



## Village at Cabin Branch: Site Plan No. 820200150

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Completed: 07/17/20

### Description

#### Village at Cabin Branch: Site Plan No. 820200150

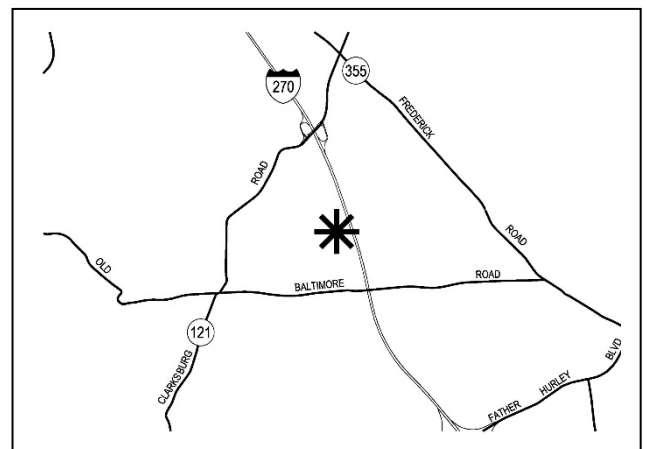
An application to create 375 age-restricted units, comprised of 135 multi-family and 240 townhouses, and up to 16,000 square feet of non-residential space; located at northeast quadrant of the intersection with Cabin Branch Avenue and Little Seneca Parkway; 61.54 acres; MXP zone; 1994 *Clarksburg Master Plan & Hyattstown Special Study Area*.

**Applicant:** Classic Group, LLC

**Accepted Date:** March 11, 2020

**Review Basis:** Chapter 59 and Chapter 22A

*Recommendation – Approval with conditions*



### Summary

- Staff recommends approval of the Site Plan, including the Final Forest Conservation Plan and a Final Water Quality Plan.
- This Site Plan qualifies for an exemption pursuant to Section 59.7.7.1.B.1 for Applications in Progress before October 30, 2014, which allows an Applicant to proceed through any additional required application under the standards of the Zoning Ordinance in effect on October 29, 2014. Specifically, this Site Plan is continuing approvals from the Cabin Branch Preliminary Plan No. 120031100 and subsequent amendments first filed in 2003.
- The Site Plan simultaneously amends the Cabin Branch Infrastructure Plan No. 820050150 (and subsequent amendments) for Forest Conservation purposes.
- The Applicant opposes the condition to provide the main access to the multi-family buildings fronting the public street and sidewalk system, which improves pedestrian access to/from the multi-family buildings and promotes walkability. Instead, the main access is provided in the rear of the building and internal to the block
- As conditioned, the project substantially conforms to the Cabin Branch Design Guidelines.
- The project conforms to LMA G-806 and, as conditioned, to the subsequent DPA 13-02 for Cabin Branch.
- Staff supports the amount of retail proposed, which is much lower than what was anticipated for this location according to the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* recommendations.
- Staff supports the waiver request to reduce the right-of-way width to 44 feet for Street 'A' and Street 'B'; and the waiver request to reduce the minimum horizontal alignment for the curve on Petrel Street.
- Staff supports a waiver under Section 2.2.2(2) of the Noise Guidelines to allow higher levels of noise impacts to exterior open spaces in the residential development.
- This Application will provide for the continuation of existing Petrel Street, on the east side of Cabin Branch Avenue, through the Subject Property.

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## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**SITE PLAN NO. 820200150:** Staff recommends approval of Site Plan 820200150. The development must comply with all binding elements of County Council Resolution No. 17-1002, approving Development Plan Amendment DPA 13-02 dated February 4, 2014, conditions of approval for Preliminary Plan No. 12003110C, and conditions of approval for Infrastructure Site Plan No. 820050150, or as amended.

All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

### Density, Height, and Housing

#### 1. Density

The Site Plan is limited to a maximum of 375 age-restricted dwelling units, with 240 single-family attached units and 135 multi-family family units, and up to 16,000 square feet of non-residential uses.

#### 2. Building Height

- a) The maximum height of the multi-family buildings must not exceed 70 feet as measured from the building measuring point, as illustrated on the Certified Site Plan.
- b) The maximum height of the townhouse buildings must not exceed 45 feet as measured from the building measuring point, as illustrated on the Certified Site Plan.
- c) The maximum height of the non-residential buildings must not exceed 50 feet as measured from the building measuring point, as illustrated on the Certified Site Plan.

#### 3. Moderately Priced Dwelling Units (MPDUs)

The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated May 22, 2020 and incorporates it as a condition 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 or MCDHCA - approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan. As permitted in Section 25A-5(l) of the County Code, the applicant will provide an alternative payment to DHCA in lieu of providing MPDUs in the age-restricted units or arrange with DHCA for the provision of affordable senior units elsewhere in the Planning Area.

#### 4. Cabin Branch Design Guidelines

- a) The development must comply with the Cabin Branch Design Guidelines for Site Plan Review (“Design Guidelines”) dated March 2, 2018.
- b) The Applicant must submit to the M-NCPPC Staff with building permit applications for each phase of the development program, an approval from the Town Architect stating that the approved buildings within that phase are in conformance with specifications of the Design Guidelines.

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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.

- c) The Planning Board accepts the recommendations of the Cabin Branch Town Architect in its letters dated February 13, 2019 and April 24, 2019, with the revisions for the multi-family building as required under condition #10.

5. Occupancy Provisions

- a) All residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.
- b) Prior to Certified Site Plan:
  - i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
  - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
  - iii. The Book/Page reference must be included on the record plat.

**Open Space, Facilities, and Amenities**

6. Green Area, Facilities, and Amenities

- a) The Applicant must provide a minimum of 33 acres of Green Area on-site, as shown on the Certified Site Plan.
- b) Before release of the 204<sup>th</sup> building permit (the 85<sup>th</sup> percentile building permit for townhouses), the Use and Occupancy certificate must be issued for the clubhouse, fitness building, and all associated recreational facilities and open spaces must be completed.
- c) Within 6 months after completion of a given row of townhouses on a given block as identified in the record plat, the public green area and amenities adjacent to those townhouses must be completed.
- d) Within 6 months after the issuance of final Use and Occupancy certificates for the multi-family development, all public green areas and amenities on the associated block must be completed.
- e) Within 6 months after the issuance of Use and Occupancy certificates for each non-residential building, all public green areas and amenities on the associated block must be completed.

7. Common Open Space Covenant

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

8. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the minimum required recreation facilities as defined by the Recreation Guidelines and as listed on the Certified Site Plan: one woodland natural area and forested buffer, one urban plaza (entry plaza and monument), four picnic and seating areas, one courtyard, one central park (or neighborhood green), a dog run, three open grass areas (urban, small, and large), that incorporate three bird and pollinator gardens, a community garden, a bocce court, two pickleball courts, a community clubhouse (including a resident lounge), a pedestrian/connection trail system, and one fitness building.
- c) The Applicant must show on the Certified Site Plan details for the required subgrade and drainage system (if required) for all major recreational facilities, including but not limited to

the woodland natural area, entry and urban plazas, picnic and seating areas, courtyards, bird and pollinator gardens, central park area, open grass areas, community gardens, bocce courts, pickleball courts, central clubhouse, pedestrian/connection trail system, resident lounge, and fitness building.

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the woodland natural area, entry and urban plazas, picnic and seating areas, courtyards, bird and pollinator gardens, central park area, open grass areas, community gardens, bocce courts, pickleball courts, central clubhouse, pedestrian/connection trail system, resident lounge, and fitness building.

## **Site Plan**

10. Site Design

- a) The Applicant must provide the main access to the multi-family buildings fronting the abutting public street and sidewalk system, as shown in Staff's sketch in the Staff Report. The main access must be directly connected to the central elevator lobby without doors or physical barriers.
- b) The trash room and utility rooms on the multi-family buildings must be relocated away from the building façade facing the public street, consistent with the Cabin Branch Design Guidelines.
- c) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations on the submitted architectural drawings, as determined by M-NCPPC Staff. The entry porticos for the multi-family buildings must be provided as shown on the submitted drawings.

11. 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 or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the tract boundary line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

## **Environment**

12. Forest Conservation and Tree Save

The Applicant must comply with the conditions of approval for the Amended Final Forest Conservation Plan ("FFCP"), plan number 820200150, specifically including sheets 1, 26, 27, 28, 29, 30, 31, 43, 44, and 46 of the Final Forest Conservation Plan, Plan No. 820050150, and Variance request approved as part of this Site Plan, including:

- a) Prior to plan set certification by M-NCPPC the Applicant must address all outstanding staff comments on the FFCP and update all effected sheets of the original FFCP under Cabin Branch – Infrastructure Site Plan No. 820050150.
- b) The limits of disturbance (“LOD”) shown on the Final Sediment Control Plan must be consistent with the final LOD shown on the approved amended FFCP.
- c) The Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- d) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

### 13. Water Quality

The Applicant must comply with the conditions of approval for the Final Water Quality Plan including:

- a) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its Final Water Quality Plan and Stormwater Management Concept letter dated July 13, 2020 and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) Impervious surfaces are limited to no more than 43.0% of the Subject Property within the Clarksburg Special Protection Area.

### 14. Noise Attenuation

The Applicant must comply with the conditions of approval for noise mitigation including:

- a) The Planning Board grants a waiver under Section 2.2.2(2) of the 1983 Staff Guidelines for the Consideration of Transportation Noise (“Noise Guidelines”) allowing exterior open space noise levels up to 70 dBA Ldn.
- b) Prior to the issuance of the first above grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
  - i. The installation of the noise mitigation techniques to attenuate the current noise levels to no more than 70 dBA Ldn for the exterior ground level living spaces on Lots 6-9, Lots 10-53, and Lots 54-65 in Block A, Lots 1-12 in Block B, Lots 1 and Lots 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E are adequate.
  - ii. The building shell for residential dwelling units affected by exterior noise levels projected at or above 70 dBA Ldn, Lots 6-9, Lots 10-53, and Lots 54-65 in Block A, Lots 1-12 in Block B, Lots 1 and Lots 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c) Before the final inspection for any residential unit on Lots 6-9 and 10-53 in Block A, Lots 54-65 in Block B, Lots 1 and 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E, the Applicant must certify to M-NCPPC and MCDPS/Zoning and Site Plan Enforcement Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

- d) If any changes occur to the Site Plan which affect the validity of the noise analysis dated May 20, 2020, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- e) For all residential unit on Lots 6-9 and 10-53 in Block A, Lots 54-65 in Block B, Lots 1 and 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise greater than 65 dBA Ldn. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all certified subdivision and site plans.

## **Transportation and Circulation**

### **15. Private Roads / Alleys**

The Applicant must provide Private Alleys 1.1, 2, 3.1, 3.2, and 3.3, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by the Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:

- a) The record plat must show all Private Roads / Alleys 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.
- 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) Private Alleys 1.1, 2, 3.1, 3.2, and 3.3. are to be constructed to the standards of an alley (MC-200.01), except as modified by the Site Plan.
- d) Prior to issuance of the first above ground building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS/Zoning and Site Plan Enforcement Division, certification by a professional engineer licensed in the State of Maryland that the Private Roads / Alleys have 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 on 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.
- e) Prior to the release of the Site Plan Surety Bond, the Applicant must provide certification to M-NCPPC Staff, with copy to the MCDPS/Zoning and Site Plan Enforcement Staff, from a professional engineer licensed in the State of Maryland that all the private streets, alleys and associated sidewalks and shared use pathways have been built according to the requirements of Condition 15.d).

16. Pedestrian & Bicycle Circulation

The Applicant must provide the following pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operation:

- a) Prior to the release of the 50<sup>th</sup> townhouse building permit, an 8-ft wide asphalt shared-use path (SUP) is to be constructed along the east side of Cabin Branch Avenue, continuing from the exiting path to the north of Petrel St. to the south to Little Seneca Parkway. A bikeable crossing of Little Seneca Parkway shall be built on the eastern leg of the intersection to connect the shared use path to the south east corner.
- b) Prior to the release of the 180th townhouse building permit, an 8-ft wide asphalt shared-use path (SUP) is to be constructed along the frontage with Little Seneca Parkway for the non-residential building identified on Sheet 15 of the Site Plan. This SUP shall connect to the approved path to the west of the Subject Property, as seen on Sheet 15, and continue across the southern leg of Cabin Branch Ave to connect to the segment of SUP identified in the previous condition 16.a).

17. Validity

The Adequate Public Facility Review (APF) will remain valid until February 17, 2030, consistent with the current APF validity period as approved by MCPB Approval No. 19-080 for Cabin Branch Preliminary Plan No. 12003110D, which this Site Plan is utilizing.

18. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 15, 2020, 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.

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site private lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private road construction and associated infrastructure (sidewalks, private utilities, private paths, and private bikeways onsite). The surety must be posted before issuance of any above ground building permit or Sediment and Erosion Control permit 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.

20. 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.

- a) Prior to the release of the 168<sup>th</sup> building permit (70<sup>th</sup> percentile permit for townhouses), the Applicant must obtain a Use and Occupancy permit for the smaller non-residential building on Skimmer Street.
- b) Prior to the release of the 204<sup>th</sup> building permit (85<sup>th</sup> percentile permit for townhouses), the Applicant must obtain a Use and Occupancy permit for the larger non-residential building on Little Seneca Parkway.

21. 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) Provide the standard landscape plan notes that planting in stormwater management areas are subject to final approval by MCDPS Water Resources staff.
- e) Modify data table to reflect development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Add a note to the Site Plan stating that "An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times."
- h) Update the multi-family buildings to reflect revised access and trash and utility rooms as conditioned.

## SECTION 2 – SITE LOCATION AND DESCRIPTION

### Site Location and Vicinity

The Subject Property is comprised of two distinct developable areas located within the Cabin Branch neighborhood. The first area encompassing 60.21 acres is located along the east side of Cabin Branch Avenue and extends approximately from the intersection with Little Seneca Parkway to a bit beyond the intersection with Petrel Street. The second area encompassing 1.33 acres is located at the southwest intersection of Cabin Branch Avenue and Little Seneca Parkway. The total boundary of this Application is 61.54 acres in size and covers part of P150 on Tax Map EV342, and part of P645 on Tax Map 343 (“Property or Subject Property”) (Figure 1). The remainder of these parcels not shown for development are mostly Category I Conservation Easement recorded by previous site plan approvals, and some developable land available in the southern and southwestern portion of P150. The Property is currently zoned CRT-0.5, C-0.25, R-0.25, H-130T, but is being reviewed under the MXPD zone because it is eligible for grandfathering pursuant to Section 59.7.7.1.B.1 of the Zoning Ordinance.

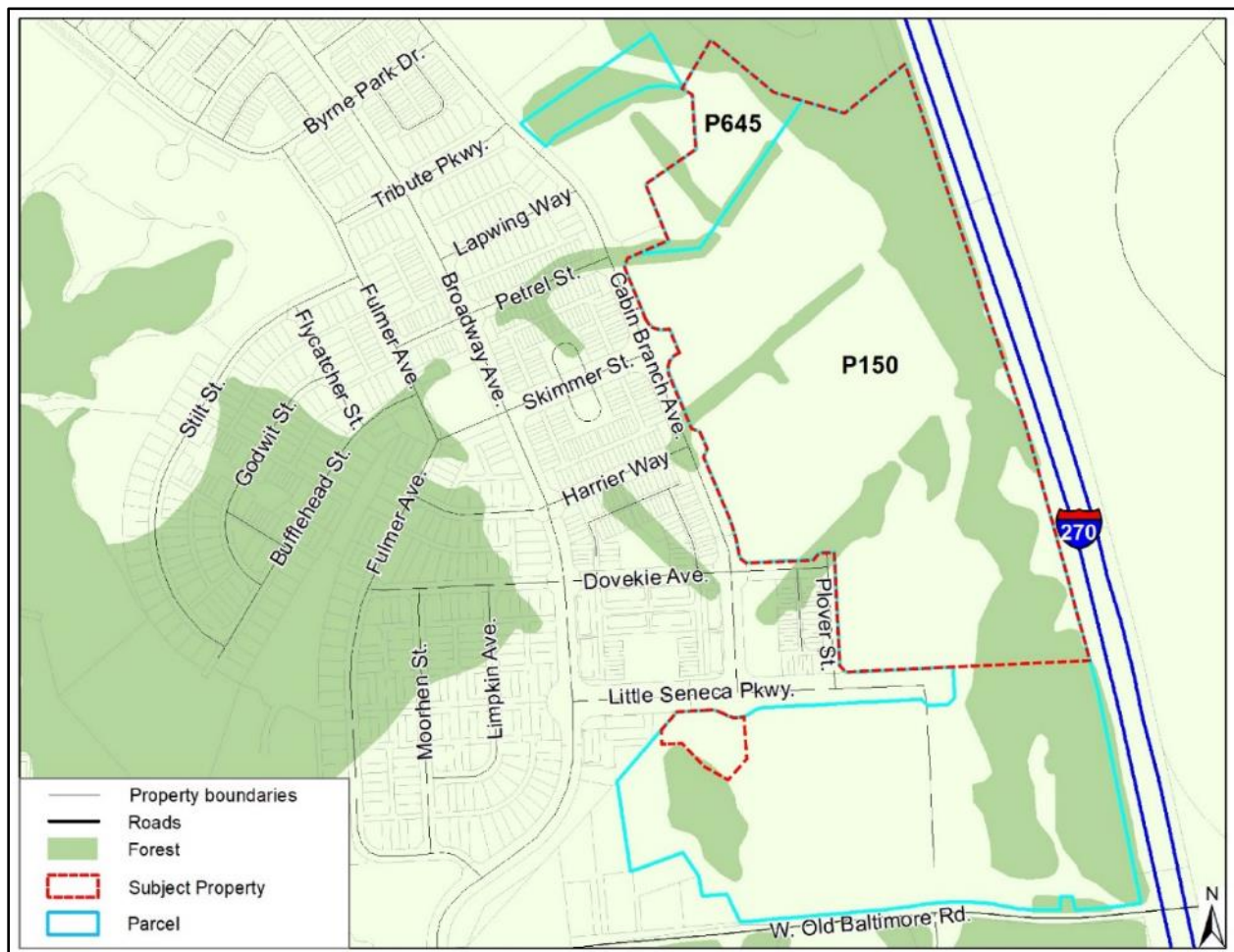


Figure 1 – Property Boundary

The Subject Property is part of the greater Cabin Branch neighborhood, which is approximately 545 acres in size, and is bounded to the east by I-270, the north and west by Clarksburg Road, and the south by West Old Baltimore Road (Figure 2). Immediately north of the Property in Cabin Branch is a stream valley and



forest conservation, with the Cabin Branch Premium Outlets on the other side, which were approved by Site Plan 820140160 in December 2014. West of the Property, on the opposite side of Cabin Branch Avenue, are a mix of one family attached and detached dwellings that are part of the Winchester Phase I and Phase II development approvals. South of the Property is undeveloped land along West Old Baltimore Road. East of the Property generally is I-270, with the Comsat property located on the opposite side of the interstate. Current zoning has all the land in Cabin Branch east of Broadway Avenue zoned CRT-0.5, C-0.25, R-0.25, H-130T, which was part of the old MXPD zone, and all the land west of Broadway Avenue zoned CRT-0.5, C-0.25, R-0.25, H-65T/TDR-0.39, which was the extents of the old RMX1/TDR zone (Figure 3). South of West Old Baltimore Road is the top of Black Hill Regional Park, including the park's main entrance. Across I-270 and beyond the Comsat site are other recent developments implemented as part of the Clarksburg Master Plan, and north of Clarksburg Road is the County correctional facility and the headwaters of the Ten Mile Creek watershed.



Figure 2 – Vicinity Map



Figure 3 – Current Zoning



Figure 4 – Previous Zoning



## Site Analysis

The Property has two distinct developable areas which are located along Cabin Branch Avenue and Little Seneca Parkway. The largest developable area, which is slated for the age-restricted housing, is partially rough graded and partly abandoned field. Additionally, there is a steep-sided stream valley along the eastern edge of the Property, separating the developable land and I-270. The smallest developable area, which is slated for a non-residential building, is also partially rough graded and partly abandoned field. Cabin Branch Avenue extends across the front of the largest site and Little Seneca Parkway extends across the front of the smallest site, both of which were built by previous developments in the Cabin Branch neighborhood. There are no identified rare, threatened or endangered species on the Property, and no identified wetland or 100-year floodplain.

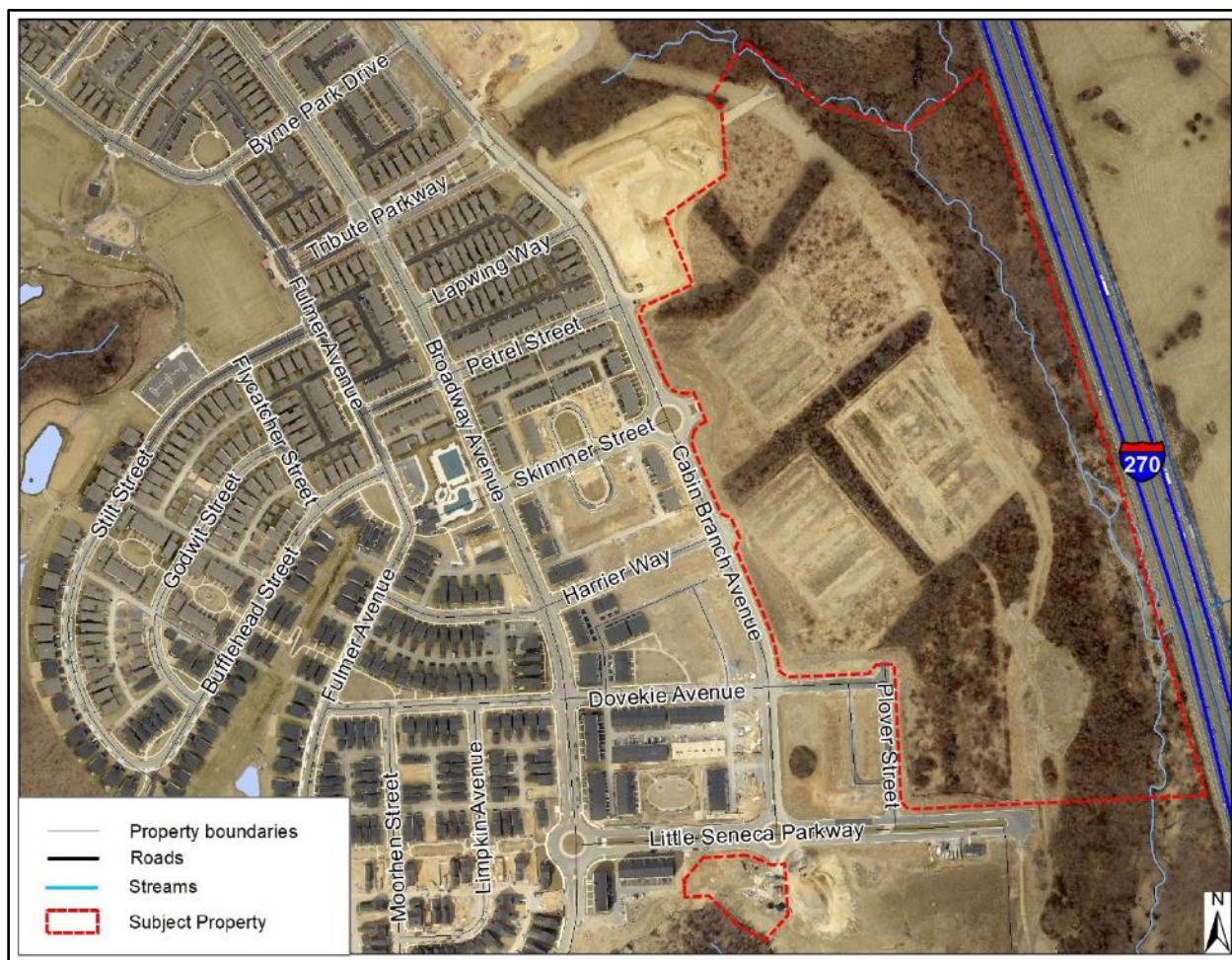


Figure 5 – Aerial Map

## SECTION 3 – APPLICATION AND PROPOSAL

### Previous Regulatory Approvals

The Cabin Branch neighborhood has a long history of previous development approvals. The full history is available in Attachment E, which summarizes each approval by type, resolution date and a short description of what was approved. The following is more detail on the applicable Zoning Case, the Preliminary Plan, the DPA and the Infrastructure Site Plan.

#### Zoning Case History

##### *LMA G-806*

The Cabin Branch neighborhood, which the current Site Plan Application is a part of, was the subject of a Local Map Amendment (LMA) No. G-806. The LMA was approved in 2003 by Resolution No. 15-326, for a total mixed-use development of 535 acres. The LMA retained approximately 250 acres of existing RMX-1/TDR zoned land and rezoned 283.5 acres of RE-1/TDR-2, RMX-1/TDR, and I-3 zoned land to the MXPDP zone. The rezoning to MXPDP was to allow for a mix of office, retail, residential, and public uses, consistent with the Master Plan vision for the Cabin Branch neighborhood. The accompanying Development Plan broke the MXPDP portion of the Neighborhood into four development areas (A, B, C and D), setting allowed uses and maximum densities within each area. Development area E was the remaining RMX-1/TDR area which would be all lower density residential.

Total development uses for the MXPDP zone were ultimately approved for 2,420,000 square feet of non-residential/employment use including approximately 120,000 square feet of retail and 2,300,000 square feet of office, 1,139 dwelling units, 500 age-restricted dwelling units, and 75,000 square feet of public use. The Development Plan associated with LMA G-806 anticipated the retail to be located in two areas, one north of Clarksburg Road, and a second neighborhood center located near the center of the Neighborhood. The office employment uses would be all along the eastern part of the MXPDP zoned area closest to I-270. The multi-family residential areas were proposed primarily along the east side of Cabin Branch Avenue near the middle of the Neighborhood, with other possible locations in the northern and southern ends of the Neighborhood.

##### *DPA 13-02*

A Development Plan Amendment (DPA) No. 13-02 for the Premium Outlets was approved by Resolution No. 17-1002 on February 4, 2014, to increase allowed retail uses to a total of 484,000 square feet to accommodate a major retail center (Figure 6). The previous employment use contemplated for development Area A was medical/hospital which was deemed improbable to occur with the Certificate of Need granted to, and recent construction of, Holy Cross Hospital in Germantown. The DPA considered the approximately 450,000 square feet of retail needed for the major retail center as a source of employment and reduced the amount of remaining office uses within the Neighborhood to 1,935,000 square feet. The amount and location of retail services for the remaining development was consistent with the original approval and anticipated ancillary and service retail an amenity to the Cabin Branch neighborhood. No other substantial changes were made to the Development Plan as a result of DPA 13-02.



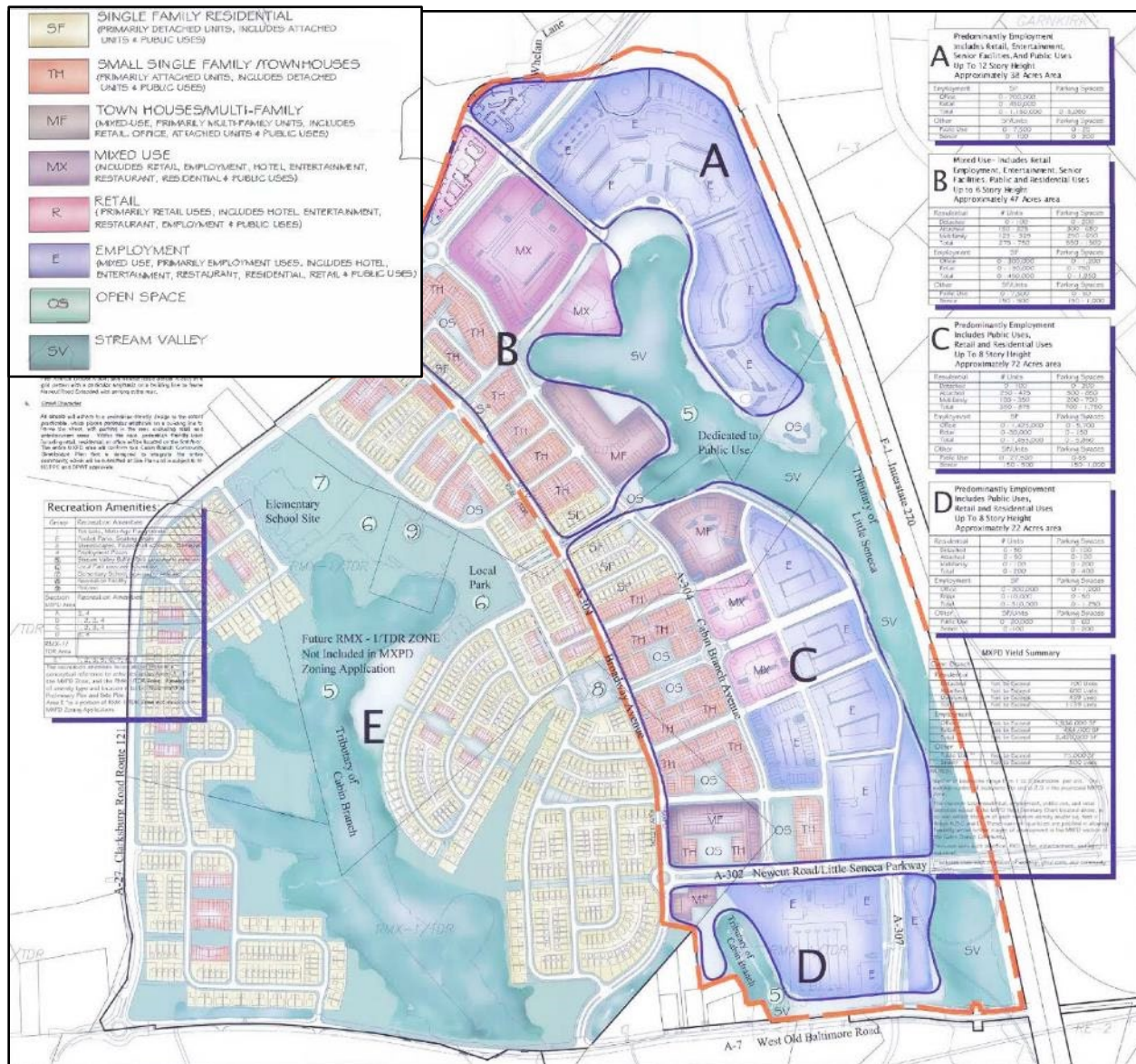


Figure 6 – DPA 13-02

## Preliminary Plans

### 120031100 & 12003110A

The Preliminary Plan for Cabin Branch, No. 120031100 ("Preliminary Plan"), was first submitted in June 2003. However, before it was acted on an amendment No. 12003110A was submitted in September 2003. The A amendment was adopted by resolution dated June 22, 2004 and approved a development with up to 1,600 dwelling units, 500 age-restricted housing units, 1,538,000 square feet of commercial uses, including the necessary APF reviews. The Preliminary Plan and its A amendment also approved the general road layout, consistent with LMA G-806. The Preliminary Plan did not lay out the final network of roads or lots, and the subsequent Site Plan approvals, including an Infrastructure Site Plan, have instead been used to work out these details more typical of a Preliminary Plan. The APF validity from the Preliminary Plan was extended by Amendment D to February of 2030 and is utilized for the proposed residential units.

#### *12003110B & 12003110C*

The Preliminary Plan B amendment was approved by resolution dated 10/06/2008, increasing the total residential and commercial density allowed in the Cabin Branch neighborhood to 1,886 residential units, and 2.4 million square feet of commercial.

The C amendment to the Preliminary Plan (Premium Outlets) was approved by resolution dated 12/23/2014, and it modified the transportation APF approvals to specifically increase retail uses from 120,000 square feet to 484,000 square feet, and to reduce office uses from 2.3 million square feet down to 1.96 million square feet. The APF validity period remained unchanged as a result of this amendment.

#### *12003110D*

The Preliminary Plan D amendment was approved on July 17, 2019. The amendment extended the Plan validity by 3 years for each of the 4 phases of the plan and extended the APFO validity by 10.5 years to February 17, 2030.

**Table 1 - Approved Staged Development Validity Period**

<b>Stage</b>	<b>Approved Development</b>	<b>Original Plan Validity Expiration</b>	<b>Current Expiration</b>
Stage I	420 dwelling units 125 age-restricted housing units 380,000 square feet commercial	05/6/2011	08/17/2022
Stage II	404 dwelling units 250 age-restricted housing units 380,000 square feet commercial	11/06/2013	02/17/2025
Stage III	388 dwelling units 125 age-restricted housing units 380,000 square feet commercial	05/6/2016	08/17/2027
Stage IV	All Remaining Development	11/06/2018	02/17/2030

#### Site Plans

##### *Infrastructure Site Plan 820050150 and Amendments*

The Cabin Branch community has an infrastructure Site Plan, first designated as No. 820050150 ("Infrastructure Site Plan"), which has been amended at least seven times since. The Infrastructure Site Plan covers the entire Cabin Branch Neighborhood and includes the details on the roads, utilities and the forest conservation. It has allowed the various different developments within the greater Cabin Branch neighborhood to coordinate and pre-construct the necessary shared infrastructure improvements. As Site Plans are submitted and approved, they automatically update the Infrastructure Site Plan to include any changes to roads, stormwater and forest conservation necessary to accommodate the developments. The listed amendments A – G of the Infrastructure Site Plan are all amendments to the Infrastructure Site Plan independent of any particular Site Plan approval.

##### *All Other Cabin Branch Site Plans*

There have been eight previously approved Site Plans in Cabin Branch, including three separate phases of Winchester Homes, two phases of Toll Brothers, The Premium Outlets, Cabin Branch Multi-family, and the

Gosnell property. Each have implemented another portion of Cabin Branch under the overall development approvals of the LMA and the Preliminary Plan. The Cabin Branch Multi-family site plan was the most recent approval within the Cabin Branch development, with the property being located directly north of the Subject Property.

#### Site Plan 820180060

In 2018, the Planning Board approved Site Plan No. 820180060 (MCPB No. 18-021), which included a final water quality plan for the construction of 272 multi-family residential dwelling units. The dwelling units were in two buildings on two lots, along the east side of Cabin Branch Avenue on 9.92 acres of CRT-0.5, C-0.25, R-0.25, H-130T zoned-land, but reviewed under the former MXPDP zone. The Site Plan provided a minimum of 25% of the units as MPDUs and allowed the Applicant to take advantage of Bill 36-17, which exempted the development from impact taxes. The Site Plan also proposed the purchase of a total of 48 TDRs, which represented the project's pro-rata share of the total number of TDRs required to develop the Cabin Branch Neighborhood, based on the formula established by the binding elements of the DPA. Elements of the Infrastructure Site Plan were amended and incorporated into the Infrastructure Site Plan.

### **Proposal**

#### Site Plan 820200150

A new Site Plan Application, No. 820200150, Village at Cabin Branch ("Site Plan" or "Application") was submitted on March 11, 2020, for the construction of 375 age-restricted residential dwelling units, comprised of 135 multi-family and 240 townhouses, and up to 16,000 square feet of non-residential space along the east side of Cabin Branch Avenue and the southwest corner of Little Seneca Parkway. The Applicant is proposing an alternative payment to DHCA in lieu of providing the minimum 12.5% MPDUs within the age-restricted units. The Site Plan is not proposing to provide any TDRs because the age-restricted dwelling units are located within an area that was rezoned MXPDP from the previous I-3 designation and is not considered to be part of the TDR obligation that exists within other areas of the Cabin Branch development. With this Application, elements of the Infrastructure Site Plan are being amended, and as described above, will automatically be part of the Infrastructure Site Plan.





Figure 7 – Rendered Site Plan

### *Building Design and Layout*

The 375 age-restricted dwelling units are split up between 240 townhouse units and five, four-story tall, multi-family residential buildings. The 240 townhouse units are broken up with 202 front-loaded townhouse units and 38 rear-loaded townhouse units. The front-loaded townhouses account for approximately 84% of the total number of townhouses and are evenly distributed throughout the developable area, while the rear-loaded townhouses account for approximately 16% of the cumulative total and are distributed primarily along the western edge of the Subject Property on Cabin Branch Avenue and Skimmer Street.

The facades of the front-loaded townhouses are well articulated and include driveways that provide ample space to accommodate two parked vehicles, while still allowing a continuous sidewalk and landscape panel (Figure 8). The building mass is broken up by distinct changes in materials and color. The façades are primarily a mix of shingle and lap siding, with the individual townhouse units being broken up through variations in color. The rear-loaded townhouses are also well articulated, with a larger variety of materials and architectural character (Figure 9). The facades incorporate materials such as stone, brick, and lap siding to help define the edges of the streetscape, while serving to break up the overall building mass and identify the individual townhouse units. Both front-loaded and rear-loaded townhouse units share a mix of traditional gable, hipped, and shed roof configurations, all of which help to break up the overall mass of the buildings and provide unique visual interest. Regardless of townhouse configuration, as one ‘turns the corner’ the façade treatments are extended to the sides and rears for all high visibility façades (Figure 16), resulting in a ‘four-sided’ architecture for most buildings.



The remaining 135 age-restricted dwelling units are located within five multi-family buildings that are four-stories in height. Each of the five multi-family buildings is organized such that there are 27 units within each building. The architectural character of the multi-family buildings is similar in articulation, materiality, and roof configuration to the townhouses (Figure 10). The building facades are a mix of lap siding and brick, punctuated with balconies. Like the townhouses, the architectural character wraps around the other facades, and is extended to the individual carriage garages that are located on the interior of the multi-family cluster (Figure 11). The roofline of each building is predominantly composed of hipped roofs, with minor gables at select locations. The multi-family buildings are arranged in a centralized cluster along the northern edge of Little Seneca Parkway and the eastern edge of Plover Street. Each of the multi-family buildings is oriented in a manner that places the main entrance lobby at the back of the building, facing out to the parking lot. There are two additional entrances, at each building façade, that open out to the respective street and sidewalk, however they do not have direct connections to the main lobby (Figure 18). After suggestions from Staff for a more welcoming and engaging entrance, the two access points were articulated with hipped roof canopies that connect across the façade, and ultimately wrap around the sides of the building. Additionally, there are articulated screen walls that serve to shield the building utility infrastructure from view within the public realm. As conditioned, Staff is concerned that the primary lobby entrance is from the rear of the building through the parking lot and not directly from the street.

Lastly, the clubhouse building is located at the eastern terminus of Skimmer Street and the fitness building is located on the northern edge of Skimmer Street near the middle of the block. Both buildings strongly reflect the architectural character, articulation, massing, and materiality that is present within the front-loaded and rear-loaded townhouses (Figures 12 and 13). There is an additional pad site for a smaller non-residential building (4,000 SF) located due west of the Fitness Building, at the northeast corner of the intersection of Cabin Branch Avenue and Skimmer Street. The larger non-residential building (12,000 SF) is located at the southwest intersection of Cabin Branch Avenue and Little Seneca Parkway. The non-residential building would be connected to the existing Cabin Branch neighborhood and the greater age-restricted development with public sidewalks along Little Seneca Parkway and Cabin Branch Avenue. Vehicular access would come from the roundabout on Little Seneca Parkway. In terms of parking, the clubhouse, fitness building, and non-residential buildings all provide parking to the side and rear, with dedicated surface parking areas. Additionally, the clubhouse building also has a dedicated drop-off area. For all buildings within the Site Plan, the utilities, trash areas, and building HVAC units are located primarily on the back side of the building or on the roof, where they are shielded from public view.



Figure 8 – Architectural Character, Front-loaded Townhouses



Figure 9 – Rendered Character Elevation, Rear-loaded Townhouses



Figure 10 – Rendered Character Elevation, Multi-family Housing as Viewed from the Street

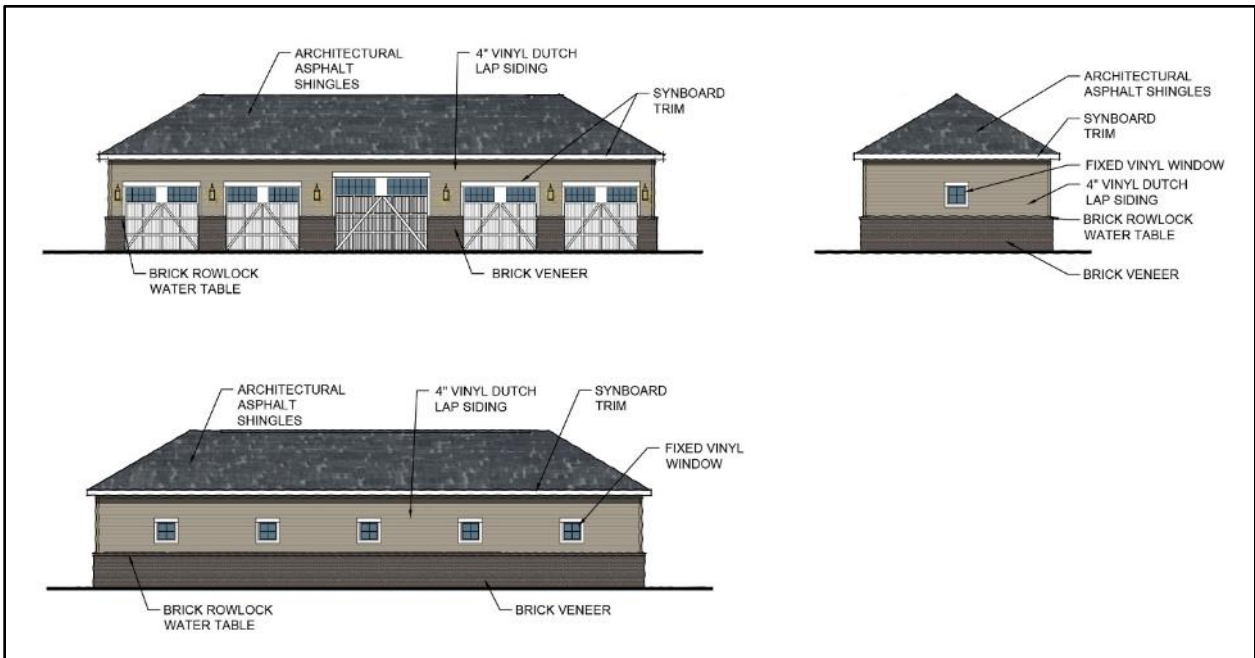


Figure 11 – Rendered Character Elevation, Multi-family Individual Carriage Garages





Figure 12 – Rendered Character Elevation, Clubhouse Building



Figure 13 – Rendered Character Elevation, Fitness Building

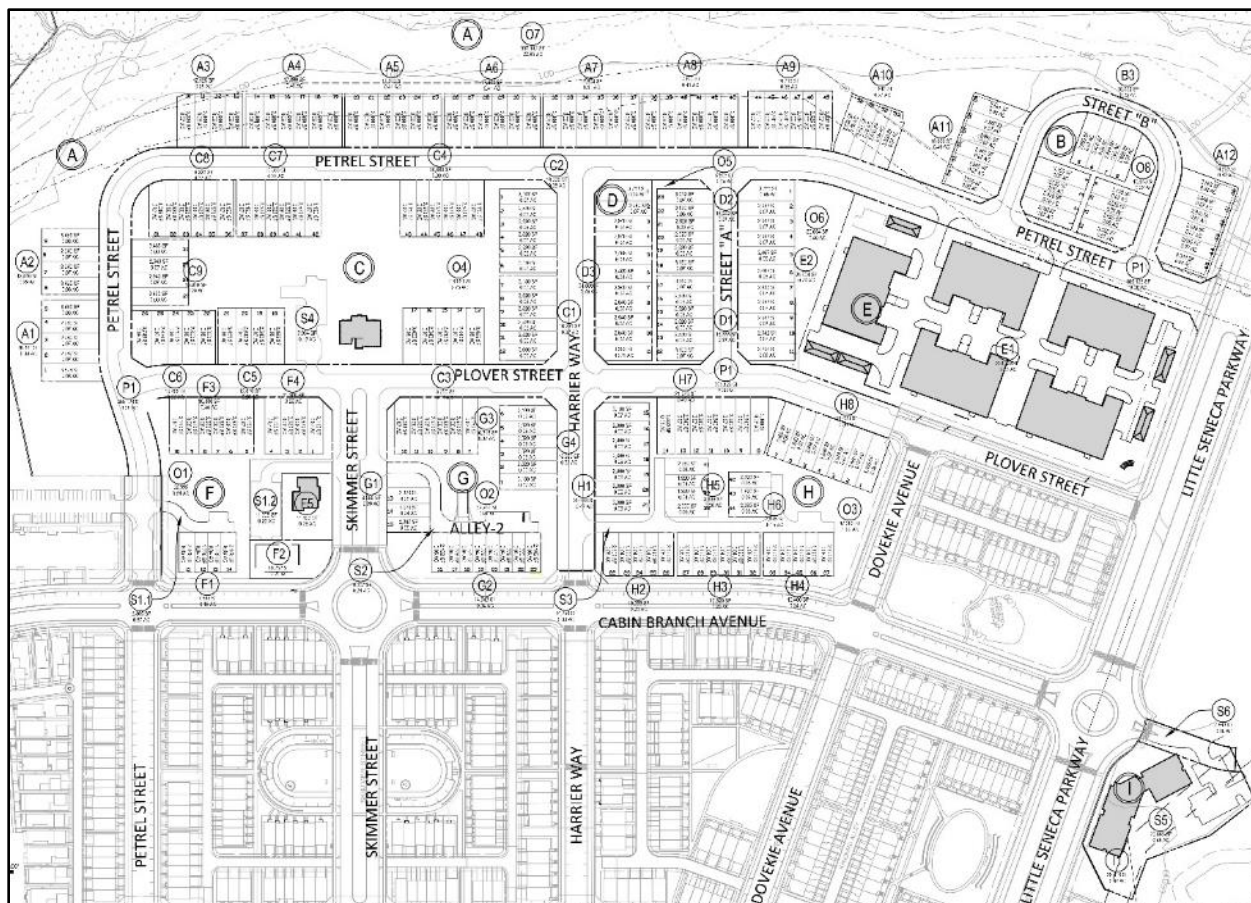


Figure 14 – Lotting Plan and Neighborhood Streets

### Access and Circulation

The Site Plan proposes the extension of several existing public streets within the Cabin Branch neighborhood - Petrel Street, Skimmer Street, Harrier Way, and Plover Street - to provide access and site circulation to this development (Figures 14 and 15). Petrel Street would continue the connection from the recently completed multi-family buildings to the new age-restricted community, while curving and ultimately intersecting with Little Seneca Parkway and serves as a perimeter road to the Subject Property, bounding the site to the north and east. Skimmer Street, Harrier Way, and Plover Street would also extend in the Site Plan area to create a street network that provides access to all the townhouses and multi-family buildings. Proposed Streets A and B are the only two that would not be extensions of existing streets within the Cabin Branch neighborhood. Existing Cabin Branch Avenue and Little Seneca Parkway would be the primary streets to provide access in-and-out along the periphery of the site; these roads will continue to function as the primary access for the larger Cabin Branch development. Little Seneca Parkway, which currently terminates just west of the I-270 ROW, is planned to carry local traffic to, from and across I-270. While the crossing and interchange of Little Seneca Parkway and I-270 is a planned CIP project, it has yet to receive funding and there are no plans available to illustrate how this interchange will be accommodated.

The parking for residents of the townhouse units is accommodated by garages located either at the front or the rear of the buildings, depending upon the configuration. The multi-family residential buildings also



have dedicated parking garages within the ground level of the multi-family building and in the carriage-garage structures. All the townhouse units and multi-family units have surface parking and on-street parking areas available at appropriate locations. The clubhouse, fitness building, and non-residential buildings also have dedicated surface parking lots available to accommodate parking needs for residents of the community. The Site Plan proposes sidewalks along both sides of all streets. The proposed sidewalks would connect to the existing sidewalks along Cabin Branch Avenue, Dovekie Avenue, and Plover Street. The sidewalks would also connect via lead-in sidewalks to the townhouse and multi-family buildings. The sidewalk network would also connect residents to the proposed clubhouse, fitness building, non-residential buildings, plazas, and open space areas. Four bicycle parking spaces are provided at the clubhouse. Lastly, there will be an 8'-0" wide side-path to be located along the frontage of existing Cabin Branch Avenue as well as Little Seneca Parkway.

The proposed non-residential building at the southwest corner of the Subject Property will be accessed from the existing road network by adding a southern leg to the Cabin Branch Ave. / Little Seneca Parkway traffic circle. An extension to the Little Seneca Parkway shared-use path will accommodate bike and pedestrian trips.

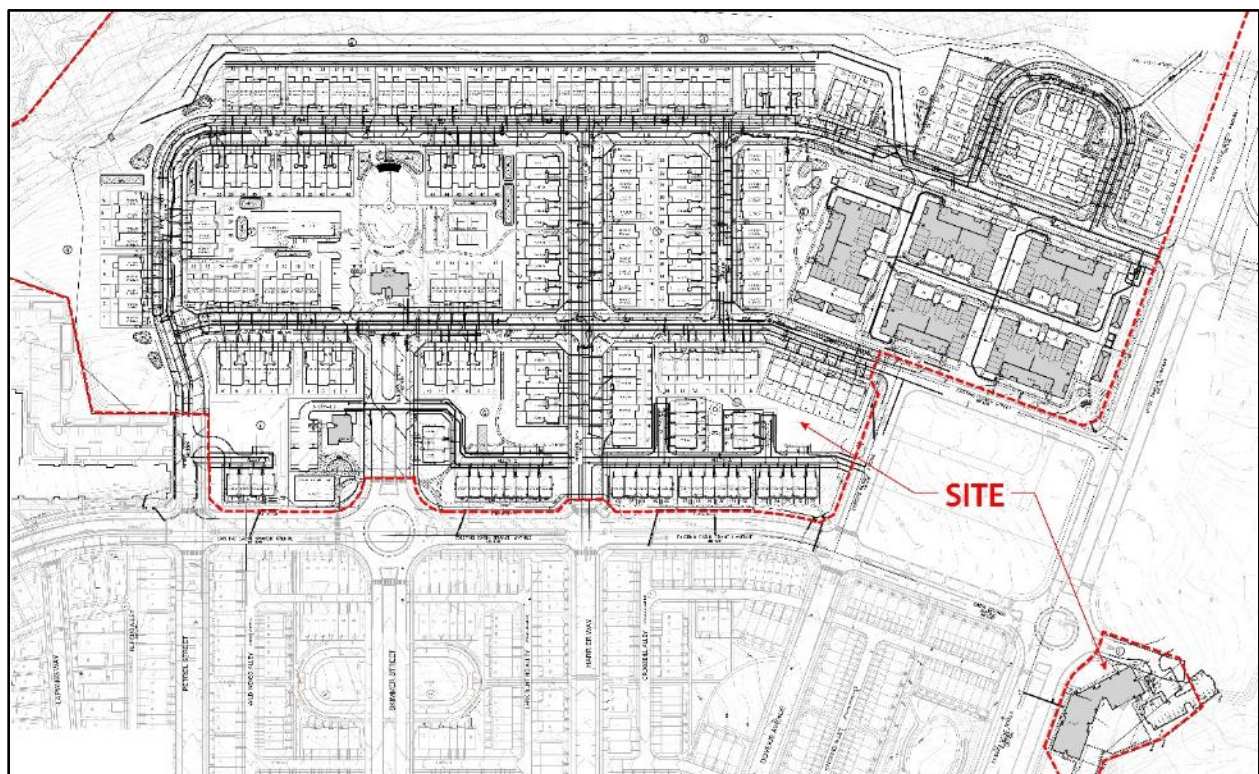


Figure 15 – Property Access and Neighborhood Streets

### *Open Space, Amenities and Environment*

While the Site Plan boundary has a good amount of open space, the Property boundary is the northern portion of the greater developable part of Parcel 150 within the larger Cabin Branch Neighborhood that also contain large amounts of open space, forest, and environmental buffer areas which residents of the age-restricted units will be able to access and enjoy. Within the Property boundaries, specifically, the

Applicant is providing both indoor and outdoor amenities (Figure 16). The Applicant is proposing that Skimmer Street would be the formal entrance to the community, with public plazas and seating areas flanking the street on the north and south sides. On the north side of Skimmer Street there is a fitness building and pad site for future non-residential development. The terminus of Skimmer Street leads to a public plaza in front of the clubhouse building, which would be available to all residents. The clubhouse would have a dedicated drop-off area on the north side of the building and to the east, is a large formal public open space, called Central Park, replete with a dog park, bocce courts, pickleball courts, community gardens, and dedicated seating areas. The Site Plan proposes additional courtyard and seating areas within the greater development at locations such as behind some of the rear-loaded townhouses lining Cabin Branch, Avenue, at the corner of the multi-family buildings on the northeast corner of Plover Street and Little Seneca Parkway, and at the eastern-most curved areas of Street B. There is an additional woodland area being proposed on the south side of Plover Street, behind the fitness building on Skimmer Street. Additionally, there are several bird and pollinator gardens proposed at locations near most of the proposed plaza and seating areas. Most proposed open space areas would be connected by public walkways and sidewalks. The remainder of open space, that is located to the north and east of the development, is to remain as forest.

Included with this Site Plan are Final Forest Conservation Plan drawings and an amendment to the Final Water Quality Plan. These documents will update the Infrastructure Site Plan to include the limits of disturbance for the proposed development and an update to the running total for the forest conservation worksheets. While there is no Category I Conservation Easement on the Subject Property, surrounding the two buildings to the north and east is forested stream valley in Category I Conservation Easement.

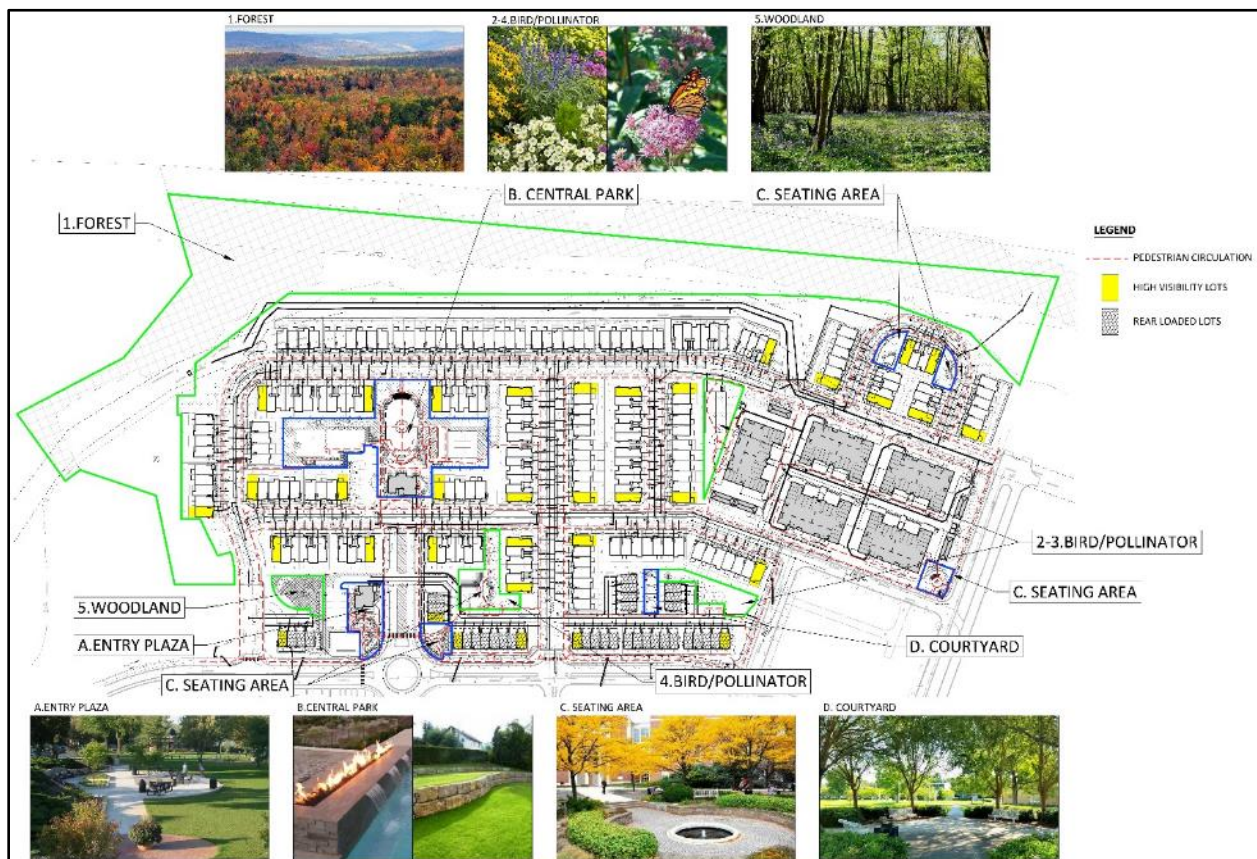


Figure 16 – Open Space and Circulation

## SECTION 4 – ANALYSIS AND FINDINGS - Site Plan No. 820160010

### Findings – Chapter 59 D 3.4(C)

The Site Plan is being reviewed under the MXPDP zone in the zoning ordinance in effect on October 29, 2014, citing an exemption under Section 59.7.7.1.B.1 of the zoning ordinance. The exemption in part states that *an Applicant may proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.* This Site Plan is implementing a Preliminary Plan and an LMA that were both approved under the old MXPDP zone located in the October 29, 2014 zoning ordinance, therefore qualifying for the above stated exemption.

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

As conditioned, the Site Plan is consistent with the Development Plan for the Cabin Branch Neighborhood, adopted by LMA G-806 on September 9, 2003, and as amended by DPA 13-02 by County Council Resolution No. 17-1002 on February 4, 2014. Included on the Development Plan are a list of 11 binding elements, a series of four tables showing the acceptable range of development within the four development areas of the MXPDP zone, and a MXPDP zone yield summary for total amount of development allowed within the MXPDP portion of the Cabin Branch neighborhood. The Development Plan drawing also created an illustrative Neighborhood layout and proposed land uses across the Neighborhood (Figure 6). The proposed age-restricted townhouse, multi-family, and retail buildings are in areas identified on this illustrative map as appropriate for multi-family development.

#### Binding Elements

Of the 11 binding elements, numbers 1, 4, 6, and 8 are pertinent to the development and approval of this Site Plan Application. The remaining binding elements are Cabin Branch wide elements including providing off-site infrastructure, trip reduction, master planned roads, street parking and limits on office and retail uses. The pertinent binding elements are paraphrased below along with how this Site Plan adheres to them. A full list of all the Binding Elements in their full text can be found in Attachment D.

1. *Transferable Development Rights and Moderately Priced Dwelling Units:* The total Cabin Branch Neighborhood, if built to its full residential density, will require a minimum of 210 MPDUs and up to 635 TDRs, assuming a total development of 1886 units, of which 1,676 are market rate units and 210 are MPDUs which are deducted from providing TDR's.

The proposed age-restricted dwelling units will be for sale units versus rental units. As such, the Applicant for this Site Plan is proposing an alternative payment to DHCA in lieu of providing the minimum 12.5% MPDUs within the age-restricted units consistent with Section 25A-5(l). Within the overall Cabin Branch development, the cumulative total number of MPDUs is 265 and the total number of TDRs purchased is 562 out of the total 575, as per the previous site plan approval for Site Plan No. 820180060. The Site Plan is not proposing to provide any TDRs with this Application. The



remaining balance of 13 TDR's corresponds to the remaining balance of units not yet approved by a site plan for the overall Cabin Branch development.

4. *Street Network:* A network of public streets shall be provided, that may be supplemented by private streets, in a grid pattern that promoted interconnectivity. The public streets shall be any master planned street and any residential or business streets needed to form blocks that are substantially similar to the street system shown on the Development Plan.

A network of public streets is provided adhering to the existing character of a traditional gridded pedestrian-focused neighborhood consistent with the established 2003 DPA, the 2005 Infrastructure Plan and the Cabin Branch Community Streetscape Plan. The streets within the proposed Site Plan are designated to be public except for alleyways and limited, non-connecting sections of street which are proposed to be private. Most public streets would be extensions of already existing streets, except for Street A and Street B. The Site Plan area is bordered and accessed primarily along the west by the already existing Cabin Branch Avenue and to the south by Little Seneca Parkway, both 4-lane boulevards, which were constructed by others and have already been fully dedicated and constructed to public standards. Little Seneca Parkway currently terminates just west of the I-270 right-of-way. The crossing and interchange of Little Seneca Parkway and I-270 is a planned CIP project, though it has yet to receive funding.

Internally, the gridded network established in earlier plan approvals, particularly the 2005 Infrastructure Site Plan, is carried forward. Petrel street will serve as the perimeter road along the north and east for the development, running roughly in an inverted 'L' shape from Cabin Branch Ave in the north to Little Seneca Parkway in the south. Plover Street will provide additional north / south connectivity internal to the Subject Property, connecting from Petrel Street in the north to Little Seneca Parkway in the south. Along the west side of the Subject Property, Petrel Street, Skimmer Street, and Harrier Way will be extended and intersect with the extension of Plover Street. Skimmer Street will be constructed as a 2-lane boulevard and will serve as a monumental entrance to the community, terminating at Plover Street in front of the proposed clubhouse. Street A and Street B will be the only new streets within the Site Plan area that are not extensions of existing streets and will provide access to the proposed townhouse units.

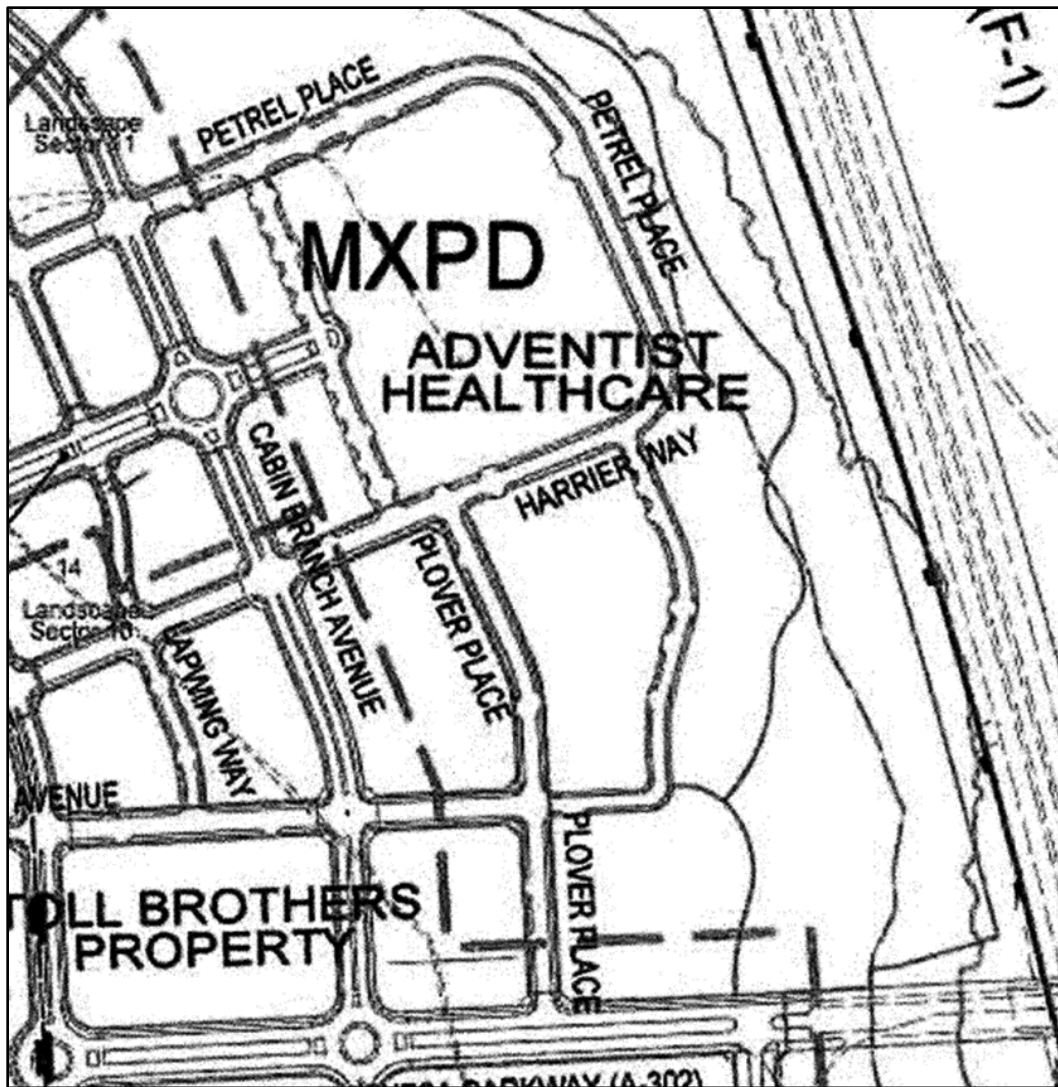


Figure 17 - 2005 Infrastructure Plan for the MXPD Area / Subject Property

6. *Street Character:* All streets will adhere to a pedestrian-friendly design to the extent practicable, which places emphasis on a building line to frame the street, and parking in the rear. Within the core, pedestrian friendly uses including retail, residential, or office will be located on the first floor. The entire MXPD area will conform to a Cabin Branch Community Streetscape Plan designed to integrate the entire community.

As conditioned, the Site Plan is substantially conforming to the street character requirements of the binding elements. The street network will adhere to a pedestrian-friendly design. The overall layout maintains the pedestrian-focused character of the Development Plan and integrates well with the Cabin Branch community. The pedestrian-scaled street grid is extended to this Site Plan and includes continuous 5-foot wide sidewalks internal to the site along with ample internal pedestrian paths to provide additional cross connectivity for pedestrian circulation, particularly in the vicinity of the communal space around the central clubhouse. Streets have been proved with adequate greenspace within the right-of-way to accommodate street trees.

The proposed townhouse, clubhouse, fitness, and non-residential buildings directly face out to their respective streets, thus creating an edge and streetscape by placing the long façade parallel to the street. The multi-family buildings also face out to the street, with the long façades placed parallel to the street, however the main lobby for the building is located and accessed from the rear façade. The rear façades for the multi-family buildings all face out to the parking areas. The main lobby, for each building, can only be accessed from the street by using one of two secondary entrances and hallways. These entrances indirectly connect with the lobby, resulting in a very diminished orientation and relationship with the streetscape. As conditioned, Staff recommends the main access to the multi-family buildings, fronting the abutting public street and sidewalk system, be directly connected to the central elevator lobby without doors or physical barriers. Furthermore, Staff recommends that the trash room and utility rooms be relocated away from the building façade facing the public street. Lastly, Staff recommends that the exterior architectural character, proportion, materials, articulation, and entry porticos be substantially similar to the schematic elevations on the submitted architectural drawings (Figure 18).

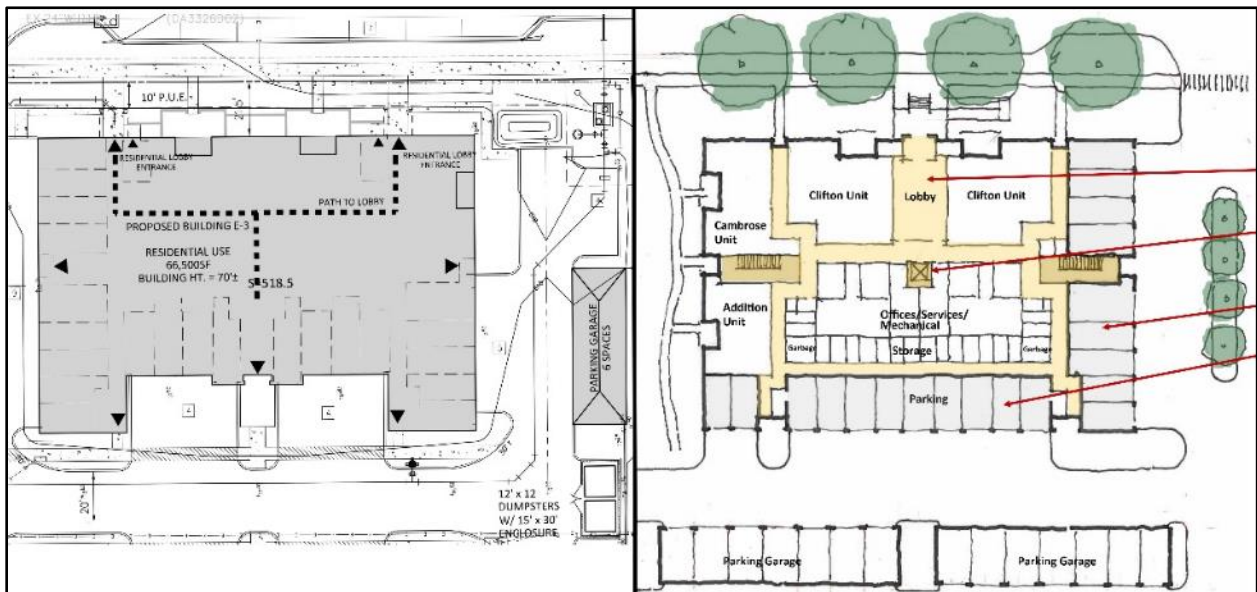


Figure 18 – Proposed Layout (left) and Staff Sketch (right) for the Multi-family Building(s)

All the different buildings' typologies make use of massing, articulation, and design elements such as suitable landscaping and street-level entrances to activate street frontage. Parking for the different buildings is also primarily located to the side or rear of the structures, except for the front-loaded townhouses. The front-loaded townhouses provide ample driveway space to park vehicles out of designated pedestrian walkways and sidewalks, while the entrances are paired to provide adequate space for trees and plantings. Any areas where parking is visible, would be screened, landscaped, and placed behind the front building line to remove any impacts to the street character. All these design and placement approaches serve to minimize impacts to the streetscape, while also reinforcing and enhancing the overall street character.

**8. Service Public Uses:** Service/public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care.

The Site Plan proposes a cumulative total of 375 age-restricted dwelling units, with 240 townhouses and 135 units as condominiums located within five multi-family residential buildings, which falls well below the cap of 500 age-restricted units maximum allocated by the DPA. The targeted demographic for the Site Plan is envisioned to be active seniors. The difference between the DPA maximum and the proposed units results in 125 units. This also complies with the MXPDP zone yield.

#### Development Range Tables

The Development Plan divides the MXPDP portion of Cabin Branch into four distinct areas, labeled A, B, C, and D, and includes a range of allowed densities for each land use within each area.

The Subject Property is split between area C and area D, with the age-restricted units, clubhouse, fitness building, non-residential building located in area C, and an additional non-residential building located in area D. Area C includes the MXPDP zoned area and encompasses either side of Cabin Branch Avenue from Tribute Parkway south to New Cut Road/Little Seneca Parkway. Area C's table provides a range of age-restricted dwellings between 150 and 500, retail between 0 to 30,000 square feet, and office between 0 to 1,425,000 square feet of space. The office and retail allocations have a cumulative total for non-residential space of 0 to 1,455,000 square feet of space. The Site Plan proposes 375 age-restricted units and up to 4,000 square feet of non-residential space within Area C, leaving 1,451,000 square feet of non-residential space. Area D is located south of New Cut Road/Little Seneca Parkway, west of Broadway Avenue, north of West Old Baltimore Road, and bordered to the east by stream valley. Area D's table provides a range of 0 to 300,000 square feet of space for office and 0 to 10,000 square feet of space for retail. The office and retail allocation have a cumulative total of 0 to 310,000 square feet for non-residential space. At present, Area D is not supporting any office or retail. The Site Plan proposes up to 12,000 square feet of non-residential space along Little Seneca Parkway, leaving 0 to 298,00 square feet of non-residential space and well within the range for Area D. The Site Plan proposes a total of 375 age-restricted units and up to 16,000 square feet of non-residential space within Areas C and D. Therefore, the proposed uses fall within the allowed range of densities for both Areas C and D.

The DPA and the Master Plan originally envisioned a lot more office and retail within Areas C and D. This part of the Cabin Branch development was planned to be the employment center for both Cabin Branch and Clarksburg. The Master Plan originally envisioned up to 2.4 million square feet of non-residential development for these areas. While the DPA provided some flexibility for development by allocating between 0 and 1,765,000 square feet of combined office and retail space, it was always with the presumption that there would be some substantial non-residential development within Areas C and D in the future. The current state of the office market is that there is not much being developed at this time, for example the COMSAT property has not been developed and Germantown has a large number of approved, yet unbuilt office opportunities. While this application proposes primarily residential uses, given the current state of the office market and the amount of development occurring within the region, this Application does meet the DPA allocations for density within Areas C and D.

#### MXPDP zone yield summary

Also included on the Development Plan is a total yield for each land use type in all of the MXPDP area. A maximum of 500 units may be age-restricted within Cabin Branch, based in part on Master Plan

recommendations. With the approval of this Site Plan, the age-restricted unit total for Cabin Branch will be 375, leaving room for up to 125 additional age-restricted units in the future.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan is not subject to an urban renewal plan approved under Chapter 56.

The Subject Property is 61.54 acres in size and is located in the MXPDP zone, contained under Section 59-C-7.5 of the zoning ordinance. The objective and purpose of the zone is to allow implementation of comprehensively planned, multi-use centers away from central business districts or transit, and to implement Master Plan recommendations in a more flexible manner. The MXPDP zone was established as part of an LMA, which found the MXPDP zone to be the best way to implement the recommendations of the Clarksburg Master Plan. The proposed age-restricted use was a part of the original LMA approval which dealt with many of the applicability and use requirements of Section 59-C-7.51 and 59-C-7.52 including the gross tract area for Cabin Branch, and the intensity and location of residential. The following data table, Table 2, provides a summary of the quantifiable development standards required by the MXPDP zone and that are provided by this Site Plan, including the parking requirements under Section 59-E. The parking requirements shown in Table 2 are based on the requirements of the old zoning ordinance.

**Table 2**

<b>Zoning Data Table: MXPDP Zone, 59-C-7.5</b>			
<u>Development Standard</u>	<u>Required</u>	<u>DPA</u>	<u>Provided</u>
<b>59-C-7.51</b>			
Minimum Area	20 acres		283.5 acres <sup>2</sup> MXPDP
Gross Tract Area			61.54 acres
Net Area for Residential			20.8 acres
Net Area for Non-residential			1.18 acres
Dedication for Public Roads			8.38 acres
Private Road Parcels			1.76 acres
HOA Parcels			29.42 acres
<b>59-C-7.53</b>			
Maximum Permitted Residential Development (Age-Restricted)		150 - 500 units <sup>2</sup>	375 units
SF Attached Units - Front-load (202) & Rear-load (38)		250 - 425 units <sup>3</sup>	240 units
Multi-family Units - 5 MF Bldgs. w/ 27 units = 135 units		100 - 350 units <sup>2</sup>	135 units

<sup>2</sup> The Subject Property is only 61.54 acres of a comprehensively planned community totaling 283.5 acres.

<sup>3</sup> The maximum densities noted in the DPA under the MXPDP Yield Summary Chart do not reflect the sum of each maximum density within Areas A, B, C, and D. The quantities listed are provided to allow for flexibility for development within the Cabin Branch Community.

<b>Zoning Data Table: MXPDP Zone, 59-C-7.5</b>			
<u>Development Standard</u>	<u>Required</u>	<u>DPA</u>	<u>Provided</u>
<b>59-C-7.54</b>			
Maximum Permitted Non-residential		0 - 30,000 SF	16,000 SF
Skimmer Street (Square Feet)			4,000 SF
Little Seneca Parkway (Square Feet)			12,000 SF
<b>59-C-7.55</b>			
Max. Building Height and Floors			
SFA Residential Units (Height and Floors)	50'-0" and 4 Floors		45'-0" and 2 Floors
MF Residential Units (Height and Floors)	8 Floors Max.	8 Floors Max.	70'-0" and 4 Floors
Non-residential	8 Floors Max.	8 Floors Max.	50'-0" and 2 Floors
Min. Setbacks			
SFA Residential Units			
Front Setback	TBD at Site Plan		0'-0"
Rear Setback	TBD at Site Plan		0'-0"
Side Setback (lot)	TBD at Site Plan		4'-0"
Side Setback (street)	TBD at Site Plan		4'-0"
Side Setback (alley)	TBD at Site Plan		4'-0"
MF Residential Units			
Front Setback	TBD at Site Plan		0'-0"
Rear Setback	TBD at Site Plan		0'-0"
Side Setback (lot)	TBD at Site Plan		4'-0"
Side Setback (street)	TBD at Site Plan		4'-0"
Side Setback (alley)	TBD at Site Plan		4'-0"
Non-residential Buildings			
Front Setback	TBD at Site Plan		0'-0"
Rear Setback	TBD at Site Plan		0'-0"
Side Setback (lot)	TBD at Site Plan		4'-0"
Side Setback (street)	TBD at Site Plan		4'-0"
Side Setback (alley)	TBD at Site Plan		4'-0"
Right-of-Way Truncations	TBD at Site Plan		25'-0"
Interstate 270	200'-0"		200'-0"
<b>59-C-7.56</b>			
Minimum Green Area			
MXPDP total	120.98 acres		161.96 acres
40% of Non-residential Area	83.10 acres		142.70 acre

<b>Zoning Data Table: MXPDP Zone, 59-C-7.5</b>			
<u>Development Standard</u>	<u>Required</u>	<u>DPA</u>	<u>Provided</u>
50% of Residential Area	37.88 acres		19.26 acres <sup>4</sup>
Provided by Site Plan	30.57 acres		33.00 acres (54%)
40% of Non-residential Area (2.09 Acres of Gross)	0.84 acres		1.00 acre
50% of Residential Area (59.45 Acres of Gross)	29.73 acres		32.00 acres
<b>59-E-3.7 Parking</b>			
Total Residential Units (375)	712 sp.		712 sp.
SFA Front-Load Units (202)	2.0/DU = 404 sp.		404 sp.
SFA Rear-Load Units (38)	2.0/DU = 76 sp.		76 sp.
Multifamily Units (135)	232 sp./unit type		232 sp. <sup>5</sup>
1 Bedroom - 1.25 space/unit (5)	7 sp.		
2 Bedroom - 1.50 space/unit (70)	105 sp.		
3 Bedroom - 2.00 space/unit (60)	120 sp.		
Non-residential on Skimmer Street 5 sp. / 1,000 SF = 5 * (4,000/1,000)	20 sp.		22 sp.
Non-residential on Little Seneca Pkwy 3 sp. / 1,000 SF = 3 * (12,000/1,000)	36 sp.		39 sp.
Bike Parking 1 sp. / 20 park sp. = 1 * (56/4)	3 sp.		4 sp.
On-Street Parking (Residential) <sup>6</sup>			72 sp.
On-Street Parking (Clubhouse)			21 sp.

<sup>4</sup> Total Green Area for the MXPDP zone exceeds the requirements. Excess green area is provided on non-residential site plan portions of the Property, and less green area in residential site plan areas. Major components of Green Area are the shared stream valleys and forest areas.

<sup>5</sup> At the multi-family housing area, each of the 5 multi-family building provides 22 internal garage spaces (110 spaces), each of the 5 carriage garages provides an additional 5 spaces (25 spaces), 14 surface parking spaces, and 83 unit-specific parking spaces. The total number of multi-family spaces is calculated by 149 spaces plus the 83 unit-specific spaces for a cumulative total of 232 spaces.

<sup>6</sup> On-street parallel parking on public roads is subject to MCDOT and DPS-ROW review and approval at ROW permit. On-street parallel parking is not being counted towards parking requirements.

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

### **Location of Buildings and Structures**

As conditioned, the location of buildings and structures is adequate, safe, and efficient. The townhouses are positioned to provide a high level of activation along the existing and new public streets, which is a requirement of the Cabin Branch Design Guidelines and the MXPDP zone. The buildings are positioned such that the long facades run parallel to the streets that they front, thus providing opportunities to frame the street, create an articulated edge to the street, and to also have most units easily accessible from grade level with access to the sidewalks. The rear-loaded townhouses are primarily located along existing Cabin Branch Avenue and create an urban edge to reinforce the existing character of Cabin Branch Avenue. The front-loaded units are more numerous and distributed through the Subject Property. The units are well articulated on the facades and the roof to provide visual interest along the interior streets, while still providing ample room to park a car outside of the public sidewalks and incorporate a green panel with street trees.

The clubhouse and fitness building are located along Skimmer Street, which is designed as the formal entrance to the development. There is a pad site for a smaller non-residential building of 4,000 SF located due west of the fitness building on Skimmer Street and Cabin Branch Avenue, providing opportunity for future non-residential development for the neighborhood. There is a larger non-residential building of 12,000 SF located at the southwest corner of Cabin Branch Avenue and Little Seneca Parkway. The larger non-residential building is accessed via the roundabout at the intersection, with the building placement mostly parallel to Little Seneca Parkway. The non-residential buildings are easily reachable by existing and new sidewalk that run along Skimmer Street, Little Seneca Parkway, and Cabin Branch Avenue. The fitness building is located on the north side of Skimmer Street and is articulated with similar detail to the clubhouse. Both non-residential buildings are located within a walkable area and provides much needed neighborhood retail and non-residential space for the community. The clubhouse incorporates the same architectural character and articulation as the townhouses and is located as the eastern-most terminus of Skimmer Street. The building placements are primarily close to the street, enabling parking to be set to the side and rear of the buildings which is also a requirement of the Cabin Branch Design Guidelines.

The five multi-family buildings are located within a large cluster arrangement in between existing Plover Street, the new alignment of Petrel Street, and bounded on the south by Little Seneca Parkway. The multi-family buildings are oriented with the primary entrance to the central lobby being located at the interior of the cluster, facing the parking areas and not the public realm of the streetscapes. The parking for the five multi-family buildings is internalized within the cluster. As conditioned, Staff recommends the main access to the multi-family buildings be directly connected to the central elevator lobby without doors or physical barriers, so that the main access to the buildings have safe, adequate and efficient access to the fronting street and sidewalk system. This will improve pedestrian access to/from the multi-family buildings and promote walkability.

The north edge of the multi-family cluster is connected to a series of winding pedestrian walkways, stormwater management areas, and the backyards of eleven townhouses that line Street A. Additionally, each multi-family building is connected to the surrounding sidewalks along Plover Street and Petrel Street by lead walkways. The walkways access two secondary entrances that internally connect to the central lobby, diminishing the orientation to the public realm. As conditioned, staff



recommends that these two entrances serve as the main access to the multi-family buildings by directly connecting with the central elevator lobby. Additionally, Staff recommends that the trash room and utility rooms be relocated away from the building façade that faces the public street so as to be consistent with the Cabin Branch Design Guidelines. While there are a series of screen walls, which hide some of the building infrastructure and service doors, the reconfiguration of the trash and utility rooms would remove the need to include them on the façades that face the public streetscapes. Lastly, Staff recommends that the exterior architectural character, proportion, materials, articulation, and entry porticos be substantially similar with the schematic elevations on the submitted architectural drawings. Overall, the multi-family buildings are well articulated on the façades and the roof to provide visual interest along the streets they front.

Development of this Site Plan does require use of retaining walls to create usable grade within the developable area while minimizing impacts to the adjacent forest and stream buffers. The high visibility retaining walls have an enhanced level of articulation and materiality due to their visible prominence within the Subject Property. The enhancements serve to soften the impact, while visually connecting the retaining walls to the architecture and site design. Walls are located through the Subject Property, without a concentration within any one area. The walls approach eight to ten feet in height at a few locations, however the retaining walls generally range within two to six feet in overall height. The clubhouse has a retaining wall located to the south that approaches ten feet in height, however the grading to the east and west diminishes the height to around three to four feet in height. The fitness building has a retaining wall located to the northeast of the parking lot that also approaches ten feet in height. The height at this location is limited to an area that would not be readily visible to residents or visitors within the development, as the grading to the west diminishes the height down to one foot and to east down to five feet in height. The townhouses, located off Alley 3.1, have a retaining wall located at the southeast corner that reaches ten feet in height at a limited corner area. The retaining wall is located at an area that has very low visibility and the grading diminishes the height of the wall to approximately four feet to the north and down to approximately one foot to the west. The retaining walls located along Cabin Branch Avenue and the shared-use path, near the formal entrance on Skimmer Street for the Subject Property, are broken up in a manner that provides access by stairs to the rear-loaded townhouses. Furthermore, the retaining walls are reduced in height so as to visibly emphasize the lead walkways leading up to the front door of each unit. Overall, these walls are not inconsistent with other walls in the Cabin Branch development and are necessary because of the terrain and adjacent environmental features.

## **Location of Open Spaces, Landscaping and Recreation Facilities**

### Open Spaces and Green Area

The location of the open spaces is adequate, safe, and efficient. The open space requirement for the MXPDP zone is Green Area, and the zoning code requires 50% Green Area in residential areas and 40% Green Area in commercial areas. In the Cabin Branch neighborhood, Green Area is averaged across the entire MXPDP zoned portion of the Cabin Branch Neighborhood. This Site Plan exceeds the required amount of Green Area within the Property tract, as does the greater neighborhood for the Green Area requirements. The entirety of Cabin Branch requires 120.98 acres of Green Area, and with the implementation of this Site Plan the Green Area will be approximately 161.96 acres when the neighborhood finishes developing. The primary open spaces are located throughout the Subject Property with the inclusion of the Central Park, plazas, pocket parks, seating areas, and the bird and pollinator gardens. The primary Green Area is located within the more environmentally constrained land to the east of the Subject Property and

includes existing Category I Conservation Easements. There is also available open space from the setbacks between the different buildings, streets, and areas along the pedestrian walkways and sidewalks, all of which provide locations for landscaping and greenery that is consistent with the definition of Green Area. The Site Plan also provides for additional areas of private open space, which would be intended for use by the residents and their invited guests. These amenity areas are divided equally throughout the different housing units.

#### Recreation Facilities

The location and quantity of provided recreation facilities is adequate, safe, and efficient. Construction of 375 new dwelling units requires the Site Plan to meet the 2017 approved and adopted Recreation Guidelines. Consistent with the Guidelines, the Site Plan supplied recreation amenities to meet the recreation demand. Table 3, below, illustrates the amount of recreation demand the Site Plan generates.

**Table 3**

<b>Proposed Residential Project - Units by Type and their Demand Points</b>								
<b>Code</b>	<b>Housing Type</b>	<b>Quantity</b>	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Young Adults</b>	<b>Adults</b>	<b>Seniors</b>
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
SFD	Single-Family Detached	0	0	0	0	0	0	0
TH	Townhouses and Single-family attached	240	33.6	52.8	38.4	127.2	175.2	26.4
Mid-Rise	Multiple-Family, 4 stories or less	135	21.6	31.05	24.3	95.85	64.8	10.8
<b>Total Demand Points =</b>		<b>375</b>	<b>55.2</b>	<b>83.85</b>	<b>62.7</b>	<b>223.05</b>	<b>240</b>	<b>37.2</b>

To satisfy the recreation demand, the Applicant has proposed numerous indoor and outdoor recreation amenities, as shown in the supply table (Table 4). The distribution of these facilities is split between the clubhouse, fitness building, open space, and pedestrian walkways and sidewalks, providing all future residents immediate access to amenities. All residents will have access to all amenities regardless of whether they live in a townhouse or multi-family unit. The clubhouse and central park would be the most centralized spaces for community recreation space and outdoor activities.

Table 4

Proposed Onsite Recreation Facilities and their Supply Points								
Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Connection - Trail System	1	10.00%	6.07	18.45	10.35	36.8	39.6	4.09
Dog Run	1	0%	0	0	4	5	6	6
Indoor Fitness Room	1	0%	0	8.39	6.27	55.76	48	5.58
Open Grass Area Lawn - Small (5,000 sf)	1	10.00%	3.3	4.4	9.9	9.9	9.9	3.3
Open Grass Area Lawn - Large (10,000 sf)	1	10.00%	6.6	9.9	16.5	22	16.5	6.6
Open Grass Area Lawn - Urban (2,000 sf)	1	10.00%	2.2	3.3	5.5	7.7	8.8	3.3
Resident Lounge	1	0%	0	2	5	10	8	7
Urban Plaza	1	0%	4	6	6	18	15	6
Neighborhood Green	1	0%	5	7	6	8	8	6
Community Recreation Center Indoor	1	0%	5.52	16.77	18.81	66.92	72	14.88
Picnic/Seating	1	10.00%	1.1	1.1	1.65	3.3	3.3	3.3
Total Onsite Supply Points=			33.79	77.31	89.98	243.38	235.1	66.05

Table 5, below, demonstrates that the proposed Site Plan is eligible to claim the maximum 35% of Total Demand Points from existing offsite park facilities within the existing Cabin Branch neighborhood. The amenities being counted are a playground, picnic area, soccer field, and walking trails within Clarkmont Local Park and Cabin Branch Stream Valley Park.

Table 5

Existing Offsite Park Facilities and their Supply Points							
Park Facility	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Total Offsite Supply Points:		0	0	0	0	0	0
35% of Total Offsite Supply Points:		0	0	0	0	0	0
Max Allowed Pts (35% of Total Demand Pts):		19.32	29.35	21.95	78.07	84	13.02
Actual Assigned Offsite Supply Pts:		0	0	0	0	0	0

Table 6, below, demonstrates that the proposed recreation supply both onsite and offsite is adequate to meet the recreation demand, therefore the recreation facilities provided are adequate for this Site Plan.

Table 6

<b>Results: Demand, Supply &amp; Adequacy</b>					
<b>Age Group</b>	<b>Total Demand Points</b>	<b>Offsite Supply Points</b>	<b>Onsite Supply Points</b>	<b>Total Supply Points</b>	<b>Adequacy</b>
Tots	55.2	19.32	33.79	53.11	Adequate
Children	83.85	29.35	77.31	106.66	Adequate
Teens	62.7	21.95	89.98	111.93	Adequate
Young Adults	223.05	44.45	243.38	287.83	Adequate
Adults	240	37.8	235.1	272.9	Adequate
Seniors	37.2	13.02	66.05	79.07	Adequate

### Landscaping and Lighting

The location and quantity of the proposed landscaping is adequate, safe, and efficient on the Subject Property. The Site Plan is proposing landscaping to serve multiple purposes, including screening and canopy cover in-and-around streets and parking facilities, landscaping around amenity areas, and landscaping adjacent to all proposed buildings. All proposed buildings have extensive foundation plantings, including shrubs and ornamental grasses, helping to soften the edges of the buildings. The Site Plan includes a number of public plazas, seating areas, and pocket parks that incorporate a wide palette of plant materials that are appropriate with groundcover, shrubs, ornamental grasses, and ornamental trees to provide inviting and comfortable public open spaces, while also providing respite from public streets. Additionally, the Site Plan also includes several bird and pollinator gardens that are located adjacent to the public plazas, seating areas, and pocket parks. The inclusion of these strongly helps to promote bio-diversity and native Maryland plants within the overall Cabin Branch neighborhood. The center of the Site Plan boundary includes a Central Park space that includes community gardens. The layout and landscaping for this space is formal but accentuated with the same diverse plant palette as the other public open spaces found throughout the proposed development. Much of the proposed landscaping is typical of the existing residential dwellings within the greater Cabin Branch neighborhood.

Most of the parking is reduced from view by placement at the rear of the buildings, however locations where parking would be visible is addressed by landscaping that screens and softens the visual impact. Additionally, any trash enclosures, retaining walls, and other site-related structures are also screened through planting and grading to minimize visual impacts to the streetscapes and public realm. The outdoor amenities are enclosed with extensive shrubs, evergreen and understory trees to hide the presence of parked cars. Larger canopy trees will grow to provide adequate shade during the summer months in these amenity areas. The Site Plan is providing landscaping in and around parking lot areas as required Section 59-E-2.7 of the zoning ordinance and has provided the adequate plantings between parking and a right-of-way and will meet and exceed the minimum parking lot landscape area of 5%. The landscaping located around the perimeter of the parking will greatly add to the greenery and canopy cover.

The lighting provided with this Application is safe, adequate and efficient for ensuring good nighttime visibility within the parking lot and open space areas without negatively impacting surrounding residential dwellings. The proposed lighting for the Site Plan is a combination of free-

standing poles, bollards with fixtures, recessed luminaires mounted on walls and steps, and pedestrian-scale posts that provide for broad illumination for all public spaces, parking, and areas that might have security concerns. In general, the light poles are provided for all of the street and parking lighting, while the bollards, luminaires, and pedestrian-scale light posts are provided for accenting and evenly lighting the public open spaces.

## **Pedestrian and Vehicular Circulation**

### Pedestrian Circulation

As conditioned, the location and design of the pedestrian circulation on the Subject Property is adequate, safe, and efficient. All public streets have continuous sidewalks on both sides of the street with connecting lead walkways to the townhouse and non-residential buildings, providing adequate and efficient access between the parking, amenity areas, and the building entrances within the Subject Property. The multi-family buildings front the internal parking bay and drive aisles, opposite to the public street and sidewalk system. These buildings as proposed are connected to the sidewalk network by lead walkways; however, the walkways provide access for two separate entrances that only indirectly connect with the central lobby. The central lobby for each of the buildings faces out to the parking area, placing the primary entrance for each building at the rear and discontinuous from the public realm of streets and sidewalks. Staff recommends that these buildings provide a clear front with direct access on the public street network, which provides the most adequate and efficient access to the buildings for pedestrians and promotes walkability amongst the residents and visitors of this community.

Overall, the circulation for the Subject Property includes the existing public sidewalks along Cabin Branch Avenue and Dovekie Avenue, which provide connections to the greater Cabin Branch Neighborhood and amenities. There are additional pedestrian walkways located throughout the Subject Property that serve to link and connect the recreational amenities, open spaces, and Green Areas to residents and visitors. Four bike parking spaces have been provided near the clubhouse. Lastly, an 8'-0" wide shared-use path will be provided along the frontage of Cabin Branch Avenue as well as the frontage with Little Seneca Parkway, which will connect with the existing shared use path on Cabin Branch Ave and provide connectivity beyond the Subject Property.

### Vehicle Circulation

The location and design of vehicle circulation on the Subject Property is adequate, safe, and efficient. The Subject Property is connected to the larger Cabin Branch community by a network of public streets. As elsewhere in Cabin Branch, this network takes the form of a more traditional pedestrian-focused street grid. Access to the Subject Property is primarily from existing Cabin Branch Avenue and existing Little Seneca Parkway. Petrel Street, Skimmer Street, and Harrier Way are all proposed to be extended to the east, beyond Cabin Branch Avenue, to provide direct access to the Subject Property. Additionally, Plover Street is proposed to be extended to the north from Little Seneca Parkway to terminate at the extension of Plover Street. This extension would also create intersections at Skimmer Street and Harrier Way, while the intersection with Dovekie Avenue already exists. Petrel Street is also proposed to continue to the east and make an approximately 90-degree bend and extend south in order to intersect with Little Seneca Parkway. The extension of Harrier Way would continue beyond Plover Street and ultimately intersect with Petrel Street, while the only additional streets that would intersect with Petrel Street would be Street A and Street B. The proposed configuration for the public streets creates a safe, adequate,



and efficient movement for vehicles within the Subject Property. The parking for the front-loaded townhouses is accommodated by driveways located off public streets, while the parking for the rear-loaded townhouses is located at the rear of the units and is accessed by public alleys, with additional surface parking. The parking for the multi-family buildings is accommodated by both internal and external garages located at the rear of each building, along with additional surface parking. Ultimately, as many as 93 additional on-street parallel parking spaces along Plover Street and Petrel Street, in front of dwellings could be implemented by MCDOT, DPS-ROW, and Fire and Rescue Services after Site Plan approval. The internal design of the street and block layout is also adequate for access by fire and rescue services. SWM facilities are to be incorporated outside the ROW of all streets but will be accommodated in adjacent publicly accessible and maintainable parcels.

#### Justification of Curbs and Gutters

The Applicant has proposed curbs and gutters along all roads and alleys shown on the Site Plan. Ch 49.33.I limits the use of curbs and gutters in an environmentally sensitive watershed area; the Subject Property is both within a Class IV Little Seneca Creek Watershed and the Clarksburg Special Protection Area. The Director of Permitting Services may allow installation of curb and gutter following comments from the Planning Board if:

(A) *installing curbs and gutters will not significantly degrade water quality in the area;*

The Applicant has obtained approval for a Preliminary Water Quality Plan, which includes curbs and gutters on the streets. The approval of the PWQP indicates that the water quality is still adequate with the curbs and gutters and will not significantly degrade water quality in the area. Additionally, the Subject Property meets all necessary stormwater management requirements.

(B) *curbs and gutters are necessary for vehicular or pedestrian safety or the proper grading or maintenance of the road, or to reduce the environmental impact of the road on any park, forest, or wetland*

Curbs and gutters provide vertical separation between pedestrians and vehicles, and with the addition of a tree panel and street trees, provide the necessary safety in the pedestrian realm for this project. Furthermore, the proposed closed-section road allows for shortened driveway lengths to reduce imperviousness when compared to an open section road and generally supports a more compact road network that reduces impervious surface.

Staff supports the use of curbs and gutters shown on the Site Plan.

#### LATR

**Table 7 - Approved, Built, and Remaining Development**

	<b>Residential (Units)</b>	<b>Age-Restricted Housing (Units)</b>	<b>Commercial (Square Feet Ground Floor Area)</b>
Approved	1,886	500	2,420,000
Built	879	0	437,000
Proposed	0	375	16,000
Remaining Development	1,007	125	1,967,000

The Subject Property is contained within the confines of the larger Cabin Branch development; Preliminary Plan 12003110D extended the APFO finding validity by 10.5 years to February 17,

2030 for all of Cabin Branch. Therefore, this Site Plan is being reviewed under the approved and valid APFO allowance, with the proposed 375 units of age-restricted housing draw from the previously approved 500 units of age-restricted housing. The Site Plan will therefore not contribute any net new trips and is exempt from additional LATR review.

#### **Waiver of 50.4.3.E.2 - Reduction of Right-of-Way Width**

This waiver request is to reduce the right-of-way width to 44 feet for two interior streets, Street 'A' and Street 'B'. Chapter 49.32.d.5 provides requirements for the construction of County roads and includes minimum ROW dimensions. Streets 'A' and 'B' are to be designated tertiary streets, for which the minimum ROW is 50 feet. These streets are designed to conform with MCDOT standard street section MC-2001.01, with the modification to add sidewalks on both sides; the unmodified standard illustrates sidewalk on only one side, despite providing the same amount of space on both sides of the road. 50.4.3.E.2.a.i provides findings required for the Board to approve a waiver of these requirements.

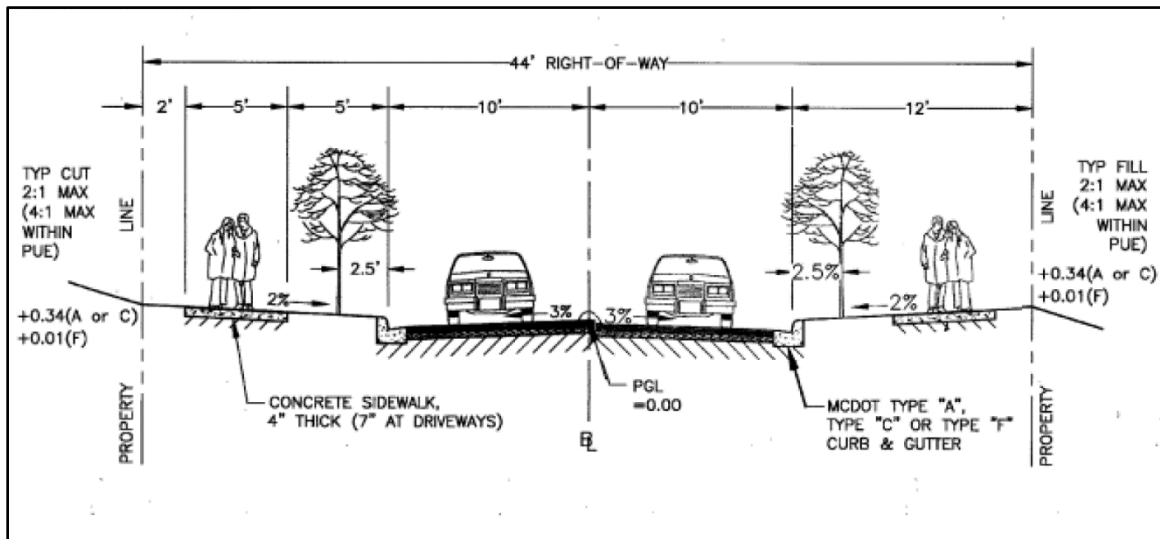


Figure 19 – Modified MCDOT Tertiary Street Standard MC-2001.01

Street 'A' is an approximately 400-foot-long interior street that connects to Petrel and Plover public streets at both ends and will provide access to 23 townhomes. Street 'B' is an approximately 730-foot long loop that connects to Petrel Street on both ends and will serve 24 townhomes. Both streets only provide internal circulation and do not provide additional circulation beyond the Subject Property.

The Applicant, in the attached Waiver Request (Attachments O and P), offers that the reduction of the standard ROW will benefit the community by accommodating a more compact, and therefore more walkable, development structure in line with the DPA guidance. There is no proposed impact to safety or long-term maintenance as the proposed street sections conform to MCDOT standards, with the exception of adding sidewalk constructed to approved standards. Stormwater management, as with the remainder of the Subject Property will be accommodated in accessible parcels outside the ROW.

Chapter 50.4.3.E.2.a.i states that “The Board may approve a narrower than standard road right-of-way if it meets minimum fire access requirements and the Board finds that a narrower right-of-way is environmentally preferable, improves compatibility with adjoining properties, or allows better use of the tract under consideration.”

The proposed 44-ft ROW for both Streets A and B have been reviewed and approved by Montgomery County Fire and Rescue Services and meet all fire access requirements (Attachment F). As mentioned, the more compact scale of these reduced-width ROWs supports a more compact, more walkable development pattern in support of the guidance from the DPA, which will allow a better use of the tract under consideration. Based on these findings, Staff recommends the Board approve the waiver.

#### **Waiver of 50.4.3.E.2.g – Horizontal Alignment**

This waiver is to request a reduction of the minimum horizontal alignment for the curve in Petrel Street in the northeast corner of the Subject Property as found in Section 50.4.3.E.2.g. Staff recommends approval of this waiver as per the findings detailed in this section.

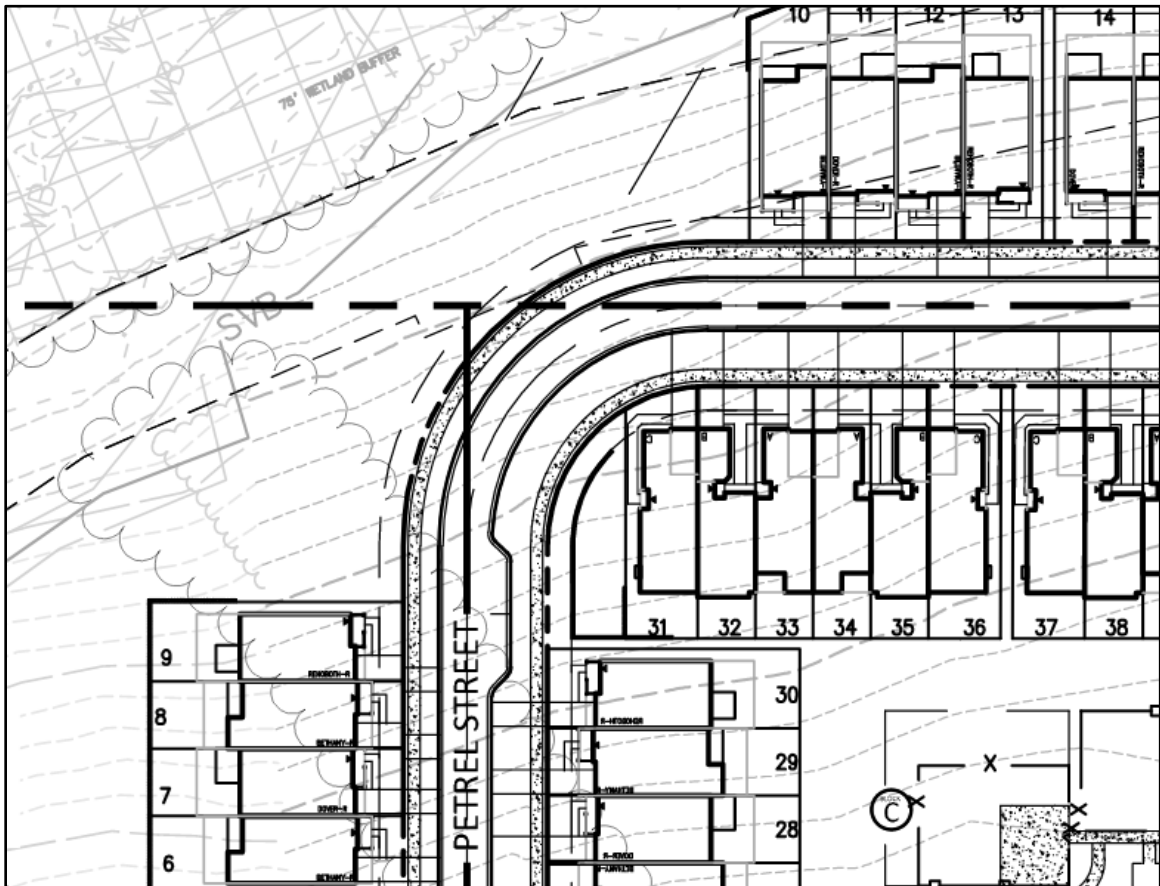


Figure 20 – Proposed Reduced Horizontal Alignment for Petrel Street

Petrel street will serve as the perimeter road along the north and east for the development, running roughly in an inverted 'L' shape from Cabin Branch Ave in the north to Little Seneca

Parkway in the south. The northeast corner is proposed to be reduced from the required 150 ft. horizontal alignment for a secondary street to the 100 ft. standard for a tertiary street.

The Applicant, in the attached Waiver Request (Attachments O and P), proposes that this reduction is necessary due to site topography and to support a more compact, more walkable development. The street is otherwise designed to conform to MCDOT standard street section MC-2002.02.

Horizontal alignment modification is not something the Board is granted authority under 50.4.3.E.4.c to modify, but the Board is allowed to modify any portion of Chapter 50 through a waiver in Section 50.9.3 if it makes the following findings:

1. *Due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;*

The vision of the Cabin Branch community is to create an urban mixed-use development, with as much of a pedestrian-focused grid street pattern as possible. Due to the topography of the site, it is difficult to achieve a street layout that will simultaneously meet the requirements of the street grid of the DPA, maintain an appropriate street grade for an aging community, and limit environmental impacts to existing forest and stream valleys without sharpening the alignment of this curve. Petrel Street is otherwise designed to conform to MCDOT standard street section MC-2002.02, which is based on a minimum speed of 25 MPH which can still be accommodated on within a 100-foot minimum turning radius. Staff additionally reviewed AASHTO's *A Policy on Geometric Design of Highways and Streets* (2011) and found that a 25 MPH street can accommodate a centerline turning radii of 100 ft and that the proposed curve would accommodate the recommended 150 ft. sight distance for safe stopping. The public health, safety and welfare of the public is maintained.

2. *The intent of the requirement is still met;*

The intent of the minimum centerline turning radius is still met in matching the targeted posted speed of 25 mph. Travel through this curve will still be safe.

3. *The waiver is:*

- a. *The minimum necessary to provide relief from the requirements;*

Waiving the requirement of meeting the horizontal alignment standards of Chapter 50 for Street C is the minimum necessary to ensure the Application remains in compliance with Chapter 50 as well as the binding elements of the DPA. Any increase in the horizontal alignment would have a significant impact on sitewide grading, which would negatively impact the efficient use of the tract under consideration.

- b. *Consistent with the purposes and objectives of the General Plan;*

Granting this waiver would still remain consistent with the General Plan. This waiver does not pose a safety risk and enhances the County's vision for Clarksburg and Cabin Branch community of creating a more walkable, urban community.

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

The proposed use and structures are compatible with other uses, site plans, existing, and proposed development on adjacent properties. The townhouse, multi-family, clubhouse, fitness, and non-residential buildings proposed on this Site Plan are all part of a larger planned Cabin Branch Neighborhood that has been the subject of an LMA and a single Preliminary Plan. North and east of the Site Plan boundary is stream valley and forest conservation. South and west of the Site Plan boundary is undeveloped land that is within the same MXPDP zone and is planned for other housing and multi-story tall employment uses. The existing buildings located across the 80-foot wide right-of-way for Cabin Branch Avenue are one-family attached and detached dwellings that are also part of the MXPDP zoned part of the Cabin Branch Neighborhood. The Subject Property will include rear-loaded townhouses oriented along Cabin Branch Avenue, providing direct compatibility with the existing rear-loaded units opposite to the west across Cabin Branch Avenue. Furthermore, the orientation and site design for the townhouses serves to reinforce Section IX. One Family Guidelines from the Cabin Branch Design Guidelines. The design of the proposed townhouse, multi-family, clubhouse, fitness, and non-residential buildings with direct ground level access, foundation landscaping, building façades with fenestration and roof articulation, and street trees all help to integrate the proposed development with the existing residents. The MXPDP zone has a requirement in Section 59-C-7.55 that no uses other than one-family detached dwellings may be constructed closer than 100 feet from existing one-family detached dwellings. While this setback does not apply to the detached homes on Cabin Branch Avenue because the existing development shares the same LMA and Preliminary Plan as the proposed buildings within the Site Plan boundary, the setback is still 120 feet. The Site Plan is also starting the extension of Petrel Street, Skimmer Street, and Harrier Way, across Cabin Branch Avenue to the east, and the extension of Plover Street to ultimately intersect with Petrel Street to the north, with Petrel Street ultimately curving and intersecting with Little Seneca Parkway to the south. When extended, these streets will help integrate this Site Plan with the existing and future phases of the Cabin Branch Neighborhood.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

As part of the requirements of the Special Protection Area (“SPA”) Law, a SPA Water Quality Plan was reviewed in conjunction with the Site Plan. Under the provision of the law, the MCDPS and the Planning Board have different responsibilities in the review of a water quality plan.

In conjunction with planning staff, MCDPS has reviewed and approved the technical elements of the water quantity and quality control facilities including engineering and design. The Planning Board’s responsibility is to determine if SPA forest conservation planting requirements, environmental buffer protection, and site imperviousness limits have been addressed or satisfied. Planning staff finds that the proposed plan meets all requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection and any other applicable law.



## **WATER QUALITY PLAN**

### **Clarksburg Special Protection Area Water Quality Plan**

The majority of the Subject Property is located within the Clarksburg SPA and is therefore required to obtain approval of a Water Quality Plan for those areas of the Application within the Clarksburg SPA under Section 19-62 of the Montgomery County Code. This section of the code states:

“(b) Privately owned property. Except as otherwise expressly provided in the Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:

- (1) who is required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan; or
- (2) who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan.”

As part of the requirements of the SPA Law, a Water Quality Plan should be reviewed in conjunction with a Preliminary Plan and Site Plan. Under Section 19-65 of the Montgomery County Code, the Montgomery County Department of Permitting Services (“MCDPS”) and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS has reviewed and conditionally approved the elements of the Final Water Quality Plan under its purview. The Planning Board must determine if SPA forest conservation and planting requirements, environmental buffer protection, and limits on impervious surfaces have been satisfied. Sec. 19-65(a)(2)(A) of the Montgomery County Code states that:

“In acting on a preliminary or final water quality plan, the Planning Board has lead agency responsibility for:

- (i) Conformity with all policies in the Planning Board’s Environmental Guidelines which apply to special protection areas;
- (ii) Conformity with any policy or requirement for special protection areas, including limits on impervious area, in a land use plan, watershed plan, or the Comprehensive Water Supply and Sewer System Plan; and
- (iii) Any other element of the plan in which the Planning Board has lead agency design, review, and approval responsibility.”

A Preliminary Water Quality Plan (G-957) was approved by Planning Board Resolution dated July 24, 2015 during the review of the re-zoning of the Property, which included a Development Plan. The Final Water Quality Plan was submitted as part of this current Application and proposes to protect the areas of environmental buffers, existing remaining forest, and planted forest in a Category I Conservation Easement.

### MCDPS Special Protection Area Review Elements

MCDPS has established a set of performance goals that are to be met through the implementation of the Final Water Quality Plan which include:

1. Protect the streams and aquatic habitats.
2. Maintain the natural on-site stream channels.

3. Minimize storm flow run off increases.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize increases to ambient water temperatures.
6. Minimize sediment loading.
7. Maintain stream base flows.
8. Protect springs, seeps and wetlands.
9. Minimize nutrient loading.
10. Control insecticides, pesticides and toxic substances.

In a letter dated July 13, 2020, MCDPS has found the Preliminary/Final Water Quality Plan for this site plan to be acceptable for their portion of the Final Water Quality Plan under its purview including 1) stormwater management facilities, 2) sediment and erosion control measures and 3) Best Management Practices (BMP) monitoring.

#### Planning Board Special Protection Area Review Elements

Following is an analysis of the Planning Board's responsibilities in the review of the Final Water Quality Plan. Staff recommends approval of the elements of the SPA Water Quality under its purview.

##### 1) Priority Forest Conservation Areas

The Application meets the requirements of Chapter 22A, Montgomery County Forest Conservation Law. The Final Forest Conservation Plan ("FFCP") was submitted with this Application which will amend the overall FFCP for the Cabin Branch development.

##### 2) SPA Environmental Buffer Protection

The Application proposes no additional disturbance within the stream valley buffer (SVB) for the stream at the rear of the Project Site that has not already been accounted for in the overall FFCP for the Cabin Branch development.

##### 3) Impervious Surfaces

There are no impervious limitations within this portion of the Clarksburg SPA; however, the Clarksburg SPA Regulations allow the M-NCPPC to review imperviousness and to work with the Applicant to reduce imperviousness. As part of the Preliminary Water Quality Plan for the Cabin Branch Development under the Cabin Branch – Infrastructure Site Plan (Plan No. 820050150), an overall goal of less than 45% imperviousness was established by the Planning Board (MCPB Resolution No. 07-131).

This Site Plan indicates an impervious level of approximately 40% for the Subject Property (Table 8). The impervious surfaces are comprised of roadways, sidewalks, stoops, driveways, walls and buildings. The overall impervious level for the Cabin Branch development, including this Application, is approximately 44.22% and continues to be on track to meet the targeted goal of 45%.

**Table 8 - Imperviousness Calculations for the Subject Property**

Total Tract Area	Impervious Surface Area	Percent Imperviousness
2,680,682 sq. ft. (61.54 acres)	1,074,168 sq. ft. (24.66 acres)	40.0%

## **FOREST CONSERVATION PLAN**

### Final Forest Conservation Plan

Consistent with conditions 1 and 14(c) of the Resolution for the Cabin Branch - Infrastructure Site Plan Amendment No. 82005015B (MCPB Resolution No. 11-124), the FFCP for the overall Cabin Branch Development is being amended through this Application. The Cabin Branch - Infrastructure Site Plan is amended with each individual site plan as stated in conditions 1 and 14(c) to show the approved development for each area of Cabin Branch.

The entire 535-acre Cabin Branch Development has an overall FFCP which was approved with the Cabin Branch - Infrastructure Site Plan. The overall FFCP was designed to allow for the grading and installation of roads, utilities, and public amenities such as school and park sites. The intent of having one FFCP was to ensure that as this multi-year project developed, portions would not be left uncovered by an individual FCP and the whole project would remain in compliance with the Montgomery County Forest Conservation Law.

The overall FFCP includes six worksheets separated by zones or land use: MXPB-Employment, RMX-1/TDR, MXPB-Residential, Water Tower Storage Facility, Linthicum West, and "offsite Area A". Each individual site plan application is submitted with final grading and design, the FFCP and the worksheets associated with that particular site plan will be updated to reflect final design and grading details. The FFCP indicates that the individual applicants for each site plan area must meet the forest conservation worksheet requirements through a combination of on-site forest retention, on-site planting of unforested stream buffers, landscape credit, and off-site planting within the Clarksburg SPA. This site plan application does not alter the associated FFCP worksheets and therefore meets the requirements that are already in place on the approved FFCP.

Under the M-NCPPC implementation of the Clarksburg SPA Regulations, the Environmental Guidelines require accelerated reforestation of the SPA stream buffers and that any unforested portions of the stream buffer be afforested above and beyond the standard forest conservation requirements. Since the overall Cabin Branch Development includes land both in and out of the SPA and the tributaries drain to a common water body, the Planning Board approved the treatment of the planting requirements as if the entire development is located within the Clarksburg SPA (MCPB Resolution No. 07-131). Therefore, conditions 1 and 14 of the Cabin Branch - Infrastructure Site Plan (82005015B) require the Applicant to plant the stream buffers in accordance with the overall FFCP including the Planting Phasing Plan. The Applicant of the overall development, Cabin Branch Management, LLC, must provide a five-year maintenance period for all planting areas credited toward meeting the forest conservation plan worksheet requirements. Amendments to the FFCP have been approved with each of the site plans approved and amendments, to date, to the Cabin Branch - Infrastructure Site Plan (82005015A through 82005015G).

The FFCP submitted for this Application conforms to the requirements established by the original overall FFCP and meets the requirements of Chapter 22A, Montgomery County Forest Conservation Law. This Application does not alter any of the existing forest conservation requirements for the overall Cabin Branch Development site established under the Cabin Branch - Infrastructure FFCP, Plan Number 820050150 or subsequent amendments. The responsibility for meeting the Forest Conservation requirements for this Application falls to Cabin Branch Management, LLC. This Application proposes the removal of 0.34 acres of forest and the reforestation of 5.67 acres. The overall Cabin Branch - Infrastructure FFCP will be updated with this Application.

### Forest Conservation Tree Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone ("CRZ") requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection, therefore, the Applicant has submitted a variance request for these impacts.

### Variance Request

The Applicant submitted a variance request in a letter dated April 15, 2020 and revised on July 1, 2020. There are five specimen sized trees within the property boundary that will be impacted by construction (Table 9).

**Table 9 - Variance Trees to be impacted**

<b>Tree Number</b>	<b>Species</b>	<b>DBH Inches</b>	<b>Percent Impact to CRZ</b>	<b>Status</b>
184	Tulip Poplar ( <i>Liriodendron tulipifera</i> )	32	3%	To be saved, but impacted
192	Tulip Poplar ( <i>Liriodendron tulipifera</i> )	36	7%	To be saved, but impacted
202	Sycamore ( <i>Plantus occidentalis</i> )	36	24%	To be saved, but impacted
203	Red Maple ( <i>Acer rubrum</i> )	33	14%	To be saved, but impacted
204	Tulip Poplar ( <i>Liriodendron tulipifera</i> )	48	1%	To be saved, but impacted

### Unwarranted Hardship Basis

Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship. In this case, the Applicant is faced with having to impact five trees. M-NCPPC staff ("Staff") has determined that the impacts to these trees for construction are unavoidable. Trees 184 and 192 are located on the Subject Property on the northeastern and eastern side within the existing forest and SVB. Both trees will be impacted by the WSSC approved alignment of the proposed sewer line serving this portion of the Cabin Branch development. Each tree will only have minimal impacts to their respective CRZs. Trees 202 and 203 are located on the Subject Property in the southeast corner of the Site adjacent to the future alignment of Little Seneca Parkway and within the existing forest. Tree 204 is located within the right-of-way for the proposed Little Seneca Parkway, but its CRZ extends onto the Subject Property. Trees 202, 203 and 204 will be impacted by the approved alignment of a SWM outfall.

The impacts to these five variance trees are the result of the requirements of other governmental agencies which has impacted the design of this Application. As a result, not being able to request a variance to impact these five trees would constitute an unwarranted hardship on this Applicant to develop this Site

by forcing a new realignment of the proposed sewer line and the SWM outfall. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determinations based upon the required findings in the review of the variance request and the Forest Conservation Plan:

#### Variance Findings

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the impact to these two trees are due to the location of the trees and the approved alignment of the proposed sewer line serving this portion of the Cabin Branch development. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary alignment of the proposed sewer line and SWM outfall serving this portion of the Cabin Branch development.

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

The requested variance is a result of the existing conditions and is not a result of land or building use on a neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree being slightly impacted are located within the stream valley buffer ("SVB") but will not be removed. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

#### County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on March 16, 2020 in the form of an ePlans tasking. The County Arborist completed the ePlans tasking and recommended approval of the variance request on April 28, 2020.

Variance Recommendation - Staff recommends approval of the variance request.



## NOISE GUIDELINES

The Environmental section of the 1993 General Plan Refinement for Montgomery County contains multiple objectives directing Staff to protect future residents and workers from unacceptable noise levels. The 1983 Staff Guidelines for the Consideration of Transportation Noise (“Noise Guidelines”) contain strategies for mitigating the impact of transportation noise on new residential development. The Noise Guidelines Map 2-1 (Figure 21) shows the Subject Property in the 60 dBA Ldn maximum exterior noise level area which is based on the suburban nature of development in Germantown in 1983. The Area of Application Table 2-1 of the Noise Guidelines (Figure 22) however references that areas that are urban, adjacent to freeways, major highways or corridor areas are more appropriately reviewed with a 65 dBA Ldn guideline. The Applicant has submitted a noise analysis, performed by Phoenix Noise and Vibrations, LLC dated May 20, 2020, and has requested the Site Plan be reviewed using the 65 dBA Ldn guidance as the baseline because the Property is adjacent to I-270, a major commuter highway. As conditioned, the 65 dBA Ldn is a more realistic value for maximum exterior noise levels given the changes that have occurred in the Washington Metropolitan Area and the Clarksburg area since 1983.

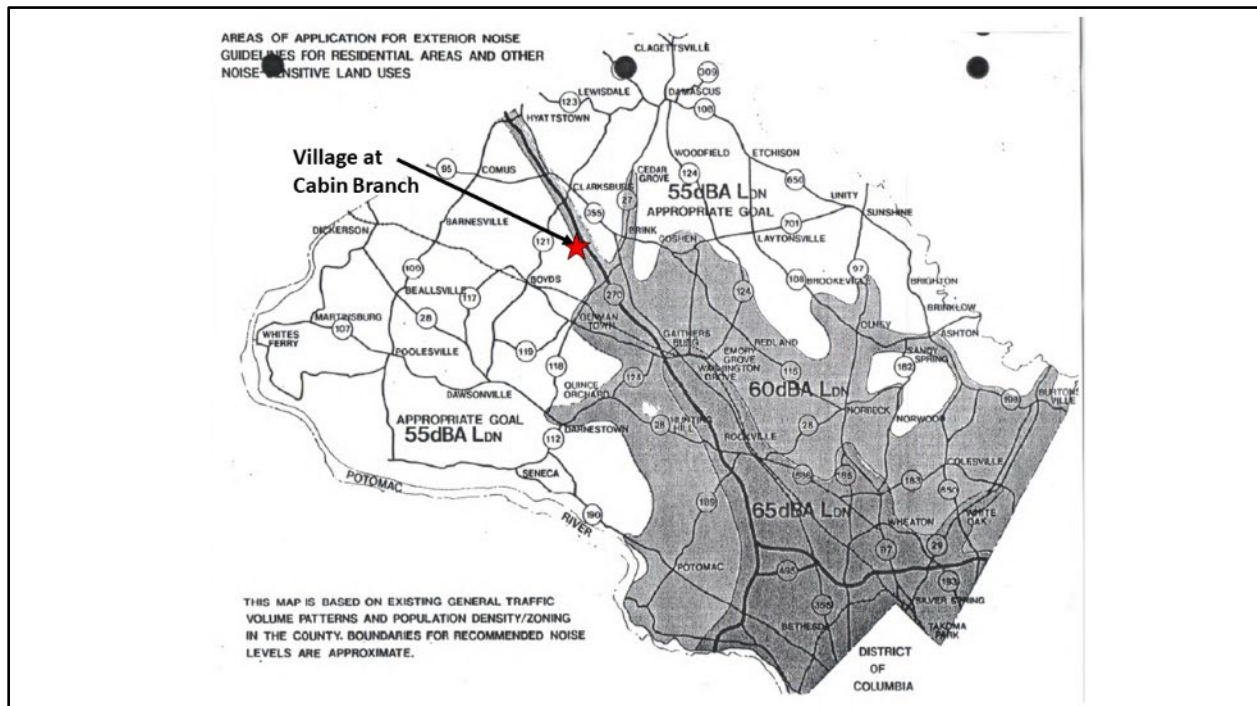


Figure 21 – Map 2-1 from Noise Guidelines

TABLE 2-1 MAXIMUM LEVELS FOR EXTERIOR NOISE AT THE BUILDING LINE <sup>1</sup> FOR NOISE-SENSITIVE LAND USES	
Guideline Value	Area of Application (see Map 6-1)
$L_{dn} = 55$ dBA	This guideline is suggested as an appropriate goal in permanent rural areas of the County where residential zoning is for five or more acres per dwelling unit and background levels are low enough to allow maintenance of a 55 dBA level. This guideline is consistent with Federal, State, and County goals for residential areas.
$L_{dn} = 60$ dBA	This is the basic residential noise guideline which will be applied in most areas of the County where suburban densities predominate. Maintenance of this level will protect health and substantially prevent activity interference both indoors and outdoors. Noise attenuation measures will be recommended to allow attainment of this level.
$L_{dn} = 65$ dBA	This guideline will generally be applied in the urban ring, freeway and major highway corridor areas, where ambient levels are such that application of a stricter guideline would be infeasible or inequitable. Significant activity interference will occur outdoors and indoors if windows are partially opened, but available evidence indicates hearing is adequately protected. Noise attenuation measures will be strongly recommended to attain this level.

The areas where these exterior guideline values would apply are shown on Map 2-1. This map should be used for general reference purposes only. Recommended exterior noise levels shown for specific areas in subsequent sector and master plans may differ from Map 2-1 due to updated, more detailed traffic information for existing and future

Figure 22 – Table 2-1 from Noise Guidelines

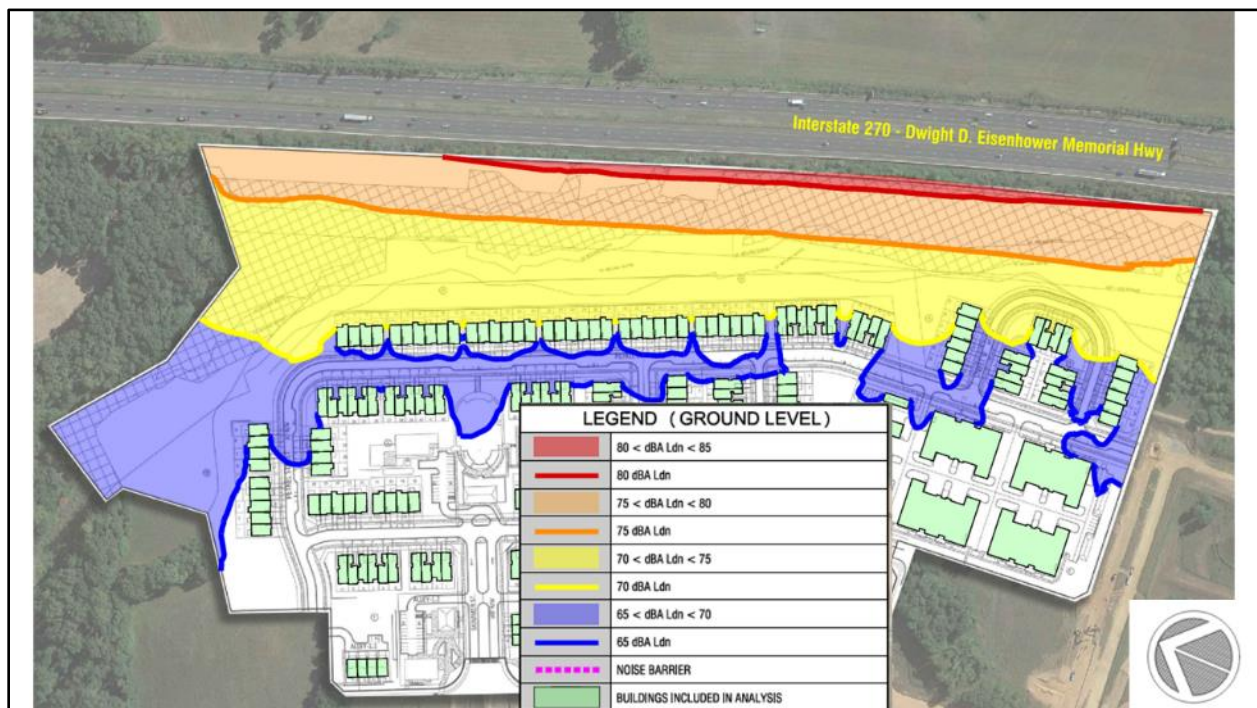


Figure 23 – 20 Year Project Noise Level Impacts

The future noise projections for anticipated noise in 20 years shows that the eastern third of the Subject Property will be over 65 dBA Ldn, and the eastern most residential units closer to I-270 are projected to be over 70 dBA Ldn along with a number of additional lots are projected to be over 65 dBA Ldn (Figure 23). In order to mitigate for the projected noise levels and to bring those noise levels down to 65 dBA Ldn for the exterior spaces of the development it would require the installation of noise walls along the eastern most residential unit to be anywhere from 10-feet up to 14-feet in height. The Applicant looked at various mitigation techniques, however the topography of the property mostly sitting slightly higher than the noise source makes it difficult to do effective noise mitigation.

The Applicant's proposed mitigation for noise impacts includes construction of approximately 1,800 linear feet of noise wall ranging in height from 6-feet up to 9-feet 6-inches along the eastern most property line behind Lots 10-53 in Block A and Lots 54-65 in Block B. DPS has requested that a gap be installed along the bottom of the proposed sound wall to allow for the overland flow of water from the adjoining lots to flow into the bioswale structure on the far side of the noise wall (Figure 24). This gap will be approximately 4-inches to 6-inches in height running along the bottom of the wall at ground level from support pier to support pier of the wall structure. This will increase the wall height to approximately 9-feet 6-inches. This gap will not increase the level of noise impacting the residential units since there will be a berm on the far side of the bioswale that is 12-inches higher than the ground level at the noise wall blocking any noise. The sound wall is located along the rear property lines for each of these lots. For most of the lots, the sound wall is approximately 25 to 30 feet from the rear wall of the residential structures. However, in the case of Lots 44-49, Block A the noise wall is approximately 15 feet from the rear wall of the residential structures and is 9-feet 6-inches high (Figure 25). However, the above-mentioned lots and some outdoor spaces are still impacted with noise levels above 65 dBA Ldn. The Applicant's noise analysis also discusses interior space mitigation of noise, and while certain units closest to the interstate would not be able to open windows without creating noise exposure, construction techniques can allow interior spaces with windows closed to be at or below 45 dBA Ldn, which is consistent with the Noise Guidelines.

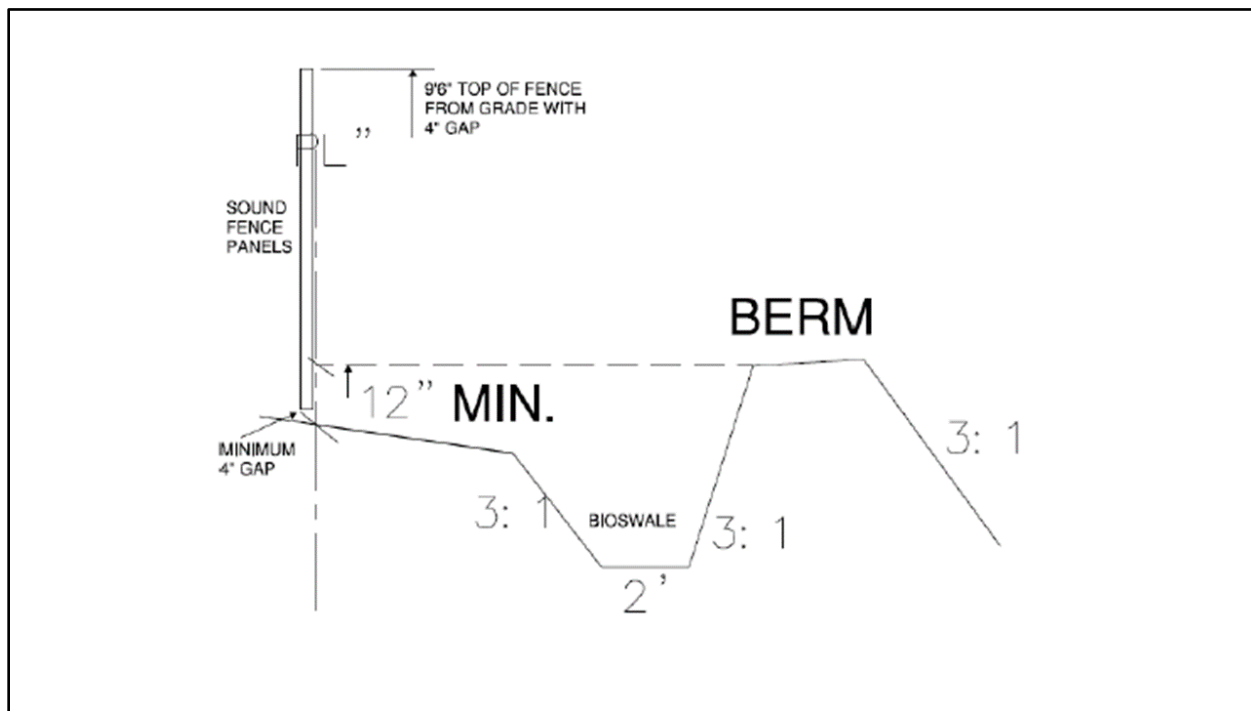


Figure 24 – Noise Wall Cross-Section showing Drainage Gap and Berm



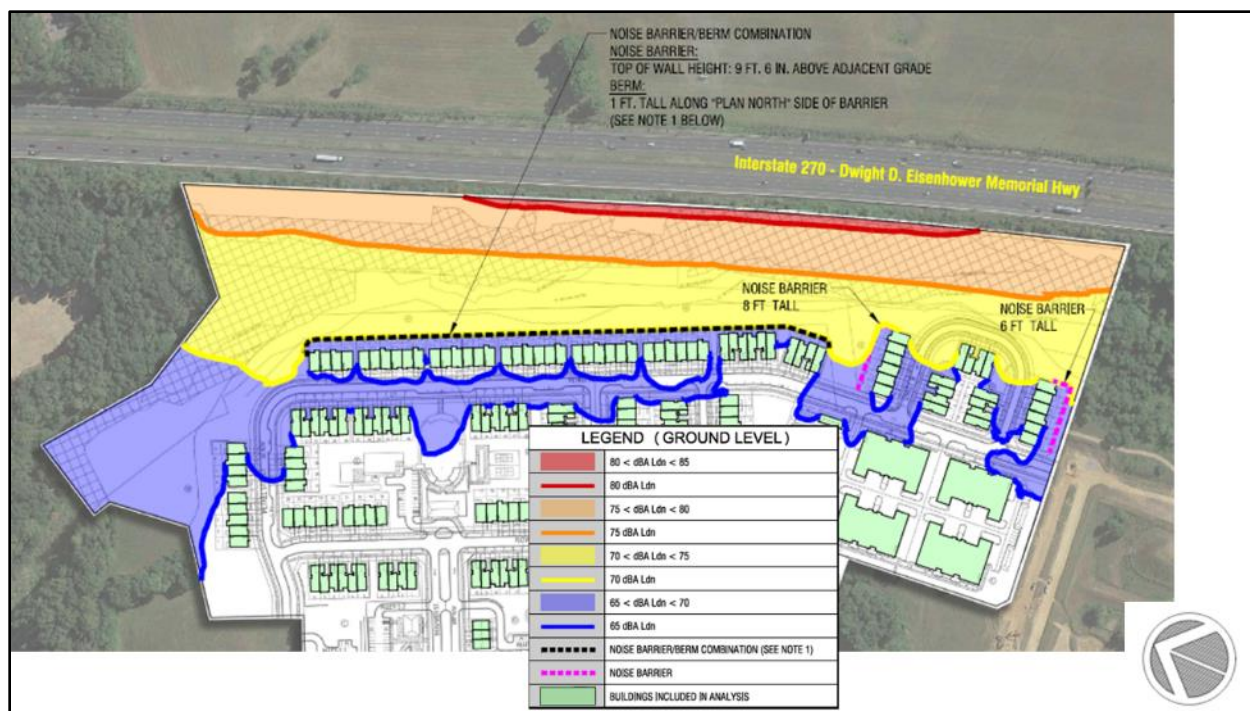


Figure 25 – Noise Walls Allowing Higher Exterior Noise Levels

The Noise Guidelines Section 2.2.2 allows the Board to waive part or all of the guidelines *if use of all feasible exterior attenuation measures cannot protect noise sensitive rooms on upper floors or outdoor patio areas, or if exterior attenuation is not feasible. Exterior noise attenuation measures may be infeasible due to economics, aesthetics, or site-related constraints of size, shape, or topography.* The Applicant contends they have done everything that is feasible to attenuate for noise impacts to the Property, given the size of I-270 and the topographical constraints. In order to bring the noise levels down to below 65 dBA Ldn, the Applicant would need to add an additional 5-feet to the proposed noise walls bringing the height of the walls up to between 10 to 14 feet thereby increasing undesirable aesthetic and economic impacts (Figure 26). As conditioned, Staff supports the mitigation proposed by the Applicant as the best possible given the constraints and recommends the Board approve the waiver to the Noise Guidelines under Section 2.2.2(2) of the Noise Guidelines allowing a higher exterior noise level and to accept the findings of the provided noise analysis. The waiver does not affect the requirement that the interior noise levels for the residential structures must be attenuated to 45 dBA Ldn or less.

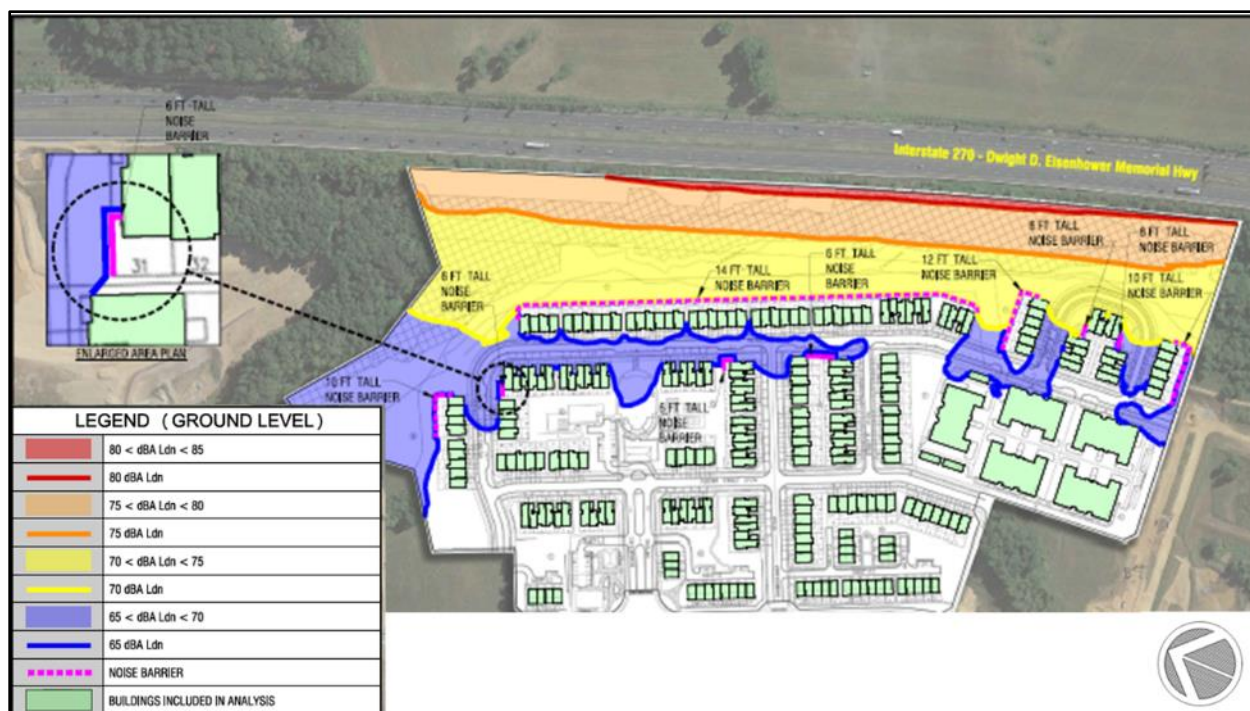


Figure 26 – Noise Walls Without Requested Noise Waiver

The noise analysis identifies both ground level impacts and upper level impacts. The ground level and upper level impacts effect Lots 6-9 and 10-53 in Block A, Lots 54-65 in Block B, Lots 1 and 27-48 in Block C, Lots 1 and 23 in Block D, and Lot 1 in Block E. Since the noise in the outdoor space for these units may not be fully mitigated, Staff recommends that the sales contracts for these units and other documents disclose to the potential buyers that these unit's outdoor spaces are impacted by noise. The proposed homes in this development have yet to be designed. After the houses have been designed for the impacted lots, a noise impact analysis for each residence will need to be performed and mitigation requirements will need to be provided for each of those homes in order to achieve interior noise levels that will not exceed 45 dBA Ldn. Since the units on these proposed lots are located within the noise impacted area identified on the 2020 noise analysis, Staff recommends that an engineer that specializes in acoustical treatments certify that the building shell for these units is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn and that the applicant/developer/builder certify that they will construct the noise impacted units in accordance with the recommendations of an engineer that specializes in acoustical treatments.

## SECTION 5 – COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. As of the date of this Staff Report, Staff has not received any correspondence from the community regarding this Site Plan.



## **SECTION 6 – CONCLUSION**

The Application meets all requirements established in the Zoning Ordinance in effect on October 29, 2014. The Site Plan conforms to the binding elements of the LMA and DPA, meets the requirements of the MXPD zone, and meets all other necessary Site Plan findings. The Site Plan was reviewed by other county agencies, all of which have recommended approval of the Site Plan. Lastly, the Application is consistent with all previous approvals and is in compliance with Chapters 19 and 22A, therefore, Staff recommends the approval of the Final Water Quality Plan, the Final Forest Conservation Plan and the Tree Variance request with the conditions specified above.

### **Attachments**

Attachment A - Site Plan Composite  
Attachment B - Final Forest Conservation Plan Composite  
Attachment C - Development Plan  
Attachment D - Binding Elements of DPA  
Attachment E - Cabin Branch Tracking  
Attachment F - MC Fire and Rescue Approval  
Attachment G - MCDPS ROW Permitting  
Attachment H - DHCA  
Attachment I - SWM and WQP Letter  
Attachment J - Correspondence from DPS Water Resources Section  
Attachment K - Impervious Exhibit  
Attachment L - Town Architect  
Attachment M - Variance Request  
Attachment N - Noise Waiver  
Attachment O - Road Design Exceptions  
Attachment P - Waiver Request for Reduction of ROW Width and Horizontal Alignment  
Attachment Q - Amendment to Noise Report  
Attachment R - Statement of Justification







## Attachment B

# CABIN BRANCH

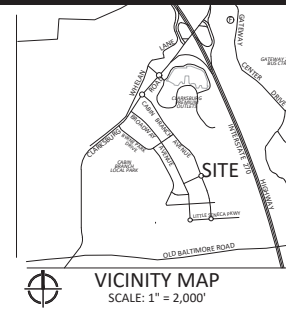
CLARKSBURG, MARYLAND

## FINAL FOREST CONSERVATION PLAN

SHEET INDEX		*Indicates relevant Site Plans)
Sheet Description		*ADDED AND/OR AMENDED FCP SHEETS
		Site Plan References
* 1.	COVER SHEET	OVERALL
2.	APPROVALS SHEET	OVERALL
2A.	APPROVALS SHEET	OVERALL
3.	OVERALL PLAN	OVERALL
4.	FOREST CONSERVATION WORKSHEETS	OVERALL
5.	30 SCALE PLAN	WIN1, GOS, D AMEND, F AMEND, CPO AMEND
6.	30 SCALE PLAN	WIN1, GOS, D AMEND, F AMEND, CPO AMEND
7.	30 SCALE PLAN	WIN1, GOS, F AMEND, CPO AMEND
8.	30 SCALE PLAN	ADV-N, F AMEND, CPO AMEND
9.	30 SCALE PLAN	ADV-N, CPO AMEND
10.	30 SCALE PLAN	WIN1, GOS, D AMEND, CPO AMEND
11.	30 SCALE PLAN	WIN1, CPO AMEND
12.	30 SCALE PLAN	WIN1, D AMEND
13.	30 SCALE PLAN	ADV-N, CPO AMEND
14.	30 SCALE PLAN	INFRA C AMEND, F AMEND, CPO AMEND, G AMEND
15.	30 SCALE PLAN	INFRA C AMEND, F AMEND, CPO AMEND, G AMEND
16.	30 SCALE PLAN	INFRA C AMEND, POND 13, CPO AMEND, G AMEND
17.	30 SCALE PLAN	WIN1
18.	30 SCALE PLAN	WIN1, D AMEND
19.	30 SCALE PLAN	WIN1, D AMEND
20.	30 SCALE PLAN	WIN1, WIN3, D AMEND
21.	30 SCALE PLAN	WIN1, WIN3
22.	30 SCALE PLAN	WIN1
23.	30 SCALE PLAN	WIN1
24.	30 SCALE PLAN	WIN1, WIN2
25.	30 SCALE PLAN	WIN1, WIN2, INFRA C AMEND
* 26.	30 SCALE PLAN	WIN2, INFRA C AMEND
* 27.	30 SCALE PLAN	WIN2
* 28.	30 SCALE PLAN	INFRA C AMEND, G AMEND
* 29.	30 SCALE PLAN	INFRA C AMEND, G AMEND
* 30.	30 SCALE PLAN	INFRA C AMEND, G AMEND
* 31.	30 SCALE PLAN	WIN1, WIN2
32.	30 SCALE PLAN	WIN1, WIN2, TOLL1
33.	30 SCALE PLAN	WIN1, WIN2
34.	30 SCALE PLAN	WIN1, WIN3
35.	30 SCALE PLAN	WIN3, D AMEND
36.	30 SCALE PLAN	WIN3, D AMEND
37.	30 SCALE PLAN	WIN3, D AMEND
38.	30 SCALE PLAN	WIN3, TOLL2, D AMEND
39.	30 SCALE PLAN	WIN1, WIN3
40.	30 SCALE PLAN	WIN1, WIN2, TOLL1
41.	30 SCALE PLAN	WIN2, TOLL1
42.	30 SCALE PLAN	WIN1, WIN2, TOLL1
* 43.	30 SCALE PLAN	WIN2, TOLL1
* 44.	30 SCALE PLAN	WIN2, INFRA C AMEND, E AMEND, G AMEND
45.	30 SCALE PLAN	INFRA C AMEND, E AMEND
* 46.	30 SCALE PLAN	WIN2, TOLL1, CPO AMEND
47.	30 SCALE PLAN	TOLL1
48.	30 SCALE PLAN	POND 3, TOLL1
49.	30 SCALE PLAN	POND 8
50.	30 SCALE PLAN	TOLL2, D AMEND
51.	30 SCALE PLAN	TOLL2, D AMEND, G AMEND
51A.	30 SCALE PLAN	G AMEND
52.	30 SCALE PLAN	TOLL2,
53.	30 SCALE PLAN	D AMEND, G AMEND
54.	30 SCALE PLAN	POND 9
55.	30 SCALE PLAN	TOLL1
56.	30 SCALE PLAN	POND 2, TOLL1, D AMEND, E AMEND, G AMEND
57.	30 SCALE PLAN	TOLL1, D AMEND, CPO AMEND, G AMEND
58.	30 SCALE PLAN	WIN1, INFRA C AMEND, D AMEND, E AMEND, CPO AMEND, G AMEND
59.	30 SCALE PLAN	INFRA C AMEND, D AMEND, G AMEND
60.	PLANTING DETAILS AND NOTES	OVERALL
61.	SIGNIFICANT TREE DETAILS	OVERALL
62.	FC TRACKING DETAILS	OVERALL
63.	FC PLANTING DETAILS	OVERALL
63A.	FC PHASING PLAN	OVERALL

See Sheet 62 for detailed tracking information.

Any construction activity, grading or forest modifications on adjacent property per the Infrastructure Site Plan approved in 2008 or subsequent revisions per the conditions of approval, is subject to the property owner consent in conjunction with appropriate Montgomery County, MNCPPC, or Maryland State Highway permits and/or authorization to proceed with construction.

**VIKA**

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[illegible]

THE VILLAGE AT  
CABIN BRANCH

6TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND

WSSC GRID: 231NW 13 & 14  
TAX MAP: EV 562 & FV-122

MNCPPC  
#820050150

FINAL  
FOREST  
CONSERVATION  
COVER  
SHEET

PROFESSIONAL SEAL

Marion E. Bundens  
Maryland DNR Qualified Professional  
Maryland Forest Conservation  
Act of 1991

**Date:** \_\_\_\_\_

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DRAWN BY: SDG

DESIGNED BY: MB

DATE ISSUED: XX/XX/2020

VIKA  
PROJECT **VM50192F**

DRAWING  
NO. **FCP 820050150**

SHEET NO. **FFCP-1 (SHEET 1)**

M-NCPPC SITE PLAN # 820120150  
M-NCPPC SITE PLAN # 820110080  
M-NCPPC SITE PLAN # 82006029A  
M-NCPPC SITE PLAN # 820060240  
M-NCPPC SITE PLAN # 82005015C  
M-NCPPC SITE PLAN # 82005015B  
M-NCPPC SITE PLAN # 820100030  
M-NCPPC SITE PLAN # 820070140

M-NCPPC SITE PLAN # 82005015D  
M-NCPPC SITE PLAN # 82005015E  
M-NCPPC SITE PLAN # 82005015F  
M-NCPPC SITE PLAN # 820140160  
M-NCPPC SITE PLAN # 82005015G  
M-NCPPC SITE PLAN # 820180060  
M-NCPPC SITE PLAN # 82018006A  
M-NCPPC SITE PLAN # 82005015O

#### DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN NO. 820050150 INCLUDING FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

DEVELOPER'S NAME: CLASSIC GROUP, LLC

\_\_\_\_\_

CONTACT PERSON OR OWNER: STEVE NARDELLA

ADDRESS: 8120 WOODMONT AVE.

BETHESDA, MD 20814

PHONE: 301.913.0404

SIGNATURE: \_\_\_\_\_

\_\_\_\_\_



# BINDING ELEMENTS

- Transferable Development Rights and Moderately Priced Dwelling Units**  
The property that is the subject of this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXP, is zoned RMX-1/TDR and will require the purchase of Transferable Development Rights (TDRs) for the development planned by Applicants. Based on calculations developed with M-MCPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multifamily), the 535-acre project will require 635 TDRs. The Preliminary Plan of Subdivision application(s) for the MXP area and the remaining RMX-1/TDR area shall require the purchase of TDRs in conformance with this calculation.
- Off-site Amenities and Features**  
By the time of issuance of building permits for the 100<sup>th</sup> dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan, the Applicants will dedicate the sites shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of Subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.
- Trip Reduction Measures**  
At the time of Preliminary Plan of Subdivision, the Applicants, M-MCPC, Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.
- Street Network**  
A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to MNCPPC and DPWT approvals.
- Area D Street Network**  
Area D will be designed with a public or private street connecting First Avenue (Route A-304) and Newcut Road (Route A-302) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.
- Street Character**  
All streets will adhere to a pedestrian-friendly design to the extent practicable, which places particular emphasis on a building line to frame the street, with parking in the rear, excluding retail and entertainment uses. Within the core, pedestrian friendly uses including retail, residential, or office will be located on the first floor. The entire MXP area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to MNCPPC and DPWT approvals.

- Special Roads**  
A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to MNCPPC and DPWT approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.
- Service/Public Uses**  
Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care.
- On-street Parking**  
Applicants will include on-street parking on streets adjacent to retail facilities. (Excluding MD Route 121, Wellspring Street and Goldeneye Avenue.)
- No single retail store will have a gross floor area that is greater than 50,000 square feet, which will be a condition of site plan approval and will be referenced on the Certified Site Plan.
- The retail uses located in Area C will be neighborhood retail.

RE-1/TDR

## Recreation Amenities:

Group	Recreation Amenities
1	Tot-Lots, Multi-Age Playgrounds
2	Pocket Parks, Seating
3	Streetscapes, Pedestrian walkways, Bikeways
4	Employment Plaza
5	Stream Valley Buffer Park (dedicated to public use)
6	Local Park (dedicated to public use)
7	Elementary School (dedicated to public use)
8	Recreation Facility
9	Historic
Section	Recreation Amenities
MXP Area	A, 3, 4
B	1, 2, 3, 4
C	1, 2, 3, 4
D	5, 6, 4
RMX-1/TDR Area	E, 1, 2, 3, 5, 6, 7, 8, 9

The recreation amenities listed above provide a conceptual reference to activities within Areas A, B, C, and D of the MXP Zone, and the RMX-1/TDR Zone. The final location of amenity type and location will be determined at Preliminary Plan and Site Plan. Area E is a portion of RMX-1/TDR Zone not included in MXP Zoning Application.

Future RMX - 1/TDR ZONE  
Not Included in MXP Zoning Application

## PHASING KEY



## DEVELOPMENT PROGRAM

Subject to further refinement during the Preliminary Plan of Subdivision and Site Plan stages, and to proposed road improvements and related staging capacity, the anticipated sequence of construction within the MXP area will be as follows:

- mass grading of site;
- installation of common elements (water and sewer lines, public utilities, storm drain, stormwater management, sediment control and primary road access, including related sidewalks and pathways);
- fine grading of initial development area (expected to be in Area A, B and C);
- construction of initial employment and retail facilities in Area A & B;
- construction of parks and open space areas in Area B & C;
- construction of initial employment and retail in Area C;
- construction of additional structures, recreational facilities, transportation facilities and open space in all Areas.

Other areas outside of the MXP area which is the subject of the rezoning but part of the Cabin Branch Community, will be coordinated with the phasing of development in the MXP area.

## GENERAL NOTES

- The development plan depicts the overall concept for the orderly and staged development of Cabin Branch, a large scale, mixed use community made up of several interdependent neighborhoods. This development plan depicts that element of the Cabin Branch Community that is to be developed in accordance with provisions of the Zoning Ordinance applicable to the MXP Zone. It is anticipated that revisions to the development plan may become necessary as the entire Cabin Branch Community evolves. This development plan reflects the proposed Community as it is presently envisioned.
- Densities, heights, and the mix of uses are as specified in the appropriate table for Areas A, B, C, & D. Building and parking locations will be approximately as shown. Specific building locations, footprints, parking locations and other design details will be refined and finalized during subsequent subdivision and site plan proceedings.
- The total area to be rezoned MXP is 283.5 Acres including Adventist property 142.8 ac, Faller property 13.0 ac, and Gossnell property 127.7 ac.
- The maximum residential density shall not exceed 44 dwelling units per acre for residential areas shown on the development plan. Where residential development is proposed to be located within a proposed commercial area, the maximum residential density for such areas shall not exceed 75 dwelling units per acre.

Area	# Units	Residential/Acre	Units Per Acre
A	0	Varies	Varies
B	275 - 750	32.6 ac	8.4 - 23.0
C	350 - 875	36.0 ac	9.7 - 24.3
D	0 - 200	12.8 ac	8.2 - 15.6
Subtotal	625 - 1,925	69.8 ac	8.8 - 26.1
Total	1138	283.5 ac	4.0

\*Note: Residential Acreage may vary based on distribution, mix of uses, and internal/adjacent open space.

DPA 13-02

# LAND USE PLAN OF THE DEVELOPMENT PLAN

## CABIN BRANCH

Clarksburg, Maryland

May, 2013

Figure I

# Attachment C

Predominantly Employment Includes Retail, Entertainment, Senior Facilities, And Public Uses Up To 12 Story Height Approximately 38 Acres Area		
Employment	SF	Parking Spaces
Office	0 - 700,000	0 - 1,000
Retail	0 - 450,000	0 - 5,050
Total	0 - 1,150,000	0 - 6,050
Mixed Use- Includes Retail Employment, Entertainment, Senior Facilities, Public and Residential Uses Up To 6 Story Height Approximately 47 Acres area		
Residential	# Units	Parking Spaces
Detached	0 - 100	0 - 200
Attached	150 - 325	300 - 650
Multifamily	125 - 325	250 - 650
Total	275 - 750	550 - 1,500
Employment	SF	Parking Spaces
Office	0 - 300,000	0 - 1,200
Retail	0 - 150,000	0 - 750
Total	0 - 450,000	0 - 1,950
Predominantly Employment Includes Public Uses, Retail and Residential Uses Up To 8 Story Height Approximately 72 Acres area		
Residential	# Units	Parking Spaces
Detached	0 - 100	0 - 200
Attached	250 - 425	500 - 850
Multifamily	100 - 350	200 - 700
Total	350 - 875	700 - 1,750
Employment	SF	Parking Spaces
Office	0 - 1,425,000	0 - 5,700
Retail	0 - 30,000	0 - 150
Total	0 - 1,455,000	0 - 5,850
Predominantly Employment Includes Public Uses, Retail and Residential Uses Up To 8 Story Height Approximately 22 Acres area		
Residential	# Units	Parking Spaces
Detached	0 - 50	0 - 100
Attached	0 - 50	0 - 100
Multifamily	0 - 100	0 - 200
Total	0 - 200	0 - 400
Employment	SF	Parking Spaces
Office	0 - 300,000	0 - 1,200
Retail	0 - 10,000	0 - 50
Total	0 - 310,000	0 - 1,250
MXPD Yield Summary		
Category	Not to Exceed	Units
Residential	Not to Exceed	100 Units
Attached	Not to Exceed	439 Units
Multifamily	Not to Exceed	439 Units
Total	Not to Exceed	1,138 Units
Employment	Not to Exceed	SF
Office	Not to Exceed	1,936,000 SF
Retail	Not to Exceed	484,000 SF
Total	Not to Exceed	2,420,000 SF
Other	Not to Exceed	SF
Public Use	Not to Exceed	75,000 SF
Senior	Not to Exceed	500 Units

Notes:		
Number of bedrooms range from 1 to 3 bedrooms per unit. The average number of bedrooms per unit is 2.5 in the proposed MXP Zone.		
The maximum total residential, employment, public use, and retail densities noted in the MXP Yield Summary Chart located above, in no way reflect the sum of each maximum density and/or sq. feet in Areas A, B, C and D. These maximum quantities are justified in allowing flexibility within further stages of development at the MXP section of the Cabin Branch Community.		
*Includes uses such as office, R&D, hotel, entertainment, and light industrial.		
**Includes uses such as offices of worship, child care, and community building.		

## NOTES CONTINUED:

- Develop a commercial/industrial density in the mixed use planned development zone that should be compatible with any gross floor area or floor area ratio recommended in the master plan. The maximum density shall not exceed a floor area ratio of 0.75.
  - Current Commercial/Industrial Yields are as follows:
- | Area                | Total SF        | Employment/Acre | Floor Area Ratio |
|---------------------|-----------------|-----------------|------------------|
| A                   | 0 - 1,100,000   | 14.4 ac         | 0-0.81           |
| B                   | 0 - 450,000     | 14.4 ac         | 0-0.71           |
| C                   | 0 - 1,455,000   | 36.0 ac         | 0-0.82           |
| D                   | 0 - 310,000     | 20.8 ac         | 0-0.54           |
| Subtotal            | 0 - 3,365,000** | 108.2 ac        | Varies           |
| Residential Acreage |                 | 69.8 ac         |                  |
| RMX-1/TDR Acreage   |                 | 104.0 ac        |                  |
| Total               | 2,420,000       | 283.5 ac        | 0.20             |
- \*Note: Employment acreage may vary based on distribution, mix of uses, and internal/adjacent open space.
- \*\*Note: Not to exceed 2,420,000 SF.
- The maximum population proposed is approximately 3,800 people.
  - The amount of green area required for the residential portion of a mixed-use planned development shall be no less than 50 percent of the total area shown for residential use. The maximum green space requirement for the commercial/industrial portion of a mixed-use planned development shall be 40 percent of the total area devoted to commercial/industrial uses.
  - The maximum total residential, employment, public use, and retail densities are noted in the MXP Yield Summary Chart located above. These numbers in no way reflect the sum of each maximum density and/or sq. feet in Areas A, B, C and D. These maximum quantities are justified in allowing flexibility within further stages of development in the MXP section of the Cabin Branch Community.
  - Rights of way for the following Master Plan roads will be dedicated as required at Preliminary Plan of subdivision:
    - A-27 Maryland Route 121
    - A-307 First Avenue and Second Avenue
    - A-304 Newcut Road / Little Seneca Parkway
    - A-302 Newcut Road / Little Seneca Parkway
    - F-1 I-270 RW # Newcut Road Interchange RW to be placed in reservation
  - Off-street parking shall be provided in accordance with the requirements of article 59-E.
  - On-street parking shall be provided on master plan roads A-304 (First Avenue and Second Avenue) and local roads.
  - Section E is a portion of RMX-1/TDR Zone that is not included in MXP Zoning Application.
  - The property, including the open space, will be subject to the site plan review. At the time of site plan review the owner on behalf of itself, or its successors and assigns, will enter into a Site Plan Review Agreement providing for perpetual maintenance of open space areas and other areas used for recreational, common or quasi-public purposes.
  - Preliminary Water Quality Plan for Cabin Branch SM File # 207133, was approved by Montgomery County Department of Permitting Services by letter dated June 4, 2003.
  - Designates potential SWM features. The final location and type of stormwater management facilities will comply with all applicable regulations and will be specified on the Final Water Quality Plan at the time of site plan.

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION  
THIS IS A TRUE COPY OF THE DEVELOPMENT PLAN (EXHIBIT NUMBER 1326) APPROVED BY THE DISTRICT COUNCIL ON February 4, 2014, BY RESOLUTION NUMBER 17-1002 IN APPLICATION NUMBER DPA 13-02

HEARING EXAMINER: Lynn A. Robinson  
DATE: 2/12/2014

**RODGERS CONSULTING**  
Knowledge • Creativity • Enduring Values

19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
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Ph: 301.253.6609 (Frederick)  
Ph: 301.948.6256  
www.rodgers.com

Revisions	Date	Revisions	Date
Development Plan Revision	09/09/03	Development Plan Revision	07/24/13
Development Plan Revision	01/26/13	Development Plan Revision	07/26/13
Development Plan Revision	06/26/13	Development Plan Revision	07/26/13
Development Plan Revision	07/26/13		



## APPENDIX (Binding Elements)

### BINDING ELEMENTS

1. Transferable Development Rights and Moderately Priced Dwelling Units

The property that is the subject of this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPB, is zoned RMX-1/TDR and will require the purchase of Transferable Development Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-MCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multifamily) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPB area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation.

2. Off-site Amenities and Features

By the time of issuance of building permits for the 100<sup>th</sup> dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan, the Applicants will dedicate the sites shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of Subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.

3. Trip Reduction Measures

At the time of Preliminary Plan of Subdivision, the Applicants, M-MCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

4. Street Network

A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to M-MCPPC and DPWT approvals.



5. Area D Street Network

Area D will be designed with a public or private street connecting First Avenue (Route A-304) and Newcut Road (Route A-302) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.

6. Street Character

All streets will adhere to a pedestrian-friendly design to the extent practicable, which places particular emphasis on a building line to frame the street, with parking in the rear, excluding retail and entertainment uses. Within the core, pedestrian friendly uses including retail, residential, or office will be located on the first floor. The entire MXPB area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to M-NCPPC and DPWT approvals.

7. Special Roads

A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to M-NCPPC and DPWT approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.

8. Service/Public Uses

Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care.

9. On-street Parking

Applicants will include on-street parking on streets adjacent to retail facilities. (Excluding MD Route 121, Wellspring Street and Goldeneye Avenue.)

10. No single retail store will have a gross floor area that is greater than 50,000 square feet, which will be a condition of site plan approval and will be referenced on the Certified Site Plan.

11. The retail uses located in Area C will be neighborhood retail.

Case No.	Opinion	Type of Plan	Uses Approved	Status
G-806	9/9/2003	Local Map Amendment w/ PWQP	Rezoned 283.5 acres to MXPD. Development Plan 535 acres to allow 1,886 dwelling units, 2,240,000 sf. of commercial and 500 senior housing units.	Approved
DPA 13-02	2/4/2014	Development Plan Amendment	Modified G-806 to split commercial uses to specifically allow up to 484,000 sq. ft. of retail and 1,936,000 sq. ft. of office.	Approved
Preliminary Plans				
120031100 & 12003110A	6/22/2004	Preliminary Plan w/ PWQP	1,600 dwelling units, 500 senior housing units, 1,538,000 sf. commercial space, transportation improvements, LATR review, road construction phasing on 535 acres of land.	Approved
12003110B	10/6/2008	Preliminary Plan w/ PWQP (based on previous approvals)	1,886 dwelling units (including MPDUs), 2,420,000 sf. commercial space, 500 senior housing units.	Approved
12003110C	12/23/2014	Preliminary Plan Amendment w/ PWQP	Modified APF to increase retail from 120,000 sq. ft. to 484,000 sq. ft., and to decrease office from 2.3 million sq. ft. to 1.96 million sq. ft.	Approved
Associated Mandatory Referrals				
08001-WSSC-1	3/24/2008	Mandatory Referral – Water Storage Tank	750,000 gallon storage tank (24-hour operation), intended to serve approximately 15,000 people in the 760A Zone by year 2020.	Approved
MR2014049	6/2/2014	Mandatory Referral	Preliminary/Final Water Quality Plan and Forest Conservation Plan associated with the construction of MD 121 & I-270.	Approved

Case No.	Opinion	Type of Plan	Uses Approved	Status
SITE PLANS				
820050150	09/19/2007	Infrastructure Site Plan w/ FWQP	Roads only. Density per 12003110B, maximum 635 TDRs, 236 MPDUs, 28.32 acres green space, public water and sewer (W-3), Master Plan Unit Mix, 2,436,000 sf. retail and employment.	Approved
82005015A	6/9/2008	Infrastructure Site Plan Amendment	Modifications to the conditions of approval and roadway cross-section of Old Baltimore Road.	Approved
82005015B	3/7/2012	Infrastructure Site Plan Amendment	Revisions to FCP, SMW and FWQP.	Approved
82005015C	11/27/2012	Infrastructure Site Plan Amendment	Revisions to FCP, SMW and FWQP.	Approved
82005015D	5/2/2013	Infrastructure Site Plan Amendment	Modifications to Grading Plan, additional turn lane and additional pavement removed.	Approved
82005015E	6/2/2014	Infrastructure Site Plan Amendment	Revisions to the FCP (category I easements and mitigation project.	Approved
82005015F	9/23/2014	Infrastructure Site Plan Amendment	Revisions to the FCP including adjustments to the LOD.	Approved
82005015G	7/25/17	Infrastructure Site Plan Amendment	Revisions to the LOD and Category I Conservation easements for a new culvert and mitigation.	Approved
820060290	10/20/2008	Winchester I Site Plan w/ FWQP	428 dwelling units, including multi-family, attached and detached one-family homes, 64 MPDUs, 128 TDRs, 62.55 green space.	Approved

Case No.	Opinion	Type of Plan	Uses Approved	Status
82006029A & 820110080	7/11/2012	Winchester I & II Site Plan Amendment w/ FWQP	400 dwelling units in the MXPDP and RMX-1/TDR Zones, 341 dwelling units in the MXPDP and RMX-1/TDR Zones	Approved
820120150	4/4/2013	Winchester III Site Plan Amendment w/ FWQP	RMX-1/TDR zone w/ 185 dwelling units (including 10 MPDUs), consisting of 128 one-family detached and 57 one-family attached units using 56 TDRs.	Approved
820060240	9/29/2010	Gosnell Property Site Plan w/ FWQP	Hotel, banks (employment), 87,500 sf (hotel) and 8,600 sf. (retail) auto-related uses w/ parking waiver.	Approved
82006024A		Gosnell Site Plan Amendment	Revise size and location of buildings, Modify mix of retail uses, reconfigure parking and on-site circulation	Under Review
820070140	5/2/2013	Toll Brothers I & Site Plan w/ FWQP	435 dwelling units, including 239 one-family detached, 68 one-family attached and 128 multi-family units.	Approved
82007014A	11/9/2016	Toll Brothers I Amendment	Review for final design of the Dovekie Lawn and Seneca Ellipse Open Spaces, adjust lot lines and MPDU locations.	Approved
82007014B	3/29/2016	Toll Brothers I Amendment	Redesign of the community center including additional bicycle parking, new handicap parking and accessibility, and new architecture	Approved
82007014C	2/25/2020	Toll Brothers I Amendment	Modifications and removal of fencing within selected lots and Block Y due to as-built conditions and final site grading.	Approved

Case No.	Opinion	Type of Plan	Uses Approved	Status
820100030	5/2/2013	Toll Brothers II Site Plan w/ FWQP	RMX-1/TDR-3 Zone w/ 168 dwelling units (including 128 one-family detached and 40 one-family attached units) with 10 MPDUs using 63 TDRs on 46.35 acres.	Approved
820140160	12/23/2014	Premium Outlets Site Plan	MXPD development containing 450,000 square feet of retail and restaurant uses.	Approved
82014016A	4/25/16	Premium Outlets Admin Amendment	Revised grading, SWM, circulation and other minor changes to landscaping.	Approved
82014016B	6/3/18	Premium Outlets Admin Amendment	Removal of a median in the loop drive, improvements to hardscape and landscape materials, and adjustments to retaining walls.	Approved
820180060	4/13/18	Multi-Family W/ FWQP	272 Multi-family dwelling units in two buildings including 25% MPDUs	Approved





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**Department of Permitting Services**  
**Fire Department Access and Water Supply Comments**

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**DATE:** 24-Jun-20  
**TO:** Ghassan Kouri - khouri@vika.com  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** The Village at Cabin Branch  
820200150

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **23-Jun-20** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* See Statement of Performance Based Design and Statement of Operations \*\*\***

June 15, 2020

S. Marie LaBaw, PhD, PE  
Fire Department Access and Water Supply  
Department of Permitting Services  
255 Rockville Pike, 2<sup>nd</sup> Floor  
Rockville, MD 20850

Re: The Village at Cabin Branch Performance Based Design Review  
Site Plan #820200150

Dear Marie,

On behalf of our client, Classic Group, LLC, we are requesting the review and approval of a performance-based design in conjunction with the proposed Village at Cabin Branch residential development as described below.

The subject property is approximately 61.4 acres and is bounded by Interstate I-270 to the east, Cabin Branch Avenue to the west, Little Seneca Parkway to the south and Petrel Street to the north. The property is currently undeveloped but is part of the large mixed-use development Cabin Branch. Classic Group will be developing the property with Senior Housing including up to 375 single-family townhomes and multi-family units as well as a small amount of retail use.

**Section 1: Non-Height Restricted Units with Front & Rear Access**

All of the rear-load townhomes will have an optional partial fourth story available for purchase in their floorplans. Units where the front main side hinge door is greater than 50 feet but less than 150 feet from a designated fire access lane will have a secondary side hinge pedestrian access within 50 feet of the rear alley of the units. Therefore, they will not be fire height restricted units. As shown in the attached exhibit, these units will provide a 3 foot wide side hinge door on the rear wall of the ground floor, next to the vehicular garage door.

These units have optional rear dormer windows and side elevation windows as shown in the attached building elevations, optional front false dormers, and operable windows on the side elevations at the fourth floor level all above the 27' sill height. Please see attached Exhibits under Section 1. Also, these units are shown on Fire Access sheet F-2: Block F Units 11-14, Block G Units 16-23; and Fire Access sheet F-3: Block H Units 22-44.

We believe the performance-based design combination of front height restricted fire access and rear fire department vehicular access will provide adequate access for fire apparatus for the rear-load townhomes.

A Fire Lane Order for the private streets and alleys has been provided for required “NO PARKING” signage locations on these streets and alleys. A draft Traffic Order for the public streets has been provided for required “NO PARKING” areas and signage locations along the public streets.

## **Section 2: 1-Story Garages**

Finally, there are two 1-story, unoccupied garages that will have an entrance location greater than 50 feet from the fire access lane. Since these specific garages are in a location where it is not feasible to provide alternative access that meets prescriptive requirements, the fire access plan shows that all interior spaces within these garages are directly accessible within 200 feet of the fire access lane via the vehicular travel way surface. This is a very unique situation that is a result of the constraints of building placement within the existing street network for the overall community and the impervious limits that apply to the site. These are structures that are 1-story, uninhabited, and do not have basements, so we believe the performance-based design will provide adequate access for fire apparatus for these two garages. All other proposed garages are located within 50 feet of the fire access lane. Please see attached Exhibits under Section 2. Also, shown on Fire Access sheet F-5.

Please contact us with any questions or if you need additional information.

Sincerely,  
**VIKA Maryland, LLC**

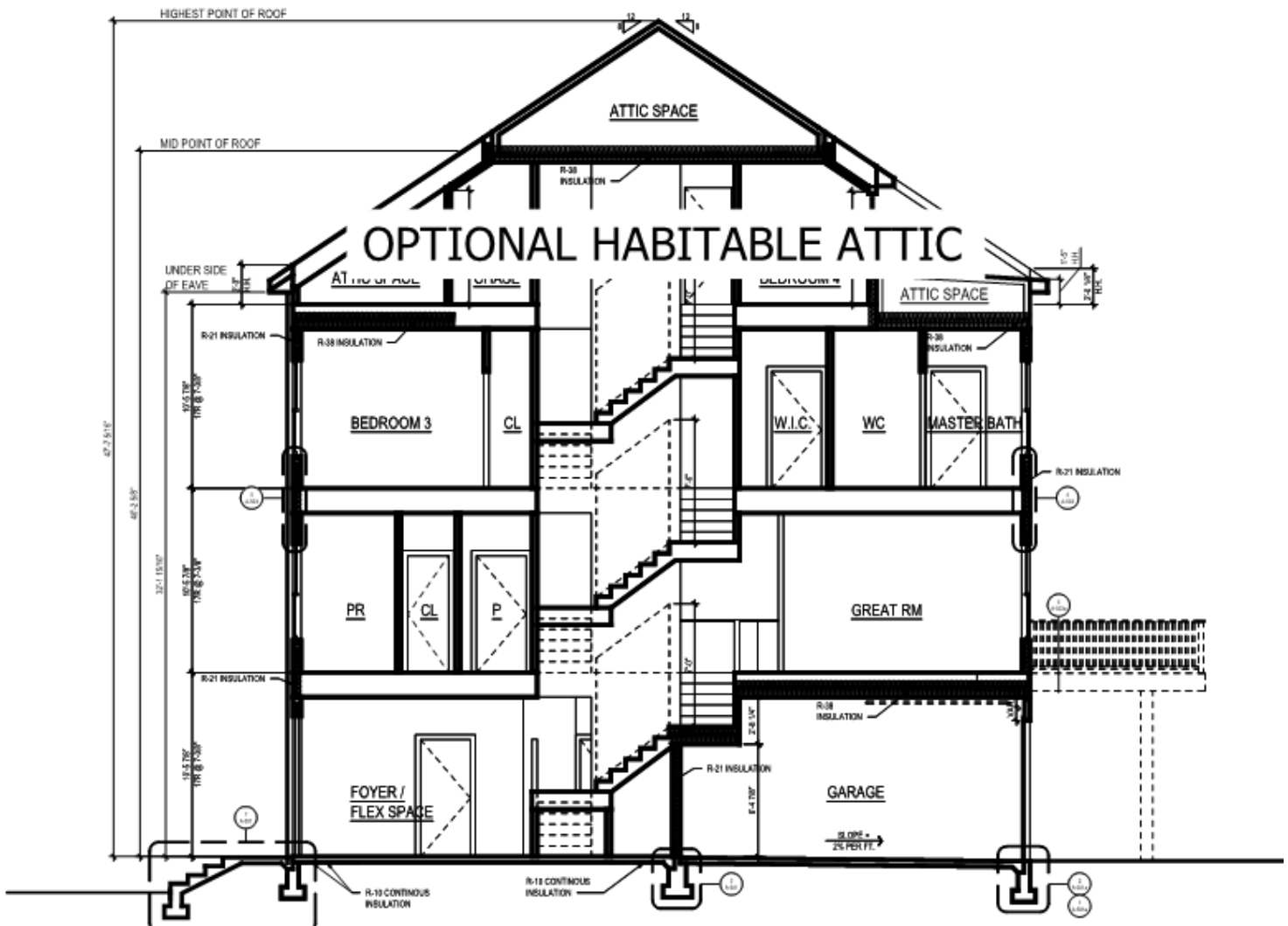


**Ghassan Khouri, PE**  
*Senior Associate*

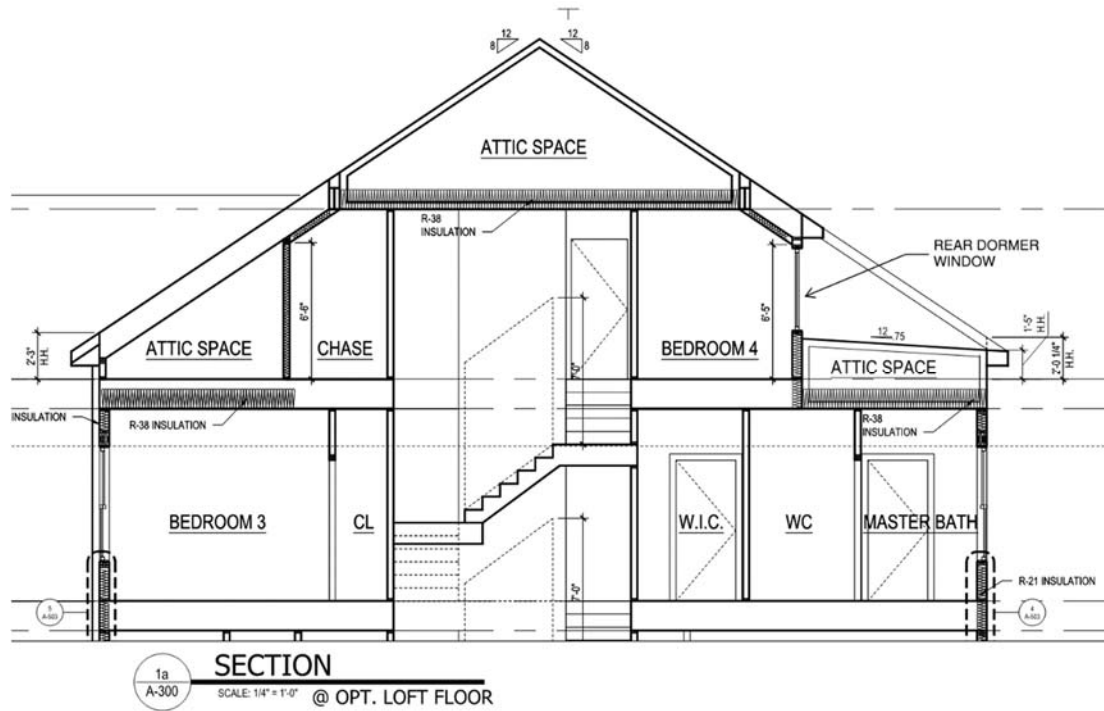


## SECTION 1 EXHIBITS

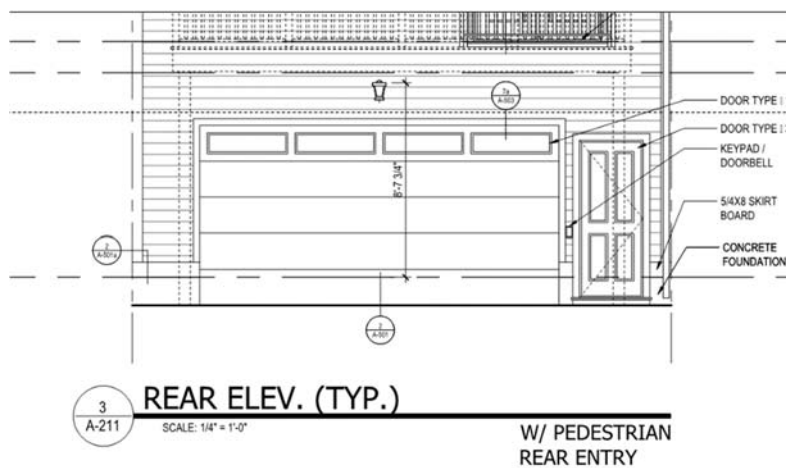
### TYPICAL BUILDING SECTION (w/10' 1<sup>st</sup> FLOOR)



**BUILDING SECTION (SHOWING OPTIONAL REAR DORMER WINDOW)**



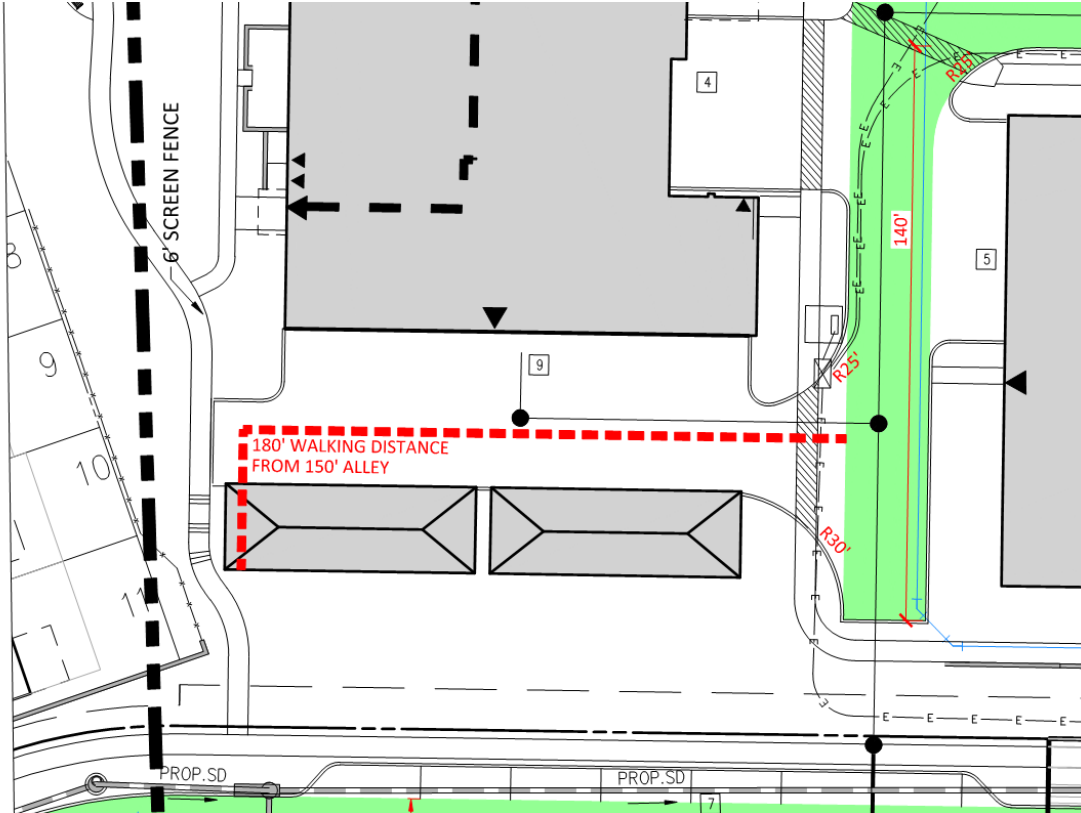
**REAR GARAGE ELEVATION**



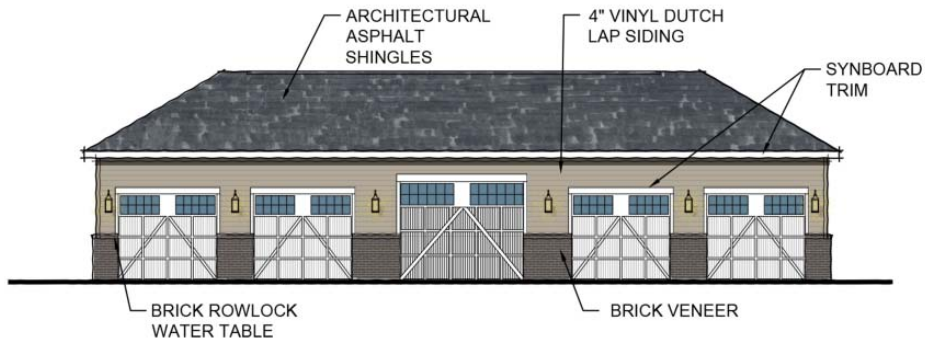


## SECTION 2 EXHIBITS

### 1-STORY GARAGES WITHIN 200 FEET OF FIRE ACCESS



### 1-STORY TYPICAL GARAGE ELEVATION



**The Village at Cabin Branch SP# 820200150**

**Statement of Maintenance & Operations for Emergency Alley Turn-Around**

As shown on The Village of Cabin Branch Fire Access Sheets F-2 and F-3, there is an Emergency turn-around located in "Alley 2" for fire access and turning movements. It will be within a public access easement.

The Fire Access plans propose GrassCrete2 pavers for construction of this turn-around, as approved by the Fire Marshall. The turn-around will be constructed to meet Fire Access loading requirements.

The developer and/or subsequent assignee will be responsible for the following obligations related to the turn-around as part of perpetual maintenance and operations and agrees to the following conditions of maintenance and operations:

1. Maintenance of the turn-around to ensure it remains in good order and repair.
2. This area will be kept free and clear of materials that would prevent emergency access.
3. Lawn within the grass paver surface limits will be kept to 3" in height
4. Clearing of snow and ice from the turn-around will occur concurrently with snow removal for the remainder of the alley public access area.

Print Name:

Mr P Gerald Jr

Title:

AUTHORIZED PERSON

Signature:

[Signature]

**FIRE CODE ENFORCEMENT**

**Fire Department Access Review**

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML\* FM: 43 DATE: 6/24/2020

\*\*\*Partially concealed system only; system shall not be entirely concealed by sod or other vegetation

# MOLDED PULP PARTIALLY CONCEALED GRASSCRETE SYSTEM

## FIRE CODE ENFORCEMENT

### Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML\* FM: 43 DATE: 6/24/2020

VEGETATION

≈ 1/2" ROOT

PROTECTION

5 1/2" CONCRETE

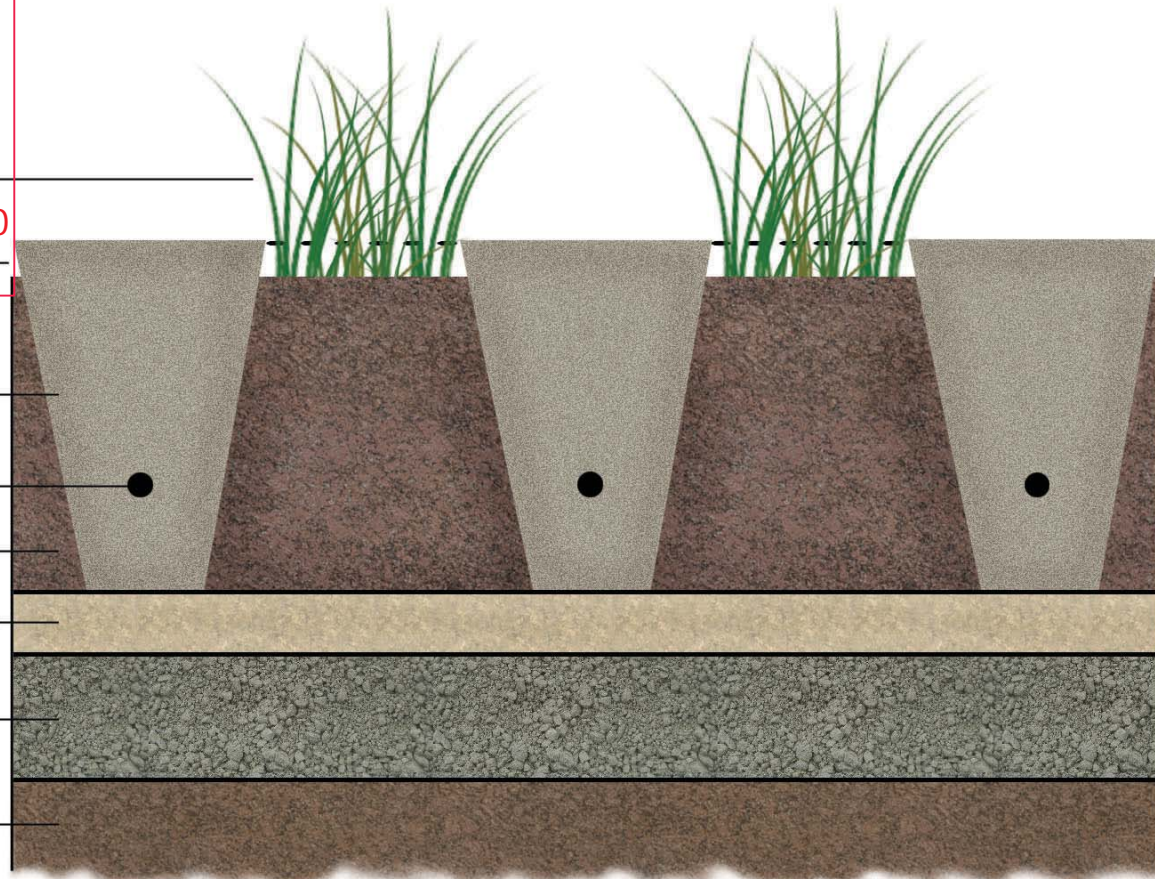
REBAR

SOIL

≈ 1" WASHED SAND

SUB-BASE

NATIVE SOIL



PARTIALLY CONCEALED SYSTEM



## GRASSCRETE MOLDED PULP LOADING TABLE

### FIRE CODE ENFORCEMENT

#### Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML\* FM: 43 DATE: 6/24/2020

This guide is to provide some basic information about the capacity of the Grasscrete system using Molded Pulp Formers in its application. It is meant to assist in the selection of an appropriate combination of concrete strength with reinforcement size and layout. The weights reference gross vehicle weight in pounds based off a 10 wheeled vehicle with 36 square inches of tire contact per tire. The calculations assume a minimum allowable load bearing capacity of the sub-base of 4.2 kN per square foot.

These tables are guides based off certain calculations of load bearing capacity and are intended as reference points for an engineer to select any given system. The product when installed is 5 ½" thick, has a void structure of 37% and utilizes concrete with ½" minus aggregates poured at a water reduced slump of 6-8 inches. Additional improvements to the concrete such as increased compressive strength and fiber reinforcement may improve both the load bearing capacity and the abrasion resistance of the concrete itself.

The minimum wall thickness of the concrete at the level of rebar placement is 2". It is recommended that #4 be the largest sized reinforcement so as to allow for adequate cover. If incorporating larger sized bar or a heat melt system it is recommend to decrease the top sized aggregate and to incorporate fibers in the concrete mix design.

It is the end user's responsibility to fully evaluate any Grasscrete System. Local conditions and regulations may play a role in the system design. Consult Sustainable Paving Systems, LLC for more information on your specific Grasscrete application.

MOLDED PULP FORMER LOADING TABLE								
Rebar Size / Layout Concrete Strength	lbs of Load Application Can Support				Fibers Needed lbs/yd	Typical Applications		
	After 24 hrs	After 7 days	After 14 days	After 28 days		Residential Drives	Parking Lots	Emergency Access
#2 bar 16" on center 4000 psi concrete	Foot	18,200	34,125	<b>45,500</b>	5	•		
#2 bar 16" on center 5000 psi concrete	Foot	21,600	40,500	<b>54,000</b>	5		•	
#3 bar 16" on center 4000 psi concrete	Foot	22,800	42,750	<b>57,000</b>	5		•	
#2 bar 8" on center 4000 psi concrete	Foot	25,600	48,000	<b>64,000</b>	1.5		•	
#3 bar 16" on center 5000 psi concrete	Foot	27,200	51,000	<b>68,000</b>	5		•	
#4 bar 16" on center 4000 psi concrete	Foot	27,200	51,000	<b>68,000</b>	5		•	
#2 bar 8" on center 5000 psi concrete	Foot	30,400	57,000	<b>76,000</b>	1.5			•
#3 bar 8" on center 4000 psi concrete	Foot	32,000	60,000	<b>80,000</b>	1.5			•
#4 bar 16" on center 5000 psi concrete	Foot	32,800	61,500	<b>82,000</b>	5			•
#4 bar 8" on center 4000 psi concrete	Foot	<b>38,400</b>	<b>72,000</b>	<b>96,000</b>	1.5			•
#3 bar 8" on center 5000 psi concrete	Foot	38,400	72,000	<b>96,000</b>	1.5			•
#4 bar 8" on center 5000 psi concrete	Foot	46,000	86,250	<b>115,000</b>	1.5			•

## The VILLAGE AT CABIN BRANCH, DRAFT TRAFFIC ORDER

Cabin Branch Avenue is an existing public road, ROW Permit #308648, which has an approved Signage & Marking Plan. As part of this Site Plan phase of Cabin Branch, Classic intends to facilitate a revision to that approved plan for the above public street parking requirements.

Parking is shown on Sheets F-2 and F-3 of the Fire Access Plan.

Limits of “No Parking Any Time” Regulations on public streets adjacent to this site are:

1. Cabin Branch Avenue, traveling North from the roundabout at Skimmer Street, on the eastern side in part for an approximately 50 foot long Operational Bay 76 feet South of Petrel Street.
2. Cabin Branch Avenue, traveling North from the intersection of Dovekie Avenue, on the eastern side in part for an approximately 50 foot long Operational Bay 256 feet north of Dovekie.





## MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Date: June 15, 2020 | 11:25 PDT

### Fire Lane Establishment Order

Pursuant to Section 22-33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement as identified below. When signs or paint work has been completed, this order will authorize the enforcement of this Fire Lane by appropriate police or fire officials. Compliance with this order must be achieved within 30 days of receipt when any of the following conditions are met:

- One or more structures addressed from the subject road are occupied;
- The road or accessway is available for use and at least one building permit for an address on the subject road has been issued; or
- The road or accessway is necessary fire department access.

**LOCATION:** 61.4 Acre Property Bounded by Interstate I-270 to the east, Cabin Branch Avenue to the west, Little Seneca Parkway to the south and Petrel Street to the north

Delineate all areas where indicated by signs and/or paint.

☒ **SIGNS** -- (See attached diagram for location of sign placement)



(Red letters on white background)

Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet.

☒ **PAINT** -- (See attached diagram when painting is required)

Paint must be traffic yellow with lines of Sufficient width to be readily identifiable/readable by motor vehicle operators.

\_\_\_\_\_  
Signature of Order Writer/I.D. #

Cc: Fire Code Enforcement Section  
Attachment: Fire Lane Diagram

## FIRE LANE ESTABLISHMENT FORM

BUILDING OR SUBDIVISION NAME: The Village at Cabin Branch

FIRE LANE LOCATION/ADDRESS: \_\_\_\_\_

61.4 Acre Property Bounded by Interstate I-270 to the east, Cabin Branch Avenue to the west,  
Little Seneca Parkway to the south and Petrel Street to the north

See attached drawing for designated fire lanes:

I have received the drawing and instructions for installing the designated fire lanes on property not owned  
by state or local government.NAME AND TITLE OF PROPERTY REPRESENTATIVENAME: Steve Nardella TITLE: VP, OperationsSIGNATURE: PHONE: 301-913-0404 DATE: June 15, 2020 | 11:25 PDT

ADDRESS (where processed order will be mailed):

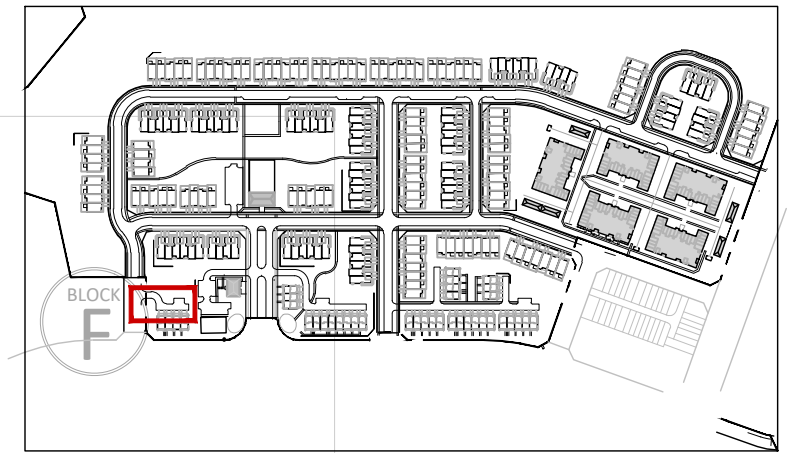
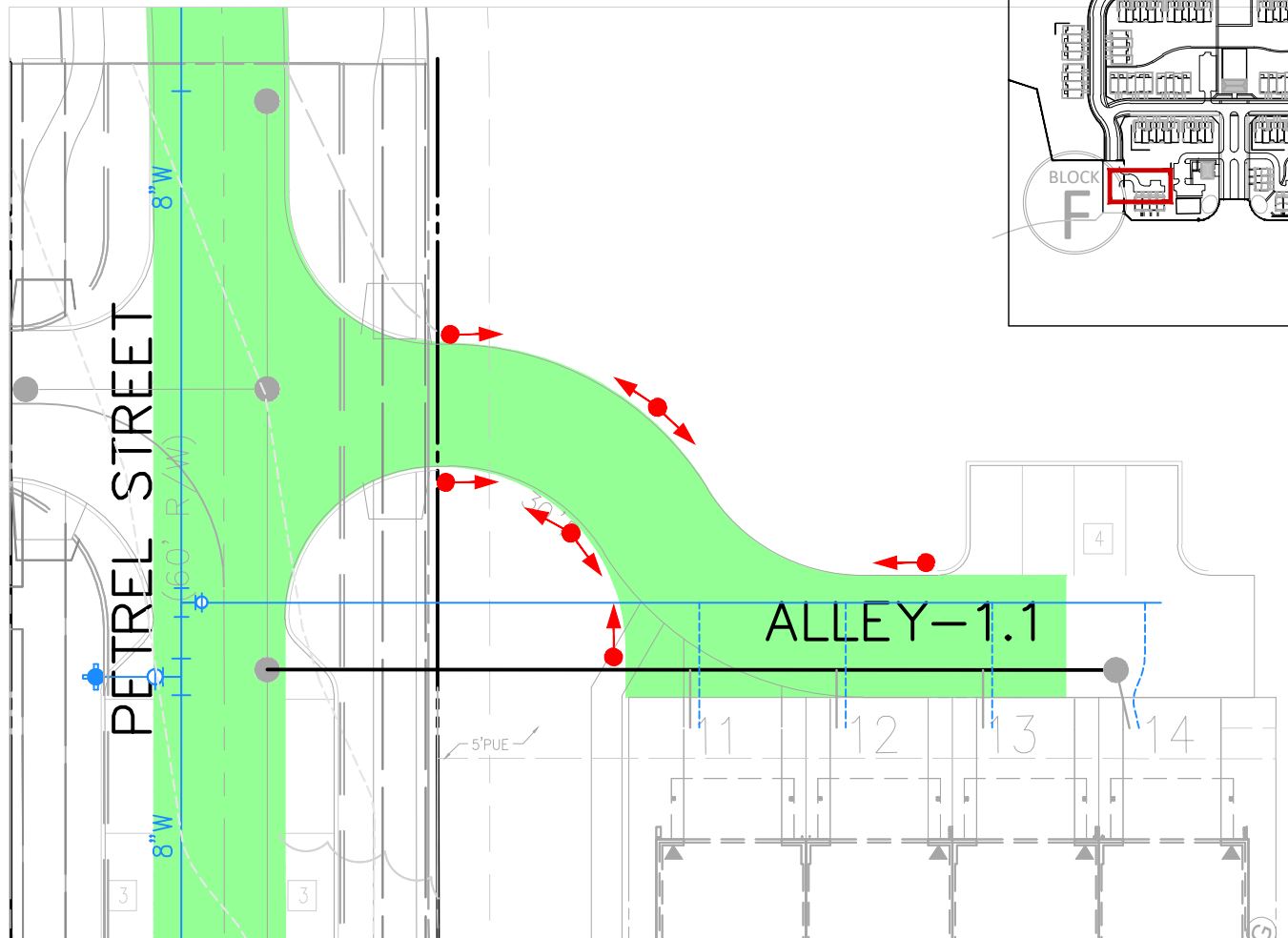
8120 Woodmont Avenue, Suite 300, Bethesda, MD 20814-----  
The designated fire lanes are the minimum necessary for fire/rescue access and are in accordance with  
Section 22-33 of the Fire Safety Code.

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

STA.#: \_\_\_\_\_ I.D.#: \_\_\_\_\_ DATE: \_\_\_\_\_

Comments: \_\_\_\_\_  
-----Fire Lane Installed Per Order

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_



#### LEGEND

- FIRE VEHICLE ACCESS PATH
- PROPOSED DOOR LOCATIONS
- FIRE HYDRANT
- PROPOSED WATER LINE
- FIRE LANE SIGN/DIRECTION

SCALE: 1"=30'

## The Village at Cabin Branch

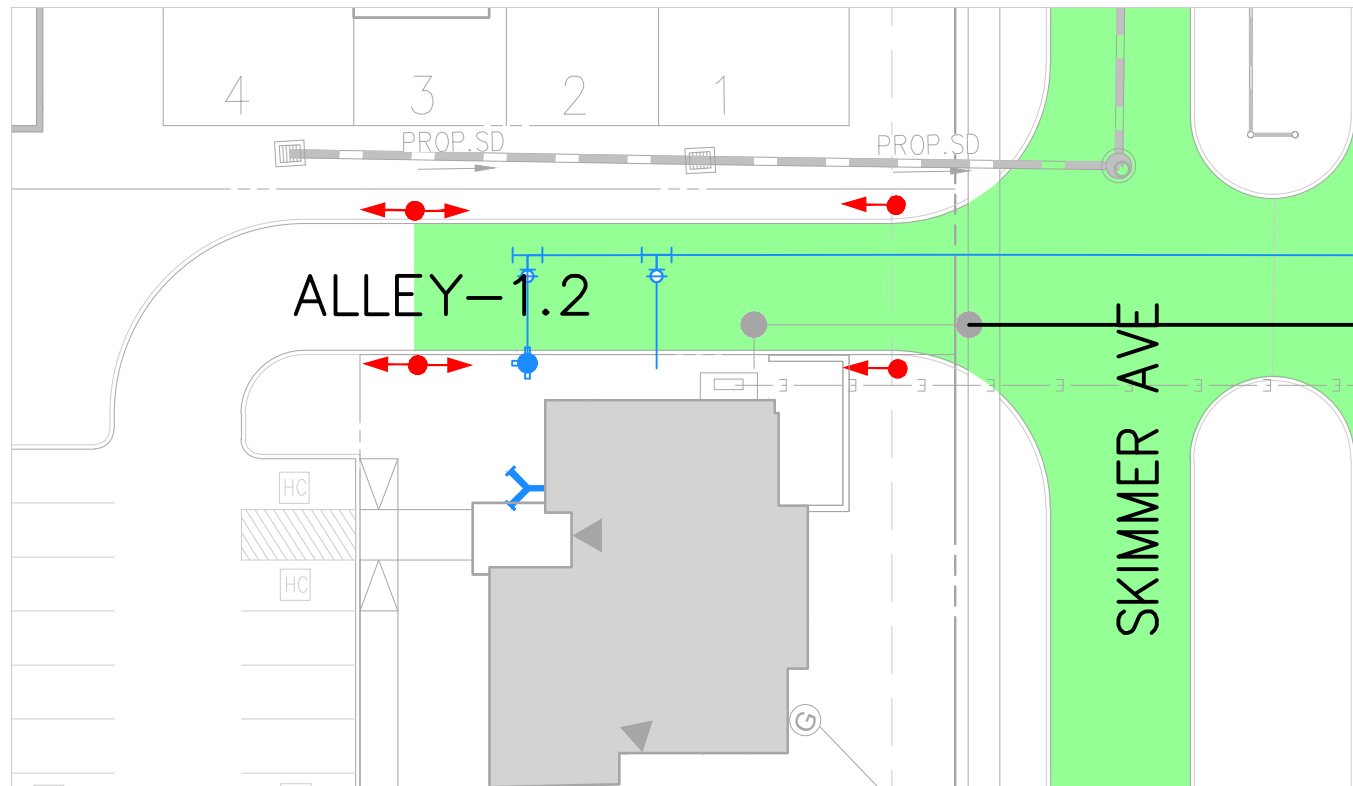
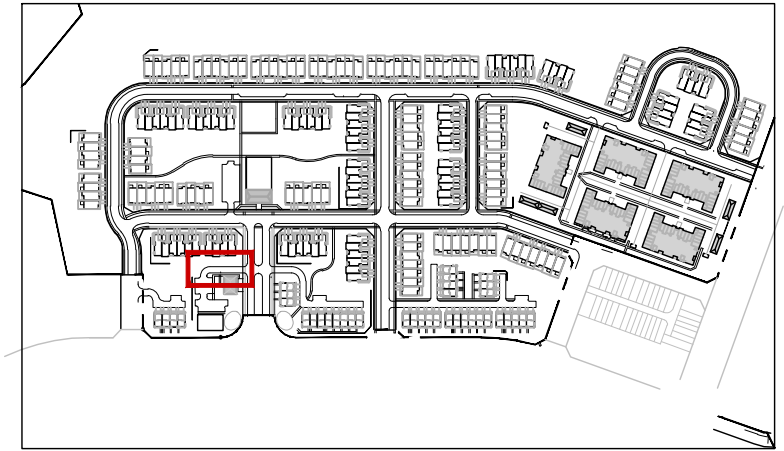
MONTGOMERY COUNTY, MARYLAND SUBMISSION: 6/5/2020  
 WSSC MAP: 2131NW13 & 14  
 TAX MAP: EV562 & FV122

## FIRE LANE ESTABLISHMENT ORDER

PAGE 1 of 5



VIKA MARYLAND, LLC ■  
 ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■  
 SURVEYORS ■ SUSTAINABLE DESIGN ■  
 20251 CENTURY BOULEVARD SUITE 400 ■  
 GERMANTOWN, MD 20874 ■  
 (301)916-4100 ■ FAX (301)916-2262 ■  
 WWW.VIKA.COM ■



#### LEGEND

- FIRE VEHICLE ACCESS PATH
- PROPOSED DOOR LOCATIONS
- FIRE HYDRANT
- PROPOSED WATER LINE
- FIRE LANE SIGN/DIRECTION

SCALE: 1"=30'

## The Village at Cabin Branch

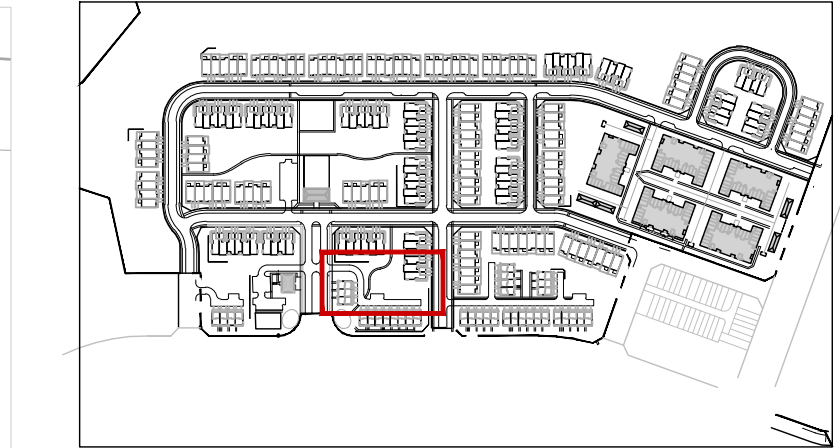
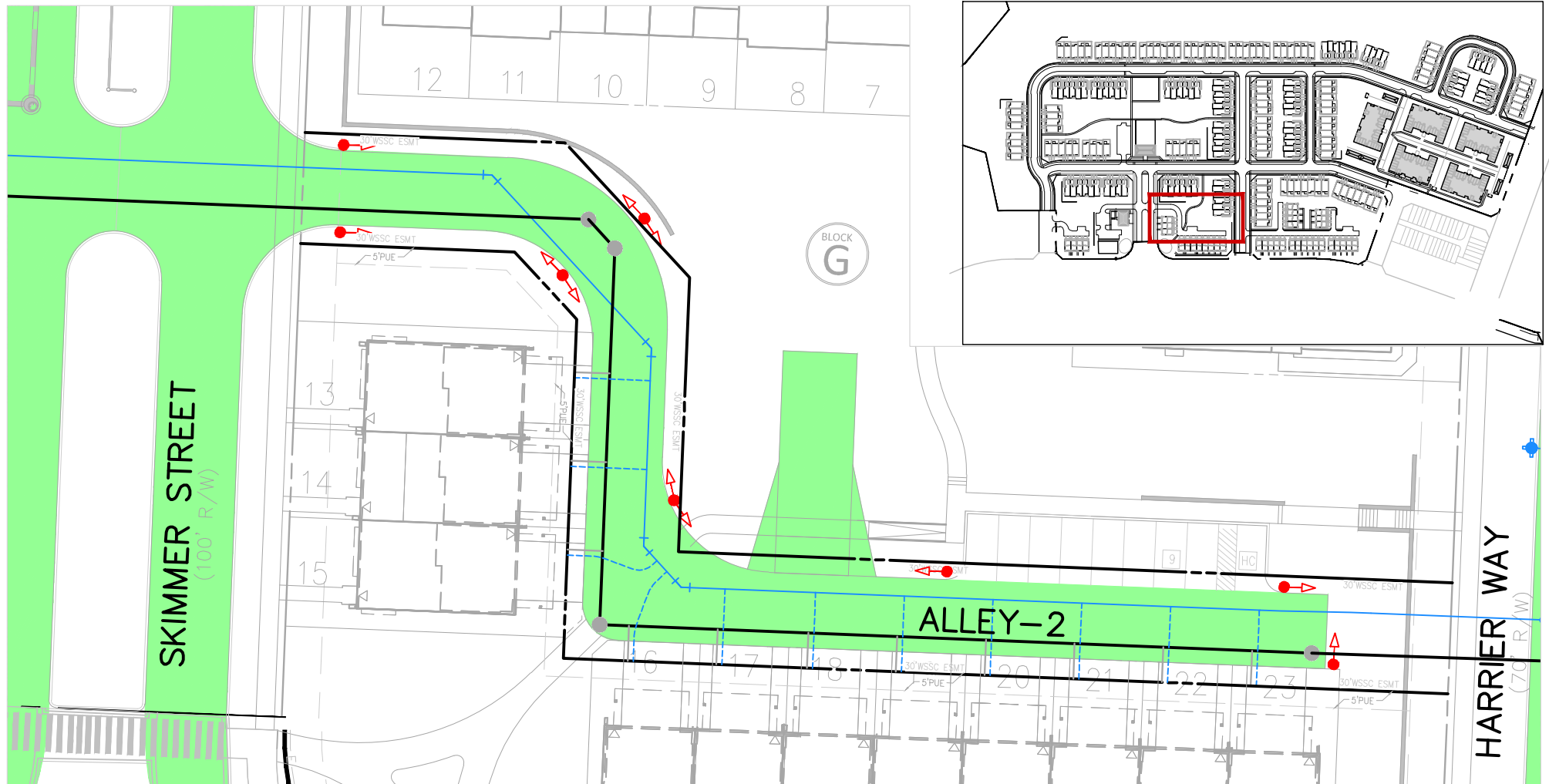
MONTGOMERY COUNTY, MARYLAND      SUBMISSION: 6/5/2020  
WSSC MAP: 2131NW13 & 14  
TAX MAP: EV562 & FV122

## FIRE LANE ESTABLISHMENT ORDER

PAGE 2 of 5



VIKA MARYLAND, LLC ■  
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■  
SURVEYORS ■ SUSTAINABLE DESIGN ■  
20251 CENTURY BOULEVARD SUITE 400 ■  
GERMANTOWN, MD 20874 ■  
(301)916-4100 ■ FAX (301)916-2262 ■  
WWW.VIKA.COM ■



#### LEGEND

- FIRE VEHICLE ACCESS PATH
- PROPOSED DOOR LOCATIONS
- FIRE HYDRANT
- PROPOSED WATER LINE
- FIRE LANE SIGN/DIRECTION

SCALE: 1"=40'

## The Village at Cabin Branch

MONTGOMERY COUNTY, MARYLAND      SUBMISSION: 6/5/2020  
WSSC MAP: 2131NW13 & 14  
TAX MAP: EV562 & FV122

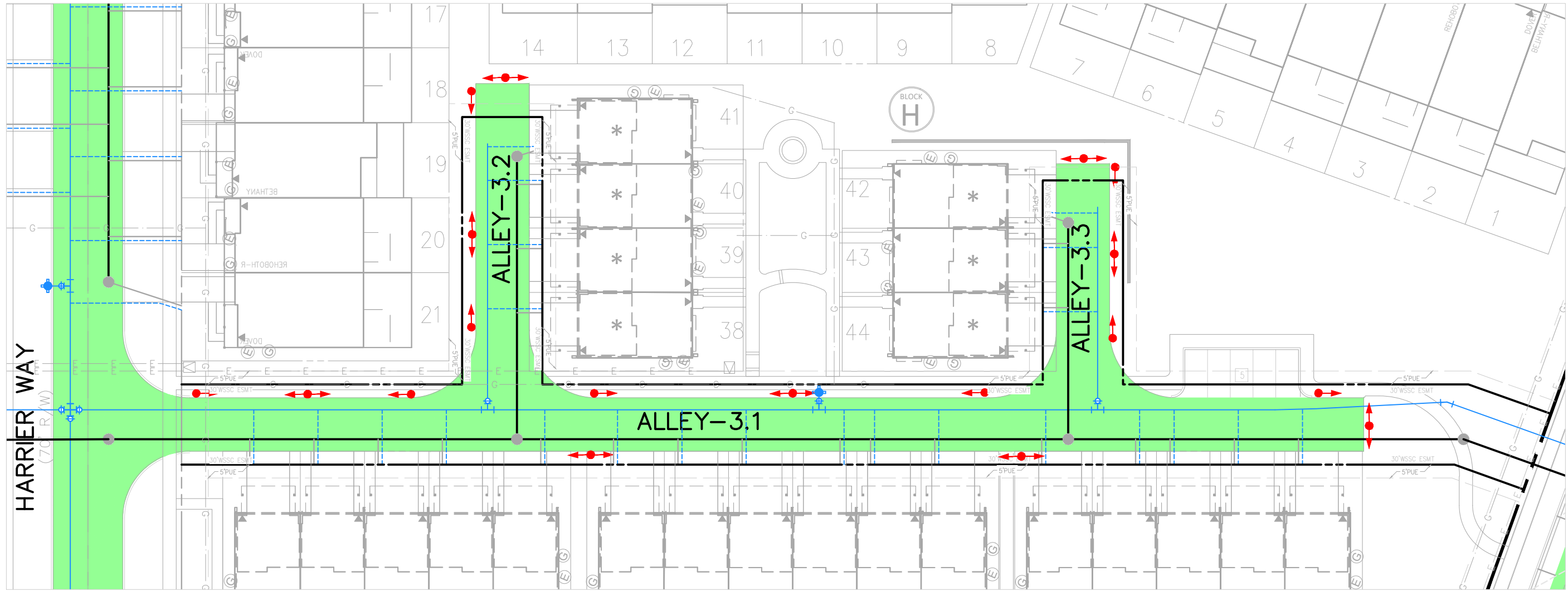
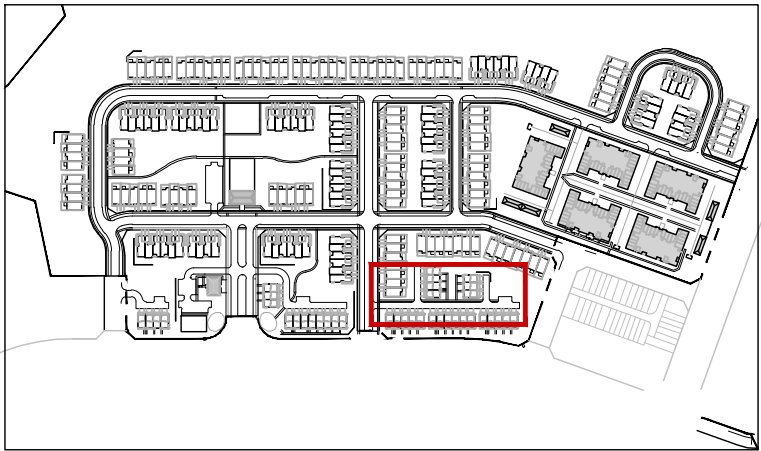
## FIRE LANE ESTABLISHMENT ORDER

PAGE 3 of 5



VIKA MARYLAND, LLC ■  
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■  
SURVEYORS ■ SUSTAINABLE DESIGN ■  
20251 CENTURY BOULEVARD SUITE 400 ■  
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WWW.VIKA.COM ■



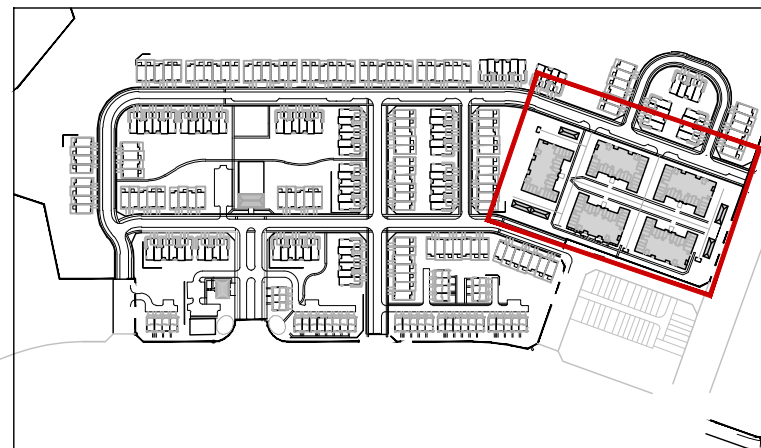
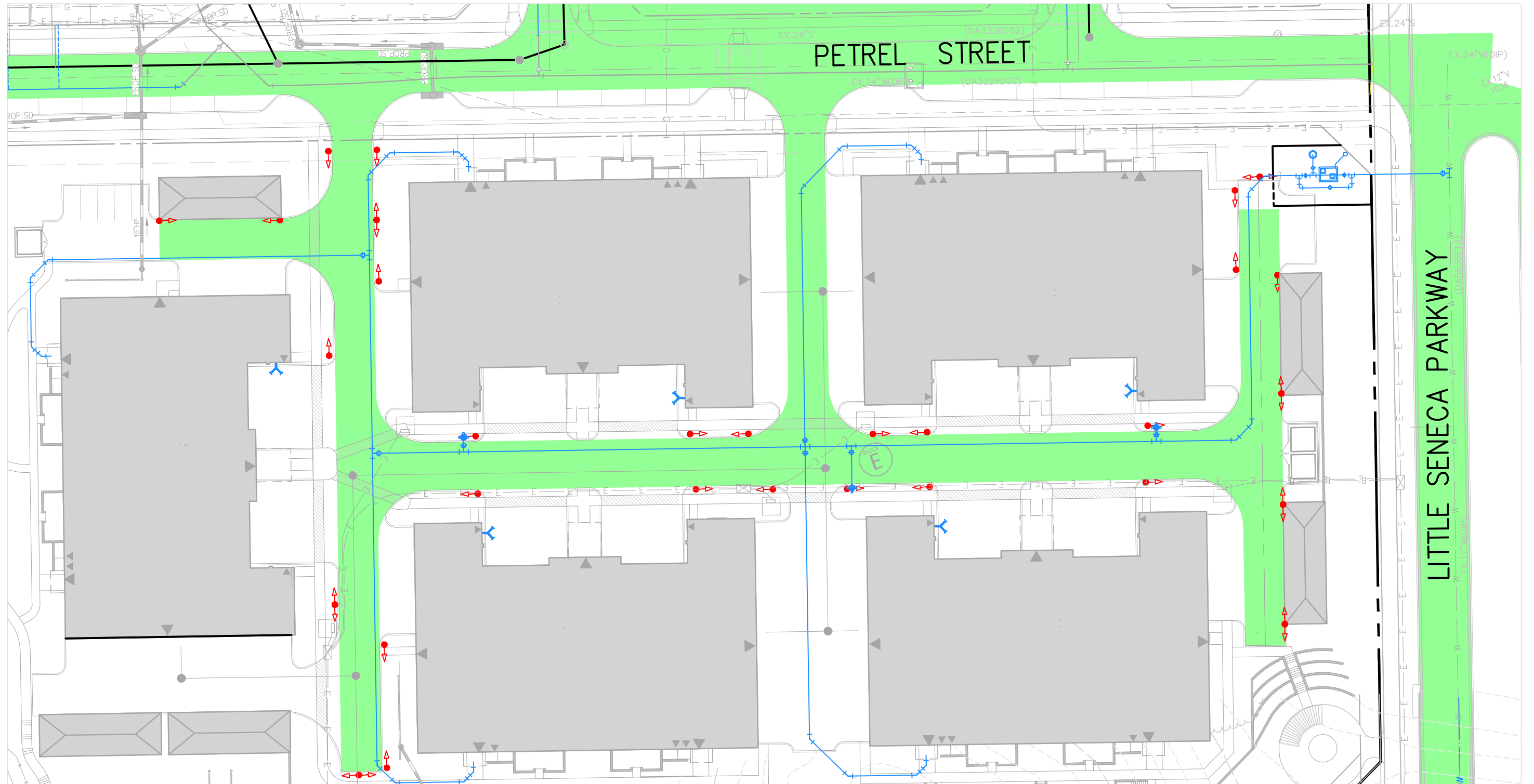


LEGEND

- FIRE VEHICLE ACCESS PATH
- PROPOSED DOOR LOCATIONS
- FIRE HYDRANT
- PROPOSED WATER LINE
- FIRE LANE SIGN/DIRECTION

SCALE: 1"=60'





# LEGEND

- FIRE VEHICLE ACCESS PATH
- PROPOSED DOOR LOCATIONS
- FIRE HYDRANT
- PROPOSED WATER LINE
- FIRE LANE SIGN/DIRECTION

SCALE: 1"=50'

## The Village at Cabin Branch

MONTGOMERY COUNTY, MARYLAND SUBMISSION: 6/5/2020  
WSSC MAP: 2131NW13 & 14  
TAX MAP: EV562 & FV122

## FIRE LANE ESTABLISHMENT ORDER

PAGE 5 of 5

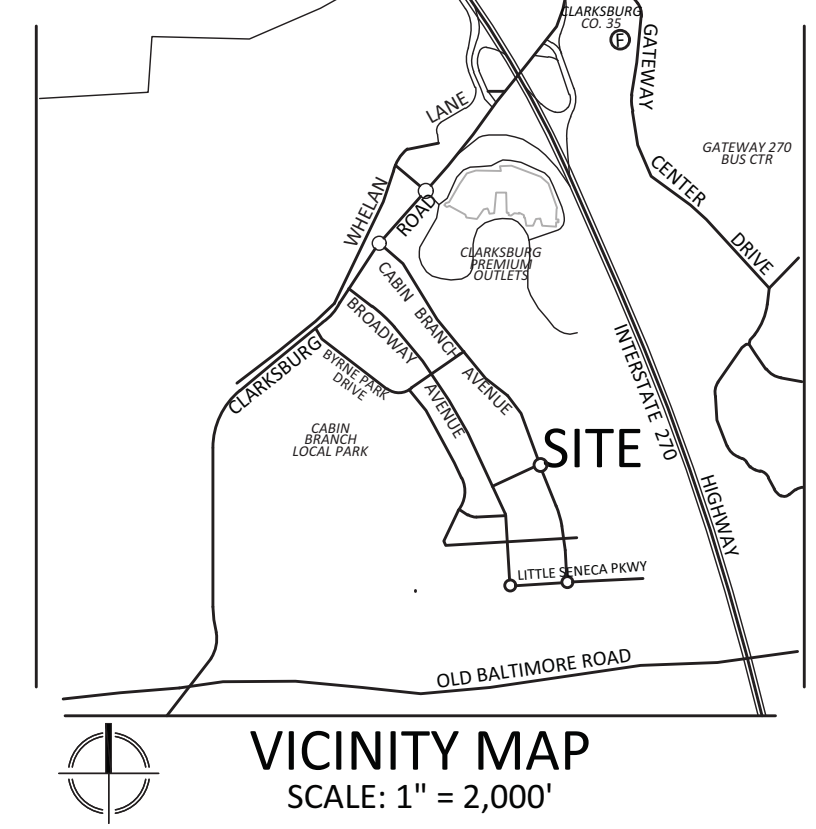


VKA MARYLAND, LLC ■  
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■  
SURVEYORS ■ SUSTAINABLE DESIGN ■  
20251 CENTURY BOULEVARD SUITE 400 ■  
GERMANTOWN, MD 20874 ■  
(301)916-4100 ■ FAX (301)916-2262 ■  
WWW.VKA.COM ■



LAYOUT: F-1, Plotted By: cohen



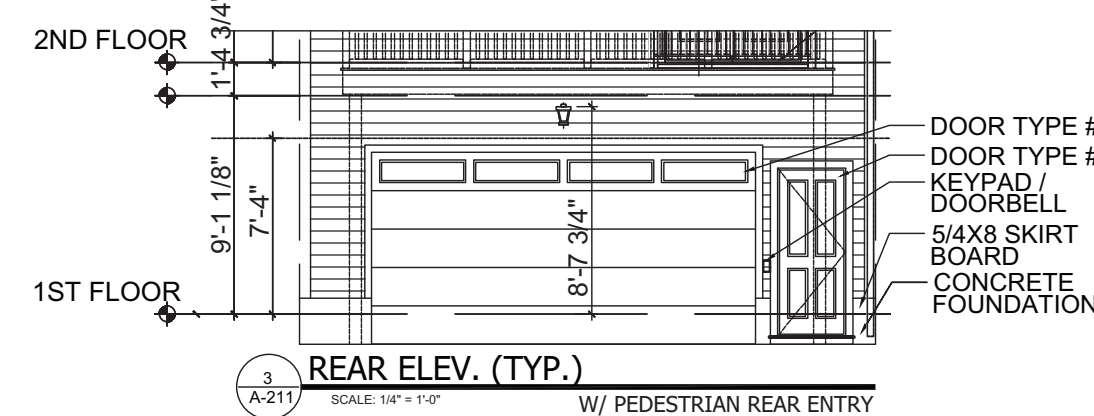


DRAWN BY: SG  
DESIGNED BY: RC  
DATE ISSUED: 1/22/2020

KA  
PROJECT VM50192F

DRAWING  
D.

HEET NO. F-2

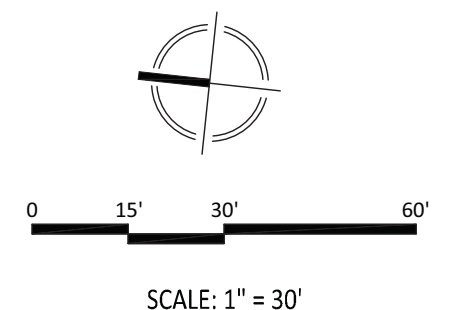


**FIRE CODE ENFORCEMENT**

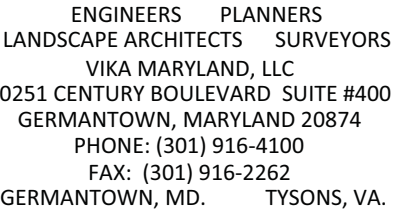
**Fire Department Access Review**

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML\* FM: 43 DATE: 6/24/2020








PLANNER, CIVIL ENGINEER ,  
LANDSCAPE ARCHITECT

**ATTORNEY**  
LERCH, EARLY & BREWER, CHTD.  
7600 WISCONSIN AVE.  
SUITE 700  
BETHESDA, MD 20814  
301.986.1300  
ROBERT HARRIS

[illegible]

## THE VILLAGE AT CABIN BRANCH

# DETAILED FIRE ACCESS PLAN

SHEET NO. F-3







PLANNER, CIVIL ENGINEER,  
LANDSCAPE ARCHITECT

**ATTORNEY**  
LERCH, EARLY & BREWER, CHTD.  
7600 WISCONSIN AVE.  
SUITE 700  
BETHESDA, MD 20814  
301.986.1300  
ROBERT HARRIS

[illegible]

## THE VILLAGE AT CABIN BRANCH

6TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 231NW 13 & 14  
TAX MAP: EV 562 & FV-122  
MNCPPC  
#820200150

# DETAILED FIRE ACCESS PLAN

DRAWN BY: SG  
 DESIGNED BY: RC  
 DATE ISSUED: 1/22/2020

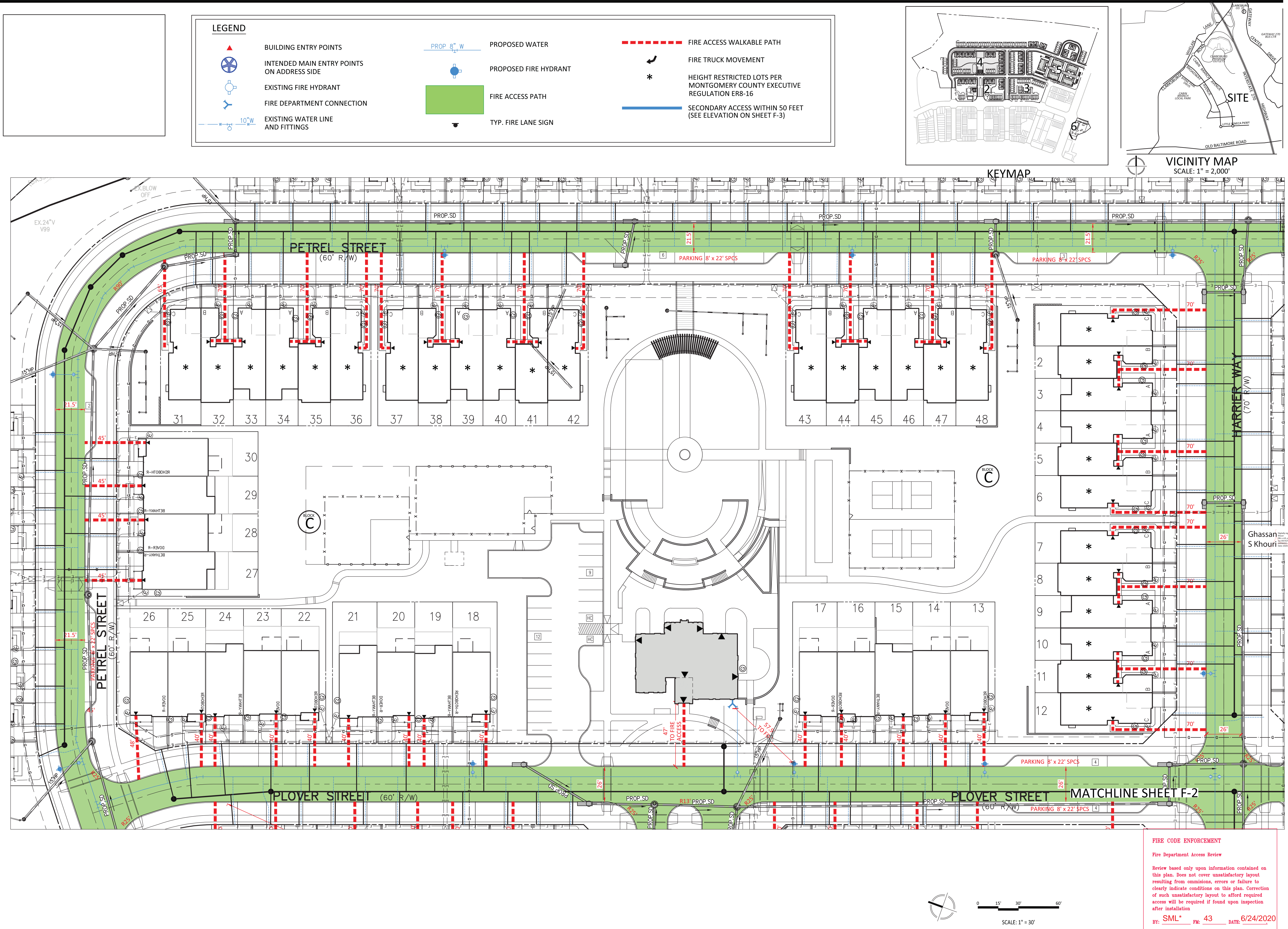
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KA  
 PROJECT VM50192F

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DRAWING  
 D.

SHEET NO. F-4





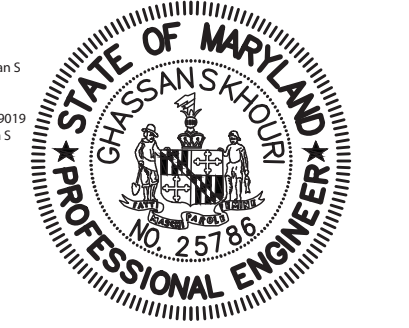


PLANNER, CIVIL ENGINEER ,  
LANDSCAPE ARCHITECT

**ATTORNEY**  
LERCH, EARLY & BREWER, CHTD.  
7600 WISCONSIN AVE.  
SUITE 700  
BETHESDA, MD 20814  
301.986.1300  
ROBERT HARRIS

[illegible]

Ghassan  
S Khouri



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE  
PREPARED OR APPROVED BY ME, AND THAT I AM  
A DULY LICENSED, PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND.  
GHASSAN KHOURI LICENSE No. 25786  
EXPIRATION DATE: JUNE 29, 2022

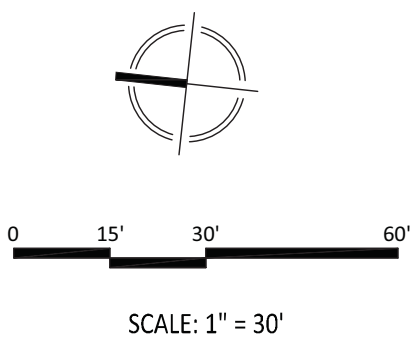
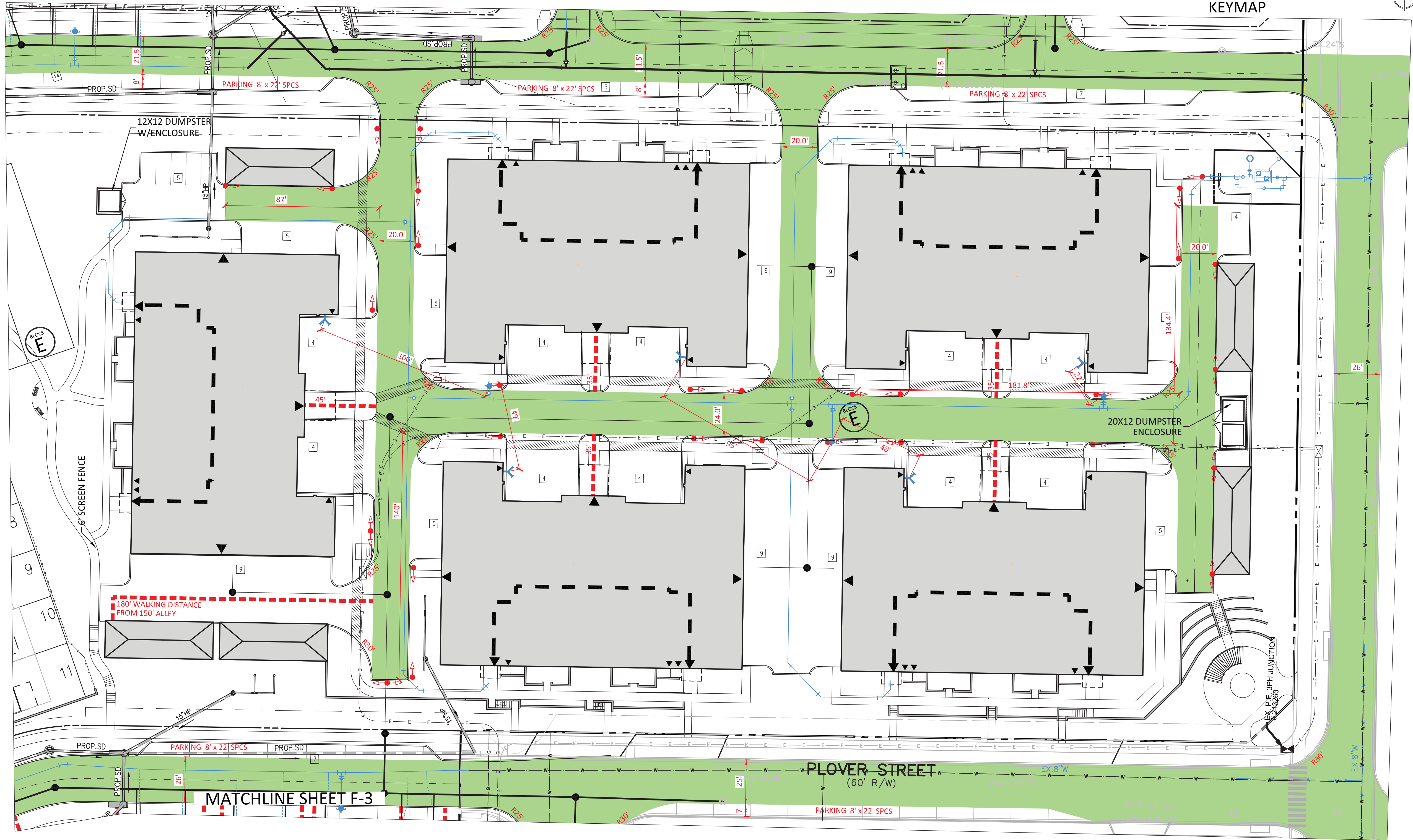
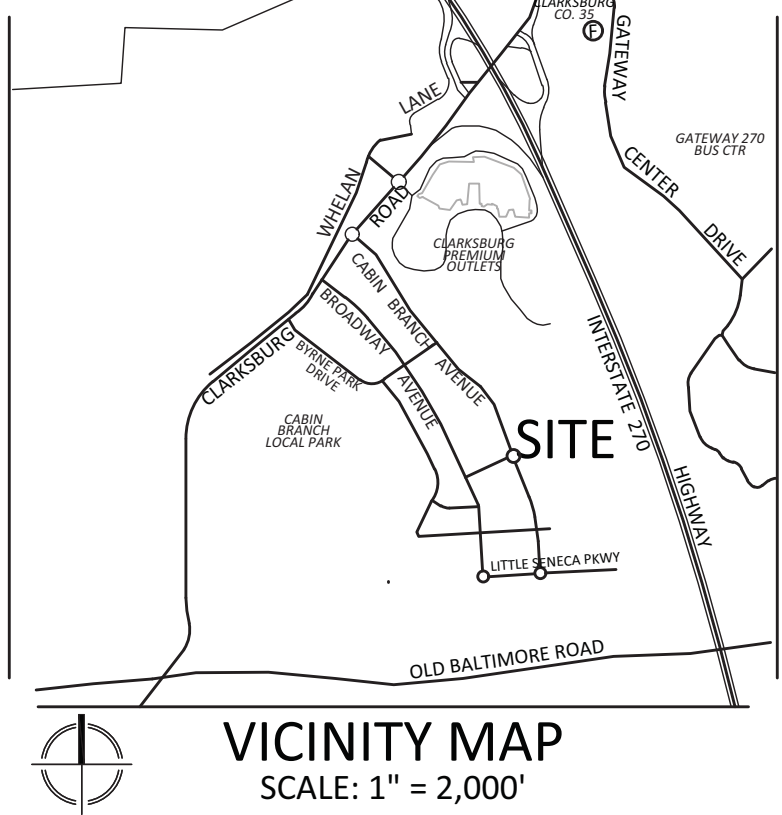
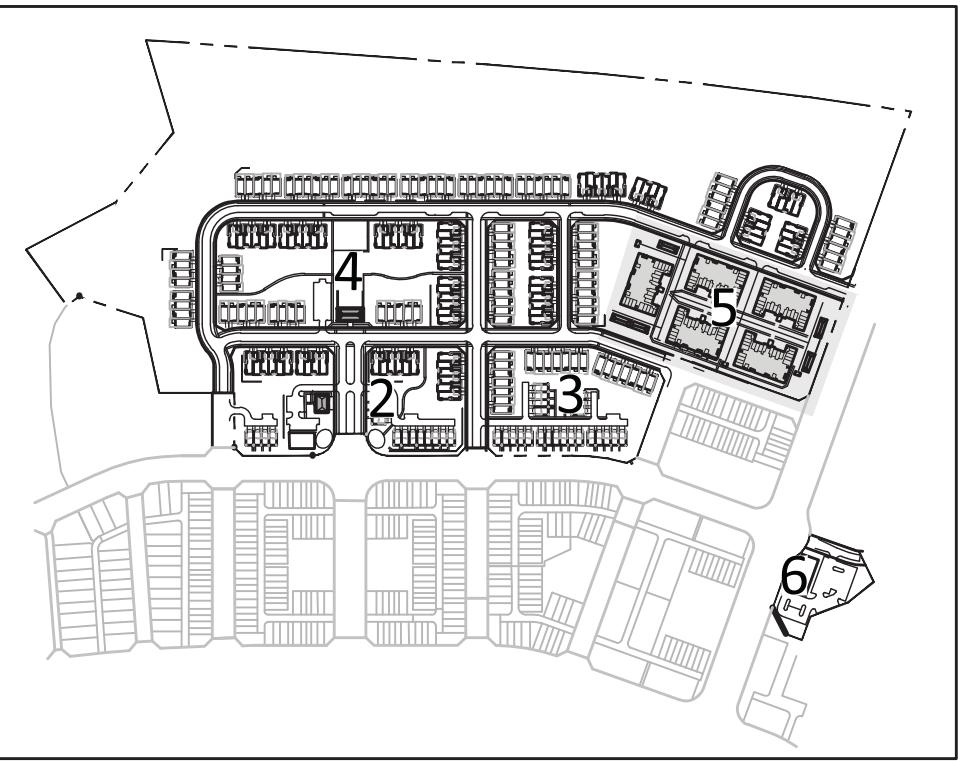
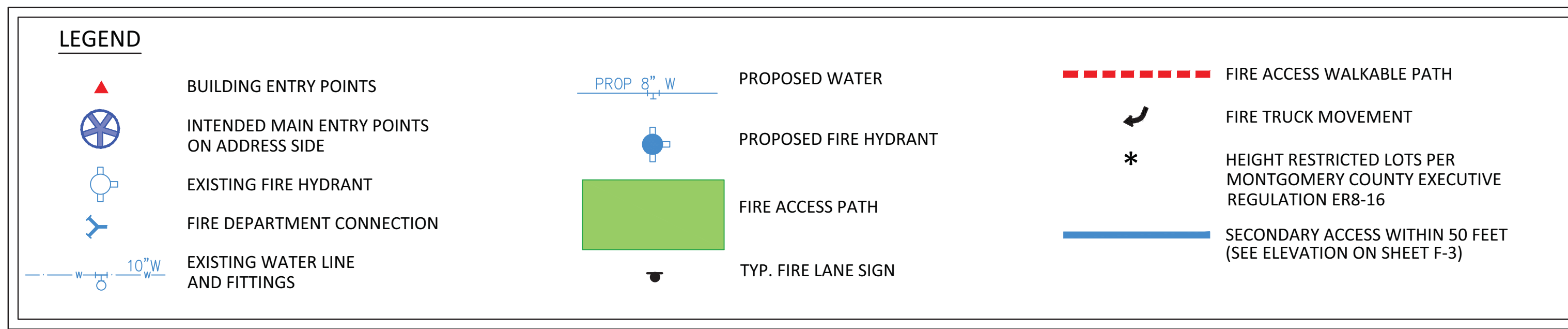
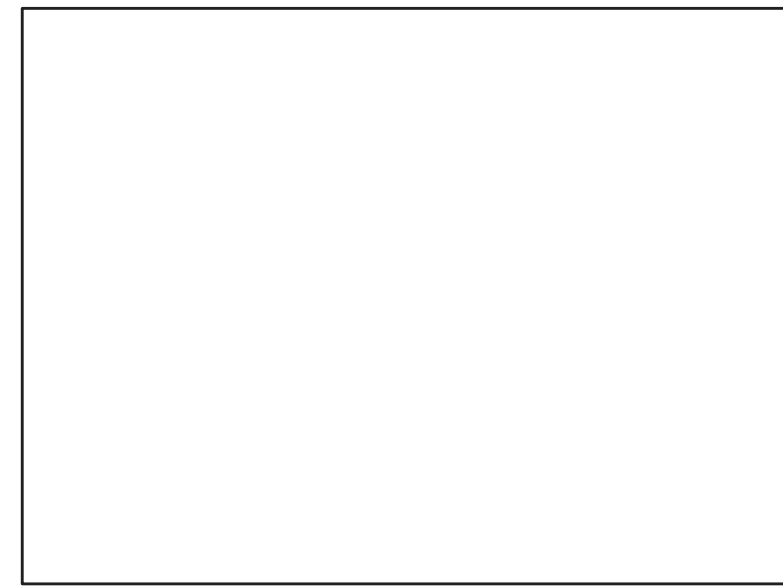
WSSC GRID: 231NW 13 & 14  
TAX MAP: EV 562 & FV-122

MNCPPC  
#820200150

# DETAILED FIRE ACCESS PLAN

DRAWN BY: SG  
 DESIGNED BY: RC  
 DATE ISSUED: 1/22/2020  
 PROJECT VM50192F  
 DRAWING  
 D.

SHEET NO. F-5



### Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML\* FM: 43 DATE: 6/24/2020

LAYOUT: F-5, Plotted By: cohen





PLANNER, CIVIL ENGINEER ,  
LANDSCAPE ARCHITECT

**ATTORNEY**  
LERCH, EARLY & BREWER, CHTD.  
7600 WISCONSIN AVE.  
SUITE 700  
BETHESDA, MD 20814  
301.986.1300  
ROBERT HARRIS

[illegible]

The seal is circular with a double-lined border. The outer ring contains the text "STATE OF MARYLAND" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by two stars. The inner circle features a central emblem of a figure holding a torch and a shield, with the text "GHASSAN SKHOUR" above it and "NO. 25786" below it.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE  
PREPARED OR APPROVED BY ME, AND THAT I AM  
A DULY LICENSED, PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND.  
GHASSAN KHOURI LICENSE No. 25786  
EXPIRATION DATE: JUNE 29, 2022

6TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 231NW 13 & 14  
TAX MAP: EV 562 & FV-122  
MNCPPC  
#820200150

DRAWN BY: SG  
DESIGNED BY: RC  
DATE ISSUED: 1/22/2020

---

AKA  
PROJECT VM50192F

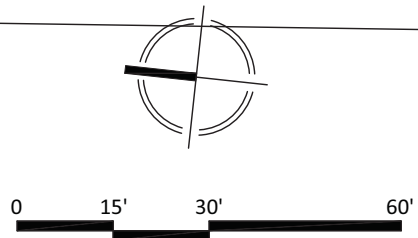
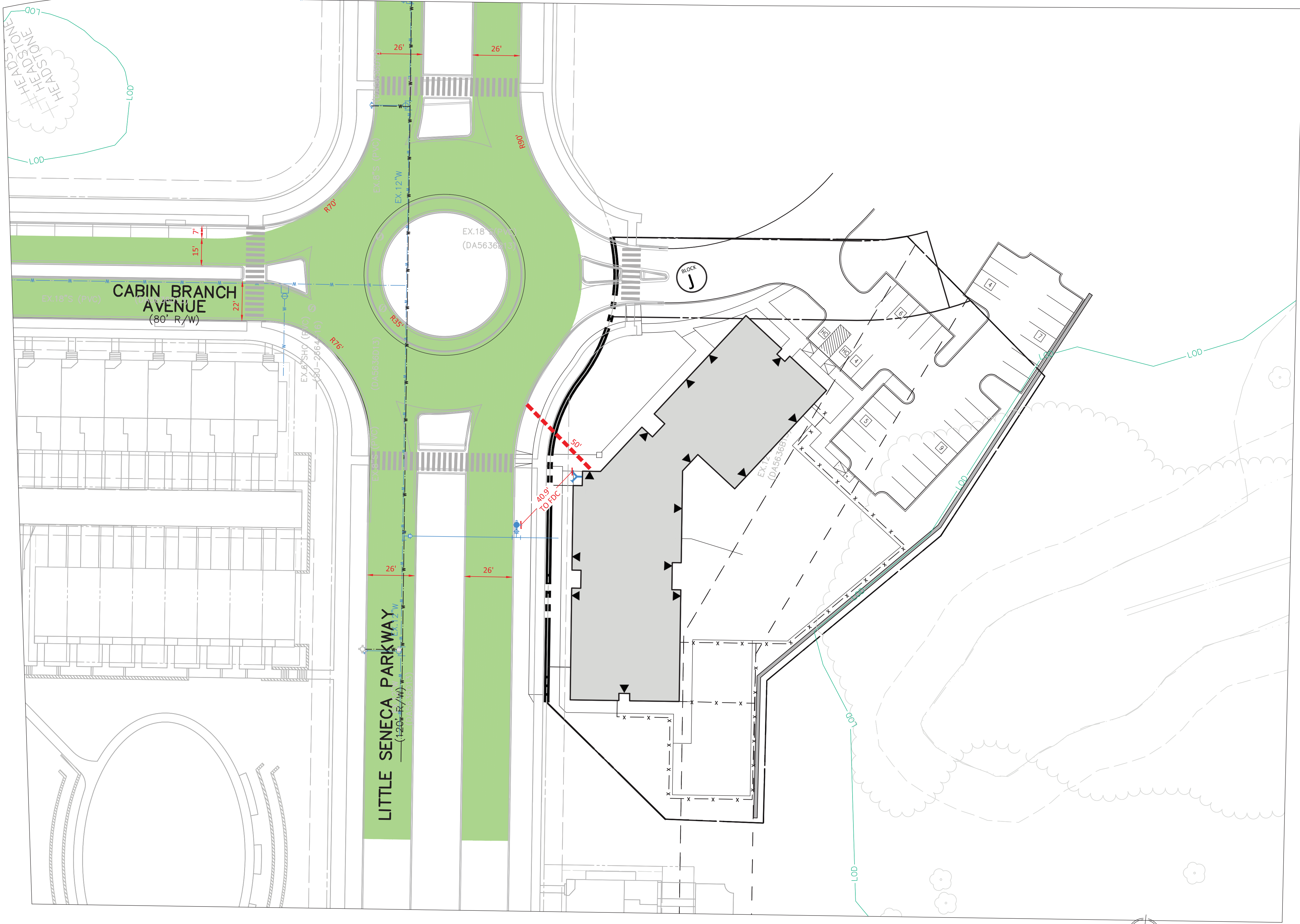
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DRAWING  
D.

SHEET NO. F-6



VICINITY MAP  
SCALE: 1" = 2,000'



SCALE: 1" = 30'

## FIRE CODE ENFORCEMENT

### Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML\* FM: 43 DATE: 6/24/2020



**DPS-ROW CONDITIONS OF APPROVAL****May 8, 2020****820200150 Cabin Branch Village**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files uploaded on/ dated “5/5/2020”,

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

1. Access points on public roads:
  - a. Label the driveway standard that is used for all driveways and modifications on the site plan.
  - b. Need to prevent car parking overhang of the sidewalk; as such, a 20' minimum driveway outside ROW is needed.
  - c. Provide sight distance analysis based on the tree species provided (where less than 10' exists between the tree and driveways).
2. On landscaping plan (where less than 10' exists between the tree and driveways):
  - a. Provide 600cf minimum soil volume between the driveways for the street trees and specify if amended soil panel under the driveways are needed. It needs to be delineated clearly on the landscape plan.
  - b. Provide root barrier at sidewalk;
  - c. Try to pick an approved upright species; please reach out with any questions.
  - d. Maintain proper clearances for street trees 45' spacing between street trees.
3. Provide public sidewalk:
  - a. to ADA standards (minimum five feet wide) and label it accordingly;
  - b. Ensure handicap ramps do not conflict with other proposed features.
  - c. Provide/ label the proposed sidepath along Little Seneca Pkwy frontage and its extent and connection to the existing facilities.
  - d. Support MNCPPC in upgrade to 10' bike path along Cabin Branch Avenue frontage.
  - e. Support MNCPPC in upgrade to 1-way Separated Bike Lanes on each side of Plover Street.
4. At the intersection of Petrel Street and Cabin Branch Ave, Petrel Street existing curb has been shifted close to 17' on one side which in turn causes a shift of centerline across Cabin Branch Ave. Instead, the curb on both sides need to shift half as much to provide pocket parking on both sides and prevent the centerline shift across Cabin Branch Ave. Please ensure of a smooth centerline transition across alley 1.1 as well.
5. Provide/ label standard PUE along the site frontage and ensure the house, wall or any other features do not encroach into them. If standard PUE is not provided appropriate notation needs to be provided on the site plan indicating no longitudinal dry utilities are proposed within ROW as part of this site plan (such as along Little Seneca Pkwy).
6. Demonstrate and label where and how the proposed streets (such as Plover Street, Skimmer Street and Harrier Way) meet the existing. Ensure of a smooth

- connection for curb, sidewalk and paving. Provide/ label the minimum curb radii that will accommodate the site traffic at intersections.
7. Label public or private maintenance of street and alleys.
  8. Horizontal curves radii need to meet the relevant minimum requirements per AASHTO based on the design speed. Planning Board waiver may be needed if acceptable.
  9. Public storm drain; provide easement for the proposed system where needed.
  10. Ensure maximum landing grade have been considered in concept road grades at intersection of Petrel Street and Plover Street.
  11. Clarify and label the vault in the ROW on sheet 14; what it is and existing (why it has been shown in bold and to be removed or retained) or proposed.
  12. Typical Sections:
    - a. Modifications to standards need to be reflected as crossing the standard items and providing the proposed;
    - b. The sections list centerline stations but the site plan does not show them.
    - c. Why Skimmer Street needs to be superelevated? We are not quite sure about the impact of a standard section.
    - d. Why streets A and B do not utilize 2001.02? It provides more space between major street trees and houses as well as SWM.
  13. Ensure the required minimum has been accommodated in the ROW and how the onsite facilities are designated and maintained.
  14. Provide confirmation from SHA for the interchange footprint of I-270 and Newcut Road.
  15. Remove all proposed pavement markings and signage on public streets from the site plan or provide a note indicating they are for reference only and will be finalized at ROW permit under signing and marking plan.
  16. Correct the scale on sheet 3.
  17. Clarify the street layout for sheet 15, non-residential building.
  18. Why has the ROW line at one corner of the intersection of Petrel Street and Little Seneca Pkwy not been truncated?

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

1. MCDOT-Commuter Services Section comments: At such time as there is interest in having Ride On extend Route 73 service to the Village at Cabin Branch, contact Deanna Archey, Senior Planner in Ride On Operations Planning and Implementation Section.
2. The applicant is responsible to provide any and all improvements and easements for the existing downstream/ proposed storm drain system as needed at the ROW permit stage.
3. Private streets and alleys to be built to tertiary roadway structural standards at minimum. The developer needs to provide to the County an additional public infrastructure area at least 4 feet wide, adjacent to private roads, or in other appropriate locations that create contiguous service corridors within the development that connect to and are accessible from a public right-of-way.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

Aseem K. Nigam  
*Director*

May 22, 2020

Mr. Jeffrey Server  
Area 3 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Village at Cabin Branch  
Site Plan No. 820200150

Dear Mr. Server:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval.

Sincerely,

*Lisa Schwartz*

Lisa Schwartz, Manager  
Affordable Housing Programs Section

cc: Sylke Knuppel, VIK A Maryland LLC

[https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/Hillandale Gateway/Village at Cabin Branch DHCA Letter\\_5-22-2020.docx](https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/Hillandale Gateway/Village at Cabin Branch DHCA Letter_5-22-2020.docx)

**Division of Housing**

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)





## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

July 13, 2020

Ms. Shannon Flickinger  
VIKA Maryland, LLC  
20251 Century Boulevard, Suite 400  
Germantown, Maryland 20874

Re: **COMBINED PRELIMINARY AND FINAL  
WATER QUALITY PLAN/SITE  
DEVELOPMENT STORMWATER  
MANAGEMENT PLAN** for  
The Village at Cabin Branch  
Preliminary Plan #: 1-2003110  
SM File #: 285790  
Tract Size/Zone: 60.23 acres/MXPD  
Total Concept Area: 60.23 acres  
Lots/Block: N/A  
Parcel(s): 150 and 645  
Watershed: Little Seneca Cr. (Clarksburg SPA)

Dear Ms. Flickinger:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary and Final Water Quality Plan for the above-mentioned site is **acceptable**. The Preliminary and Final Water Quality Plan proposes to meet required stormwater management goals via a combination of micro bioretention, bioswale, water quality inlets with storage vaults and downstream sand filters with a dry Pond.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. Show the relocated WSSC water and sewer line and the associated easement. ESD and structural stormwater management features are not to be located within the WSSC easement area.
3. The runoff from the west side of the site is not to exceed the designed runoff from this area to the downstream sand filters and Pond #1.
4. Although the retail area shown south of Little Seneca Parkway was accounted for in the west side stormwater management computations full ESD will be required when the final design of this area is determined.
5. Show safe conveyance of runoff to the proposed micro bioretention structures. There are areas that will not sheet flow to the structures and roof leader piping will be required.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

6. DPS prefers that the bioswale be placed between townhouse units 10-43, which are to drain to the bioswale, and the proposed sound attenuation wall to allow for well-defined runoff conveyance and maintenance access to the bioswale. As shown, with the wall between the bioswale and the townhouses, you will need to show safe conveyance of runoff from the townhouses to the bioswale and clear maintenance access. This will require openings along the base of the wall or piping the downspouts through the wall to the bioswale. All of the other DPS guidelines for bioswales must be adhered to including flow velocity limits (1 fps) which may require multiple outfalls from the bioswale.
7. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. A Special Protection Area BMP monitoring fee will be required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The Preliminary and Final Water Quality Plan approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: lmg

cc: N. Braunstein  
SM File # 285790

ESD: Required/Provided 112,802 cf / 72,380 cf  
PE: Target/Achieved: 1.57"/1.65"  
STRUCTURAL: 45,912 cf  
WAIVED: 0 ac.

**From:** [Galanko, Leo](#)  
**To:** [Shannon Flickinger](#); [sknuppel](#); [Etheridge, Mark](#)  
**Cc:** [Pereira, Sandra](#); [Jeff Ford](#); [Johnsen, Douglas](#); [Stephen J. Nardella](#) ([snardella@classicgroupmd.com](#)); [Harris, Robert R.](#) ([rrharris@lerchearly.com](#)); [Julia Shekarchi](#)  
**Subject:** RE: Village at Cabin Branch Sound Fence / Bioswale Design  
**Date:** Thursday, July 16, 2020 3:08:13 PM

All,

I just wanted to let you all know that the follow up drawings and computations that VIKa provided to us will meet the requirements that we discussed yesterday. Let me know if there are any other questions.

**Leo M. Galanko, CPESC, CPSWQ**

**Special Protection Area Coordinator**  
 Land Development/Water Resources  
 Montgomery County Department of Permitting Services  
 255 Rockville Pike, Rockville Maryland 20850-4166  
 Phone (240) 777-6242  
[leo.galanko@montgomerycountymd.gov](mailto:leo.galanko@montgomerycountymd.gov)

**From:** Shannon Flickinger <[Flickinger@vika.com](mailto:Flickinger@vika.com)>  
**Sent:** Thursday, July 16, 2020 12:42 PM  
**To:** Sylke Knuppel <[sknuppel@vika.com](mailto:sknuppel@vika.com)>; Etheridge, Mark <[Mark.Etheridge@montgomerycountymd.gov](mailto:Mark.Etheridge@montgomerycountymd.gov)>; Galanko, Leo <[Leo.Galanko@montgomerycountymd.gov](mailto:Leo.Galanko@montgomerycountymd.gov)>  
**Cc:** Pereira, Sandra <[sandra.pereira@montgomeryplanning.org](mailto:sandra.pereira@montgomeryplanning.org)>; Jeff Ford <[jford@phoenixnv.com](mailto:jford@phoenixnv.com)>; Johnsen, Douglas <[douglas.johnsen@montgomeryplanning.org](mailto:douglas.johnsen@montgomeryplanning.org)>; Stephen J. Nardella ([snardella@classicgroupmd.com](mailto:snardella@classicgroupmd.com)) <[snardella@classicgroupmd.com](mailto:snardella@classicgroupmd.com)>; Harris, Robert R. ([rrharris@lerchearly.com](mailto:rrharris@lerchearly.com)) <[rrharris@lerchearly.com](mailto:rrharris@lerchearly.com)>; Julia Shekarchi <[shekarchi@vika.com](mailto:shekarchi@vika.com)>  
**Subject:** RE: Village at Cabin Branch Sound Fence / Bioswale Design

**[EXTERNAL EMAIL]**

Hi Mark,  
 We ran some quick computations for the 10-yr WSEL (see attached). The results show that the 10-year storm will be contained within the 12" section and will not have any impacts to the wall or the private lots.  
 Please let me know if you have any questions.

Thanks,

**Shannon Flickinger, LEED AP BD+C**

**Associate**  
 Main: 301.916.4100 Ext. 246  
 Cell: 301.646.7155

**VIKA Maryland, LLC**  
 20251 Century Boulevard  
 Suite 400  
 Germantown, MD 20874



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**From:** Sylke Knuppel <[sknuppel@vika.com](mailto:sknuppel@vika.com)>  
**Sent:** Thursday, July 16, 2020 9:56 AM  
**To:** Etheridge, Mark <[mark.etheridge@montgomerycountymd.gov](mailto:mark.etheridge@montgomerycountymd.gov)>; Galanko, Leo <[leo.galanko@montgomerycountymd.gov](mailto:leo.galanko@montgomerycountymd.gov)>  
**Cc:** Pereira, Sandra <[sandra.pereira@montgomeryplanning.org](mailto:sandra.pereira@montgomeryplanning.org)>; Jeff Ford <[jford@phoenixnv.com](mailto:jford@phoenixnv.com)>; Shannon Flickinger <[Flickinger@vika.com](mailto:Flickinger@vika.com)>; Johnsen, Douglas <[douglas.johnsen@montgomeryplanning.org](mailto:douglas.johnsen@montgomeryplanning.org)>; Stephen J. Nardella ([snardella@classicgroupmd.com](mailto:snardella@classicgroupmd.com)) <[snardella@classicgroupmd.com](mailto:snardella@classicgroupmd.com)>; Harris, Robert R. ([rrharris@lerchearly.com](mailto:rrharris@lerchearly.com)) <[rrharris@lerchearly.com](mailto:rrharris@lerchearly.com)>  
**Subject:** Re: Village at Cabin Branch Sound Fence / Bioswale Design

Mark,

We're working on it. We will send you something shortly.

Sylke

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**From:** Etheridge, Mark <[mark.etheridge@montgomerycountymd.gov](mailto:mark.etheridge@montgomerycountymd.gov)>  
**Sent:** Thursday, July 16, 2020 9:32 AM  
**To:** Sylke Knuppel; Galanko, Leo  
**Cc:** Pereira, Sandra; Jeff Ford; Shannon Flickinger; Johnsen, Douglas; Stephen J. Nardella ([snardella@classicgroupmd.com](mailto:snardella@classicgroupmd.com)); Harris, Robert R. ([rrharris@lerchearly.com](mailto:rrharris@lerchearly.com))  
**Subject:** RE: Village at Cabin Branch Sound Fence / Bioswale Design

Sylke –

I have a question. The Bio Swale design requires the swale to convey the 10-year storm fully within the swale. Can you confirm this will be the case here? We cannot have 10-year flow at the base of the wall or onto private lots.

Mark C. Etheridge  
 Manager  
 Water Resources Section  
 Department of Permitting Services  
 255 Rockville Pike, 2<sup>nd</sup> Fl.  
 Rockville, MD 20850

**From:** Sylke Knuppel <[sknuppel@vika.com](mailto:sknuppel@vika.com)>  
**Sent:** Wednesday, July 15, 2020 3:39 PM  
**To:** Galanko, Leo <[Leo.Galanko@montgomerycountymd.gov](mailto:Leo.Galanko@montgomerycountymd.gov)>; Etheridge, Mark <[Mark.Etheridge@montgomerycountymd.gov](mailto:Mark.Etheridge@montgomerycountymd.gov)>  
**Cc:** Pereira, Sandra <[sandra.pereira@montgomeryplanning.org](mailto:sandra.pereira@montgomeryplanning.org)>; Jeff Ford <[jford@phoenixnv.com](mailto:jford@phoenixnv.com)>; Shannon Flickinger <[Flickinger@vika.com](mailto:Flickinger@vika.com)>; Johnsen, Douglas <[douglas.johnsen@montgomeryplanning.org](mailto:douglas.johnsen@montgomeryplanning.org)>; Stephen J. Nardella ([snardella@classicgroupmd.com](mailto:snardella@classicgroupmd.com)) <[snardella@classicgroupmd.com](mailto:snardella@classicgroupmd.com)>; Harris, Robert R. ([rrharris@lerchearly.com](mailto:rrharris@lerchearly.com)) <[rrharris@lerchearly.com](mailto:rrharris@lerchearly.com)>  
**Subject:** Village at Cabin Branch Sound Fence / Bioswale Design

[EXTERNAL EMAIL]

Mark and Leo,

Phoenix, Classic, and VIKA have been coordinating a design for the gap under the sound fence parallel to the bioswale behind lots 10-43 in block A based on today's call. We are proposing the following design:

Maintain a minimum of 4" gap at the base of the sound fence, between the support posts /footings which are spaced 6-8 feet apart. Increase the height of the berm behind the bioswale to at least 12" above the grade at the rear property line where the sound fence is located.

The attached swale section shows that the berm height will be at least 12" above the grade at the rear property line to help attenuate noise traveling through this gap (attached revised grading plan). We will provide a berm height closer to 24" where possible. With a 4 inch gap at the base of the sound fence, the noise barrier should have a top of wall height of at least 9'6" above the ground (making the sound panels at least 9'2"). If a larger gap is required, the height of the noise barrier can be adjusted to account for the added noise that transmits to the rear yards.

Thank you and please let us know if you have any questions.

Sylke

**Sylke Knuppel, PE**  
Associate  
Main: 301.916.4100 Ext. 220  
Cell: 240.401.7360

**VIKA Maryland, LLC**  
20251 Century Boulevard  
Suite 400  
Germantown, MD 20874



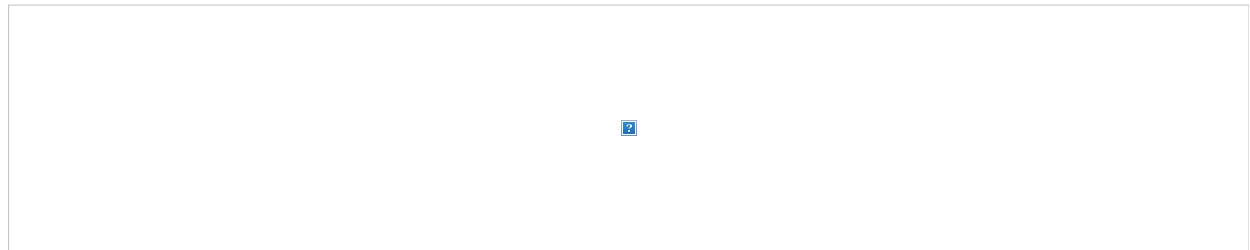
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## Cross Section for Irregular Section - 1

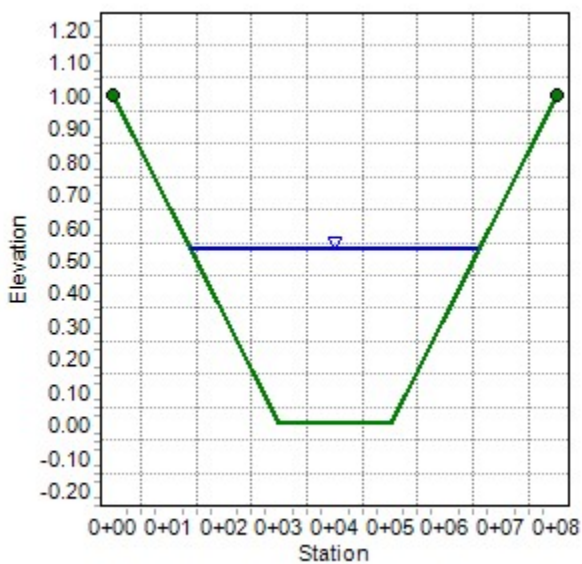
### Project Description

Friction Method	Manning Formula
Solve For	Normal Depth

### Input Data

Channel Slope	0.02900	ft/ft
Normal Depth	0.53	ft
Discharge	4.90	ft <sup>3</sup> /s

### Cross Section Image



Project Name:

CROWN-N5

Project No.:

VM1435BK

Date:

June 18, 2019

AN

INPUT

Checked:

USER VERIFIED

ENGINEERS

PLANNERS

LANDSCAPE ARCHITECTS

SURVEYORS

10YR. STORM DRAIN COMPUTATION																	
FROM	TO	INC. AREA ACRES	TOTAL AREA ACRES	C	A*C	ACUM. A*C	Tc MIN- SEC	I 10 YR IN/HR	Q10 CFS	MIN SLOPE %	ACT SLOPE %	n	PIPE SIZE IN	F.F. VEL FPS	ACT VEL FPS	LENGTH FEET	TIME IN PIPE MIN
Swale		1.36	1.36	0.51	0.69	0.69	5.00	7.07	4.90	1.89	1.00	0.013	12	4.54	6.2	10	0.03



Project Name:

CROWN-N5

Project No.:

VM1435BK

Date:

June 18, 2019

Checked:

AN

INPUT

USER VERIFIED

ENGINEERS

PLANNERS

LANDSCAPE ARCHITECTS

SURVEYORS

GEOMATIC

VIA

10YR. STORM DRAIN COMPUTATION																		
FROM	TO	INC. AREA ACRES	TOTAL AREA ACRES	C	A*C	ACUM. A*C	Tc MIN- SEC	I 10 YR IN/HR	Q10 CFS	MIN SLOPE %	ACT SLOPE %	n	PIPE SIZE IN	F.F. VEL FPS	ACT VEL FPS	LENGTH FEET	TIME IN PIPE MIN	Q CAPACITY CFS
Swale		1.36	1.36	0.51	0.69	0.69	5.00	7.07	4.90	1.89	1.00	0.013	12	4.54	6.2	10	0.03	3.56







## Attachment K



PREPARED FOR:  
CLASSIC GROUP, LLC  
8120 WOODMONT AVE  
SUITE 300  
BETHESDA, MARYLAND 20814  
301.913.0404  
CONTACT: STEVE NARDELLA  
snardella@classicgroupmd.com

PLANNER, CIVIL ENGINEER,  
LANDSCAPE ARCHITECT

**VIKA MARYLAND, LLC**  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN MD, 20874  
301.916.4100  
SYLKE KNUPPEN, P.E.

**ATTORNEY**  
LERCH, EARLY & BREWER, CHTD.  
7600 WISCONSIN AVE.  
SUITE 700  
BETHESDA, MD 20814  
301.986.1300  
ROBERT HARRIS

[illegible]

THE VILLAGE AT  
CABIN BRANCH

6TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 231NW 13 & 14  
TAX MAP: EV 562 & FV-122  
MNCPPC  
#820200150

SITE  
IMPERVIOUS  
AREA  
EXHIBIT

PROFESSIONAL SEAL

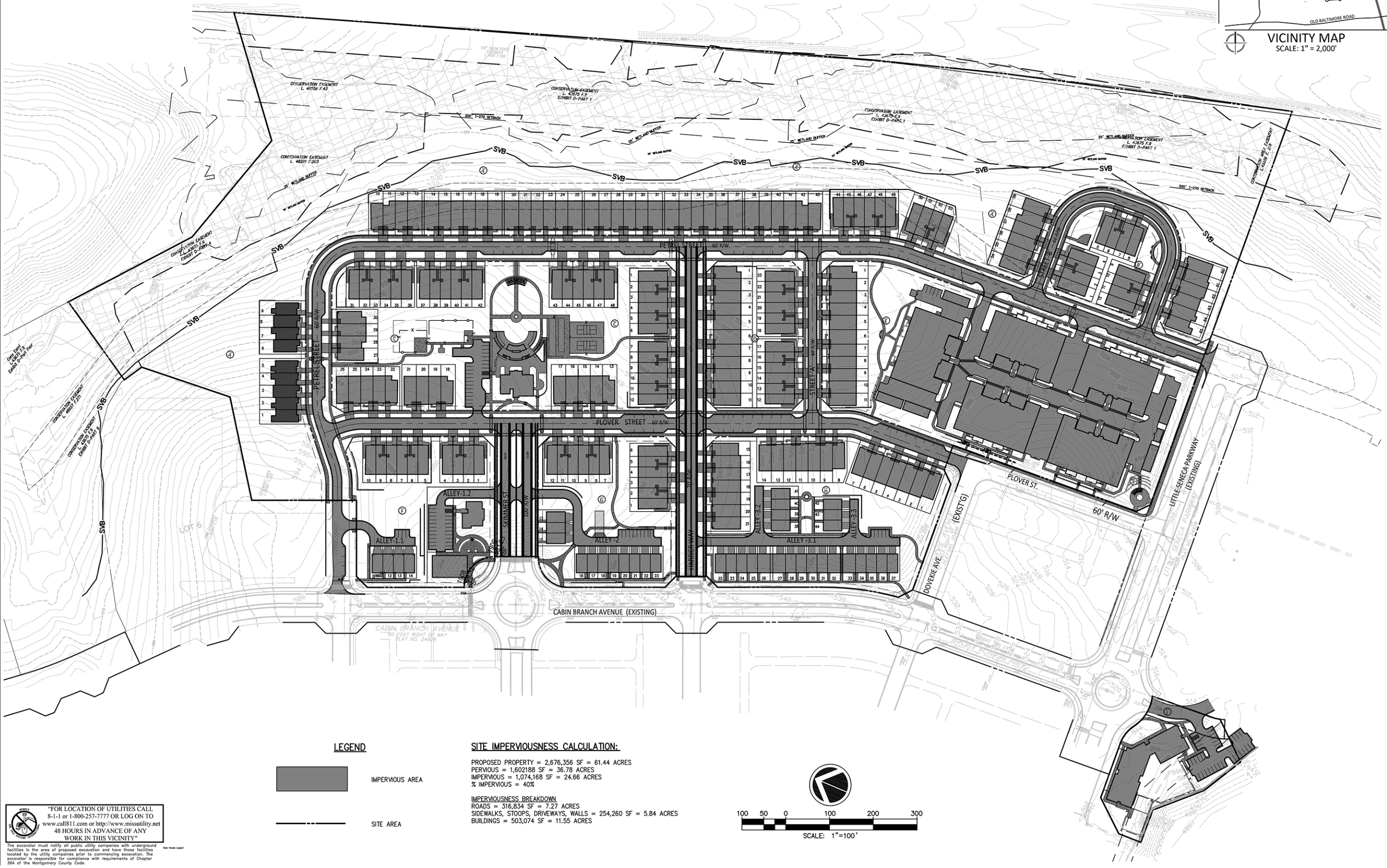
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DRAWN BY: SF  
DESIGNED BY: TJ  
DATE ISSUED: APRIL 2020

VIKA  
PROJECT VM50192F

DRAWING  
NO.

SHEET NO. EXHIBIT-1





February 13, 2019

To: Classic Group  
**ATTN: Steve Nardella**  
8120 Woodmont Ave.,  
Suite 300  
Bethesda, MD 20814

**RE:** Cabin Branch Town Architect Review – Active Adult Senior Village

Steve,

After a review of the active adult senior village product, they are now approved to be built in the Cabin Branch community. Review is only for conformance with the Cabin Branch Design Guidelines and it's general requirements relating to "Architectural Design". The builder is entirely responsible for compliance with the Cabin Branch Design Guidelines, covenants, ordinances, and other applicable code regulations, etc.

**Active Adult Senior Village Approvals:**

---

The Carroll:

- Elevations are formally approved.
- 

The Anne:

- Elevations are formally approved.
- 

The Baldwin:

- Elevations are formally approved.
- 

The Bethany:

- Elevations are formally approved.
- 

The Dover:

- Elevations are formally approved.
- 

The Rehoboth:

- Elevations are formally approved.
- 

CM 24' Rear Load:

- Elevations are formally approved.
- 

Thank you,



---

Smita Anand



April 24, 2019

To: Beazer Homes  
**ATTN: David C. Jacques**  
Director of Land Acquisition  
8965 Guilford Road  
Suite 290  
Columbia, MD 21046

**RE:** Cabin Branch Town Architect Review – Beazer Homes; Gatherings; Condo Product

David,

After a review of the Beazer Homes- Gatherings, Condo product, they are now approved to be built in the Cabin Branch community. Review is only for conformance with the Cabin Branch Design Guidelines and it's general requirements relating to "Architectural Design". The builder is entirely responsible for compliance with the Cabin Branch Design Guidelines, covenants, ordinances, and other applicable code regulations, etc.

Thank you,

A handwritten signature in black ink that reads "Smita Anand". The signature is written in a cursive, flowing style.

---

Smita Anand



July 1, 2020

Doug Johnsen  
Area 3 Division  
Montgomery County Planning Department  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

**Re: Forest Conservation Tree Variance Request  
The Village at Cabin Branch  
Clarksburg, Maryland  
Forest Conservation Plan Amendment #820200150  
VIKA # VM50192F**

Dear Mr. Johnsen:

On behalf of our client, Classic Group, LLC, we are submitting this Tree Variance Request to comply with the Montgomery County, Maryland Forest Conservation Law, Section 22A-12(b)(3)(C). This section requires that the following trees, shrubs, plants, and specific areas considered priority for retention and protection and must be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the applicant qualifies for a variance under Section 22A-21:

- (A) Any tree, shrub or plant that is rare, threatened, or endangered under:
  - (i) the Federal Endangered Species Act of 1973 in 16 U.S.C. Sections 1531—1544 and in 50 CFR 17;
  - (ii) the Maryland Nongame and Endangered Species Conservation Act, Title 10, Subtitle 2A of the Natural Resources Article of the Maryland Code; or
  - (iii) COMAR 08.03.08;
- (B) Any tree that is:
  - (i) Part of a historic site;
  - (ii) associated with a historic structure, or
  - (iii) designated by the State or County as a national, State, or County champion tree; or
- (C) Any tree with a diameter, measured at 4.5 feet above the ground, of:
  - (i) 30 inches or more; or
  - (ii) 75% or more of the diameter, measured at 4.5 feet above ground, of the current State champion tree of that species.

This Tree Variance Request is for the proposed construction of approximately 375 Senior Housing homes and up to 16,000 SF Commercial space, with associated infrastructure and amenities to serve the Senior Housing community. This Variance Request accompanies the Forest Conservation Plan Amendment submitted concurrently with Site Plan #820200150.

The approximately 61.5-acre development is in Clarksburg, Montgomery County, Maryland east of Cabin Branch Avenue and north of Little Seneca Parkway. It currently consists of open fields and trees and is part of the larger 535-acre Cabin Branch planned development. The overall project is generally bounded by Clarksburg Premium Outlets to the north, I-270 on the east, Cabin Branch Avenue to the west, and Little Seneca Parkway to the south.

**VIKA Maryland, LLC**

20251 Century Boulevard, Suite 400 • Germantown, Maryland 20874 • 301.916.4100 Fax 301.916.2262  
Tysons, VA • Germantown, MD • Washington, DC

[www.vika.com](http://www.vika.com)

Five (5) specimen trees with DBH of 30" or greater will have critical root zone impacts by the proposed development but are proposed to be saved because of minimal impacts to their critical root zone areas.

Table 1, below, lists the specimen trees impacted as identified on the Forest Conservation Plan and provides their respective proposed impacts.

**Table 1**

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
184	<i>Liriodendron tulipifera</i>	Tuliptree	32	Good	7,238	247	3	SAVE
192	<i>Liriodendron tulipifera</i>	Tuliptree	36	Good	9,161	664	7	SAVE
202	<i>Platanus occidentalis</i>	American Sycamore	38	Fair	10,207	2,407	24	SAVE
203	<i>Acer rubrum</i>	Red Maple	36	Fair-Good	9,161	1,235	14	SAVE
204	<i>Liriodendron tulipifera</i>	Tuliptree	51	Fair-Good	18,385	246	0.01	SAVE

\*Diameter at Breast Height

The tree size and health assessment indicated was initially performed by Rodgers Consulting at the time of the field work for the NRI; however, for trees 202, 203, and 204, tree diameters at breast height and condition were re-evaluated and updated on June 30, 2020. The assessment was performed as a visual, at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

**1. Tree # 184:**

**32" Tuliptree (*Liriodendron tulipifera*):** Tree 184 is a forest tree located on the northeast side of the site.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at 3%. The tree lies along the northeastern side of the LOD limits, which are determined by the proposed sewer line alignment. The CRZ area would be slightly impacted by the installation of a new sewer main.
- **Disposition:** Tree #184 is proposed to have minimal CRZ impacts and will be saved.

**2. Tree # 192:**

**36" Tuliptree (*Liriodendron tulipifera*):** Tree 192 is a forest tree located at the southeast of the site.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at 7%. The tree lies along the eastern side of the LOD limits, which are determined by the proposed sewer line alignment. The CRZ area would be impacted by the installation of a new sewer main.
- **Disposition:** Tree #192 is proposed for minimal CRZ impacts and will be saved.





**3. Tree # 202:**

**38" American Sycamore (*Platanus occidentalis*):** Tree 202 is a forest tree located on the southeast side of the site.

- **Field Condition:** Fair (Approximately 60% overgrown with vines)
- **Proposed CRZ Impact:** Moderate at 24%. The tree lies along the northern side of the proposed stormwater outfall LOD.
- **Disposition:** Tree #202 will be saved. The tree is identified to be in fair condition due to overgrowth of vines; however, the tree appears to be otherwise in good health and can be saved with proper care through root pruning and removal of vines.

**4. Tree # 203:**

**36" Red Maple (*Acer rubrum*):** Tree 203 is a forest tree located on the southeast of the site.

- **Field Condition:** Fair-Good
- **Proposed CRZ Impact:** Minimal at 14%. The tree lies along the south side of a stormwater outfall LOD.
- **Disposition:** Tree #203 is proposed for minimal CRZ impacts and will be saved. Note, tree #203 is located in the proximity of the New Cut Road interchange right-of-way and even though it is being saved with this current plan it may be impacted by future road improvements.

**5. Tree # 204:**

**51" Tuliptree (*Liriodendron tulipifera*):** Tree 204 is a forest tree located at the southeast of the site.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at less than 1% CRZ impact. The tree lies along the south side of the stormwater LOD.
- **Disposition:** Tree #204 is proposed for minimal CRZ impacts and will be saved. Note, tree #204 is located within the New Cut Road interchange right-of-way dedication and even though it is being saved with this current plan it may be impacted by future road improvements.

**Justification Narrative for Tree Disturbance**

The proposed project will consist of Senior Housing residential buildings and associated parking and infrastructure. The site is currently comprised of open field, trees, and some forest, and is part of the 535-acre Cabin Branch development. Impacts to some specimen trees were previously approved by the original infrastructure forest conservation plan. This forest conservation plan shows any tree that is newly proposed for impacts to their critical root zones.

Under the Montgomery County Forest Conservation Law Section 22A-21, an applicant may request in writing a variance from this Chapter or any regulation adopted under it if the applicant shows that enforcement would result in unwarranted hardship. A request for a variance suspends the time requirements in Section 22A-11 until the Planning Board or Planning Director acts on the request.

Under Montgomery County requirements, an applicant for a variance must provide the following:

**1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.**

The requested tree variance is necessary for the proposed relocation of the sewer main alignment. Denial of the variance would cause an unwarranted hardship because the layout has been revised several times to avoid and minimize impacts to existing forest and trees to the maximum extent practical. The current limit of disturbance is necessary to build the approximately 375 Senior Housing units (up to 500 have been



approved). Given the site topography, incorporating the required grading and the use of retention walls minimized the site footprint as much as possible to avoid impacts to these specimen trees, leaving 3% and 7% impacts to the Critical Root Zones of Trees 184 and 192. In addition, the required stormwater outfall in the vicinity of trees 202, 203, and 204 has been placed to minimize impacts to those trees to the extent possible. With the minimized CRZ impacts, good conditions of the trees, and locations of CRZ impacts on the upslope sides of the trees where lesser amounts of the root systems typically occur, these trees are expected to survive the minimal CRZ impacts proposed. Much of the non-age restricted housing has been built or is under construction; the Outlet Center has been built and the service retail/hotel uses are ready to proceed. This application seeks to proceed with Senior Housing, which is one of the key and final elements envisioned in this planned development that has not proceeded to this point. With the decreased number of planned units and minimized site footprint, no other practical options were found to further avoid impacts to the Critical Root Zones of these five trees. Denial of this variance would cause an unwarranted hardship in preventing the development to occurring.

**2. Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas.**

The requested variance is based on plans being developed under the appropriate zoning and previous approvals through the County planning process. The project design was revised several times to avoid and minimize impacts to forest and Specimen trees to the extent practical. This Variance Request is for minimal critical root zone impacts for four (4) specimen trees and moderate impact to one (1) specimen tree that will be saved. Strict enforcement of the rules would deprive the Applicant of implementing the current design which is in line with the continued development of the Cabin Branch Community envisioned by the Clarksburg Master Plan.

No conditions relating to land or building use, either permitted or non-conforming, occur on a neighboring property that have played a role in the need for this variance.

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

The granting of Applicant's variance request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to provide water quality treatment via the incorporation of stormwater facilities including micro-bioretenion facilities and bio-swales. In addition, the existing pond to the south of the property provides water quality treatment for the western portion of the site, and will remain in place post-development. Afforestation/reforestation along the existing forest adjoining the stream to the east of the site will provide additional water quality benefits.

**4. Provide any other information appropriate to support the request.**

The subject property is regulated under previously approved rezoning, infrastructure, and entitlement plans, all of which include development on the subject site. The storm drain outfall location in the vicinity of trees 202, 203, and 204 was most recently approved with Amendment 82005015G on 7/28/17. The storm drain outfall was designed in this location to minimize the impacts to the existing tributary on the site. This will maintain the existing wetlands boundaries and cause the least disruption to the tributary. It also minimizes clearing of existing forest.



There is a need for a storm drain outfall in this general location for the improvements on this site, due to the existing drainage areas. The outfall is located just north of the future New Cut Road interchange right-of-way and provides an outfall for this eastern portion of the Adventist South site.

The Applicant is pursuing this site plan in conformance with those approvals, and is maintaining proper forest conservation areas and installing new trees to mitigate for impacts. In the end, there will be greater tree canopy than the previous condition and the project will continue the redevelopment envisioned by the area Master Plan and previous approvals.

Thank you for your consideration of this Specimen Tree Variance Request. We believe that the supporting information provided with this letter justifies the impact to five (5) specimen trees.

If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,  
**VIKA Maryland, LLC**



Marion E. Bundens  
Senior Environmental Planner

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20 March 2020

Bill Gerald  
Classic Group, LLC  
8120 Woodmont Avenue, Suite 300  
Bethesda, Maryland 20814



Reference: Adventist South District  
Noise Guideline Value Waiver Request  
Project No. CGL1802

Dear Mr. Gerald:

Based upon our transportation noise analysis of the proposed Adventist South District residential development<sup>1</sup> and our preliminary noise barrier designs, Phoenix Noise & Vibration recommends that a waiver of the current noise guidelines be requested from Montgomery County planning officials. Specifically, the current 24-hour design guideline of 60 dBA Ldn for outdoor activity areas should be changed to the daytime average level of 65 dBA Leq. Details supporting this request are provided herein.

Transportation noise impact upon proposed residential developments in Montgomery County is governed by Table 2-1 (reprinted here in Table 1) from page 8 of the *Staff Guidelines for the Consideration of Transportation Noise Impacts In Land Use Planning and Development* (June 1983). Accompanying this table is Map 2-1 (see enclosed Figure 1), indicating outdoor noise level requirements not to be exceeded throughout the County.

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<sup>1</sup> Adventist South District Phase I Noise Analysis, Report #190226 completed by Phoenix Noise & Vibration dated 26 February 2019, and Adventist South District Noise Barrier Analysis, Report #200320 completed by Phoenix Noise & Vibration dated 20 March 2020.

**Table 1: Maximum Levels for Exterior Noise & Building Line<sup>1</sup> For Noise Sensitive Land Uses (Table 2-1).**

Guideline Value	Area of Application
Ldn = 55 dBA	This guideline is suggested as an appropriate goal in permanent rural areas of the County where residential zoning is for five or more acres per dwelling unit and background levels are low enough to allow maintenance of a 55 dBA Level. This guideline is consistent with Federal, State, and County goals for residential areas.
Ldn = 60 dBA	This is the basic residential noise guideline which will be applied in most areas of the County where suburban densities predominate. Maintenance of this level will protect health and substantially prevent activity interference both indoors and outdoors. Noise attenuation measures will be recommended to allow attainment of this level.
Ldn = 65 dBA	This guideline will generally be applied in the urban ring, freeway, and major highway corridor areas, where ambient levels are such that application of a stricter guideline would be infeasible or inequitable. Significant activity interference will occur outdoors and indoors if windows are partially opened, but available evidence indicates hearing is adequately protected. Noise attenuation measures will be strongly recommended to attain this level.

<sup>1</sup> Building line as used here refers to habitable structures only. It does not include garages, sheds, or recreational accessory buildings.

Montgomery County has changed significantly since the development of the noise zone map in 1983, such that sites along I-270 (including Adventist South District) will be exposed to much higher noise levels due to the growth and development of the County further away from the traditional urban and suburban areas. Areas which were once thought of as rural are now considered suburban and those considered suburban are now considered urban.

According to Map 2-1, Adventist South District is located within the 60 dBA Ldn noise zone, indicating that noise levels in outdoor activity areas throughout the site should be maintained below 60 dBA Ldn. However, given the growth of the Clarksburg area and the increase in traffic on I-270 since the date of this map (1983) and by examining the Area of Application statement for the Ldn = 65 dBA Guideline value, one can readily conclude that the Adventist South District project is within a “major highway corridor, where ambient levels are such that application of a stricter guideline would be infeasible or inequitable.” Based upon this observation, use of the 65 dBA design goal for outdoor activity areas rather than the 60 dBA design goal is recommended by Phoenix Noise & Vibration.

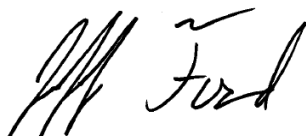
In addition to the recommendation to increase the noise level to which the site is analyzed to, it is also recommended that the daytime average noise level be used for outdoor activity areas rather than the 24-hour average. Outdoor activity areas are typically used and occupied during daytime hours. The Ldn metric has a 10 dBA penalty mandated for its calculation to account for the increased human sensitivity during nighttime hours. Since outdoor activity areas are not used during the nighttime it is somewhat inappropriate to require outdoor areas to be held to a metric that applies a penalty during nighttime hours. This is especially true for an area near I-270 which has very high nighttime noise levels relative to other roadways. To use the Ldn standard for outdoor activity areas, which are used primarily during daytime hours, imposes overly strict noise impact limits upon these areas. Therefore, it is recommended that the daytime average (Leq) value be used as the metric for evaluating noise impact to outdoor activity areas rather than the Ldn value.

For these reasons, a waiver is recommended for Adventist South District to allow outdoor activity areas throughout the site to be held to the 65 dBA Leq (daytime) limit rather than the 60 dBA Ldn value.

It should be noted that, were this waiver to be granted, the interior noise requirement for residential buildings throughout the site would still be 45 dBA Ldn. The outdoor noise limit (or guideline value) applied to the site has no impact upon the required interior limit.

If you have any questions, please contact me.

Sincerely,

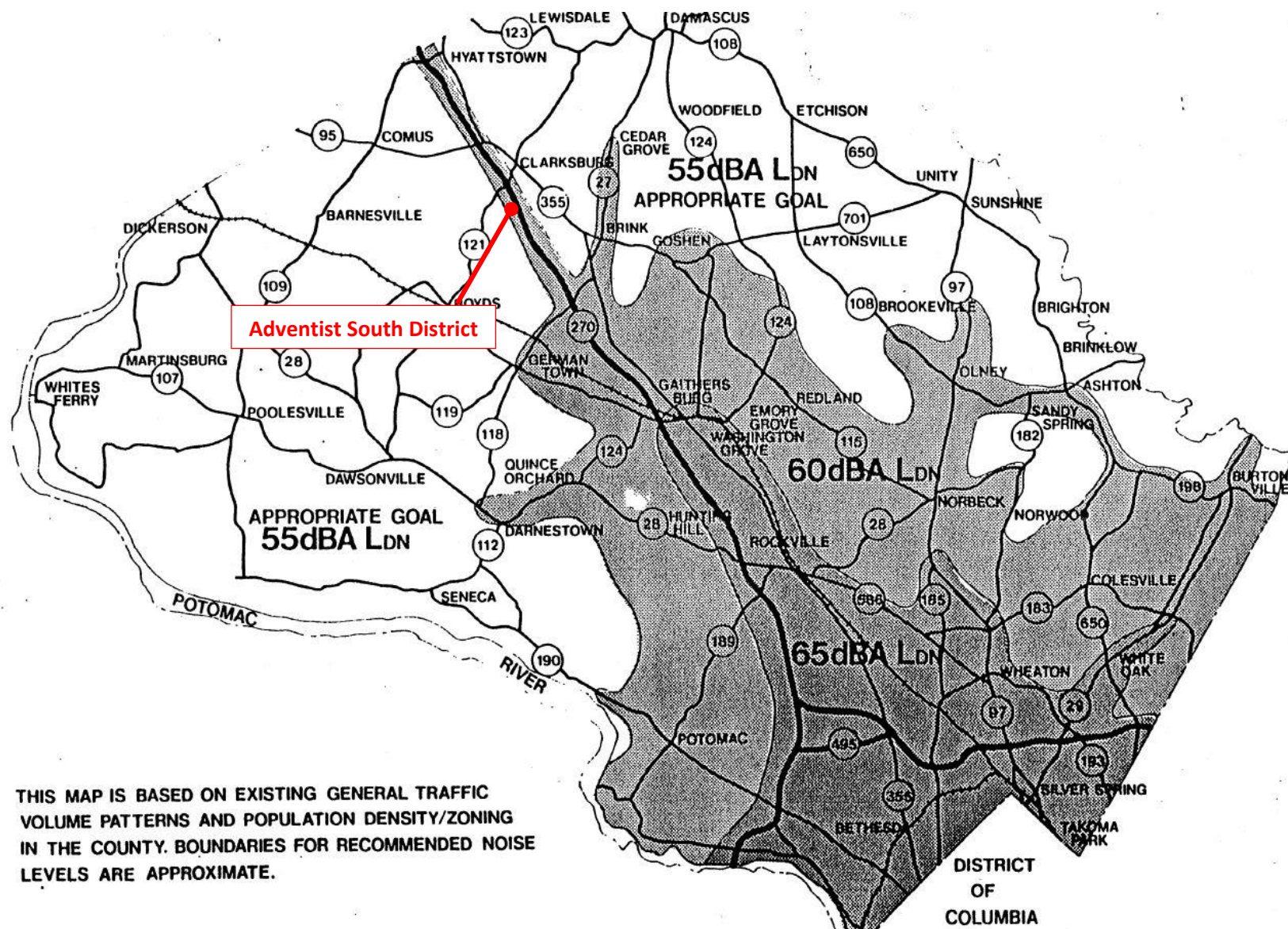
A handwritten signature in black ink, appearing to read "Jeff Ford". The signature is stylized with a large, looped "J" and a cursive "Ford".

Jeff Ford  
Engineer

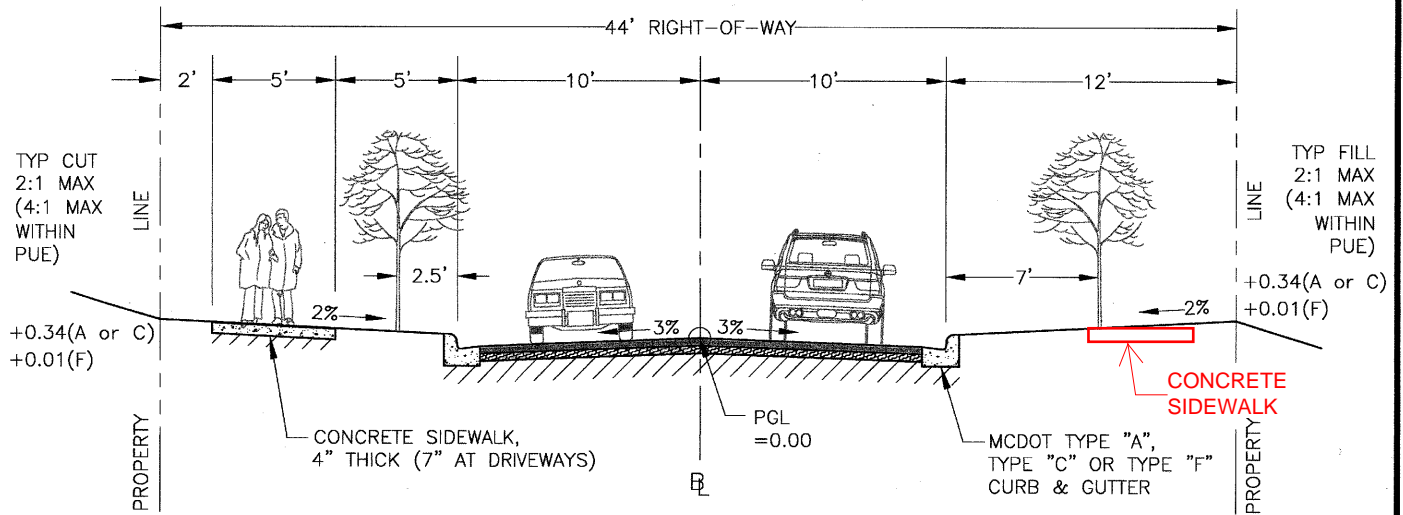
Encl: Figure 1: Map 2-1 from Staff Guidelines for the Consideration of Transportation Noise Impacts In Land Use Planning and Development (June 1983).



Figure 1: Map 2-1 from *Staff Guidelines for the Consideration of Transportation Noise Impacts In Land Use Planning and Development* (June 1983).



# Typical Section (NOT TO SCALE)



## Paving Detail

	3" BITUMINOUS CONCRETE SURFACE (TWO EQUAL LAYERS)
	3" BITUMINOUS CONCRETE BASE
	APPROVED SUBGRADE

## Design Data

GEOMETRIC DESIGN SHALL CONFORM TO MOST RECENT AASHTO "GREEN BOOK" METHODS.

TARGET SPEED (MPH)	SUPERELEVATION	MAX GRADE
N/A (25 MPH SIGHT DIST.)	NONE (-3% MAX)	12%

MIN ALLOWABLE  $R_L$  RADIUS = 100'

## General Notes

1. LATEST EDITION OF THE MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS SHALL APPLY FOR MATERIALS AND METHODS OF CONSTRUCTION.
2. PUBLIC UTILITY EASEMENTS (PUEs) ARE SUBJECT TO "DECLARATIONS OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" RECORDED AS LIBER 3834, FOLIO 457 IN THE LAND RECORDS OF MONTGOMERY COUNTY.
3. STANDARD ELEVATION AT PROPERTY LINE, RELATIVE TO PGL, SHALL NOT VARY AT DRIVEWAYS.
4. PAVING DETAIL DEPICTS THE MINIMUM REQUIRED SECTION. IF SUFFICIENT SUBGRADE SUPPORT IS NOT ASSURED, AN ENGINEERED PAVING DESIGN USING SHA METHODOLOGY WILL BE REQUIRED.
5. NOTE THAT WITHIN A GIVEN CONTEXT, THIS STANDARD MAY NEED TO BE MODIFIED TO PROVIDE ADDITIONAL REQUIRED FEATURES SUCH AS MASTER PLANNED BIKEWAYS, AUXILIARY LANES AT INTERSECTIONS, OR STORMWATER MANAGEMENT FACILITIES. ADDITIONAL RIGHT-OF-WAY MAY BE NECESSARY TO ACCOMMODATE SUCH FEATURES.
6. NOTE THAT ROADWAY SECTION IS NOT SYMMETRICAL RELATIVE TO BASELINE. ACTUAL ORIENTATION OF LEFT AND RIGHT MUST BE REVIEWED AND APPROVED.
7. ALL UNPAVED AREAS WITHIN THE LIMITS OF DISTURBANCE SHALL BE STABILIZED WITH ESTABLISHED GRASS TURF OR APPROVED LANDSCAPING.
8. STREET TREES OF APPROVED TYPE, SIZE AND SPACING SHALL BE PLANTED AT LOCATIONS SHOWN.

STANDARD DEVELOPED AND IMPLEMENTED IN CONFORMANCE WITH COUNCIL RESOLUTION 16-809 ADOPTED DEC. 9, 2008

DIRECTOR, DEPARTMENT OF TRANSPORTATION  
  
CHIEF, DIVISION OF TRANSPORTATION ENGINEERING

25JUN12  
DATE  
6/21/2012  
DATE

MONTGOMERY COUNTY  
DEPARTMENT OF TRANSPORTATION

TERTIARY RESIDENTIAL STREET  
SIDEWALK ON ONE SIDE

STANDARD NO. MC-2001.01











PREPARED FOR:  
**CLASSIC GROUP, LLC**  
 120 WOODMONT AVE  
 SUITE 300  
 FETHESDA, MARYLAND 20814  
 01.913.0404  
 CONTACT: STEVE NARDELLA  
[nardella@classicgroupmd.com](mailto:nardella@classicgroupmd.com)

PLANNER, CIVIL ENGINEER ,  
LANDSCAPE ARCHITECT

**VIKA MARYLAND, LLC**  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN MD, 20874  
301.916.4100  
SYLKE KNUPP, P.E.

**ATTORNEY**  
LERCH, EARLY & BREWER, CHTD.  
7600 WISCONSIN AVE.  
SUITE 700  
BETHESDA, MD 20814  
301.986.1300  
ROBERT HARRIS

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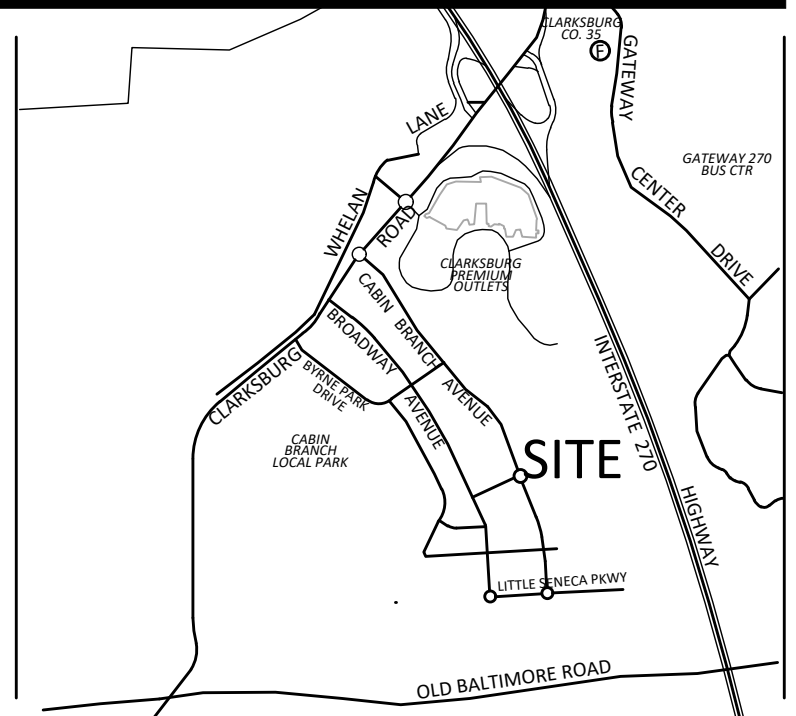
PROFESSIONAL SEAL

6TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 231NW 13 & 14  
TAX MAP: EV 562 & FV-122  
MNCPPC  
#820200150

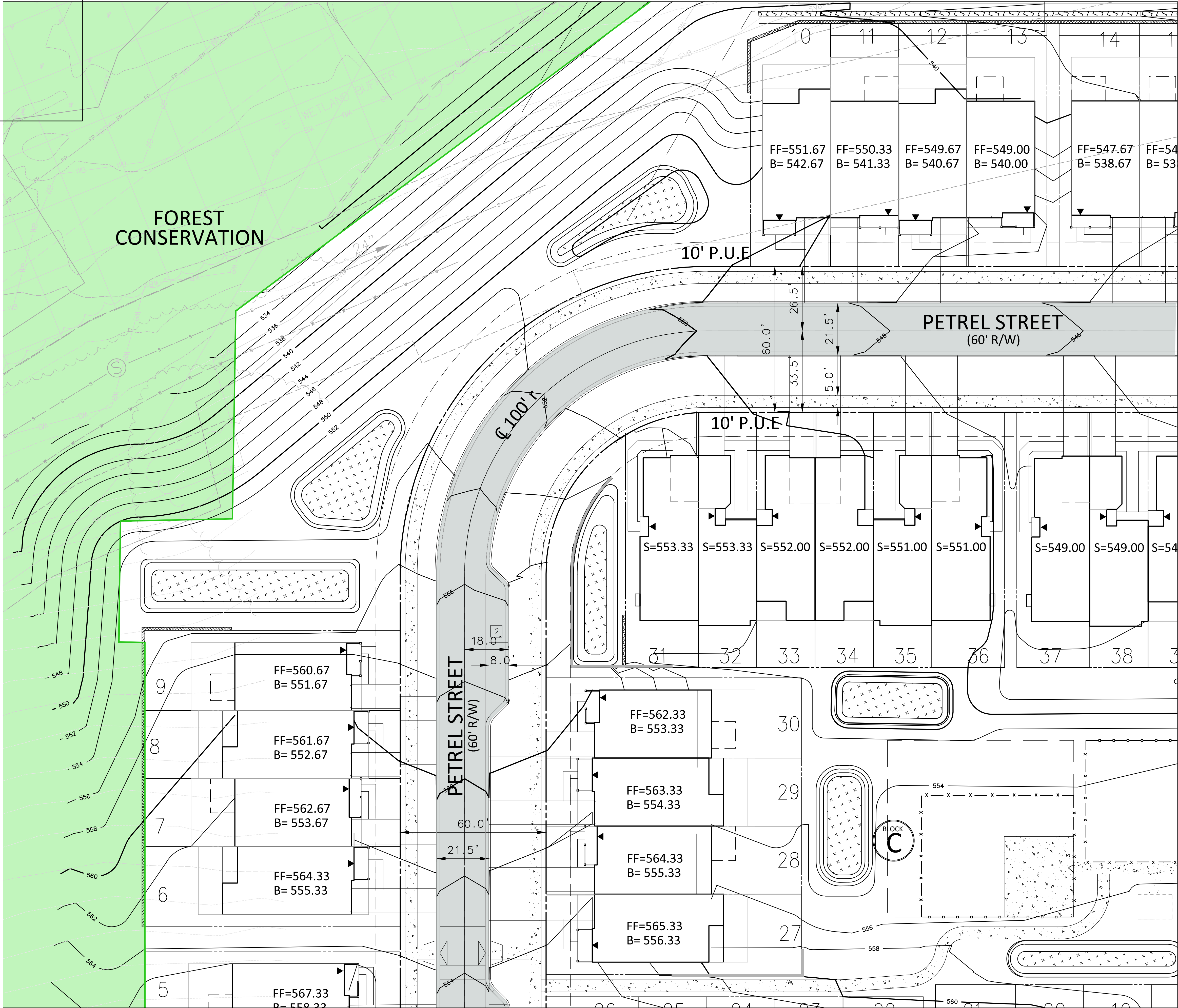
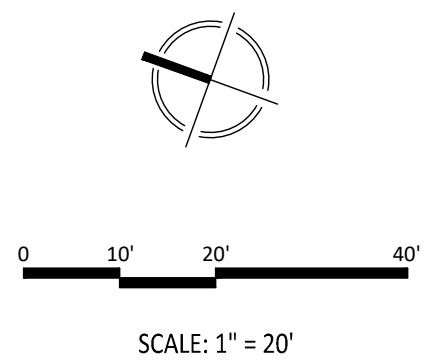
ROAD  
WAIVER  
EXHIBIT

DRAWN BY: \_\_\_\_\_  
 DESIGNED BY: RC  
 DATE ISSUED: \_\_\_\_\_  
 \_\_\_\_\_  
 PROJECT VM50192F  
 \_\_\_\_\_  
 DRAWING  
 D.

SHEET NO. WAV-1



**VICINITY MAP**  
SCALE: 1" = 2,000'



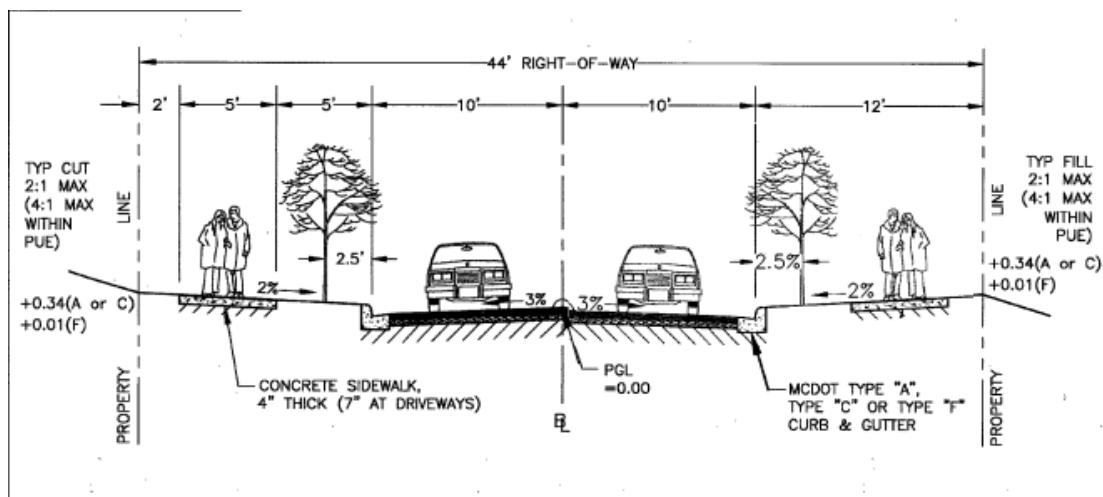


05.28.20

## The Village at Cabin Branch Road Design Waiver Requests

On behalf of our client, The Classic Group (the "Applicant"), we are requesting road design modifications that require a waiver approved by the Planning Board according to Montgomery County Code Chapter 49.32.a and 49.32.d.5 as well as Chapter 50.4.3.E.2.

### Waiver of Chapter 49.32.d.5 Modified MC-2001.01 Reduction of Right-of-Way Width



Under Chapter 49.32.d.5 of the Montgomery County code, the minimum right-of-way width for a standard Tertiary Residential Street is 50 feet, unless specified differently by Master Plan, etc.

The design standards adopted under Chapter 49.32 govern the construction of any County road except Rustic Roads and Exceptional Rustic Roads. If the Planning Board, in approving this site plan, finds that a waiver from the applicable design standards is necessary to promote context-sensitive design of a specific road, the Executive or the Executive's designee must adopt the Board's recommendation.

This waiver requests to reduce that right-of-way width to 44 feet for two interior



streets, Street 'A' and Street 'B', within this site plan phase, while at the same time, adding sidewalk to both sides (the sidewalk is addressed in the Design Exception request document, attached as Exhibit A-1). The street is designed to conform to Montgomery County Department of Transportation standard street section MC-2001.01, with the modification to add sidewalk on both sides. Street 'A' is a proposed public street with a 44 foot wide right-of-way that serves 23 townhome villas. It is an approximately 400 foot long interior street that connects to Petrel and Plover public streets at both ends. Both of those streets are internal circulator streets that tie into the street network of the larger overall community. Street 'B' is also a proposed public street with a 44 foot wide right-of-way that serves 24 townhome villas, is approximately 730 feet long, and is in a loop configuration that connects to Petrel street on both ends.

Given the vision of this community to be mixed-use with a strong road network with formal grid patterns that create a well-connected, walkable community we believe the proposed plan achieves the overarching goal of ensuring safe and adequate circulation, enhanced streetscape, and equivalent stormwater management requirements. As requested by Staff during review, all road connections originally contemplated for this phase of the community have been shown, which integrates well with the overall community as originally envisioned. However, those connections do create constraints on the design of this plan with respect to topography and tying out grades across the land bay as well as road connection locations and the necessity to make the street network work with the proposed Senior Living product envisioned for the site.

Our current design provides stormwater management treatment for the right-of-way in a structural vault located in an easement directly adjacent to the right-of-way and public utility easements on proposed open space parcel(s). This design provides for a more traditional streetscape section that does not require structural stormwater management facilities with sheer elevation drops and guard rails in the direct vicinity of vehicular travel ways and sidewalks. We believe this is a very appropriate and considerate design element for this demographic. In addition, street trees and streetlights are provided along the right-of-way as would typically be expected.

Secondly, Street 'B' is near the stream valley buffer and utilizing the reduced right-of-way avoids impacting that environmental buffer.

The street will be more walkable as parking for the homes will be provided on-lot, and sidewalks on both sides allow more accessibility from the individual homes to the adjacent sidewalks and crosswalks at both ends of the street and on both sides of the intersections.

With respect to impact on future County maintenance operations, there is no significant impact since the modifications minimally change the design standards and align with other areas of this community. Also, the 2 foot maintenance strip adjacent to sidewalk will still allow adequate access for maintenance of sidewalk.



Findings to be met by the waiver request are detailed under Chapter 50.4.3.E.2.a.ii. Since this request complies with a standard MCDOT section and there will be limited traffic expected to utilize these two interior streets, basically limited to homeowners and basic services, we believe it complies with the necessary findings to approve this request.

#### Waiver of Chapter 50.4.3.E.2.g Horizontal Alignment

#### [ADD GRAPHIC]

Due to the site topography and the existing surrounding infrastructure geometry we are requesting a modification to the minimum centerline radius for a secondary residential street as required in the Montgomery County Road Code Section 50.4.3.E.2.g. The Road Code requires a Secondary Residential Street to have a minimum 150 foot radius and this plan proposes a reduction of 50 feet to allow Petrel Street to tie into Cabin Branch Avenue to the West and to tie into Little Seneca Highway to the South, while maintaining the perpendicular intersections to the remainder of the street grid and road network within the community as well as maximizing the environmental buffer area. The street is otherwise designed to conform to Montgomery County Department of Transportation standard street section MC-2002.02.

The 50-foot reduction in the centerline radius provides the optimum layout for the community while encouraging slower vehicular speeds and maintaining sightlines along Petrel Street.

Although the minimum posted speed limit for County Roads is 25 MPH, the narrow road width and steep grades along Petrel Street will calm traffic and result in an actual traveled speed of 15 MPH. The ASSHTO Greenbook table III-1 requires a minimum stopping sight distance of 150 feet for a 25 MPH design speed. Exhibits A-3a and A-3b, included in this request, show that the required stopping sight distances are met with this reduced radius and provide unobstructed views within the right-of-way.

The northern end of the site has steep topography, if the centerline radius of Petrel Street is increased to 150 feet the road grades increase above 8% which negatively impacts the walkability of the site and reduces the number of units that are viable. It also encourages higher speeds around the bend which will cause a dangerous situation for pedestrians, bicyclists and other vehicles. Vehicular traffic calming and pedestrian & bicycle safety will be enhanced due to the modification, gentler slopes for easier walkability and accessibility.

Also, the proposed design has been reviewed with respect to fire access and meets all requirements for safe, adequate access.



**Robert R. Harris**  
*Attorney*  
301-841-3826  
[rrharris@lercheearly.com](mailto:rrharris@lercheearly.com)

July 15, 2020

Ms. Sandra Pereira  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Cabin Branch Senior (Site Plan 820200150)—Noise/Stormwater Management

Dear Sandra:

Again, I want to thank you, your Park and Planning colleagues and the DPS staff for continuing to work with us on an expedited basis in order to be prepared for the Planning Board hearing on July 30. Pursuant to our telephone discussion today, we are transmitting to you plans that reflect the noise wall behind the specified residential units, with an appropriate gap at the base to allow stormwater to be safely conveyed to the bio retention devices and beyond. The gap reflects the proposed design we discussed on the call and we have confirmed through our engineers that the water flow will be suitable.

At the same time, we are transmitting an updated noise analysis to show compliance with proposed condition number 14 in terms of resulting noise levels. This study shows that the noise wall, with the specified gaps for stormwater, meets the noise requirements specified in condition 14.

We trust this letter confirms resolution of the noise wall question and that the matter is ready to submit to the Planning Board on July 30. Thank you for all your work.

Very truly yours,



Robert R. Harris

RRH/paj

Enclosures

cc: Mr. Mark Etheridge (DPS)  
Mr. Leo Galenko (DPS)  
Mr. Doug Johnsen  
Mr. Jeffrey Server  
Mr. Steve Nardella (Classic)



## MEMO

To: Sylke Knuppel, VIKA  
CC: Steve Nardella, Classic Group, LLC  
William Gerald, Classic Group, LLC  
Dover Hankins, Classic Group, LLC  
Robert Harris, Lerch Early Brewer  
From: Jeff Ford, Engineer  
Date: 16 July 2020  
Reference: Cabin Branch Noise Barrier Analysis  
Project No. CGL1802



Phoenix Noise & Vibration recently completed a Phase I Noise Analysis<sup>1</sup> and a Noise Barrier Analysis<sup>2</sup> for the proposed Cabin Branch development (referred to as Adventist South District in the analyses) in Montgomery County, Maryland.

The Phase I Noise Analysis determined existing and future roadway noise levels throughout the proposed site using on-site noise measurements and a computer model developed with existing surrounding site information, future site information, and projected roadway data. Noise impact throughout the future site was calculated at the ground and upper level, 5 and 25 feet above grade, respectively.

The Noise Barrier Analysis was conducted to determine noise barriers required for the outdoor activity areas. Following the completion of the analysis and in regard to the mitigation of noise impact upon outdoor activity areas, Staff recommends the following to the Planning Board:

*The Planning Board grants a waiver under Section 2.2.2(2) of the 1983 Staff Guidelines for the Consideration of Transportation Noise ("Noise Guidelines") to allow noise impacts to the exterior open spaces in residential areas to be higher than the recommended 65 dBA Ldn level, but less than 70 dBA Ldn.*

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<sup>1</sup> Report #190226 dated 26 February 2019, prepared for Classic Group, LLC.

<sup>2</sup> Report #200515 dated 15 May 2020, prepared for Classic Group, LLC.

As of the date of this letter, the waiver is still pending approval by the Planning Board; however, the noise barrier analysis will be modified to maintain all outdoor activity areas below 70 dBA Ldn<sup>3</sup> to present the noise barriers required to confirm to Staff's recommendation.

For reference, enclosed Drawing 1 presents the future ground level noise levels without any noise barriers. This drawing was presented in both the Phase I Noise Analysis and Noise Barrier Analysis. Enclosed Drawing 2 presents the noise barriers required to maintain noise levels below 70 dBA Ldn in all outdoor activity areas. As shown in Drawing 2, noise barriers ranging from 6 to 9.5 feet tall will be necessary.

To allow for drainage from the rear yards, there will be a bioswale located on the northeast side of the 9.5-foot tall noise barrier (opposite side as the rear yards). A 4-inch gap must be maintained between the finished grade and the bottom of the 9.5-foot tall noise barrier to allow for drainage from the rear yards. To account for the increased noise transmission through this gap, the height of the noise barrier was increased to 9.5 feet (originally 9 feet). Additionally, a small berm with an increase in elevation of 1-foot above the finished grade below the noise barrier will be built on the northeast side of the bioswale. The berm will block line of sight from the 4-inch gap to I-270. Enclosed Figure 1 presents a sketch of the noise barrier and berm.

With the construction of the noise barriers (and berm) presented on Drawing 2, future noise levels at ground level (5 feet) will be below 70 dBA Ldn throughout all outdoor activity areas and rear yards.

Encl: Figure 1: Sketch of noise barrier and berm.

Drawing 1: Adventist South District Future Ground Level Noise Levels.

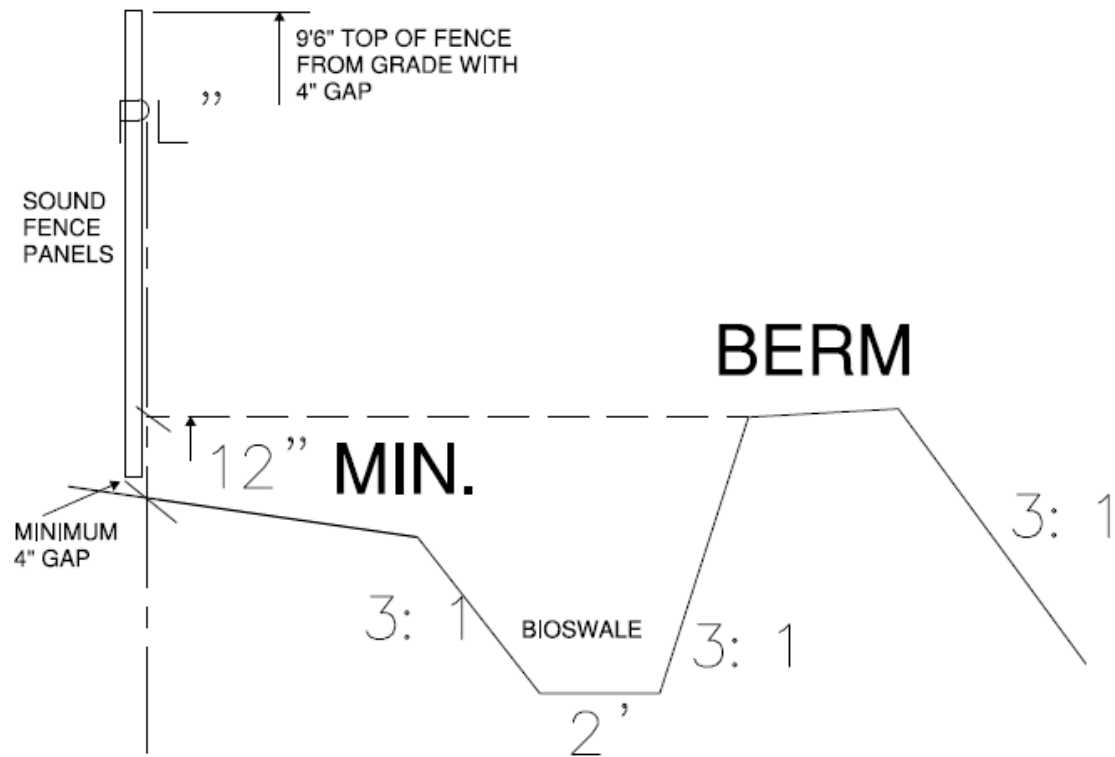
Drawing 2: Adventist South District Future Ground Level Noise Levels with Barriers.

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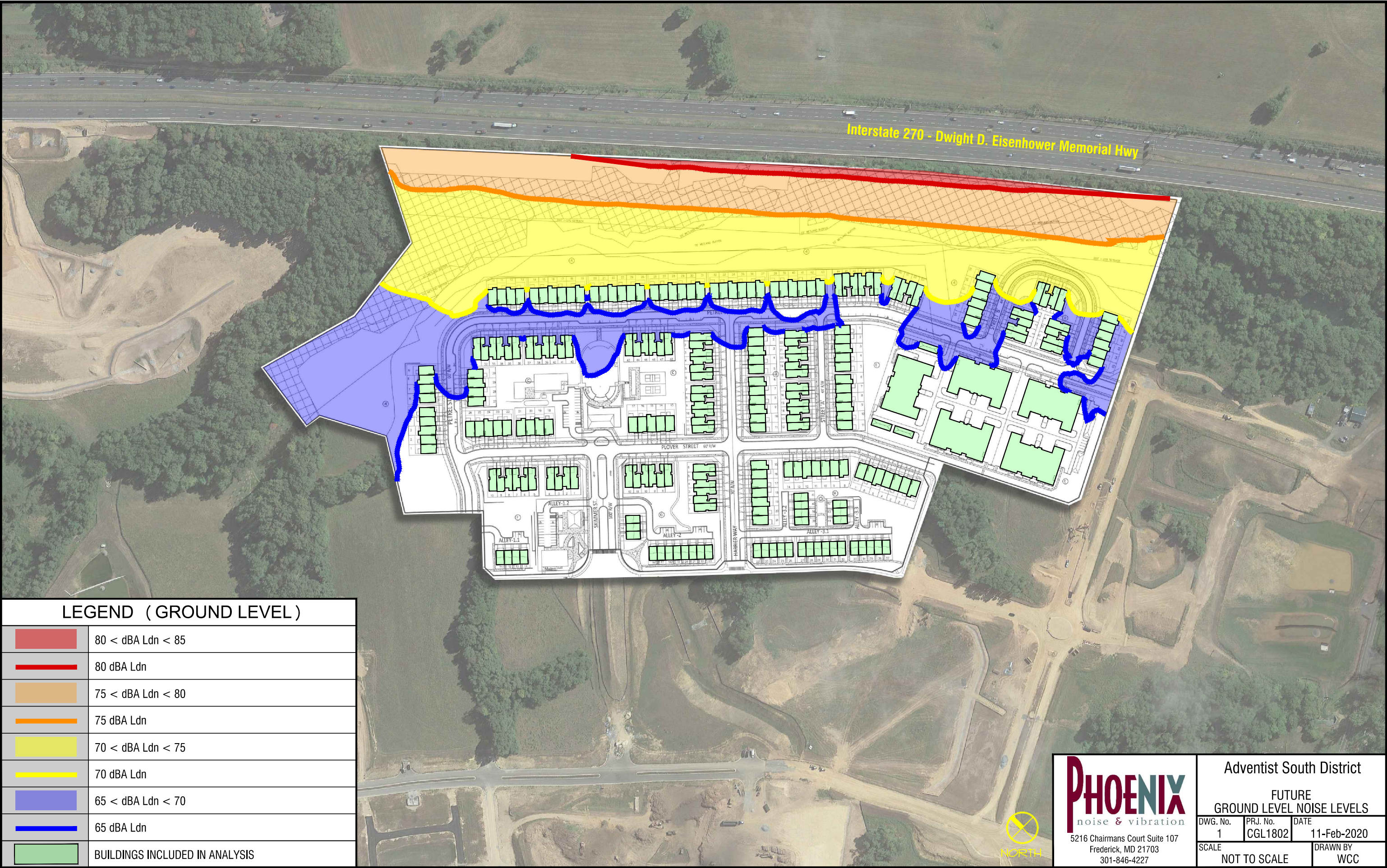
<sup>3</sup> The day-night average noise level, or Ldn, is the equivalent sound pressure level averaged over a 24-hour period, obtained by adding 10 dB to sound pressure levels measured from 10:00 PM to 7:00 AM. This 10 dB "penalty" accounts for the added sensitivity caused by noise generated during nighttime hours.

The Ldn is NOT a measurement of the instantaneous noise level. It is very possible to have several short term events (tractor trailer, emergency vehicle siren, car horn, etc.) which generate a relatively high noise level (e.g. 85 dBA) during a given time period, yet have a more moderate overall Ldn value (e.g. 65 dBA Ldn).

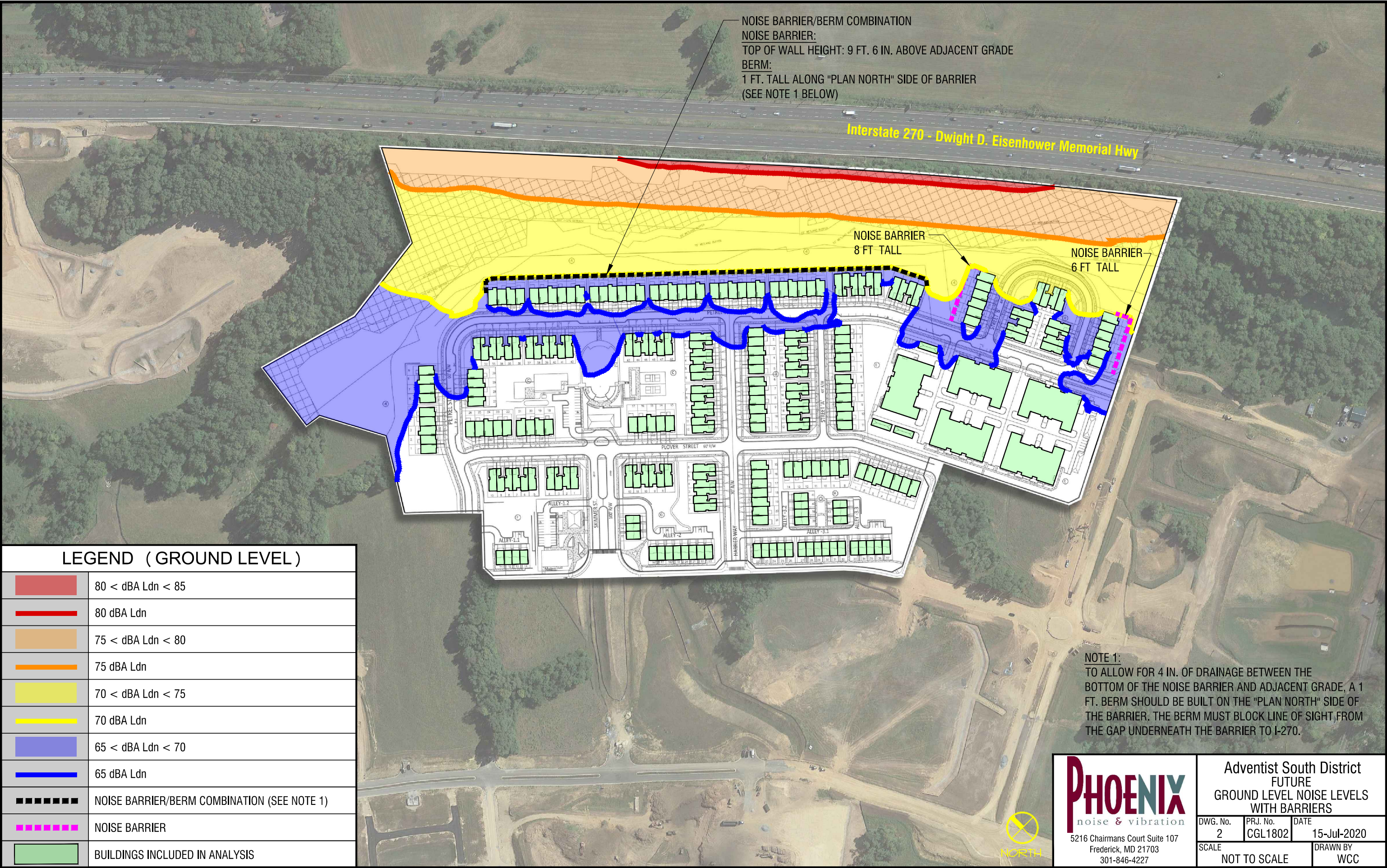
**Figure 1: Section view sketch of the noise barrier and berm prepared by Vika.**













Statement of Justification  
Classic Group LLC Cabin Branch Senior Housing  
Site Plan Number 820200150  
Revised April 15, 2020

I. Background

Cabin Branch is a planned community envisioned by the Clarksburg Master Plan which was adopted 26 years ago in 1994. The overall property is approximately 535 acres in size, bounded by I-270 on the east, Maryland Route 121 on the northwest, and West Old Baltimore Road on the south. The property is the subject of a Development Plan (LMA G-806) approved by the Montgomery County Council in 2003. The Development Plan was later amended in 2014 to accommodate the Clarksburg Outlet Center (DPA 13-02). The development was approved under the site's prior MXPD zoning but the property is now zoned CRT-0.5, C-0.25, R-0.25, H-130T. The Development Plan allows for up to 1,886 non-age restricted dwellings, 2.4 million sq. ft. of employment/retail and up to 500 units of senior housing. Following approval of the Development Plan, the Planning Board approved the Preliminary Plan of Subdivision (No.1- 03110A) for the uses approved in the Development Plan and later amended it in 2008 (No. 12003110B) to allow the full amount of development allowed by the Development Plan. These approvals included evaluation of the adequacy of public facilities including roads, schools and water/sewer, and compliance of the uses (including the senior housing) with the Zoning Ordinance, Master Plan and Development Plan. Following approval of the Preliminary Plan of Subdivision, the property owners have obtained approval of Site Plans for successive portions of the planned community. Most recently, the Planning Board approved a multifamily component (Cabin Branch Multifamily No. 820180060) for 272 multifamily units along Cabin Branch Avenue and a second commercial component on the



northern portion of the Cabin Branch tract (87,500 sq. ft. of employment, and 8,600 sq. ft. of retail uses No.820060240). Prior to that the Board approved Site Plan No. 8-20140160 for 450,000 sq. ft. of commercial use.

Given the large size of this property, the early stage of development in Clarksburg at the time the Development Plan was approved, and the uncertainty as to which uses might be most viable by the time of construction, the approvals provided great flexibility. The development amounts established by that Development Plan were identified as maximums with the recognition that specific site plans would fix the actual uses, locations and densities at a later date. Implementation of the original Development Plan over time has shown this flexibility. Most significantly, at the outset, Adventist HealthCare envisioned a major hospital complex on a significant portion of the property including a hospital, medical office buildings, outpatient treatment facilities, nursing care and other accessory functions. At that time, however, the Certificate of Need requirements in Maryland for such facilities did not justify the use. Ultimately, the State of Maryland determined instead that construction of a new hospital at the Germantown campus of Montgomery College would better serve the state and county's medical needs. This caused a necessary evolution of the plan to other uses permitted in the MXPDP zone.

Much of the approved housing has been built or is under construction, the outlet center has been built and the service retail/hotel uses are in development with construction underway. The one initial element that has not proceeded until this point in time is the senior housing component. This application seeks to proceed with that feature. The location is in the southeast corner of Cabin Branch, east of Cabin Branch Avenue. It consists of approximately 62 acres,

including a separate component south of Little Seneca Parkway where additional service retail and employment is envisioned. In accordance with the federal housing exemption guidelines for age restricted communities, the senior housing residents will be restricted to at least one occupant 55 years of age or older with no school aged minor children. This restriction will be conditioned by a covenant recorded on the plats and enforced by the to be formed community association.

## II. Senior Demand

The anticipated demand for senior housing included in the approved Development Plan and Preliminary Plan of Subdivision has only grown since those plans were approved more than 15 years ago. Recent projections anticipate that approximately 30% of the population and nearly 40% of the households in Montgomery County will be headed by residents 55 or older by 2023. At that time, the project will be open and in full marketing and sales. The need for senior housing is both compelling and growing and is undisputed. Montgomery County has added a number of multifamily independent and assisted living projects as well as nursing care facilities serving older residents, thereby adding to the existing stock of such units, but there has been virtually no recent production of "right sizing" active adult housing in new, active and socially connected communities, with living units designed as part of a planned community including walking paths, park amenities and other features. Leisure World is perhaps the only example in Montgomery County and it was built out decades ago. Other portions of the Greater Washington DC region have responded to these needs in ways Montgomery County has not. Examples include the Del Webb communities in Fredericksburg, Haymarket and Ashburn

Virginia, Erickson communities in Ashburn, Springfield, and Lansdowne, Virginia and the Two Rivers community in Anne Arundel County.

There are extended benefits to the provision of such senior housing opportunities. Montgomery County is facing a critical housing shortage while at the same time many seniors are "over housed" in homes designed for family living. Many of these owners would be willing to move to attractive communities near their existing homes, their friends, and possibly their children, if they could find houses designed for senior living with first floor owner's and secondary bedrooms, single level living and other such features, organized in a comfortable, walkable environment, where amenities and other residents match their interests. Additionally, the County benefits in a major way in terms of taxes because of the income and property tax payments such residents generate with little to no public cost, given the absence of school requirements and low transportation demands. Cabin Branch is an ideal location given the pre-existing investment in public infrastructure (roads, water/sewer, paths, parks, amenities and other services), the overall quality of the community and a surrounding population that includes likely buyers.

### III. Classic Group Experience

Classic Group, LLC, is celebrating its 30th year in business and has completed many projects in the County and across the Baltimore-Washington Metro area as well as in Virginia. Its principals have over 40 years of experience in delivering large, master-planned communities that include active adult senior housing. Classic's current success is being achieved by



delivering an exceptional resort styled active and socially connected community that includes both all aged market rate housing and active adult senior housing. Due to its scale at over 2,000 units, exceptional amenities, mix of housing choices and relative affordability, Two Rivers in Anne Arundel County has consistently been among the best-selling communities and Maryland as well as in the Greater Metro region. It has attracted buyers not only from Anne Arundel County and neighboring Baltimore, Howard, and Prince Georges County but also from Montgomery County as well given the absence of a similar project in Montgomery County. Two Rivers has also attracted many new residents moving from all over the Northeast and Mid-Atlantic states including NY, NJ, North and South Carolina and even Florida to name a few as buyers move back to be closer to children and grandchildren. They frequently bring other friend and family members along with them to live in the same neighborhood. Classic Group wants to serve that market in Montgomery County with Cabin Branch.

#### IV. Site Plan

The proposed Site Plan reflects an inviting, walkable village for active seniors, functioning within the overall Cabin Branch community and as a component of the larger Clarksburg area. In terms of units, the Plan calls for 135 condominium units in 5 buildings with integrated parking. These units have been designed pursuant to Park and Planning Staff comments to present an attractive frontage along the interior roads and to support the walkability of the community. The multifamily condominium buildings are arranged in an urban cluster of smaller scaled four story buildings creating a strong street edge with most of the resident parking under the building. Single car individual parking garages inside the building

provides direct, private, secure and conditioned access to the building. One car carriage doors are located on the back or side of the building away from street view. Additional resident parking is provided in detached carriage houses that are architecturally enhanced and landscaped. Only visitor parking is surface parked. The carriage houses have been arranged to screen the view of garage doors that might otherwise be visible from the any adjacent public street. All the condo buildings are located on and access secondary streets more internal to the project rather than the main boulevards of Cabin Branch Avenue or Little Seneca Parkway. The individual building presentation at the street in terms of scale and height are no larger than a row of 4 story townhouses or 2 over 2s, many of which exist throughout Cabin Branch. The multifamily buildings are therefore compatible with adjacent townhouse and villa buildings. They are well connected to the street with a number of direct connections to sidewalks and secondary walks. The remainder of the planned housing will consist of 240 townhomes/villas of various designs including both rear and front loaded units with private yard areas. The site will include facilities for active and passive recreation and socialization in both formal and informal indoor and outdoor spaces for the residents including a fitness center with included juice/coffee/tea bar with healthy snacks, community club with social and recreational gathering spaces, formal and informal flower/vegetable and herb gardens, bocci and pickelball courts, dog park and planned community service or retail. The community will include a well-developed network of walking paths and sidewalks connecting to open space, garden areas, pocket parks and sitting areas and other features enabling the residents to be both active and passive, and to interact with their neighbors. We also intend to connect to existing services and county facilities and bring health and learning opportunities from Adventist Health Care community

health services, the Montgomery College Life Long Learning Institute and the Blackhills Regional Park

The main roads will be public pursuant to the County's request, and all road connections are from existing, planned connection points in the street grid initially approved with the Cabin Branch Infrastructure Site Plan. There are some private streets and/or alleys to serve rear loaded townhome units, multifamily units and parking facilities. These private streets/alleys will be privately maintained in order to meet express requirements for senior housing who demand a high level of service and maintenance. The applicant is seeking three design exceptions for the incorporation of private streets/alleys as shown on the Site Plan and for a reduction in the minimum allowable radius for a public road, and for rolled curbs to improve the streetscape in front of some townhome/villa units. The private streets/alleys allow for flexibility in improvements to vehicle circulation and the design exceptions support the efficiency of the design. They will provide safe and efficient access to right-of-way circulation, supplement visitor parking and will comply with fire access requirements. The reduction in the minimum allowable radius in one location on Petrel Street is driven by site conditions and topography, and is located on a section of the street that handles only internal circulation.

Applicant has met repeatedly with Planning Staff over the past year in order to refine various aspects of the proposal. This included initial discussions followed by a voluntary Concept Plan for review by the full Development Review Committee (Concept Plan No. 520190210). As a result of these discussions, applicant has revised the plan in multiple ways. They have relocated the multifamily units from Cabin Branch Avenue to a more interior location and redesigned the facades of the buildings facing the roads. The Cabin Branch



Avenue frontage also has been changed to include rear load townhomes, retail and a fitness facility intended to serve the broader Cabin Branch community. The clubhouse area for the senior village has been reconfigured and open space has been added and redesigned and includes an additional village green in front of the clubhouse. Public streets have been included for most locations with revised designs recommended by the County, and per staff request, applicant has included a connection of Petrel Place to Cabin Branch Avenue to complete the grid. The addition of requested rear load townhomes now creates a mix of both rear and front load units to serve variable interests of the anticipated buyers, with rear load designs particularly in high visibility areas. The inclusion of rear load townhomes along Cabin Branch Ave. will provide a consistent and compatible streetscape with existing and planned development across Cabin Branch Avenue from the property. Front garage units have been designed with one car garages and a single driveway entrance in order to enhance the attractiveness from the street. Front garage access is an important lifestyle element for the senior adult resident who intends to age in place and appreciates a more accessible, safe, maneuverable, well-lit and public approach to their homes. Many of the units will have front porches and other architectural features, lead walks connected to driveways and lawn areas along the street frontage. Applicant appreciates the cooperative effort with Staff that has resulted in the improved layout of the project and unit design.

## V. Outreach

In addition to the multiple meetings with Park and Planning Staff and other agencies, applicant also has met with the community. Through its outreach with the community, local

residents have expressed encouragement for the addition of senior housing to Cabin Branch in the form proposed by Classic Group. They themselves see demand for senior units through their own family connections and are anxious to see Cabin Branch approach completion and function as the integrated, multigenerational community envisioned for Cabin Branch. Finally, the applicant has reviewed the proposed project with the Cabin Branch Town Architect designated to review site and architectural design features and elements in within the context of and in accordance with the Cabin Branch Design Guidelines prepared by the Town Architect and approved by the MNCP & PC. Recognizing the unique needs and lifestyle requirements of a 55+ resident who intends this to be their last home that will allow them to gracefully age in place, a copy of their letters of support approving all proposed building types for construction in Cabin Branch is attached as Attachment A.

## VI. Findings

### A. Zoning Ordinance

The Site Plan is being reviewed under the MXPD zone in the Zoning Ordinance in effect on October 29, 2014, under the exemption in Section 59.7.7.1.B.1. Although the property is zoned CRT and could be reviewed under those standards, including the possibility of the Standard Method with Planning Board Site Plan approval for any variations, this application is being reviewed under the MXPD zone standards. It is implementing a Preliminary Plan and an LMA that were both approved under the old MXPD zone thereby qualifying for the exemption.

The Cabin Branch Development Plan and Preliminary Plan were approved nearly 20 years ago. Given that the Cabin Branch project is an extremely large project (more than 540 acres) and was expected to have a long term buildout, both the Development Plan in the Preliminary

Plan provided a high degree of flexibility for implementation. The predicted long build out was later exacerbated by a shutdown of development in Clarksburg, followed closely by a severe recession that affected both housing and commercial development for many years. The flexibility in the approved development plan and preliminary plan were further driven by the fact that one of the main landowners of Cabin Branch was Adventist Health Care. They had purchased a major portion of the site with the objective of some day building a hospital complex along with medical office buildings and other facilities related to the hospital. They recognized at the time, however, that a hospital can only be built if the state of Maryland issues a Certificate of Need for it. The process for that is very complicated and uncertain and, equally important, is driven by hospital demand. At the time of the Development Plan approval, Adventist Health Care recognized that there was insufficient need for an additional hospital in Montgomery County and that it could be years before they could justify his Certificate of Need. Therefore, they requested a maximum of flexibility for uses ranging from a hospital, to other commercial uses, residential uses and senior facilities. As fate would have it, years later, when demand did support a new hospital in Montgomery County, the state of Maryland decided to award the certificate of need Holy Cross Hospital for a site at the Montgomery College Germantown campus instead of Kevin branch. This immediately generated an interest on the part of both Adventist health care, the other Cabin Branch property owners in the county overall, to find other uses that fit within the approved Development Plan and that could in fact proceed and use the land opportunity and public infrastructure.

In retrospect the intended flexibility of the development plan and preliminary plan were fortuitous for another reason. Over the past 20 years, the demand for suburban commercial development sites has declined significantly. Employers increasingly want to locate their



facilities in urban areas like downtown Bethesda (e.g. Marriott) resulting in no real demand in the Clarksburg area for such development. On the other hand, the demand for housing opportunities has continued to grow and Montgomery County has been focusing increasingly on addressing the housing shortage. At the same time, the demand for senior housing, generally limited 20 years ago, has grown exponentially as the “silver tsunami” has hit with the baby boom generation. Fortunately, the flexibility in the Development Plan and implement a plan enable Cabin Branch to address this housing demand, and the goal of senior housing in particular. The Development Plan specifically says that area C in which the major portion of this proposed development would occur can accommodate zero commercial development. At the same time, it indicates the area is planned for between 150 and 500 senior housing units. The plain meaning of this language is that no commercial development is required there because zero is allowed and that up to 500 units of senior housing also is allowed irrespective of any commercial component.

- 1. The site plan conforms with all non-illustrative elements of a Development Plan or diagrammatic plan, and all binding elements of a Schematic Development Plan, certified by the Hearing Examiner under Section 59–D–1.64, or is consistent with an approved Project Plan for the Optional Method of Development, if required, unless the Planning Board expressly modifies any element of the Project Plan.*

The Site Plan is consistent with the Development Plan for the Cabin Branch neighborhood adopted by LMA G-806 on September 9, 2003 and as amended by DPA 13–02 by County Council Resolution No. 17–1002 on February 4, 2014.

Included in the Development Plan is a list of 11 binding elements, a series of four

tables showing the acceptable range of development within the four development areas of the MXPDP zone, and a MXPDP zone yield summary for the total amount of development allowed within the MXPDP portion of the Cabin Branch neighborhood.

a. Binding Elements

Of the 11 Binding Elements, Nos. 1, 4, 6, and 8 are pertinent to this project. The remaining Binding Elements are Cabin Branch wide elements including providing off-site infrastructure, trip production, master planned roads, street parking and limits on commercial retail uses which have been met by earlier phases. The pertinent Binding Elements are paraphrased below along with how this Site Plan adheres to them. A full list of the Binding Elements and their full text can be found in Attachment B.

(1) Transferable Development Rights and Moderately Priced Dwelling Units

The total Cabin Branch neighborhood, if built to its full residential density, will require a minimum of 210 MPDUs and up to 635 TDR's, assuming a total development of 1,886 non-senior units. The senior housing is located in an area rezoned to the MXPDP zone from the I-3 zone and is not part of the TDR obligation applicable to the other parts of Cabin Branch.

The Site Plan will address MPDU requirements under Chapter 25A of the County Code. The senior housing units will be for sale units rather than rentals. Under Section 25A–5(l) the project is required to make a payment to the Housing Initiative Fund to meet its MPDU requirement.

(4) Street Network

*A network of public streets shall be provided, that may be supplemented by private streets, in a grid pattern that promoted interconnectivity. The public streets shall be any master planned street in residential or business streets needed to form blocks that are substantially similar to the street system shown on the Development Plan.*

The primary streets are designated as public, with limited sections of alleys and/or streets being private where particular development conditions are better served by private streets. The street pattern is in substantial conformance to the pattern approved on the Development Plan

(6) Street Character

*All streets will adhere to a pedestrian friendly pedestrian-friendly design to the extent practicable which places emphasis on a building line to frame the street, and parking in the rear. Within the core, pedestrian friendly uses including retail,*



*residential or office will be located on the first floor. The entire MXPDP area will conform to a Cabin Branch community streetscape plan designed to integrate the entire community.*

The Site Plan conforms to street character requirements of the Binding Elements. Buildings frame the street with parking located either to the side or rear of structures, minimizing its impacts to the streetscape. While some parking is visible to the road, it is landscaped and set behind the front building line.

(8) Service Public Uses

*Service/public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care.*

This application is a direct response to the recognition from the first approval, that senior housing would be an appropriate use at Cabin Branch.

b. Development Range Tables

The Development Plan divides the MXPDP portion of Cabin Branch into four distinct areas, labeled A, B, C and D and includes a range of allowed intensities for each land use within each area. The subject development is located in Areas C and D of the Development Plan. Both areas provide for a variety of possible uses including

non-age restricted residential, employment or senior housing, with Area C itself allowing up to 500 senior units, Area D allowing up to 200 (with a maximum total of 500) and each area accommodating retail and service uses. The proposed project is within the broad flexibility provided by these development ranges.

2. The Site Plan meets all of the requirements of the zone in which it is located, and where applicable, conforms to an urban renewal plan approved under Chapter 56.

The Site Plan is not subject to an urban renewal plan approved under Chapter 56. The subject property is approximately 62 acres in size and is located in the area previously zoned MXPDP. The objective and purpose of the zone is to allow implementation of comprehensively planned, multi-use centers away from central business districts or transit, and to implement master plan recommendations in a more flexible manner. Section 59–C–7.5 of the County's prior Zoning Ordinance makes it clear that the MXPDP zone is intended to provide a maximum of flexibility in comprehensive design and development to implement public plans and County policies as easily as possible. It provides very few standards, leaving to the Planning Board the determination of what is appropriate for a subject site. Although it allows all types of uses, it does not mandate any. The primary guideline for the Planning Board in the application of the MXPDP zone to particular properties and applications is the compatibility of the proposed project with existing or proposed uses in the vicinity. The

subject Site Plan ensures just that. The MXPDP zone was mapped here as part of a LMA, which found the flexibility of MXPDP zone to be the best way to implement the recommendations of the Clarksburg Master Plan. The proposed senior use was specifically identified as part of the original LMA approval for this area of the site. The proposed project meets the development standards for the MXPDP zone including minimum area, tract area, minimum Green area, maximum building height, density and parking. (See Development Table attached as Attachment C).

a. Location of Buildings and Structures

The location of buildings and structures is adequate, safe and efficient. The single-family, multifamily and commercial facilities are positioned to provide a high level of activation to the existing and proposed public street system while at the same time providing attractive and convenient housing arrangements for the future senior residents.

Development of this Site Plan does require use of retaining walls to create usable grades within the developable area while minimizing impacts to adjacent forest, stream buffers and other site components. Applicant is using the location and design of buildings themselves to the extent possible to manage grades and is allowing more natural slope areas to occur where feasible. The combination of natural slopes, retaining walls, and building locations provides for the most usable site responsive to the particular requirements of its senior residents. The retaining walls included are consistent with other walls in the Cabin Branch development and are necessary because of the terrain and



adjacent environmental features. A retaining wall exhibit is included for clarity of understanding the number, extent and height of the walls.

b. Location of Open Spaces, Landscaping and Recreation Facilities.

Open spaces and Green area

The location of the open space areas is safe, adequate and efficient. The open space requirement for the MXPDP zone is in the form of green area and The Zoning Code requires 50% green area in residential areas and 40% green area in commercial areas. In the Cabin Branch neighborhood, green area is averaged across the entire MXPDP zone portion of the Cabin Branch neighborhood. The entirety of Cabin Branch requires 120.98 acres of green area. With the implementation of this Site Plan, and with estimates for the remaining portion of the Cabin Branch project, green area will be approximately 162 acres when the neighborhood finishes developing. A portion of the green area and open space is located in the environmentally constrained land to the north and east of the project and includes existing Category I conservation easements. With the low density, single-family townhouse for this area, and a limited number of multifamily units, there is abundant green area throughout the project itself, some of which is in private lawn areas for individual units and other is in public areas.

c. Recreation Facilities

The location and quantity of provided recreation facilities is safe, adequate and efficient. Given that the subject development is limited to senior residents, the amenities and recreation space have been designed specifically with those

residents in mind. The table attached as Attachment D shows how the facilities exceed the requirements for the senior residents and meet the requirements for all age groups other than tots and for the total combined requirement. These uses include extensive walking areas both within this component of Cabin Branch and connected to the greater Cabin Branch neighborhood. A recreation amenity center and gardens are located near the center of this area and are specifically targeted for the senior residents. Beyond that, the Cabin Branch planned community itself has extensive recreation facilities including a public park, extensive playground areas for all ages, play fields, both natural and hard surface walking trails and other features that exceed recreation requirements. The project exceeds its recreation requirements.

d. Landscaping and Lighting

The location and quantity of the proposed landscaping and lighting is safe, adequate and efficient. The Site Plan is proposing landscaping to serve multiple purposes, including screening and canopy cover, landscaping around amenity areas and landscaping adjacent to the proposed buildings. Buildings will have foundation plantings, there will be street trees and other ornamental features. The Site Plan also includes landscaping in and around parking areas.

The lighting provided is safe, adequate and efficient for ensuring good nighttime visibility within the parking areas and open space areas, without negatively impacting surrounding residential dwellings.

e. Pedestrian and Vehicular Circulation

The location and design of the pedestrian circulation on the subject property is safe, adequate and efficient. There are sidewalks throughout the project, both along the streets and through open areas where topography permits and where pedestrian demand will occur and there are bicycles areas both within and connected to the project.

The location and design of vehicle circulation on the subject property is safe, adequate and efficient. Access to the subject property will be through multiple points at Petrel Street (both at the north and south ends of the site), Skimmer Street, Harrier Way, Dovekie Avenue and Plover Street. Internal circulation include a modified grid of public and private streets, alleys, walkways and bicycle connections.

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

The proposed use and structures are compatible with other uses, Site Plans, existing and proposed development on adjacent properties. The project has been designed to be a vital component of the overall Cabin Branch development north and east of this development are stream valley and forest conservation areas, to the west is residential development of a nature compatible with that which is proposed here.



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

The Site Plan meets the requirements of Chapter 22A, Forest Conservation Law Chapter 19 Water Resource Protection. The site is subject to the Forest Conservation Ordinance and an approved Final Forest Conservation Plan ("FCP") for the entire Cabin Branch Project. The FCP has been amended several times, including most recently on May 23, 2019. Applicant is seeking an amendment to the approved FCP for this project, which proposes to restore any impacts to previously approved afforestation areas and forest retention areas. No net change in forest conservation is proposed with this plan.

No additional specimen trees are proposed to be removed with this Site Plan; however, the Critical Root Zones (CRZ) of two additional specimen trees will have three percent and seven percent impacts with this plan. The CRZ impacts to these two trees were minimized to the extent practical, and a Tree Variance Request is being submitted by Applicant in accordance with Section 22A-21 to allow for minimal CRZ impacts to these trees.

The subject property is located within the Clarksburg Special Protection Area therefore consistent with SPA law Section 19–62; the Water Quality Plan has been reviewed. The Site Plan incorporates micro-bioretenment facilities and permeable pavement to provide Environmental Site Design ("ESD") elements. A Sediment and

Erosion Control Plan will be prepared and submitted to DPS for approval prior to construction commencement.