



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Agenda Item: # 11

Agenda Date: January 20, 2011

January 13, 2011

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mary Bradford, Director of Parks *Mary Bradford*

FROM: Michael Ma, Park Development Division *MM*

SUBJECT: Resolution approving an access easement to EYA in Little Falls Stream Valley Park Unit 1

RECOMMENDATION

Staff recommends that the Montgomery County Planning Board approve the attached Resolution authorizing to grant an access easement to EYA in Little Falls Stream Valley Park Unit 1.

EYA is planning to re-develop Hoyt Property as a townhouse subdivision. The property is located near the end of Butler Road, approximately 1,000 feet south of River Road, in the Westbard area. It is bounded by Little Falls Stream Valley Park on the east and south. It is land locked without direct access to any public streets. EYA requested for an access easement in Little Falls Stream Valley Park to build an access road to serve the new residential development.

The access easement area will be about 95 feet long and 38 feet wide depending on the final location of the entrance road. The total easement area would be around 4,000 square feet. A section of the road will be a bridge over the existing concrete channel/ditch along the eastern boundary of the property.

Details on this recommended access easement were presented to the Board in closed session on December 16, 2010.



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RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized by Article 28, Section 5-111 of the Annotated Code of Maryland to sell, convey, transfer, lease, or exchange any land held by it and deemed by the Commission not to be needed for park purposes or other purposes authorized purposes; and

WHEREAS, EYA, a developer who specializes in urban-infill townhome development, desires to develop a townhouse subdivision in Westbard located near Little Falls Stream Valley Park Unit 1 on a 1.81-acre development site, known as Hoyt Property (the "Development Site") located between Little Falls Parkway and the Capital Crescent Trail, approximately 1,000 feet south of River Road; and

WHEREAS, EYA submitted a request to the Montgomery County Department of Parks (the "Parks Department") for the Commission to grant an easement that is approximately 95 feet in length over existing parkland directly off Little Falls Parkway (the "Easement") to provide access to the Development Site as a result of the Development Site lacking any direct vehicular access to a public street; and

WHEREAS, the Development Site is currently zoned I-1 and is occupied by a distribution center for the Bethesda Cinder Block Manufacturing Company. The approved 1982 Westbard Sector Plan encourages a townhouse development on the Development Site and indicates a possible access road off Little Falls Parkway to serve the encouraged development; and

WHEREAS, in addition to realizing the Sector Plan's vision, the replacement of the existing industrial use with a residential development will bring positive changes to the natural environment of adjacent parkland and communities; and

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Parks Department at its close session meeting on Thursday, December 16, 2010, to grant the requested easement subject to certain conditions including EYA implementing, or making financial contributions to, certain public amenity projects as requested by the Parks Department to enhance the surrounding community and parkland and to offset any impact of the access road; and

WHEREAS, the Montgomery County Planning Board agrees with the staff recommendation and desires to recommend to the Maryland National Capital Park and Planning Commission the granting of the requested access easement to EYA subject to the terms and conditions set forth herein since the subject parkland that is required for the Easement is no longer needed for park purposes or other authorized purposes.

NOW THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board hereby recommends for approval to The Maryland-National Capital Park and Planning Commission the granting of the Easement to EYA subject to the following terms and conditions since the subject parkland that is required for the Easement is no longer needed for park purposes or other authorized purposes:

1. In exchange for the Easement, EYA shall implement, or make financial contributions to, certain public amenity projects as requested by Parks staff to enhance the surrounding community and parkland. The public amenity projects may include, but not be limited to:
 - a. A stream restoration project to naturalize the existing concrete channel along the eastern frontage of the property; and
 - b. A non-native invasive species management program for designated areas within Little Falls Stream Valley Park and the Capital Crescent Trail as part of natural habitat restoration efforts for the parks; and
 - c. A trail renovation/maintenance project to refurbish the four-foot-wide shoulder of the Capital Crescent Trail; and
 - d. Installation of radar speed display signs along Little Falls Parkway as a traffic calming measure.

Some of the above referenced public amenity projects may be modified or replaced with other suitable projects depending on the timing of development approvals of the proposed residential development and the schedule of individual amenity projects.

2. EYA shall contribute \$500,000 as consideration for the Easement which sums are to be used to implement the amenity projects referenced above according to the following schedule:
 - a. Five percent or \$25,000 prior to execution of the contract for the Easement;
 - b. Fifteen percent or \$75,000 within 10 days of Site Plan approval by the Montgomery County Planning Board;
 - c. Eighty percent or \$400,000, prior to either the issuance of a Park Construction Permit for the proposed residential development or the recording of the Easement, whichever is first to occur.
3. EYA shall enter into a contract with the Commission to establish terms of the easement and an implementation plan of the required public amenity projects prior to filing a Preliminary Plan of Subdivision application for the proposed residential development.
4. Approval of the Easement by the National Capital Planning Commission prior to execution of the contract for the Easement;

BE IT FUTHER RESOLVED, that the Montgomery County Planning Board makes the above referenced recommendation to The Maryland-National Capital Park and Planning Commission without regard for, or consideration of, any of EYA's desired changes to the zoning for the Development Site, or EYA's desired unit-density for the Development Site; and


BE IT FUTHER RESOLVED, that the Montgomery County Planning Board hereby approves the transmission of this resolution to The Maryland-National Capital Park and Planning Commission for further consideration as contemplated herein.

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Certification

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____ all voting in favor of the motion at its regular meeting held on Thursday, January 20, 2011 in Silver Spring, Maryland.

Francois Carrier, Chair
Montgomery County Planning Board

Approved as to legal sufficiency

M-NCPCC Legal Department
Date 1/13/11