

AMALYN BETHESDA (WMAL BETHESDA)
PRELIMINARY PLAN AMENDMENT NO. 12016029A
SITE PLAN AMENDMENT NO. 82017017B



Description

Minor modifications to street grade, layout and materials; Minor modifications to sidewalk layout and materials; Minor modifications to site landscaping, open space and stormwater management facilities; Minor modifications to lot layout; Creation of two new phases, 2A and 2B (formerly Phase 2); and Small expansion and minor modifications to clubhouse.

Nos. 12016029A, 82017017B
Completed: 11-17-2022

MCPB
Item No.
12-01-2022

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Planning Staff



Emily Tettelbaum, Planner III, Midcounty Planning, Emily.Tettelbaum@montgomeryplanning.org, 301-495-4569

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539

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

LOCATION/ADDRESS

Northeast quadrant of the intersection of Greentree Road and Interstate 495

MASTER PLAN

1992 North Bethesda/Garrett Park Master Plan

ZONE

R-90

PROPERTY SIZE

74.83 acres

APPLICANT

Toll Brothers, Inc

ACCEPTANCE DATE

7/27/22

REVIEW BASIS

Chapters 50, 59



Summary:

- Staff recommends approval of the Preliminary Plan and Site Plan Amendments with conditions.
- Amalyn Bethesda is a new residential community that is approved for 309 dwelling units (159 detached houses and 150 townhouses), and construction is currently underway.
- Although considered minor amendments to the Preliminary and Site Plans, the Planning Director deferred decision on the Amendments to the Planning Board.
- Staff received one email in support of the proposed lot reconfiguration along Greyswood Road.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
PRELIMINARY PLAN 12016029A.....	3
SITE PLAN 82017017B.....	4
SECTION 2: SITE DESCRIPTION.....	6
VICINITY.....	6
PROPERTY DESCRIPTION.....	6
SECTION 3: PROJECT DESCRIPTION	8
PREVIOUS APPROVALS.....	8
PROPOSAL	9
SECTION 4: PRELIMINARY PLAN 12016029A FINDINGS AND ANALYSIS.....	14
SECTION 5: SITE PLAN 82017017B FINDINGS AND ANALYSIS.....	16
SECTION 6: COMMUNITY OUTREACH	18
SECTION 7: CONCLUSION	18
ATTACHMENTS	18

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 12016029A

Staff recommends approval of Preliminary Plan Amendment No. 12016029A for the following: 1) Minor modifications to street grade, layout and materials; 2) Minor modifications to sidewalk layout and materials; 3) Minor modifications to site landscaping, open space and stormwater management facilities; 4) Minor modifications to lot layout; 5) Creation of two new phases, 2A and 2B (formerly Phase 2); and 6) Small expansion and minor modifications to clubhouse. All site development elements shown on the latest electronic version of the Preliminary Plan No. 12016029A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. Condition Nos. 17, 19, and 20 below modify prior conditions and all other conditions remain in full force and effect.

Modified Conditions

17. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 2, 2017, and updated on November 10, 2022, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
19. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") - Water Resources Section in its stormwater management concept letter dated May 1, 2017, and updated on August 31, 2022, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDPS - Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
20. The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section ("MCDPS Fire and Rescue") in its letters dated April 11, 2017, and amended on October 26, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letters, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

SITE PLAN 82017017B

Staff recommends approval of Site Plan Amendment No. 82017017B for the following: 1) Minor modifications to street grade, layout and materials; 2) Minor modifications to sidewalk layout and materials; 3) Minor modifications to site landscaping, open space and stormwater management facilities; 4) Minor modifications to lot layout; 5) Creation of two new phases, 2A and 2B (formerly Phase 2); and 6) Small expansion and minor modifications to clubhouse.

All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹ Condition Nos. 12, 15, and 18 below modify prior conditions, Condition No. 19 is an additional condition, and all other conditions remain in full force and effect.

Modified Conditions

12. Stormwater Management

- a) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated August 21, 2018, and amended on August 31, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letters, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

15. Fire and Rescue

The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section ("MCDPS Fire and Rescue") in its letter dated October 1, 2018, and amended on October 26, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letters, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

18. Certified Site Plan

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

- h) Fire and Rescue Access plan must be included in the Certified Site Plan.
- i) Replace the *Wisteria floribunda* with a non-invasive, preferably native, vine.
- j) Label the movable firepit and chairs on Sheet 24 of the Landscape and Lighting Plan.
- k) Correct the clubhouse footprint on Sheet 21A.

¹ For the purposes 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.

Additional Condition

19. DPS- Right of Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated August 8, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property (Property), known as WMAL, is approximately 74.83 acres in size, and located in the northeast quadrant of the intersection of Interstate 495 (I-495) and Greentree Road. It is primarily surrounded by single-family detached and attached homes to the east, north, and west, and it borders I-495 to the south.

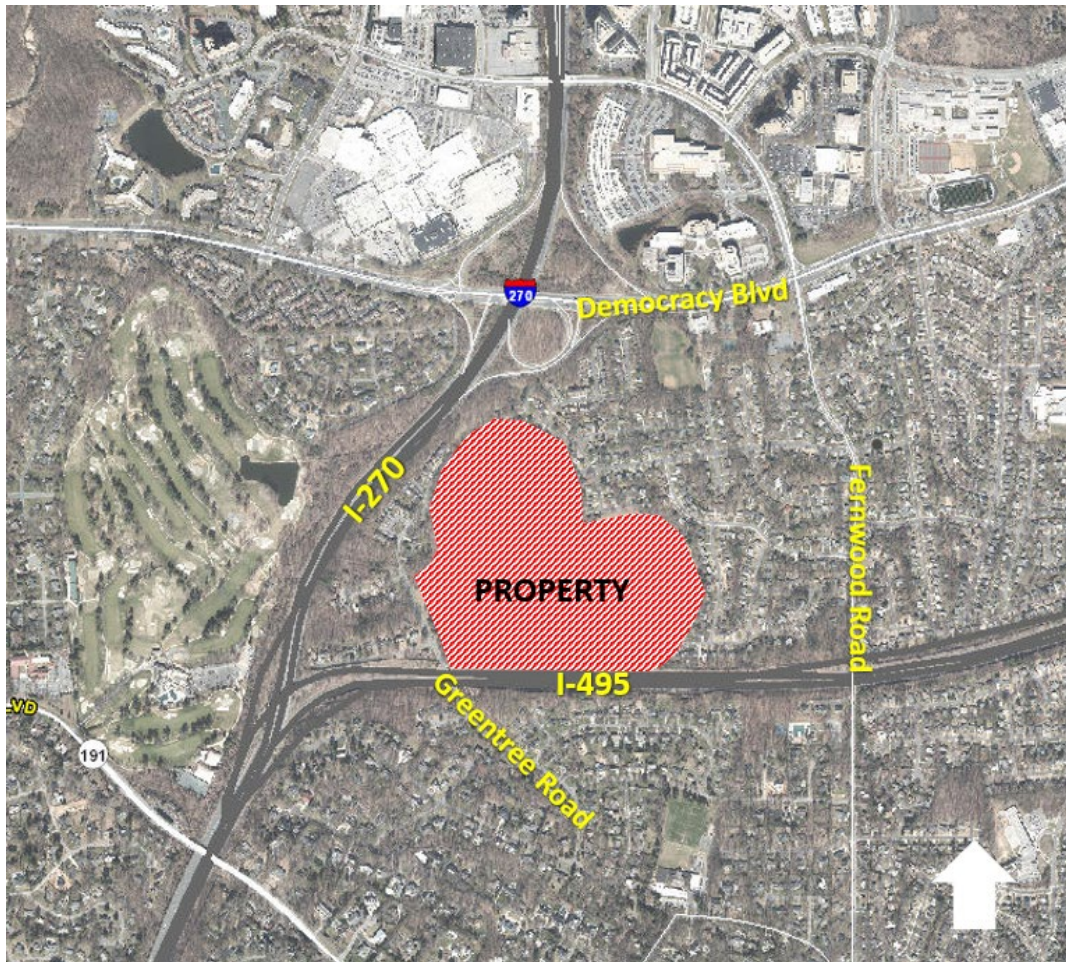


Figure 1: Vicinity Map

PROPERTY DESCRIPTION

The Property is zoned R-90 and located within the 1992 *North Bethesda/Garrett Park Master Plan* area. It was previously home to radio towers and other infrastructure that supported the WMAL radio station. Phase 1 of the Amalyn development (Project), originally approved by Preliminary Plan

120160290 and Site Plan 820170170, is currently under construction and plats have been recorded for the northern and eastern portions of the Project.

The Property is located in the Cabin John Creek Watershed Class I-P. There are no known rare, threatened, or endangered species on site. The Property contains a short segment of an intermittent stream and a small wetland with their associated buffers. Prior to development, the Property had approximately 15.84 acres of forest.



Figure 2: Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

By resolution dated August 3, 2017 (MCPB No. 17-053), the Planning Board approved Preliminary Plan No. 120160290 to allow subdivision of the Property, under the MPDU optional method of development, into 309 lots comprising 159 detached houses and 150 townhouses. Under the MPDU optional method, a minimum of 12.5% of the lots, plus one additional lot, must be MPDUs. The approved subdivision also includes one 4.3-acre parcel that will be dedicated to Montgomery County Public Schools (MCPS), and associated stormwater management, common open space, private road, and homeowner's association (HOA) parcels. The Plan provides two public road extensions to connect Greentree Road to Greyswood Road, and Renita Lane to Greentree Road and a network of internal private streets to serve the development. The Preliminary Forest Conservation Plan approved in conjunction with the Preliminary Plan requires retention of two separate forest stands in Category I Forest Conservation Easements, totaling approximately 10.75 acres in size.

By resolution dated January 15, 2019 (MCPB 18-124), the Planning Board approved Site Plan No. 820170170 and the associated Final Forest Conservation Plan allowing construction of 309 dwelling units (159 detached houses and 150 townhomes) including 40 MPDUs, private roads, and residential amenities.



Figure 3: Illustrative Site Plan 820170170

On November 10, 2021, the Director approved Site Plan Amendment 82017017A administratively to increase the size of an existing storm drain outfall pipe, which impacted the Final Forest Conservation Plan.

PROPOSAL

The Preliminary and Site Plan Amendment Applications propose the following changes, discussed in further detail below:

1. Minor modifications to street grade, layout and materials;
2. Minor modifications to sidewalk layout and materials;
3. Minor modifications to site landscaping, open space and stormwater management facilities;
4. Minor modifications to lot layout;
5. Creation of two new phases, 2A and 2B (formerly Phase 2); and
6. Small expansion and minor modifications to the clubhouse.

Modifications to Streets and Sidewalks

The Applicant proposes to modify the hardscaping of certain streets and sidewalks as follows:

- Replace the special pavers on Private Street 5 and Lanes A, C and G with asphalt;
- Delineate the five-foot-wide pedestrian areas with pedestrian pavers along Lanes A and C; and
- Replace aggregate sidewalks with concrete sidewalks, except along Private Street 5 where pedestrian pavers will be provided.

The Applicant has determined, through a financial Reserve Study, that the approved materials on these streets and sidewalks would impose a significant, ongoing maintenance and financial burden on the future homeowner's association.

The Subject Preliminary Plan Amendment makes the following adjustments to private roads internal to the development to ensure consistency between the Site Plan and the Preliminary Plan²:

- Replace private street Lane B with green space;
- Realign private street Lane C to private street 8; and
- Eliminate alley running north/south adjacent to the lawn.

The Amendments also include a request to reduce the grade of the alleys behind the elevator townhouses from three percent to two percent in accordance with accessibility requirements of the Fair Housing Act.

² During the review of Site Plan 82017017B, which was submitted subsequent to the approval of the Preliminary Plan, the Applicant made revisions to the Project layout at Staff's request.

Modifications to Landscaping, Open Space, Stormwater Management Facilities, and Lot Layout

The Applicant proposes to eliminate the crescent which separates Greyswood Road from Private Lane F in the original approvals. Six lots that previously fronted onto Private Lane F would instead front directly onto Greyswood Road, consistent with the lots located to the east and west.



Figure 4: Redline Showing Removal of Crescent and Changes to Lot Layouts along Greyswood Road

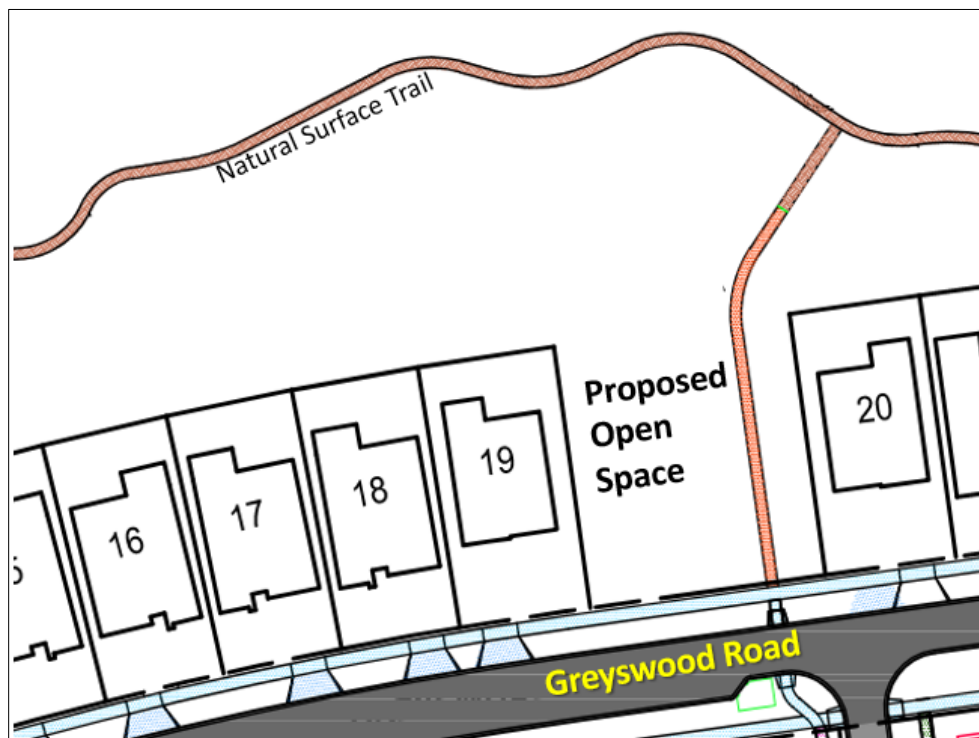


Figure 5: Proposed Lot Layout and Open Space along Greyswood Road

This modification enables the Applicant to provide a usable open space along Greyswood Road, across the street from the community clubhouse (Figures 5 and 6). The proposed open space provides a lawn, a fire pit, landscaping, and seating areas, and it visually connects the clubhouse with the natural surface trail within the northern forest conservation area. One of the approved paths between Greyswood Road and the natural surface trail shifts west to accommodate the modified lot layout and the other path is eliminated. The stormwater management facility that is currently located within the crescent will be relocated in a structure below the new open space area.

The Preliminary Plan Amendment also includes the following lot line adjustments to align the Preliminary Plan with the lot layout approved in the Site Plan:

- Relocation of certain MPDU units into the rows of market rate townhouses in order to better disperse the MPDU units;
- Replacement of the townhouse units with single family units on the westernmost block of the subdivision;
- Reconfiguration of lots around the lawn and elimination of part of private alley 10; and
- Reorientation of Lots 244 and 245.

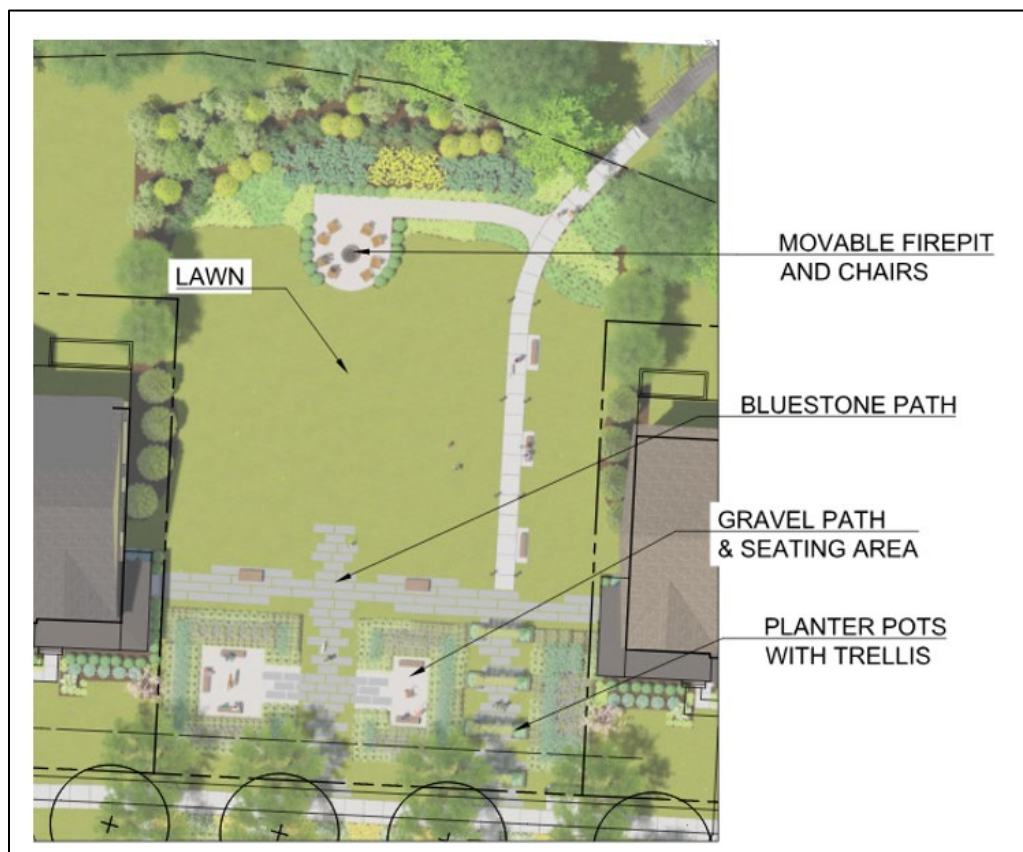


Figure 6: Illustrative Plan of Proposed Open Space along Greyswood Road

Phasing

The Site Plan currently shows Phase 2 as a single phase. In order that the development of portions of Phase 2 may be advanced, the Applicant proposes adding a new phase line and splitting Phase 2 into Phases 2A and 2B (Figure 7). This requested revision relates only to timing and does not reflect any substantive change to the approved plans.

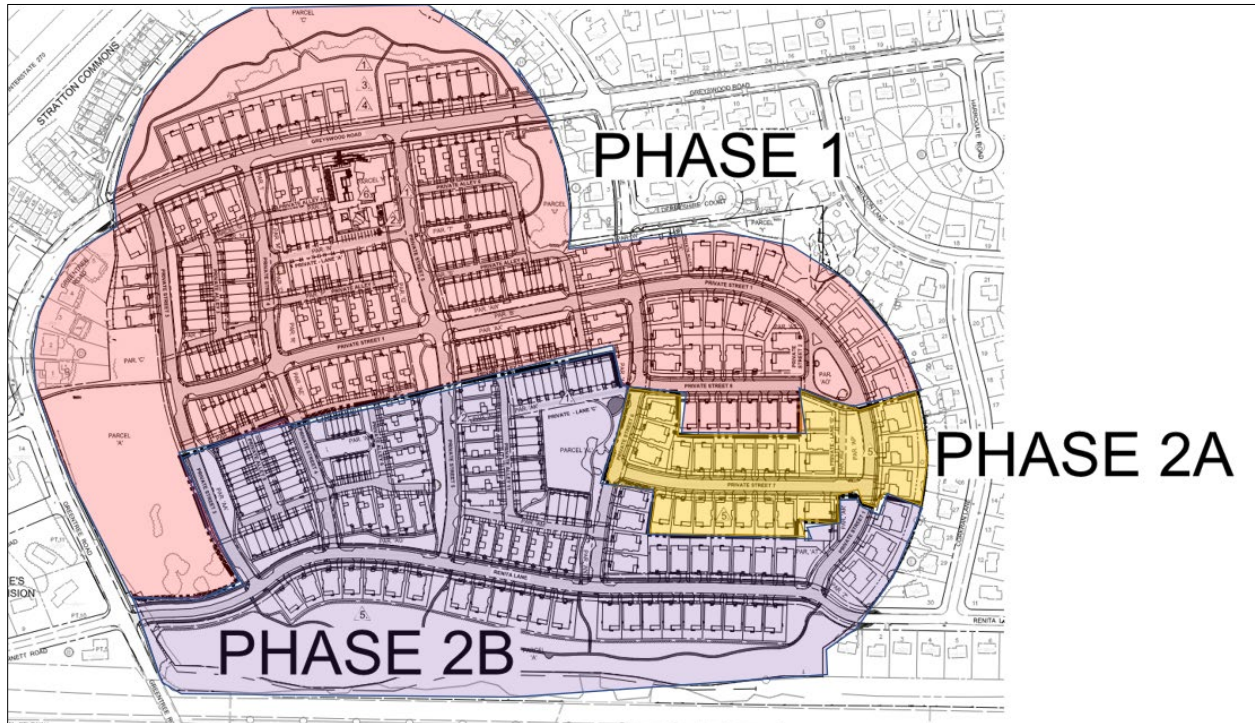


Figure 7: Proposed Phasing Plan

Clubhouse Modifications

A minor increase of less than 700 square feet is proposed for the clubhouse to accommodate the pool equipment on the main floor. Currently, the pool equipment storage is proposed for the lower level of the clubhouse. However, the Applicant determined that this location presented an operational challenge, given that pool equipment weighing several hundred pounds would need to be moved from the cellar space to the outside twice a year. Minor modifications are also proposed to the clubhouse architecture (Figures 8 and 9), clubhouse amenities, and the building footprint.

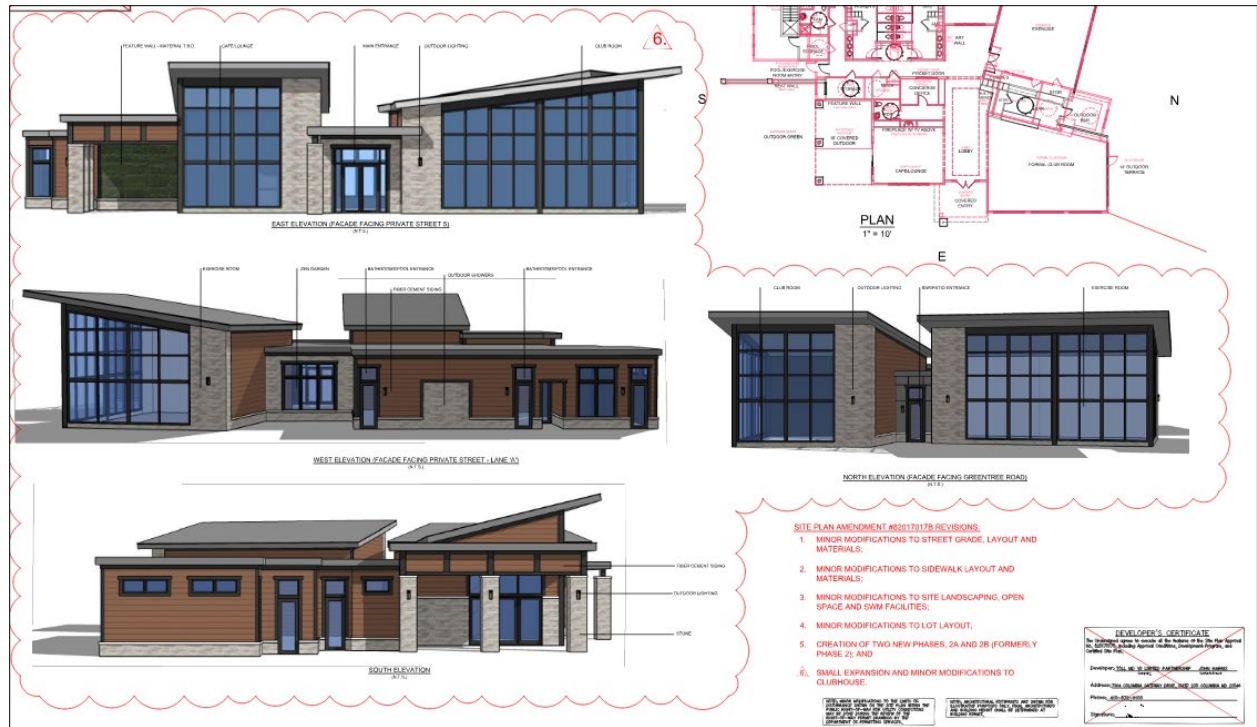


Figure 8: Approved Clubhouse Architecture



Figure 9: Proposed Clubhouse Architecture

SECTION 4: PRELIMINARY PLAN 12016029A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120160290, MCPB No. 17-053, to create 309 lots comprising 159 detached houses and 150 townhouses on the Subject Property.

Preliminary Plan Amendment 12016029A requests approval of the following: 1) Minor modifications to street grade, layout and materials; 2) Minor modifications to sidewalk layout and materials; 3) Minor modifications to site landscaping, open space and stormwater management facilities; 4) Minor modifications to lot layout; 5) Creation of two new phases, 2A and 2B (formerly Phase 2); and 6) Small expansion and minor modifications to clubhouse. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.³

3. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The removal of the crescent along Greyswood Road shifts six lots to front on Greyswood Road rather than a private street adjacent to the crescent. The general layout of the subdivision remains consistent with the original Preliminary and Site Plan approvals and the new open space along Greyswood Road provides visual relief between the blocks of houses. The modified block design along Greyswood Road is consistent with the surrounding residential area and lot size remains consistent with the original Preliminary Plan approval.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied.*

The Final Forest Conservation Plan (FFCP) has been updated to reflect the removal of the crescent and the modified lot layout on Greyswood Road. The FFCP also documents the removal of Specimen Tree No. 172, a Pignut hickory (*Carya glabra*)⁴ with a 50-inch diameter at breast height. The removal was approved as a field call by the Forest Conservation Inspector due to safety concerns because the structural integrity of the tree was impacted by the presence of root rot. In addition, the updated FFCP shows 12.5 caliper inches of mitigation provided for the tree removal. All Forest Conservation Law requirements are satisfied.

³ Preliminary Plan 120160290 was approved under the Subdivision Regulations (Chapter 50) in effect prior to February 13, 2017. The findings herein are from the current Subdivision Regulations and the wording is slightly different from the applicable findings in Preliminary Plan 120160290.

⁴ This tree was incorrectly identified previously as a Black Gum (*Nyssa sylvatica*).

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

MCDPS approved a revised Site Development Concept Stormwater Management Plan (SWM Concept Plan) on August 31, 2022. The SWM Concept Plan proposes to meet required stormwater management goals via micro-bioretenention and bioswales. In addition, the SWM Concept proposes an underground storage facility with a control structure.

SECTION 5: SITE PLAN 82017017B FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 820170170, MCPB No. 18-124, to create a residential community with 159 detached houses and 150 townhouses on the Subject Property.

Site Plan Amendment 82017017B requests approval of the following: 1) Minor modifications to street grade, layout and materials; 2) Minor modifications to sidewalk layout and materials; 3) Minor modifications to site landscaping, open space and stormwater management facilities; 4) Minor modifications to lot layout; 5) Creation of two new phases, 2A and 2B (formerly Phase 2); and 6) Small expansion and minor modifications to clubhouse. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

2e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

MCDPS approved a revised Site Development Concept Stormwater Management Plan (SWM Concept Plan) on August 31, 2022. The SWM Concept Plan proposes to meet required stormwater management goals via micro-bioretenment and bioswales. In addition, the SWM Concept Plan proposes an underground storage facility with a control structure.

ii. Chapter 22A, Forest Conservation.

The Final Forest Conservation Plan (FFCP) has been updated to reflect the removal of the crescent and the modified lot layout on Greyswood Road. The FFCP also documents the removal of Specimen Tree No. 172, a Pignut hickory (*Carya glabra*)⁵ with a 50-inch diameter at breast height. The removal was approved as a field call by the Forest Conservation Inspector due to safety concerns because the structural integrity of the tree was impacted by the presence of root rot. In addition, the updated FFCP shows 12.5 caliper inches of mitigation provided for the tree removal. All Forest Conservation Law requirements are satisfied.

2f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

Removal of the crescent-shaped island along Greyswood Road results in a minor change to vehicular circulation and provides a new, usable common open space area between the blocks of houses. In the original Site Plan approval, six proposed lots were accessed from a private road adjacent to the crescent, but the Amendment proposes access directly from Greyswood Road. The proposed access is consistent with access for lots to the east and west within the development and the existing lots

⁵ This tree was incorrectly identified previously as a Black Gum (*Nyssa sylvatica*).

outside the development. The circulation continues to provide safe and well-integrated access to the development.

The elimination of the crescent enhances the Project's common open space by providing additional, usable open space for the community. The crescent included storm water management and landscaping but did not provide any usable space. The proposed open space includes a lawn, landscaping, seating and a fire pit in addition to a prominent connection between the clubhouse and the natural surface trail along the northern forest conservation easement. The Amendment provides additional safe, well-integrated amenity features for the community.

SECTION 6: COMMUNITY OUTREACH

A notice of the subject Amendment was sent to all required parties by the Applicant on July 27, 2022, and a revised notice was sent on October 18, 2022.⁶ Each notice letter gave the interested parties 15 days to review and comment on the contents of the Amendment. Staff received one email from a neighboring Property owner in favor of the removal of the crescent along Greyswood Road because the revised configuration would provide more privacy for the existing, adjacent houses and more usable open space for the community.

A pre-submittal public meeting was not required, but the Applicant has been regularly coordinating with the neighboring West Fernwood Citizens Association.

SECTION 7: CONCLUSION

As conditioned, Preliminary Plan Amendment 12016029A and Site Plan Amendment 82017017B each satisfy the applicable findings and standards of the Subdivision Code and Zoning Ordinance, and substantially conform to the recommendations of the *North Bethesda/Garrett Park Master Plan*. Therefore, Staff recommends approval of Preliminary Plan Amendment 12016029A and Site Plan 82017017B with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan Amendment

Attachment B: Site Plan Amendment

Attachment C: Prior Approvals

Attachment D: Agency Letters

Attachment E: Community Correspondence

⁶ The revised notice included the request for approval of a “small expansion and minor modifications to the clubhouse” that was not included in the original notice letter.