



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

MCPB

Item #

10/25/07



MEMORANDUM

DATE: November 20, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CA*
Development Review Division

FROM: Erin Grayson, Planner (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 2 lots for 2 one-family detached dwelling units

PROJECT NAME: Quince Orchard Estates

CASE #: 120070250

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200/TDR

LOCATION: Located on the south side of Quince Valley Drive, approximately 107 feet west of the intersection with Fellowship Way

MASTER PLAN: Potomac

APPLICANT: Handy & Snyder, LLC

ENGINEER: Maddox Engineers & Surveyors, Inc.

FILING DATE: October 17, 2006

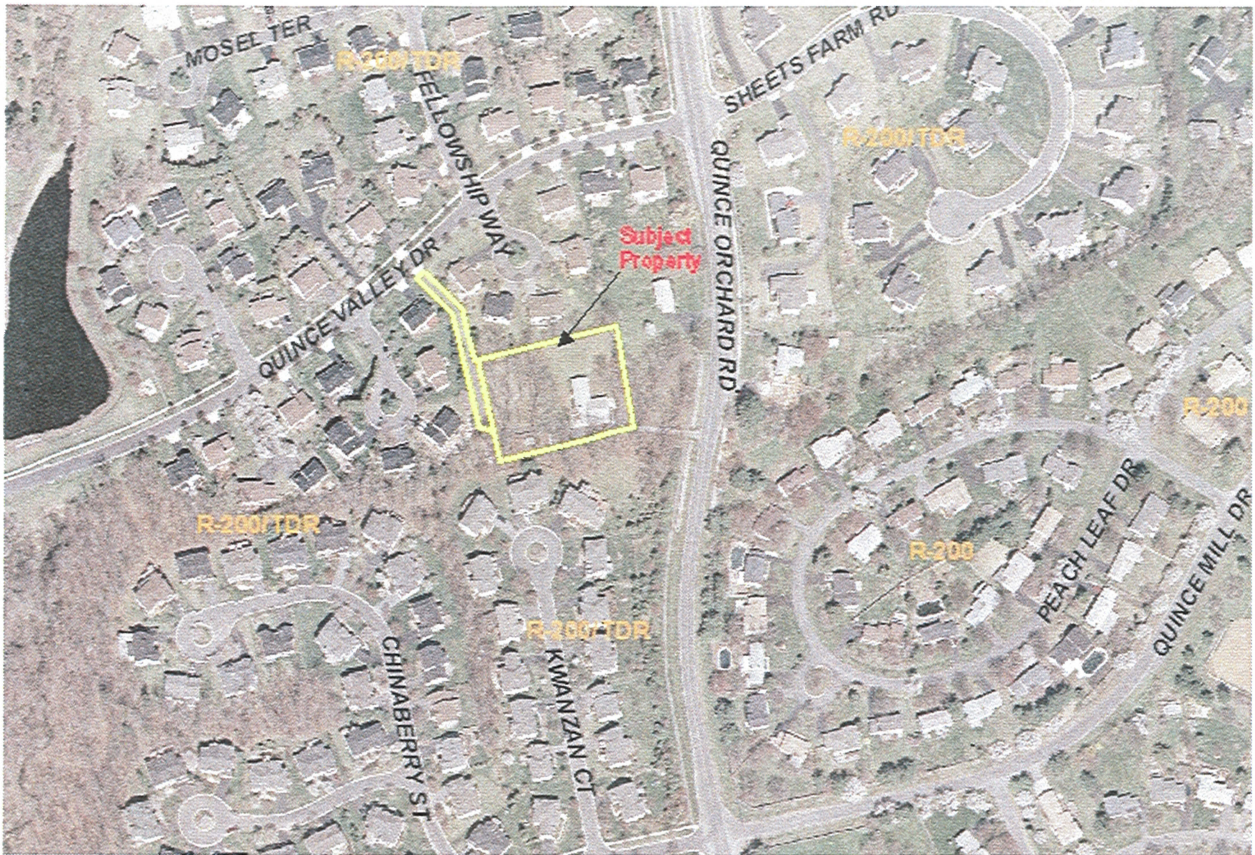
HEARING DATE: December 6, 2007

RECOMMENDATION: Approval, including a waiver of lot frontage under Section 50-29(a)(2) of the Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 lots for 2 one-family residential dwelling units.
- 2) The applicant must comply with the conditions of the forest conservation exemption and the approved tree save plan signed November 9, 2007.
- 3) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 4) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated February 21, 2007.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated November 7, 2006, unless otherwise amended.
- 6) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
- 7) 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.
- 8) Other necessary easements.

SITE DESCRIPTION

The subject property "Subject Property" or "Property", pictured on the following page and in Attachment A (Vicinity Map), is located to the south of Quince Valley Drive, approximately 107 feet west of Fellowship Way. The site is included in the Potomac Master Plan area. The Property currently consists of an unrecorded parcel 43,560 square feet in size and a recorded outlot 5,836 square feet in size. The property is zoned R-200/TDR and is surrounded by property also zoned R-200/TDR. The site currently contains an existing one-family detached residential dwelling unit. The Subject Property is located within the Muddy Branch Watershed (Use Class I-P). The site contains no streams or forest.



PROJECT DESCRIPTION

Although the subject property includes recorded land, the plan is not considered a resubdivision because the recorded land is an unbuildable outlot. The applicant proposes to create 2 lots to accommodate 2 one-family detached residential dwelling units. Proposed Lot 93 contains 27,947 square feet and Proposed Lot 94 contains 22,050 square feet. The existing house on Proposed Lot 94 is to be removed. Access to the 2 lots is proposed from Quince Valley Drive via a 20-foot wide private driveway. A reciprocal ingress/egress and utilities easement is proposed along the driveway to the point where it is no longer shared. Neither Lot 93 nor Lot 94 have adequate frontage on a public road and, therefore, the applicant requests a waiver of Section 50-29 (a)(2) of the Subdivision Regulations. This waiver request is discussed in greater detail in the Compliance section on page 4 of this report. The lots are to be served by public water and sewer.

(Attachment B – proposed plan)

PREVIOUS PLANNING BOARD HEARING

On July 27, 2006, a pre-preliminary plan application for this site was reviewed by the Planning Board. Staff supported a waiver of Section 50-29(a)(2) and recommended that a preliminary plan be submitted by the applicant. The Planning Board confirmed the recommendations by Staff and did not object to submission of a preliminary plan.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Potomac Subregion Master Plan does not specifically identify the Subject Property, but supports the retention and reconfirmation of existing zoning for all developed and underdeveloped land in the subregion, except for those sites recommended for change. The preliminary plan proposes medium density residential which consists of two (2) one-family detached dwellings. Therefore, the proposed development complies with the recommendation of the master plan.

Roads and Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Quince Valley Drive is a secondary residential street, requiring 60 feet of right-of-way. Additional dedication is not required as part of this subdivision since 60 feet of right-of-way currently exists along the property frontage. A sidewalk does not currently exist along the south side of Quince Valley Drive. Sidewalk construction by the applicant along the 20 feet of property frontage is currently required and any sidewalk waiver requests must be reviewed and approved by DPWT. The private driveway will provide adequate access and public facilities are available and adequate to support the proposed lots and uses on the proposed lots. Vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public and private improvements.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The Property will be served by public sewer and water. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the Property.

Environment

Environmental Guidelines

The site does not contain any environmentally sensitive areas, therefore, the Environmental Guidelines are not applicable.

Forest Conservation

There is no forest on the Subject Property. Under Section 22A-5(s) of the Montgomery County Code (Forest Conservation Law), the Property is exempt from Forest Conservation Plan submission. The Forest Conservation Exemption for the Property was approved on September 14, 2006. A Tree Save Plan is required, however. The Tree Save Plan was approved on November 9, 2007.

In addition to the on-site tree save and tree protection measures the applicant has worked out a private agreement with an adjacent property owner for protection or replacement of several minor trees which may be negatively impacted by the new construction.

Stormwater Management

The MCDPS Stormwater Management Section approved the concept for this preliminary plan on February 21, 2007. The concept consists of on-site water quality control and onsite recharge via non-structural methods. Channel protection volume is not required because the one year post development peak discharge is less than or equal to 2.0 cubic feet per second.

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. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lots have pipestem configurations. Orientation of the lots is to the rear of existing lots that front on Fellowship Way. Currently, there are pipestem configurations in the immediate area with a similar orientation. The size and width of the proposed lots are in accordance with standards of the R-200 zone and are consistent with surrounding properties. As such, it is Staff's opinion that 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 R-200/TDR 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.

Waiver Request

Neither Lot 93 nor Lot 94 has adequate frontage on a public road. As a result, the applicant requests a waiver of Section 50-29(a)(2) of the Subdivision Regulations, which states:

"Except as otherwise provided in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road which has been dedicated to public use or which has acquired the status of a public road. In exceptional circumstances, the board may approve not more than two (2) lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public

utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands. In multi-family and town house development, not subdivided into individually recorded lots, the board may approve more than two (2) lots or buildings on private roads or drives, provided there is adequate access from such roads or drives to a public street, as above.”

The applicant’s justification for creating 2 lots without frontage cites the land-locked nature of the property and subsequent limited access points that make it difficult to provide adequate street frontage. Based on the approval from the Department of Fire and Rescue dated July 3, 2007, the proposed 20-foot wide private driveway will be adequate for emergency vehicles and other public services. Placement of an ingress/egress and utilities easement on the driveway will allow for the installation of public utilities. Creating lots without frontage in this particular location will not inhibit further subdivision since surrounding properties are already developed. In addition, the proposed development does not exceed the creation of two (2) lots without frontage. For these reasons, staff finds the preliminary plan complies with Section 50-29 (a)(2) of the Subdivision Regulations and supports the waiver request.

Citizen Correspondence and Issues

The applicant notified adjacent and confronting property owners and civic associations of the preliminary plan submission made to MNCPPC and provided copies of the plan, as required. Staff sent notice of the public hearing to these parties. No citizen concerns have been brought to the attention of MNCPPC staff as of the date of this report.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations, with the exception of Section 50-29(a)(2) for which a waiver is requested. The proposed lots comply with the Zoning Ordinance and the recommendations of the Potomac 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 with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Development Map
Attachment B – Proposed Development Plan
Attachment C – Agency Correspondence

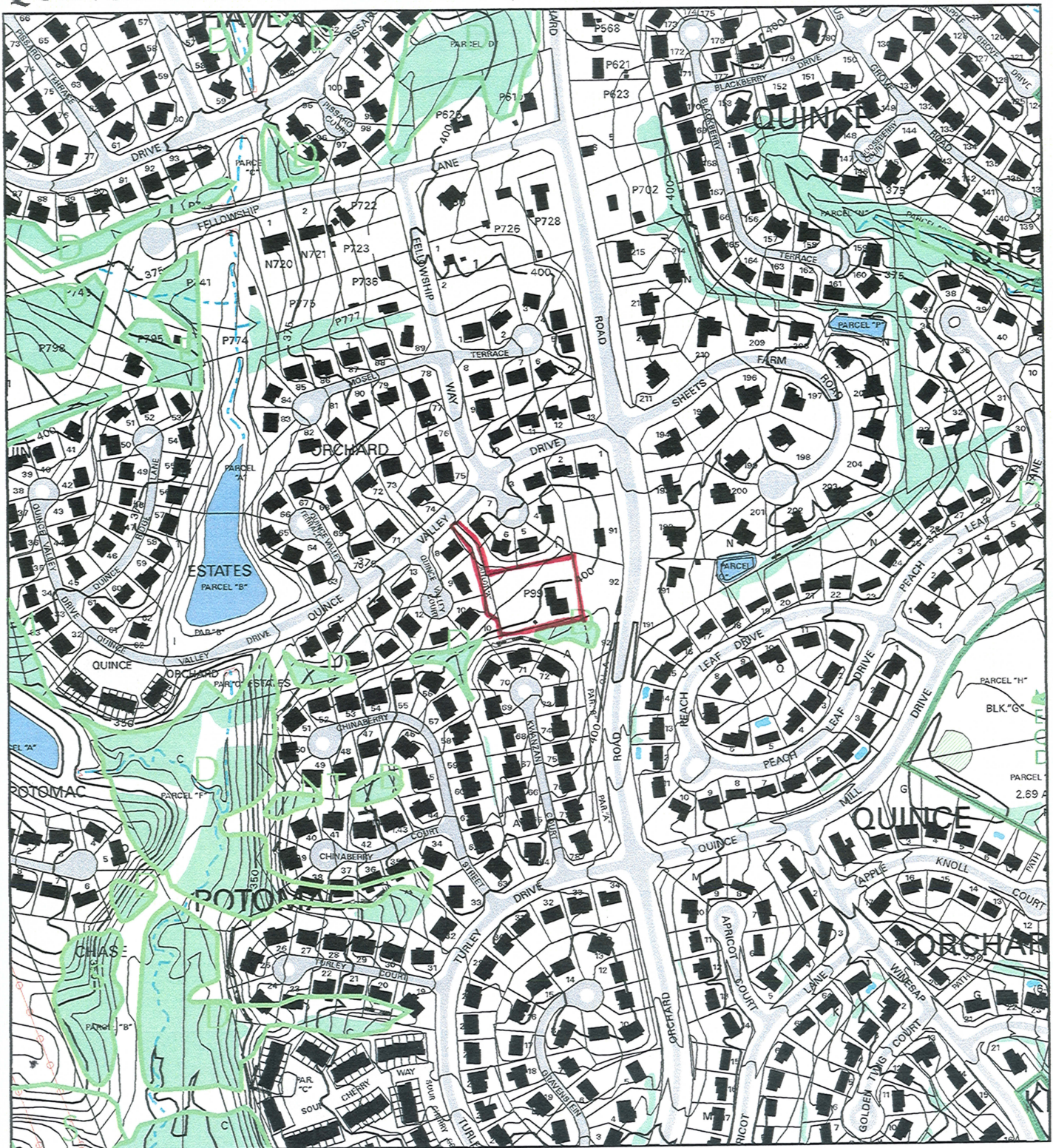
Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Quince Orchard Estates				
Plan Number: 120070250				
Zoning: R-200/TDR				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Net Lot Area Average area of all lots in any subdivision	15,000 sq. ft. 20,000 sq. ft. Min.	22,050 sq. ft. is minimum proposed 24,998 sq. ft. is average proposed	EG	11/15/07
Lot Width	100 ft.	122 ft. is minimum proposed	EG	11/15/07
Lot Frontage	25 ft.	Waiver Requested ¹	EG	11/15/07
Setbacks				
Front	40 ft. Min.	Must meet minimum ²	EG	11/15/07
Side	12 ft. Min./25 ft. total	Must meet minimum ²	EG	11/15/07
Rear	30 ft. Min.	Must meet minimum ²	EG	11/15/07
Height	50 ft. Max.	May not exceed maximum ²	EG	11/15/07
Max Resid'l d.u. per Zoning	2 d.u.	2 d.u.	EG	11/15/07
MPDUs	No		EG	11/15/07
TDRs	No		EG	11/15/07
Site Plan Req'd?	No		EG	11/15/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	No	EG		
Road dedication and frontage improvements	Yes	DPWT and SHA Agency letters		11/7/06
Environmental Guidelines	Yes	Staff memo		11/9/07
Forest Conservation	Exempt	Staff memo		11/9/07
Master Plan Compliance	Yes	EG		11/15/07
Other (i.e., parks, historic preservation)	No	EG		11/15/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Agency letter		2/21/07
Water and Sewer (WSSC)	Yes	Agency comments		5/12/07
10-yr Water and Sewer Plan Compliance	Yes	Agency comments		5/12/07
Well and Septic	N/a	EG		11/15/07
Local Area Traffic Review	N/a	EG		11/15/07
Fire and Rescue	Yes	Agency letter		7/3/07

¹ A waiver of Section 50-29(a)(2) of Chapter 50 is requested for the two lots by the applicant.

² As determined by MCDPS at the time of building permit.

QUINCE ORCHARD ESTATES (120070250)



Map compiled on October 27, 2006 at 2:21 PM | Site located on base sheet no. 220NW12

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



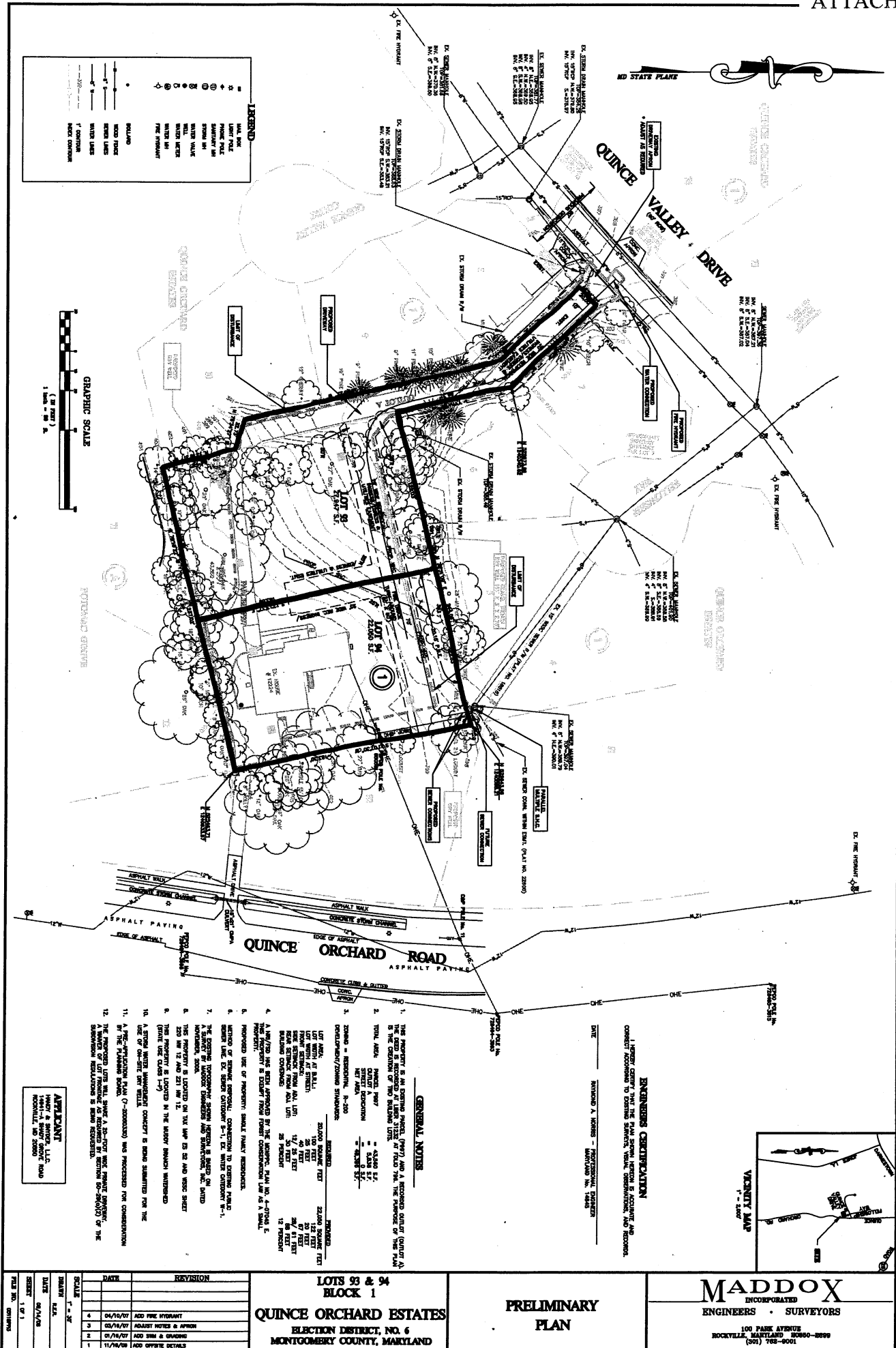
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Research & Technology Center



1 inch = 400 feet
1 : 4800



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TRAFFIC ENGR

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DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATIONDouglas M. Duncan
County ExecutiveArthur Holmes, Jr.
Director

November 7, 2006

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 #1-20070250
Quince Orchard Estates

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 10/13/06. This plan was reviewed by the Development Review Committee at its meeting on 11/06/06. 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/label all existing planimetric and topographic details specifically driveways adjacent, on and opposite the site as well as existing rights of way on both sides and easements on the preliminary plan.
2. Necessary dedication for Quince Valley Drive.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

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TRAFFIC ENGR

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Ms. Catherine Conlon
Preliminary Plan No. 1-20070250
Date November 7, 2006
Page 2

5. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed DPWT Sight Distances Evaluation certification form, for the existing driveway, for our review and approval (or abandon that driveway and label as such).
6. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
7. Perform the necessary adjustments so driveway aprons do not cross the property lines.
8. 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.
9. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage according to associated DPWT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. 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.
12. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
13. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
14. 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. Construct four (4) foot wide concrete sidewalk along the site frontage.
 - B. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

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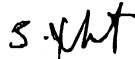
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Ms. Catherine Conlon
Preliminary Plan No. 1-20070250
Date November 7, 2006
Page 3

- 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 ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.
- G. Additional comments described on the attached sheet.

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

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20070250, Quince Orchard Estates.doc

Enclosures ()

cc: Christopher Handy, Handy & Snyder
Raymond Norris, Maddox Engineers
Joseph Y. Cheung, DPS RWPPR
Sarah Navid, DPS RWPPR
Shahriar Etemadi, M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book



FIRE MARSHAL COMMENTS

DATE: JULY 3, 2007
TO: CARYN WILLIAMS, MADDOX INC
FROM: MARIE LABAW
RE: QUINCE ORCHARD ESTATES 1-20070250

PLAN APPROVED provided the following conditions are met:

1. The standard driveway apron is widened to no less than 45' to accommodate turning apparatus.
-
1. Review based only upon information contained on the plan submitted with revision on 07-03-07. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
 2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

February 21, 2007

Ms. Caryn G. Williams
Maddox Incorporated
100 Park Avenue
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Quince Orchard Estates
Preliminary Plan #:
SM File #: 228910
Tract Size/Zone: 1.15 acres/R-200
Total Concept Area: 1.15 acres
Lots/Block: outlot A
Parcel(s): 997
Watershed: Muddy Branch

Dear Ms. Williams:

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 non structural methods. 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.

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

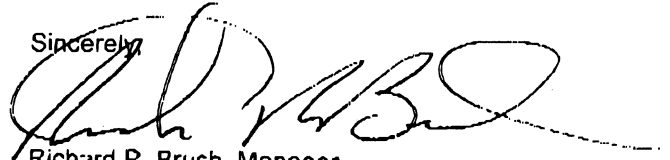
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

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.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

If you have any questions regarding these actions, please feel free to contact Nadine Vurdelja Pionka at 240-777-6334.

Sincerely,



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

RRB.dtm CN228910

cc: C. Conlon
S. Federline
SM File # 228910

QN -onsite; Acres. 1.2
QI, onsite, Acres. 1.2
Recharge is provided