopy coverage and shade on all the roads and open spaces. A variety of large deciduous trees line up all the streets and alleys. Final location and species for streets trees on public right-of-way will be determined by DPS-ROW Section at the time of ROW permit. Private streets and alleys have been designed to maximize the



number of large trees provided. Open spaces areas, especially the Central Green, also benefit from a large number of canopy trees. As conditioned, the Applicant will select a minimum of two additional species of canopy/shade trees to diversify the current selection.

Smaller plant material, including understory trees and shrubs, are used to delineate spaces, such as play areas and sitting areas, and to highlight specific features, such as entrance signs and piers. Additionally, the landscaping provided efficiently adds screening and buffering at key locations within the community, specifically where the new development abuts existing homes. Along the western Property boundary south of Clara Downey Avenue, a mix of evergreen trees and shrubs in addition to a privacy fence is provided to buffer the existing home at 3521 Norbeck Road from the new development. Similarly, on the northwestern corner of the Property, additional landscaping is provided to screen the views of the new units. All stormwater management facilities, which are dispersed throughout the development, will be heavily planted with a variety of native plant material to achieve ESD goals. These facilities and associated landscaping are reviewed and approved by DPS-SWM. Ultimately, the landscaping provided will strengthen community character, and improve water and air quality.

The on-site lighting is typical street lighting found along most internal residential developments. The photometric plan shows how the lighting meets the illumination requirements to avoid light in excess of 0.5 footcandles from spilling over the Subject Property line. The lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. Street lighting consists of pole mounted light fixtures with a maximum height of 14 feet located on all public roads, private streets, alleys and major open spaces. The Applicant will also coordinate with MCDOT, Division of Traffic Engineering and Operations to locate streetlights in the public rights-of-way.

*5. The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

**a. Chapter 19, Erosion, Sediment Control, and Stormwater Management**

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services – Water Resources Section on November 18, 2016 and is a condition of approval of the Subject Property's Preliminary Plan No. 120170060.

The Applicant has requested permission to construct a Temporary Construction Administration or Sales Office onsite on an existing recorded lot at the earliest possible time. As conditioned and in coordination with DPS, a building permit for the Temporary Construction Administration or Sales Office can be released only after Certified Site Plan approval, but before Record Plat, and provided that the following conditions are met: Site Plan conditions 2 a, b, c, and d; and Preliminary Plan 120170060 conditions 3 a, b, c, d, and e. These conditions refer to the FFCP requirements that must be satisfied prior to the start of any demolition, clearing or grading.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. The Final Forest Conservation Plan 820170060 (FFCP) was submitted with the Site Plan on March 9, 2017, and conforms to the Preliminary Forest Conservation Plan (PFCP) for this project, which was approved by the Planning Board on December 15, 2016 as part of the Preliminary Plan 120170060 approval.

When the numbers of the total tract area, land use category, total amount of forest, forest removed and forest retained are entered into the Forest Conservation Worksheet, it results in a total afforestation/reforestation requirement of 7.45 acres. The Applicant meets this requirement by providing 4.69 acres of afforestation on-site and taking the remaining planting requirements of approximately 2.76 acres (or as approved in the FFCP) off-site to an approved forest mitigation bank. All retained forest, planted forest and the environmental buffer areas will be protected by Category I Conservation Easements. No alterations have been made to the tree variance, which the Planning Board also approved as part of the PFCP approval.

c. Noise

A Traffic Noise Impact and Barrier Analysis was prepared by HUSH Acoustics, LLC for the development due to its location along Norbeck Road and the ICC. A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas. The Montgomery County "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" stipulate a 60 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas. HUSH Acoustics, LLC issued its report dated October 22, 2016, outlining its findings and recommendations for the Subject Property.

The results of the analysis indicate that there will be no future unmitigated traffic noise levels at or above 60 dBA Ldn along Norbeck Road. However, future unmitigated traffic noise levels along MD 200 above 60 dBA Ldn will impact several residential lots including Lots A 17-23, A 24-39, D 10-11. As shown on the Certified Site Plan, noise barriers are provided along the rear of the townhouse lots A 17-23 and 24-39, in addition to adding a three-legged noise barrier between the townhouse Lots D 10 and 11. The noise barrier is between 6 to 7 feet in height to reduce the yard noise levels to meet the exterior noise guidelines. The barriers along the roadways vary between locations along the property lines of the lots and along the Property line of the development perimeter to achieve the recommended 60 dBA Ldn in all yards.

The analysis also determined that the highest building façade noise level will be as high as 69.2 dBA Ldn of the most impacted residences. As conditioned, prior to issuance of the first building permit, a Building Shell Analysis and review of architectural floor plans for the residential buildings will be performed to ensure the guideline recommendations for interior areas are achieved.

*6. The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Site Plan provides for safe and well-integrated parking, circulation patterns, building massing, and open spaces and site amenities. The Site Plan creates a network of public roads that connect to the existing road network on the adjoining development to the west. These include Public Road "A", Doc Berlin Drive, Clara Downey Avenue, and Bradford Road. In addition, there is a private street serving the northernmost blocks, and several private alleys serving the rear-loaded units in the mid and lower sections of the development. All public and private streets include at minimum 5-foot-wide sidewalks, with some streets also having an 8-foot-wide shared use path along them. These pedestrian and bike facilities provide access to all on-site amenity spaces and will connect to off-site trail connections to the East Norbeck Local Park.

The Site Plan shows the one-family detached units along the eastern boundary of the Subject Property to provide a transition to the existing lower density development to the east. Additional detached units are provided along the north side of Proposed Doc Berlin Drive as an extension of the existing character of that road, which was established with the approval of Greenbriar at Norbeck Crossing. South of Doc Berlin Drive, the Site Plan has several blocks of rear-loaded townhouses facing onto public roads or open space mews. North of Doc Berlin Drive, the Site Plan has several blocks of front-loaded townhouses with private backyard

space. All units have an integrated 2-car garage, except for the MPDU townhouse units, which have an integrated one-car garage.

The Central Green is a major open space area, which is centrally located within the project and adjacent to the existing Village Green on the adjoining Greenbriar at Norbeck Crossing development to the west. The Central Green is adequately framed by public streets with parallel parking on the eastern and southern sides and by existing detached units on the northern side. Amenities in the Central Green provide unique opportunities for recreation and fitness, ranging from a multi-age playground, dog park, picnic pavilion with outdoor grills to exercise stations, running track with mileage markers, large open play area I, and sitting areas. The Central Green will be privately owned and maintained.

To the north of the Subject Property, a large area including retained forest, planted forest and environmental buffers will be protected by a Category I Conservation Easement and serve as a green buffer to the ICC. Amenities in this area include a network of 6-foot wide natural surface trails with bird boxes, and a tot lot at the head of the multi-purpose trail head.

*7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Subject Property is located within the boundary of the 2005 Olney Master Plan. The Master Plan makes general recommendations for the Southeast Olney quadrant but makes specific recommendations for the Subject Property since it is severed from the quadrant by the ICC. The Master Plan identifies the properties within the area south of the ICC as the "Golden Bear Area" (p.34). The Master Plan identifies this area as appropriate for higher densities given its proximity to transit, its lack of environmental and historic resources, and the availability of public sewer. The Master Plan recommends the R-200/TDR zone to support a mix of one family detached, attached and multi-family units with a maximum density of 7 units per acre. The Master Plan supports TDR's to achieve these density levels.

The Master Plan envisions redevelopment of this area to create a "small neighborhood" with a mix of housing, significant open space, a public or private park and a buffer along the ICC and the Georgia Avenue/Norbeck Road interchange. Safe and convenient pedestrian access to the Georgia Avenue busway and neighborhood shopping centers is also encouraged. Specifically, the Master Plan recommends an internal pathway linkage to the East Norbeck Local Park with appropriate open space and play areas.

The Master Plan also encourages exploring the feasibility of a “dedicated” local park within the overall Golden Bear Area to provide open space and play areas (p.34). The Preliminary Plan found that additional public park dedication within this development was not desirable. Instead, the Planning Board supported the large, centrally located open space that abuts the existing Village Green on the adjoining development to the west, both of which will be privately owned and maintained.

The Central Green will nearly double the size the existing Village Green and create a sizeable amenity for the entire Golden Bear Area. The Applicant will continue coordinating with the Greenbriar development on the design, amenities and maintenance of the private park. The private park combined with other open space areas will provide sufficient recreational and outdoor opportunities for the future residents.

Overall, the Site Plan substantially conforms to the vision of the Olney Master Plan to provide a neighborhood type development for most of the Golden Bear Area. The Site Plan enables the extension of the road network and development patterns approved in the Greenbriar at Norbeck Crossing at a density that fulfills the goals of the Master Plan. Safe and convenient pedestrian and bicycle access will be provided through internal sidewalks and shared use paths. An internal eight-foot wide shared use path connection will be built from the existing terminus at Doc Berlin Drive, to Bradford Road to Proposed Public Road A and it will be extended offsite through the adjoining Montgomery County Property to the existing pedestrian bridge at East Norbeck Local Park. The Applicant will build this trail connection subject to the terms and conditions of the Easement Agreement between Montgomery County and the Applicant. As discussed above, the Applicant is also actively pursuing a secondary hard-surface trail connection to the Local Park at a mid-point location along the eastern Property boundary through Pepco property.

*8. The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The Planning Board approved Preliminary Plan No. 120170060, MCPB Resolution No. 16-138 dated March 20, 2017, and found that the project will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

The Planning Board sent a letter to SHA and DOT to follow-up on concerns raised during the Public Hearing for the Preliminary Plan. The concerns related to 1) unsafe pedestrian access and circulation on Norbeck Road due to the lack of sidewalks or gaps in the existing sidewalk system, and 2) inability to find adequate

gaps in traffic to make left turns, both east- and westbound, onto Norbeck Road, especially during weekday peak hours.

SHA responded that they are currently undertaking a pedestrian improvement project that will incorporate a new American Disability Act (ADA) compliant sidewalk along the south side of Norbeck Road (MD 28) from Georgia Ave (MD 97) to Bailey's Lane along with the installation of a signal at Bailey's Lane. The new sidewalk will provide a continuous path and safer pedestrian accessibility to transit stops, Norbeck Park and other amenities in the vicinity. The project is currently under design phase, which is anticipated to be completed by Spring 2018. The improvements will be implemented once funding for utilities, right-of-way, and construction is secured. The installation of a new signal at Bailey's Lane will also help create gaps for traffic entering Norbeck Road.

*9. The development is compatible with the character of the residential neighborhood.*

The Site Plan is compatible with existing, and approved, adjacent development in terms of density, building types, massing, orientation, and architectural treatment.

The density approved at 8.49 units per acre is compatible with the density on the adjacent development to the west at 8.52 units per acre. This density is consistent with Master Plan recommendations, and it enables the purchase of 143 TDRs and provision of 61 MPDUs in line with the County's priorities.

Existing development located between the Subject Property and the East Norbeck Local Park has much lower densities than provided in the Site Plan. However, since it is also zoned R-200/TDR-7, the intervening properties have the potential to develop with similar densities and lot sizes as the development. The Site Plan shows one-family detached units along the eastern Property boundary to provide a transition and in recognition of the existing lower density development to the east.

Compatibility with the approved development to the west is achieved by extending the existing road network and development pattern throughout the Site Plan. Along Doc Berlin Drive, the one-family detached unit type is being extended along the north side into the Property. Similar unit types and development standards, including lot sizes, setbacks, and building heights, ensures compatibility between this development and the adjoining development. Furthermore, and as discussed above, screening and buffering with additional plantings between the new development and existing homes further creates compatibility.

Along Norbeck Road, compatibility is achieved by: 1) maintaining a significant setback from the road, which will include plantings and the SWM 100-year pond, 2) orienting the units to the road and rear load them from alleys, as well as 3)

grouping most of the units into foursomes, which will break-up the massing as viewed from the road.

Within the development, compatibility is achieved through architectural treatment of the units. Each row of townhouse units, including MPDUs, will be articulated as a comprehensive whole in terms of materials, colors, and architectural features and styles. End units will have similar massing and architectural features within each row. Also, and as conditioned, the side facades of high visibility units identified in the Certified Site Plan will include materials and architectural treatment comparable to the fronts of those units, and additional fenestration. One-family detached units will include usable front porches that protrude beyond the garage towards the street, which contribute to street activation and promote sense of community.

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 § 59-7.3.4.H; 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 JUL 03 2017 (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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, June 29, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board