



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

MCPB

Item:

Date: 04/11/2013

April 3, 2013

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mary R. Bradford, Parks Director
Mike F. Riley, Deputy Parks Director *M*
Mitra Pedoeem, Chief, Park Development Division *Mit*

FROM: Michael Ma, Park Development Division *mm*

SUBJECT: Parkland Dedication and Footing Easement Request by EYA
Little Falls Stream Valley Park/Hoyt Property

STAFF RECOMMENDATION

Approval of (1) a 698-square-foot retaining wall footing easement over Little Falls Stream Valley Park for a townhouse development on Hoyt Property and (2) a parkland dedication of a portion of Hoyt Property (1,093 square feet) with the following condition:

1. Prior to issuance of the first building permit for Hoyt Property development:
 - a. The footing easement must be recorded in the land records.
 - b. Parcel B (1,093 square feet) must be conveyed to the Commission.

SUMMARY

Hoyt Property is a 30-unit townhome development in Westbard. Site plan 820120070 for the development was approved by the Planning Board on June 7, 2012. The final design of the development locates the footing of a section of the proposed retaining walls on adjacent parkland.

The developer of Hoyt Property (EYA) has been working with Parks staff to obtain Park Construction Permits for the construction of the development. On March 25, 2013, EYA filed a request (Attachment A) for an easement to construct and maintain a section of retaining walls along the east property line. In exchange for the easement, EYA agreed to dedicate a portion of the property to the Commission. Parks staff recommends approval of the easement request.

BACKGROUND

The Property

Hoyt 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, by the Capital Crescent Trail on the west, and by a number of industrial properties on the north. Little Falls Parkway runs parallel to the length of the site, about 95 feet to the east.



The Development

The proposed development consists of 30 single-family attached homes, including 5 MPDUs. The townhomes will be arranged along both sides of a private driveway. Each townhome will have a back yard adjoining parkland.

The property has no direct access to any public roads. Commercial vehicular access to the proposed development will be through the adjacent industrial use located at the end of Butler Road. The main access to the development will be via an entrance driveway off Little Falls Parkway in Little Falls Park. An access easement was granted by the Commission in 2011 for the entrance drive. A 5-foot-wide sidewalk/trail connection will be located on the north side of the

entrance driveway to provide a direct connection from the Little Falls Parkway to the Capital Crescent Trail.



PROPOSED RETAINING WALLS

To accommodate the unit design and site grading, the approved Site Plan shows sections of retaining walls along north, east and west property lines. The height of the walls varies from 1 to 11.5 feet. The final design of the walls extended the footing of the retaining wall along the east property line onto adjacent parkland. The height of the wall varies from 1 to 4.5 feet. The footing of the wall is 1 foot in width and 233 feet in length.

Easement Request

EYA requested a 698-square-foot easement along the east property line to construct and maintain the retaining wall. The easement area is 232.65 feet in length and 3 feet in width (see

Attachment A and site development rendering above). In exchange for the easement, EYA agreed to dedicate a portion of the property (Parcel B), 1,093 square feet, to the Commission.

CONCLUSION

Parks staff has been working with EYA and their design team to minimize the impact of the development on parkland. The final design of the retaining walls limited the footing encroachment to only one wall along the east property line. The footing itself is one foot in width onto parkland. The easement area and adjacent parkland along the east property line are open space to be landscaped with trees and shrubs by the developer. Therefore, the impact of the easement on parkland is acceptable.

Dedication of Parcel B to the Commission will provide a logical extension of parkland in this area and represents a reasonable compensation for the easement. The proposed exchange of the footing easement for dedication of Parcel B will not only facilitate construction of the development but also provide additional land to the park, which the Commission did not receive through previous regulatory process of this project. Therefore, staff recommends approval of the request.

ATTACHMENT

A. Easement request by EYA, dated march 25, 2013



ideas that work

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March 25, 2013

Mr. Michael Ma
Parks Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Hoyt Property (Site Plan No. 820120070 – Dedication of Land to M-NCPPC/Retaining Wall Easement)

Dear Michael:

On behalf of LF Associates, LLC (an affiliate of EYA, LLC) we are writing today to request approval by the Montgomery County Planning Board of the proposal we have discussed with you for the dedication to M-NCPPC of a portion of the subject property in exchange for an easement for the construction and maintenance of retaining walls on the property line separating the LF Associates Property from that of M-NCPPC.

The LF Associates property is located along Little Falls Parkway, southwest of its intersection with River Road. It is bordered on three sides by parkland. Through a cooperative effort of the Planning Board, the Parks Department, M-NCPPC Planning Staff, the local community and the Montgomery County Council, the subject property was rezoned from industrial use to RT-15, enabling redevelopment for townhouse purposes. The Planning Board then approved a Preliminary Plan of Subdivision (Preliminary Plan No. 120120140) and the referenced Site Plan last year, including within those approvals, the provision of access to the project from Little Falls Parkway and reciprocal access through the property for the general public to access the Capital Crescent Trail.

As detailed engineering and design work progressed over the past year, LF Associates determined that the construction of a retaining wall necessary for the project to proceed required that footings be placed on the east property line separating the subject property from Little Falls Park and that LF Associates also requires the ability to maintain a wall located on the LF Associates property along the south and west property lines. (The Site Plan reflects the location of those retaining walls and the footings along the property line and the Sketch and Description attached to this letter describes the easement area).

At the same time, the Parks Department has determined that it would like to obtain ownership of a portion of the Hoyt property (identified as Parcel B on the Site Plan), for park

Mr. Michael Ma
March 25, 2013
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purposes and LF Associates is prepared to dedicate this land to the Parks Department in exchange for the easement discussed above.

We ask that the Planning Board approve the exchange of the dedicated land for the proposed easement. We look forward to proceeding with this project in the very near future and to its implementing the public benefits it brings including public access to the Capital Crescent Trail, elimination of an industrial use along Little Falls Branch, and an improved access to the park for park maintenance purposes.

Cordially yours,



Robert R. Harris

Enclosures

cc: With enclosure:
Aakash Thakkar
Stephanie Marcus



Wall
Easement

MARCH 27, 2013
DESCRIPTION OF PART OF THE PROPERTY OF
MARYLAND-NATIONAL CAPITAL PARK
AND PLANNING COMMISSION
LIBER 2706 FOLIO 599
7TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

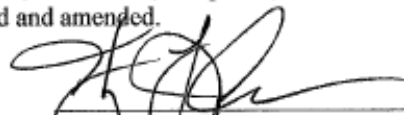
Being part of the property acquired by Maryland-National Capital Park and Planning Commission from Anita Heurich Eckles et al, by deed dated January 29, 1960 and recorded in Liber 2706 at Folio 599 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Grid North (NAD 83/91) as follows:

Beginning for the same at a point on the third (3rd) or South 25° 55' 00" West, 385.34 foot deed line of said Liber 2706 at Folio 599, said point also lying on the second (2nd) or South 25° 58' 15" West, 384.41 foot line of a conveyance from Peter B. Hoyt and Butler Road Limited Partnership to LF Associates LLC, by deed dated December 17, 2012 and recorded in Liber 45761 at Folio 454 among the aforesaid Land Records, being 26.24 feet northerly from the southerly end thereof; thence running with a portion of said common deed lines

- 1.) North 25° 58' 15" East, 232.65 feet to a point; thence leaving said common deed line and running so as to cross and include a portion of said property, the following three (3) courses and distances
- 2.) South 64° 01' 45" East, 3.00 feet to a point; thence
- 3.) South 25° 58' 15" West, 232.65 feet to a point; thence
- 4.) North 64° 01' 45" West, 3.00 feet to the point of beginning, containing 698 square feet or 0.01602 acres of land.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

3/27/13
Date


Harry L. Jenkins
Property Line Surveyor
Maryland No. 606
License Expires: April 21, 2015



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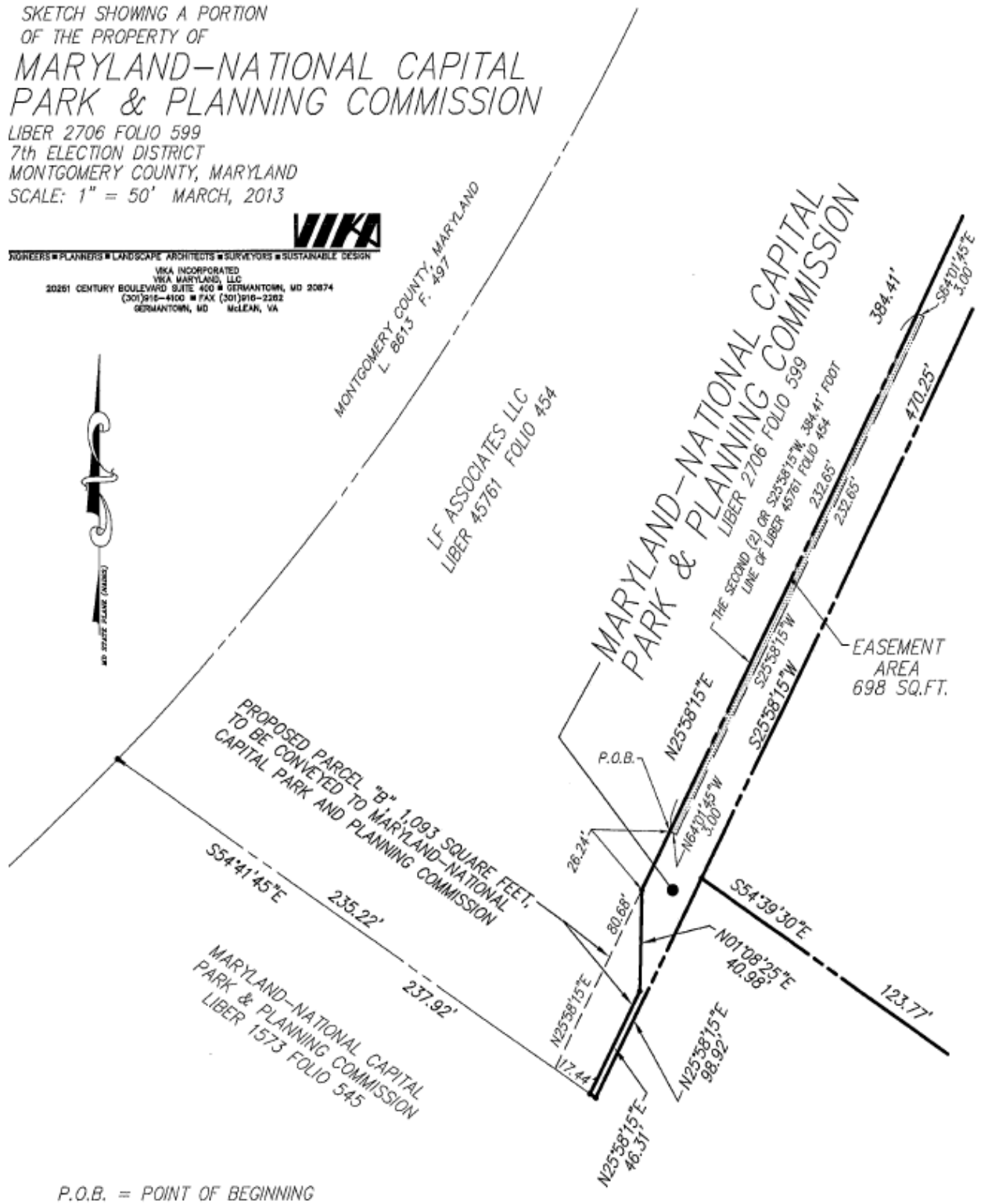
SKETCH SHOWING A PORTION
OF THE PROPERTY OF
**MARYLAND-NATIONAL CAPITAL
PARK & PLANNING COMMISSION**

LIBER 2706 FOLIO 599
7th ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 50' MARCH, 2013



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ SUSTAINABLE DESIGN

VKA INCORPORATED
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P.O.B. = POINT OF BEGINNING