Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reedie Drive Floor 14 Wheaton, MD 20902

MontgomeryPlanning.org

	MCPB Item No.
inary Forest Conservation Plan H-141	Date: 9.9.21

White Oak Apartments, Prelimin

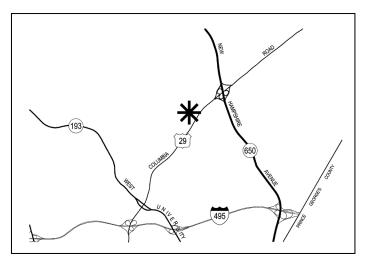
M Amy Lindsey, Planner Coordinator, Mid-County Planning, <u>Amy.Lindsey@montgomeryplanning.org</u>, 301-495-2189 $[\mu_{a} \downarrow]$ Matthew Folden, Supervisor, Mid-County Planning, <u>Matthew.Folden@montgomeryplanning.org</u>, 301-495-4539

Carrie Sanders, Chief, Mid-County Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

Completed: August 27, 2021

Description

- Preliminary Forest Conservation Plan associated with a Local Map Amendment for the rezoning of 7.83 acres from the CR-0.75, C-0.75, R-0.25, H-75 Zone to the CRF-1.25, C-0.25, R-1.25, H-85 Zone to construct a residential multi-unit project.
- Location: 2220 Broadbirch Drive, White Oak within the 2014 White Oak Science Gateway Master Plan area.
- Applicant: White Oak Apartments LLC.
- Acceptance date: May 18, 2021.
- Public Hearing by the Hearing Examiner: 9/24/21.
- Review Basis: Chapter 22A.



Summary

- Staff recommends approval with conditions.
- The Applicant proposes to:
 - Clear 0.11 acres of forest.
 - Retain 0.24 acres of forest in a Category I Conservation Easement. 0
- Per Section 59-7.2.1, the Planning Board must make a recommendation to the District Council on the Preliminary Forest Conservation Plan concurrently with the Floating Zone Plan.
- No community correspondence has been received as of the date of this Staff Report.

RECOMMENDATION AND CONDITIONS

Pursuant to Chapter 22A of the County Code, the Board's actions on Forest Conservation Plans are regulatory and binding. Staff recommends approval of the Final Forest Conservation Plan, subject to the following conditions:

- 1. The Applicant must submit a Final Forest Conservation Plan to be reviewed and approved in conjunction with Site Plan approval.
- 2. The Final Forest Conservation Plan must include:
 - a. Additional planting areas between the existing forest and proposed pedestrian connection.
 - b. An invasive management plan for the existing forest.
 - c. Detailed and specific tree protection measures.
 - d. Limits of Disturbance (LOD) consistent with the LOD on the Sediment and Erosion Control Plan.

PROJECT DESCRIPTION AND BACKGROUND

Project Description

The Applicant proposes to rezone the Property and construct a multifamily residential project, with up to 447,510 square feet or 1.25 FAR, consisting of 390 dwelling units and associated parking, circulation, open space, and stormwater management. The Floating Zone Plan includes a five-story multifamily building and 14 multi-family attached units.



Figure 1: Vicinity Map (site outlined in red)

Site Description

The Subject Property (Property) is a 7.83-acre site located on Broadbirch Drive in White Oak. The Property is currently occupied with a vacant office building and associated parking and satellite dishes. The Property is partially forested, with a low point in the southwest corner of the site. There is a system of deeply incised channels in this location as well. The Property is located in the Paint Branch watershed.

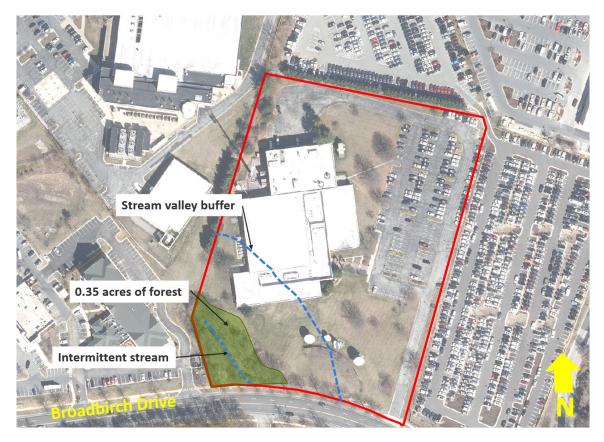


Figure 2: Subject Property

ANALYSIS

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No. 420211170) for the Subject Property on April 14, 2021. There are 0.35 acres of forest on the Property. Multiple pipes outfall into a series of incised channels and there are utility and stormdrain easements on portions of the southwest corner. Staff observed evidence of groundwater involvement and there are historic observations and records of stream and wetlands in this location, therefore the channels have been designated as an intermittent stream and buffered. The channel system flows into two pipes at Broadbirch Drive and becomes part of the stormdrain system before daylighting into the West Farm tributary of the Paint Branch. The Property has 1.51 acres of stream valley buffer associated with the intermittent stream. The existing development is partially within the stream valley buffer.

The *Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines) provides guidance on appropriate techniques for protecting natural resources during the development process. The proposed development encroaches into the stream valley buffer but the Applicant will protect the channels and forest and integrate the natural areas into the proposed open space.

In this case, the Applicant's proposal provides adequate protection of the stream and surface water flowing through the channel because:

- 1. The stream fragment is the only remaining daylighted portion of this tributary until it surfaces ¼ mile away; and
- 2. The majority of water flowing through the channel is runoff from surrounding developments that has been concentrated into pipes and outfalls into the channel.

The Applicant is proposing development that avoids the stream and provides long term protection. Due to the extremely degraded nature of the existing system and the short length of exposed channels, increased preservation of the stream valley buffer will not result in increased water quality. The proposed design will protect and enhance the forested area and most of the stream valley buffer, creating an asset from a degraded environmental feature.



Figure 3: Proposed Development

Forest Conservation

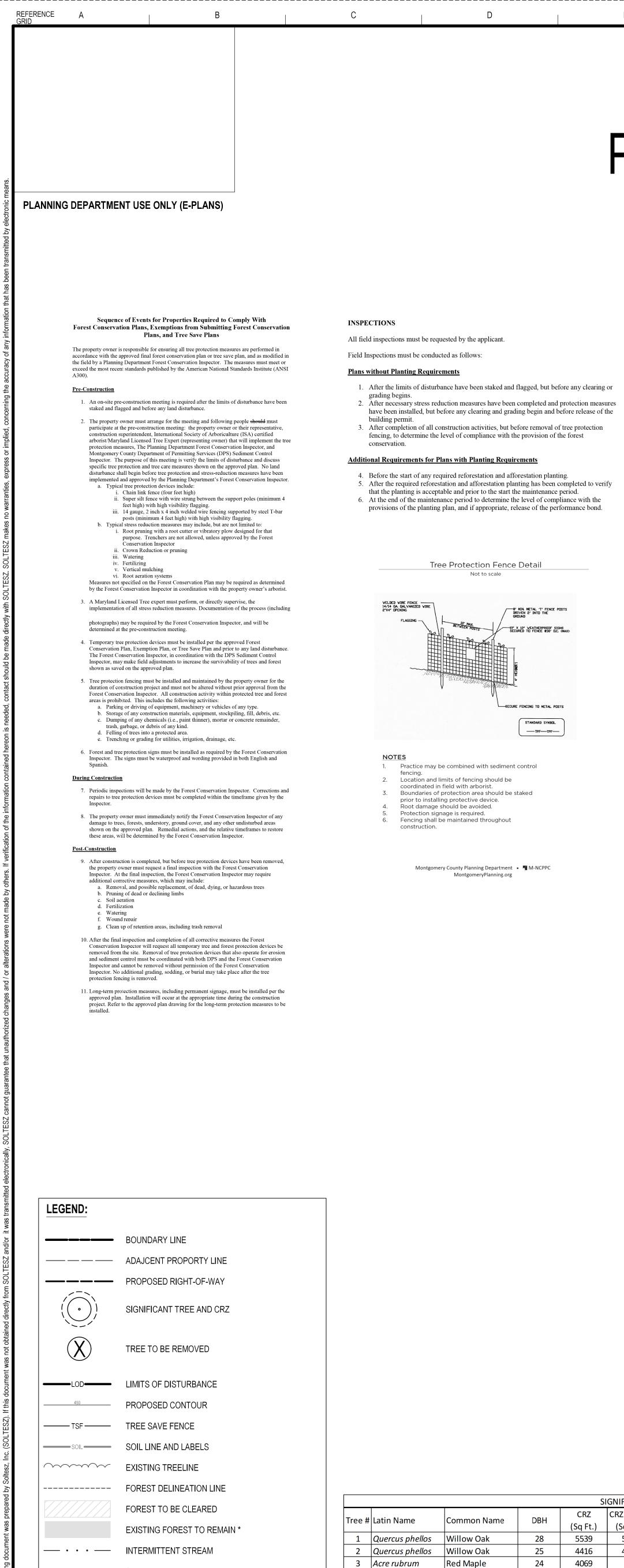
The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Preliminary Forest Conservation Plan (PFCP) in conjunction with the Floating Zone Plan (Attachment 1). The Property has 0.35 acres of forest located in the southwest corner of the property, within the stream valley buffer. The Applicant is proposing to remove 0.02 acres of forest and protect 0.24 acres of forest in a Category I Conservation Easement. The remaining 0.09 acres of forest are numerically shown as cleared due to existing and proposed easements. Through the regulatory process, the Applicant will explore additional tree plantings onsite and will meet any remaining forest conservation requirements off-site.

CONCLUSION

Staff concludes that the proposed Preliminary Forest Conservation Plan meets the requirements of Chapter 22A Forest Conservation Law. Staff therefore recommends that the Planning Board approve the Preliminary Forest Conservation Plan, with the above conditions.

Attachment

1. Preliminary FCP



NOTE EXISTING FOREST WILL BE PROTECTED WITHIN A CATERGORY I FOREST CONSERVATION EASEMENT AS SHOWN.

STREAM VALLEY BUFFER

WHITE OAK APARTMENTS PRELIMINARY FOREST CONSERVATION PLAN COLESVILLE (5TH) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

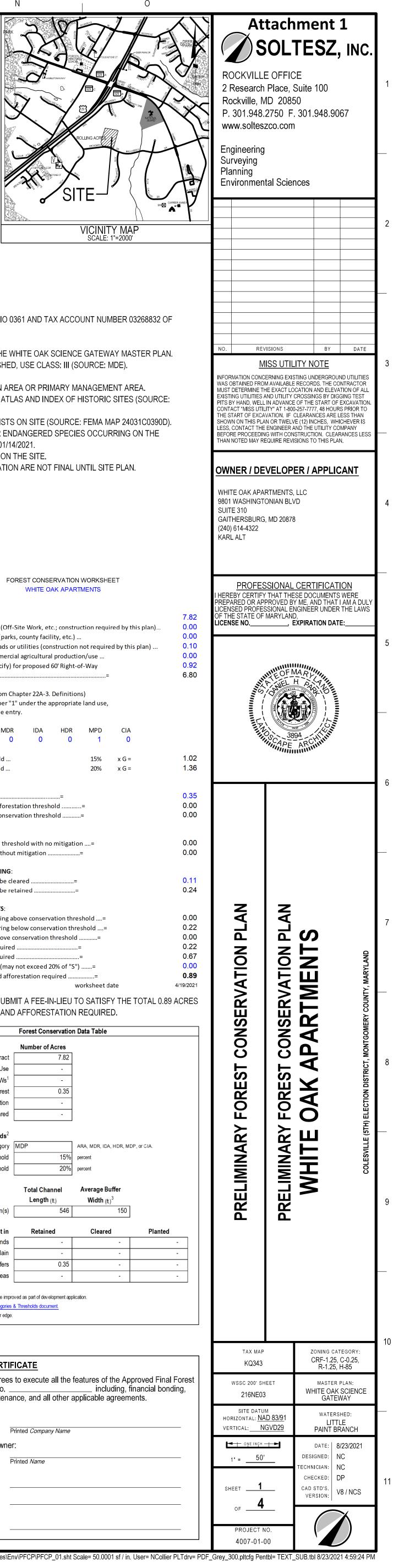
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BUZ Commercial Checkshop			
		The second	
FOREST TO REMAIN (0.24 AC)			
STORM DRAIN EASEMENT L 6894 F 537 TO BE ABANDONED	FOREST TO BE REMOVED (0.11 AC)		LIBER 44284 FOLIO 330LIBER 44284
CONCRETE CURB & GUTTER NVS NVS NVS NVS E S FH	BROADBIRCH PROPOSED 100' RA Business District Road	TO TO BE DEDICATED TORRING	
SIB SVB	SVB		
		12" RCP INV: 338.69	

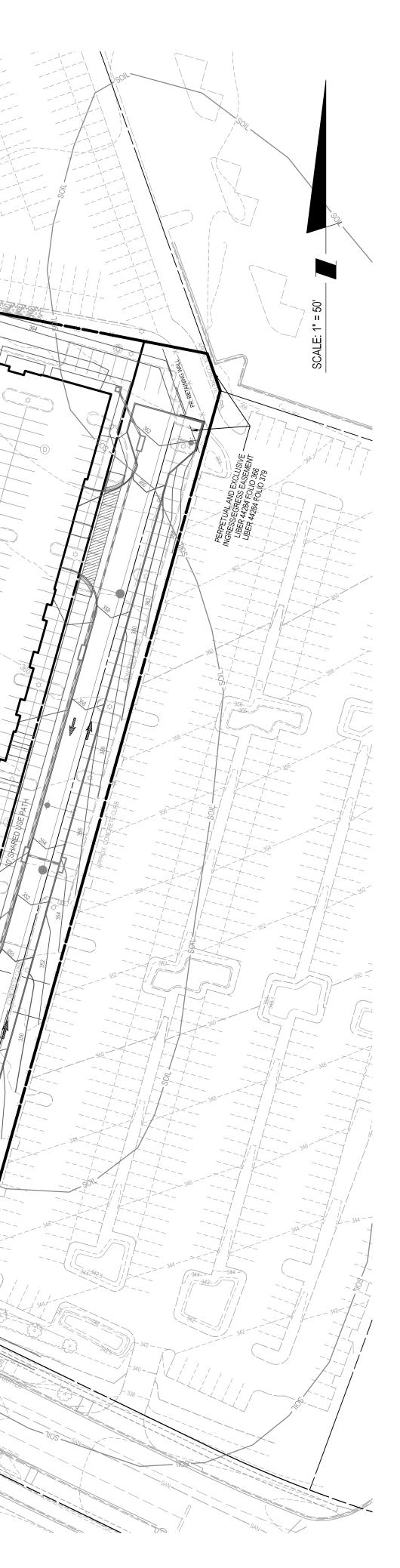
SIGNIFICANT TREE CHART			

25 4416

4 *Quercus phellos* Willow Oak

Z Impact	% CRZ	Condition	Comments
Sq. Ft.)	Impact	Condition	comments
5539	100%	Good	Roots exposed.
4416	100%	Good	Roots exposed.
441	11%	Fair	Lean and small cavity at base of trunk.
4416	100%	Good	Slight root exposure and girdled roots.



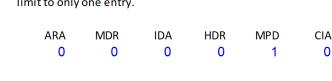


GENERAL NOTES

- SITE AREA: 340,838± SF. (7.82 ACRES)
- MONTGOMERY COUNTY, MARYLAND.
- ZONED: CR-0.75, C-0.75, R-0.25, H-75 THE SUBJECT PROPERTY IS LOCATED WITHIN THE WHITE OAK SCIENCE GATEWAY MASTER PLAN. THE SITE IS WITHIN THE PAINT BRANCH WATERSHED, USE CLASS: III (SOURCE: MDE).
- THERE ARE NO WETLANDS THAT EXIST ON SITE.
- THE SITE IS NOT LOCATED ON THE LOCATIONAL ATLAS AND INDEX OF HISTORIC SITES (SOURCE: MCATLAS).
- THERE ARE NO FEMA 100-YEAR FLOODPLAIN EXISTS ON SITE (SOURCE: FEMA MAP 24031C0390D). THERE ARE NO KNOWN RARE, THREATENED, OR ENDANGERED SPECIES OCCURRING ON THE 10. PROPERTY, PER LETTER FROM MD DNR DATED 01/14/2021.
- NO STATE OR COUNTY CHAMPION TREES EXIST ON THE SITE. 11.
- 12. BUILDINGS AND UTILTIES ARE SHOWN BUT LOCATION ARE NOT FINAL UNTIL SITE PLAN.

NET TRACT AREA:

- A. Total tract area ..
- D. Land dedication for roads or utilities (construction not required by this plan)
- E. Area to remain in commercial agricultural production/use .
- F. Other deductions (specify) for proposed 60' Right-of-Way

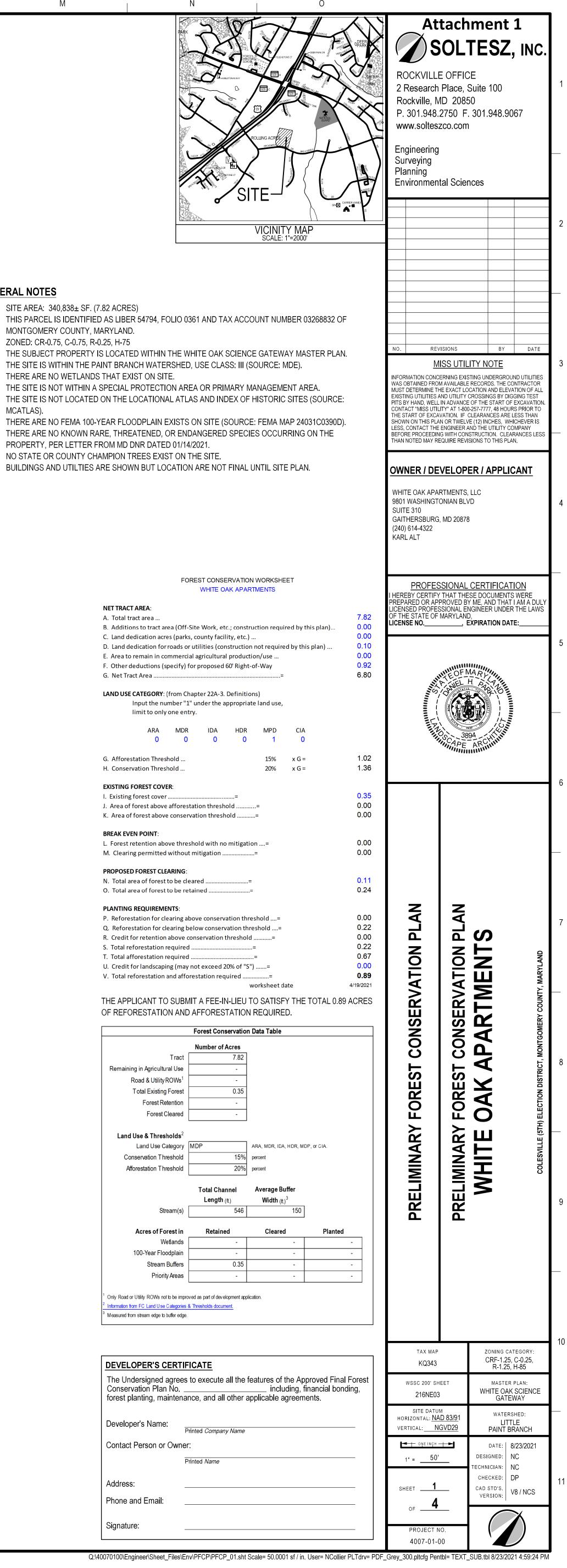


- I. Existing forest cover
- J. Area of forest above afforestation threshold=

- L. Forest retention above threshold with no mitigation=
- PROPOSED FOREST CLEARING:

- Q. Reforestation for clearing below conservation threshold=
- R. Credit for retention above conservation threshold=
- U. Credit for landscaping (may not exceed 20% of "S")=

OF REFORESTATION AND AFFORESTATION REQUIRED.



DEVELOPER'S CERTIFICATE

Conservation Plan No. forest planting, maintenance, and all other applicable agreements.

Address: