

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

MCPB
Item #
3/19/09



MEMORANDUM

DATE: March 6, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *rk*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division

FROM: *NB*
Neil Braunstein, Planner Coordinator (301-495-4532)
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Two lots for two one-family detached dwelling units

PROJECT NAME: Jackson's Acres
CASE #: 120070530
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-90
LOCATION: Located on the south side of Smith Village Road, 1,000 feet east of Randolph Road

MASTER PLAN: White Oak

APPLICANT: Scott Jackson
ENGINEER: Benning & Associates

FILING DATE: January 8, 2007
HEARING DATE: March 19, 2009

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two lots for two one-family detached dwelling units.
- 2) The applicant must submit a detailed final tree save plan with specific tree preservation measures for staff review and approval, prior to release of any sediment and erosion control permit. The tree save plan must be prepared and signed by an ISA-certified arborist.
- 3) The applicant must comply with the conditions of approval for the final tree save plan. The applicant must satisfy all conditions prior to any clearing, grading, or demolition on the site.
- 4) The applicant must dedicate and the record plat must show dedication of 60 feet of right-of-way, as measured from the opposite right-of-way line, along the property frontage for Smith Village Road.
- 5) The applicant must construct a four-foot-wide sidewalk along the property frontage on Smith Village Road, unless construction is waived by the Montgomery County Department of Permitting Services (MCDPS).
- 6) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 7) The record plat must reflect denial of access on the Morningside Lane frontage.
- 8) The applicant must comply with the conditions of the MCDPS stormwater management approval dated February 2, 2007. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 9) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated December 10, 2008. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 10) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 11) The record plat must show necessary easements.
- 12) 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 resolution.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, is a 40,511-square-foot unplatted parcel. It is located on the south side of Smith Village Road, 1,000 feet east of Randolph Road. The zoning on the property is R-90. The property is undeveloped. Surrounding properties are developed with one-family detached dwellings in the R-90 zone.

The subject property is located within the Paint Branch watershed, but it is not located within the special protection area (SPA). There are no forests, stream buffers, wetlands, or other environmentally sensitive features on the site. There are 23 significant trees in varying degrees of health on and adjacent to the site.



PROJECT DESCRIPTION

The applicant proposes to subdivide the existing parcel into two lots measuring 16,500 square feet and 20,900 square feet, respectively. The larger lot, proposed Lot 2, is a pipestem located to the rear of proposed Lot 1. Both lots have frontage on Smith Village Road. The pipestem lot also has frontage across the dead-end of Morningside Lane, but driveway access to Morningside Lane is not proposed by the preliminary plan and has been prohibited by the Montgomery County Department of Transportation. The two lots will be accessed by a shared driveway from Smith Village Road. The proposed residences will be served by public water and public sewer.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The White Oak Master Plan does not specifically address the subject property. The Master Plan recommends retention of existing zoning throughout the Master Plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of

the subject property, the Master Plan calls for retention of the existing R-90 zoning. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it proposes one-family residential development consistent with surrounding development patterns and the current zoning designation. The proposed lots will be similar to surrounding lots with respect to dimensions, orientation, and shape, and the proposed residences will have a similar relationship to the public street and surrounding residences as existing residences in the area. The proposed subdivision will not alter the existing pattern of development or land use, consistent with the Master Plan recommendation to maintain the existing land use.

Public Facilities

Roads and Transportation Facilities

The proposed subdivision does 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. In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is also not subject to Policy Area Mobility Review.

Access to the proposed lots will be provided by a shared driveway from Smith Village Road. Although proposed Lot 2 also has frontage on Morningside Lane, no driveway access is proposed from Morningside Lane in conformance with a condition in the Montgomery County Department of Transportation (MCDOT) letter dated December 10, 2008. No sidewalks exist on Smith Village Road, but the low traffic volume on this street allows safe pedestrian use of the roadway. Chapter 49 of the Montgomery County Code requires the installation of a sidewalk along the property frontage, but the applicant may request that the Montgomery County Department of Permitting Services waive construction. Staff recommends that the Planning Board support such a waiver. Proposed vehicle and pedestrian access for the site will be safe and adequate.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has 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 operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. The Application is not within a school moratorium area, and a school facilities payment is not required. Electrical, gas, and telecommunications services are also available to serve the Property.

Environment

The site does not contain any streams, wetlands, floodplains, or other environmentally sensitive features, and there are no environmental buffers on the site. Environmental guidelines for protection of environmentally sensitive areas, therefore, are not applicable to this subdivision.

There is no forest on the site, and this application is exempt from submitting a forest conservation plan. A tree save plan, however, was required to be submitted with the Preliminary Plan. The tree save plan shows 23 significant trees on the subject and adjacent properties. Two of these trees are dead, and the remaining trees are in varying degrees of health. Seven trees, including the two dead trees, are proposed to be removed to accommodate the proposed subdivision.

The MCDPS Stormwater Management Section approved the stormwater management concept on February 2, 2007. The stormwater management concept includes water quality control and recharge via nonstructural methods. Channel protection is not required because the one-year post-development peak discharge is less than 2 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. The application meets all applicable sections. The proposed subdivision will create two lots measuring 16,500 square feet and 20,900 square feet, respectively. Proposed Lot One will front directly on Smith Village Road, and the other will be a pipestem lot located behind the first lot. The pipestem lot (proposed Lot 2) will also have frontage on the dead end of Morningside Lane. This configuration was recommended by staff because MCDOT has prohibited vehicular access to Morningside Lane and the pipestem provides frontage on Smith Village Road, the street that is providing access. Two additional subdivisions with a similar pipestem layout are located in the vicinity of the subject property. One additional subdivision exists with a lot-behind-lot layout, but it does not include a pipestem because frontage for the rear lot exists solely on the end of a street stub at the rear of the property (similarly to the subject property). The proposed subdivision is similar in layout to the existing nearby pipestem subdivisions. The proposed lots are sufficiently large so that an appropriate separation can be maintained between the two proposed dwellings.

The lots were 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.

Staff recommends, therefore, that the Planning Board find that the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

Citizen Correspondence and Issues

This preliminary plan application predated the requirement for a pre-submission meeting. Written notice of the plan submittal and the public hearing date was given, however, by the applicant and staff. Additional notice was recently given because the application was submitted over one year ago. As of the date of this report, no citizen letters have been received.

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 with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Agency Correspondence Referenced in Conditions

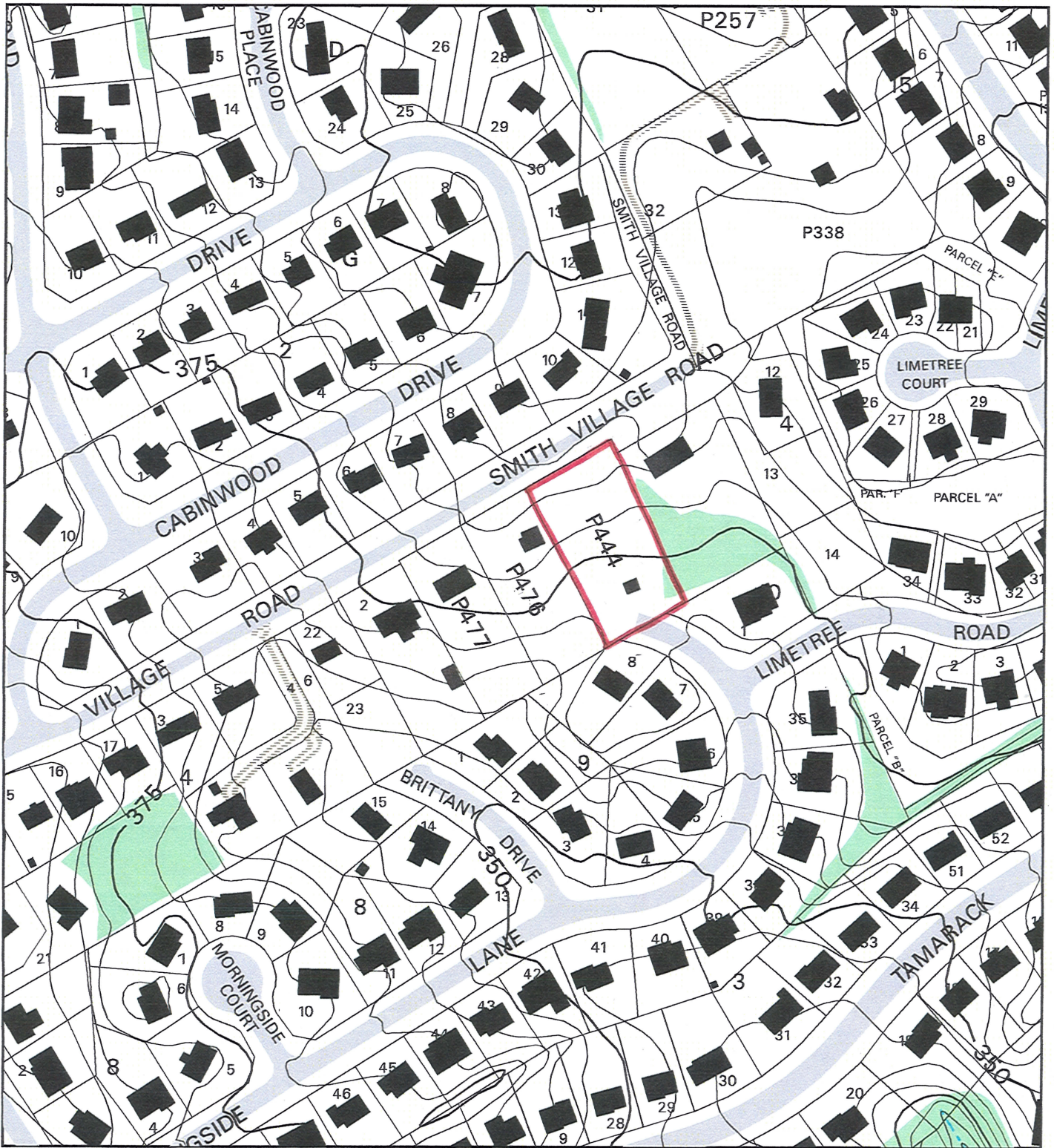
Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Jackson's Acres				
Plan Number: 120070530				
Zoning: R-90				
# of Lots: 2				
# of Outlots: N/a				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 sq. ft.	16,500 sq. ft. minimum	NB	3/6/09
Lot Width	75 ft.	125 ft. minimum	NB	3/6/09
Lot Frontage	25 ft.	62 ft. minimum	NB	3/6/09
Setbacks				
Front	30 ft. Min.	Must meet minimum ¹	NB	3/6/09
Side	8 ft. Min./25 ft. total	Must meet minimum ¹	NB	3/6/09
Rear	25 ft. Min.	Must meet minimum ¹	NB	3/6/09
Height	35 ft. Max.	May not exceed maximum ¹	NB	3/6/09
Max Resid'l d.u. per Zoning	4	2	NB	3/6/09
MPDUs	N/a		NB	3/6/09
TDRs	N/a		NB	3/6/09
Site Plan Req'd?	No		NB	3/6/09
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	NB	3/6/09
Road dedication and frontage improvements		Yes	Agency letter	12/10/08
Environmental Guidelines		N/a	Staff memo	3/05/07
Forest Conservation		Exempt	Staff memo	3/05/07
Master Plan Compliance		Yes	Staff memo	3/05/07
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	2/02/07
Water and Sewer (WSSC)		Yes	Agency comments	3/05/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	3/05/07
Well and Septic		N/a	Agency letter	3/05/07
Local Area Traffic Review		N/a	Staff memo	3/05/07
Policy Area Mobility Review		N/a	Staff memo	3/05/07
Transportation Management Agreement		No	Staff memo	3/05/07
School Cluster in Moratorium?		No	NB	3/6/09
School Facilities Payment		No	NB	3/6/09
Fire and Rescue		Yes	Agency letter	5/29/08

¹ As determined by MCDPS at the time of building permit.

JACKSON'S ACRES (120070530)

Attachment A



Map compiled on February 12, 2007 at 3:51 PM | Site located on base sheet no - 217NE02

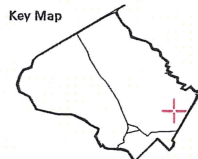
NOTICE

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.

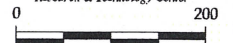
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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

Key Map

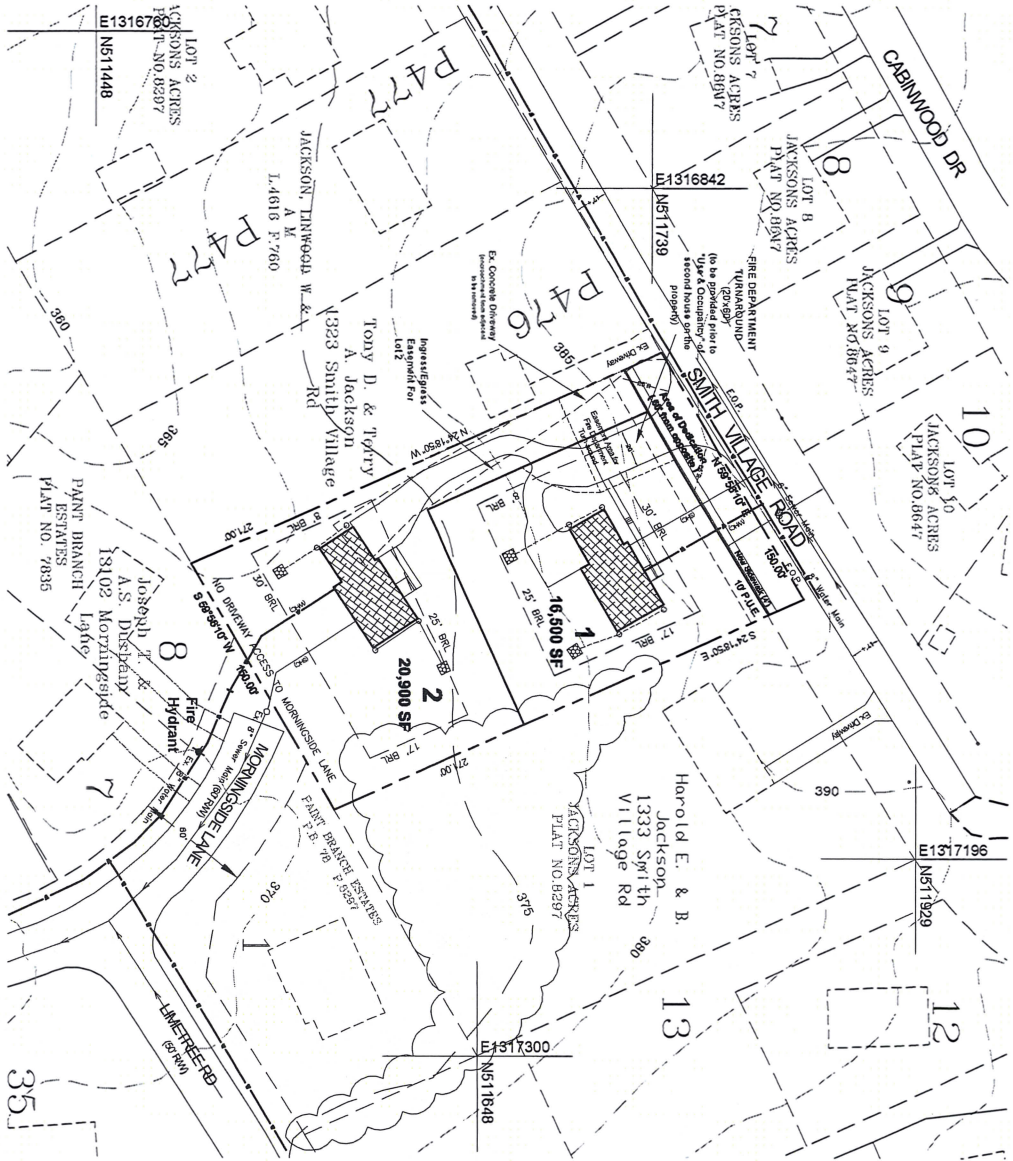


Research & Technology Center



1 inch = 200 feet
1 : 2400

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



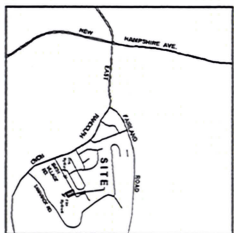
NOTES:

1. AREA OF PROPERTY - 0.93 acres
2. EXISTING ZONING - R-90
3. NO. OF LOTS SHOWN - 2
4. EXISTING SEWER & WATER SERVICE CATEGORIES - S-1, W-1
5. SITE TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER SYSTEMS
6. LOCATED IN PAINT BRANCH WATERSHED (not an SPA)
7. DEVELOPMENT STANDARDS (R-90):
 Frontyards - 25' total & minimum
 Sideyards - 25' total & minimum
 Rearyards - 25' total & minimum
 Minimum lot area - 8,000 sq ft
8. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PERCO

ZONING STANDARDS:

ZONE: R-90	Req.	Prov.
Lot Size	8,000 sq. ft. or larger	16,500 sq. ft.
Front Setback	30'	30' or more
Sideyards	8' min., 25' total	8' or more
Rearyard	25'	25' or more
Building Height	2 1/2 stories but no more than 35'	35' or less
Lot Coverage	30% Max.	>=30%
Lot Width @ Building Line	75' minimum	125'

PREPARED FOR:
SCOTT JACKSON
 1333 SMITH VILLAGE ROAD
 SILVER SPRING, MD 20904
 301-538-4321



VICINITY MAP
 1" = 200'

PRELIMINARY PLAN
JACKSONS ACRES
 (Parcel 444 / Tax Map KR11; Liber/19472 Folio/688)
Montgomery County, Maryland



Benning & Associates, Inc.
 Land Planning Consultants
 803 Shady Grove Court
 Calverton, MD 20817
 001748-0240

date: Rev. 1/20/09
 scale: 1" = 30'



Sheet 1 of 1
 Revisions



Attachment C

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

February 2, 2007

Reginald Jetter
Acting Director

Mr. David W. McKee
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Jacksons Acres
Preliminary Plan #: 1-07053
SM File #: 230469
Tract Size/Zone: 0.93 acres / R-90
Total Concept Area: 0.93 acres
Lots/Block: N/A
Parcel(s): P444
Watershed: Paint Branch

Dear Mr. McKee:

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 -site water quality control and onsite recharge via nonstructural measures. 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.



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

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush". The signature is fluid and cursive, with a large initial "R" and "B".

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

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 230469

QN -ON; Acres: 1
QL - ON; Acres: 1
Recharge is provided



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 10, 2008

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 #1-20070530
Jackson's Acres

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on 05/07/08. This plan was reviewed by the Development Review Committee at its meeting on March 5, 2007. 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. Right of way dedication for Smith Village Road and Morningside Lane as necessary.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. A Public Improvements Easement may be necessary along Smith Village Road, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
6. Record plat to reflect denial of access along Morningside Lane.

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficops@montgomerycountymd.gov

7. 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. Also homeowners' documents to establish each driveway user's (property owner's) rights & responsibilities with respect to use, maintenance, & liability of the common driveway.
8. 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 on Smith Village Road according to associated DOT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.
9. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Smith Village Road (including sidewalk), whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
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. Dan Sanayi of our Engineering Design and Operation Section 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 DOT standards. Tree planting within the public right of way must be coordinated with Brett Linkletter with Division of Highway Services, Tree Maintenance Unit at 240 777 6000.
13. 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. We have reviewed the storm drain study submitted by the applicant and agreed with replacing the existing receiving inlet on Brittany Drive with an A-15 curb inlet to address the inlet capacity problem on that roadway.
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 DOT Storm Drain Design Criteria.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. 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

Ms. Cathrine Conlon
Preliminary Plan No. 1-20070530
Date December 10, 2008
Page 3

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.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Sam Farhadi at sam.farhadi@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, P.E., Manager
Development Review Team
Traffic Engineering and Operations Division

m:/subdivision/farhas01/preliminary plans/ 1-20070530, Jackson's Acres.doc

Enclosures (1)

cc: Scott Jackson
David McKee, Benning & Associates
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Sam Farhadi, DOT DTEO
Preliminary Plan Folder
Preliminary Plans Note Book