



Consent Item #
MCPB 4-26-07

MEMORANDUM

DATE: April 13, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief
 Development Review Division
FROM: Robert A. Kronenberg, Acting *RAC*
 Supervisor
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Site Plan Amendment**
CASE #: **82002029A**
PROJECT NAME: Layhill Village East
APPLYING FOR: Amendment to revise the setback and house location on Lot 15.

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: R-200 (MPDU option)
LOCATION: Located on Punch Street, approximately 400 feet east of the intersection with Layhill Road
MASTER PLAN: Aspen Hill Master Plan
APPLICANT: Magruder Reed Communities at Layhill LLC
FILING DATE: July 21, 2005
HEARING DATE: April 26, 2007

STAFF RECOMMENDATION: Approval of the proposed amendment to Site Plan 820020290 and approval of the attached draft Planning Board Resolution for the Site Plan 82002029A.

BACKGROUND

The Site Plan (820020290) for Layhill Village East, was presented to the Planning Board on September 12, 2002 (Planning Board Opinion dated June 6, 2003) for approval of 30 lots (including 1 single-family home (designated historic), 23 new single-family detached homes, and

6 new attached single-family MPDUs in the R-200 Zone. The Certified Site Plan was approved on August 23, 2004. The property was identified during the 2006 audit as a potential violation for the removal of a tree on lot 28; however, no violations were identified.

PROPOSED AMENDMENT

An amendment was filed on July 21, 2005, along with a public notice to adjacent and confronting property owners that outlines specific changes to the approved site plan. The original application was to address setback issues for lots 15, 26 and 27. The Applicant has decided to change the amendment request and specifically address setback issues on lot 15. The proposed amendment requests the following modification:

- 1) Revise the setback and house location for lot 15. The data table on the Certified Site Plan must reflect the following revision:

	Zoning Ordinance Development Standard	Approved on Site Plan <u>820020290</u>	Proposed for Site Plan Amendment <u>82002029A</u>
Rear Setback For Lot 15	20 feet	40 feet	20 feet

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on July 21, 2005. The notice gave the interested parties 30 days to review and comment on the contents of the amended site plan. The Applicant sent another notice to the parties of record on March 3, 2007. 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 original plan approved a 40-foot rear building restriction line and the proposed house was partially within a setback to an existing gas line. The location of the gas line and associated setbacks to the utility was not delineated during the original review. The location of the gas line restricts the buildable area on Lot 15 such that a proposed dwelling is infeasible. The revised 20-foot setback location of the house is consistent with the applicable zoning provisions of the Zoning Ordinance for an R-200/MPDU development. The front and side setbacks remain the same. 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 Minor Site Plan Amendment for Layhill Village East, Lot 15 (Site Plan No. 82002029A) for modifications to the approved site plan.

ATTACHMENTS

- A. Site Description and Vicinity
- B. Letter from Applicant
- C. Draft Planning Board Resolution

Site Description and Vicinity

The 15.81-acre rectangular-shaped property is located on the east frontage of Layhill Road (MD 182) about 200 feet south of its intersection with Bonifant Road. Layhill Village East lies adjacent to the Bel Pre Manor, Bonifant Woods and Layhill View developments. It is located approximately two miles from the Glenmont Metro Station. Within 600 feet of the site is the Layhill Village Park. The Indian Spring County Club and its adjacent Northwest Branch Park are located to the east, within one mile of the site boundaries; the Argyle County Club is located within ½ mile, across Layhill Road, north of Bonifant Road. Local schools include the Argyle Middle School on Bel Pre Road, west of Layhill Road, the Barry Day School, one mile to the south, and the John F. Kennedy High School site, two miles to the south on Randolph Road. The Glenmont Shopping Center, along with its Metro Station is located to the south at the intersection of Layhill Road and Georgia Avenue, within two miles of the subject property.

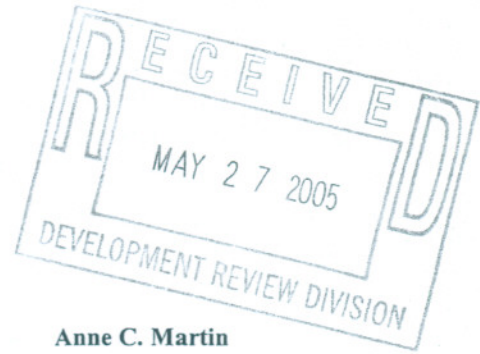
The site is bounded to the north by the Bel Pre Manor subdivision (R-60), to the east by the Northwest Branch tributary stream buffer, and to the south by the Layhill Village East subdivision. Layhill Road forms the western boundary of the site. A State Highway Administration storm water detention facility forms the northwest boundary of the site adjacent to Layhill Road.

The property is within the Northwest Branch watershed and falls in grade at a consistent 8% grade, then drops steeply to the streambed at the eastern portion of the site. Lot 15 is in the northwest portion of the site.



ATTACHMENT B

LINOWES
AND **BLOCHER** LLP
ATTORNEYS AT LAW



May 26, 2005

Anne C. Martin
301.961.5127
amartin@linowes-law.com

Ms. Maria Witherspoon
66 Catocin Ct.
Silver Spring, MD 20906

Re: Layhill Village East - Lot No. 15, Site Plan No. 8-02029

Dear Ms. Witherspoon:

As the owner of Lot 104, Block A of the Bel Pre Manor Townhouse development that is immediately adjacent to the rear yard of Lot No. 15 ("Lot 15") of the Layhill Village East Project (the "Layhill Project"), we wanted to contact you on behalf of Magruder/Reed Communities regarding a change to the location of the house on Lot 15. During a recent field study of Lot 15, it was discovered that the actual location of a gas line (and the required easement area) was different from the location that had been delineated during the Site Plan review process. As demonstrated on the attached exhibit, the location of the gas line restricts the buildable area on Lot 15 such that the 40-foot rear yard setback of the house that was proposed during the Site Plan review process for the Layhill Project is now infeasible. The revised 20-foot setback location of the house is consistent with the applicable zoning provisions in the Montgomery County Code; however, we wanted to make you aware of the change of the location since it is different from the original Site Plan approved by the Planning Board.

The Planning Board staff (Ms. Mary Beth O'Quinn at 301-495-1322) will approve the revised house location administratively within 45 days of the date of this letter unless you express concerns to staff that warrant consideration by the Planning Board. As noted above, the revised location is consistent with the zoning provisions of the Montgomery County Code and is the only area on Lot 15 available to locate the proposed home.

Thank you for your consideration of the matter. Please do not hesitate to call us if you have any questions.

Very truly yours,

LINOWES AND BLOCHER LLP

A handwritten signature in cursive script that reads "Anne C. Martin".

Anne C. Martin

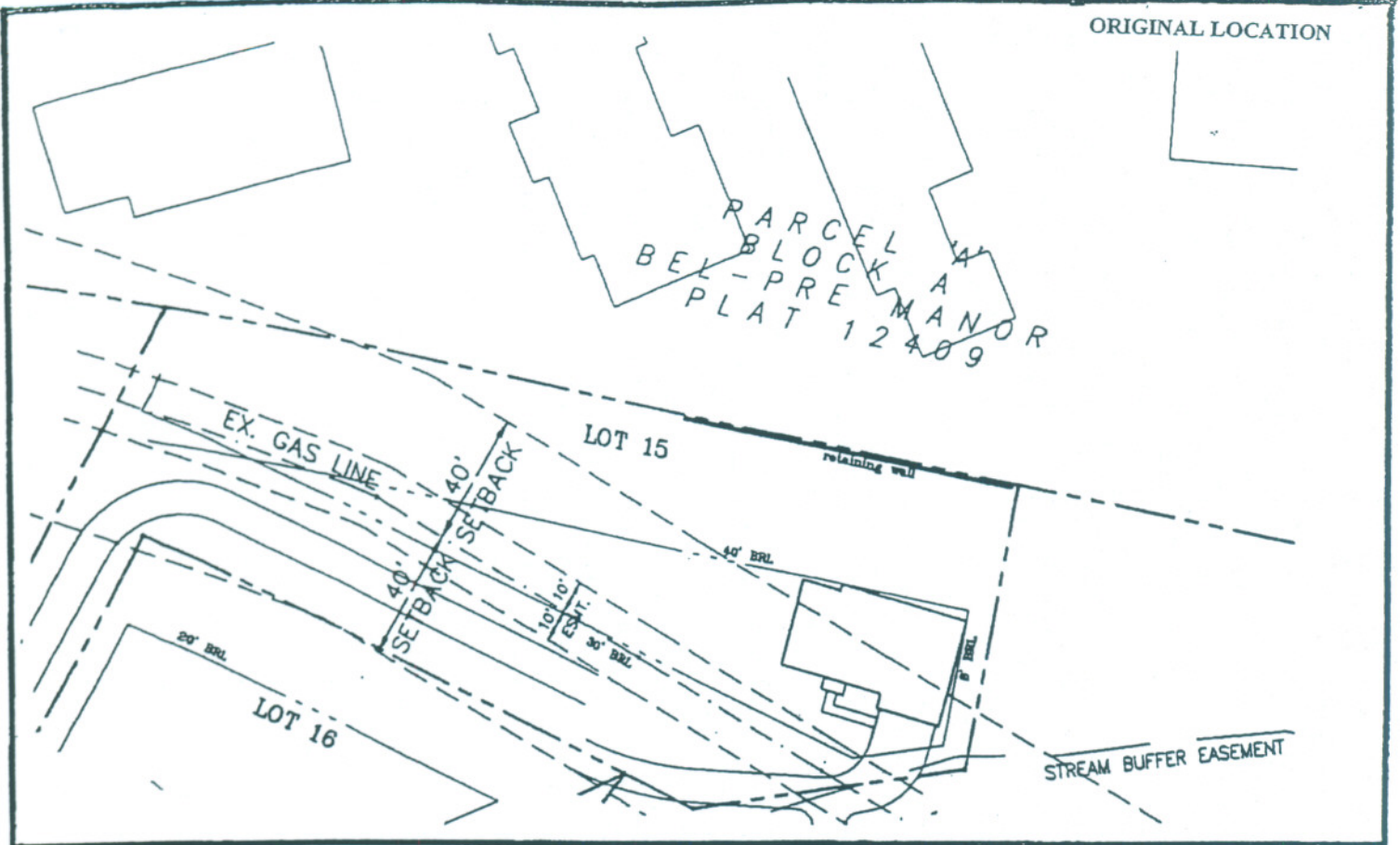
Enclosure

cc: Ms. Mary Beth O'Quinn, Planning Board Staff
Mr. Michael Ma, Planning Board Staff
Mr. Scott Reed, Magruder Reed Communities

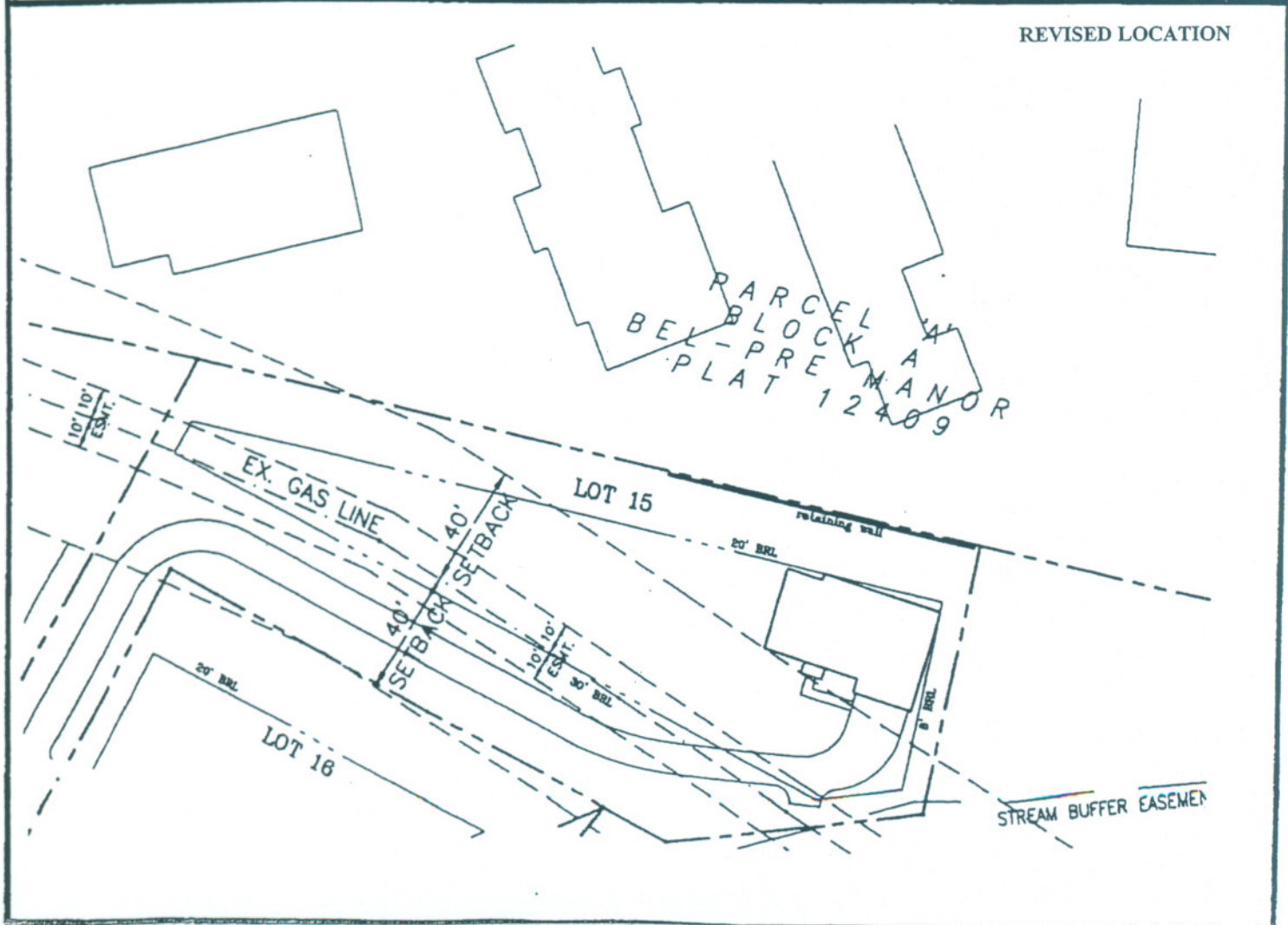
L&B 414653v1/04284.0008

Layhill Village East - Lot 15

ORIGINAL LOCATION



REVISED LOCATION





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

MCPB No. 07-32
 Site Plan No. 82002029A
 Project Name: Layhill Village East, Lot 15
 Hearing Date: April 26, 2007

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 July 21, 2005, Magruder Reed Communities at Layhill LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82002029A ("Amendment") for approval of the following modification:

- 2) Revise the setback and house location on Lot 15. The data table on the Certified Site Plan must reflect the following revision:

	<u>Zoning Ordinance Development Standard</u>	<u>Approved on Site Plan 820020290</u>	<u>Approved for Site Plan Amendment 82002029A</u>
Rear Setback For Lot 15	20 feet	40 feet	20 feet

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 March 23, 2007 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on April 26, 2007, 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. 82002029A; 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

APPROVED AS TO LEGAL SUFFICIENCY

 M-NCPPC LEGAL DEPARTMENT

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).

* * * * *