



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 657
3-27-03

MEMORANDUM

DATE: March 21, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief *JRD*
Development Review Division

FROM: A. Malcolm Shaneman, Supervisor *AMS*
Development Review

REVIEW TYPE: Reconsideration Request Preliminary
Plan and Site Plan Review

APPLYING FOR: 30 Single Family Homes

PROJECT NAME: Layhill Village East

CASE #: 1-02086 and 8-02029

REVIEW BASIS: Chapter 50 Subdivision Regulations and Chapter 59-D-3 of the
Montgomery County Zoning Ordinance

ZONE: R-200 MPDU Optional

LOCATION: Existing Termination of Punch Street, 200 feet north of Queensguard Road

MASTER PLAN: Aspen Hill, 1994

APPLICANT: Magruder Reed Communities, LLC

FILING DATE: May 28, 2002

HEARING DATE: March 27, 2003



STAFF RECOMMENDATION: Reconsideration and Revision of Condition No. 16 of the Preliminary Plan and Condition No. 5 of the Site Plan, Subject to the Following Amendment:

Preliminary Plan No. 1-02086

(16) Prior to recording of plats, this plan must meet the applicable requirements of Council Bill 38-02 and Bill 38-02 must become effective

Site Plan No. 8-02029

(5) Prior to recording of plats, Site Plan 8-02029 must meet the applicable requirements of Council Bill 38-02 and Bill 38-02 must become effective

PROJECT DESCRIPTION: Surrounding Vicinity

The property is located on the east frontage of Layhill Road (MD 182) about 200 feet south of its intersection with Bonifant Road. Layhill Village East lies adjacent to the Bel Pre Manor, Bonifant Woods and Layhill View developments. It is located approximately two miles from the Glenmont Metro Station. Within 600 feet of the site is the Layhill Village Park. The Indian Spring Country Club and its adjacent Northwest Branch Park are located to the east, within one mile of the site boundaries; the Argyle Country Club is located within ½ mile, across Layhill Road, north of Bonifant Road. Local schools include the Argyle Middle School on Bel Pre Road, west of Layhill Road, the Barry Day School, one mile to the south, and the John F. Kennedy High School site, two miles to the south on Randolph Road. The Glenmont Shopping Center, along with its Metro Station is located to the south at the intersection of Layhill Road and Georgia Avenue, within two miles of the subject property.

PROJECT DESCRIPTION: Approved Plan

The site plan consists of 30 single family homes: 24 single- family detached homes which includes one existing historic house, and six semi-detached, single-family, affordable housing units. The existing house, known as the John Champayne Farmhouse forms the front space of the development, facing Layhill Road. The plan preserves one-acre of land surrounding the structure and maintains the view of the homestead from Layhill Road as recommended in the Master Plan.

Access to the development is provided from Queensguard Road and Punch Street The new housing wraps the rear and sides of the Champayne House, its pattern formed by the internal loop road (Punch Street extension) located between the rear of the Champayne House and the stream buffer that forms the eastern portion of the site. A Category I Conservation Easement will protect a land area of 4.6 acres of existing forest within the stream buffer.

Stormwater management is being provided on the site by a dry detention pond for on-site water quantity and a surface sand filter for water quality control.

Prior Planning Board Action

On September 12, 2002 the Planning Board approved both the preliminary plan and the site plan on the Layhill Village East property. The property is located in the Aspen Hill Policy Area where there currently is no staging ceiling available for residential units. The plan was approved utilizing the alternative review procedures for affordable housing as part of the Annual Growth Policy. The application provided the minimum of 20 percent affordable units, which equates to six (6) duplex (single family attached) units, with development standards under the R-200 MPDU Optional.

Prior to the Planning Board's action on the preliminary plan and site plan Council Bill 33-

02 was introduced. This amendment to Chapter 25A was proposed to clarify existing law and was expected to be amended to allow the voluntary provision of MPDUs in small projects generating fewer than 35 dwelling units. Such projects would also be eligible to utilize the MPDU development option, as provided for in the Zoning Ordinance (Chapter 59 of the County Code). Since the Layhill Village East project was considered complete and ready for consideration by the Planning Board staff believed that the introduction of Bill 33-02 would not affect the Board acting on the applications if appropriate conditions regarding the Bill's enactment were incorporated in its action. The Planning Board elected to approve both applications with conditions that would not allow for the recordation of the lots until the bill was enacted.

As Bill 33-02 progressed through the legislative process, the Bill was never amended to allow for voluntary provision of MPDUs. The County Council introduced Council Bill 38-02 to address the question of voluntary provision of MPDUs for projects involving fewer than 35 dwellings. The County Council approved Bill 38-02 on February 4, 2003. The bill allows a developer to voluntarily build MPDUs in developments with fewer than 35 dwelling units and to utilize the optional method MPDU standards

Planning Board Action Required to Amend Previous Conditions of Approval

Since both Preliminary Plan No. 1-02086 and Site Plan No. 8-02029 were approved referencing the prior Council Bill the Board voted on January 23, 2003, to reconsider both applications for the specific purpose of reconsidering the conditions related to the newly approved legislation. Staff's recommendation on Condition number sixteen (16) of the Preliminary Plan and Condition number five (5) of the Site Plan have been amended to reflect the new Bill number.

Green Tape Process for Affordable Housing Projects

Since the subject property will include 20 percent of the units as affordable housing, the project qualifies for the new "green tape process for affordable housing". This requires all departments and agencies to expedite their review of the project through the phasing and construction permit reviews. While the record plats may be processed in accordance with the "green tape process", the plats cannot be recorded until the effective date of Bill 38-02, which is ninety (90) days from February 4, 2003.

Attachments

Preliminary Plan Opinion Dated November 6, 2002	5 - 6
Site Plan Opinion Dated November 6, 2002	7 - 11
Vicinity Map	12
Approved Plan	13



Date Mailed: November 6, 2002

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by
Comm. Perdue with a vote of 3-2;
Comms. Berlage, Perdue, and
Bryant voting in favor
Comms. Robinson and Wellington
opposed

CORRECTED
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02086

NAME OF PLAN: LAYHILL VILLAGE EAST

On 02/25/02, MAGRUDER COMMUNITIES submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 29 lots on 14.68 acres of land. The application was designated Preliminary Plan 1-02086. On 09/12/02, Preliminary Plan 1-02086 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02086 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02086.

Approval, Pursuant to the Special Ceiling Allocation for Affordable Housing of the FY 2003 Annual Growth Policy (AGP), Including Waiver for Reduced Width Tertiary Road and Waiver of Sidewalk on One Side of Street, Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to no more than twenty-three (23) new single family detached units and six (6) new single family attached units and one (1) existing historic single family detached unit
- 2) Dedicate approximately one (1) foot of right-of-way for approximately eight (8) feet along Layhill Road (MD 182) across the northwest property frontage to provided a seventy-five (75) foot right-of-way from the centerline
- 3) Restrict access to Layhill Road to the existing driveway now serving the historic house.
Remove the other existing driveway
- 4) Dedicate and construct Punch Street as follows:
 - a. 60 foot right-of-way as a closed section secondary residential street for approximately 140 feet
 - b. allow reduced width turning radius at the 90 degree turn to avoid impacts to historic house

- c. 50 foot right-of-way as a closed section reduced width tertiary residential street from beyond the 60 foot right-of-way width
- 5) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 6) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Aspen Hill Master Plan and as outlined in Condition #4 above
- 7) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Aspen Hill Master Plan, or as approved by the Planning Board and DPWT and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition
- 8) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
- 9) Record plat to reflect common ingress/egress easements over all shared driveways
- 10) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas
- 11) Compliance with the conditions of MCDPS stormwater management approval dated May 28, 2002
- 12) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 13) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 14) Final approval of the number and location of dwelling units, sidewalks, and open space will be determined at site plan
- 15) A landscape and lighting plan must be submitted as part of the site plan application for review and approval
- 16) Prior to applicant requesting recordation of the lots, Preliminary Plan No. 1-02086 must meet the applicable requirements of Council Bill 18-02 and Bill 18-02 must become effective
- 17) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 18) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 19) Other necessary easements



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: November 6, 2002

SITE PLAN REVIEW: #8-02029

PROJECT: Layhill Village East

Action: Approval subject to conditions. Motion was made by Commissioner Alison Bryant, seconded by Commissioner Wendy Perdue with a vote of 3-2, Commissioners Berlage, Bryant, Perdue an voting for, Commissioners Wellington and Robinson voting against. All Commissioners were present.

The date of this written opinion is November 6, 2002 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before December 6, 2002. (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On September 12, 2002, Site Plan Review #8-02029 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the zone in which it is located;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan Review #8-02029 30 lots, including 1 existing single-family home (designated historic), 23 new single-family detached homes, and 6 attached single-family MPDUs, subject to the following conditions:

1. Conditions of MCDPS stormwater management concept approval dated May 28, 2002.
2. Conditions of Transportation Planning Division revised memo dated September 4, 2002, including:
 - a. Development not to exceed 23 new single-family dwelling units, 6 new single-family attached units, and one existing single family dwelling designated historically significant;
 - b. Dedicate approximately one-foot of right-of-way for approximately eight feet along Layhill Road (MD 182) across the northwest property frontage to provide a 75-foot right-of-way from the centerline;
 - c. Restrict access to Layhill Road to the one existing driveway that serves the historic house and remove the other existing driveway;
 - d. Coordinate the Punch Street extension cross-section design with the Montgomery County DPS and DPWT.
 - e. Extend Punch Street from Queensguard Road into the site and provide or dedicate, subject to review and approval of Montgomery County DPWT and DPS:
 - i. A 50-foot right-of-way as a closed-section secondary residential street for approximately 270 feet;
 - ii. A reduced turning radius along the 50-foot right-of-way segment at the 90-degree turn to avoid impacting the historic house;
 - iii. A 27'-4" right-of-way for a closed-section reduced-width tertiary residential street, for the loop road.
 - f. Continue the existing sidewalk as a four-foot concrete sidewalk along the west and south sides of Punch Street to provide:
 - i. Pedestrian connection into the site;
 - ii. Pedestrian circulation within the site;
 - iii. Pedestrian connection to the planned Class III bikeway on Queensguard Road and the Layhill Village Park;
 - g. Satisfy Policy Area Review under the "Special Ceiling Allocation for Affordable Housing Section" of the *FY 2003 Annual Growth Policy (AGP)*.
3. Conditions of Environmental Planning Division memo, dated July 11, 2001:
 - a. Tree Save Plan and Final Forest Conservation Plan shall be based on a final field survey of tree locations. Additional tree saves/removal will be required as deemed feasible by M-NCPPC inspector at time of establishment of limits of disturbance.
 - b. Retain Tree 34 on Lot 14 (34" Catalpa) unless documentation from a certified arborist is submitted documenting failing health of tree.

- c. Area designated for natural regeneration (0.19 acres) will need to be planted and maintained. Natural regeneration for the site does not appear feasible due to prevalence of invasive and exotic plant species.
- d. Place a Category I Forest Conservation Easement on 4.6 acres of on-site forest.
- e. Show noise attenuation measures along Layhill Rd. and open play area I. Staff recommends a combination of a small earth berm and a noise fence that are high enough to cut the line of sight between noise sources and receptors. Upper levels of dwelling units on lots 2 and 3 should have acoustical treatment.
- f. Limits of disturbance lines and proposed boundary of HOA open space/conservation easement area on site plan do not match those on forest conservation plan in all places. Revise plans, as needed, so that both plans are consistent.

4. Site Plan

Site Plan signature set to show all easements, limits of disturbance, PUEs, PIEs, HOA common space, storm water parcels and outlets; provide correct labeling of lots and include the historic house lot in the plan lot numbering;

5. Landscape Plan

- a. Street Trees: Provide a single species of street tree such as London Plane tree, Northern Red Oak, or Zelkova on both sides of the public street throughout the development;
- b. Fencing: Provide a split rail fence along the entire south property line of Lot 1 (Historic House), extending from the ROW line along Layhill Road to the ROW line of the internal public street;
- c. Screening: Provide substantial tree planting inside the split rail fence on the Historic House south property line to provide screening for the rear yards of Lots 3, 4, 5, 6, and 7; provide screening for the Historic House north property line; provide screening for the side of the noise fence facing Layhill Road. For each section of screening, provide a mixture of trees planted every 10 feet in two alternating rows, or an alternate arrangement of equally dense planting using: Leyland Cypress, American Holly, Red Maple, Red Oak, and appropriate understory planting to include low and medium growth plants.
- d. Open Play Area: Clear trees within the open play area that are in poor condition and considered poor candidates for survival, as noted by MNCPPC Development Review arborist; replant the open play area with hardwoods, evergreens, selected ornamentals and understory planting to better define the open play area and screen play activity from the adjacent residences; coordinate with fencing around play area; provide two benches for the open play area;
- f. Tree Size: Provide trees throughout at 2.5 to 3-inch caliper for hardwood species and 8-10 feet height for evergreen species;

5. MPDUs or Affordable Housing Units

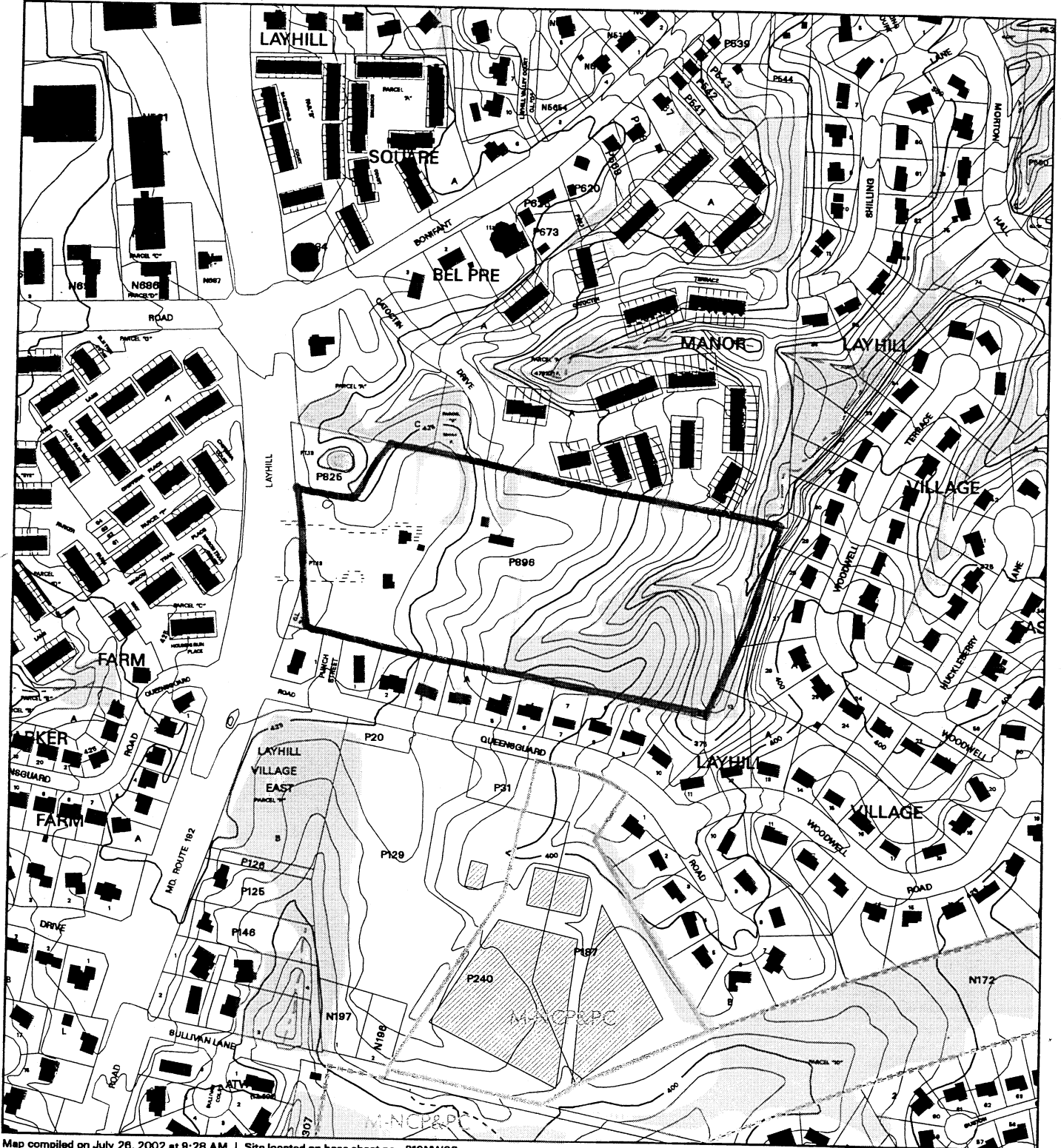
Prior to applicant requesting recordation of the lots, Site Plan 8-02029 must meet the applicable requirements of Council Bill 18-02 and Bill 18-02 must become effective.

7. Site, Landscape/Lighting, Forest Conservation, and Sediment and Erosion Control Plans are subject to staff review prior to approval of signature set.
8. Applicant must, within six months from the date of record plan, dispose of the historic house (John Champayne Farmhouse) and lot to an appropriate party. In the interim, from September 12, 2002 until the disposal of the property, applicant will keep thei historic property secure and weather-tight to prevent further deterioration and/or vandalism.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to occupancy of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of the facility is completed.
 - 4) Pedestrian pathways and seating areas associated with the facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 6) Coordination of each section of the development and roads;
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, community paths, offsetting environmental improvements, or other features.
 - b. Site Plan Enforcement Agreement to delineate the requirements of condition of approval by the State Highway Administration.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance;
 - b. Methods and location of tree protection;
 - c. Forest Conservation areas;
 - d. Conditions of DPS Stormwater Management Concept approval letters dated May 28, 2002;
 - e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - f. Conservation Easement boundaries;
 - g. Street trees 40 feet on center along all public streets;
 - h. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of homes at Lots 20-31.
 - i. Certification on signature set from a professional acoustical engineer that the building shell will attenuate current noise levels to an interior level not to exceed 45 dBA Ldn.
 - j. Development Program schedule.

VICINITY MAP FOR
LAYHILL VILLAGE (1-02086)



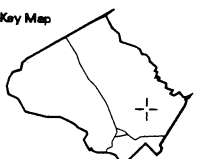
Map compiled on July 26, 2002 at 8:28 AM | Site located on base sheet no - 219NW02

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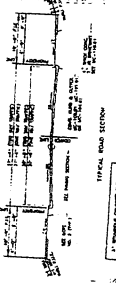


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RECORDED IN USRP 692 AT FOLI 257
 LAYHILL VILLAGE EAST
 PRELIMINARY SITE PLAN
 OTS 2 THRU 31 - BLOCK F

P.G. ASSOCIATES, INC.
 CIVIL ENGINEERS • SURVEYORS • LAND PLANNERS

DATE	11/11/10
BY	ALAN BAKER
PROJECT NO.	5402
CLIENT	ELLINGER, FENTLETT
SCALE	1" = 2000'



CONTRACT PURCHASER
 ELLINGER, FENTLETT
 1700 W. BROADWAY
 SUITE 200
 CHARLOTTE, NC 28202
 PHONE: 704.375.7474
 FAX: 704.375.7475

By Alan Baker
 Civil Engineer
 No. 5402