

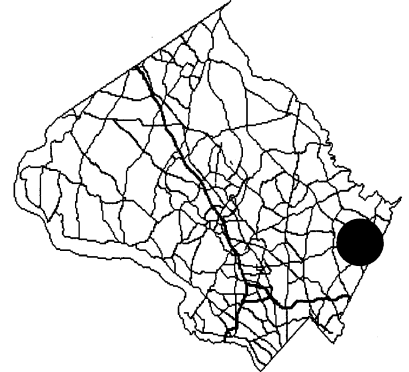


MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

CONSENT ITEM #
MCPB 11/09/06

MEMORANDUM

DATE: October 27, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *Ma*
 Development Review Division
FROM: Joshua Sloan *JS*
 Development Review Division
 (301) 495-4597



REVIEW TYPE: Site Plan Amendment
PROJECT NAME: Fairland View
CASE #: 82005007B
APPLYING FOR: Site plan amendment to adjust building offsets and reinstate optional sunrooms.
REVIEW BASIS: Div. 59-D-3.7. Amendment of a site plan.
ZONE: R60
LOCATION: Northeast quadrant of Columbia Pike (Route 29) and Fairland Road Intersection
MASTER PLAN: Fairland

APPLICANT: Winchester Homes, Inc.
FILING DATE: September 14, 2006
HEARING DATE: November 9, 2006

STAFF RECOMMENDATION: Approval of the proposed amendments to Site Plan 82005007A and approval of the attached draft Planning Board Resolution for Site Plan 82005022B.

BACKGROUND

Original Preliminary Plan Approval

Preliminary Plan 12005001 (formerly 1-05001) was approved by the Planning Board on January 20, 2005, for the creation of 73 lots on 12.08 acres of land in the R-60 zone.

Original Site Plan Approval

Site Plan 82005007 (formerly 8-05007) for Fairland View was approved with conditions by the Planning Board on February 24, 2005. The approved plan proposed 73 townhouses, including ten (10) MPDUs on a 12.08-acre site

Site Plan Amendment A

Site Plan Amendment 82005007A (formerly 8-05007A) was approved with conditions on January 10, 2006. As a condition of the original site plan approval, the applicant dedicated a land reservation to accommodate a potential taking by the State Highway Administration for the proposed Intercounty Connector (ICC) (Condition 8). Through the Maryland State planning process known as "The Alternatives Retained for Detailed Study", two feasible alternative road alignments emerged, Corridor 1 and Corridor 2. At the time of the amendment, the State announced the selection of Corridor 1 as its preferred alternative for construction. The impact of this selection and the resultant interchange at Columbia Pike (Route 29) generated significant changes to Preliminary Plan 12005001 and Site Plan 82005007. In sum, the proposed ICC alignment and required berm resulted in the removal of all but 39 townhouses including five (5) MPDUs.

PROPOSED AMENDMENTS

The applicant, Winchester Homes, Inc., filed the subject site plan amendment 82005007B on September 14, 2005. The proposed amendment requests the following modifications:

1. Alteration of the building offsets from the originally approved site plan.

Due to architectural studies prepared after Site Plan Amendment 82005007A was approved, the proposed building footprints are modified slightly. The latest approved plan provides for 2-foot offsets between every other unit. The proposed amendment includes 1-foot, 2-foot, and 3-foot offsets between every unit.

2. Reinstate optional sunrooms in the back of all but three (3) townhouse units.

Although the sunrooms were always intended to be an option and early drafts of the Site Plan indicated this fact, the final Signature Set omitted the word "optional". This amendment will reinstate that indication on all but three (3)

units. Units 14, 20, and 39 are required to have sunrooms in order to provide noise attenuation for the private outdoor space associated with those units. Those units will therefore require the sunrooms as a mandatory, not optional, provision.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on September 19, 2006 (Attachment B). The notice gave the interested parties 30 days to review and comment on the amended site plan as per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff did not receive any inquiry or comment regarding this amendment.

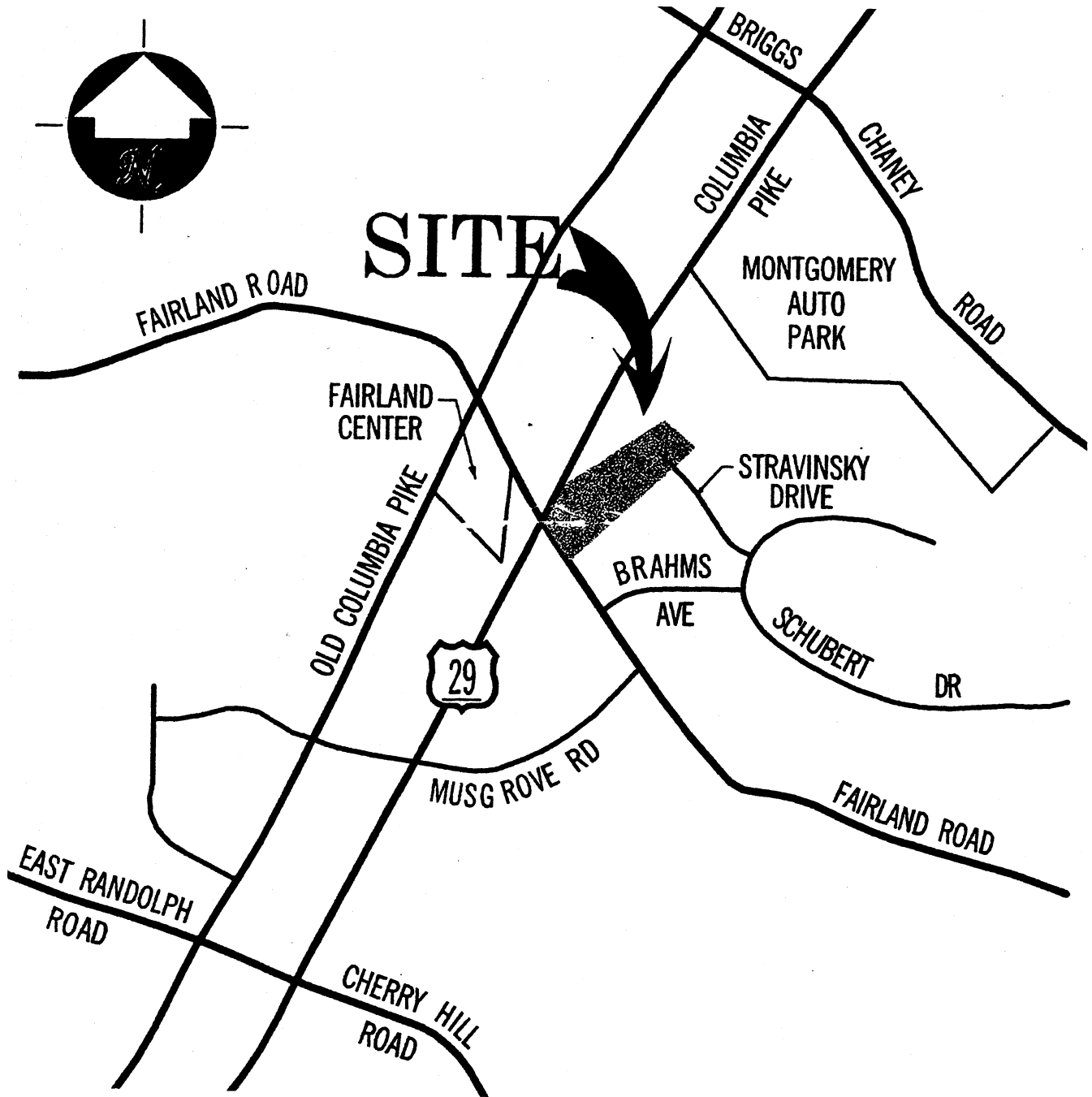
STAFF RECOMMENDATION

The proposed minor modifications to the site plan do not alter the overall design character of the development and do not affect the compatibility of the development to its surrounding neighborhood. Staff, therefore, recommends **approval** of Site Plan Amendment 82005007B.

ATTACHMENTS:

- A. Vicinity Map
- B. Public Notice
- C. Draft Planning Board Resolution

ATTACHMENT A: VICINITY MAP FOR SITE PLAN AMENDMENT 82005007B.



**ATTACHMENT B: NOTICE OF APPLICATION FOR SITE PLAN AMENDMENT
82005007B.**

**NOTICE OF APPLICATION
ADJACENT AND CONFRONTING PROPERTY OWNERS**

MINOR SITE PLAN AMENDMENT

Date: September 19, 2006
Name of Plan: Fairland View
Application File Number: 82005007B
Current Zoning: R-60
Area Included: 12.08 acres
Number of Proposed Lots: 39 Townhomes
Property Location: Northeast corner of U.S. 29 and Fairland Road (see attached)

The above-referenced amended Site Plan has been filed with the Montgomery County Planning Board and is being reviewed by the Planning Board staff in accordance with the guidelines and procedures for a minor Site Plan Amendment.

A copy of the amended Site Plan with changes highlighted and an explanation of the changes is enclosed. This plan may be revised due to specific comments and changes suggested by staff of the Planning Department or other County and State Agencies. The 39 unit site plan was initially approved by the Planning Board on January 10, 2006. Please send any written comments within 30 days of receipt of this notice, but no later than October 25, 2006, to the Maryland – National Capital Park & Planning Commission, Development Review Division, 8787 Georgia Avenue, Silver Spring, Maryland 20910.

If you have any further questions, please contact the Development Review office at the Park & Planning Commission at (301) 495-4585.

**ATTACHMENT C: DRAFT RESOLUTION FOR SITE PLAN AMENDMENT
82005007B.**

MCPB No. _____
Site Plan No. 82005007B
Project Name: Fairland View
Hearing Date: November 9, 2006

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 September 14, 2006, Vanguard Management Associates ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005007B ("Amendment") for approval of the following modifications:

1. Alteration of building footprints to 1-foot, 2-foot, and 3-foot offsets,
2. Reinstatement of optional sunrooms for all but three townhouse units; and

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 October 27, 2006 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on November 9, 2006, 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. 82005007B; 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

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).

* * * * *