

Item #17



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

DATE: September 12, 2003
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Development Review Division
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for September 18, 2003.

Attached are copies of plan drawings for Item #10, #12, #14, #16 #17 and #18. These subdivision items are scheduled for Planning Board consideration on September 18, 2003. The items are further identified as follows:

Agenda Item #10 - Preliminary Plan 1-03102
Greencastle Towns

Agenda Item #12 - Preliminary Plan 1-03086
Potomac Country Corner

Agenda Item #14 - Preliminary Plan 1-03058
Bancroft North

Agenda Item #16 - Preliminary Plan 1-03032
Jackson's Acres

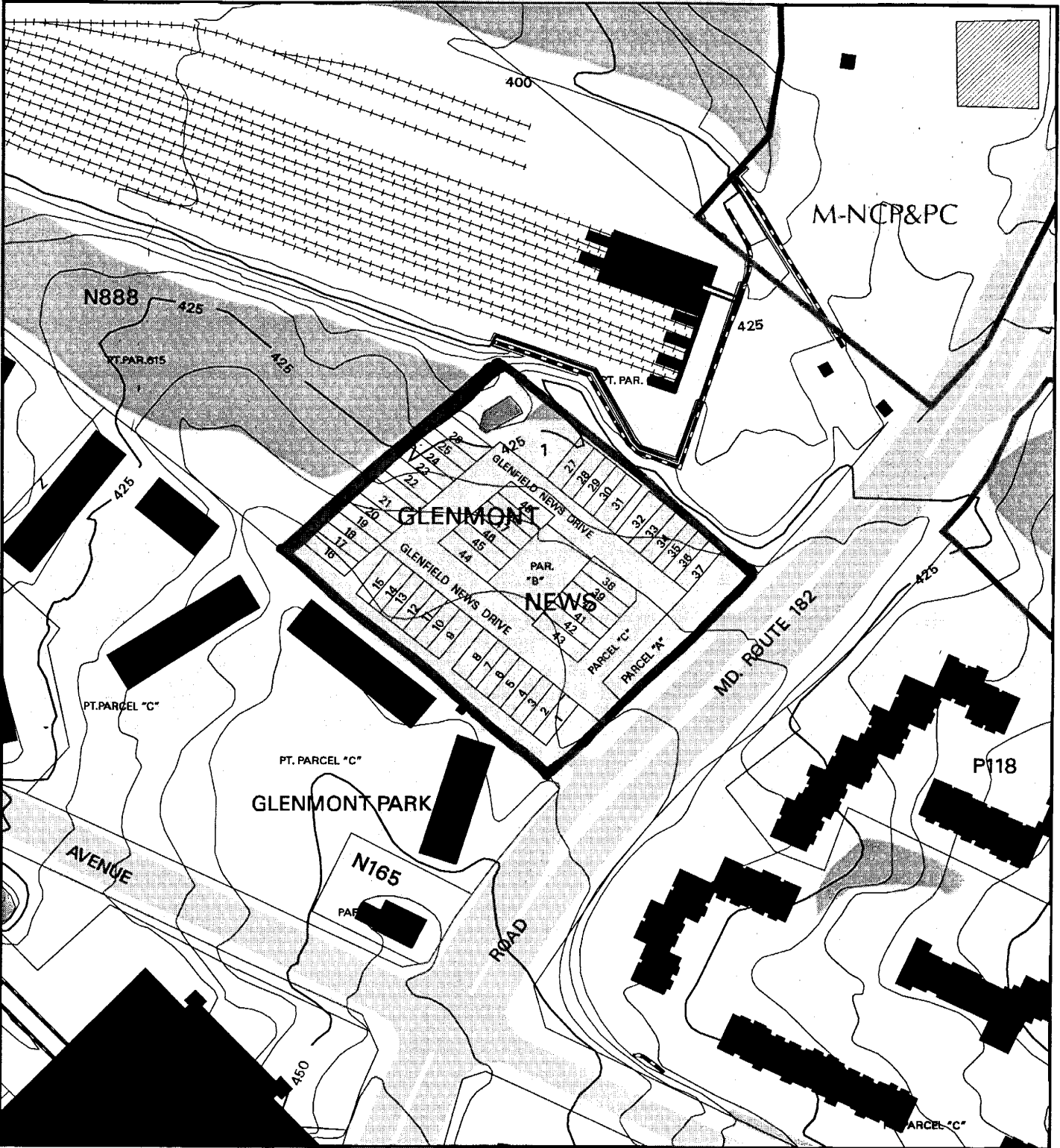
Agenda Item #17 - Preliminary Plan 1-00076E
The Independence of Privacy World

Agenda Item #18 - Subdivision Regulation Waiver SRW-04002
United Therapeutics

Attachment

VICINITY MAP FOR

THE INDEPENDENCE OF PRIVACY WORLD (1-00076)



Map compiled on August 16, 2003 at 10:46 PM | Site located on base sheet no - 216NW02

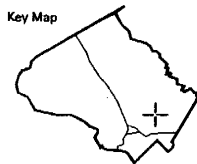
NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N



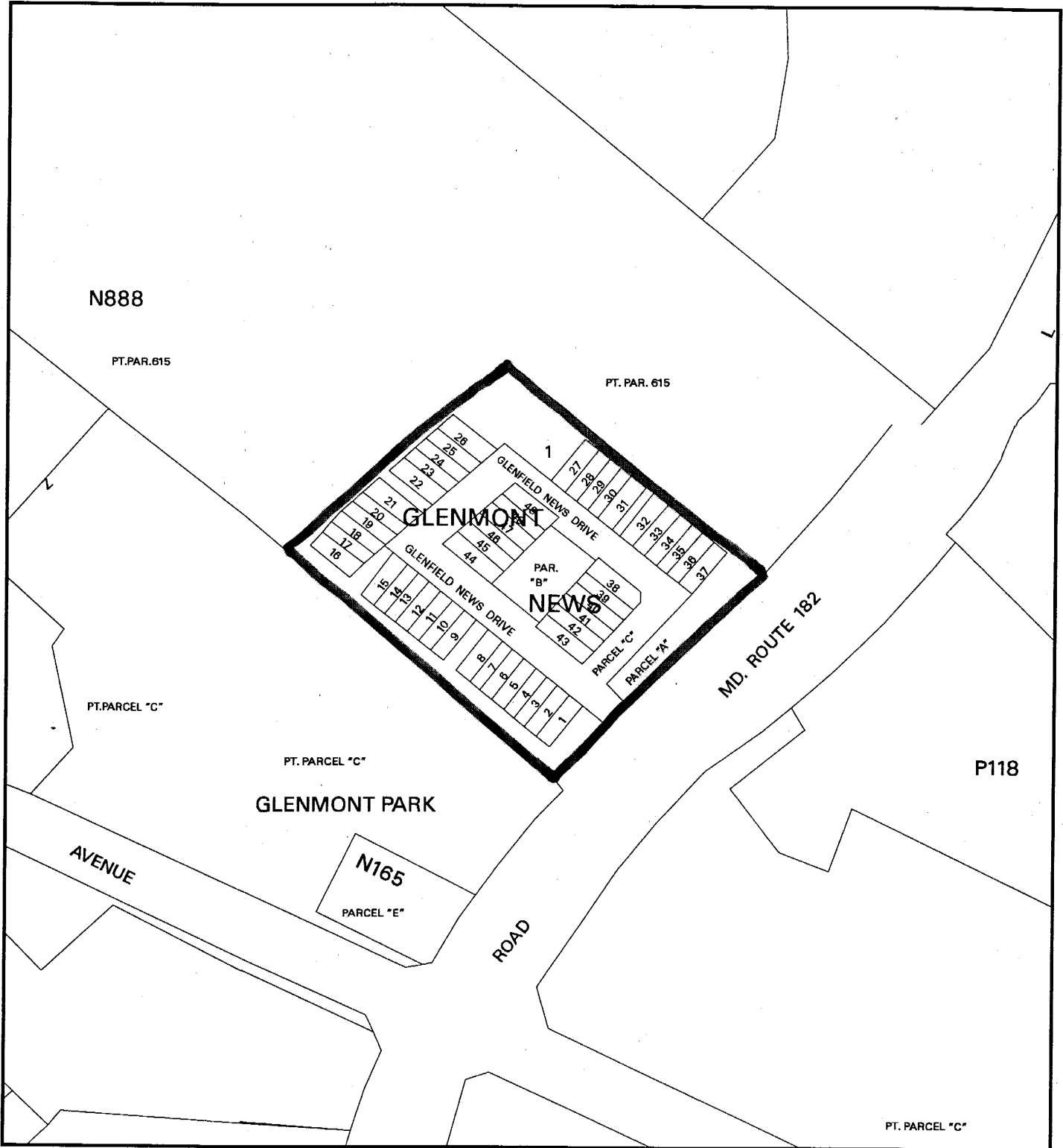
Research & Technology Center



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VICINITY MAP FOR

THE INDEPENDENCE OF PRIVACY WORLD (1-00076)



Map compiled on August 16, 2003 at 10:35 PM | Site located on base sheet no - 216NW02

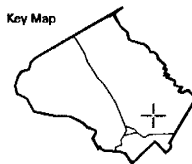
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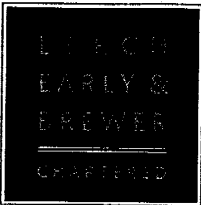
Key Map



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1 : 2400



#17

ATTORNEYS

STEVEN A. ROBINS
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September 11, 2003

BY HAND DELIVERY

A. Malcolm Shaneman
Wynn Witthans
Development Review Division
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20850

Re: Request for Extension of Preliminary Plan No. 1-00076 and Site Plan No. 8-00033

Dear Mr. Shaneman and Ms. Witthans:

Our firm represents Edgewood Hill Associates, the Applicant of Preliminary Plan No. 1-00076 and Site Plan No. 8-00033. The Board approved these applications on August 23, 2000 and August 22, 2000, respectively. The Applicant also is the Petitioner in Special Exception Nos. S-2376 (Child Day Care Facility) and S-2377 (Housing and Related Facilities for Elderly or Handicapped Persons). The Montgomery County Board of Appeals approved both of these Special Exception uses and granted an extension of the Special Exceptions until October 31, 2003. We will be seeking additional time in which to implement the Special Exceptions shortly. The property that is the subject of this request is presently known as Parcels A-F, Lots 1-49, Block 1, Glenmont Mews Subdivision and located northeast of the intersection of Glenallen Avenue and Layhill Road, Silver Spring, Maryland, in the RT-12.5 zone (the **Property**). On July 23, 2003, we submitted a letter requesting that the Board grant a one-year extension of time for implementation of both the Preliminary Plan and Site Plan pursuant to Section 50-35(h)(3) of the Montgomery County Subdivision Regulations and Section 59-D-3.8 of the Montgomery County Zoning Ordinance (in one place, the July 23rd letter referred to the Preliminary Plan as 1-99076 instead of the correct number - 1-00076). This letter is intended to supplement that request.

As a condition of approval for both Special Exceptions, the Applicant was required to obtain (and did obtain) preliminary plan of subdivision approval pursuant to Chapter 50 of the Montgomery County Code (No. 1-00076) and Site Plan approval pursuant to Section 59-D-3 of the Montgomery County Zoning Ordinance (No. 8-00033) prior to the recording of the Record Plat and the release of any building permits for both uses. Unfortunately, for the reasons set forth below, the Applicant's ability to validate the plans have been delayed but in no way dismissed. The Applicant also encountered difficulties in being able to fully comply with some of the Planning Board's various conditions of approval. In particular, after much coordination, the Applicant resolved a situation in which there were



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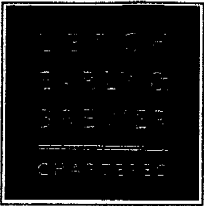
conflicting streetscape design requirements along Layhill Road between M-NCPPC Staff and the State Highway Administration (a situation that was beyond the Applicant's control). There also was other interior landscaping issues that needed to be addressed. The Applicant and Staff have resolved the issues associated with the conditions, particularly the ability to provide adequate landscaping and streetscaping along Layhill Road. The Applicant also is working diligently on the ability to provide off-site reforestation to meet requirements for the project. As a result of these efforts, the Applicant has been working closely with Planning Staff to complete the Signature Set Site Plan for final submission. The Signature Set, along with the Site Plan Enforcement Agreement, is virtually completed and ready for final submission and execution by the Planning Board.

As part of the Site Plan Signature Set, Technical Staff suggested that the Applicant consider certain revisions to the proposed landscaping within the central courtyard area to make the plan even better. These changes were somewhat difficult to accommodate due to the location of certain utilities on the site. It took some time for Applicant to work through those issues with the landscape architect and the civil engineer. The landscaping has been resolved and now is reflected in the Signature Set.

During the time that the Applicant was working on the remaining Site Plan issues, the Applicant continued to move forward by preparing the Record Plat. As part of the Record Plat preparation process, the Applicant unexpectedly encountered surveying issues that are in the process of being resolved. These issues involve the Property's relationship to the adjoining properties. Again, we think the issues are nearly resolved and, as a result, we should be in a position to file the Record Plat shortly.

As stated in my prior letter, during the resolution of the various issues, the Applicant's architect continued working on the architectural plans for the project. More specifically, the Applicant and the architect have now refined the details within individual apartments like kitchen layouts, window sizes and locations as well as the layout of common activity rooms and the dining area. As a result of these efforts, the facility truly will be "state-of-the-art". In fact, the architect is close to completing the building permit plans and specifications for both uses. However, it is clear that a Record Plat will not be able to be recorded prior to the expiration of the Preliminary Plan (and the Site Plan that follows the validity period for the Preliminary Plan).

The Applicant has continued to instruct its consultants to prepare other plans and materials necessary for the implementation of the approvals. The Applicant's civil engineer has been instructed to prepare sewer and water plans for WSSC approval as well as final stormwater management and sediment control plans. We have been advised that these approvals could take six months or longer to obtain from WSSC. Also, since required sewer



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outfalls may be required to cross WMATA property or run through the state right-of-way of Layhill Road, the process to gain full approvals of these utilities may take longer. The timing for both of these approvals are outside of the Applicant's control. The engineer has been diligently working on issues related to this development, even while the other issues associated with the conditions of approval were being finally resolved. The Applicant also has engaged a structural and mechanical engineer and both professionals are working out their details on the plans.

The Applicant is negotiating with a major financial institution for construction and permanent financing of both projects. With the commencement of redevelopment efforts in Wheaton and some development opportunities in Glenmont (like the building of the Shoppers Food Warehouse and the proposed development of the Indian Spring Country Club property), lenders have become increasingly eager to provide financing for the projects. Both of these uses that make up the project are viable and meet the requirements contained in both the Subdivision Regulations and Zoning Ordinance for the granting of an extension.

The uses proposed as part of both approvals continue to present a wonderful opportunity for the Glenmont community. These uses (that both were unopposed before the Planning Board and Board of Appeals) are viewed as the starting point of redevelopment efforts to significantly improve Glenmont. The Applicant remains extremely excited about and committed to this project as is evidenced by the Applicant's considerable investment of time, energy and funds into diligently pursuing this project with the goal that both uses will assist in the redevelopment and rejuvenation of Glenmont. Accordingly, we would respectfully request that the Board grant our request for the extension of time in which to validate the above referenced Preliminary Plan and Site Plan for one additional year. We understand that Staff feels that six months may be more appropriate; however, we still would request one year so that we do not have to reappear before the Board if additional time is needed. Please be assured that, even with the year extension, the Applicant will be diligently pursuing all of the remaining approvals (including but not limited to, actual building permits), in large part because the Special Exception also has certain time deadlines. The record establishes that the Applicant is actively pursuing this project and that the extension is the minimum necessary to alleviate any hardship or practical difficulties necessary to implement the plans. We note that the Glenmont area is not in a moratorium and that there are no other projects that would be harmed by the granting of the extension request. As such, we do not believe that anyone would be prejudiced if the Board grants this one-year extension.

There is one last point that merits consideration. As we noted in our prior letter, the senior housing facility, as approved, will contain a significant portion of Moderately Priced Dwelling Units. The County is facing a serious housing affordability crisis at all levels and the needs of our elderly population must be addressed. This project, if permitted to move forward,



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will serve to accommodate a rapidly growing sector of the County's population. There also is a severe shortage of childcare options in this area of the County and this project will help to meet that need.

We appreciate Staff's sensitivity and support regarding the development of these uses and thank you in advance for your consideration regarding this request. Given all of the reasons set for the above, we continue to believe that a one-year extension of the Preliminary Plan and Site Plan is warranted. We look forward to appearing before the Planning Board at the very first opportunity. Please feel free to contact me if you need any additional information.

Sincerely,

Steven A. Robins

cc: Mr. Gregory Eisenstadt, Trustee

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