

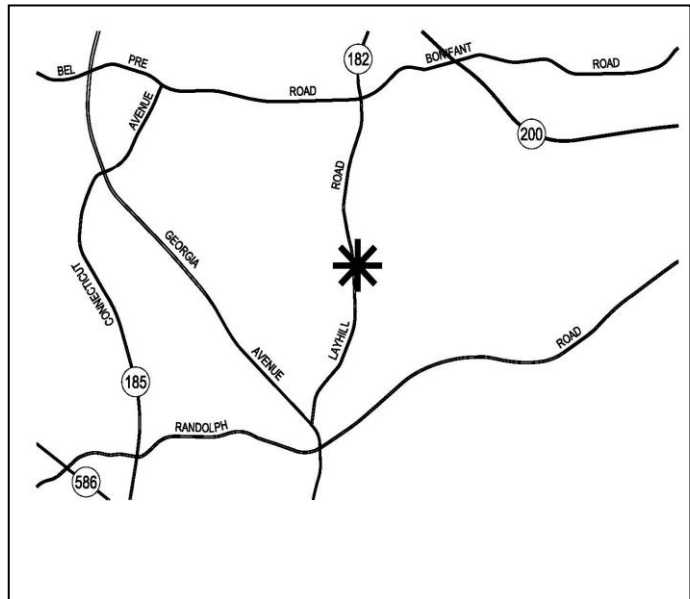
**Poplar Run (formerly known as Indian Spring), Limited Preliminary Plan Amendment, 12006051B**

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**Completed: 7/9/15**

**Description**

- Limited Preliminary Plan Amendment to amend Condition No. (2)d., originally approved with Preliminary Plan No. 120060510, in order to address an issue with respect to when Tivoli Lake Boulevard will be open to traffic in relation to the issuance of building permits;
- Approximately 308.36 acres zoned R-90 and R-200;
- Located on the east side of Layhill Road, approximately 1,300 feet south of the intersection with Middlevale Lane;
- 1989 *Master Plan for the Communities of Kensington-Wheaton*;
- Applicant: Winchester Homes;
- Filing date: 5/26/15.



**Summary**

- Staff recommends approval of the Limited Preliminary Plan Amendment.
- The proposed amendment would allow an additional 100 building permits to be released prior to completing the Tivoli Lake Boulevard connection with Randolph Road. It will not have a material impact on the traffic operations in and around the development because no use and occupancy permits will be issued to the additional 100 units prior to the opening of the Tivoli Lake/Randolph Road connection.

## PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Limited Preliminary Plan Amendment 12006051B to amend Condition No. 2(d). of Preliminary Plan 120060510. All previous findings and conditions of approval remain in full force and effect, except as modified herein:

- 2(d). Construct Tivoli Lake Boulevard extended (south of Street “K” at its southern end to the existing road) as an alternative primary residential roadway with a 70-foot right-of-way, 25-foot-wide paving, and a shared use path on the west side (Montgomery County Department of Transportation standard number MC-212-02). The road shall be open to traffic prior to the issuance of the ~~580<sup>th</sup>~~ 680<sup>th</sup> building permit, and prior to the issuance of any use and occupancy permits above 580 units. This standard pertains to the road surface, and does not modify the requirements for construction of the bridge set forth in Condition number 13(b).
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## **SITE DESCRIPTION**

### **Vicinity**

The Property is located on the east side of Layhill Road, just west of the Northwest Branch Park and north of Randolph Road. It is bounded to the north by the Layhill View community, to the west by the Middlebridge community, and to the south by the Tivoli community. A private driveway enters the site from Layhill Road; Foggy Glen Drive adjoins the site to the north; and Tivoli Lake Boulevard enters the site from the south. The property is located within the Kensington-Wheaton Planning Area and surrounded by existing one-family detached neighborhoods developed under the R-200, R-150 and R-90 Zones. One-family detached units abut the majority of the property with the exception of a small pocket of townhouses to the south near the Tivoli Lake Boulevard terminus.

### **Site**

The 308-acre site previously contained the Indian Spring Golf Course, which has been replaced with the Poplar Run residential development, currently under construction. A tributary of the Northwest Branch runs in a southeasterly direction along the south side of the Property, and the Branch itself runs in a southerly direction along the east side of the property. Stream buffers, floodplains and wetlands have been identified on the Property, and the Property is subject to Forest Conservation requirements. The Property is entirely within the Northwest Branch watershed, with streams designated as Use IV, recreational trout waters. The topography of the site is rolling, with some areas of steep slopes along the stream valleys and approximately 46 acres of floodplain.



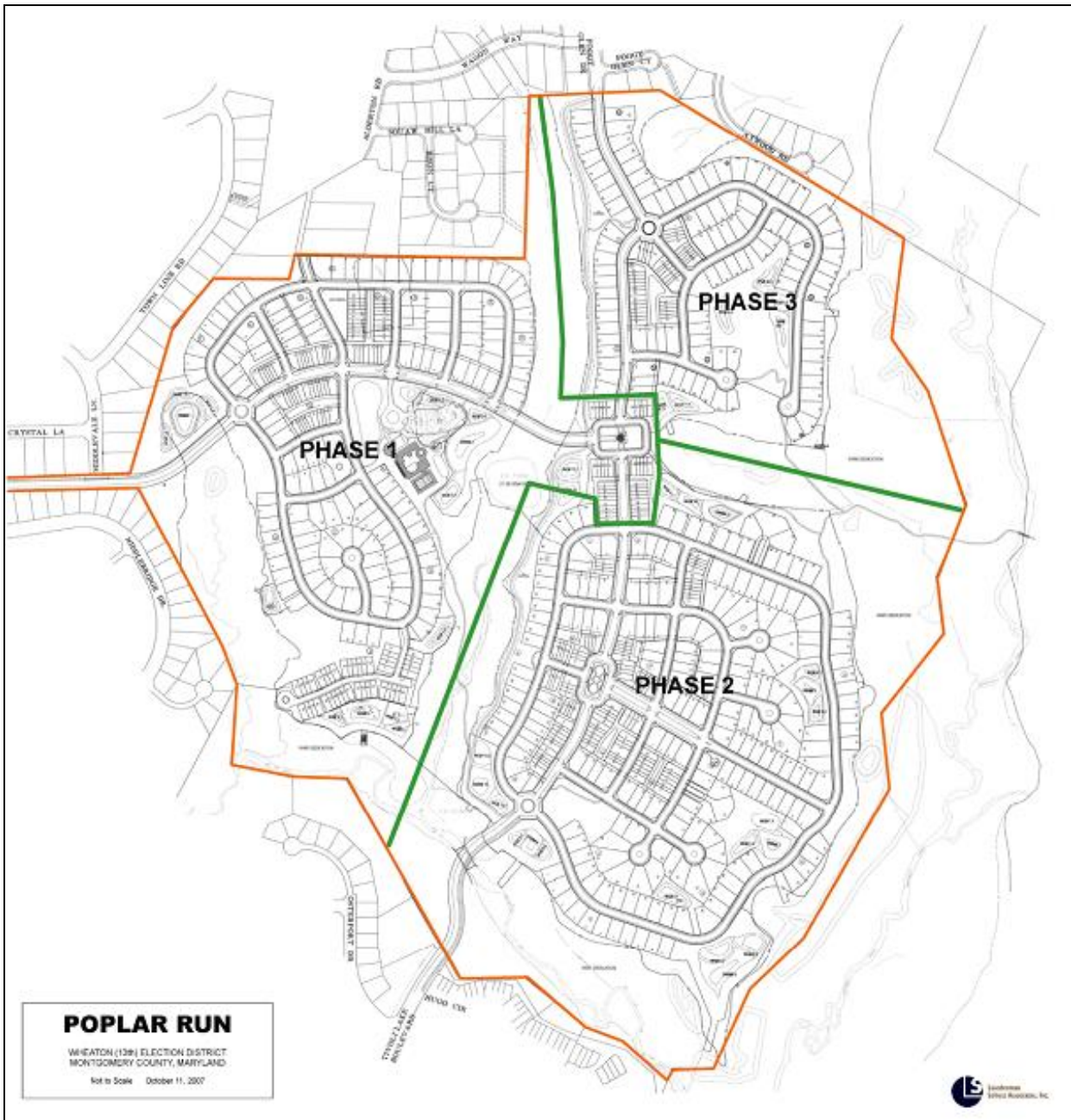
**Image 1 – Site Aerial**

## **PROJECT DESCRIPTION**

### **Previous Approvals**

The Planning Board approved Preliminary Plan No. 120060510 for 773 dwellings on January 4, 2007. The subsequent Site Plan No. 820070020 was approved for 773 dwellings on February 7, 2008. Preliminary Plan No. 12006051A was filed by the Applicant on September 15, 2011, and later withdrawn. Site Plan No. 82007002A, approved on October 18, 2010, revised various stormwater management facilities and made several minor changes to Poplar Run Drive, the Clubhouse, the recreation area, and updated landscaping, lighting, and decorative paving features. Site Plan Nos. 82007002B and 82007002C approved on March 11, 2014 and October 2, 2014 respectively, allowed minor modifications to the approved Final Forest Conservation Plan. Site Plan No. 82007002D, approved on November 3, 2014, modified the timing of the installation of the 8-foot wide hard surface hiker/biker path required in Phases I and II of the development.





**Image 2 – Site Plan**

**Proposal**

The Amendment proposes to modify a condition of approval originally approved with Preliminary Plan No. 120060510 in order to address an issue with respect to the timing of the completion of Tivoli Lake Boulevard extended, a roadway that will connect the Poplar Run development to the Tivoli community to the south.

More specifically, the Amendment proposes to modify Preliminary Plan Condition No. 2(d) of the Montgomery County Planning Board's January 19, 2007 Resolution for the Preliminary Plan, which addresses the timing for construction of Tivoli Lake Boulevard and the issuance of certain building permits. The condition requires the following:

*Construct Tivoli Lake Boulevard extended (south of Street "K" at its southern end to the existing road) as an alternative primary residential roadway with a 70-foot right-of-way, 25-foot-wide paving, and a shared use path on the west side (Montgomery County Department of Transportation standard number MC-212-02). The road shall be open to traffic prior to the issuance of the 580<sup>th</sup> building permit. This standard pertains to the road surface, and does not modify the requirements for construction of the bridge set forth in Condition number 13(b).*

The Applicant has completed a substantial amount of the community-wide recreational facilities for the project, including but not limited to, the pool and clubhouse, and infrastructure associated for the project well in advance of what is required pursuant to the approvals. For example, Condition No. 2(e) of the Preliminary Plan requires that the Applicant construct internal Tivoli Lake Boulevard (within the subject site), between Street "K" at its southern end and the community square, as a primary residential roadway and that the road be open to traffic prior to the issuance of the 580<sup>th</sup> building permit. This condition already has been satisfied in advance of the issuance of the 580<sup>th</sup> building permit. Similarly, Condition 2(f) of the Preliminary Plan requires that the Applicant design and construct a traffic signal system at the intersection of Layhill Road and Indian Spring Access Road if required by the State Highway Administration. The condition also requires that the Applicant conduct a traffic signal warrant analysis when 75% of the units have been transferred to residents. This condition also has been satisfied in advance of the trigger – approximately 70% of the building permits have been issued, the signal warrant analysis has been completed and the Applicant is working with the State Highway Administration to permit and construct the signal sometime in late summer/early fall. The Applicant also is in the process of opening another secondary connection to the project off of Foggy Glen Drive.

The Applicant asserts that as the project has progressed, it has become clear that completing Tivoli Lake Boulevard as envisioned by Condition 2(d) before the issuance of the 580<sup>th</sup> permit is problematic. The Applicant has diligently pursued all approvals and permits necessary for the construction of Tivoli Lake Boulevard, particularly the bridge section over Bel Pre Creek. As the Applicant asserts, the permitting effort has been intense, time consuming and has involved significant review at all levels. When the project was originally approved, the Applicant was confident that the road could be open to traffic prior to the issuance of the 580<sup>th</sup> building permit. However, given the review and permitting process, the completion of this one aspect of the project (in relation to the issuance of building permits) has fallen behind what was envisioned by the timing element of the original condition as well as the necessary pace of home construction. Thus, the Applicant is requesting that the Planning Board modify Condition 2(d) to allow for the issuance of up to 680 building permits, while prohibiting the issuance of any use and occupancy permits for those additional units, prior to Tivoli Lake Boulevard extended being open to traffic. Staff believes that modifying this condition will have little to no impact on the County or the community, particularly since Tivoli Lake Boulevard extended, including the above referenced bridge, is well under construction; another means of access to the community will open shortly (Foggy Glen); and by prohibiting issuance of use and occupancy permits, no additional traffic will be generated from the single access point.

## **COMMUNITY OUTREACH**

This Application was submitted and noticed in accordance with the requirements contained in the Development Review Procedures Manual. As of the date of this report, Staff has received multiple emails and phone calls regarding the proposed amendment. Neighbors were very concerned by the additional traffic that would be generated by an additional 100 units. However, once they learned of the restriction on issuance of use and occupancy permits, their concerns seem satisfied.

## **FINDINGS AND RECOMMENDATION**

The proposed Preliminary Plan Amendment does not alter the findings and recommendations in relation to the original approval. The modification to condition No. 2(d) will not alter the general intent or objectives of the approved Preliminary Plan nor will it delay the ultimate delivery of Tivoli Lake Boulevard. The vast majority of community-wide recreational facilities (particularly the pool and clubhouse facilities) and infrastructure, including the traffic signal on Layhill Road, all have been (or will be) delivered significantly in advance of what is required pursuant to the various approvals.

Therefore, Staff recommends approval of Preliminary Plan Amendment No. 12006051B, with the modified conditions listed at the beginning of this report. All other findings and conditions of Preliminary Plan No. 120060510 remain in full force and effect.