

Staff Report: Site Plan Amendment 82003029B, The Estates at Greenbriar Preserve, Lot 5

CONSENT ITEM #: _____

MCPB HEARING

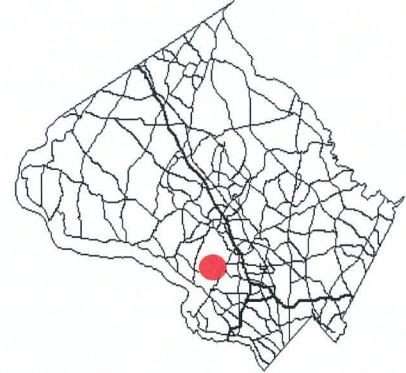
DATE: September 23, 2010

REPORT DATE: September 13, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *JK*
Robert Kronenberg, Supervisor *PAK*
Development Review Division

FROM: Molline Smith, Senior Planner
Development Review Division
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Molline.Smith@mncppc-mc.org



APPLICATION

DESCRIPTION: Lot 5 is part of a larger subdivision named the Estates at Greenbriar Preserve. The property is zoned RNC and is located on Wood Thrush Lane, which is approximately 1/3 mile from the main entrance at Glen Road in Potomac, MD. The Applicant is proposing to 1) delete condition 1B from the previously approved resolution; and 2) remove the 6-foot fence along the southern property boundary that was required by Condition 1B.

APPLICANT: Thomas C. and Kerrie R. Morey

FILING DATE: January 14, 2010

RECOMMENDATION: Approval of the site plan amendment and adoption of the draft resolution.

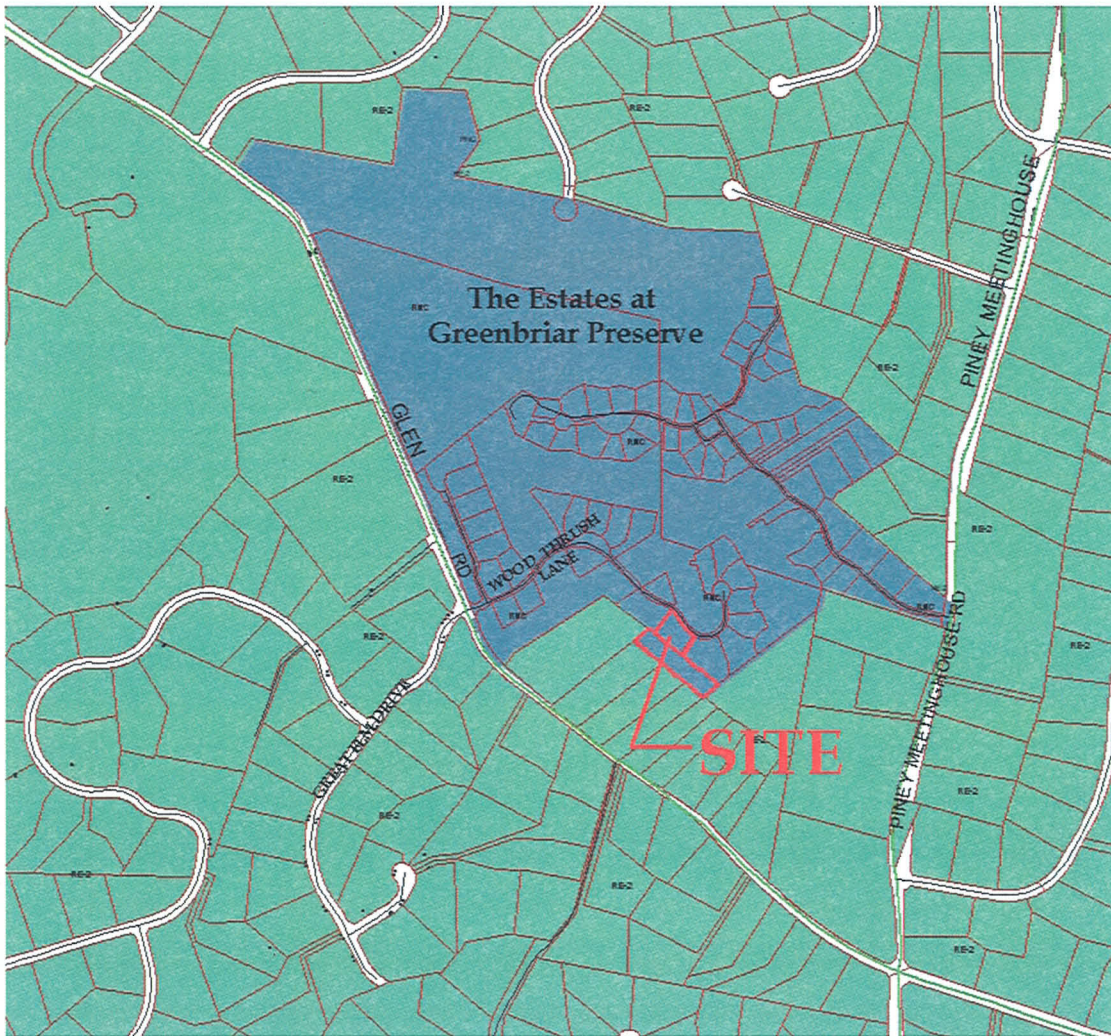
EXECUTIVE

SUMMARY: When the Estates at Greenbriar Preserve was up for review, a neighbor who owned the adjacent Johnson property was concerned about having a development so close by and sought a condition requiring that a fence be built separating his property from that of the Greenbriar subdivision. The Johnson property has since been sold, and the purchaser also owns Lot 5 in the Estates at Greenbriar Preserve. As a result a fence separating the two properties is no longer desirable, so the Applicant is requesting that the condition requiring the fence be deleted so the fence can be removed.

SITE DESCRIPTION

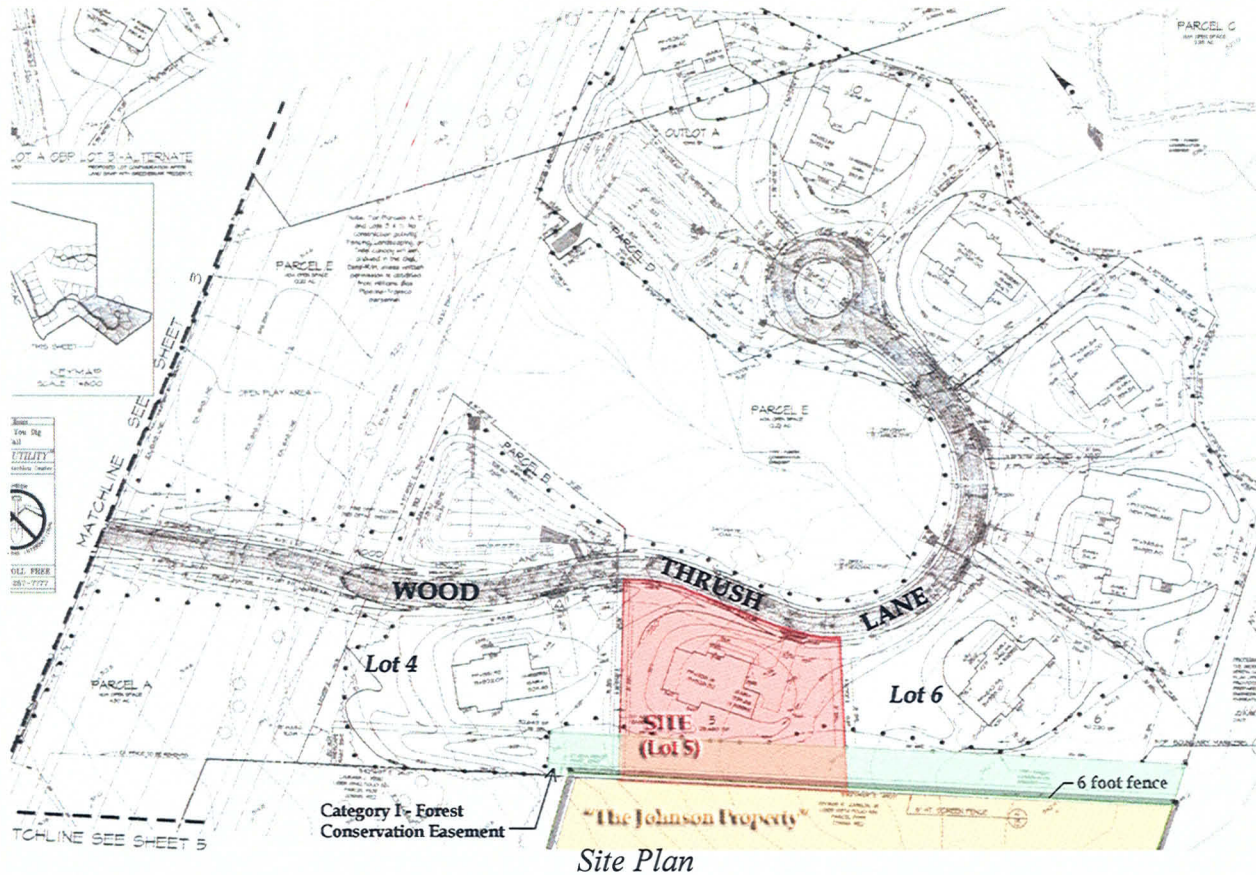
Site Vicinity & Analysis

The Estates at Greenbriar Preserve is on approximately 71.32 acres. The subdivision, located in Potomac, Maryland, was approved for construction of 31 residential lots within the RNC zone. The property is approximately ½ mile away from Piney Meetinghouse Road; and fronts onto the northeast side of Glen Road. The property lies within the Greenbriar Branch Watershed, a Use I sub-watershed of the Watts Branch. Approximately 12.7 acres of the entire subdivision sit within a 100 year floodplain. The site is further restricted by the existing utility easement running northeast to the southeast



Vicinity Map

The site, which is the subject of this amendment, is located along Wood Thrush Lane approximately 1/3 mile from the main entrance to the subdivision. Wood Thrush Lane is located on the southern side of the development, and dead ends within a cul-de-sac approximately 200 feet from the stream valley buffer.



Site Plan

Clustered together with 8 other one-family lots; Lot 5 is situated between Lots 4 and 6. These three lots all contain an existing Category I - Forest Conservation Easement and share a 6-foot fence along the southern edges of the property. This buffer was originally intended to screen the development with from the larger residential lots towards the southwest that front onto Glen Road.

The previous owner of the Johnson property had expressed strong opposition to having a subdivision constructed directly adjacent to their property. Staff recommended, and the Board approved, the following condition to satisfy specific requests made by the previous owner.

Condition 1(b):

A fence shall be installed the length of the Johnson's wooded lot. The type of fence shall be either a six foot board on board, three-board horse fence or other similar fence per the requirements of the Johnsons. The fence may be located on the proposed subdivision lots or the Johnson's lot if they desire. Applicant to include type of fence in the final signature set documentation if provided by the Johnsons prior to January 15, 2004. The phasing for installation shall be referenced in the SPEA construction phasing plan.

The Applicant, who owns both Lot 5 and the Johnson property, certainly does not share the same concerns voiced by the previous owner and would, in fact, prefer to delete the approved condition 1(b) so that the 6 foot fence can be removed. Staff has no objections to the removal of the condition and the fence as long as the Applicant understands that removal of the fence must not cause any disturbance to the existing Category I – Forest Conservation Easement.

AMENDMENT DESCRIPTION

Previous Approvals

Preliminary Plan

This plan is subject to the conditions of Preliminary Plan 120030450, which was approved for 31 lots on 71.32 acres zoned RNC on April 10, 2003.

Site Plan

Site Plan 820030290 was approved for 31 lots on 71.32 acres on October 16, 2003.

Amendment A was approved as a consent item on November 15, 2007 for minor modifications to the entrance features, masonry elements, Landscape Plan, and lot layouts.

Conformance to Conditions of Approval

The proposed development must comply with the conditions of the previous approval for Site Plan 820030290 as enumerated in the Planning Board Resolution dated December 11, 2003 except as modified herein.

Description of Amendment[s]

The Applicant requests the following modifications to the Site Plan:

1. Deletion of Condition 1B from the original resolution (date December 11, 2003); and
2. Removal of the 6-foot fence located along the southern property boundary directly adjacent to the Johnson property (built per the recommendation of Condition 1B).

PUBLIC NOTICE

A notice regarding the subject amendment was sent to all parties of record by the Applicant on January 18, 2010. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff received no inquiries regarding the proposed amendment.

STAFF RECOMMENDATION

The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 82003029B.

APPENDICES

- A. Draft Planning Board Resolution

APPENDIX A
Draft Resolution



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

MCPB No. 10-130
Site Plan No. 82003029B
Project Name: Estates at Greenbriar Preserve, Lot 5
Hearing Date: September 23, 2010

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 14, 2010, Thomas C. & Kerri R. Morey ("Applicant"), filed a Limited Amendment application designated Site Plan No. 82003029B ("Amendment"). The Applicant originally requested a Limited Site Plan Amendment to include the removal of the Forest Conservation Easement and the 6 foot fence along the property. However, due to Staff's initial review of the proposal, the Applicant changed the application to a Consent Amendment that only requests removal of the 6 foot fence along the property and retains the Forest Conservation Easement. The Applicant is now requesting approval of the following modifications:

1. Deletion of the Condition 1B from the approved resolution Site Plan No. 820030290 (dated December 11, 2003); and
2. Removal of the 6-foot fence (as referred in Condition 1B) along the southern property boundary, directly adjacent to the Johnson property (P099).

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 13, 2010 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report");

WHEREAS, on September 23, 2010, 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 the Site Plan No. 82003029B;

Approved as to
Legal Sufficiency:

Christina Sonnet 9/13/10

8787 Georgia Avenue, N.W., Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

BE IT FURTHER RESOLVED, that this Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connections with the originally approved site plan; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information;

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8;

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 Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with _____ voting in favor of the motion, at its regular meeting held on Thursday, _____, in Silver Spring, Maryland.

Françoise M. Carrier, Chair
Montgomery County Planning Board