



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

MCPB
ITEM #
12/21/06



MEMORANDUM

DATE: December 8, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor (301-495-4542) *CC*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision
APPLYING FOR: 7 lots for 7 one-family detached dwelling units

PROJECT NAME: Fari Estates
CASE NO. 120050120 (formerly 1-05012)
REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations
and Chapter 59, the Zoning Ordinance

ZONE: R-90
LOCATION: On the south side of East Randolph Road approximately 140 feet east of
Burkhart Street

MASTER PLAN: White Oak

APPLICANT: Abdul Ghaffar
ENGINEER: Design Engineering Incorporated

FILING DATE: July 20, 2004
HEARING DATE: December 21, 2006

RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 7 residential lots for 7 one-family detached dwelling units.
- 2) Applicant must comply with the conditions of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment or erosion control permits, as applicable. Conditions include but are not limited to the following:
 - a) The 0.53 acre of forest planting may be met through payment of a fee in lieu. The fee in lieu must be paid prior to approval of record plat.
 - b) Applicant must submit a final tree protection plan for onsite trees in accord with limit of disturbance as shown on approved preliminary forest conservation plan. Final tree protection plan must be submitted as part of the final forest conservation plan. Final sediment control plan must be consistent with limits of disturbance as shown on final tree protection plan.
 - c) The final forest conservation plan must provide existing and planted native trees and shrubs within the large landscaped area and the 2500-s.f. tree save area that equal at least 7 shade trees and 20 shrubs within each area.
 - d) The final forest conservation plan must include permanent signage to clearly delineate Category II conservation easement areas.
 - e) The final forest conservation plan must include permanent split rail fencing or comparable open-style fencing to clearly delineate the Category I conservation easement area.
 - f) The final forest conservation plan must include a management plan to remove and control non-native and invasive plant growth within the Category I and Category II conservation easement areas.
- 3) The applicant shall dedicate 6.5 feet of right-of-way along Randolph Road for a total of 42 feet from the centerline, as shown on the approved preliminary plan.
- 4) The applicant shall reconstruct a 5' sidewalk, separated by an 8' lawn panel from the street edge or curb, along the property frontage on East Randolph Road.
- 5) Record plat shall reflect a Category I conservation easement over the environmental buffer area located on the western portion of the site, and a Category II conservation easement over the large landscaped area on proposed Lot #1 and over the tree save area on proposed Lot #7.
- 6) The Applicant shall construct a noise barrier along the frontage of Lots 6 and 7 to attenuate future traffic noise levels to no more than 60 dBA Ldn for the backyard areas of these lots. The barrier must be constructed of a material which is demonstrated to be acoustically effective over time. The barrier design must be certified by an acoustical professional that it is consistent with the report entitled "Traffic Noise Analysis: FARI ESTATES", dated February 23, 2005. Board on board wood fencing is not acceptable. Applicant must submit details of noise barrier to M-NCPPC Environmental Planning staff for review and approval prior to issuance of first building permit.
- 7) Prior to issuance of first building permit, the applicant must submit the following confirmation of acoustical noise mitigation to staff for its review and concurrence:

- a) Certification from an acoustical professional consistent with report entitled "Traffic Noise Analysis: FARI ESTATES" dated February 23, 2005, demonstrating the acoustical specifications needed in the building shell to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - b) Binding commitment from the Builder to construct in accordance with the acoustical specifications as required in condition 4a. All changes in building materials (e.g., doors, windows, skylights) that may reduce the acoustical effectiveness of the building shell must be approved by the acoustical professional in advance of installation.
- 8) The Applicant shall construct the proposed driveways as shown on the preliminary plan.
 - 9) Record plat to note "vehicular access denied" along the East Randolph Road property frontage except in approved driveway locations.
 - 10) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
 - 11) Compliance with the conditions of the MCDPS stormwater management approval letter dated May 24, 2006, unless otherwise amended.
 - 12) Compliance with conditions of MCDPWT letter dated November 23, 2005, unless otherwise amended.
 - 13) Access and improvements, as required, to be approved by MCDPWT prior to recordation of plat(s).
 - 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
 - 15) Other necessary easements.

SITE DESCRIPTION

The subject property, pictured below and in Attachment A (Vicinity Map), is a 2.84-acre unrecorded parcel (Parcel 235, L. 20986 F. 486) located on the south side of East Randolph Road approximately 140 feet east of Burkhart Street. The property is zoned R-90 and is served by public water and sewer. The site is surrounded by existing, developed R-90 zoned residential lots to the west, south and east boundaries, and across East Randolph Road to the north.

The property is within the Paint Branch watershed (Use Classification III-P), but not within the portion designated a Special Protection Area (SPA). A tributary stream to Paint Branch begins in the southwest corner of this site and flows to the south. The stream buffer for this stream encompasses the southwest corner of the property. The property is currently undeveloped and contains 2.28 acres of existing forest.



PROJECT DESCRIPTION

This application proposes to create seven residential lots containing seven one-family detached dwelling units (Attachment B). The plan protects the existing stream valley buffer and associated forest. Vehicular access for the proposed dwellings will be via shared private driveways from East Randolph Road.

ANALYSIS AND FINDINGS

Master Plan Compliance

The White Oak Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations for this area to maintain residential use and character. The proposed preliminary plan conforms to the master plan goals in that it proposes residential use.

Transportation

The proposed preliminary plan will provide safe and adequate access for vehicles and pedestrians. A traffic study was not required for the property because of the small number of trips that will be generated by the proposed houses. The approval conditions include

reconstruction of the sidewalks along the property frontage to provide setback from the road edges with a lawn panel which will improve safety. In addition, the two, 20 foot-wide shared driveways can accommodate some guest parking within the subdivision. Dedication of right-of-way along the East Randolph Road frontage will be made to meet master plan requirements.

Environmental Guidelines

Forest Conservation

The property will partially meet forest conservation requirements by preserving 0.47 acres of existing forest onsite. A reforestation requirement of 0.83 acres will be met by a combination of onsite tree save and planting (0.15 acre), and offsite planting or payment of a fee in lieu (0.53 acre). Staff finds this acceptable because the applicant has used all appropriate onsite areas for the proposed forest retention, tree save, and tree planting areas. There are no priority planting areas on the site because the on-site environmental buffer area is already forested.

The forest preservation and tree save areas are also being subjected to a management plan to remove and control the growth of non-native and invasive plants. In addition, supplemental planting of the tree save areas may be required if the existing trees and shrubs do not meet the density required for landscape planting per the law.

Noise Mitigation

A traffic noise study submitted by the applicant projects traffic noise impacts on the site that exceed the transportation noise guideline of 60 dBA, Ldn for residential uses along arterial roads in this part of the county. The proposed preliminary plan shows the fronts of proposed houses facing East Randolph Road. The house configuration will help shield back yards from traffic noise for Lots 1 through 5 so that the rear yards of these lots will meet the noise guideline of 60 dBA, Ldn. Staff recommends a noise fence along the front of proposed Lots 6 and 7 to provide additional noise attenuation for the lots' yard areas. In addition, staff recommends that documentation be provided at the building permit stage that all proposed dwelling units will meet the interior noise guideline of 45 dBA, Ldn.

Stormwater Management

The proposed stormwater management plan includes on-site water quality control and onsite recharge via nonstructural measures, including drywells, swales and planting beds. The MCDPS Stormwater Management Section approved the stormwater management concept for the project on May 24, 2006.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access

and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were also reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

CITIZEN CORRESPONDENCE

One letter was received from the representative of the Land Use and Zoning Committee of the Tamarack Triangle Civic Association regarding the proposed plan as of the date of this staff memo (Attachment C). The concerns raised were that the proposed driveway access to the subject houses would adversely impact adjacent properties by generating parking demand that will need to be satisfied on neighborhood streets, and that pedestrians crossing to the proposed houses in this location would be unsafe. The letter suggests that a one-way, 20-foot wide, loop driveway be provided to access all the houses and provide some space for onsite parking.

Use of a one-way loop was discussed, but DPWT determined that two separate driveways serving three and four of the proposed dwelling units, respectively, is the safer way to provide access. However, the plan was revised to make these driveways 20 feet wide. Certain sections of the driveways will be designated as fire lanes for emergency vehicles, but there will also be area for some guest parking within the subdivision.

CONCLUSION:

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the White Oak Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application is recommended with the conditions specified above.

Attachments:

Attachment A – Vicinity Map

Attachment B – Preliminary Plan

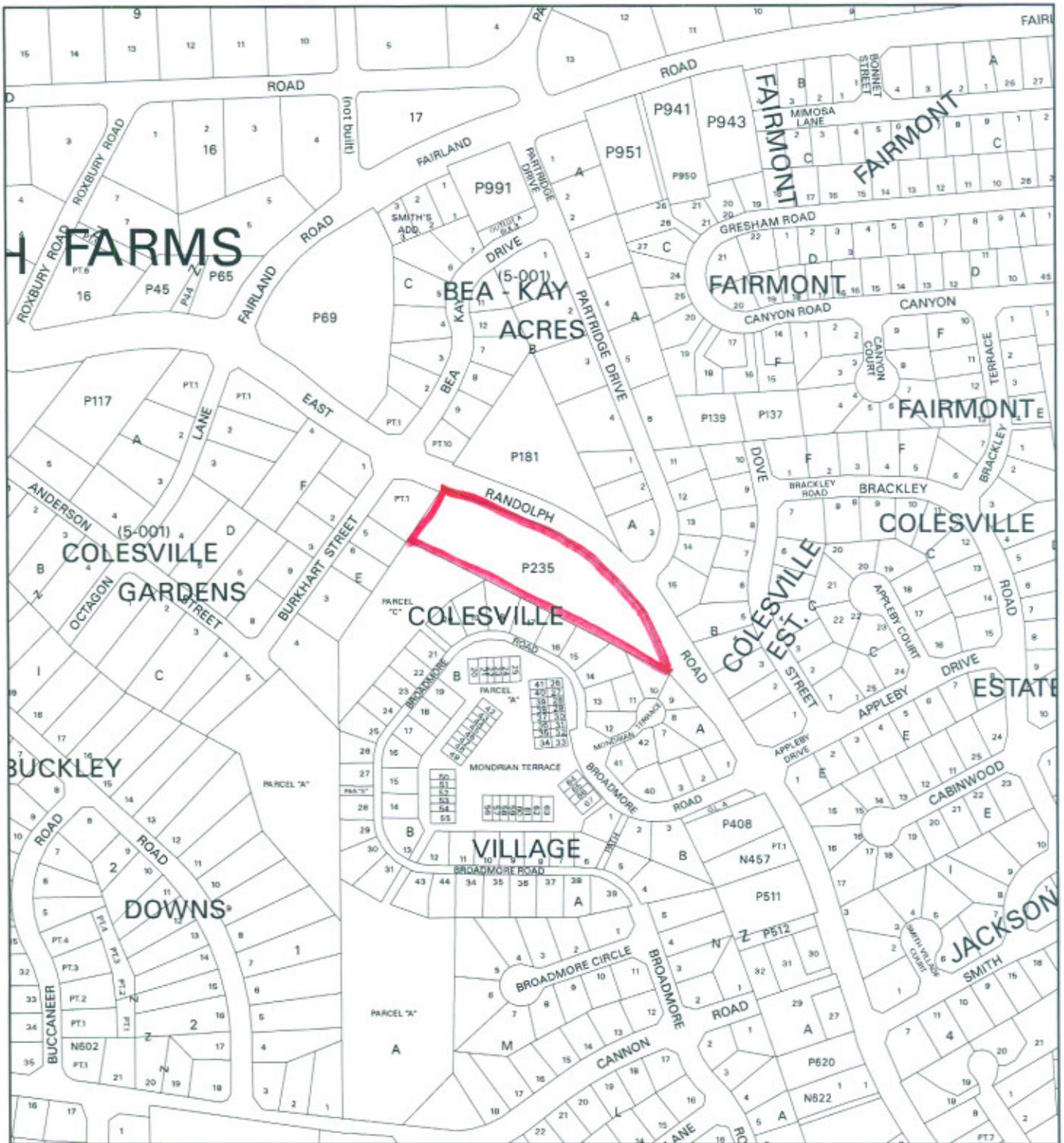
Attachment C – Citizen Correspondence

Attachment D – Agency Correspondence Referenced in Conditions

TABLE 1: Plan Checklist and Data Table

Plan Name: Fari Estates				
Plan Number: 120050120				
Zoning: R-90				
# of Lots: 7				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 sq. ft.	11,445 sq. ft. is minimum proposed	CAC	11/27/06
Lot Width	75 ft.	Must meet minimum	CAC	11/27/06
Lot Frontage	25 ft.	Must meet minimum	CAC	11/27/06
Setbacks				
Front	30 ft. Min.	Must meet minimum	CAC	11/27/06
Side	8 ft. Min./25 ft. total	Must meet minimum	CAC	11/27/06
Rear	25 ft. Min.	Must meet minimum	CAC	11/27/06
Height	30 ft. Max.	May not exceed maximum	CAC	11/27/06
Max Resid'l d.u. or Comm'l s.f. per Zoning	13 dwelling units	7 dwelling units	CAC	11/27/06
MPDUs	No			
TDRs	No			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		CAC	11/27/06
Road dedication and frontage improvements	Yes		Agency letter	11/23/05
Environmental Guidelines	Yes		Staff memo	12/5/06
Forest Conservation	Yes		Staff memo	12/5/06
Master Plan Compliance	Yes		CAC	11/27/06
Other (open space, etc.)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	5/24/06
Water and Sewer (WSSC)	Yes		Agency Comments	9/8/04
Well and Septic	N/A		Agency Comments	9/7/04
Local Area Traffic Review	N/A		Staff Comments	9/8/04
Fire and Rescue	Yes		Agency letter	1/20/06
Other (parks, schools, etc.)				

FARI ESTATES (1-05012)



Map compiled on August 23, 2004 at 2:59 PM | Site located on base sheet no - 217NE01

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

1 inch = 400 feet
1 : 4800

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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



1-05012 CC

CLAUDE A. FORD

REGISTERED ARCHITECT

October 11, 2004

RECEIVED
1462
OCT 13 2004

Mr. Derrick Berlage, Chairman
Montgomery county Planning Board
87887 Georgia Avenue
Silver Spring, Maryland

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Re: Fari Estates (Formerly Ghaffar Subdivision)
Parcel 235, Map JR 61 Liber 20986 Folio 486
East Randolph Road
Montgomery, Maryland

Dear Mr. Berlage,

I am writing on behalf of the Land Use and Zoning Committee of the Tamarack Triangle Civic Association in response to plans forwarded soliciting our comments on the referenced proposed project.. We appreciate this opportunity to share our views.

At the outset let me acknowledge that the proposed residential use is a significant improvement over past concepts and proposals for the use of this property. We concur with the concept of single family homes as proposed.

There is one major design proposal which we feel is in- harmonious with the surrounding community and will adversely impact properties in the Tamarack Association area as well as the Colesville Gardens properties.

Specifically the idea of proposing one access/egress way for each of the four house groupings with no provision for visitor parking is unworkable and problematic. The design concept is unworkable given the fact that a significant number (most) homes in this area house two car families. The major problems will occur:

- When any one of the units entertains guests; (family barbeques, party, friends etc.);
- When any service vehicle (plumber, cleaners, installers, etc.) is required; and
- When an emergency vehicle (ambulance, etc) is required which, will restrict access to the other units

13308 Partridge Drive Silver Spring, Maryland 20904-1328
Ph 301-384 4240 Fax. 301-384- 0848 E-mail caford @ comcast.net



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

November 23, 2005

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-05012
Fari Estates
(formerly 1-04085 Ghaffar
Subdivision)

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated July 12, 2004. This plan was reviewed by the Development Review Committee at its meeting on September 7, 2004. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan. *The plan should delineate the existing painted two-way continuous left turn storage lane across the East Randolph Road site frontage.*
2. Necessary dedication of East Randolph Road in accordance with the master plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.



Division of Operations

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4. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
5. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
6. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.

Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

7. Record plat to reflect denial of access along the East Randolph Road site frontage except at the approved driveway locations.
8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
10. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. The street tree waiver justification submitted by the applicant has been approved. We support allowing the applicant to plant street trees behind the Public Utilities Easement, as proposed.
12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Remove the existing concrete sidewalk across the site frontage, replace same with a five (5) foot wide concrete sidewalk separated from the curblin by an eight (8) foot wide green space, provide sidewalk transitions at each end of the site as necessary.

Ms. Catherine Conlon
Preliminary Plan No. 1-05012
November 23, 2005
Page 3

* **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

- B. Construct the proposed extension of the enclosed storm drainage system and outfall; ensure non-erosive velocity at the end of the rip rap blanket. The enclosed storm drain system and the engineered channel are to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria within the County rights-of-way and drainage easements.
- C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Sam Farhadi at (240) 777-6000 or sam.farhadi@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, Manager
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

m:/subd/AST/1-05012 Fari Estates, gml revs

Enclosure

cc: Abdul Ghaffar; Applicant
Pritam Arora; Design Engineering
Donald Nixon; Attorney
Shahriar Etemadi; M-NCPPC TP
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR

(6)



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

May 24, 2006

Robert C. Hubbard
Director

Mr. Nick Mafeo
Design Engineering, Inc.
18229-A Flower Hill Way
Gaithersburg, MD 20879

Re: **REVISED** Stormwater Management **CONCEPT**
Request for Fari Estates
Preliminary Plan #: 1-05012
SM File #: 212547
Tract Size/Zone: 2.83 acres / R-90
Total Concept Area: 2.83 acres
Lots/Block: Proposed Lots 1-7
Parcel(s): 235
Watershed: Paint Branch

Dear Mr. Mafeo:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via nonstructural measures, including dry wells, swales, and planting beds. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Temporary grading easements must be placed over the proposed lots during construction. Contact DPS for sample easement language. The easements will expire when the sediment control permit is finalized.
5. The landscaped areas must be clearly noted on the sediment control/stormwater management plans as nonstructural stormwater facilities. They must be designed by a Registered Landscape Architect and the landscape plans must be part of the sediment control/stormwater management plan set. Easements and covenants will not be required for these areas.
6. This stormwater management approval supercedes any previous approval.

This list may not be all-inclusive and may change based on available information at the time.



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Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 212547

QN - ON; Acres: 2.8
QL - ON; Acres: 2.8
Recharge is provided