



MEMORANDUM

DATE: September 1, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor *Ma*
Development Review Division
FROM: Robert A. Kronenberg *RAK*
Development Review Division
(301) 495-2187



REVIEW TYPE: Site Plan Amendment
CASE #: 82004006A
PROJECT NAME: Day Property
APPLYING FOR: Approval to modify the unit design for the proposed 11 townhouses,
provide garage parking spaces for all of the units, address radii and termini
comments from the Fire Marshall and minor encroachment into the forest
conservation easement
REVIEW BASIS: Site Plan Review Required in the RT Zone
Div. 59-D-3 of Montgomery County Zoning Ordinance
ZONE: RT-8 Zone
LOCATION: Located on Greencastle Road approximately 2000 feet south of Robey
Road
MASTER PLAN: Fairland
APPLICANT: DR Horton, Inc.
FILING DATE: November 14, 2005
HEARING DATE: September 14, 2006

STAFF RECOMMENDATION: Approval of the proposed amendments to Site Plan
820040060 and Approval of the attached draft Planning Board Resolution for the Site Plan
82004006A.

BACKGROUND

The Site Plan (820040060) for the Day Property was presented to the Planning Board on
December 18, 2003 (Planning Board Opinion dated January 16, 2004) for approval of 11
dwelling units, in the RT-8.0 Zone. The Certified Site Plan was approved on September 13,

2004. The Preliminary Plan of Subdivision (No. 120040200) was approved on January 6, 2004 (Planning Board opinion) to create 1 lot (max. of 11 units) on 2.0 acres. The Planning Board has not approved the record plat for this development.

PROPOSED AMENDMENT

An amendment was filed on October 12, 2005 along with a public notice to adjacent and confronting property owners that outlines specific changes to the approved site plan. The proposed amendment requests the following modifications:

1. Change the unit design for the proposed 11 townhouses and provide garage parking spaces for all of the units.

The property was transferred by the original developer to DR Homes, Inc. The current Applicant has designed a new product type into the final engineering for this site. The original unit type was 20 feet wide by 48 feet deep. **The proposed unit design is 22 feet wide by 38 feet deep.** The original plan for the 11 townhouse units included garage parking for 8 of the units and surface parking for the additional 3 units. The change in the depth of the units has created garage parking for all of the townhouse units.

2. Address radii and termini comments from the Fire Marshall.

Provide an emergency access to the adjacent property to the north, which the Applicant owns, to address concerns by fire and rescue. The Fire Department has also recommended modifications to the curb radii and termini, which have been addressed to their satisfaction.

3. Minor encroachment into the forest conservation easement.

Encroachment into the forest conservation easement has been revised to accommodate the new unit type. Originally, the Applicant was permitted to encroach into the stream valley buffer, which had previously been disturbed, and provide mitigation for the disturbed area. Encroachment is still occurring with the amended proposal. The encroachment has increased by 0.02 acres (approximately 871 square feet).

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on October 12, 2005 (Attachment B). The notice gave the interested parties 30 days to review and comment on the amended site plan. Staff did not receive any inquiry or comment regarding this amendment.

STAFF REVIEW AND RECOMMENDATION

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan. Staff recommends **APPROVAL** of the Site Plan Amendment for the Day Property (Site Plan No. 82004006A) for modifications to the approved site plan.

ATTACHMENT

- A. Vicinity Map
- B. Draft Planning Board Resolution

ATTACHMENT A

PROJECT DESCRIPTION: Site Vicinity

The property is located directly on Greencastle Road and approximately 2000 feet south of Robey Road in the Fairland Master Plan Area. The site is also about 1,500 feet north of the Prince Georges County boundary.

The site is zoned RT-8 as are three of the parcels (parcels 495 and 530 and N604) north of the property, separated by Lot 2 (Seibels Subdivision PB 162, Pg. 49), abutting the property and zoned R-60. The subject property, as well as parcel 604, contains existing one-family homes in the middle of the property. The subdivision of Greencastle Woods (Plat book 571, page 32), approximately 400 feet north of the property is zoned RT-10 and contains 38 one-family attached units. Parcel 585, north of Lot 2 and the remaining community of Greencastle multi-family dwellings (Plat Book 547, pages 27 and 28) are zoned R-30. The property directly across Greencastle Road, known as Fairland Recreational Park, is zoned RE-2 and owned by Montgomery County.

The site contains an existing one-family house toward the center of the site with a circular gravel drive that loops around the back of the house connecting as a single entry at Greencastle Road. A stream valley buffer encompasses the majority of the western section of the property. The stream valley buffer, which is part of the Little Paint Branch Tributary, also includes all of the steep slopes and 100-year floodplain. Slopes within the buffer are over 25%, although the grade levels out within the floodplain near the stream.



ATTACHMENT B

DRAFT

MCPB No. XX-XX
Site Plan No. 82004006A
Project Name: Day Property
Hearing Date: September 14, 2006

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on November 14, 2005, DR Horton, Inc. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82004006A ("Amendment") for approval of the following modifications:

1. Change the unit design for the proposed 11 townhouses and provide garage parking spaces for all of the units.
2. Address radii and termini comments from the Fire Marshall.
3. Minor encroachment into the forest conservation easement; and

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 September 1, 2006 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on September 14, 2006, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

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. 82004006A; and

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).

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