

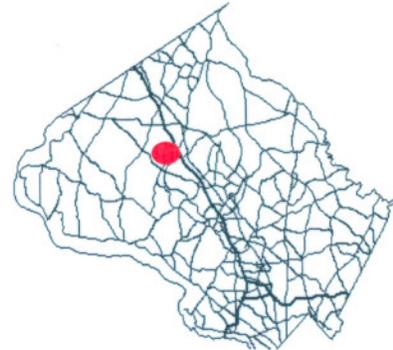


MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Consent Item #
MCPB 06-21-07

MEMORANDUM

DATE: June 7, 2007
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RAK*
 Robert A. Kronenberg, *RAK*
 Acting Supervisor
 Development Review Division
 FROM: Sandra Pereira, Senior Planner *SP*
 Development Review Division
 (301) 495-2186



REVIEW TYPE: **Site Plan Amendment**
 CASE #: **82006015A**
 PROJECT NAME: Gateway Park Residential
 APPLYING FOR: Amendment to setback and clarification on building heights.
 REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments
 ZONE: RT-8
 LOCATION: Located in the northwest quadrant of Lullaby Road and Father Hurley Boulevard in Germantown
 MASTER PLAN: Germantown Master Plan
 APPLICANT: Germantown Station, LLC
 FILING DATE: February 28, 2007
 HEARING DATE: June 21, 2007

STAFF RECOMMENDATION: Approval of the proposed amendment to Site Plan 820060150 and approval of the attached draft Planning Board Resolution for the Site Plan 82006015A.

BACKGROUND

The Site Plan (820060150) for Gateway Park Residential was presented to the Planning Board on May 18, 2006 (Planning Board Resolution dated October 23, 2006) for approval of 28

townhouse units including 4 MPDUs on 4.57 acres of land in the RT-8 zone. The Certified Site Plan has not yet been approved.

PROPOSED AMENDMENT

An amendment was filed on February 28, 2007, along with a public notice to adjacent and confronting property owners that outlines specific changes to the approved site plan. The amendment calls for revising the building setback for Lot #28 and fulfilling the conditions set by the Planning Board Resolution dated October 23, 2006. Overall, the major modifications to the site plan fall into the categories of setbacks, and clarification of building heights.

1) The original application had indicated a 29-foot building setback on Lot #28 from Lullaby Road. The proposed amendment requests that this building setback be revised to 25-feet, which is the minimum for the RT-8 zone. The data table on the Certified Site Plan reflects the following revision:

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

2) The proposed amendment clarifies 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.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on March 6, 2007. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff has not received any comments from the parties of record for the proposed application.

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.

The revised 25-foot setback for Lot #28 is consistent with the applicable zoning provisions of the Zoning Ordinance for an RT-8 development. The amendment clarifies information on building

heights while simplifying the data table. The note that building height will not exceed 35-feet per Montgomery County Code Zoning Ordinance suffices to show compliance with the applicable zoning provisions of the Zoning Ordinance for an RT-8 development.

This amendment did not go to DRC but was circulated to departmental staff for review and comment. Staff indicated approval of the amended items specified in the Applicant's request.

Staff recommends **APPROVAL** of the Site Plan Amendment for Gateway Park Residential (Site Plan No. 82006015A) for modifications to the approved site plan.

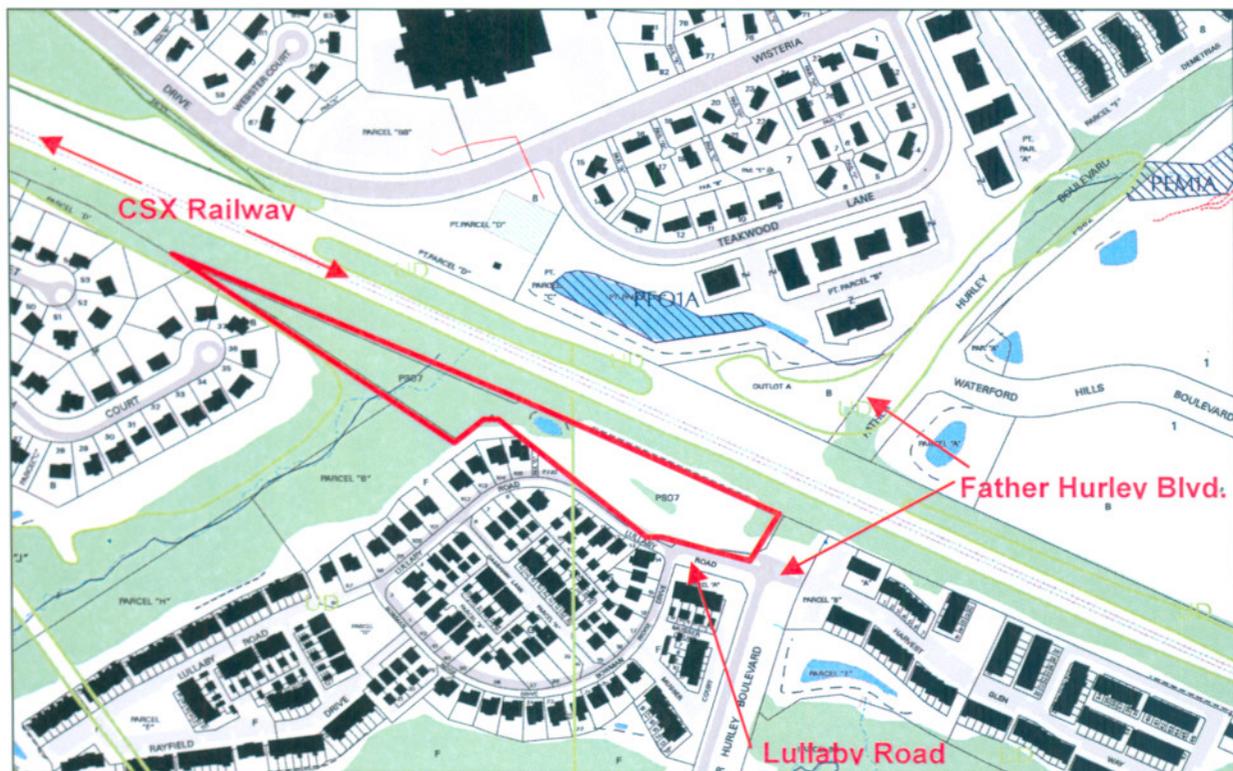
ATTACHMENTS

- A. Site Description and Vicinity
- B. Draft Planning Board Resolution

ATTACHMENT A

Site Vicinity and Description

The proposed development is located in the northwest quadrant of Lullaby Road and Father Hurley Boulevard in Germantown. The property is surrounded by the CSX Transportation train tracks to the north, Father Hurley Boulevard to the east, one-family houses zoned R-200 to the west and Lullaby Road to the south. The property across Father Hurley to the east is zoned PD-15 and developed with townhouses. The property across the CSX Railway right-of-way to the north is zoned R-200 and developed with one-family houses. The property across Lullaby Road to the south is zoned R-200 and R-90 and developed with one-family houses and townhouses. Access to the subject property is from Lullaby Road.



Site Vicinity Map with site outlined in red.

The site is undeveloped and includes wetlands and a stream buffer. The property slopes upwards from west to east and downwards from Lullaby Road towards the railroad right-of-way. The eastern half of the property has been cleared and graded and a retaining wall has been constructed at the northern property line. The western half of the property is forested with steep slopes. The forest retention area is undisturbed and a broad swale runs along the back half of the property. The entire property is located in the Seneca Creek watershed.

The property contains two stone culverts of historic significance. They are protected by the Historic Preservation Ordinance and are completely contained within the forest conservation easement.



Aerial view of Site (outlined in yellow)

ATTACHMENT B



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 07-60
 Site Plan No. 82006015A
 Project Name: Gateway Park Residential
 Hearing Date: June 21, 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:

1. 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

2. 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

