



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

MCPB
ITEM #
1/4/07



MEMORANDUM

DATE: December 22, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief,
Development Review Division

Catherine Conlon, Supervisor *OK*
Development Review Division

FROM: Richard Weaver, Planner Coordinator (301-495-4544) *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision
APPLYING FOR: Preliminary Plan Approval for 19 One-family Detached Residential Dwelling Units

PROJECT NAME: Mitchell Property
CASE NO. 120051070 (formerly 1-05107)
REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance

ZONE: RE-1
LOCATION: On the south side of Thompson Road, west of Peach Orchard Road and east of Kings House Road
MASTER PLAN: Cloverly

APPLICANT: Marty Mitchell
DEVELOPER: Mitchell and Best
ENGINEER: Macris, Hendricks & Glascock, P.A.

FILING DATE: June 13, 2005
HEARING DATE: January 4, 2006

Staff Recommendation: Approval, including the SPA preliminary and final water quality plan, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 19 lots for 19 one family detached dwelling units.
- 2) The applicant shall dedicate and show on the record plat(s) the following rights-of-way consistent with the 1997 Approved and Adopted Cloverly Master Plan:
 - a. Thompson Road – 70 feet from the roadway centerline.
 - b. Peach Orchard Road – 35 feet from the roadway centerline.
 - c. Proposed interior tertiary residential street (“Street A”) – full width of 50 feet.
- 3) Applicant to submit a revised final preliminary plan that eliminates the “easement for future dedication” across proposed parcels “C” and “D”.
- 4) Prior to recording of the initial record plat, the applicant must enter into an Agreement with the Planning Board to limit impervious surfaces to no more than 10.0 percent
- 5) Prior to release of building permits as identified in the Agreement required in Condition #4 above, the applicant must demonstrate conformance to the impervious surface limits as shown on the preliminary plan.
- 6) Applicant shall place a Category I conservation easement or dedicate as M-NCPPC parkland those areas that are environmental buffers or are used for forest retention or forest planting.
- 7) Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s). Conditions include but are not limited to the following:
 - a. Final forest conservation plan to include the following:
 - i. forest planting plan for 0.2 acre on Lot 1.
 - ii. permanent fence to be located along the boundary of the forest planting area on Lot 1, Block 3.
 - iii. permanent signs to be located along the boundary of the Category I conservation easement on Lot 2, Block B
- 8) Prior to release of the sixth building permit, applicant must complete the construction of a pedestrian bridge to replace the existing culvert under the existing gravel driveway. Plans for removing the culvert and installing a pedestrian bridge must be submitted for review and approval by DPS, in coordination with M-NCPPC staff, prior to release of sediment and erosion control permits.
- 9) The applicant must reconstruct the segment of the existing driveway that is to be converted to a pedestrian path as a pervious surface path prior to release of the sixth building permit.
- 10) The applicant shall construct an eight-foot wide natural surface (i.e., pervious) path connection through the property between Peach Orchard Road to the east and Edgeware Street/Kingshouse Road to the west, and to Craddock Street/Kingshouse Road to the south along the west side of the property. The entire path shall be constructed prior to the release of the 14th building permit and appropriately signed to

- Park specifications. The path shall also have appropriate barricade features at its endpoints to prevent use by unauthorized vehicles
- 11) Applicant to dedicate to M-NCPPC the land located within Parcel D and Parcel C, as shown on the approved preliminary plan. The pipe stem portion of Parcel C, which runs along proposed Lots 11, 12, 13 and 14, shall not be included in the area to be dedicated.
 - 12) The applicant shall provide funding that is to be used by M-NCPPC Parks Department to cover the costs of inspection and maintenance of the southern stormwater management facility. The amount of funding and timing of payments must be reviewed and approved by M-NCPPC Parks Department staff prior to recordation of the initial record plat.
 - 13) The applicant shall construct an eight-foot wide paved connection from "Street A" to the proposed sidewalk and natural surface path along the west side of "Street A" (in place of the four-foot wide connection shown on the plan and to conform with the 10% imperviousness requirement).
 - 14) Applicant shall comply with the conditions stated in the Department of Permitting Services (DPS) letter dated November 20, 2006.
 - 15) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
 - 16) Compliance with conditions of MCDPWT letter dated, April 3, 2006, unless otherwise amended.
 - 17) 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.
 - 18) Other necessary easements.

I. SITE DESCRIPTION (Attachment A)

The property ("Subject Property" "Property") is 36.2 acres in size, zoned RE-1, and located in the Cloverly Master Plan area. The Subject Property is bordered roughly by Thompson Road to the north, Peach Orchard Road to the east, Kingshouse Road to the west and the Paint Branch stream valley park to the south. Existing one family detached units about the Property to the north, west and east. The site is currently vacant. An existing driveway from Peach Orchard Road enters the Property and crosses a stream to serve two existing houses located adjacent to, but not on, the Property.

The Property lies within the Upper Paint Branch Special Protection Area (SPA) on the Left Fork Tributary. Paint Branch and its tributaries upstream of I-495 are Use III streams (natural trout waters)¹. The southern portion of the Property lies within the environmental buffer of the Left Fork Tributary and a small portion on the eastern edge of the Property lies within the environmental buffer of a small tributary of Left Fork. Roughly three acres of the site lie within environmental buffer areas. The remainder of the site is upland.

¹ Paint Branch supports a naturally –reproducing brown trout population. This stream system is a unique resource for Montgomery County because it is the only stream system in the county with a proven, consistent long-term self-sustaining trout population.

About 27.5 acres of the site are covered in forest. There are various stands of forest on the site, including a stand dominated by southern red oak, stands of mature tulip poplars, and stands containing mixes of deciduous and coniferous trees. The southern portion of the property has a concentration of pine species, including white pine, loblolly pine, and Virginia pine. A 20-foot wide WSSC right-of-way, and associated linear strip of cleared area, cuts through the pine forest stand. This cleared area is the result of WSSC installation of a water line many years ago. The remainder of the site is in meadow.

II. PROJECT DESCRIPTION (Attachment B)

The current plan proposes 19 lots that will be clustered under the RE-1 cluster option. A new cul-de-sac will provide access to the site to Thompson Road. No other connection to the existing street network is shown or anticipated. The aforementioned driveway to Peach Orchard Road will be discontinued as access for the existing homes and a new driveway will be built to accommodate the existing homes, and two new homes, from the new cul-de-sac. The existing driveway will be converted to a pedestrian path.

Public water and sewer will serve the proposed lots. Stormwater management will be accommodated with water quality and quantity control ponds located at two locations within the site. A pathway and sidewalk system will provide pedestrian linkages from Thompson Road, Peach Orchard Road, and the new cul-de-sac to an existing path that traverses the southern portion of the site parallel to the Paint Branch.

The current development proposal is a revision of the originally submitted plan. The original submission was configured with 8 houses fronting on a new extension of Kingshouse Road that connected the two existing stubs of the road to the east and west. The original layout was reviewed extensively and it was determined that the environmental sensitivity of this site warranted changes to the plan. For reasons discussed below, the current layout does not propose extension of Kingshouse through this site.

III. ANALYSIS AND FINDINGS

A. Master Plan Compliance

The Cloverly Master Plan makes no specific recommendations on the Mitchell Property other than to establish the RE-1 zoning on the property. The master plan does show the completion of Kingshouse Road as a primary street through the Property directly connecting the two existing stubs of Kingshouse Road and providing an indirect connection of Thompson Road to Peach Orchard Road. Kingshouse Road was designated as a "Primary Road" in both the 1981 Eastern County Master Plan and the 1997 Cloverly Master Plan. The environmental impacts of this connection were not addressed in any detail as part of the discussion that took place in the preparation of the 1997 Cloverly Plan.

On July 18, 2005, District Counsel designated the Mitchell Property as a Class I Legacy Open Space (LOS) (Attachment C). The Class I LOS designation gives the Planning Board the authority to protect the identified resources either through development design, development design and dedication or through easements and/or acquisition of the entire site if the development design is determined to not adequately protect the designated resources.

Currently, Kingshouse Road stubs at the eastern and western borders of the Subject Property. As discussed previously, the initial submittal for the preliminary plan did show lots to be located on, with access to, the Kingshouse Road connection. That plan would have required the applicant to dedicate and build the Kingshouse Road connection through the Property. Construction of the roadway would require clearing of forest resources that have been designated a priority for the protection of the headwaters of Upper Paint Branch. In addition, the proposed road surface, stormwater management facilities, and associated grading would be located within highest priority stream buffers and wetlands.

In light of the LOS designation, staff recommended that the layout be revised to move all of the proposed residential units to the north, away from the stream valley and the Kingshouse Road connection. This resulted in no proposed lots fronting on, and no subdivision street connection to Kingshouse Road as shown on the subject preliminary plan. Parcels "C" and "D", as noted in Condition #11, will require that for them to be dedicated to MNCPPC for parkland, which provides long term protection of the LOS resources.

The Montgomery County Department Of Public Works and Transportation (DPWT) has reviewed this application and requests that the master plan alignment of Kingshouse Road, as shown in the master plan, be delineated as an easement for future dedication to the County for road construction on the preliminary plan and resultant record plat. This to assure that the right-of-way can be secured in the event construction of this road is ever required by a capital project or under a permit. The easement would traverse through Parcels "C" and "D" that are to be dedicated to Parks. DPWT suggest that future successors, assigns or transferees of the easement, which in this case would be MNCPPC, would dedicated the necessary right-of-way to the County at no cost.

Staff recommends that the applicant dedicate the requested portion of the Subject Property to MNCPPC outright, unencumbered by the easement for future dedication as requested by DPWT. Montgomery County Code, Section 50-30(a), (*Public sites and Adequate Open Space*) Section 50-30(c)(1), require dedication of the right-of-way shown on the master plan only after proper determination of necessity by the Board and DPWT. Planning staff is not of the opinion that the right-of-way for the connection of Kingshouse Road is necessary.

Section 50-35(c)(1) require that adequate open space for traffic , coordination of roads, utilities and storm drainage and goes on to require that the Board shall require adequate open space for traffic and coordination of roads within the subdivision ... Such dedication to public use shall be to the full extent of any rights-of-ways for all roads, streets and highways including widening of any existing street, determined to be necessary and proper and such as would be required by the maximum utilization and development of the subject property in its present zone

classification or that higher use shown on any adopted or approved master plan of the applicable jurisdiction.

Planning staff is of the opinion that the necessity for the Kingshouse Road connection is not necessary. It is the opinion of Transportation Planning staff, on page 2 of their staff report, that vehicular and neighborhood connectivity; pedestrian circulation, fire truck and school bus accessibility can be met with the existing traffic network. Further, planning staff does not believe that there is a reasonable nexus between this development, with its sole access on to Thompson Road, and a demonstrated impact to future Kingshouse Road that would compel dedication of the road. It is reasonable to deduce that future residents of the Mitchell Property would not use Kingshouse Road to access the new subdivision because it is not a convenient route.

Additionally, Section 50-35(1) of the Subdivision Regulations states that a preliminary plan must substantially conform to the applicable master plan unless the Planning Board finds that events have occurred to render the relevant master plan no longer appropriate. In staff's opinion, the LOS designation, as discussed, renders the master plan's recommendation for the Kingshouse Road connection no longer appropriate.

B. Review for Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone

As part of the requirements of the Special Protection Area Law (Article V of the Montgomery County Code (Water Quality Review in Special Protection Areas)), a combined preliminary and final water quality plan must be reviewed in conjunction with a preliminary plan application². Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS has reviewed and approved the elements of the preliminary and final water quality plan under its purview. The Planning Board responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and the Environmental Overlay Zone requirements, including site imperviousness limits, have been satisfied. DPS has reviewed and conditionally approved the elements of the final water quality plan under its purview. The Planning Board must act on the SPA combined preliminary and final water quality plan before it can take action on the preliminary plan.

1. Site Performance Goals

As part of the water quality plan, several performance goals were established for the site: maintain stream base flows, minimize storm flow runoff increases, minimize increases

² Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:...who is required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan..."

to ambient water temperatures, minimize sediment loadings, minimize nutrient loadings, and control insecticides, pesticides, and toxic substances.

2. Site Imperviousness

The Upper Paint Branch SPA has a ten percent (10%) site imperviousness limit on land development projects. The imperviousness limit is set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA. The water quality plan complies with the site imperviousness cap of 10 percent. Imperviousness for this site consists of 19 houses, associated driveways and leadwalks, a public tertiary street with a sidewalk, three driveway aprons for access to the stormwater management facilities, and a very small section of widening on existing Thompson Road.

An existing driveway is located within the eastern environmental buffer area. It currently serves two existing houses on properties adjacent to the subject site. The applicant proposes to create a new driveway that would serve the two houses through the new subdivision. As discussed previously, staff recommends that the part of the existing driveway that would not be needed for access by the two houses should be reconfigured to become a pervious, natural surface path for pedestrians. In addition, an existing culvert for the driveway should be replaced with a pedestrian bridge over the small stream that flows under the driveway. These changes will result in less existing impervious surfaces in the environmental buffer of the small stream.

3. Forest Conservation

The preliminary forest conservation plan (FCP) shows approximately 13.69 acres of forest to be cleared with approximately 13.80 acres of forest proposed for retention. This exceeds the project's break-even point of 12.73 acres, therefore; no forest planting is required to comply with the forest conservation law. However, an area of currently unforested environmental buffer is proposed to be planted in forest on proposed Lot 1, Block 3. This is consistent with the Planning Board's "Environmental Guidelines". The guidelines recommend that unforested environmental buffers on a site in a SPA be planted in forest, even if the planting exceeds the requirements of the forest conservation law.

Staff finds the preliminary FCP to be acceptable. The preliminary FCP meets the requirements of the County Forest Conservation Law.

4. Environmental Buffers

Environmental buffers are located on the southern and eastern ends of the site. The eastern environmental buffer and some adjacent upland area are proposed to be in HOA common open space as a forest preservation area (i.e., Category I conservation easement area). This is acceptable to staff.

5. Stormwater Management Concept and Sediment Control

To help meet the project's performance goals, the stormwater management (SWM) concept includes one SWM extended detention dry pond proposed in the southwestern portion of the site that would provide water quantity controls for the subdivision. Water quality controls will be provided by sand filters, dry wells, and grassed channels.

DPS is requiring the use of redundant sediment control measures. These include, but are not limited to sediment traps in series or sediment traps with forebays. Site grading will be phased whenever possible to minimize the amount of disturbed area at any one time.

a) *Ownership of Stormwater Management Facilities*

As cited in conditions above, staff recommends that the proposed southern SWM facility, a water quantity facility, be dedicated to M-NCPPC. Staff's recommendation is consistent with the Planning Board action on previous subdivisions regarding ownership of SWM facilities in the Upper Paint Branch SPA where a proposed SWM facility is adjacent to either existing or dedicated parkland³. To ensure adequate funds to maintain the SWM quantity facility, staff recommends, as condition no. 8, that the applicant establish a fund for use by Parks staff to cover the costs of inspection and maintenance.

The intent of these recommendations is to ensure that these facilities are adequately maintained for the long-term. Proper maintenance of SWM facilities is critical if the high water quality conditions of this SPA stream system are to be preserved. For this proposal, staff believes the best opportunity for proper maintenance is through M-NCPPC ownership supplemented by a developer-created maintenance fund.

In 1995, an interagency work group was formed under the direction of the Planning Board as part of the master plan process for the Eastern Montgomery County planning areas. This workgroup was directed to formulate a strategy and specific recommendations to protect the high quality conditions of the Upper Paint Branch stream system. One recommendation from the work group was that new SWM facilities be publicly owned and maintained. The work group noted that historically, privately-owned SWM facilities in the county generally have been less intensively maintained than publicly-owned structures. In addition, the work group indicated that a publicly-owned facility affords a greater chance of being properly monitored and maintained than a privately-owned facility.

With respect to the proposed SWM water quality structures, which are separated from the quantity facility and are located within the subdivision, staff believes that ideally, these structures should be owned and maintained by M-NCPPC because of the reasons stated above. However, the proposed structures will be surrounded by residential lots and parcels and will not be adjacent to parkland. Parks staff believes the location of

³ These subdivisions include: Allnutt Property, preliminary plan 1-94096; Peach Orchard Property, 1-95050; Baldi Property, 1-98065; Hunt Lion's Den Property, 1-98095; Hunt-Miles Property, 1-98094.

these proposed SWM water quality facilities will make it difficult for Parks to maintain them. Since these facilities will be adjacent to residential lots, Parks staff believes maintenance measures such as mowing the grass and trash collection can best be accomplished by the HOA. Therefore, Parks staff believes that the water quality facilities should be owned and maintained by the Homeowners' Association established for this community.

It should be noted that the county's stormwater management law provides for some degree of county maintenance of residentially owned SWM facilities. A SWM facility on residential property (including HOA property) that is constructed to approved county standards after March 2, 2002 will have its structural maintenance⁴ done by the Montgomery County Department of Environmental Protection. However, maintenance activities such as landscaping, mowing, and trash removal must still be done by the property owner. Staff believes these changes to the SWM law will improve the chances of a HOA-owned SWM facility being properly maintained in the long-term. But staff believes the chances for proper inspection and maintenance of a privately-owned SWM facility is still not as high as a publicly-owned facility, especially if the facility is somewhat removed from private lots. In addition, with a publicly owned SWM facility, *all* aspects of a facility's inspection and maintenance needs (i.e., structural and non-structural needs) are administered by a public agency that has a major commitment to protecting a valuable natural resource.

C. 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. Staff and appropriate agencies have all recommended approval of the road network proposed by the plan and believe it provides adequate access and circulation. The public facilities for the development including: sewer and water, electrical, and telecommunications, have been deemed adequate to serve the proposed units. Additionally, the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RE-1 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 site will also be adequately served with opens space and access to the open space. Approximately 16 acres will be dedicated to MNCPPC as park and a proposed trail system will provide access to the park from all roads and sidewalks within the subdivision.

⁴ Structural maintenance is the inspection, construction, reconstruction, modification, or repair of any part of stormwater management facility undertaken to assure that the facility remains in the proper working condition to serve its intended purpose and prevent structural failure. Structural maintenance does not include landscaping, grass cutting, or trash removal.

1. Waiver of the Minimum Area Required for the Cluster Option

By letter dated June 9, 2005, (Attachment D) the applicant requests a waiver of Section 59-C-1.532 which states that the cluster method of development shall not be permitted on a property less than 50 acres in size without a waiver from the Planning Board. The Zoning Ordinance states that, "This minimum area requirement may be waived by the Planning Board upon a finding that the cluster development is more desirable for environmental reasons." The applicant's letter states that use of the cluster option allows for the plan to better fulfill the goals in the Cloverly Master Plan and create a more environmentally sensitive development. The letter points out that the cluster option allows approximately 51% of the site to be retained in open space.

Staff supports the use of the cluster option on the Property. The General Land Use recommendations found within the Cloverly Master Plan on page 31 state the following:

"Encourage clustering of development to provide open space that protects natural resources, provides recreation, and contributes to the rural and residential atmosphere. Cluster subdivision should be configured to protect environmentally sensitive areas, provide forested stream buffers and forested open space along arterial and major highways, provide access and views of parkland and open space and provide a transition to similar lot sizes of adjacent subdivision. However there may be individual properties where cluster does not adequately address environmental or compatibility issues and would be inappropriate."

In staff's opinion, the Subject Property is well suited for cluster, exhibiting many of the criteria for cluster justification outlined in the master plan language cited above. The use of cluster on the Property has allowed for additional protection of the forested stream valley and Legacy Open Space resources that would not be possible with a standard method layout. Cluster allows for the development to be localized to the upland, and more developable areas of the Property. The smaller lot size allowed under the cluster method also provides for better compatibility when compared to adjacent subdivisions, which were also developed under cluster method of development.

2. Waiver of Sidewalks

The applicant has also requested a waiver of sidewalks on one side of the proposed cul-de-sac, a tertiary street, pursuant to 50-26(h)(3) of the Subdivision Regulations. This section gives the Board the authority to waive some or all sidewalks on tertiary streets. The applicant believes that pedestrian safety will be adequate if the waiver is granted. Staff disagreed, in part, with the applicant's request believing that pedestrian access should be afforded to most, if not all homes along the road. Staff and the applicant have agreed to a plan that does allow for a partial waiver of sidewalks in front of proposed lots 15, 16 and 17 only. In return, the applicant has agreed to provide additional natural surface trails linking the proposed cul-de-sac to the stream valley and out to Peach Orchard Road. The significant linear feet of natural surface trails shown on the plan are not typical of similar sized subdivisions, however, for this plan, staff believes that they are needed to get the walking

public to the park and out to Peach Orchard Road. Staff is of the opinion that sidewalks to Lots 1 thru 14 on the proposed cul-de-sac and in conjunction with the natural surface trails will adequately serve the pedestrian needs for the subdivision, and that the Board should grant the waiver.

3. Overlength Cul-de-Sac

The road network for the property consists of one cul-de-sac that exceeds 500 feet in length and, therefore, pursuant to Section 50-26(d), the Board must make a *finding* that for reasons of property shape, size, topography, large lot size or improved street alignments, an overlength cul-de-sac is justified. Staff finds that the topography of this site and the associated stream valley supports the use of an overlength cul-de-sac in order to prevent environmental impact. Without Kingshouse Road connected through the site, as recommended by staff, a cul-de-sac is the most efficient way to serve the proposed units.

Associated with the overlength cul-de-sac finding is the Edgeware Street stub on the west side of the Subject Property. Staff evaluated the need and practicality of connecting the Edgeware Street stub to the cul-de-sac, thereby eliminating the need to make a finding for an overlength cul-de-sac. The applicant contends that Edgeware Street is at a much lower elevation than the Subject Property and would require extensive grading, perhaps onto private properties abutting the street, in order to get the street elevations to tie into one another. Staff considered this and other factors, including impervious surfaces, impacts to local traffic circulation and overall need for the connection and does not believe that it is warranted. Traffic circulation and access for the proposed subdivision and the existing development along Kingshouse Road to the west will be adequate without the Edgeware Street connection. Therefore, staff recommends that it is appropriate for the Board to make a finding that an overlength cul-de-sac is justified.

D. Transportation

This preliminary plan proposes 19 one family detached dwelling units on property in an RE-1 zone within the Cloverly Policy Area. The development will not require Adequate Public Facilities (APF) determination as it will not generate 30 or more total peak hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The proposed 19 units are estimated to generate 18 total peak-hour trips during the morning peak-period and 21 total peak-hour trips during the evening peak-period.

Transportation Planning staff note that given the unique environmental quality of a portion of the property (a designated Class I Legacy Open Space property) over which the master-planned section of Kingshouse Road would traverse, Transportation Planning staff does not recommend dedication of roadway right-of-way for Kingshouse Road as part of this subdivision. The above condition is consistent with recommendations included in the letter from the Montgomery County Department of Public Works and Transportation (DPWT) dated April 3, 2006. It is Transportation Planning staff's opinion that the transportation needs of the surrounding community, such as neighborhood connectivity and circulation, and fire truck and school bus accessibility, can be satisfactorily met with the existing local street network.

E. Park Dedication

Parcels D and C as prescribed in Condition #11 will be dedicated to the Parks Department. These parcels coincide with the Legacy Open Space protection goals to preserve the environmentally sensitive areas of the site, which include the area of the site that drains to the Paint Branch stream. Staff supports the dedication of Parcels “C” and “D” without the “easement for future dedication” as otherwise shown on preliminary plan.

F. Citizen Correspondence and Issues

Proposed requirements for pre-submission meetings prior to plan submissions do not apply to the Mitchell Property preliminary plan. This plan was distributed to adjacent and confronting property owners and to local civic associations in conformance with the procedures in place at the time of the submission. Staff has received many letters and emails to the file (Attachment E) and has worked extensively with the community to attempt to resolve the issues raised. The main thrust of the citizens’ concerns centered around the extension of Kingshouse Road through the property and the impact that it would have on the environment, traffic, and the quality of life for the local neighbors. Staff held and attended a number of meetings with interested parties to fully understand their concerns.

The proposed plan addresses the majority of the neighborhood concerns. With an easement for future dedication this applicant will not be responsible for construction of the road. The easement preserves an area for the road should it become a County priority to construct the road. Staff suggests that a master plan amendment is the appropriate method to fully remove the road from the master plan.

IV. CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and are not in conflict with the recommendations of the Cloverly Master Plan. Access and public facilities will be adequate to serve the proposed lots and uses, 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 with the conditions specified above is recommended.

ATTACHMENTS:

- A – Vicinity map
- B - Preliminary Plan
- C - LOS Approval
- D – Waiver Request
- E - Citizen Correspondence

TABLE 1: Plan Checklist and Data Table

Plan Name: Mitchell Property				
Plan Number: 120050170 (1-05017)				
Zoning: RE-1				
# of Lots: 19				
# of Outlots: none				
Dev. Type: Cluster				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	15,000 sq. ft.	All lots exceed min.	<i>Rw</i>	12/22/06
Lot Width	none			
Lot Frontage	25 ft.	Must meet minimum	<i>Rw</i>	12/22/06
Setbacks				
Front	15 ft. or 40 ft. from street	Must meet minimum	<i>Rw</i>	12/22/06
Side	15 ft. min. or no less than adj. zone	Must meet minimum	<i>Lw</i>	12/22/06
Rear	15ft. or 50 ft. from subd. boundary	Must meet minimum	<i>Rw</i>	12/22/06
Height	50 ft. Max.	May not exceed maximum	<i>Rw</i>	12/22/06
Max Resid'l d.u. or Comm'l s.f. per Zoning	36 dwelling units	19 dwelling units	<i>Rw</i>	12/22/06
MPDUs	N/A			
TDRs	No			
Site Plan Req'd?	No			
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes		<i>Rw</i>	12/22/06
Road dedication and frontage improvements	Yes		Agency letter	
Environmental Guidelines	Yes		Staff memo	
Forest Conservation	Yes		Staff memo	
Master Plan Compliance	Yes			
Other (open space, etc.)	Yes		Staff memo	
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes		Agency letter	
Water and Sewer (WSSC)	Yes		Agency Comments	
Well and Septic	N/A			
Local Area Traffic Review	N/A		Staff memo	
Fire and Rescue	Yes		Agency letter	