
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: October 18, 2006

SCHEM. DEV. PLAN: SDP-06-003

TITLE: Lakelands, Phase Three, Section Two
Lane in the Woods

REQUEST: RECOMMENDATION TO M&C

ZONE: MXD (Mixed Use Development) Zone

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant: Gaithersburg Community Associates, LLC
Engineer: Rodgers Consulting, Inc.

STAFF PERSON: Greg Ossont, Director
 Planning and Code Administration

Jacqueline Marsh, Planner

Enclosures:

Staff Comments

#34: Letter from Ed McGowan, dated June 6, 2002 (referenced in October 3, 2006 testimony)
#35: Staff Analysis

STAFF COMMENTS

The joint public hearing for this application was held on October 3, 2006. The Planning Commission's record was duly closed on October 13, 2006. Two exhibits have been entered into the record since the joint public hearing: a letter referenced in oral testimony given at the public hearing and the staff analysis.

Conclusion: Staff recommends to the Commission **TO RECOMMEND APPROVAL OF SDP-06-003 TO THE MAYOR AND CITY COUNCIL.**

Joint Public Hearing – October 3, 2006
Planning Commission Recommendation – October 18, 2006

**Index of Memoranda
SDP-06-003
Lakelands – Lane in the Woods
Phase 3, Section 2**

Number	Exhibit
1.	Application
2.	Site location map
3.	Letter from Randy Frey of Rodgers Consulting, dated August 10, 2006
4.	Notice to include legal ad for Joint Public Hearing, in the September 15 and 20, 2006, issues of the <i>Gaithersburg Gazette</i>
5.	Public Hearing notice, sent September 11, 2006, to required parties
6.	Letter from Randy Frey, dated September 6, 2006
7.	Letter from Greg Ossont of the Planning and Code Administration, dated April 5, 2006
8.	Letter from Chuck Sullivan of Classic Communities, dated September 13, 2004
9.	Letter from Gregory Zweibel of Sport Systems, dated September 10, 2000
10.	Letter from Chuck Sullivan, dated October 7, 2004
11.	Letter from Deborah Durham of Lakelands Community Association, dated May 16, 2006
12.	Letter from Deborah Durham, dated May 31, 2006
13.	E-mail correspondence between Gary Unterberg of Rodgers Consulting, and George Harrison of U.S. Army Corps of Engineers, dates August 28, 2002 and October 3, 2002
14.	Letter from Walter Washington, Jr. of U.S. Army Corps of Engineers, dated May 8, 2003

15. Photograph of area near Path Marker #9 on Muddy Branch Path
16. Photograph of area near Path Marker #9 on Muddy Branch Path
17. SDP-06-003 – Overall Pathway Plan
18. SDP-06-003 – Muddy Branch Trail Signage
19. SDP-06-003 – Muddy Branch Trail Signage
20. SDP-06-003 – Cover Sheet/Land Use Plan
21. SDP-06-003 – Schematic Development Plan
22. SDP-06-003 – Schematic Development Plan
23. SDP-06-003 – Schematic Development Plan
24. SDP-06-003 – Boundary Survey
25. SDP-06-003 – Traffic Circulation and Pathway Plan
26. SDP-06-003 – Preliminary Grade Establish Plan
27. SDP-06-003 – Preliminary Grade Establish Plan
28. SDP-06-003 – Landscape/Lighting Plan
29. SDP-06-003 – Landscape/Lighting Plan
30. SDP-06-003 – Landscape/Lighting Plan
31. SDP-06-003 – Preliminary Forest Conservation Plan
32. SDP-06-003 – Storm water Management Concept/Soils Map Plan
33. SDP-06-003 – NRI/FSD
- 34. Letter from Ed McGowan, dated June 6, 2002 (referenced in testimony, October 3, 2006)**
- 35. Staff Analysis**

935 Linslade Close
Gaithersburg, MD 20878

June 6, 2002

Planning and Code Administration
The City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

Ed McGowan
301 519 1388
(C) 240 304 1111

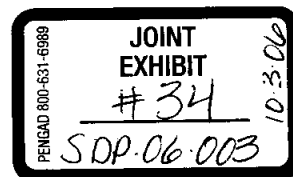
RE: Release of Developers' Bond

Dear Planning and Code Administration:

As property owners in Section 1 of the Lakelands development, we object to the release of the developers' bond until all of the following deficiencies are corrected or are in place in their entirety. Comments regarding items are as follows.

Linslade Close:

- The asphalt around catch basin in back right corner of street is failing. This condition is probably due to sub-standard compaction.
- The radius of the pavement on both back corners is too short. The rear wheels of all the delivery vehicles turning corners leave the pavement and have destroyed the grass in this area. This has created two muddy eyesores.
- The grass is in deteriorated condition and requires resodding with grass that will continue to grow under very heavy use of the area.
- There are many dead or deteriorated shrubs. They require replacement or heavy cut back.
- The crown in one of the larger trees is dead. This tree should be replaced. The dead limbs on the other trees need to be pruned.
- The landscaped areas require maintenance.



Planning and Code Administration
June 6, 2002

Lake Sheila:

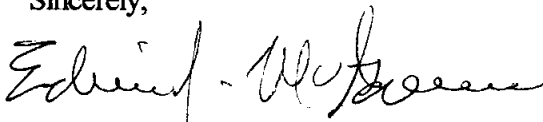
- The ground cover and wetlands grasses have not been installed in accordance with the approved "Planting Plan for Lake Sheila" dated 6-28-01.
- The north edge of the walking path on the north side of Lake Sheila was removed due to property line encroachment. The eight foot width was made up by adding a patch on the south edge. The developer made a commitment to the City to overlay this section of the path. This has not been done. Contractors working for the developers made two large spills of hydraulic oil permanently marring and degrading the path. These should be overlaid also.
- Several trees around Lake Sheila are stressed and in very poor condition due to the complete lack of maintenance and water. Those trees should be replaced.
- A contractor's large silt bag and the filament netting use to hold the grass seed on the dam need to be removed in order to clean the down stream face of the dam.

Lakelands Pathway System:

- The pathway system in the Muddy Branch Stream area including all associated improvements as shown on the drawing entitled "Lakelands Pathway System" and dated 6-28-01, have not been provided. This is a major amenity which the developer has not yet delivered.
- The drawing indicates the installation of stairs behind Lot 7A. To date, these have not been built.

We trust these matters will be addressed. Thank you for your review of same.

Sincerely,



Edwin J. McGowan

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Greg Ossont, Director
Planning and Code Administration
Jacqueline Marsh, Planner

DATE: October 13, 2006

SUBJECT: SDP-06-003 – Amend to Schematic Development Plan, SDP-L5, Lakelands Lane in the Woods. The subject property is located in the Lakelands subdivision and is in the Mixed Use Development (MXD) Zone

APPLICANT/PROPERTY OWNER:

Gaithersburg Community Associates, LLC
8120 Woodmont Avenue, Suite 300
Bethesda, MD 20814

REQUEST:

The applicant is requesting an amendment to approved schematic development plan, SDP-L5, which was originally approved in 1999 as Phase 3 of the Lakelands community. Specifically, the proposed amendments relate to trails and pathways, bridges, a section of fence and a tot lot.

LOCATION:

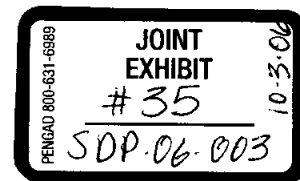
The Lane in the Woods section of the Lakelands is located in the southeast corner adjacent to the Muddy Branch Stream valley in the MXD (Mixed Use Development) Zone. Major routes servicing the neighborhood are Darnestown Road to the south, Muddy Branch Road to east, and Great Seneca Road to the north.

TAX MAP REFERENCE:

Tax Sheet: FS11
Tax ID Number: 09-03257326

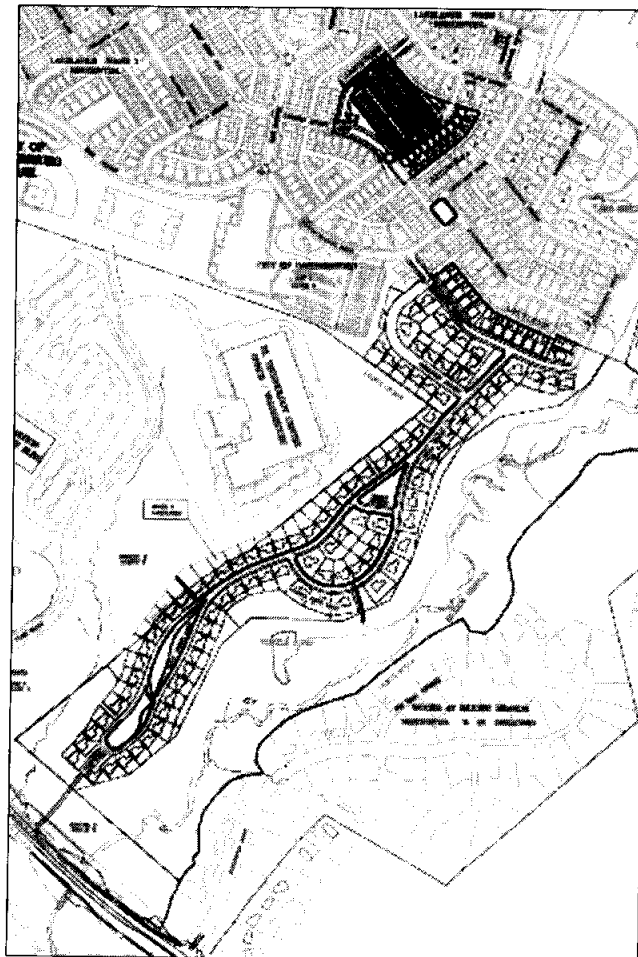
BACKGROUND:

The subject property is part of the original annexation of 928.38 acres in 1967 (Kent property). In 1988, this property underwent a Master Plan revision. Its land use was changed from Low Density Residential to Commercial/Industrial-Research-Office, and the property was subsequently rezoned



from the R-A (Low Density Residential) Zone to the MXD (Mixed Use Development) Zone. In March of 1996, the City again reviewed the land use of this area and adopted a revised Master Plan (February 1997) for Neighborhood Four, which designated this area as Commercial-Office-Residential land use. The zoning of the property remained as MXD (Mixed Use Development) Zone.

In January of 2000, the Mayor and City Council granted approval to SDP-L5, Lakelands, Phase Three, also known as Lane in the Woods. On March 15, 2000, the Planning Commission granted final site plan approval to L-1139, Section Two of Phase Three. Both the schematic development plan and final site plan showed landscape elements including tot-lot equipment and a fence delineating a tree-save/soil conservation area to the rear of sixteen homes along what is now Still Creek Lane. Also shown on the plans was a natural pathway from Turtle Pond to Darnestown Road (MD Rt 28) that proposed to have two bridges to connect the community to the Woods at Muddy Branch community. The bridges were planned to be built across the Muddy Branch Creek. Another pathway shown on the plans was an asphalt paved path between lots 74-75 which would ultimately connect to the GE Tech Park property.



Approved SDP-L5

The applicant filed SDP-06-003 with the Planning and Code Administration on August 8, 2006. A joint public hearing was held by the Mayor and City Council and the Planning Commission on October 3, 2006. The applicant proposed to delete several landscape elements from the schematic development plan, including the tot-lot in the center island of Still Creek Lane, the fence delineating the tree-save area along the rears of lots 41-56, the asphalt pathway between lots 74 and 75 on Still Creek Lane, and two of the bridges proposed to cross the Muddy Branch Creek. The applicant also proposed to loop the nature trail behind lot 52 on Still Creek Lane as opposed to having it extend to Darnestown Road (MD Rt 28).

At the joint public hearing, citizens raised concerns about the appropriate money amount to act as compensation given to the Lakelands Homeowners Association for the tot-lot and about the completion of other trails around Lake Varuna, also in the Lakelands (which was not a part of the subject site plan at the hearing).

The Planning Commission held its record open until October 13, 2006, with a recommendation scheduled to be made to the City council at the Commission's October 18, 2006 meeting. The record for the Mayor and Council closes on November 1, 2006.

PROPOSAL

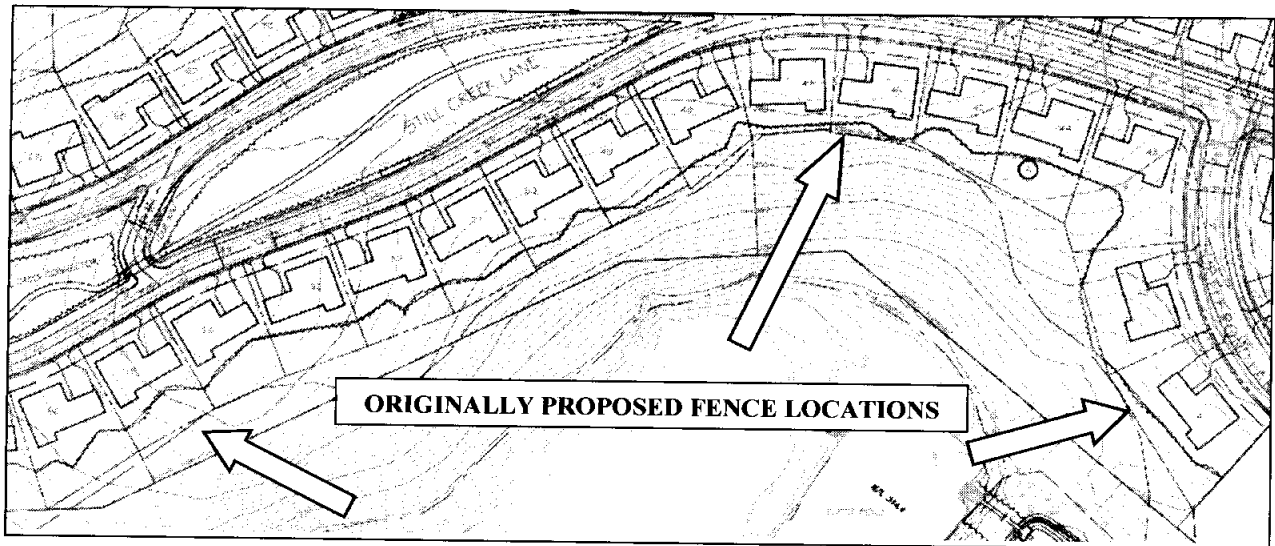
Throughout the build out of the third phase of the Lakelands, and more specifically, the Lane in the Woods section, the applicant and staff have determined that some elements of the originally approved plan are not feasible or in some cases the Lakelands community has requested changes.

Specifically, the proposed amendments relate to trails and pathways, bridges, a section of fence and a tot lot. While site elements are often modified during the build out of a community and facilitated at a staff level, all of the aforementioned elements were recorded with the original SDP and therefore requiring an amendment to the SDP.

The proposed amendments are limited to the following:

Fence at Lots 41-56

In an effort to delineate the tree save area and soil conservation easement within the rear yard areas of the referenced lots, a post and rail fence was incorporated into the SDP. However, the tree save/soil conservation/fence line effectively divides the rear yards of these units and in some cases would interfere with future decks, porches or play equipment. Accordingly, the fence was not installed by the developer and the community has requested that the fence be deleted from the plan (Exhibit 11).



Bridges

The SDP indicates two bridges to provide connectivity from the Woods at Muddy Branch community to the Lakelands community. The bridges were intended to connect the communities over the Muddy Branch Creek. In the course of seeking approval from the Army Core of Engineers to construct the bridges, the ACOE preferred a no-build option and suggested an alternative in conjunction with the MD Route 28 upgrades (Exhibit 14). This alternative has been completed by the developer and is incorporated into the plan.

Tot Lot

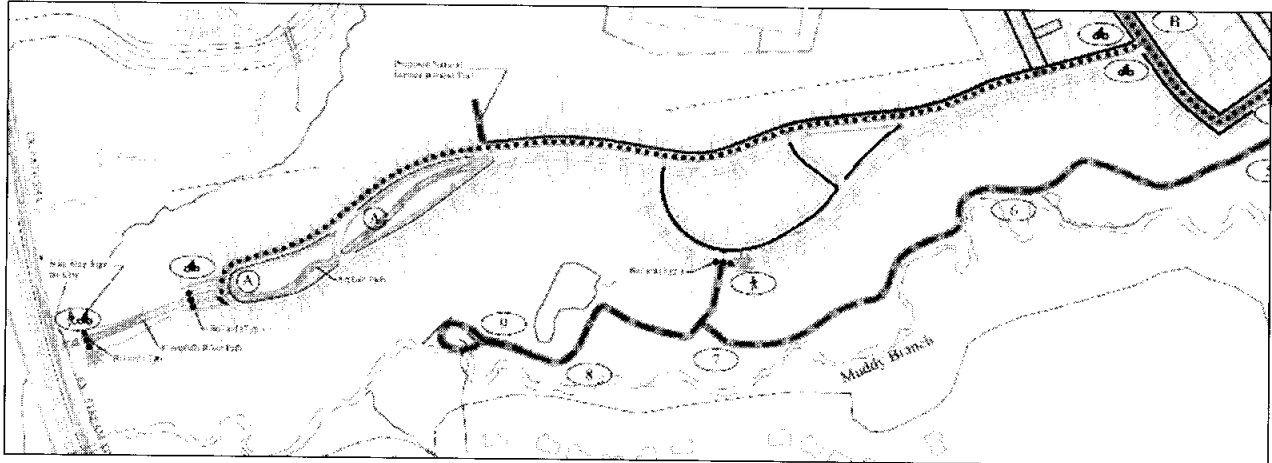
The original SDP indicates a tot lot located in the center island of Still Creek Lane. In 2004, the Lakelands Community requested and received \$9,410.00 in lieu of the tot lot equipment (Exhibits 8, 9 & 10).

Pathway at Lots 74-75

The original SDP indicates a paved pathway connection between the referenced units. The pathway would connect the Lakelands community to the GE Tech Park property. During construction, residents requested the area not be paved per the approved plan and left natural. This request is reflected in the proposed amendment.

Pathway Connecting Turtle Pond to MD Route 28

The original SDP indicated a connection of the natural pathway from Turtle Pond to MD Route 28. Due to the terrain, steep slopes and number of stream crossings (Exhibit 15, 16) the connections are not feasible and the application proposes a loop at Trail Marker #9.



Overall Pathway Plan

REQUIRED FINDINGS:

DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT

* * *

Sec. 24-160D.10. Findings required.

- (b) The city council shall approve a schematic development plan only upon the finding that:
 - (1) The plan is substantially in accord with the approved sketch plan; and
 - (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
 - (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and
 - (4) The plan will be internally and eternally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and
 - (5) Existing or planned public facilities are adequate to service the proposed development contained in the plan; and
 - (6) The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
 - (7) The plan, if approved, would be in the public interest.

STAFF RECOMMENDATION:

Staff finds that the application complies with the requirements of the MXD Zone, Division 19 of the City Zoning Ordinance as it meets with the findings required by the Mayor and City Council to approve an SDP. This is accomplished by the following:

1. While certain elements such as tot-lot equipment and fences have been deleted from the amended schematic development plan, SDP-06-003 largely remains in accordance with the original sketch plan for Lakelands, Z-280. The sketch plan proposed a natural pathway system through the Muddy Branch Creek tree save area that has been modified but still reflects the pedestrian-oriented systems proposed for the community.
2. One of the key purposes and objectives to the MXD Zone is to provide a superior natural environment by the preservation of trees, natural topographic and geological features, wetlands, watercourses, and open spaces. The proposed amendment retains the tree-save and soil conservation area and the forest conservation areas in the Muddy Branch Creek watershed. The deletion of the fence for lots 41-56 creates less of a disturbance for this sensitive environment.
3. The plan remains in accordance with City's Mater Plan, specifically the Environmental Element, adopted in 2004. This element of the Master Plan recommended for the City to continue to work with outside agencies to conduct assessments for the Muddy Branch watershed and develop restoration techniques. The deletion of the bridges intended to cross the Muddy Branch stream was advised by the U.S. Army Corps of Engineers, who felt that a "No Build" option was the best way to limit potential impacts to the floodplain area.
4. The proposed plan remains compatible with the existing and proposed land uses. The asphalt pathway between lots 74 and 75 on Still Creek Lane will be left natural, which will not impact any nearby trees or the critical root zones of existing trees in the forest conservation area buffering the Lane in the Woods section and the GE Tech Park property. This pathway will serve as another form of pedestrian connectivity between the residential units of the Lakelands and any future development on the GE property.
5. The public facilities required for the plan are adequate and in place at this time.
6. There is not a development or staging program for this plan.
7. It is in the public's best interest for this plan to be approved. The proposal provides less of a disturbance to the natural environment which has been protected for the benefit of the surrounding communities. The proposed Muddy Branch Pedestrian Tunnel will provide a safe and easy access for pedestrians wishing to utilize Darnestown Road.

Staff recommends that the Planning Commission recommend APPROVAL of SDP-06-003, an amendment to SDP-L5, to the Mayor and City Council, as it complies with §24-160D.10(b) and §24-198(c) of the Zoning Ordinance.

From: Greg Ossont
To: Patrick McCalley
Date: 10/12/2006 4:35:03 PM
Subject: Re: SDP-06-003 (Lakelands)

Pat - thanks for your email. Everything you mentioned is consistent with my understanding of the Board's position. As I mentioned, we are in a concurrent process of reconciling things with the developer. We'll be tabulating and putting together a succinct report and then schedule a time to come meet with the Board to discuss. As you can imagine, there are a number of issues beyond the Lane in the Woods that we need to get closure on. Regardless, anything directly related to future HOA areas or private yards will be coordinated with the Board to ensure a satisfactory resolution for the community. Hope that helps. We'll be in touch.

Greg Ossont, Director
Planning and Code Administration

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The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

>>> Patrick McCalley <pmccalley@yahoo.com> 10/12/2006 3:59:32 PM >>>
Greg,

As the Lakelands Board Member that has been heading up the entire bond release process I wanted to drop you a note to clarify some things.

At the meeting we had last fall with yourself, Greg Ryberg, Erica S, Jim Arnoult, Jim Parent(?), and Bev Frey (Lakelands), certain ground rules were presented to us, the Lakelands Board. One of the points that we were presented was that for any item that was not installed per the plan, the LCA would receive money in lieu. The money the LCA received for the tot lot equipment on the larger island located near the lower end of Still Creek Lane was cited as an example.

At the meeting on October 3, 2006 you pointed out that the LCA was ok with or had approved (I don't remember your exact verbage) the deletion of 3 lights along the path on Still Creek, 2 Bridges in the Muddy Branch Stream Valley, and 1,320 plus feet of split rail fence sited originally on private property from lots 41 to 56. It was and still is our understanding that the LCA would receive money in lieu of each of these items. At community meetings regarding these items, the residents of Phase 3 Section 2 agreed that having the money in lieu of these items would be more valuable to the LCA than the ammenities themselves.

One reason I bring this up is a comment you made last Friday October 6, 2006, that there may not be any funds in lieu of the 3 lights being deleted from the path as they were "if necessary". As stated before, the LCA (Board and residents) made the decision to delete these lights because the money that we would recieve in lieu would be more valuable to us than the lights themselves. You also mentioned that the money in lieu of the bridges might or would be adjusted based on work done to the path/bridge at route 28. While the upgrades that the city requested of the developer to this area are appreciated I do

not believe this area falls within the limits of SDP-06-003.

I believe it is safe to say that your staff, the Planning Commission, and Mayor Katz and Council are all aware of the unhappiness the LCA as well as the residents of Phase 3 Section 2 have when it comes to the developers workmanship on this area of our community.

We have the utmost confidence in yourself, your staff, the Planning Commission, and Mayor Katz and Council that the LCA will be fully satisfied with the end result.

Thank you very much for all of your time and efforts on this matter.

Sincerely,

Patrick McCalley
Lakelands Treasurer

CC: Beverly Frey; Cityhall External Mailing; David B. Humpton; Jim Wakefield; Lake Coulson; Mark Ezrin; Sidney Katz; Trudy Schwarz