

**Agenda for Montgomery County Planning Board Meeting
Thursday, October 2, 2003, 9:30 A.M.**

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: Commissioners' Reports Directors' Reports Reconsideration Requests	
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GENERAL MEETING (*Third Floor Conference Room, 8787 Georgia Avenue, Silver Spring*)

- A. Administrative Items
- B. Preliminary Financial Statements
- C. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (consult with counsel to obtain legal advice) (Subject: Fairland Golf Course project)*
- D. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (consult with counsel to obtain legal advice) (Subject: Meadowbrook Foundation, Inc.)*
- E. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (consult with counsel to obtain legal advice) (Subject: Riderwood Village TMA)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. Facility Plan for Pope Farm Nursery Utilities Upgrade

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. Site Plan Review No. 8-03039, Hodges Landsdale Property

R-90/RNC Zone; 50.29 acres; 29 new 1 existing one-family detached dwelling units; on Olney-Sandy Spring Road, approximately 500 feet east of Meeting House Road; Cloverly-Norwood, PA-28

APPLICANT: Winchester Homes

ENGINEER: Gutschick, Little & Weber, P.A.

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Proposed Park House Policy Revisions Related to the Action Plan for Affordable Housing

Discuss the work program outline and the associated timeframes for completing the work.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Forest Conservation Plan for Board of Appeals Petition No. 2480

Connie Lucas applicant requests a special exception to operate a large group home for 16 residents; 16434 Batson Road, RC Zone, Fairland Master Plan

Staff Recommendation: *Approval.*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Board of Appeals Petition No. 2480

Connie Lucas applicant requests a special exception to operate a large group home for 16 residents; 16434 Batson Road, RC Zone, Fairland Master Plan

Staff Recommendation: *Approval with conditions.*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Preliminary Plan Review No. 1-03102, Greencastle Towns

RT-8 Zone; 4.14 Acres; Twenty seven (27) single Family attached units

Community Water and Community Sewer

Located on the west side of Greencastle Road, approximately 1,500 feet south of Robey Road

Policy Area: Fairland-White Oak

Applicant: TC Greencastle, L.L.C.

Engineer: Site Solutions

Attorney: Holland and Knight

Staff Recommendation: Approval, subject to the following conditions:

- 1) Limit the development for up to 27 single-family attached housing units, to be developed in one phase
- 2) Satisfy the PATR component of the APF test by entering into a TMA with the MCPB and the DPWT, to sponsor and implement a trip reduction program for 12 years
- 3) Consistent with the 1997 Approved and Adopted Fairland Master Plan, dedicate additional right-of-way along Greencastle Road to provide 40 feet of right-of-way from its centerline
- 4) Coordinate with DPWT's CIP Project No. 500100, Greencastle Road to provide roadway improvements along the entire property frontage, and to extend the proposed Class I bikeway along site frontage (to the west side of Greencastle Road) off-site, to the north to Wildlife Lane
- 5) Coordinate with DPWT on design requirements for the proposed site access driveway
- 6) 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
- 7) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Fairland-White Oak Master Plan unless otherwise designated on the preliminary plan
- 8) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Fairland-White Oak Master Plan, 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
- 9) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- 10) Record plat to provide for dedication of 80 feet of right-of-way (40 ft. from centerline) for Greencastle Road
- 11) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas
- 12) Compliance with the conditions of approval of the MCDPS stormwater management approval dated, September 2, 2003

Preliminary Plan Review No. 1-03102, Greencastle Towns (continued)

- 13) Compliance with conditions of MCDPWT letter dated, September 8, 2003 unless otherwise amended
- 14) At the time of ratification of the sales contract, applicant/developer to disclose to prospective home buyers the location and activities associated with the adjoining Fairland Regional Park
- 15) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 16) Final approval of the number and location of dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 17) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 18) 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
- 19) 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
- 20) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Site Plan Review No. 8-03038, Greencastle Towns

RT-8 Zone; 4.14 acres; 27 lots, 27 townhouses; on the west side of Greencastle Road, approximately 1,500 feet south of Robey Road; Fairland & vicinity, PA-34

APPLICANT: TC Greencastle LLC

ENGINEER: Site Solutions, Inc.

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. Preliminary Plan Review No. 1-03086, Potomac Country Corner

R-200/TDR-10 zone; 3.93 acres; twenty-nine (29) one-family attached units including 22 TDRs

Community Water and Community Sewer

Located in the south quadrant of the intersection of Darnestown Road and Hunting Lane

Policy Area: North Potomac

Applicant: Porten Companies

Engineer: Charles P. Johnson and Associates

Staff Recommendation: Approval, subject to the following conditions

- 1) Approval under this preliminary plan is limited to Twenty-Nine (29) one family attached dwellings
- 2) 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

Preliminary Plan Review No. 1-03086, Potomac Country Corner

- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Potomac Master Plan unless otherwise designated on the preliminary plan
- 4) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Potomac Master Plan, 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
- 5) Record plat to reflect a Category I easement over all areas of forest conservation
- 6) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas
- 7) Compliance with the conditions of approval of the MCDPS stormwater management approval dated, July 2, 2003
- 8) Compliance with conditions of MCDPWT letter dated, September 8, 2003 unless otherwise amended
- 9) No clearing, grading (Unless approved as part of the site plan) or recording of plats prior to site plan enforcement agreement approval
- 10) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 11) Final approval of the number and location of dwelling units, on-site parking, site circulation, and sidewalks, and bikepaths will be determined at site plan
- 12) Final number of TDR's as per condition #11 above to be determined at the time of site plan
- 13) 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
- 14) 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
- 15) Other necessary easements

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:****Action:**

9. Site Plan Review No. 8-03033, Potomac Country Corner

R-200/TDR-10 Zone; 3.93 acres; 29 lots, 29 townhouses, including 22 TDRs; south quadrant of the intersection of Darnestown Road and Hunting Lane; Darnestown & vicinity, PA-24

APPLICANT: Porten Companies

ENGINEER: Charles P. Johnson & Associates

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. Preliminary Plan Review No. 1-03058, Bancroft North

RNC Zone; 18.23 acres; eight (8) one-family detached dwelling units including one (1) existing dwelling unit

Community Water and Community Sewer

Located on the east side of Doctor Bird Road (MD 182), approximately 1,400 feet east of Sandy Spring Road (MD 108)

Policy Area: Rural (Sandy Spring-Ashton)

Applicant: Mitchell and Best Homebuilders

Engineer: APEX Engineering

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of seven new one-family detached dwelling units and one existing unit
- 2) Record Plat to reflect dedication of 120 ft. right-of-way (60 ft. from centerline) for Dr. Bird Road (MD 182)
- 3) Extend Class I bikeway from Bancroft Property to the south along property frontage as per site plan
- 4) Extend hiker/biker trail along Lake Norwood Way within the site near Lot 8 to the Class I bikeway as per site plan and designed to same standards as adjacent Bancroft Property
- 5) Applicant shall obtain a Final Inspection Certificate for one new house within the area denoted "future buildable area" on Lot 1 as shown on the approved plan within 4 years of recordation of plat for Lot 1
- 6) Within 90 days of issuance of Final Inspection Certificate for the new house on Lot 1, Applicant shall demolish existing house on Lot 1 and return land within the "buildable area" as shown on the approved preliminary plan to a natural state subject to MNCPPC technical staff inspection and approval of the restoration
- 7) Within 60 days of MNCPPC technical staff approval of the restoration as prescribed in Condition #6, applicant must file a plat of correction pursuant to Section 50-35A(a) 5 of the Montgomery County Subdivision Regulations, which will reflect 70% rural open space for the entirety of the approved subdivision.
- 8) If a new house is not constructed on Lot 1 within the time frame specified in Condition #5, applicant shall file a plat of correction pursuant to Section 50-35A(a) 5 of the Montgomery County Subdivision Regulations, which will reflect deletion of the "future buildable area" and 70% rural open space for the entirety of the approved subdivision.
- 9) 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
- 10) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation

Preliminary Plan Review No. 1-03058, Bancroft North

- 11) Record plat to reflect a separate parcel for private roads with a common ingress/egress and utility easements over all such parcels
- 12) Private Roads to comply with Section 59-C-7.235 of the Zoning Ordinance and Section 50-25(h) of the Subdivision Regulations
- 13) Record Plat to reflect Lot 1 (conservancy lot) at a minimum of 10 acres in size
- 14) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas
- 15) Compliance with the conditions of approval of the MCDPS stormwater management approval dated, April 11, 2003
- 16) Compliance with the conditions of the MCDPWT letter dated, June 20, 2003, unless otherwise amended
- 17) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 18) Final approval of the number and location of dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 19) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 20) 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
- 21) 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
- 22) Other necessary easements

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:****Action:**

11. Site Plan Review No. 8-03024, Bancroft North

RNC Zone; 18.23 acres; 8 lots, 7 one-family detached dwelling units including 1 existing dwelling unit; on the east side of Doctor Bird Road (MD 182), approximately 1,400 feet east of Sandy Spring Road (MD RTE 108) Olney & vicinity – PA-23

APPLICANT: Mitchell & Best Homebuilders

ENGINEER: Apex Engineering

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. **Preliminary Plan Review No. 1-03032, Jackson’s Acres**
(Deferred from January 16, 2003 Planning Board Hearing)

R-90 Zone; 0.454 acres; one (1) one-family detached dwelling unit including one (1) existing dwelling unit

Community Water and Community Sewer

Located on the south side of Smith Village Road, approximately 800 feet east of Randolph Road

Policy Area: Fairland-White Oak

Applicant: Oak Hill Construction

Engineer: Witmer and Associates

Staff Recommendation: Approval, pursuant to the de minimis provisions of the FY 2004 Annual Growth Policy, and subject to the following conditions:

- 1) Applicant to submit a detailed tree save and grading plan to MNCPPC technical staff for review and approval prior to issuance of building permits
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Fairland-White Oak Master Plan unless otherwise designated on the preliminary plan
- 3) Record plat to reflect dedication of Smith Village Road (30 ft. from centerline)
- 4) Submit an engineered sediment control plan to MCDPS for review and approval, prior to issuance of building permit
- 5) Record plat to reflect common ingress/egress and utility easement over shared driveway
- 6) Compliance with the conditions of MCDPS stormwater management approval
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
- 8) 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
- 9) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

13. Preliminary Plan Review No. 1-00076E, The Independence of Privacy World (Request for the extension of the validity period)

Community Water and Community Sewer

RT Zone; One hundred twenty-Two (122) Multifamily Dwelling Units

Community Water and Community Sewer

Located on the west side of Layhill Road (MD 182), north of Glen Allen Avenue

Policy Area: Glenmont

Applicant: Edgewood Hill Associates

Attorney: Lerch, Early and Brewer

Staff Recommendation: Grant Six-Month Extension

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

14. **SRW-04002, Willerburn Acres (Request for subdivision waiver pursuant to Section 50-38 of the Subdivision Regulations)**

R-90 Zone; one (1) 24,264 square foot lot, (existing house of worship)

Community Water and Community Sewer

Located in the southeast quadrant of the intersection of Seven Locks Road and Gainsborough Road

Policy Area: Potomac

Applicant: Friends of Lubavitch, Inc.

Engineer: Dewberry

Staff Recommendation: Approval, subject to the following conditions:

- 1) Applicant to submit a complete record plat application within 60 days of the date of mailing of the Planning Board resolution
- 2) Record Plat to be recorded within 90 days of record plat submission

******* See Discussion in Staff Report *******

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

15. Record Plats

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plans and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

2-04056 Winter Hunt
RDT Zone, 2 Lots
Private Well, Private Septic
Michael S. Winn, Applicant

2-04058 Gateway Commons
R-200/TDR-7 Zone, 1 Parcel
Community Water, Community Sewer
Gateway Commons LLC, Applicant

2-04059 Chevy Chase
R-60 Zone, 1 Lot
Community Water, Community Sewer
Mr. & Mrs. James Rowan, Applicant

Staff Recommendation: Pursuant to section 50-35A, the following minor subdivision plat is recommended for approval subject to conformance with all requirements of Chapter 50 of the Montgomery County Code.

2-04057 Montgomery Hills Forest
R-60 Zone, 2 Lots
Community Water, Community Sewer
Robert Conner, LLC, Applicant

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

16. **Briefing on the Corridor Cities Transitway (I-270 Multi-modal Study) for the Montgomery County Planning Board, the Mayor and Council of Rockville, and the Mayor and Council of Gaithersburg at Rockville Council Chambers, 111 Maryland Avenue, Rockville**

(No public testimony will be taken at this time)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: