

Date Mailed: October 10, 2001
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Perdue with a vote of 4-0;
Comms. Bryant, Holmes, Perdue and
Wellington voting in favor

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01063

NAME OF PLAN: HOYLES MILL VILLAGE (ESTATES AT WOODCLIFFE PARK)
(RESUBDIVISION)

On 03/27/01, TOLL BROTHERS, INC. submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 70 lots (Revision to seventy (70) units of a four hundred fifty-nine (459) unit subdivision previously approved under Preliminary Plan Review No. 1-88216) on 61.40 acres of land. The application was designated Preliminary Plan 1-01063. On 09/13/01, Preliminary Plan 1-01063 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 1-01063 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01063.

Approval, including Abandonment of Unimproved Rights-of-Way, subject to the following conditions:

- 1) Compliance with the conditions of approval enumerated in the Environmental Planning memorandum dated, September 6, 2001 as follows:
 - (a) Imperviousness for the Section II single-family detached units and driveways may not exceed 13.761 acres or 599,459 square feet, unless other offsets or modifications to this imperviousness requirement have been approved by the Planning Board. In the townhouse section, sidewalk and attached housing units with associated parking must be constructed per design shown on approved Site Plan No. 8-95030. All streets must be constructed per design shown on approved Site Plan No. 8-95030 except as amended by this plan.
 - (b) Monitoring of conformance to the imperviousness limits for the single family detached portion of Section II shall be done in accordance with the December 6, 2000 agreement between the applicant and the Commission (Attachment A), except that, the 20 lots identified to be held in reserve in this agreement shall be replaced by the 20 lots identified in the August 17, 2001 letter from Toll Brothers, Inc (Attachment B).

- 12) 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
- 13) 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
- 14) Necessary easement
- 15) All other applicable conditions of approval of the 12/9/93 Planning Board approval remain in full force and effect

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6767 Georgia Avenue • Silver Spring, Maryland 20910-3760



Action: Approved Staff Recommendation with Modifications (Motion of Comm. Baptiste, seconded by Comm. Floreen, with a vote of 4-0; Comms. Baptiste, Floreen, Bauman and Richardson voting in favor, with Comm. Aron being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-88216
NAME OF PLAN: KING/EARGETT PROPERTY

On 08-16-88, GREENBERG GERMANTOWN L.P. , submitted an application for the approval of a preliminary plan of subdivision of property in the R200 zone. The application proposed to create 440 lots on 241.90 ACRES of land. The application was designated Preliminary Plan 1-88216. On 12-09-93, Preliminary Plan 1-88216 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 1-88216 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-88216, subject to the following conditions:

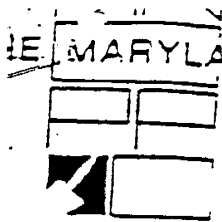
APPROVAL of 459 units only at this time,
subject to:

1. Agreement with Planning Board to limit development to no more than 459 dwelling units and provide for the necessary roadway improvements and building permit phasing as outlined in Transportation Planning Division memo dated 12-3-93, as revised on 12-8-93.
2. Final forest conservation plan to reflect revised site layout (including any modifications to A-297 and park-take areas) and to be reviewed and approved at site plan. Final forest conservation plan to conform to the EPD recommendations for approval of the preliminary forest conservation plan dated 12-6-93
3. At least 30 days prior to site plan application, applicant shall submit sediment and erosion control concept for EPD and MCDEP review and comment

4. At site plan applicant shall conform with requirements of Appendix "D" of the Germantown Master Plan. These measures to include, but not be limited to, an imperviousness restriction, water quality monitoring before, during and after construction, stream buffer criteria and suggested best management practices criteria. Use of best management practices shall be reviewed by M-NCPFC and MCDEP and approved by MCDEP
 5. Final location of local park dedication to be coordinated with Park's Department prior to submission of site plan and finalized at site plan in. In addition, compliance with Condition No. 2 as referenced in Parks Department memo dated 12-6-93 is also required
 6. Dedication for 70' right-of-way for Schaeffer Road, 100' right-of-way for A-297 and partial dedication for A-298 in accordance with preliminary plan drawing. Subject to Condition No. 7, dedication must be accomplished with recordation of the first record plat. On-site construction and phasing of A-297 to be in accordance with on-site phasing plan and may require participation by other projects. Extent of construction of A-298 from the western property line to the intersection with streets M/R to be determined prior to site plan for Phase III per on-site phasing plan. For remainder of A-298, the need for construction and/or participation will be determined with subsequent phase(s) requiring preliminary plan approval. Future engineering and design of A-297 to be coordinated with recommendations of master plan
- If, prior to recordation of the first record plat (Condition No. 6), the final alignment of A-297 has not been determined, applicant shall enter into an easement agreement with the Planning Board providing for the placement of an easement as depicted on the preliminary plan. The purpose of the easement agreement is to provide for the no cost future dedication by applicant of the final alignment of A-297 within the easement area. When the final alignment is determined, the Planning Board shall release that portion of the area subject to the easement that does not fall within the alignment. Applicant shall have the right to reserve easements reasonably necessary for the development of the project not inconsistent with its intended use as an arterial roadway. If final alignment of A-297 is not decided, then at least 60 days prior to applicant's notice to staff of the intended submission of a

site plan application for Phase II per the on-site phasing plan, staff shall return the preliminary plan to the Planning Board for the determination of the final alignment of A-297 within the easement area.

1. Schaeffer Road must be removed from the rustic roads program by the County Council prior to site plan approval
1. Subject to Condition No. 6, standard access and roadway improvements as required to be approved by MCDOT and MDSEA. If agreement between applicant and MCDOT on said access and roadway improvements cannot be reached prior to submission of site plan, the staff shall return the preliminary plan to the Board for further consideration of this Condition No. 9
0. At site plan, particular attention will be focused on the detailed pedestrian system which must include sidewalks along one or both sides of open section streets or waiver of the open section requirements. Dedication of additional right-of-way or perpetual easements may be necessary to implement sidewalks.
1. Conditions of MCDEP stormwater management approval dated 11-2-93
2. Record plat to reflect delineation of 100-year floodplain, stream valley buffers and conservation areas
3. Final determination of the number, location and mix of single-family detached and single-family attached units for this project and with number of required MPDU's to be determined at site plan. A proportionate number of MPDU's must be included in each phase of development
4. No clearing, grading or recording of plat(s) prior to site plan approval
5. Other necessary easements
5. This preliminary plan will remain valid until February 11, 1997. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed



JULY 2, 1996

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3780

Action: Approved Staff Recommendations
(Motion of Comm. Baptista, seconded by Comm. Richardson, with a vote of 3-0; Comms. Baptista, Richardson, and Eussmann voting in favor with Comms. Aron and Holmes being absent).

MONTGOMERY COUNTY PLANNING BOARD OPINION

Mail date:

Preliminary Plan 1-88216R

NAME OF PLAN: KING HARGETT PROPERTY (REVISED 6/20/96)

On 08-16-88, GREENBERG GERMANTOWN L.P., submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application was subsequently revised to create 569 lots on 241.90 ACRES of land. The application was designated Preliminary Plan 1-88216. Previous Planning Board actions on 6/16/94 and 6/30/94 approved a total of 559 lots pursuant to the FY 94 Annual Growth Policy. The first phase approval for 459 lots was dependent on certain roadway improvements with 100 additional units approved under the Limited Residential Development Option for the FY 94 AGP. The adoption of the FY 95 AGP provided additional capacity for housing in the Germantown East Policy Area. The Planning Board approved an additional 10 units for the project on 9/24/94. This brought the total number of lots approved to 569.

On May 24, 1996, the applicant submitted a request to revise the previous conditions of approval to propose a revised phasing plan and to request an extension of the validity period. On June 20, 1996, the application was brought before the Planning Board. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the form of a letter on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form as revised, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-88216 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves the revision to Preliminary Plan #1-88216, subject to the following conditions:

APPROVAL pursuant to the FY 94 Annual Growth Policy Alternative Review Procedures for Limited Residential Development, subject to:

Revise agreement with Planning Board to limit development to no more than 569 dwelling units as follows:

- a) Enter into agreement with Planning Board providing for the payment of the Development Approval Payment to the Montgomery County Department of Finance for 100 units as required pursuant to the FY 94 AGP prior to receipt of building permits for the units
 - b) Agreement with Planning Board to participate in the necessary roadway improvements as outlined in Transportation Division memo dated 12-8-93 (as revised) for 469 units and further clarified in applicants letter to the Transportation Planning Division dated 7/11/95
- d) Final forest conservation plan to reflect revised site layout (including any modifications to A-297 and park-take areas) and to be reviewed and approved at site plan. Final forest conservation plan to conform to the EPD recommendations for approval of the preliminary forest conservation plan dated 12-6-93
- e) At least 30 days prior to site plan application, applicant shall submit sediment and erosion control concept for EPD and MCDEP review and comment

At site plan applicant shall conform with requirements of Appendix "D" of the Germantown Master Plan. These measures to include, but not be limited to, an imperviousness restriction, water quality monitoring before, during and after construction, stream buffer criteria and suggested best management practices criteria. Use of best management practices shall be reviewed by M-NCPPC and MCDEP and approved by MCDEP

Final location of local park dedication to be coordinated with Park's Department prior to submission of site plan and finalized at site plan. In addition, compliance with Condition No. 2 as referenced in Parks Department memo dated 12-6-93 is also required

- a) Dedication for 70' right-of-way for Schaeffer Road, 100' right-of-way for A-297 and partial dedication for A-298 in accordance with preliminary plan drawing. Subject to Condition No. 7, dedication must be accomplished with recordation of the first record plat. On-site construction and phasing of A-297 to be in accordance with on-site phasing plan and may require participation by other projects. Extent of construction of A-298 from western property line to the intersection with Streets M/R to be determined prior to site plan for Phase III per on-site phasing plan. For remainder of A-298, the need for construction and/or participation will be determined with subsequent phase(s) requiring preliminary plan approval. Future engineering and design of A-297 to be coordinated with recommendations of master plan
- b) Prior to release of building permits for Phase III, applicant with respect to A-297 to either initiate construction of (i.e. road "under construction") or enter into a Road Construction Participation Agreement to construct that portion of A-297 as it is proposed to pass through Parcel 430 (as more specifically shown on the

approved preliminary plan - between Blocks N and W). This requirement to complete A-297 is for the purpose of providing efficient circulation within the boundaries of the area of the project, not portions of A-297 that extend beyond this project to the east or west. The requirement to construct A-297 on Parcel 430 is predicated upon the availability of right-of-way, the acquisition of which (including cost thereof) is not the responsibility of applicant.

7) If prior to recordation of the first record plat (Condition No. 6), the final alignment of A-297 has not been determined, applicant shall enter into an easement agreement with the Planning Board providing for the placement of an easement as depicted on the preliminary plan. The purpose of the easement agreement is to provide for the no cost future dedication by applicant of the final alignment of A-297 within the easement area. When the final alignment is determined, the Planning Board shall release that portion of the area subject to the easement that does not fall within the alignment. Applicant shall have the right to reserve easements reasonably necessary for the development of the project not inconsistent with its intended use as an arterial roadway. If final alignment of A-297 is not decided, then at least 60 days prior to applicant's notice to staff of the intended submission of a site plan application for Phase II per the on-site phasing plan, staff shall return the preliminary plan to the Planning Board for the determination of the final alignment of A-297 within the easement area.

8) Schaeffer Road must be removed from the rustic roads program by the County Council prior to site plan approval.

Subject to Condition No. 6, standard access and roadway improvements as required to be approved by MCDOT and MDSHA. If agreement between applicant and MCDOT on said access and roadway improvements cannot be reached prior to submission of site plan, the staff shall return the preliminary plan to the Board for further consideration of this Condition No. 9.

9) At site plan, particular attention will be focused on the detailed pedestrian system which must include sidewalks along one or both sides of open-section streets or waiver of the open section requirements. Dedication of additional right-of-way or perpetual easements may be necessary to implement sidewalks.

10) Conditions of MCDEP stormwater management approval dated 11-2-93.

11) Record plat to reflect delineation of 100-year floodplain, stream valley buffers and conservation areas.

Final determination of the number, location and mix of single-family detached and single-family attached units for this project and with number of required MPDU's to be determined at site plan. A proportionate number of MPDU's must be included in each phase of development.

- 14) No clearing, grading or recording of plat(s) prior to site plan approval
- 15) Other necessary easements
- 16) This preliminary plan has been approved in four different phases as follows:

Phase 1: Record plat(s) must be recorded for the first 160 dwelling units by February 7, 1997. This number includes 67 dwelling units approved under the limited residential development option (DAP) of the AGP. During this phase, applicant must dedicate Richter Farm Road (A-297) as part of the first plat(s) recorded.

Phase 2: Record plat(s) must be recorded for the remaining 33 dwelling units approved under the limited residential development option (DAP) by September 8, 1997. These units may be recorded during this phase, applicant must dedicate Hoyles Mill Road (A-298).

Phase 3: Record plat(s) must be approved for the next 266 dwelling units by February 7, 1999

Phase 4: Record plat(s) must be recorded for the final 110 dwelling units by February 7, 2000.

In addition, no building permits will be released by the Planning Board for any dwelling unit which exceeds the limit for the number of dwelling units served by a single access point, as established in Chapter 49 of the annotated Code. This will limit the number of dwelling units to be served by a single access to 75 for a tertiary street and 150 for a secondary street.

M-NCPPC



Date filed: May 5, 1999

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation. Motion of Comm. Bryant, seconded by Comm. Perdue with a vote of 3-0. Comms. Bryant, Perdue and Holmes voting in favor; Chairman Hussmann temporarily absent and Comm. Richardson absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

RECEIVED
JUN 9 1999
BY: _____

Preliminary Plan 1-88216R
NAME OF PLAN: KING/HARGETT PROPERTY

On 08-16-88, GREENBERG GERMANTOWN L.P. submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 569 lots on 241.90 acres of land. The application was designated Preliminary Plan 1-88216. On 11-23-94 and 06-20-96, Preliminary Plan 1-88216 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 found Preliminary Plan 1-88216 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approved Preliminary Plan 1-88216.

On 10-06-98, ARTERY HOYLES MILL LLC. submitted an application for revision to an approved preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 579 lots on 251.90 acres of land. The application was designated Preliminary Plan 1-88216R. On 01-21-99, Preliminary Plan 1-88216R 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 1-88216R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-88216R.

Approval to revise lot layout consistent with approved Site Plans 8-95027 and 8-95030, subject to the following conditions:

- (1) Record plats for this large scale residential project may be recorded in stages that allow for an additional validity period for the preliminary plan based on the following phases:

Phase I: Record plats must be recorded for the first 160 dwelling units by February 7, 1997. This number includes 67 dwelling units approved under the limited residential development option (DAP) of the AGP. During this phase, the applicant must dedicate Richter Farm Road (A-297) as part of the first plats recorded

Phase II: Record plats must be recorded for the remaining 33 dwelling units approved under the limited residential development option (DAP) by September 8, 1997. During this phase, applicant must dedicate Hoyles Mill Road (A-298)

Phase III: Record plats must be recorded for the next 266 dwelling units by February 7, 1999

Phase IV: Record plats must be recorded for the final 120 dwelling units by February 7, 2000

(2) All previous conditions of preliminary plan approval as contained in the Planning Board's Opinions dated 11-23-94 and 06-20-96 remain in full force and effect.