MCPB Item # 2/21/08

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MEMORANDUM

DATE: February 8, 2008

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisør

Development Review Division

(301) 495-4542

FROM: Stephen Smith

Development Review Division

(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board

Agenda for February 21, 2008

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220070690 - 220070700 Germantown Station

PLAT NO. 220070690 - 220070700

Germantown Station

Located in the northwest quadrant of the intersection of Lullaby Road and Father Hurley Boulevard

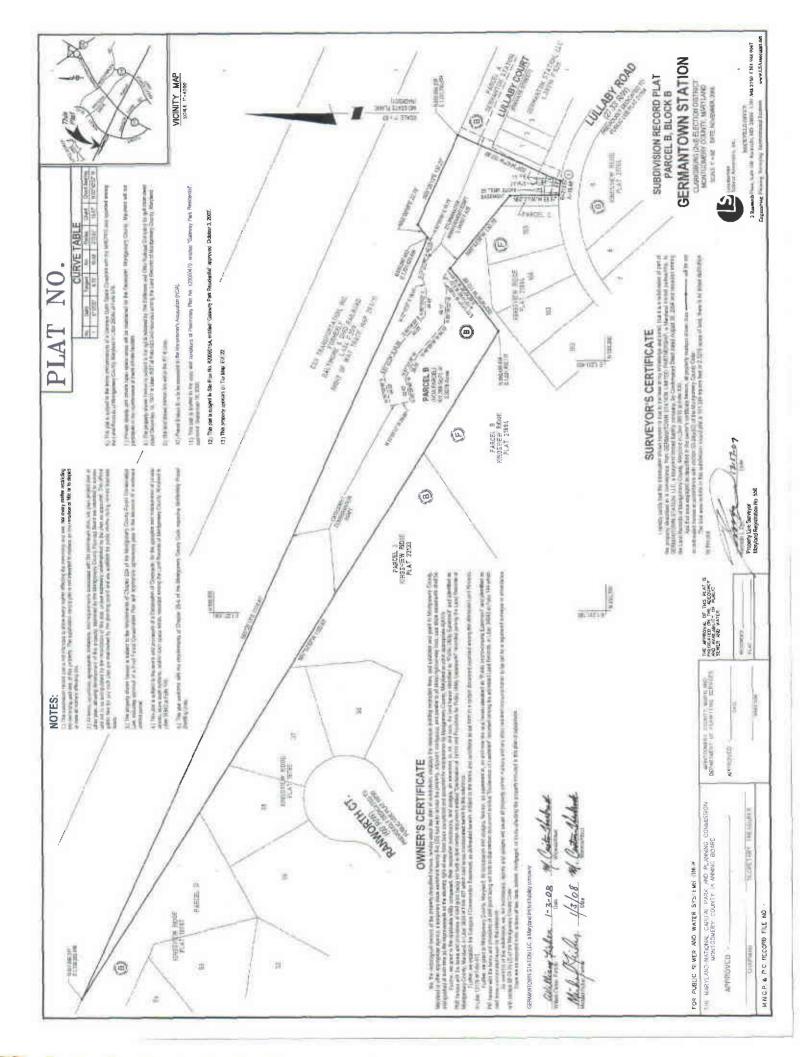
RT-8 zone; 28 lots, 2 parcels

Community Water, Community Sewer

Master Plan Area: Germantown Germantown Station, LLC, Applicant

The record plats have been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plats comply with Preliminary Plan No. 120060470, and Site Plan No. 82006015A, as approved by the Board, and that any minor modifications reflected on the plats do not alter the intent of the Board's previous approval of the aforesaid plans.

PB date: 2/21/08



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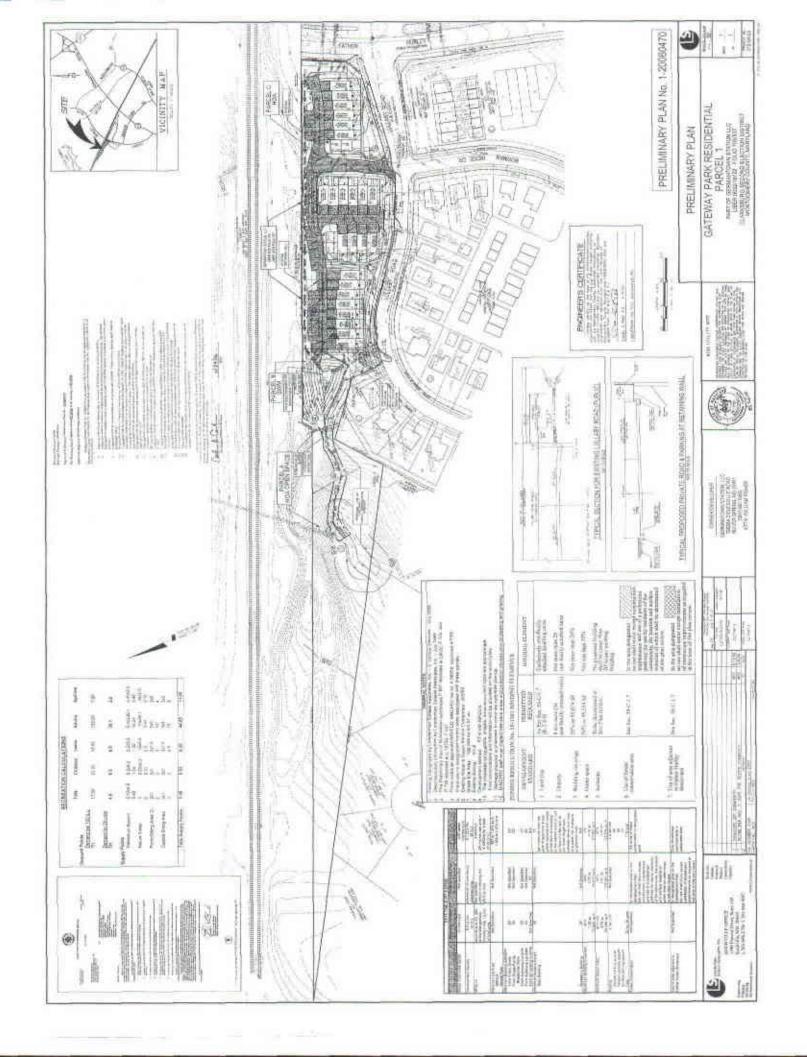
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M-NCPPC

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 301-495-4560, www.mncppc.org

> Date Mailed: SEP 1 8 2006 Hearing Date: May 18, 2006

Action: Approved Staff Recommendation

Motion of Commissioner Perdue, seconded by
Commissioner Wellington, with a vote of 5-0;
Chairman Berlage and Commissioners
Bryant, Perdue, Wellington, and Robinson
voting in favor.

MONTGOMERY COUNTY PLANNING BOARD OPINION

Preliminary Plan 120060470 NAME OF PLAN: Gateway Park Residential

The date of this written opinion is 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 within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

INTRODUCTION

On 10/13/05, Germantown Station, LLC ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RT-8 zone. The application proposed to create 28 lots on 4.57 acres of land located on the north side of Lullaby Road, approximately 200 feet west of the intersection with Father Huriey Boulevard, in the Germantown Master Plan area ("Subject Property"). The application was designated Preliminary Plan No. 120060470 ("Preliminary Plan"). On 5/18/06, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the

information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing, all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The Subject Property, identified as Parcels 803 and 730, is located on the north side of Lullaby Road, approximately 200 feet west of the intersection with Father Hurley Boulevard. The Subject Property contains 4.57 acre and is zoned R-T 8.

PROJECT DESCRIPTION

This Preliminary Plan proposes 28 residential lots for the construction of 28 one-family attached dwellings. The Subject Property abuts the CXS Rail Line right-of-way on the north and is surrounded on the south by residential properties consisting primarily of one-family detached dwellings and townhomes. The proposed lots have frontage and access from a private road, which has access to Lullaby Road.

MASTER PLAN COMPLIANCE

The Subject Property is identified in the Germantown Master Plan ("Master Plan") within the Kingsview Village area. The Master Plan recommended that the Subject Property be zoned I-3 with a 0.25 FAR. The site was approved for 27,077 gross square feet of commercial office on April 18, 2002, in accordance with the Master Plan recommendations. Development of the site as a commercial office use was not achieved. Therefore, the property owner requested reclassification of the Subject Property to residential use. District Council Resolution 15-1161 associated with Local Map Amendment G-833 zoning reclassification was approved on September 27, 2005.

ENVIRONMENTAL COMPLIANCE

Forest Conservation

The Subject Property was the subject of two previously approved preliminary plans and site plans. The first preliminary plan (1-97096) and site plan (8-99028), both entitled Gateway West, were included in the Autumn Glen subdivision to the east. Those plans did not include any development to the west of Father Hurley Boulevard

but did establish conservation easements on the far west side of the subject property. The second preliminary plan (1-01087) and site plan (8-02006), both entitled Gateway Park, were approved for office/commercial development. The applicant held preconstruction meetings and cleared forest within the limits of disturbance in preparation of construction. However, the buildings were never constructed.

The entire Gateway West property, including the 4.57-acre Subject Property, is subject to the forest conservation plan. A 1.96-acre Category I Forest Conservation Easement was required on the western part of the Subject Property as part of the approval of Gateway West Site Plan (8-99028) and is still applicable. Approval of the site plan also permitted a 0.1-acre encroachment into the conservation easement for a stormwater management conveyance and outfall. There were no planting requirements associated with the Gateway West site plan because the forest conservation plan indicates the preservation of more than the break-even point. There are no forest-planting requirements for the current Preliminary Plan associated with the development of the Subject Property because a 1.34-acre credit for forest retention above the conservation threshold was applied with the previous approval.

Noise

The Subject Property is located adjacent to the CSX Rail Line and west of Father Hurley Boulevard, which is not fully constructed. Currently, the trains, which travel along the railway, generate the greatest source of noise. Once completed, Father Hurley Boulevard will generate vehicular traffic, which will be another source of noise negatively impacting the Subject Property. To sufficiently accomplish noise mitigation, the development of the Subject Property will utilize noise barriers and acoustical treatments.

TRANSPORTATION

The Preliminary Plan proposes a combination of public and private streets. The public streets include Lullaby Road and Farther Hurley Boulevard. Both roads have been fully dedicated and recorded with Record Plat No. 21623 entitled, "Germantown Station, Street Dedication for Father Hurley Boulevard and Lullaby Road".

The plan proposes 28 one-family detached dwelling units. Therefore, the Subject Property is not subject to a local area traffic review (LATR) because it is expected to generate less than 30 peak hour vehicle trips.

STAFF RECOMMENDATION

Staff found that the Preliminary Plan complies with the applicable provisions of the Subdivision Regulations and the Zoning Ordinance as well as the recommendations

in the Germantown Master Plan. Therefore, staff recommended approval of the Preliminary Plan, subject to conditions.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board, based on the uncontested evidence of record and subject to the conditions of approval, finds that:

- a) The Preliminary Plan No. 120060470 substantially conforms to the Germantown Master Plan.
- Public facilities will be adequate to support and service the area of the proposed subdivision
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060470 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060470, subject to the following conditions:

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- Approval under this preliminary plan is limited to 28 dwelling units, including 4 MPDUs.
- 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.
- 3) Compliance with the recommendations of the February 24, 2006, "Phase II Noise Building Shell Analysis and Design" report.
- 4) Record plat to reflect a Category I easement over all areas of forest conservation.
- 5) Compliance with the recommendations of the February 24, 2006 "Phase III Building Shell Analysis" report and written commitment from the builder to construct the noise impacted units in accordance with the acoustical specifications identified in this analysis. Any changes that may affect acoustical performance must be approved by the acoustical engineer in advance of installation.
- 6) Compliance with the specifications and requirements of the approved development plan for Zoning Application No. G-833.
- 7) Final approval of the number and location of buildings, dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 8) No clearing, grading or recording of plats prior to certified site plan approval.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 6, 2005.
- 10) Compliance with conditions of MCDPWT letter dated March 6, 2006, unless otherwise amended.
- 11) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- Record Plat shall reflect all areas under Homeowners Association and stormwater management parcels.

- 13) Record plat shall reflect public use ingress/egress easements over all private streets.
- 14) Other necessary easements.
- 15) 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.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-36(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

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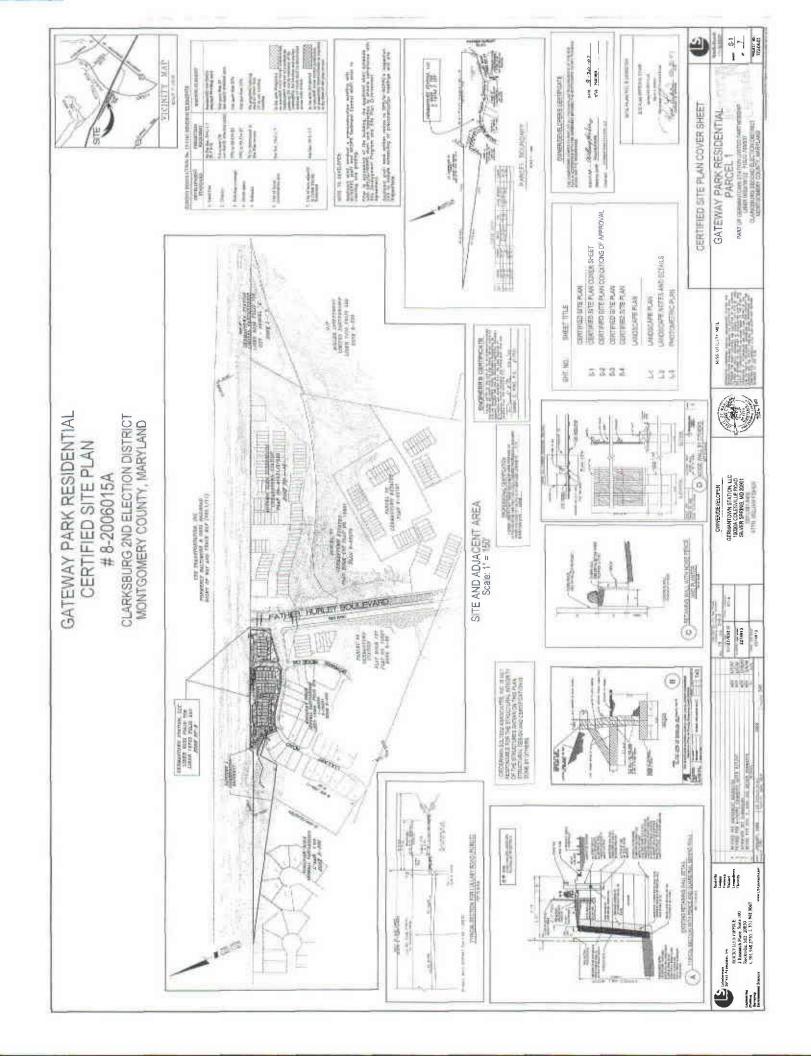
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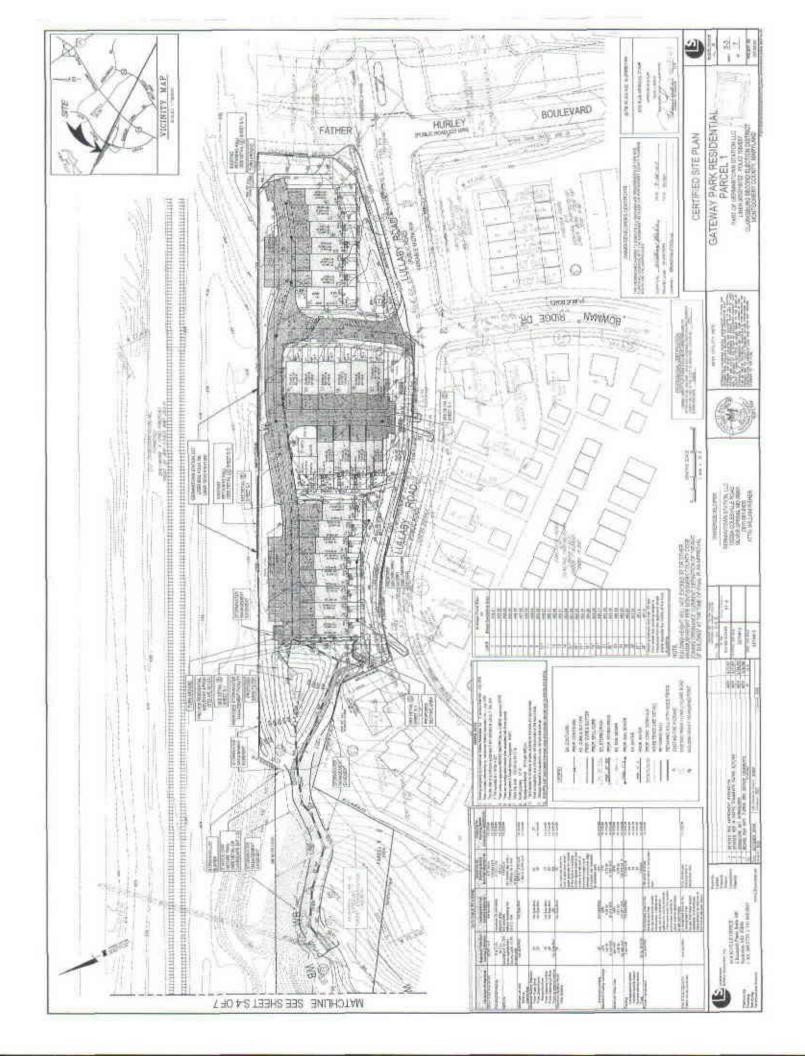
CERTIFICATION OF BOARD ADOPTION OF OPINION

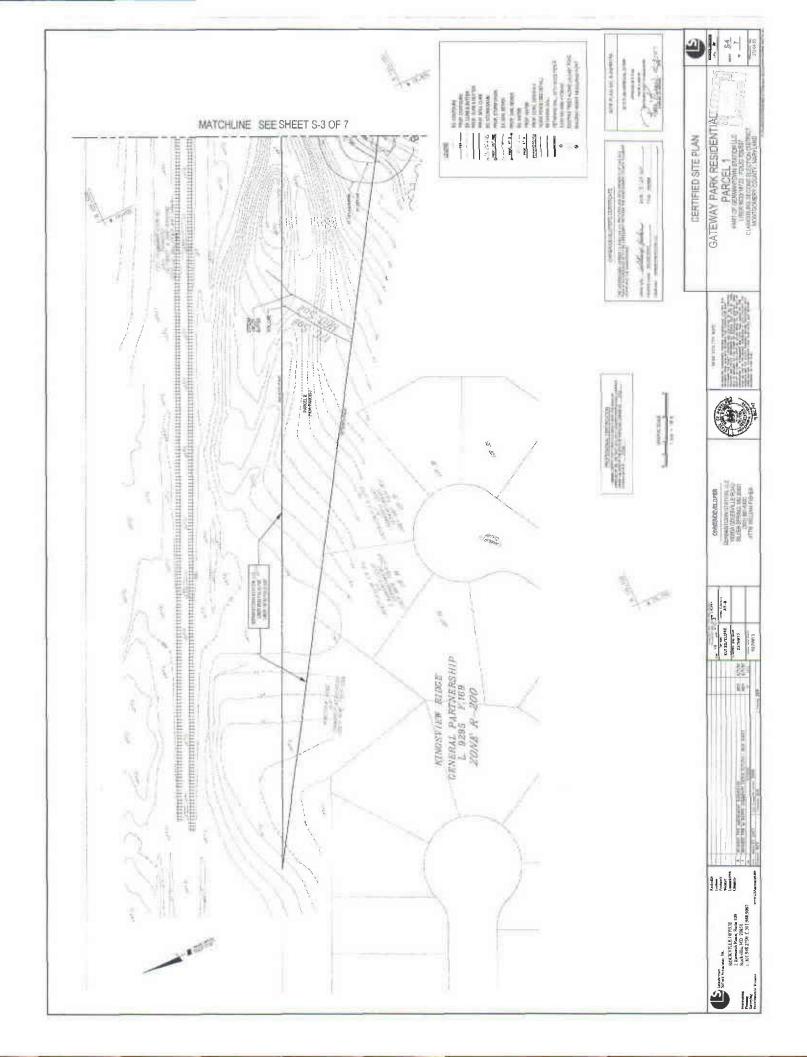
At its regular meeting, held on Thursday, September 7, 2006, in Silver Spring, Maryland, the Montgomer County Planning Board of The Maryland-National Capital Park and Planning Commission, ADOPTED the above opinion, on motion of Commissioner Perdue seconded by Commissioner Webington, with Commissioner Perdue, Robinson, and Wellington voting in favor, and with Charman Hanson abstaining. This Opinion constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060470, Gateway Park Residential.

Certification As To Voté of Adoption

E. Ann Daly, Technical Writer









MCPB No. 07-60

Site Plan No. 82006015A

Project Name: Gateway Park Residential

Hearing Date: June 21, 2007

JUL 1 2 2007

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-2.6, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, February 28, 2007, Germantown Station, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82006015A ("Amendment") for approval of the following modifications:

Revision of the building setback from the public street at the southeast corner of the property.
The data table on the Certified Site Plan must reflect the following revision for minimum building setback:

| Development Standard | Zoning Ordinance | Approved on Site Plan 820060150 | Proposed for Site Plan Amendment 82006015A |
|---|------------------|---------------------------------------|--|
| Min. Building Setback from Public Street | 25 feet | 29 feet | 25 feet |

 Clarification of building heights by adding building height measuring points on the plan and simplifying the data table to show only the average front elevations. The plans note that the building height will not exceed 35-feet as measured from the approved street grade opposite the middle of the front of building.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated June 1, 2007 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on June 21, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing");

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82006015A; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

APPROVED AS TO LEGAL SUFFICIENCY

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Resolution MCPB No. 07-60 Site Plan 82006015A Gateway Park Residential Page 2

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is (which is the date that this opinion is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

At its regular meeting, held on Thursday, June 21, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Bryant, seconded by Commissioner Robinson, with Commissioners Hanson, Bryant, and Robinson voting in favor, and Commissioners Perdue and Wellington absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 8-2006015A, Gateway Park Residential.

Royce Hanson, Chairman

Montgomery County Planning Board