



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

CONSENT ITEM # _____
MCPB 12/13/07

MEMORANDUM

DATE: December 3, 2007

TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
 Robert Kronenberg, Supervisor *PKC*
 Development Review Division

FROM: Joshua Sloan *JS*
 Development Review Division
 (301) 495-4597

REVIEW TYPE: Site Plan Amendment
PROJECT NAME: Strathmore at Bel Pre
CASE #: 81996005A

APPLYING FOR: Site plan amendment to remove tot lot recreation facility.
REVIEW BASIS: Div. 59-D-3.7. Amendment of a site plan.

ZONE: R-150/TDR-5
LOCATION: Bel Pre Road, approximately 120 feet west of Beaverwood Lane.
MASTER PLAN: Aspen Hill

APPLICANT: Bel Pre Towns, LLC
FILING DATE: January 10, 2006
HEARING DATE: December 13, 2007



STAFF RECOMMENDATION: Approval of the proposed amendment to Site Plan 819960050 and approval of the attached draft Planning Board Resolution for Site Plan 81996005A.

BACKGROUND

Original Preliminary Plan Approval

Preliminary Plan 119950740 was approved with conditions by the Planning Board on June 22, 1995, for the creation of 60 single-family attached units in the R-150/TDR-5 zone.

Original Site Plan Approval

Site Plan 819960050 for Strathmore at Bel Pre was approved with conditions by the Planning Board on September 18, 1995. The approved plan proposed 60 townhouses, including seventeen TDR's and twelve MPDU's on a 12.0001-acre site. The original site plan also included an open space area, two picnic areas, and four seating areas. The entire site is developed and occupied.

PROPOSED AMENDMENTS

The applicant, Bel Pre Towns, LLC, filed the subject site plan amendment 81996005A on January 10, 2006. The proposed amendment requests the following modification:

- Removal of the proposed tot-lot.

The location of the proposed tot-lot was always a point of discussion during the previous approvals due to its proximity to a future access road easement. The only location that meets the Guidelines for Recreation Amenities is in the central open space. This was deemed to be unacceptable by the community, and the Homeowner's Association has twice voted to remove the tot-lot from the site plan and has reached an agreement with the developer to receive a financial contribution in lieu of the facility [Appendix B].

All eligible homeowner's association members voted for the agreement to remove the tot lot in the first vote and only one member voted against the agreement in the second vote. As of the date of this memorandum, two (2) letters have been received by staff: one in favor of the agreement and one against the agreement. Further, staff met with the Homeowner's Association on Thursday, November 2, 2006 to discuss the issues related to MNCPPC Guidelines for Recreation Amenities and was present during the final vote. On-Site recreation supply remains adequate, even with the removal of the tot lot. Credit is given for off-site facilities in accordance with the Recreation Guidelines due to the subject site's proximity to local parks.

The amendment has taken an inordinate amount of time to be heard by the Planning Board due to delays by the developer in installing all required landscaping and the seating and picnic areas.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on January 13, 2006 and a notice of the Planning Board hearing was sent out with this letter (Appendix C). Comments regarding this amendment are discussed in the Proposed Amendments section, above.

STAFF RECOMMENDATION

The proposed minor modification to the site plan does not alter the overall design character of the development and does not affect the compatibility of the development with its surrounding neighborhood. Although on-site recreation facilities no longer meet supply requirements, off-site amenities more than make up for the shortfall and the overwhelming opinion of the Homeowner's Association is deemed sufficient to recommend removal of the tot-lot from the subject site plan. Staff, therefore, recommends **approval** of Site Plan Amendment 81996005A.

APPENDICES:

- A. Vicinity Map
- B. Agreement between Strathmore at Bel Pre Homeowner's Association and Bel Pre Towns, LLC.
- C. Public Notice
- D. Draft Planning Board Resolution



The site is located in a predominantly residential area surrounded by one-family detached houses to the east and south and multi-family units to the west. There are a number of institutional and park facilities within a mile of the site; the general context is a suburban mix of residential, institutional, and limited commercial uses.

JUL 28 2004

May 17, 2004

AGREEMENT

THE STRATHMORE AT BEL PRE HOMEOWNER'S ASSOCIATION, INC., (HOA), by a vote of the entire membership of the HOA, then having the right to vote, decided the community did not want the risk and liability of a Tot Lot, proposed to be built in the community by the Developer, (declarant), per the approved subdivision plans. The Board of Directors requested Bel Pre Towns, LLC, (developer, declarant), make a donation to the HOA, in the amount of Eleven Thousand Dollars (\$11,000.00), in lieu of constructing the Tot Lot, and for reimbursement of miscellaneous expenses of the HOA for maintenance and improvements to the Open Space. The Board of Directors further agreed to secure the approval of Montgomery County and/or MNCPPC for the removal of the Tot Lot from the approved plans.

ON AUGUST 1, 2002, the declarant and the Strathmore at Bel Pre Homeowner's Association, Inc. Board of Directors entered into an agreement to delete the said Tot Lot, as evidenced by the August 1, 2002 Board of Directors meeting minutes.

NOW THEREFOE, that in consideration of the aforementioned terms and the mutual benefit to be derived by each of the parties therefrom and the receipt of other good and valuable consideration which is hereby acknowledged, the parties hereby reaffirm their agreement.

IN WITNESSES WHEREOF, the hands and/or corporate names of the parties hereunto.


Strathmore at Bel Pre Homeowner's Association, Inc.:

By: _____ (Seal)
James Reid, President

Witness

Bel Pre Towns, LLC:

By: Sterling Land Company IV, LLC
Member

By:  _____ (Seal)
Mark J. Padeletti, Member



Witness

NOTICE OF APPLICATION
ADJACENT AND CONFRONTING PROPERTY OWNERS
APPLICATION TO BE CONSIDERED BY
THE MONTGOMERY COUNTY PLANNING BOARD

SITE PLAN AMENDMENT

PRE-PRELIMINARY PLAN

PRELIMINARY PLAN

SITE PLAN

Name of Plan Strathmore at Bel Pre Lots 1-60 & Parcel A, Block 42
Plan Number 81996005A
Current Zoning R-150/TDR
No. Proposed lots/area included N/A
Geographical Location Bel Pre Road 120 feet West of Beaverwood Road

The above-referenced site plan amendment application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code.

A copy of the proposed site plan amendment is enclosed. This plan may change because of specific reviews and changes suggested by M-NCPPC and other county and state agencies. If you have comments, please send them to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland, 20910-3760.

The Montgomery County Planning Board will hold a public hearing on the above-referenced site plan amendment application to obtain public comment. Written notification of the public hearing date will be sent to you no later than 10 days before the hearing, if a hearing is held.

If you have any questions on the plan, please contact the Maryland-National Capital Park and Planning Commission's Development Review Division at (301) 495-4585.

Very truly yours,

DEWBERRY


James R. Crawford, AICP
Senior Associate



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

MCPB No. 07-220
Site Plan No. 81996005A
Project Name: Strathmore at Bel Pre
Hearing Date: December 13, 2007

MONTGOMERY COUNTY PLANNING BOARD

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 January 10, 2006, Bel Pre Towns, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 81996005A ("Amendment") for approval of the following modifications:

- 1) Removal of the proposed tot-lot.

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 December 3, 2007, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on December 13, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

WHEREAS, the Planning Board finds that the Amendment does not alter the overall design character of the development in relation to the original approval. And further, these modifications do not affect the compatibility of the development to its surrounding neighborhood; 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. 81996005A; and

Approved as to
Legal Sufficiency:

Michael J. Archer 11/29/07
M-NCPPC Legal Department

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 Resolution 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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