



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Staff Report: Site Plan Amendment 82004033B; Eton Square

ITEM #: _____

MCPB HEARING

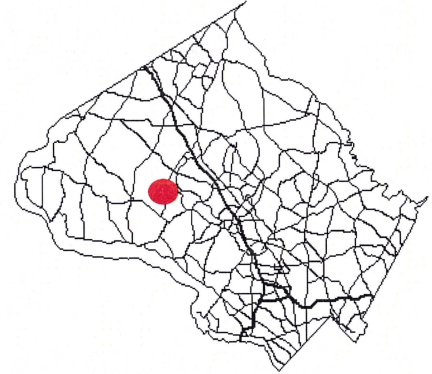
DATE: October 23, 2008

REPORT DATE: October 13, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *rk*
Development Review Division

FROM: Robert Kronenberg, Supervisor *RAW*
Development Review Division
301.495.2187
Robert.Kronenberg@mncppc-mc.org



APPLICATION DESCRIPTION: Proposal to amend an approved Site Plan to make modifications to landscaping, retaining walls, driveway width and side yard setbacks. Located at the southwest intersection of Frederick Road (MD 355) and Oxbridge Road; within the Germantown Master Plan.

APPLICANT: Porten Companies, Inc.

FILING DATE: June 17, 2008

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY: The Applicant is requesting changes to the approved site plan including the addition of small retaining walls, landscape modifications, adjustments to exterior stairs, relocation of some side door stoops, alterations of driveway widths, installation of bollards, and a reduction of the side yard setbacks on several units to accommodate air-conditioning condensers.

SITE DESCRIPTION

The property is located at the southwest intersection of MD355 and Oxbridge Drive in Germantown, Maryland. Access to the property is from Oxbridge Drive via MD 355 and Cider Barrel Drive via MD Route 118. The subject R-60/TDR-12 site is currently approved for 122, one-family, attached dwelling units, including 16 MPDU's. All of the units on the east side of Cider Barrel Drive have been constructed leaving 42 units on the west side to be constructed. The infrastructure has been completely built for the entire community.

The historic Cider Barrel, a roadside farm stand, is located north of the site sharing the land with an apartment community, The Elms at Germantown. The forest conservation requirements were met during the original site plan approval by the retention of on-site forest and reforestation of 0.18 acres along the western boundary.



Aerial Photo (Looking North)

PROJECT DESCRIPTION

Previous Approvals/Background

The Planning Board approved with conditions a Preliminary Plan (120040290) for this property at its Public Hearing on May 6, 2004. A formal resolution was issued on May 20, 2004.

The Planning Board approved with conditions a Site Plan (820040330) for this property at its Public Hearing on July 22, 2004. A formal resolution was issued on July 27, 2004.

A Minor Site Plan Amendment (82004033A) was filed by the Applicant on May 2, 2005, to: Revise lot and street layouts, add retaining walls, revise Stormwater Management Facility and outfalls, revise grading and parking due to layout revisions, revise bike path location and grading, revise landscape plan, add approved street names, add PUE easements to public ROW and private streets/alleys, and revise access to a woodchip trail. In accordance with the Minor Site Plan Amendment provisions, the Acting Planning Director approved this amendment through a written memorandum dated May 15, 2006.

Proposal

This amendment requests the following modifications to the approved site plan:



- 1) Reduce the side yard setbacks from 5' to 0' for end-unit townhouse units to accommodate air-conditioning condensers and install wood or brick screens to visually soften the condensers in highly visible locations;



2) Make minor adjustments to the number of risers on exterior staircases;



3) Relocate some garage side door stoops and installing small, wood retaining walls in several locations within the development;



4) Install bollards in front of AC condensers to prevent vehicular contact;



and 5) Alter driveway widths on MPDU townhouses to be consistent with the unit's footprint.

Additionally, the Applicant is proposing additional screening around the compressors within the side yard setbacks and new landscaping within the alleys, at the entrance to the alleys, and in highly visible areas associated with the roadways and open-space.

COMMUNITY OUTREACH

The Applicant sent a notice and copy of the proposed plan to Adjacent and Confronting Property Owners, Homeowner and Civic Associations and Parties of Record on June 17, 2008. The File of Record contains a copy of this Notice of Application.

Signage required by the Montgomery County Planning Board was posted on or about June 16, 2008. The Applicant has supplied the File of Record with an Affidavit of Posting and photo documentation.

PROJECT ANALYSIS

The items listed for modifications do not alter the intent or objectives to the approved site plan with respect to compatibility, access, open space, landscape and lighting and forest conservation. The primary purpose of this amendment is to reduce the side yard setbacks for the end units to accommodate HVAC units and account for site grading issues. The Building Code Enforcement Unit at the Department of Permitting Services identified the location of the HVAC units as a violation of the side yard setbacks and required the Applicant to remove the HVAC units or attempt to amend the side yard setback requirements. Staff explored a number of options with the Applicant to avoid an amendment to the site plan, including other locations in the front and rear yards and locating the HVAC units within the units. Unfortunately, most of the affected units were occupied and the other options did not make the situation any better.

HVAC units are not always shown on the site plan for the side yards because the location of the units typically complies with the setbacks; however, Staff has always been concerned about the location of HVAC units in the alleys for aesthetic and visibility concerns.

Setbacks in the R-60/TDR-12 zone are established during site plan review and can be reduced in conjunction with this amendment.

The proposed additional landscaping in and around the alleys and surrounding the HVAC units was a result of Staff's recommendation to mitigate the visibility of the HVAC units in the side yards and within the alley system.

RECOMMENDATION

Staff recommends approval of site plan amendment 82004033B, Eton Square, for landscape, retaining wall, driveway width and side yard setback modifications. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on October 6, 2008 are required except as modified by the following conditions.

ATTACHMENTS

A. Letter from the Applicant

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

June 11, 2008

Barbara A. Sears
301.961.5157
bsears@linowes-law.com

Mr. Robert Kronenberg
Development Review
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Site Plan Amendment to Site Plan No. 82004033A – Eton Square; No. 82004033B

Dear Robert:

On behalf of our client, Porten Companies, Inc. (“Porten”), attached please find an Application for an amendment to the above-referenced Site Plan (the “Site Plan Amendment”) and copies of all necessary documents to complete the filing. As you will recall from your discussions with Ray Sobrino of Porten, the following modifications are required to the approved Site Plan (No. 82004033A) as a result of site conditions experienced once construction of Eton Square commenced:

- Addition of small retaining walls
- Landscape modifications due to HVAC unit locations
- Adjustments to exterior stairs by addition or deletion of risers
- Minor relocation of some garage side door stoops
- Increase in landscaping for additional screening of HVAC units along some end units
- Driveway width for MPDUs decreased
- Addition of ballards between driveways, at back of curb

Additionally, the Site Plan Amendment requests a reduction of certain side yard setbacks to accommodate the air-conditioner condensers for many of the units. Each unit has two

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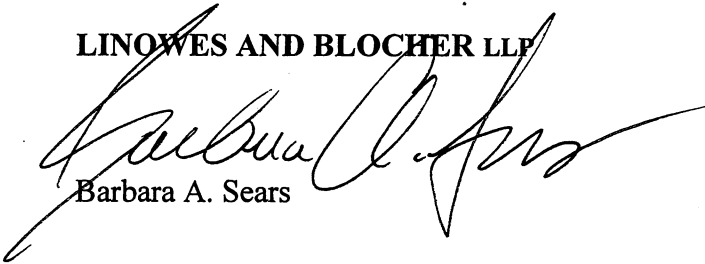
Mr. Robert Kronenberg
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condensers and, therefore, the condensers for the end units are located in the approved 5-foot side yard and; for certain alley units, in the approved 9-foot rear yard. This is the case because the approved Site Plan set a standard 5-foot side yard and a standard 9-foot rear yard that inadvertently did not accommodate these condensers. The units affected are listed on Attachment "A" to this letter and are identified on the Site Plan Amendment submitted with the Application. The R-60 TDR/12 Zone does not require minimum yard or sill setback but rather establishes such setbacks at the time of site plan approval. Our request limits the setback reduction to only those units affected by the condenser requirement. We note that the units are served by decks and do not have windows that adjoin or confront the condensers. The other requested changes are also shown on the Site Plan Amendment and the proposed data to be contained on the Site Plan Amendment has been revised to account for all changes in development standards resulting from the modifications.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP


Barbara A. Sears

Enclosure

cc: Ray Sobrino
Steve Tawes
Theresa Polizzi

“Attachment A”

Existing Lots with HVAC/condenser unit encroachment into Building Restriction Lines

<u>Lot #</u>		<u>Lot #</u>		<u>Lot #</u>	
139	End Unit	164		187	End Unit
141		165		188	End Unit
142		166	End Unit	190	
144		167	End Unit	191	
145	End Unit	168		193	End Unit
146	End Unit	169		199	End Unit
148		170		200	
149		171		202	
150		172		203	End Unit
152	End Unit	173	End Unit	209	End Unit
153	End Unit	174	End Unit	210	
154		175		211	
155		176		212	
156		177		213	End Unit
157		179		214	End Unit
158		180	End Unit	215	
159	End Unit	181	End Unit	217	
160	End Unit	182		262	End Unit
161		184			
162		186			
163					

Future Lots with HVAC/condenser unit encroachment into Building Restriction Lines

<u>Lot #</u>		<u>Lot #</u>		<u>Lot #</u>	
194	End Unit	230	End Unit	250	
196		231	End Unit	251	
197		232		252	
198	End Unit	233		253	
204	End Unit	234		254	
205		236	End Unit	255	End Unit
206		237	End Unit	256	End Unit
207		239		257	
208	End Unit	240		258	
219	End Unit	241	End Unit	259	
221		242	End Unit	260	End Unit
223	End Unit	243			
224	End Unit	244			
225		245			
226		246			
227		247			
228		248	End Unit		
229		249	End Unit		