



**Consent Item**

**Layhill Overlook/Vedanta Center, Site Plan Amendment No. 82008016C**



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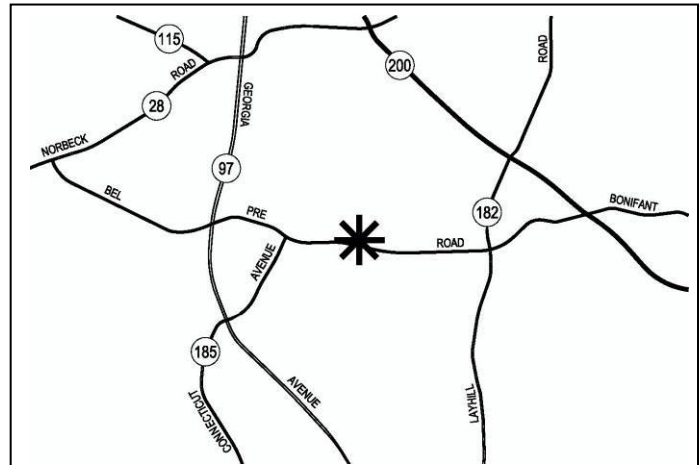


Glenn Kreger, Chief, Area 2 Division, [Glenn.Kreger@montgomeryplanning.org](mailto:Glenn.Kreger@montgomeryplanning.org), 301.495.4653

**Completed: 12/6/13**

**Description**

- Request to modify Condition of Approval #3(a), which currently requires all on-site fencing be wooden split-rail; modify the landscape plan to match the approved Forest Conservation Plan; and add a monument sign;
- 3001 Bel Pre Road, Silver Spring;
- PD-2 Zone, 16.02-acres, 1994 *Aspen Hill Master Plan*;
- Applicant: Pennoni Associates/Vedanta Center of Greater Washington DC Inc.;
- Filing Date: November 1, 2013.



**Summary**

- Staff recommends approval with conditions.

## RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 82008016C, Layhill Overlook/Vedanta Center. All site development elements shown on the site stamped "Received" by the M-NCPPC on November 1, 2013, are required except as modified by the following conditions.<sup>1</sup>

### 1. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 820080160 as listed in the MCPB Resolution No. 08-103, and Site Plan Amendment No. 82008016A and 82008016B, except as amended by this Application.

### 2. Modification of Site Plan Condition 3a

This Amendment modifies Condition of Approval #3a Site Plan No. 820080160 to "All on-site fencing must be wooden split-rail except for a board-on-board white vinyl fence located across from Lots 25 and 26 on Big Bear Terrace."

### ~~2.3.~~ Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- ~~a) modify Condition of Approval #3(a) of MCPB Resolution No. 08-103 from "All on-site fencing must be wooden split-rail" to "All on-site fencing must be wooden split-rail except for a board-on-board white vinyl fence located across from Lots 25 and 26 on Big Bear Terrace."<sup>2</sup>~~
- ~~a) modify notes under Section 59 F 3.2, Supports, on the Monument Sign Details sheet per staff's comments uploaded to ePlans on November 19, 2013 about measuring the sign area, and add language to the Monument Sign Details plan sheet to demonstrate that the sign meets the height controls of the Zone.~~
- ~~b) relocate the fence currently shown on the Landscape Plans sheets 10 and 10A from within the Reforestation Area B easement, to be outside the easement area, ~~on the Landscape Plan sheets 10 and 10A~~ per ~~s~~Staff's comments uploaded to ePlans on November 19, 2013.~~

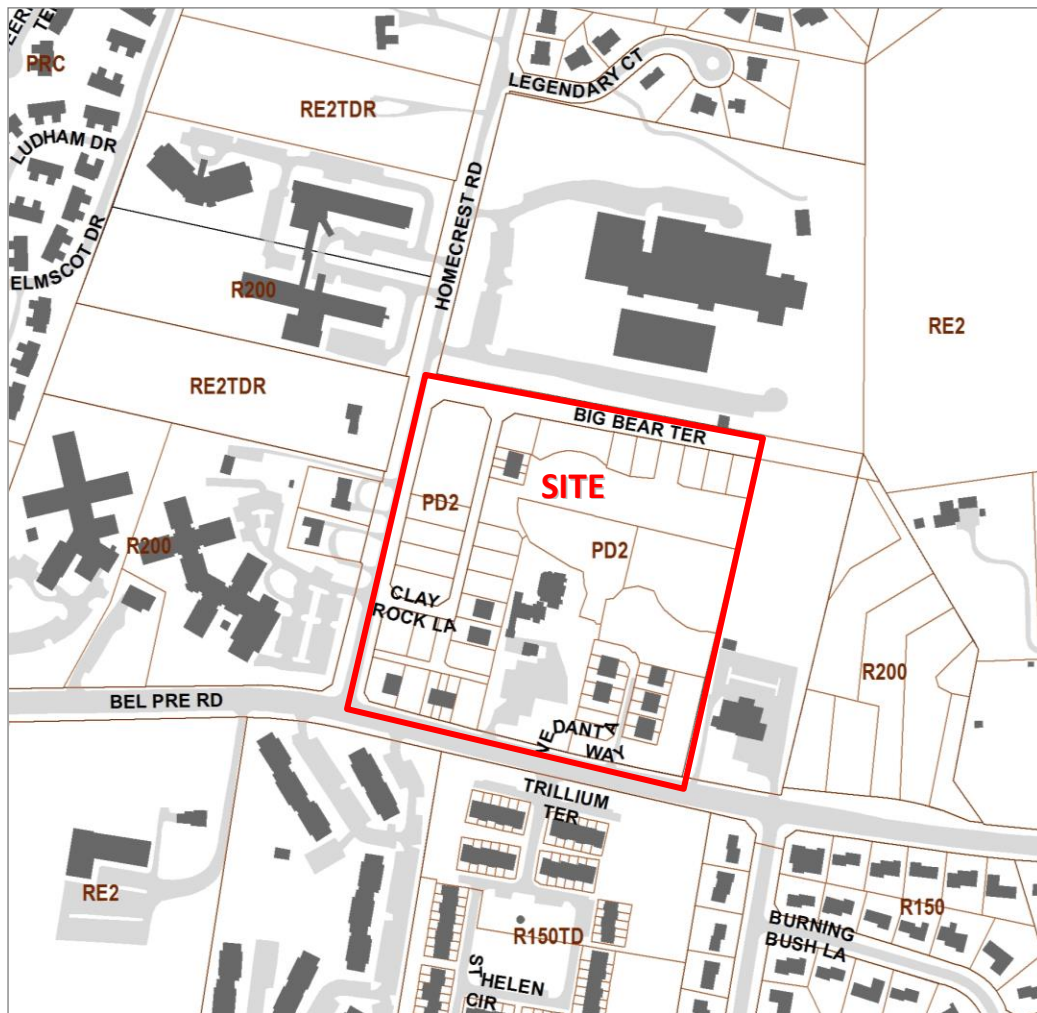
<sup>1</sup> The updates made to the Conditions of Approval are minor in scope and do not substantially affect the project's purpose.

<sup>2</sup> This condition has been moved to Condition of Approval 2 above.

## SITE DESCRIPTION

### Vicinity

The Subject Property, located at 3001 Bel Pre Road, approximately 350 feet east of the intersection with Homecrest Road, is zoned PD-2, and is within the *Aspen Hill Master Plan* area. The Property is surrounded by the Aspen Hill Club to the north; a mix of RE-2 TDR zoned single-family homes and the R-200 zoned Layhill Center assisted living facility to the west; RE-2 and R-150 zoned uses to the south across Bel Pre Road; and the RE-2 zoned Loyal Order of Moose Lodge to the east.



Vicinity Map

## Site Analysis

The Subject Property includes a mix of one-family detached houses, townhouses, and duplex residential development for a total of 39 residential units, the Vedanta Worship Center, and on-site recreational and open-space amenities. The Vedanta Center and much of the housing have been constructed, but some of the houses and site amenities are under or pending construction. The property is located in the Northwest Branch Watershed, and includes a stream and stream valley buffer in the northern and eastern portions of the Subject Property along with multiple forest conservation areas.



*Aerial Photo*



## **PROJECT DESCRIPTION**

### **Previous Approvals**

#### Development Plan

On November 27, 2006, the County Council approved Zoning Application No. G-836 for the reclassification of the Subject Property from the RE-2 Zone to the PD-2 Zone, with binding elements, for the 16.02-acre property.

#### Preliminary Plan

On June 28, 2007, the Planning Board approved, with conditions, Preliminary Plan No. 120070490 (MCPB Resolution No. 07-150) to create 38 lots for the Subject Property.

On July 17, 2008, The Planning Board approved, with conditions, Preliminary Plan Amendment No. 12007049A (MCPB Resolution No. 08-89) to reconfigure proposed internal streets, relocate a proposed open space parcel, and add one additional lot for a one-family detached residence.

#### Site Plan

On July 17, 2008, the Planning Board approved, with conditions, Site Plan No. 820080160 (MCPB Resolution No. 08-103) for 39 dwelling units, including 6 MPDUs, and a 10,800-square foot worship center on the Subject Property (see Attachment A).

On September 22, 2010, the Montgomery County Planning Director administratively approved Site Plan Amendment No. 82008016A to reduce the size of the Vedanta Worship Center; modify the parking lot configuration to consolidate stormwater management and bio-retention areas; modify the internal driveway, sidewalk, and bike rack locations at the Vedanta Center; and make minor changes to landscaping, grading, utilities and stormwater management (see Attachment B).

On September 14, 2012, the Montgomery County Department of Permitting Services (DPS) issued a Notice of Non-Compliance (NONC) for the following items in need of adjustment: Worship Center parking lot design; on-site parking lot lighting plan; and a board-on-board fence across from single-family lots 25 and 26. On July 11, 2013, the Montgomery County Planning Director administratively approved Site Plan Amendment No. 82008016B to address the DPS NONC violations, except the board-on-board fence, which was to be included with this subsequent amendment (see Attachment C).

## Proposal

This Application is, primarily in response to a Montgomery County Department of Permitting Services (DPS) enforcement action for non-compliance with the Condition of Approval that all on-site fencing be wooden split-rail. A DPS inspector found that an 8-foot, white vinyl fence had been installed at the northeastern edge of the property, across from residential lots 25 and 26 on Big Bear Terrace (see Exhibits A and B below). The applicant is requesting permission to maintain the solid vinyl fence as built to screen the mechanical equipment at the adjacent Aspen Hill Club from future owners of the residential lots 25 and 26 (see Attachment E). The Applicant also seeks to add a monument sign to the Subject Property near the entrance to the site off of Bel Pre Road (see Exhibit C on the next page and Attachment F), and make minor revisions to the landscape plans to mirror the approved Forest Conservation Plan.

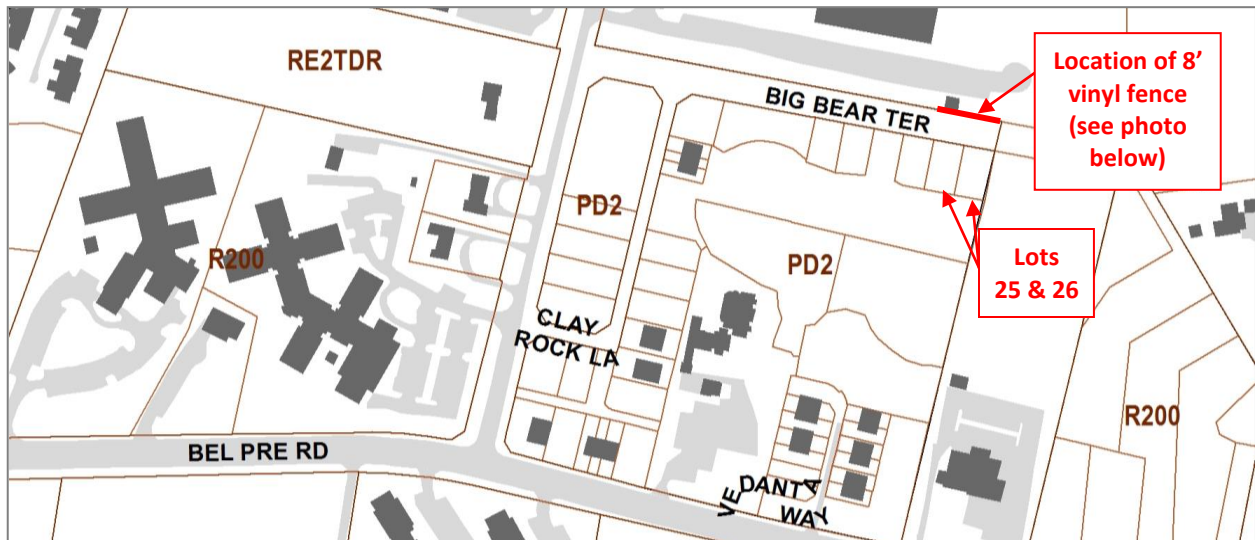
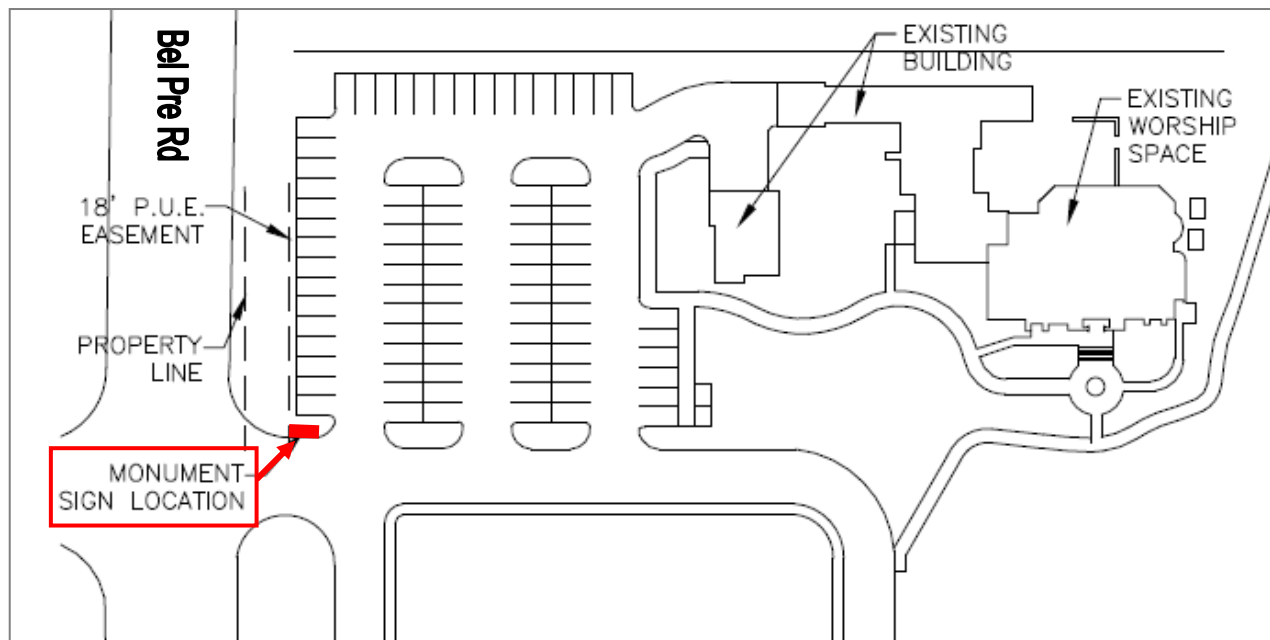


Exhibit A: Location of 8-foot solid vinyl fence



Exhibit B: Photograph of existing fence



**Exhibit C: Monument Sign Location**

## **ANALYSIS AND FINDINGS**

### **Master Plan**

The proposed amendment continues to maintain conformance with the 1994 *Aspen Hill Master Plan's* vision and recommendations as described in the original Site Plan 820080160 staff report.

### **Transportation and Circulation**

The proposed amendment does not affect vehicular or pedestrian traffic in or around the site.

### **Environment**

The proposed amendment maintains compliance with Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection of the Montgomery County Code.

**Development Standards**

The proposed amendment for the inclusion of a new monument sign meets the development standards for signs pursuant to section 59-F of the Zoning Code.

<b>Development Standard</b>	<b>Requirement</b>	<b>Proposed</b>
Sign Area	The area of the sign must not exceed 40 square feet	Up to 40 square feet
Setbacks	The sign must be set back at least 5 feet from the property line	18-foot setback from the property line
Height	The sign must not exceed 26 feet in height	Up to 6 feet

**Binding Elements**

The proposed amendment maintains conformance with the binding elements shown on the Certified Development Plan G-836.

**COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

**CONCLUSION**

The proposed modifications to the Site Plan condition of approval do not alter the overall design of the development in relation to the original approvals, and the project remains compatible with existing and proposed development adjacent to the site. The proposed modifications do not impact the compatibility or the efficiency, adequacy, and safety of the site with respect to structures and uses, vehicular and pedestrian circulation, open space, landscaping, or lighting. With the proposed amendments, the Subject Property remains in conformance with environmental regulations, the development standards of the zone, and the original Planning Board findings of approval. All previous approvals remain in full force and effect, as modified by this Amendment.

**ATTACHMENTS:**

- A. Prior MCPB Resolution No. 08-103
- B. Administrative Site Plan Amendment No. 82008016A memo dated September 22, 2010
- C. Administrative Site Plan Amendment No. 82008016B memo dated July 11, 2013
- D. Notice of Non-Compliance from DPS dated September 14, 2013
- E. Proposed Site Plan Amendment No. 82008016C, Sheet 7 of 17
- F. Proposed Monument Sign Details, Sheet 8A of 17





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

**MCPB No. 08-103**  
**Site Plan No. 820080160**  
**Project Name: Layhill Overlook**  
**Date of Hearing: July 17, 2008**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on January 3, 2008, Aspen Hill Estates, LLC, ("Applicant") filed an application for approval of a site plan for 39 dwelling units, including 6 MPDUs, and an expanded 10,800 square foot worship center ("Site Plan" or "Plan") on 16 acres of PD-2-zoned land, located at the northeast quadrant of the intersection of Bel Pre Road and Homecrest Road ("Property" or "Subject Property"); and

WHEREAS, the Applicant's Site Plan application was designated Site Plan No. 820080160, Layhill Overlook, (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 2, 2008, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 17, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 17, 2008, the Planning Board voted to approve the Application subject to conditions on the motion of Commissioner Robinson; seconded by Commissioner Presley; with a vote of 5-0; Commissioners Alfrandre, Cryor, Hanson, Presley, and Robinson voting in favor.

APPROVED AS TO LEGAL SUFFICIENCY  
*Christina Soriano* 9/11/08  
M-NCPPC LEGAL DEPARTMENT

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080160 for 39 dwelling units, including 6 MPDUs, and an expanded 10,800 square foot worship center on 16 acres in the PD-2 Zone, subject to the following conditions:

1. Development Plan Conformance  
The proposed development shall comply with the binding elements listed on the Development Plan for Local Map Amendment G-836;
2. Preliminary Plan Conformance  
The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120070490, as amended by Preliminary Plan Amendment No. 12007049A;
3. Site Plan
  - a. All on-site fencing must be wooden split-rail;
  - b. Except where required by DPWT to maintain vehicular sight distances or to accommodate 20-foot driveways between the sidewalk and the building, on lots 1-26 the residential building fronts must be located on, or in case of the noted exceptions as close as possible to, the front BRL;
  - c. The building on Lot 13 must be located on the lot such that the side setback along Road A matches the front setback of the majority of the buildings on Lots 14-21;
  - d. The Applicant must provide sidewalk along the site frontage on Homecrest Road to include a minimum 5-foot planting strip between the street and the sidewalk. Along the Bel Pre Road site frontage, the Applicant must provide a minimum of fifteen feet between the curb and the property line, including an eight-foot planting strip, five-foot sidewalk, and a two-foot maintenance buffer, per the Montgomery County Arterial Road Standard as required by DPWT in their letter dated June 15, 2007, regarding approval conditions for Preliminary Plan No. 120070490, unless amended;
  - e. All sidewalks on-site must be a minimum of four feet wide;
  - f. The front building restriction line for all dwelling units fronting on Bel Pre Road must be a minimum of 30 feet. All other building restriction lines remain as illustrated on the Site Plan;
  - g. Dwelling units with sides facing Homecrest Road must be designed and finished with additional architectural features typically found on building fronts. Final design of these building elevations must be approved by M-NCPPC staff prior to issuance of building permits for these units;

4. Noise

- a. Provide noise mitigation measures necessary to ensure that all yard areas meet the 60 dBA Ldn exterior noise guidelines and all dwelling units meet the 45 dBA Ldn interior noise guidelines. Such areas include, but may not be limited to, the rear yards of Lots 5, 6, and 29-34;
- b. All noise mitigation measures must be residential in material, scale, and design and be appropriately landscaped. Final design to be approved by staff at Certified Site Plan;

5. Lighting

- a. On-site street and parking lot downlighting fixtures must be full cut-off fixtures;
- b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination;
- c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties;

6. Roadways

Comply with the conditions of the Department of Permitting Services e-mail dated July 1, 2008, from Sarah Navid to Elza Hisel-McCoy, as amended by a follow-up email dated July 2, 2008, from Sarah Navid to Nat Ballard and Elza Hisel-McCoy;

7. Landscaping & Environment

- a. The Applicant must provide street trees, in a planting strip located between the roadway and the sidewalk, along the property frontage on Bel Pre Road and Homecrest Road;
- b. Street tree species selection must remain consistent along both sides for the length of each street. Final species selection and spacing to be confirmed by Certified Site Plan;
- c. Street tree spacing along the internal Road A, Road B, and Big Bear Terrace (nee Road C), for the Allegheny Serviceberry, shall be a maximum of 20 feet on center. If street tree species for these roads is modified before Certified Site Plan, final spacing will be determined at that time;
- d. Comply with all conditions in Environmental Planning staff memo dated July 1, 2008;

8. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide 6 MPDUs (15.4 percent) on-site in accordance with Chapter 25A of the Montgomery County Code. The Applicant is receiving a 22 percent density bonus;
- b. The Applicant must comply with the requirements of DHCA's letter dated July 1, 2008;

- c. The Applicant must obtain an agreement pertaining to the construction and staging of MPDUs from the Department of Housing and Community Affairs (DHCA) prior to the issuance of any building permits;

9. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 4, 2007, unless amended and approved by the Montgomery County Department of Permitting Services;

10. Development Program

The Applicant must construct the proposed development in accordance with a Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Streets, sidewalks, and street lighting must be completed as the construction of the residential units is completed;
- b. Street tree planting and streetscape improvements for each street must be completed within six months of the issuance of the building permit for the last dwelling unit(s) on that street;
- c. All on-site landscaping, lighting, and recreation areas for each phase must be completed within six months of the issuance of the building permit for the last dwelling unit(s) in that phase;
- d. Specify phasing of pre-construction meetings, dedications, sediment/erosion control, or other features;

11. Clearing and Grading

Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan;

12. Maintenance

The Applicant, or its designee, shall be responsible for the maintenance of private on-site landscaping, lighting, alleyways, and recreation facilities;

13. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
- b. Updated Recreation Facilities calculations to include seating areas provided on-site;
- c. Development standards for accessory structures;
- d. Noise barrier details;
- e. A diagram demonstrating conformance with Noise Ordinance limits;



- f. Clearly show all the limits of all required landscape buffers on the site and landscape plans;
- g. Development Program, Inspection Schedule, Forest Conservation Exemption Letter, and Site Plan Resolution;
- h. Provide dual handicapped ramps at the corners of the 3 intersections with Homecrest Road - at Bel Pre Road, Road "A", and Road "C".

BE IT FURTHER RESOLVED that all site development elements as shown on Layhill Overlook drawings stamped received by the M-NCPPC on May 8, 2008, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The proposed development substantially conforms to the approved Development Plan for Local Map Amendment G-836 and associated binding elements regarding building height and setbacks, development density, MPDUs, public use and recreation space, landscape, building design, dedications, and street improvements. To accommodate interagency review comments and improved compatibility with the surrounding streets and neighborhoods, the Applicant has revised the design of the termination of Road B and the location of the tree-save parcel and the public recreation areas, producing a better design for the community. Additionally, the planting buffer between the residential units and Bel Pre Road has been removed and the units have been flipped to now front onto Bel Pre Road. The Applicant will maintain the spirit of the "green avenue" desired by the Master Plan and District Council for Bel Pre Road by providing a grassed planting strip between the street and the sidewalk for the planting of street trees.

2. *The Site Plan meets all of the requirements of the PD-2 Zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the Planned Development (PD-2) zone. The mix of residential unit types, the residential density and building height, and the amount of green area required by the zoning and approved in the Development Plan are retained in the Site Plan. The development standards

associated with the worship center expansion are not specified in the zone, but were defined in the approved Development Plan and are retained in this Site Plan.

**Requirements of the PD-2 zone**

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the PD-2 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

	<b>Development Standards Approved by the Board and Binding on the Applicant</b>
Gross Tract Area (acres)	16.02
<b>Residential Development</b>	
Max. Dwelling Units per Acre (w/ 22% MPDU bonus) (du/a)	2.40
Max. Dwelling Units (including 1 existing one-family detached house) (du)	39
Min. MPDUs Provided (%)	15
Min. MPDUs Provided (du)	6
<b>Unit Distribution</b>	
Min. One-Family Detached (%)	53
Min. One-Family Detached (du)	21
Min. One-Family Attached (%)	47
Min. One-Family Attached (du)	18
One-Family Detached Units (du)	21
Duplex Units (du)	12
Townhouse Units (du)	6
Max. Building Height* (ft.)	40
*The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof (Sec. 59-A-2.1)	
<b>Min. Building Setbacks (ft.)</b>	
<b>One-Family Detached</b>	
Front	10
Side	4
Rear	10
<b>Townhouses</b>	

Front	20
Side	0/8 at end units
Rear	10
<b>Duplexes</b>	
Front	12
Side	4
Rear	10
<b>Worship Center</b>	
Max. Total Density (sf.)	10,800**
**includes the existing worship space and 6,500-sf. addition	
Max. Building Height* (ft.)	25, 45 for cupolas and domes
<b>Min. Building Setbacks (ft.)</b>	
Bel Pre Road	330
Side (Lot 18)	45
Side (Parcel G)	115
Rear (Parcel E)	20
<b>Combined Development</b>	
Min. Green Area (acres)	7.4
Min. Parking Spaces	201

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3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. **Buildings and Structures**

The proposed residential buildings are located so as to provide front doors onto the internal residential streets and common recreation areas, as well as on Bel Pre Road, helping to create a more pedestrian-oriented community. The worship center - a destination use - and associated residential units will be accessed primarily from Bel Pre Road, and are set back from this busy street not only to provide a measure of remove and repose, but also to allow parking to take place next to the street. The locations of the residential units and worship center are adequate, safe, and efficient.

b. **Open Spaces**

The plan proposes over 46 percent of the gross tract area as green space, including two recreation areas, seating areas, and tree-save areas. These green amenities are connected through a pedestrian network linking the residences and the worship center, encouraging residents to walk to these

neighborhood amenities and explore the larger community. Each of these features contributes to an improved pedestrian experience that is adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping on the site consists of street trees along the public streets, including Bel Pre and Homecrest Roads; foundation, ornamental, and shade planting at the recreation areas; and buffer plantings along the south side of Homecrest Road. The visual interest and shade provided by these trees and the plantings will provide an adequate, safe, and efficient environment for residents and passers-by.

The lighting plan consists of attractive, regularly-spaced streetlights and parking lot fixtures. All site lighting will be full cut-off and will provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

The plan is providing ample on-site recreation facilities, including two park play areas, several seating areas, and an extensive pedestrian network. The provided facilities conform to the M-NCPPC Recreation Guidelines and are adequate, safe, and efficient.

e. Vehicular and Pedestrian Circulation

The Applicant will provide sidewalks on both sides of all interior public streets, and abutting sections of Bel Pre and Homecrest Roads. An asphalt path will also link the western residential portion of the site with the adjacent expanded worship center. These sidewalks will further encourage pedestrian exploration of both the new and existing neighborhoods and provide adequate, safe, and efficient pedestrian access throughout the site.

Vehicular access to the western residential portion of the site is provided at two points on Homecrest Road. "Road C", now called "Big Bear Terrace", is expected in the future to extend to other planned residential developments east of the site, and potentially down to Bel Pre Road. Vehicular access to the expanded worship center and associated residential units will be from Bel Pre Road. The internal road system provides adequate, safe, and efficient access to and through the site.



4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

Both the residential and worship center portions of the site build upon existing uses and patterns and are compatible with the other existing and proposed residential and institutional uses surrounding the site, and is consistent with the compatibility and setback requirements of Section 59-C-7.15.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The subject Site Plan is in compliance with the development's approved Forest Conservation Plan.

The proposed storm water management concept approved on June 4, 2007, includes on-site channel protection measures via a dry pond and flow dispersion; on-site water quality control via sand filters, bio-filters, a proprietary filter with structural pretreatment, and non-structural methods; and on-site recharge via non-structural methods including dry wells and recharge trenches.

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

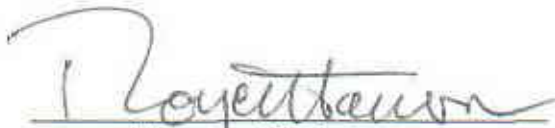
BE IT FURTHER RESOLVED, that the date of this resolution is SEP 25 2008 (which is the date that this resolution is mailed to all parties of record); and SEP 25 2008

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).

\* \* \* \* \*

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 Presley, seconded by Commissioner Cryor, with Commissioners Hanson, Alfandre, Cryor, and Presley voting in favor of the

motion, and Commissioner Robinson absent, at its regular meeting held on Thursday, September 18, 2008, in Silver Spring, Maryland.



Royce Hanson, Chairman  
Montgomery County Planning Board



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

**Memorandum**

**TO:** Rollin Stanley, Planning Director

**VIA:** Rose Krasnow, Chief *RKYL*  
 Robert Kronenberg, Supervisor *RAE*  
 Development Review Division

**FROM:** Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EH*  
 Planner Coordinator  
 Development Review Division

**RE:** Layhill Overlook  
 SITE PLAN #82008016A

**DATE:** September 22, 2010

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On August 11, 2010, Aspen Hill Estates, LLC, ("Applicant") filed a site plan amendment application designated Site Plan No. 82008016A ("Amendment") for approval of the following modifications:

1. reduce the size of the Vedanta Center expansion from 6,500 sf. to 5,000 sf.;
2. modify parking lot configuration at the Vedanta Center to consolidate stormwater management and bio-retention area;
3. redistribute parking spaces for the Vedanta Center within the approved maximum number;
4. modify the internal private driveway, sidewalk, and bike rack locations at the Vedanta Center; and
5. minor changes to landscaping, grading, utilities, and stormwater management.

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on August 13, 2010. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff received inquiries from the parties of record, but no opposition to the proposal.

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.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



Rollin Stanley, Planning Director

9-24-10

Date Approved



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

**MEMORANDUM**

**TO:** Gwen Wright, Planning Director

**VIA:** Glenn Kreger, Chief, Area 2 Division *GK*  
Khalid Afzal, Planner Supervisor, Area 2 Division *KA*

**FROM:** Andrea Gilles, Senior Planner *AG*  
Area 2 Division

**SUBJECT:** Layhill Overlook  
ADMINISTRATIVE SITE PLAN AMENDMENT #82008016B

**DATE:** July 11, 2013

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent or objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the Development Applications and Regulatory Coordination Division (DARC) Intake Section is also not required; however, submittal of the application to DARC is required. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

The Subject Property is located at the northeast corner of Bel Pre Road and Homecrest Road in the Aspen Hill Master Plan area. On March 28, 2013, Vedanta Center of Greater Washington DC, Inc. ("Applicant") filed a Site Plan amendment application designated Site Plan No. 82008016B ("Amendment") for approval of the following modifications:

1. Minor changes to the landscape plan;
2. Revised lighting plan; and
3. Clarification of Worship Center parking lot materials to include a combination of standard concrete paving and porous concrete paving as illustrated on the Stormwater Management Plan approved 4/28/2011.



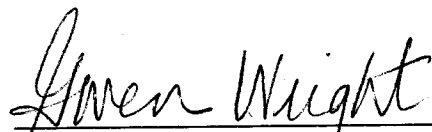
The Applicant filed this application in response to Notices of Non-Compliance (NONC) issued on September 14, 2012 and March 21, 2013 by the Department of Permitting Services to address modifications to landscaping, lighting, Worship Center parking lot materials and fence on the original Site Plan. This amendment resolves the non-compliance issues regarding landscaping, lighting, and parking lot materials; the Applicant will submit a subsequent amendment to address the fence modifications. Staff has worked closely with the DPS staff to make sure that the compliance issues have been fully addressed and reflected in the proposed amendment.

On April 2, 2013, the Applicant sent a notice regarding the subject Site Plan amendment to all parties of record giving the interested parties 15 days to review and comment on the contents of the amended Site Plan. Staff received no communication from the parties of record regarding the modifications.

The proposed amendment is consistent with the provisions of Section 59-D-3.7 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.

This Amendment shall remain valid as provided in Montgomery County Code Section 59-D-3.8. The Applicant must submit a Certified Site Plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

  
\_\_\_\_\_  
Gwen Wright, Planning Director

  
\_\_\_\_\_  
Date Approved



MONTGOMERY COUNTY  
DEPARTMENT OF PERMITTING SERVICES  
SITE PLAN ENFORCEMENT SECTION  
255 Rockville Pike, 2<sup>nd</sup> Floor  
Rockville, MD 20850-4166

**NOTICE OF NON-COMPLIANCE**

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On, **September 14, 2012** \_\_, the site plan recipient of this NOTICE: **Mr. Kevin Murphy**  
(Date) (Recipient's Name)

Who represents the site plan applicant/defendant: **Craftstar Homes**

Is notified that Notice of Non-Compliance conditions exist under Sections 59-D-3.6 (Failure to Comply) and S-8-26 (g) (Compliance with Zoning Regulations) of the Montgomery County Code regarding the following:

M-NCPPC Certified Site Plan # **82008016A** and Project Name: **Layhill Overlook**

The Violation is described as:

**Installed fence not shown on the approved certified site plan across from SFD lots 25-26 on Big Bear Terrace. Installed parking lot light fixtures and locations do not conformed to the as shown design-locations on the approved certified site plan.**

See attached photo's provided.

The following corrective Compliance action(s) must be performed in:  30 days  60-Days  90- Days

**Remove fence, correct light fixtures and parking lot-street lighting locations.**

Compliance Due Date **November 15, 2012:**

See attached inspection report(s) for additional non-compliance and/or required corrective actions.

Failure to comply with this Notice of Violation may result in the issuance of one or more \$500.00 civil citations.

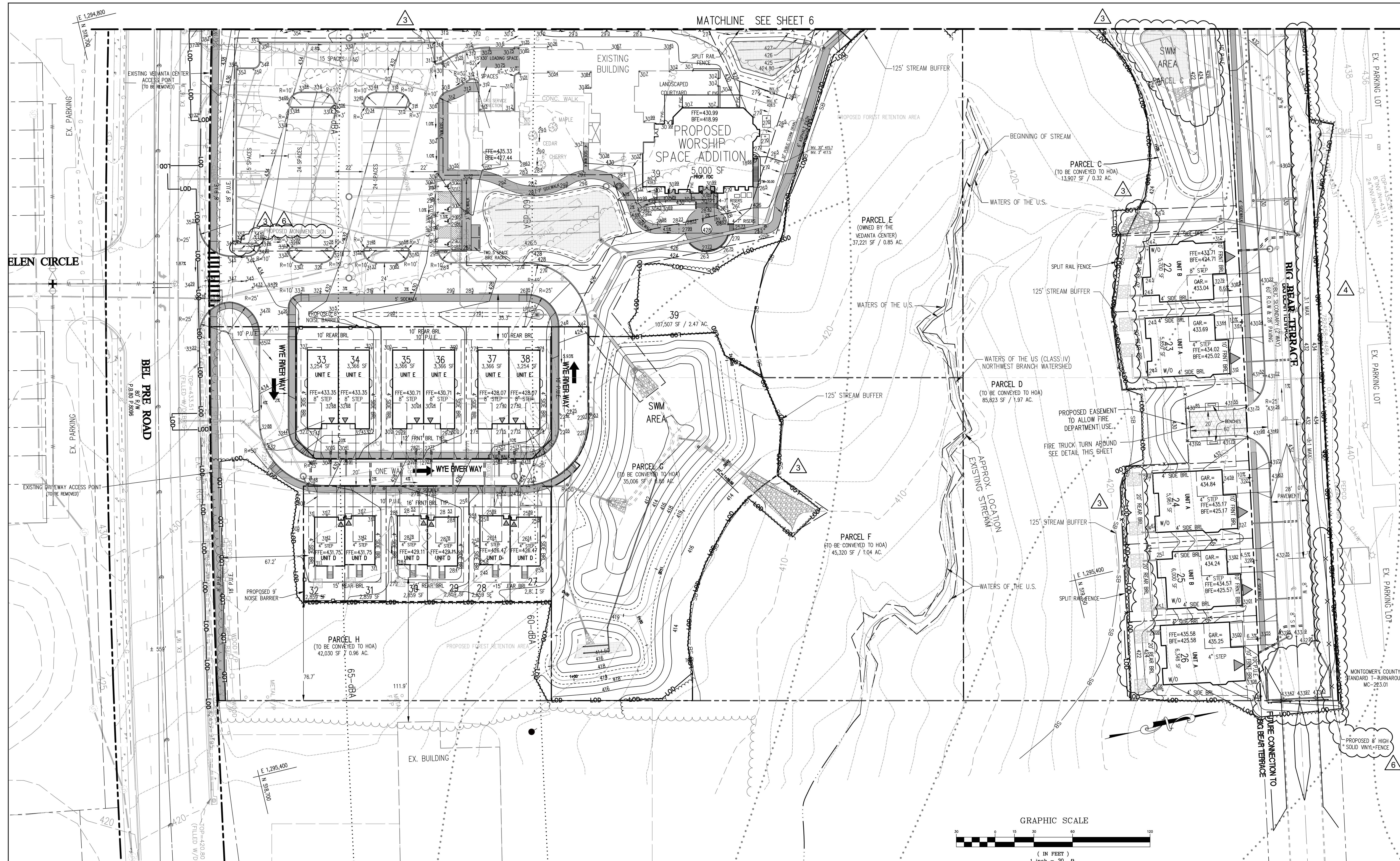
A "STOP WORK ORDER" is issued this date at the above referenced project: All construction activities on these premises must cease immediately. Only those activities required to correct the violation may continue. Permission from the Site Plan Enforcement Inspector is required to resume construction.

ISSUED BY: Tommy [Signature] 9-14-12 301-900-1344  
(Print Name) (Signature) (Date) (Phone Number)

Received by: \_\_\_\_\_  
(Print Name) (Signature) (Date) (Phone Number)  
Call \_\_\_\_\_ to schedule reinspection. **Sent by Registered Mail/Return Receipt on: 2-16-2012**

(Recipient's signature acknowledges receipt of a copy of this notice of violation only.) If you wish to contest/dispute this Notice of Violation, contact the DPS Site Plan Enforcement Manager Ehsan Motazediz at 240-777-6321. You have the right to a hearing before the Planning Board if you dispute this Notice.





**OWNER/DEVELOPERS:** ASPEN HILLS ESTATES, LLC  
7 OLD GISTEN COURT  
BALTIMORE, MD 21228  
410-788-0027

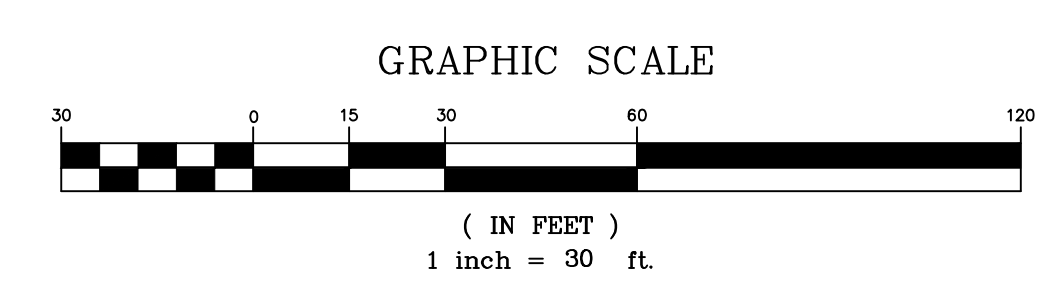
**Patton Harris Rust & Associates, pc**  
Engineers, Surveyors, Planners, Landscape Architects.  
888 Centre Park Drive Columbia, MD 21045  
T 410-997-8900 F 410-997-8262

No.	REVISION	DATE	BY
1	Amended plan removed call-out from road B. Corrected the lot area for road A and road B. Multiplication is removed from adjacent to Bel Pre Road. Big Bear Terrace.	4/25/08	UNB
2	Revised plan showing the proposed parking lot and unit locations. The proposed parking lot and unit locations are shown in accordance with the approved site plan. The proposed parking lot and unit locations are shown in accordance with the approved site plan.	4/25/08	UNB
3	Revised plan to show the proposed parking lot and unit locations. The proposed parking lot and unit locations are shown in accordance with the approved site plan. The proposed parking lot and unit locations are shown in accordance with the approved site plan.	5/27/07	UNB
4	Revised Site Plan to remove the 4' sidewalk from the north side of Big Bear Terrace in accordance with the alternate reach utilities.	10/05/06	UNB
5	Revised Site Plan to remove the 4' sidewalk from the north side of Big Bear Terrace in accordance with the alternate reach utilities.	10/07/07	UNB
6	408 Sign and E-enc. Add Sheet 4A.	8/26/13	ALC

**SITE PLAN**  
SITE PLAN # 82008016C

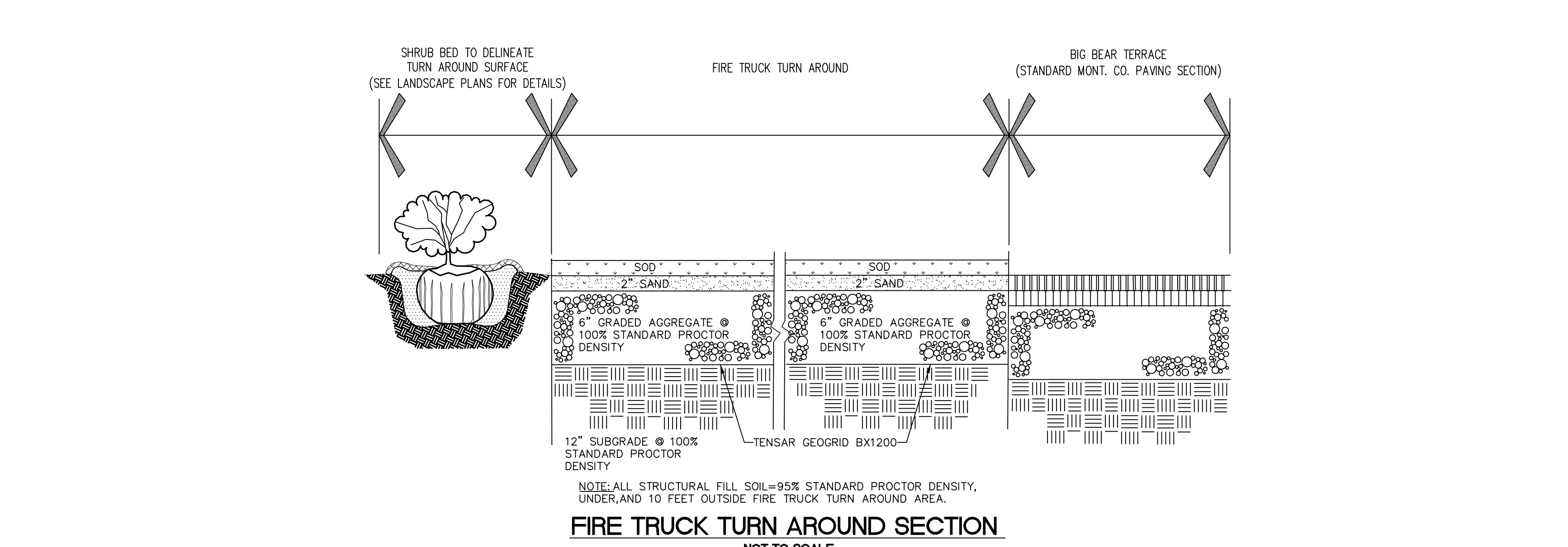
**LAYHILL OVERLOOK**  
TAX MAP HR63  
18065 GEORGIA AVE 2ND FLOOR  
ONLEY, MD 20832

13TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND



**LEGEND:**

EXISTING TOPO	125' STREAM VALLEY BUFFER	EXISTING STORM DRAIN	24" CMP
PROPOSED TOPO	EXISTING WATERS OF THE U.S.	PROPOSED LIMIT OF DISTURBANCE	100'
PROPOSED WATER	EXISTING TREELINE	PROPOSED TREELINE	
PROPOSED SEWER	EXISTING SPECIMEN TREE	PROPOSED CURB & GUTTER	
PROPOSED STORM DRAIN	EXISTING CURB & GUTTER	PROPOSED SIDEWALK	
PROPOSED LOT LINES	EXISTING TELEPHONE POLE	FRONT OF UNIT DESIGNATION	
PUBLIC RIGHT OF WAY	EXISTING SIDEWALK	SPLIT RAIL FENCE	
PROPOSED BUILDINGS	EXISTING SEWER		



**DEVELOPER'S CERTIFICATE**  
The Undersigned agrees to execute all the features of the Site Plan Approval No. **8-2008016C**, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: **VEDANTA CENTER** Company  
Contact Person: **STUART ELKMAN**

Address: **3001 Bel Pre Road, Silver Spring, MD 20906**  
Phone: **301-603-1772**

Signature: \_\_\_\_\_

**M-NCPPC APPROVAL STAMP**

Certified Site Plan  
File No. **8-2008016C**  
Montgomery County Planning Board

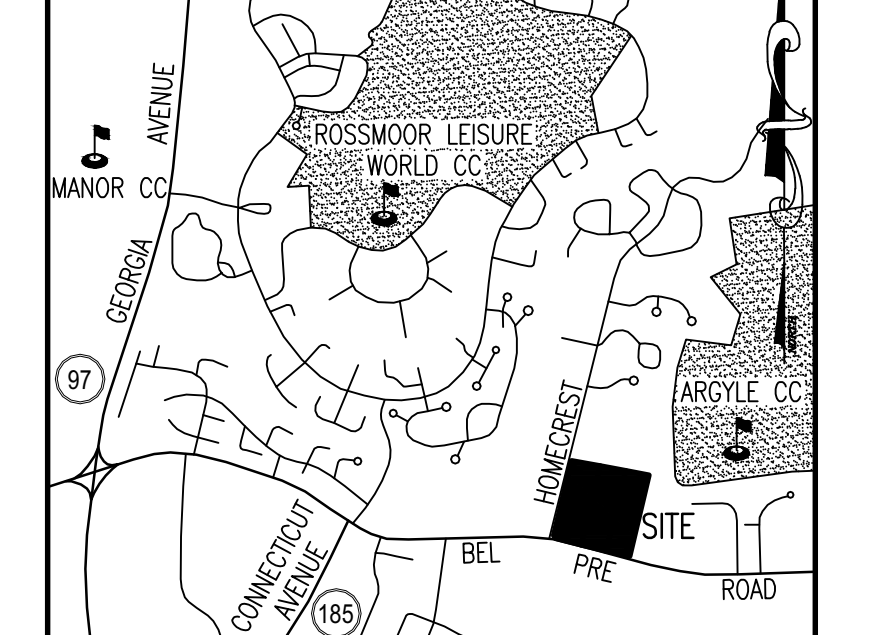
Chair or Designer \_\_\_\_\_ Date \_\_\_\_\_

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

DESIGNED: NAT  
DRAWN: NAT  
DATE: 8/26/13  
SCALE: 1"=30'

FILE NO: 13025-3-0  
SWM NO. 216990  
SHEET 7 OF 17





VICINITY MAP  
SCALE: 1"=2000'

OWNER/DEVELOPERS: ASPEN HILL ESTATES, LLC  
ATTN: JEFFREY C. KIRBY  
BALTIMORE, MD 21228  
410-788-0027

Patton Harris Rust & Associates, PC  
Engineers, Surveyors, Planners, Landscape Architects.  
8818 Centre Park Drive Columbia, MD 21045  
T 410-997-8900 F 410-997-9822

No.	REVISION	DATE	BY
1	Asn Sheet 12A and 12B	10/23/13	ALC

SITE PLAN DETAILS

LAYHILL OVERLOOK  
TAX MAP HB63  
18065 GEORGIA AVE 2nd FLOOR  
ONLEY, MD 20832

13TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

PHRA  
C-5.02

DESIGNED: PAI  
DRAWN: PAI  
DATE: 10/23/13  
SCALE: NOT TO SCALE

FILE NO: 13025-3-0  
SWM NO. 216990  
SHEET 8A OF 17

STRUCTURAL NOTES:

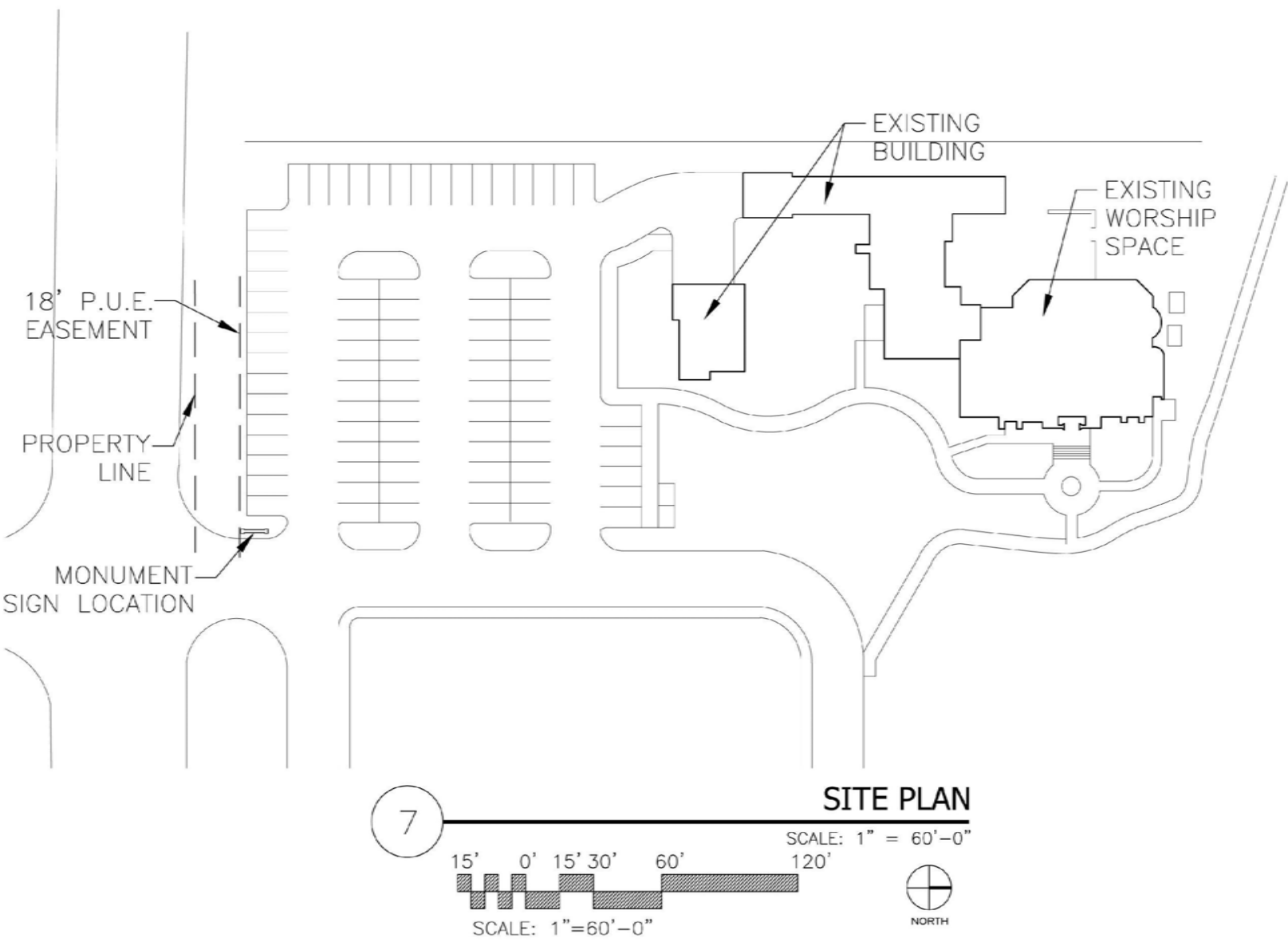
- Section 4.0 Masonry
- 4.1) All mortar shall conform to ASTM - C270. Mortar to be used shall be sampled and tested by the brick and masonry suppliers according to the ASTM - C91 and results submitted to the Engineer for review. Mortar shall be Type "S" as a minimum.
- 4.2) MORTAR:  
Type "S" (1500 psi on the job).  
PROPORTIONS:  
Type "S" - 1 part Portland Cement, 2 parts Masonry Cement, 7 parts sand.
- 4.3) Mortar test specimens shall also be made in the field in accordance with the Uniform Building Code Standards, Number 24-22. These specimens shall be constructed at the same time as the masonry piers.
- 4.4) The Contractor shall provide the Engineer with the mix design of the mortar including all admixtures and coloring agents. The mix design shall be used in making the masonry piers prior to construction and the test results of these piers shall be supplied with the mix design. This mix design shall be used for the duration of the job and the Contractor shall provide proportioning boxes in the field for maintaining the approved mix design. The inspector shall verify that the mix design is being followed. Any changes (including changing brands of cement, masonry cement, aggregate, admixtures, water) in the mortar mix after the mix design has been approved shall not be incorporated into field use until masonry piers have been made, and approved.
- 4.5) Use full head and bed joints.
- 4.6) Calcium Chloride may not be used as an admixture.
- 4.7) Technical notes on Brick and Tile Construction #1A January 1988, titled "Cold Weather Construction and Protection Requirements" shall be followed for construction and protection of masonry and temperatures below 40 degrees.
- MATERIALS:  
Type Compressive Strength Units: 1,500 psi net area.
- 4.8) Reinforcing steel for masonry construction shall conform to ASTM A615, Grade 60.
- 4.9) All brick store and masonry construction shall be provided with standard truss type "Duro-Wall" or equal reinforcing at 16" on center unless heavier reinforcement is noted on the drawings.
- 4.10) Masonry piers shall be fully bonded into adjacent walls.
- 4.11) Concrete Masonry shall conform to the latest edition of ASTM Specifications C90 and C145. The minimum compressive strength of concrete masonry construction shall be as indicated. Concrete masonry to be used shall be sampled and tested by the masonry supplier according to ASTM C140 and results submitted to the Engineer for review. All concrete masonry construction shall conform to the "National Concrete Masonry Association", specifications in all respects.
- 4.12) PRISM TESTS:  
Prism tests shall be made of the above systems to verify the minimum required compressive strength (F<sub>m</sub> at 28 days). Prisms shall be constructed and tested according to Section 3.2 of "Specification for the Design and Construction of Load Bearing Concrete Masonry" and/or Section 4.2.2.1 of Building Code Requirements for Engineered Brick Masonry". Tests shall be performed by an independent laboratory and test results shall be approved by a Registered Engineer. The test laboratory shall be approved by the Engineer.
- All masonry piers (except for the masonry piers made prior to construction) shall be made in the field. The Contractor shall provide a suitable working area for constructing and storing the masonry piers as long as they are in the field. Mortar shall be material that is being used at the time of the job. The Contractor shall also provide the necessary bindings to prevent damage to the piers during transportation. The testing agency shall transport the piers to its lab on the date it is to test the piers.
- Prior to the start of construction: Three piers (five piers for solid brick) of each system shall be tested to verify the minimum F<sub>m</sub>. One prism shall be tested at 7 days, remainder at 28 days.
- During construction: Three piers (five piers for solid brick) of each system being used shall be tested for each 5000 square feet of wall area or each story height (whichever is more frequent).
- 4.13) Inspection for the masonry construction shall be required for all masonry that is shown on the structural drawings. The Inspection Agency shall be approved by the Engineer. At the completion of the inspection, the Agency shall certify that the masonry shown on the structural drawings has been built in accordance with the plans and specifications.

MONTGOMERY COUNTY ZONING ORDINANCE:

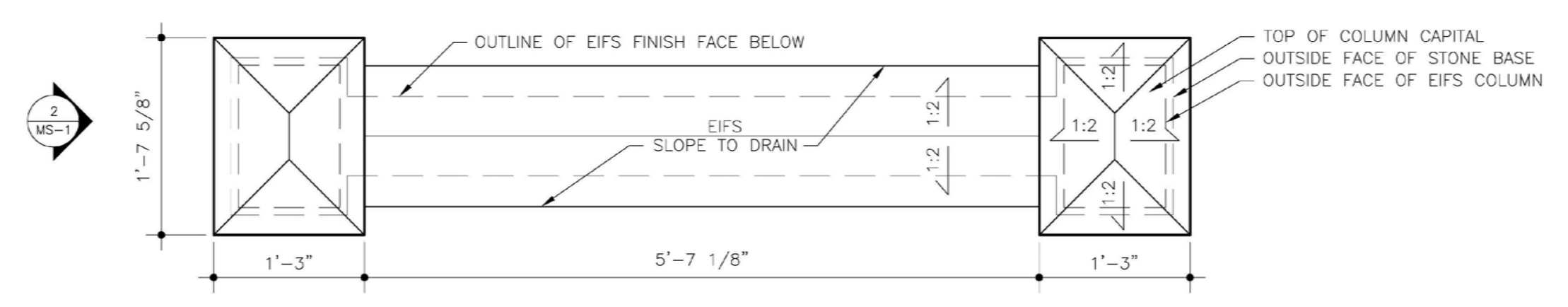
- SEC. 59-F-3.1 GENERALLY.  
THE SIGN AREA IS THE ENTIRE PORTION OF THE SIGN THAT CAN BE ENCLOSED WITHIN A SINGLE, CONTINUOUS RECTANGLE. THE AREA INCLUDES THE EXTREME LIMITS OF THE LETTERS, FIGURES, DESIGNS, AND ILLUMINATION, TOGETHER WITH ANY MATERIAL OR COLOR FORMING AN INTEGRAL PART OF THE BACKGROUND OF THE DISPLAY.
- SEC. 59-F-3.2 SUPPORTS.  
THE STRUCTURE WHICH SUPPORTS A SIGN IS NOT INCLUDED IN MEASURING THE SIGN AREA UNLESS THE STRUCTURE IS DESIGNATED AND USED AS AN INTEGRAL PART OF THE DISPLAY. A SUPPORT HAVING A PERIMETER LARGER THAN 4 FEET AT THE WIDEST POINT, IS THE INTEGRAL PART OF THE DISPLAY.
- PIERS ARE CONSIDERED TO BE A STRUCTURE THAT IS NOT INTEGRAL TO THE DISPLAY AS THE SIGN COULD STAND ALONE WITHOUT THE PIERS.
- SEC. 59-F-4.2 BY ZONE.  
F-4.1 (E)  
(B) 2. THE AREA OF THE SIGN MUST NOT EXCEED 40 SQUARE FEET.  
AREA CALCULATED TO BE 29.5 SQ. FT. SEE ELEV. 1 THIS SHEET.
3. (I) THE SIGN MUST BE SET BACK AT LEAST 5 FEET FROM THE PROPERTY LINE.  
SEE SITE PLAN INSERT BELOW.

GENERAL NOTES:

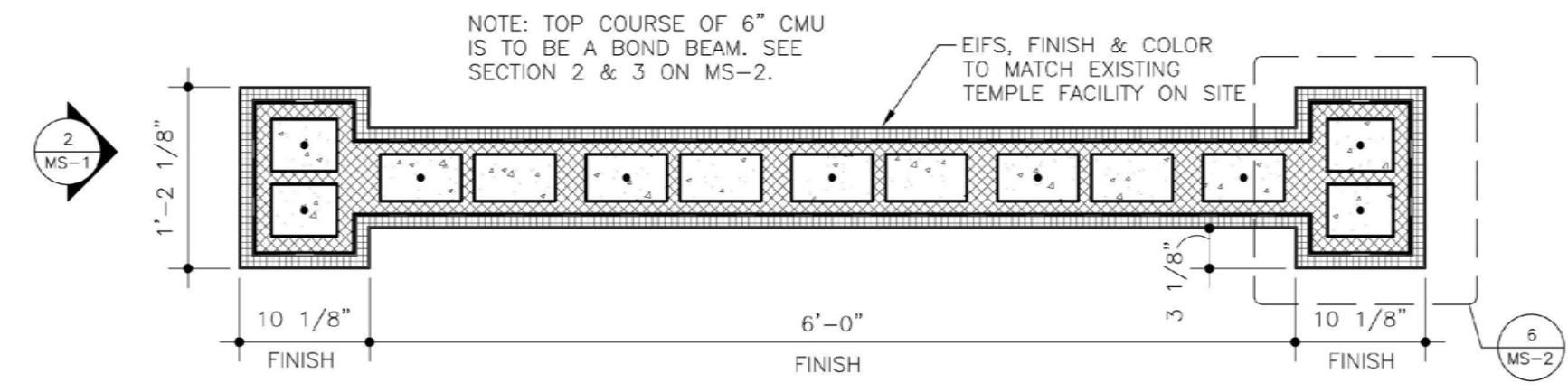
- VERIFY PROPERTY LINES & SETBACK LOCATION IN FIELD PRIOR TO CONSTRUCTION
- STONE BASIS OF DESIGN: MATCH STONE ON WORSHIP SPACE ON COLOR, CUT, TEXTURE, & BONDING; GROUT COLORS TO MATCH ALSO.
- EIFS BASIS OF DESIGN: SIGN FACE FIELD & COLUMNS TO MATCH PRIMARY FIELD COLOR & TEXTURE ON EXISTING WORSHIP SPACE; EIFS CORNICE & BRACKET TO MATCH ACCENT COLOR ON EXISTING WORSHIP SPACE.
- .040" ALUMINUM REFINISHED METAL COPING COLOR TO MATCH ACCENT EIFS COLOR.
- PROVIDE REBAR AS INDICATED ON DRAWINGS.



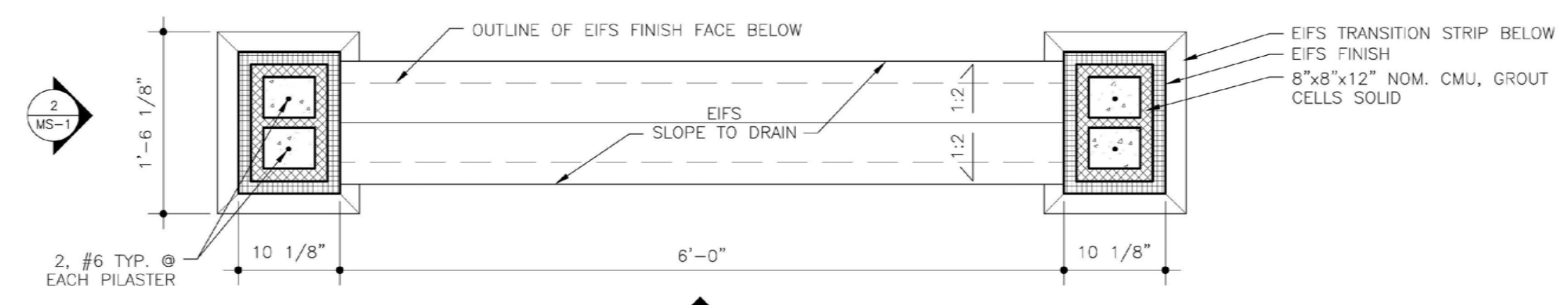
SITE PLAN  
SCALE: 1"=60'-0"



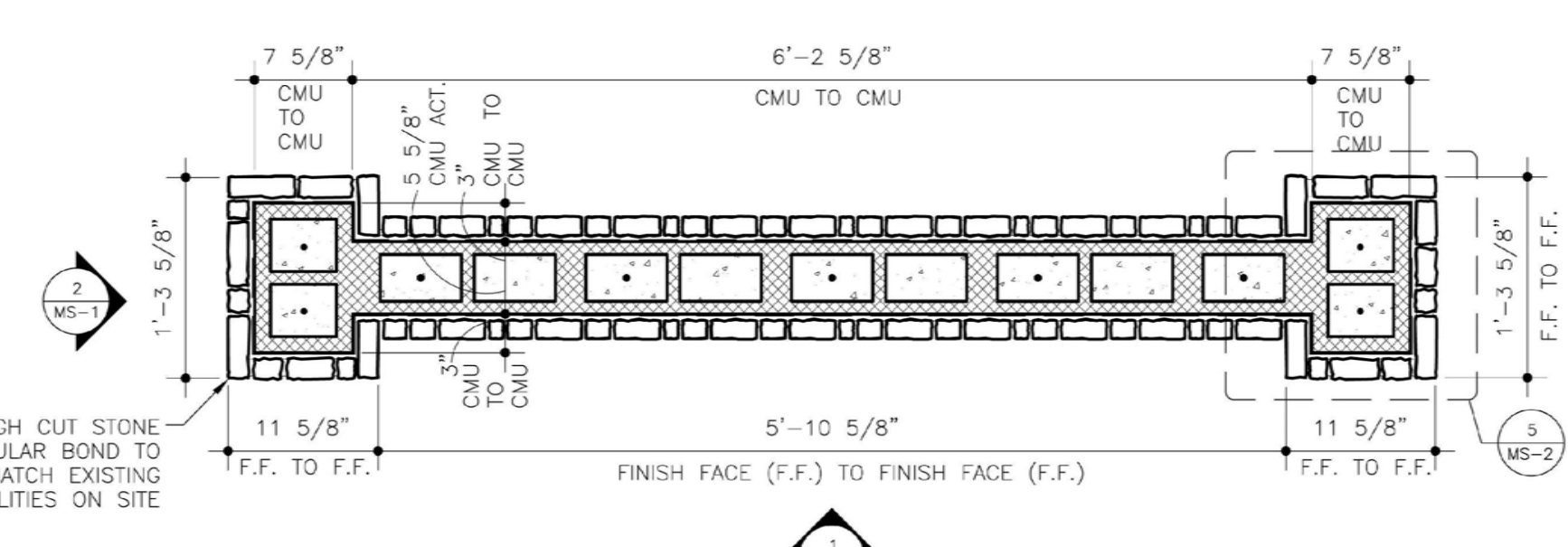
TOP VIEW OF SIGN  
SCALE: 1" = 1'-0"



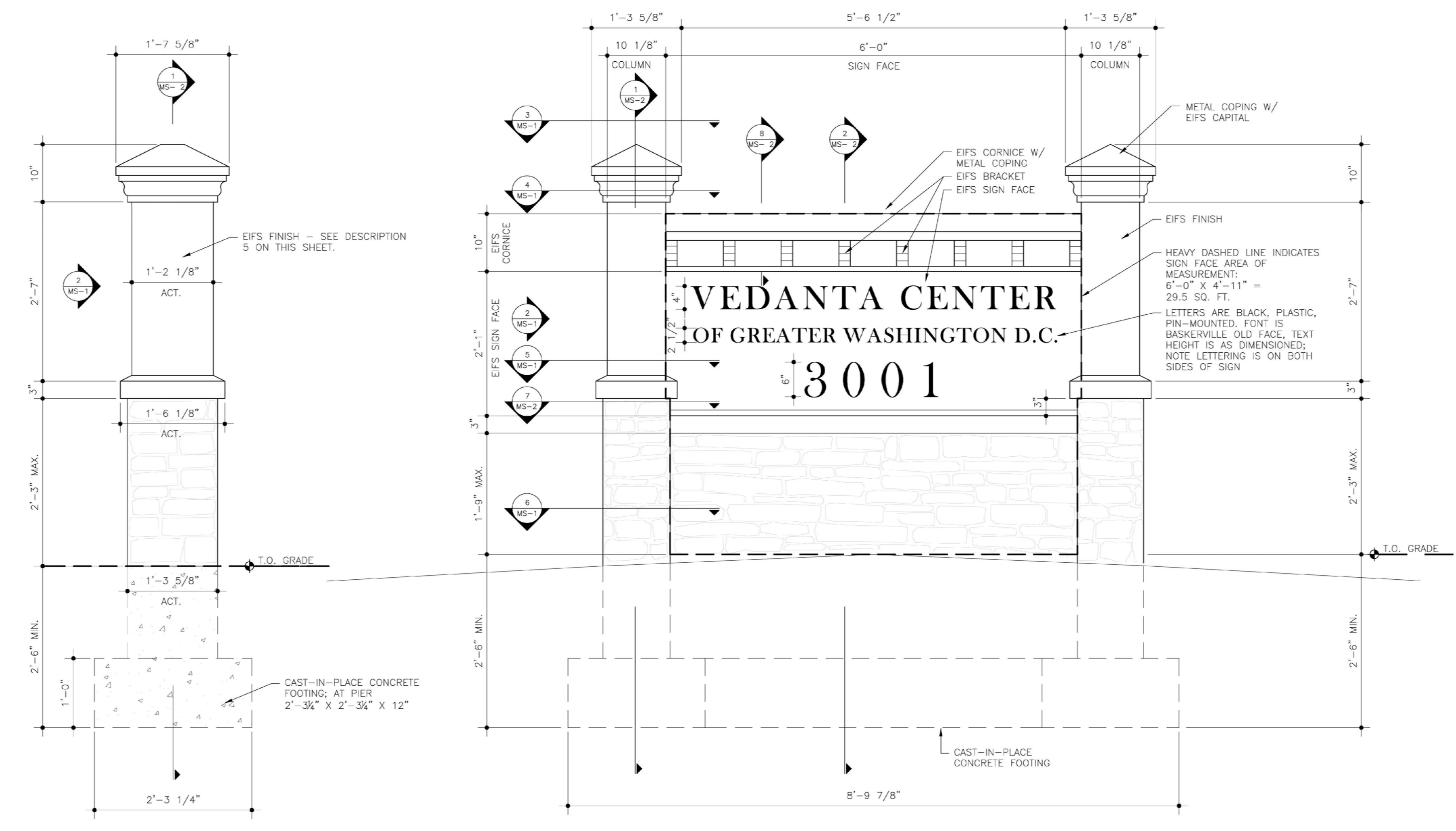
PLAN THROUGH EIFS SIGN  
SCALE: 1" = 1'-0"



PLAN THROUGH COLUMN  
SCALE: 1" = 1'-0"



PLAN THROUGH STONE BASE  
SCALE: 1" = 1'-0"



SIDE ELEVATION  
SCALE: 1" = 1'-0"

FRONT ELEVATION  
SCALE: 1" = 1'-0"

MONUMENT SIGN DETAILS  
NOT TO SCALE

DEVELOPER'S CERTIFICATE  
The Undersigned agrees to execute all the features of the Site Plan Approval No. 8-2008016C, including Approval Conditions, Development Program, and Certified Site Plan.  
Developer's Name: VEDANTA CENTER Company  
Contact Person: STUART ELKMAN  
Address: 3001 Bel Pre Road, Silver Spring, MD 20906  
Phone: 301-603-1772  
Signature: \_\_\_\_\_

M-NCPPC APPROVAL STAMP  
Certified Site Plan  
File No. 8-2008016C  
Montgomery County Planning Board  
Chair or Designee: \_\_\_\_\_ Date: \_\_\_\_\_  
MONTGOMERY COUNTY PLANNING DEPARTMENT  
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

BY: \_\_\_\_\_  
PROFESSIONAL CERTIFICATION I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 9811.