



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

MCPB No. 18-124  
Site Plan No. 820170170  
**WMAL Bethesda**  
Date of Hearing: November 15, 2018

JAN 15 2019

**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 October 25, 2017, Toll Brothers, Inc ("Applicant") filed an application for approval of a site plan for 309 dwelling units, including 40 MPDUs, on 74.83 acres of R-90 zoned-land, located at the northeast quadrant of the intersection of Greentree Road and Interstate 495 ("Subject Property"), in the *North Bethesda/Garrett Park Master Plan* ("Master Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820170170, WMAL Bethesda ("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 November 5, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 15, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on November 15, 2018 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

---

Approved as to  
Legal Sufficiency:

*Christa Sout* 1/2/19

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170170 for 309 dwelling units, including 12.5 percent MPDUs, plus one additional MPDU, on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of up to 309 dwelling units, with up to 159 detached houses and up to 150 townhouses.

2. Height

The development is limited to a maximum height of 40 feet.

3. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated April 4, 2018 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

a) The development must provide 12.5 percent MPDUs, plus one additional MPDU, on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.

b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

### **Open Space, Facilities and Amenities**

4. Common Open Space, Facilities, and Amenities

a) The Applicant must provide a minimum of approximately 18.61 acres of Common Open Space (26.4% of the gross tract area minus the school dedication area). The exact amount of Common Open Space may change based on final engineering of Stormwater Management facilities.

b) Before final inspection for the 206<sup>th</sup> residential unit, the community building and associated amenities must be completed.

c) Before the final inspection for the final residential unit on any given block (as defined by Public and Private streets, but not Private Lanes and Alleys), all hardscaping, seating, recreation facilities and other open space amenities in the Common Open Space on that block must be installed. All landscaping on

---

<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.

any given block must be installed within one growing season after the completion of the final residential unit on that block.

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 the recreation facilities shown on the Certified Site Plan. The recreation facilities must be completed according to Condition #4c.

7. Maintenance of Amenities

The Applicant is responsible for maintaining all amenities including, but not limited to, the community clubhouse, open space areas including all seating areas and recreational facilities, and art pieces.

**Site Plan**

8. Site Design

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

9. Lighting

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

## **Environment**

### **10. Forest Conservation**

- a) The Applicant must comply with Final Forest Conservation Plan (FFCP) No. 820170170, approved as part of this Site Plan, subject to the following conditions:
  - 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.
  - ii. The Applicant must record a Category I Conservation Easement over all areas of forest retained and forest planted prior to any demolition, clearing, or grading on the Property. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed among the Land Records and referenced by liber and folio on the record plat.
  - iii. The Applicant must submit financial surety for planting 0.74 acres of forest and obtain M-NCPPC approval of a two-year maintenance and management agreement prior to any demolition, clearing, or grading on site.
  - iv. The Applicant must plant all reforestation within one year of construction completion.
  - v. The Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for 8.38 acres of mitigation credit prior to the start of any clearing, grading, or demolition occurring on the Property.
  - vi. The Certificate of Compliance to use an off-site forest mitigation bank must be recorded in the Land Records prior to any clearing, grading, or demolition occurring on the Property.
  - vii. The Applicant must plant a total of 43 caliper inches of native canopy trees as mitigation for the removal of five (5) trees subject to the variance provision. The minimum planting stock size must be no less than three (3) caliper inches. The trees must be planted on the Property, as shown on the Final Forest Conservation Plan. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector. The trees must be planted within one year of construction completion.
  - viii. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree protection measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

**11. Noise Attenuation**

- a) If the Site Plan changes in any manner that affects the validity of the noise analysis dated May 2, 2018, for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- b) Before final inspection for any dwelling unit, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in architectural acoustical treatments.
- c) The building shell for the following residential units affected by exterior noise levels projected above 65 dBA Ldn must attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn:
  - i. Lots 1 through 8 on the northern perimeter;
  - ii. Lot 1 on the western perimeter; and
  - iii. Lots 1 through 22, 109 through 116, 187 through 193, 267, 268, and 269 on the southern perimeter.
- d) Prior to final inspection for residential units listed under Condition 11.c.iii, the noise wall within the SHA right-of-way along I-495 must be completed.

**12. Stormwater Management**

- a) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated August 21, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
- b) The following revisions must be made prior to Certified Site Plan, subject to approval by MCDPS Water Resources Section:
  - i. Add "SWM" to the roadside planter box labels already shown on Site Plan sheet 5, 6, and 13;
  - ii. Add "On-Lot SWM Planter Box (typ.)" labels to at least one lot on each Site Plan sheet 5-15;
  - iii. Add "SWM ESMT" labels to identify the proposed SWM easements over all three of the underground SWM detention vaults shown on Site Plan sheets 5 and 6;
  - iv. Relocate the mailbox outside of the proposed SWM easement shown on Site Plan sheet 5; and
  - v. Remove the landscape seat walls shown within the proposed SWM easements on Site Plan sheets 5 and 6.

## **Transportation & Circulation**

### **13. Transportation**

- a) Prior to issuance of a building permit for the first residential unit, the Applicant must make a payment to MCDOT of \$184,787.50 to satisfy condition No. 28 from Preliminary Plan No. 120160290.
- b) Prior to the issuance of a building permit for the 150<sup>th</sup> residential unit, the Applicant must construct the extension of Greentree Road.
- c) Prior to the issuance of a building permit for the 300<sup>th</sup> residential unit, the Applicant must construct the extension of Renita Lane.
- d) Prior to issuance of a building permit for the 150<sup>th</sup> residential unit, the Applicant must complete the off-site traffic calming and streetscaping improvements along Greyswood Road and Greentree Road as shown in the Certified Site Plan.

### **14. Pedestrian & Bicycle Circulation**

The Applicant must provide five (5) short-term bicycle parking spaces outside the Clubhouse as shown on the Certified Site Plan.

### **15. Fire and Rescue**

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated October 1, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

### **16. Site Plan Surety and Maintenance Agreement**

Prior to issuance of the first building permit, sediment control permit, or Use and Occupancy Certificate within each relevant phase of development, 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 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, planting of grass on the future school site, on-

site lighting, indoor and outdoor recreational facilities, community center, site furniture, public art, mailbox pad sites, trash enclosures, retaining walls, noise walls/fences, railings, private roads and sidewalks, alleys, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights within the relevant phase of the development. The surety must be posted before issuance of any building permit 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.

**17. 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.

**18. Certified Site Plan**

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan Resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before 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) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Revise the Common Open Space Exhibit (Sheet 07-SITE-820170170-019) per the updated version in the Staff report.
- g) Change "Or Equal" to "Staff approved equal..." on all applicable sheets.
- h) The trail within the northern Forest Conservation Easement must be relocated between the southern edge of the northern forest, closer to the proposed homes and further away from existing homes. Final location of the trail will be subject to field location due to topographical and environmental constraints. The Applicant must work with Staff to locate the natural surface

trail in the field, and the trail should be located in a way that protects the privacy of residents, while providing for use of the natural areas.

- i) Work with Staff to:
  - i. add public art, seating, and/or other amenities to the linear parks; and
  - ii. continue to refine plant list.
- j) Revise the Photometric Plans to show that the outdoor lighting is consistent with Section 59-6.4.4.D.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of WMAL Bethesda 820170170, 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 Subject Application satisfies Preliminary Plan No 120160290, approved by the Planning Board on June 15, 2017.

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

This finding is not applicable as this Property is not subject to a development plan or schematic development plan.

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 finding is not applicable because 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. Development Standards



The Subject Property includes approximately 74.83 acres zoned R-90. The Project satisfies the applicable development standards as shown in the following data table:

**Data Table**

	Required/Allowed	Approved
<b>GROSS TRACT AREA:</b>		
Gross Tract Area	5 AC. MIN.	74.83 AC.
Area of Dedications		3.57 AC. (public roads)
		4.30 AC. (school site)
Net Lot Area =		66.96 AC.
<b>MAXIMUM DENSITY:* (4.39 units/acre)</b>		
(74.83-4.30)* 4.39	309 units	309 Units
<b>UNIT TYPE:</b>		
Detached Units		159 51.46%
Townhouse Units	50% MAX.	150 48.54%
Total=	309	309
<b>MPDUS:</b>		
12.5% + 1	40	40
<b>OPENSACE:*</b>		
Common Open Space	15 % MIN.	±26.4 %
	10.58 AC.	±18.61 AC.
<b>SITE COVERAGE:</b>		
Detached	N/A	N/A
Townhouse	40 % MAX.	11.3 %
<b>LOTS:</b>		
<b>Lot Area:</b>		
Detached	4,000 SF MIN.	4,000 SF MIN.
Townhouse	1,000 SF MIN.	1,000 SF MIN.
<b>Lot width at front building line:</b>		
Detached	Determined at Site	45.0' MIN.
Townhouse	Plan	16.0' MIN.
<b>Lot width at front lot line:</b>		
Detached	25' MIN.	25.0' MIN.
Townhouse	14' MIN.	14.0' MIN.
<b>Frontage on street / open space:</b>		
Detached	Required	Provided
Townhouse	Required	Provided
<b>Lot Coverage:</b>		
Detached	50 % MAX.	50.0 %
Townhouse	N/A	N/A
<b>Building Setbacks:</b>		
<b>Front setback from public street:</b>		
Detached	25' MIN.	25' MIN.
Townhouse	25' MIN.	25' MIN.
<b>Front setback from private street or open space</b>		
Detached	10' MIN.	10' MIN.
Townhouse	10' MIN.	10' MIN.

\*The area of the school site is removed from the tract area for these calculations.

	Required/Allowed	Approved
<b>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</b>		
Detached	25' MIN.	25' MIN. Public Street
Townhouse	25' MIN.	25' MIN. Public Street
<b>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</b>		
Detached	15' MIN.	15' MIN. Public Street
Townhouse	15' MIN.	15' MIN. Public Street
<b>Side or rear setback</b>		Side / Rear
Detached	Determined at Site Plan	4.0' / 4.0'
Townhouse		N/A / 4.0'
<b>Side setback, abutting property not included in application</b>		
Detached	Equal to required setback for a detached house in abutting zone	8'
Townhouse		N/A
<b>Rear setback, abutting property not included in application</b>		
Detached	Equal to required setback for a detached house in abutting zone	25'
Townhouse		N/A
<b>Rear setback, alley</b>		
Detached	4' MIN.	4' MIN.
Townhouse	4' MIN.	4' MIN.
<b>Height:</b>		
<b>Principal building:</b>		
Detached	40' MAX.	40' MAX.
Townhouse	40' MAX.	40' MAX.
<b>PARKING:</b>		
<b>Market Rate Units (269)</b>		
2.00 Req. space/unit	538	538
<b>MPDU Units (40)</b>		
1.0 Req. space/unit	40	40
Total Spaces	578	578 (Garage)
Additional Parking Provided		177 On-Street
		360 On-D/W
Total Parking Provided On-Site		1,115 On-Site

b. General Requirements

i. *Site Access*

The Project includes three vehicular access points from Greentree Road, Greyswood Road, and Renita Lane. Greyswood Road will be connected to Greentree Road through the Property, while Renita Lane will be extended through the Property to intersect with Greentree Road. Pedestrian access to the Property is available via five-foot wide sidewalks on both sides of Greentree Road and Renita Lane. A sidewalk is also provided north of the MCPS site,

providing another pedestrian access to Greentree Road. The Applicant will install an off-site sidewalk along Derbyshire Lane (between Greyswood Road and the Property) to provide an additional pedestrian connection to the existing neighborhood.

ii. *Parking, Queuing, and Loading*

As demonstrated in the Data Table above, the Project provides a total of 1,115 vehicle parking spaces, far exceeding the 578 spaces required by the Zoning Code. Bicycle parking is not required for detached or townhouses, but the Site Plan includes five (5) short-term bicycle parking spaces at the Community Center.

iii. *Open Space and Recreation*

The Project includes over 18 acres designated as Common Open Space (COS), well above the 10.58 acres required. The COS contains improvements allowed per Section.6.3.3 including areas for pedestrian circulation, landscaping, seating, shade, artwork, and recreational amenities. Per a condition of approval, the Applicant must continue to work with Staff to add features to the linear parks prior to Certified Site Plan. The Applicant indicates that all stormwater management facilities and the future MCPS parcel were removed from the COS computation, consistent with the Planning Board's direction during Preliminary Plan review.

Per Section 59.6.3.5.B., the minimum width for any required common open space is 50 feet unless the Planning Board grants an exception for features such as a linear park, by finding that its purpose meets the intent of Division 6.3. to, "provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality." The Applicant has worked with Staff to meticulously plan and program the north/south COS areas to ensure they connect and integrate with adjacent COS areas to provide a variety of recreational uses to function as linear parks. Given the significance of the north/south linear parks in aesthetically weaving together the community, providing an abundance of native landscaping, encouraging walkability, including interactive artistic play features and providing linear connections to larger COS areas, the Planning Board approves the request of an exception to the 50' width requirement to count these linear park areas toward the open space requirement.

Thus, as required by Section 59.6.3.5.B., all of the COS is either connected via one of the north/south linear parks or separated from

another COS area by a residential street. All COS areas exceed the minimum 2,000 square foot requirement.

The tabulations included in the tables below demonstrate compliance with Recreation Facility Guidelines and that the Project provides all the required recreation points onsite.

**Recreation Demand Points**

Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
TH	Townhouses and Single-Family attached	150	21	33	24	79.50	109.50	16.50
SFD	Single-Family Detached	159	23.85	55.65	55.65	42.93	116.07	22.26
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
<b>Total Demand Points =</b>		<b>309</b>	<b>44.85</b>	<b>88.65</b>	<b>79.65</b>	<b>122.43</b>	<b>225.57</b>	<b>38.76</b>

**Onsite Recreation Supply Points**

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Connection - Trail System	1	10.00%	4.93	19.50	13.14	20.20	37.22	4.26
Indoor Community Space	1	0%	4.49	13.30	23.90	36.73	67.67	15.50
Open Grass Area Lawn - Urban (2,000 sf)	2	0%	4	6	10	14	16	6
Playground (Age 2-5) [Tot Lot]	1	0%	9	2	2	3	3	3
Playground (Age 5-12) [Play Area]	1	0%	0	9	3	2	4	2
Multi-Purpose Lobby Area	1	0%	0	0	2	3	3	2
Neighborhood Green	1	0%	5	7	6	8	8	6
Wading Pool	1	0%	8.97	4.43	0	0	11.28	1.94
Lounge Pool	1	0%	0	0	19.91	48.97	67.67	5.81
Public Art Seating - Active Multi-use	1	0%	5	5	5	5	5	5
Interactive Outdoor Music and Art	5	0%	25	25	15	10	20	20
Grilling Area	1	0%	0	0	2	6	6	5
Bicycle Support Station	1	0%	0	0	3	3	3	3
<b>Total Onsite Supply Points =</b>			<b>66.39</b>	<b>91.23</b>	<b>104.95</b>	<b>159.90</b>	<b>251.84</b>	<b>79.51</b>

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project provides street trees and planting beds throughout the community and appropriate outdoor lighting to illuminate streets and sidewalks.

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 on August 21, 2018. The plan will

meet stormwater management requirements through the use of micro-bioretenion and bio swales.

b. Chapter 22A, Forest Conservation

The site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Planning Board approved a Final Forest Conservation Plan in conjunction with the Site Plan. A Preliminary Forest Conservation Plan (PFCP) was approved with Preliminary Plan No. 120160290, and the FFCP is consistent with the approved PFCP. The Applicant will clear 5.61 acres of forest and retain 10.75 acres of forest. The Project has a 9.12-acre planting requirement, which the Applicant will meet by planting 0.74 acres of forest and purchasing 8.38 acres of credit in an off-site bank. All areas of stream valley buffer will be planted in forest and protected by a Category I Conservation Easement. The Board finds that, as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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

Parking and Circulation Patterns

The Project is designed in a grid-like pattern with two public roads providing an east-west connection between the Project and the surrounding neighborhood street network. Adequate parking will be provided on all individual lots through garages and driveways and on-street parking will be provided to accommodate both residents and visitors.

Building Massing

The Project includes detached houses, townhouses, and a clubhouse building. Detached houses are provided on the perimeter of the Property, where existing detached houses will directly abut the new development. Townhouse communities are already integrated into the neighborhood to the north and west of the Property, so the building types are consistent with those in the surrounding community. The clubhouse is designed to be a focal point of the community, and its location allows for safe vehicular and pedestrian access for future residents.

Open Space and Amenities

The Project is exceeding the amount of open space required and providing quality open spaces including open lawn areas, reactional amenities, native landscaping, and public art. Open spaces and recreational amenities are

strategically placed throughout the community to provide easy access to open space and amenities for all residents.

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 Approved and Adopted 1992 *North Bethesda/Garrett Park Master Plan* (Master Plan) identifies the Property as a Key Vacant or Redevelopable Parcel – No. 20 (page 73). The Master Plan notes that the Property, “*is occupied by four transmission towers, and the owners have indicated that they plan to continue the present use of the property for the foreseeable future. The possibility of joint use of the property, including a community recreation center and ballfields, was investigated. However, the owners indicated that the existence of a multiplicity of underground cables and equipment, at a shallow depth, rendered construction, or even ballfields, impracticable. This property, the largest in North Bethesda, is surrounded on three sides by single-family housing in the R-90 Zone. Should the use of the property for transmission towers ever be discontinued, this Plan recommends that the site be used for single-family residential development in the R-90 Zone. The Plan also recommends that Greentree Road be connected to Greyswood Road as part of any residential development*” (page 84).

The Master Plan confirmed the existing R-90 Zone for the Property and recommended the connection of Greyswood and Greentree Roads and that the site be used for single-family development in the R-90 Zone. The development will achieve several of the Master Plan’s general land use and environment objectives, including the following:

- Encourage a land use pattern that provides opportunities for housing and employment.
- Preserve and increase the variety of housing stock, including affordable housing.
- Preserve and expand green areas and greenways, including institutional open space, for environmental protection, wildlife sanctuary, recreation and visual relief.
- Preserve existing woodland and encourage reforestation throughout the Planning Area (pages 33-34).

The Project includes new residential development consistent with the Master Plan recommendations. The residential component will provide additional housing opportunities and increase the variety of housing stock including 12.5 percent (plus one additional) MDPUs. Over 20 acres of the site will be preserved as COS areas, of which a significant amount will be preserved and protected by Category I Conservation Easements. The majority of the Category I Easement

areas are located along the northern and southern ends of the Property, linked by a series of linear park COS connections. The Category I Easement and COS areas help preserve existing woodland, and aide environmental protection, recreation, and visual relief.

#### Street Network

The Site Plan shows the 70-foot right-of-way dedication and improvements for Greentree Road (P-2) and Greyswood Road (P-3) classified in the Master Plan as primary residential streets with a minimum right-of-way of 70 feet with two travel lanes (page 164). The Applicant is required to dedicate and construct the full right-of-way for this connection as shown on the Preliminary Plan. Renita Lane is not classified in the Master Plan, but the Applicant is required to improve Renita Lane as a modified secondary residential street, with variable pavement widths, including two travel lanes (one in each direction) and parallel parking on the north side. While Renita Lane is not specifically identified by the Master Plan, its extension to Greentree Road will provide the logical extension of the public street network, while providing more efficient pedestrian and vehicular connections. Per the previously approved Preliminary Plan, MCDOT and Planning Staff recommend a modified, reduced-width right-of-way to minimize impacts to the existing forest on the southern end of the Property.

#### Urban Design

The Master Plan does not provide specific urban design guidance for the Property. However, two of the seven urban design objectives in the Master Plan are applicable to the Project:

- Add local streets to create a more interconnected local street network and reduce the size of blocks in high intensity areas.
- Greatly improve the pedestrian friendliness of new and existing streets, particularly within walking distance of transit nodes, and increase the number of pedestrian and bicycle routes to transit (page 109).

The Applicant provides the logical extension of public streets, and an internal network of private streets, which form a grid pattern and create a more interconnected local street network. The Applicant is providing off site traffic calming and street trees along Greentree and Greyswood Roads, which are both public roads, to improve the pedestrian friendliness of the existing streets and to help blend the existing and new developments together.

#### Pedestrian Network

The Master Plan made no specific pedestrian recommendations for the Property. However, the pedestrian network of sidewalks and paths will link different sides of the development to the existing sidewalks on Greentree/Greyswood Road. The community currently uses the Property as a park and recreation area. There is a

worn path on the outer ring of the Property created by walkers and joggers, and the Applicant will preserve the functionality of the path by providing a similarly located loop of path and sidewalks through the development and COS areas.

#### Bikeway Network

The Master Plan identifies Greentree/Greyswood Road as a Class III signed, shared roadway/bikeway (page 168). As a Class III shared roadway/bikeway, cyclists are expected to share the road with motor vehicles. The 2005 *Countywide Functional Bikeways Master Plan* also recommends a shared roadway, PB-5, along Greyswood Road. The draft *Bikeway Master Plan* recommends an off-street trail connection between Greentree Road and Derbyshire Lane. Once the Project is complete, cyclists will have the option to share the new road connection between Greentree and Greyswood Roads with vehicles, or to use the natural surface trail in the northern forest conservation easement area.

#### Environment

The Master Plan's main environmental objective is to "protect and enhance the environmental resources of North Bethesda-Garrett Park" (page 247). The Master Plan also makes general recommendations for tree preservation and noise including the following:

- Protect woodlands, green space, steep slopes and wetlands through land use recommendations and development regulations.
- Retain mature trees as buffers in new residential development to create visual separation from major roads.
- Retain the maximum number of specimen trees on site where they occur.
- Provide additional trees along existing streets, in median strips, and in parking lots whenever feasible.
- Require every new road recommended by this Plan have a streetscape plan with an emphasis on tree planting.

The development will implement the applicable environmental recommendations of the Master Plan. Approximately 10.75 acres of the Property will be retained as forest. Per the approved Preliminary Plan, the Applicant has attempted to minimize impacts to specimen trees and forest and will plant mitigation trees for the specimen trees that will be removed. The Site Plan provides a streetscape plan, with off-site street trees and traffic calming along Greentree and Greyswood Roads per the Master Plan recommendation.

#### Noise

The Master Plan states that noise from the Capital Beltway (I-495) and I-270 is intrusive because of large traffic volumes on both roadways. The Master Plan recommends a noise attenuation wall when the I-270 spurs are widened at locations where existing residences will be subjected to high noise levels (pages



247-248). In addition, the Master Plan states that “any undeveloped or redevelopable land adjacent to major highways should use noise-compatible land use and site design and other mitigation measures recommended in the Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” (page 252).

The Applicant has submitted an updated noise study with the Site Plan and the noise studies have been shared with SHA as required by Preliminary Plan Condition No. 4. In order to mitigate outdoor noise levels to the 65 dBA level, the Applicant will construct a varying height (18-25 feet) noise barrier in the I-495 right-of-way. After mitigation, all lots and open spaces on the southern edge of the development will meet the 65 dBA recommendation. The development will be impacted by projected upper level (25 foot) noise from both I-270 and I-495. Units impacted by this noise will require architectural methods to reduce the interior noise levels to 45 dBA Ldn level for indoor residential spaces. The addition of a noise barrier at the southern boundary of the site will provide mitigation of transportation noise at the ground and upper level, reducing the number of residences impacted by noise levels greater than 65 dBA Ldn to 53 at the upper level. A building shell analysis was provided for these 53 units, using the Sound Transmission Class (STC) ratings for building element materials. When exposed to a projected transportation noise level up to 68 dBA Ldn, Toll Brothers’ standard building construction will be capable of maintaining indoor noise levels below 45 dBA Ldn for the home models to be offered at WMAL. Modifications to exterior walls, windows, and doors will not be required for any of the 53 impacted residences to comply with the Montgomery County’s indoor noise limit. Thus, the noise mitigation satisfies the Master Plan noise recommendations.

Therefore, based on the analysis above and the conditions of this approval, the Planning Board finds the Project to be in substantial conformance with the Master Plan.

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 Resolution for Preliminary Plan No 120160290, adopted by the Planning Board on June 15, 2018, found that there were adequate facilities to serve the Project with an Adequate Public Facilities (APF) validity period of 85 months from the date of mailing of the Planning Board Resolution on August 3, 2017. Thus, the Planning Board’s finding of APF Validity Period remains valid until September 3, 2024.

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

The Project is consistent with the residential character of the existing residential neighborhoods located west, north, and east of the Property. The surrounding area consists of detached homes to the east and west of the Property, with townhomes adjacent to the northwest corner of the Property. The scale and density of the Project is appropriate in relation to the surrounding area. Along the two public streets, the Project provides primarily detached houses, consistent with the neighborhood to the east. The new lots adjacent to the existing lots along Corkran Lane were designed to be comparable in size. Detached houses are provided where the existing lots with detached houses directly abut the Property. The majority of the new townhomes are located within the interior of the development, and the club house is located at least 400 feet from any existing house.

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

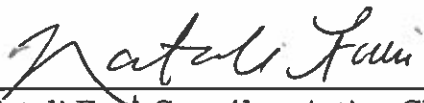
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 15 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Acting Chair Fani-González and Commissioners Cichy and Patterson voting in favor at its regular meeting held on Thursday, January 10, 2019, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Natali Fani-González, Acting Chair  
Montgomery County Planning Board