



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

**MCPB**  
**Item #**  
**11/19/09**



**MEMORANDUM**

**DATE:** November 6, 2009

**TO:** Montgomery County Planning Board

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

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

**REVIEW TYPE:** Preliminary Plan of Subdivision

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

**PROJECT NAME:** Yazdi Property

**CASE #:** 120080310

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-200/TDR

**LOCATION:** Located on the east side of Quince Orchard Road, across from the intersection of Pissaro Drive

**MASTER PLAN:** Potomac Subregion

**APPLICANT:** Susan Yazdi

**ENGINEER:** Charles Grimsley

**FILING DATE:** May 28, 2008

**HEARING DATE:** November 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 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.
- 3) The applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way, as measured from the centerline, along the property frontage for Quince Orchard Road.
- 4) The record plat must reflect common ingress/egress and utility easements over the shared driveway.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated April 24, 2008. These conditions may be amended by MCDPS, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated December 30, 2008. These conditions may be amended by MCDOT, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 7) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 8) Before any building permit is issued, the applicant must make the applicable school facilities payment to MCDPS.
- 9) Any building permits for one-family residences that are issued pursuant to this preliminary plan must show that the buildings are to be built in substantially the same locations and orientations as shown on the certified preliminary plan.
- 10) Prior to approval of the record plat, the applicant must remove the existing dwelling, which will encroach into the required rear yard area for proposed Lot 1, from the subject property.
- 11) The record plat must show necessary easements.
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

**SITE DESCRIPTION**

The subject property, shown below and in Attachment A, is an unplatted parcel measuring 42,104 square feet in size. The property is located on the east side of Quince Orchard Road, across from the intersection of Pissaro Drive. The zoning on the property is R-200/TDR. The property is developed with a one-family detached dwelling, which will be removed to accommodate the proposed subdivision. Surrounding properties are developed with one-family detached dwellings in the R-200/TDR zone. Quince Orchard High School is located northwest of the site, on the opposite side of Quince Orchard Road.

The site is located within the Muddy Branch watershed. There are no forests, stream buffers, wetlands, or other environmentally sensitive features on the site.





## **PROJECT DESCRIPTION**

The applicant proposes to subdivide the existing parcel into two lots. One new one-family detached dwelling will be built on each lot. Proposed Lot 1 will be 20,020 square feet in area, and proposed Lot 2 will be 20,000 square feet in area. Although the property's R-200/TDR zoning allows the use of optional method development with transferable development rights, this is a standard method project, and the use of TDRs is not proposed. A 2,084-square-foot area will be dedicated for right-of-way for Quince Orchard Road. The two proposed lots will be accessed by a shared driveway. The proposed residences will be served by public water and public sewer.

(Attachment B – proposed plan)

## **PREVIOUS PLANNING BOARD HEARING**

This application was before the Planning Board at a hearing on February 19, 2009. Although the application was recommended for approval, the Planning Board found that the layout of the two proposed lots created a potentially unsatisfactory relationship between the two future houses, with the front of the rear house facing the back of the front house. The Planning Board recommended that the proposed houses be set at an angle towards the southwest corner of the lot, with the front house moved towards the northern lot line and the rear house moved

towards the southern lot line. This angle allows the rear house to face the street without facing directly into rear of the front house.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Potomac Subregion 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-200/TDR zoning. Although the R-200/TDR allows optional method development with the use of transferable development rights, the proposed subdivision is a standard method development that does not use TDRs. However, 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 Quince Orchard Road. An existing sidewalk on Quince Orchard Road provides pedestrian access. 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, but a school facilities payment must be

made prior to issuance of building permits on the lots. 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 the protection and retention of seven of the eight significant trees on-site or adjacent to the site. Approval of a variance for removal of the one significant tree is not required because such a variance is only necessary when approval of a forest conservation plan is also required.

The MCDPS Stormwater Management Section approved the stormwater management concept on April 24, 2008. 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 20,000-square-foot lots, one of which will front directly on Quince Orchard Road, and the other will be a pipestem lot located behind the first lot. This configuration was not seen as ideal by staff, but no other subdivision layout is possible given the small size of the subject property. In addition, a subdivision with a similar pipestem layout is located immediately adjacent to the subject property to the north. The proposed subdivision mirrors the layout of the existing adjacent subdivision. There is only one additional property in the immediate vicinity of the site that may be large enough to be subdivided into two lots. If it were subdivided it would also produce a pipestem layout, and it would also be adjacent to another existing pipestem subdivision. Since only one property remains available for subdivision, approval of the application will not create a trend-setting precedent in the neighborhood.

The proposed lot line separating the two proposed lots is fairly far towards the rear of the subject property, meaning that the house location on the rear lot will be close to the rear of the property. But because each of the two lots are either exactly at the minimum lot size of 20,000 square feet or just slightly larger, the proposed lot line between the two lots cannot be moved closer to the front of the property than what is being proposed. This, however, is in character with the adjacent property to the north, which also was recently subdivided and a new house was placed at a similar lot depth to what is now proposed. The rear proposed lot will be of similar size to the adjacent lots to its rear (east), and the future house on this lot will have an appropriate rear-to-rear orientation to the existing house on the lot to the east.

As described above, the layout has been modified since the original submission because the Planning Board found that the layout created a potentially unsatisfactory relationship between the two future houses. The front of the rear house was facing the back of the front house in the original plan, but now the houses are proposed to be set at an angle towards the southwest corner of the lot, with the front house moved towards the northern lot line and the rear house moved towards the southern lot line. This angle allows the rear house to face the street without facing directly into rear of the front house. A condition is included in the staff recommendation that requires building permits issued pursuant to this approval to show that the proposed one-family residences are to be built substantially in the same location and orientation as shown on the preliminary plan.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone (i.e., R-200/TDR with standard method development) 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**

The applicant conducted a pre-submission community meeting on February 19, 2008. At the meeting, citizens asked questions about the layout of the proposed subdivision and the placement of proposed dwellings on the lots. The developer responded to these questions at the meeting. In addition, written notice of the plan submittal and the public hearing dates was given by the applicant and staff. In response to this notification, an adjacent property owner appeared at the previous public hearing on February 19, 2009, and raised concerns regarding the placement of proposed residences on the subject property and impacts to privacy and views. The subsequent revision of the proposed building locations should address those concerns. 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 Potomac Subregion 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



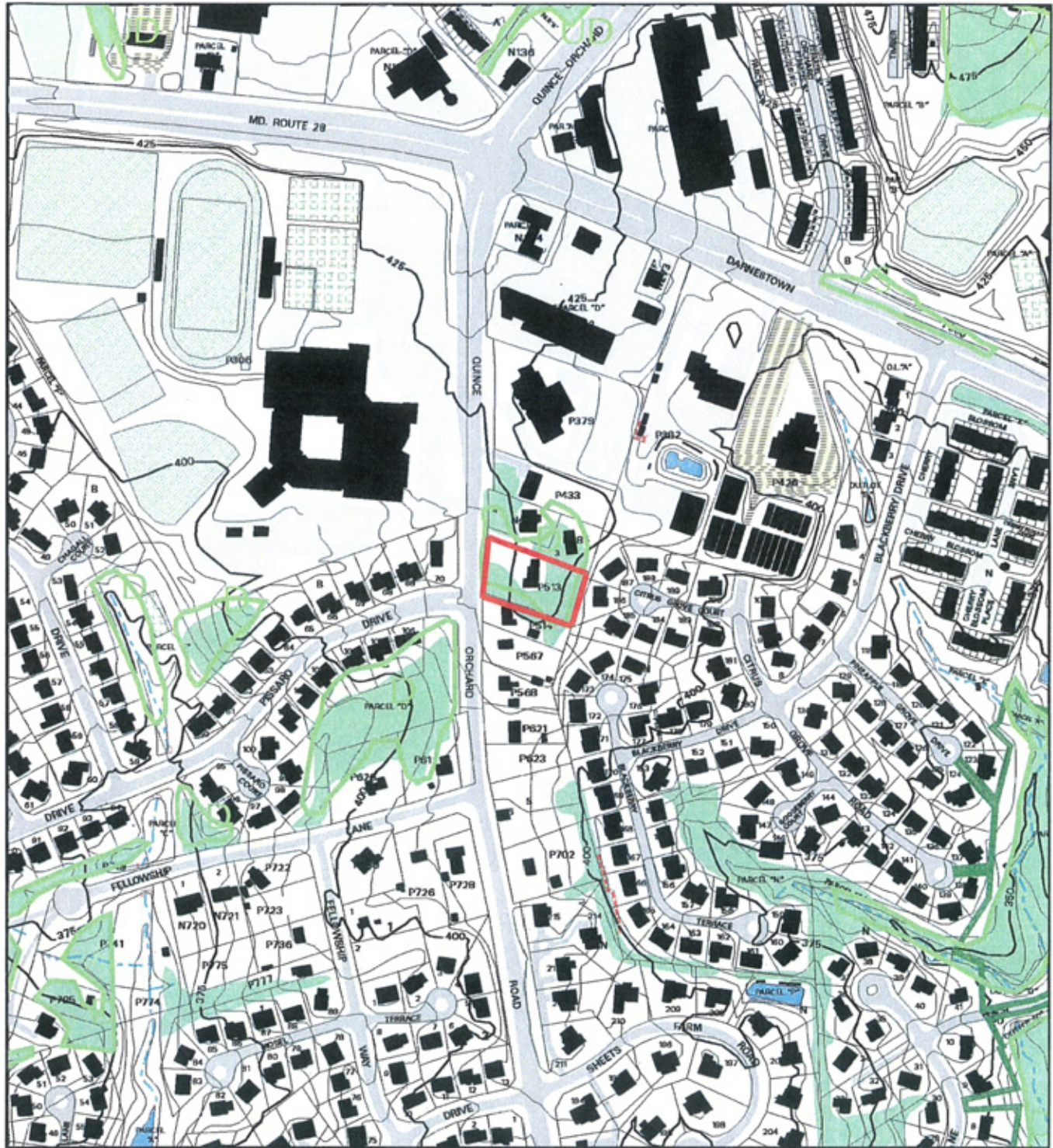
Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Yazdi Property</b>				
<b>Plan Number: 120080310</b>				
<b>Zoning: R-200/TDR</b>				
<b># of Lots: 2</b>				
<b># of Outlots: N/a</b>				
<b>Dev. Type: Residential</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft. minimum		2/6/09
Lot Width	100 ft.	128 ft. minimum		2/6/09
Lot Frontage	25 ft.	26 ft. minimum		2/6/09
Setbacks				
Front	50 ft. Min.	Must meet minimum <sup>1</sup>		2/6/09
Side	12ft. Min./25 ft. total	Must meet minimum <sup>1</sup>		2/6/09
Rear	30 ft. Min.	Must meet minimum <sup>1</sup>		2/6/09
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>		2/6/09
Max Resid'l d.u. per Zoning	2	2		2/6/09
MPDUs	N/a			2/6/09
TDRs	N/a			2/6/09
Site Plan Req'd?	No			2/6/09
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes			2/6/09
Road dedication and frontage improvements	Yes	Agency letter		12/30/08
Environmental Guidelines	N/a	Staff memo		11/21/08
Forest Conservation	Exempt	Staff memo		11/21/08
Master Plan Compliance	Yes	Staff memo		11/3/08
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes	Agency letter		4/24/08
Water and Sewer (WSSC)	Yes	Agency comments		7/14/08
10-yr Water and Sewer Plan Compliance	Yes	Agency comments		7/14/08
Well and Septic	N/a	Agency comments		7/14/08
Local Area Traffic Review	N/a	Staff memo		7/14/08
Policy Area Mobility Review	N/a	Staff memo		7/14/08
Transportation Management Agreement	No	Staff memo		7/14/08
School Cluster in Moratorium?	No			2/6/09
School Facilities Payment	Yes			2/6/09
Fire and Rescue	Yes	Agency letter		12/16/08

<sup>1</sup> As determined by MCDPS at the time of building permit.



## YAZDI PROPERTY (120080310)



Map compiled on May 29, 2008 at 11:51 AM | Site located on base sheet no - 221NW12

### NOTICE

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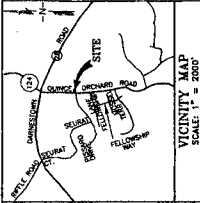
**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8757 Georgia Avenue - Silver Spring, Maryland 20910-7768

Key Map





# Attachment B



## GENERAL NOTES

- Total Area: 42,104 Sq. Ft. or 0.96658 Acre.
- The Site is in Montgomery County Tax Assessment Map Book Page ES662.
- Property Recorded in Liber 33166 and Folio 601.
- Current Owner on Record: Susan Tordella, 10011 Pine Ridge Road, Rockville, MD 20850.
- The Owner will dedicate the required Public Utility easement across the frontage of the Property.
- No Rere, Threatened or Endangered Plant or Animal Species were observed on the Site.
- The Site lies within the Muddy Branch Watershed.
- Soils from U.S. Soil Survey for Montgomery County, Maryland, 2000, 18 Gale Sil Loam, 25 Gleys Sil Loam.
- This Site does not lie within a 100-year Flood Plain.
- The Property is shown on WSC 2007 Sheet 221 NW 12.
- The Water was constructed under WSC Contract No. 88-77186 and the Sewer was constructed under WSC Contract No. 88-77186. Water Company W-1 and Sewer Company S-1.
- Vertical Datum is based on WSC Datum.
- Horizontal Datum is based on NAD 83.
- The property is shown on the Plat Book 197, Plat No. 1778.
- The property is shown on the Plat Book 197, Plat No. 1778.
- The property is not considered historical and is not in the Master Plan for Historical Preservation.

## TABULAR SUMMARY

Zoning	Existing	Proposed
Lot 187	R-200	R-200
Lot 188	R-200	R-200
Lot 189	R-200	R-200
Lot 190	R-200	R-200
Lot 191	R-200	R-200
Lot 192	R-200	R-200
Lot 193	R-200	R-200
Lot 194	R-200	R-200
Lot 195	R-200	R-200
Lot 196	R-200	R-200
Lot 197	R-200	R-200
Lot 198	R-200	R-200
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Lot 457	R-200	R-200
Lot 458	R-200	R-200
Lot 459	R-200	R-200
Lot 460	R-200	R-200
Lot 461	R-200	R-200
Lot 462	R-200	R-200
Lot 463	R-200	R-200
Lot 464	R-200	R-200
Lot 465	R-200	R-200
Lot 466	R-200	R-200
Lot 467	R-200	R-200
Lot 468	R-200	R-200
Lot 469	R-200	R-200
Lot 470	R-200	R-200
Lot 471	R-200	R-200
Lot 472	R-200	R-200
Lot 473	R-200	R-200
Lot 474	R-200	R-200
Lot 475	R-200	R-200
Lot 476	R-200	R-200
Lot 477	R-200	R-200
Lot 478	R-200	R-200
Lot 479	R-200	R-200
Lot 480	R-200	R-200
Lot 481	R-200	R-200
Lot 482	R-200	R-200
Lot 483	R-200	R-200
Lot 484	R-200	R-200
Lot 485	R-200	R-200
Lot 486	R-200	R-200
Lot 487	R-200	R-200
Lot 488	R-200	R-200
Lot 489	R-200	R-200
Lot 490	R-200	R-200
Lot 491	R-200	R-200
Lot 492	R-200	R-200
Lot 493	R-200	R-200
Lot 494	R-200	R-200
Lot 495	R-200	R-200
Lot 496	R-200	R-200
Lot 497	R-200	R-200
Lot 498	R-200	R-200
Lot 499	R-200	R-200
Lot 500	R-200	R-200
Lot 501	R-200	R-200
Lot 502	R-200	R-200
Lot 503	R-200	R-200
Lot 504	R-200	R-200
Lot 505	R-200	R-200
Lot 506	R-200	R-200
Lot 507	R-200	R-200
Lot 508	R-200	R-200
Lot 509	R-200	R-200
Lot 510	R-200	R-200
Lot 511	R-200	R-200
Lot 512	R-200	R-200
Lot 513	R-200	R-200
Lot 514	R-200	R-200
Lot 515	R-200	R-200
Lot 516	R-200	R-200
Lot 517	R-200	R-200
Lot 518	R-200	R-200
Lot 519	R-200	R-200
Lot 520	R-200	R-200
Lot 521	R-200	R-200
Lot 522	R-200	R-200
Lot 523	R-200	R-200
Lot 524	R-200	R-200
Lot 525	R-200	R-200
Lot 526	R-200	R-200
Lot 527	R-200	R-200
Lot 528	R-200	R-200
Lot 529	R-200	R-200
Lot 530	R-200	R-200



Attachment C

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

April 24, 2008

Carla Reid Joyner  
Director

Mr. David V. Albamonte  
Landmark Engineering, Inc.  
6100 Executive Boulevard, Suite 110  
Rockville, MD 20852

Re: Stormwater Management **CONCEPT** Request  
for Yazdi Property  
SM File #: 233443  
Tract Size/Zone: 1 acre/R-200  
Total Concept Area: 1 acre  
Parcel(s): 513  
Watershed: Muddy Branch

Dear Mr. Albamonte:

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 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.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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 Nadine Vurdelja Piontka at 240-777-6334.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush", written over a circular stamp or seal.

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

RRB:dm CN233443

cc: C. Conlon  
S. Federline  
SM File # 233443

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



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

RECEIVED  
December 30, 2008  
JAN 06 2009  
DEVELOPMENT REVIEW

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

RE: Preliminary Plan #1-20080310  
Yazdi Property

Dear Ms. Conlon:

We have completed our review of the above referenced preliminary plan dated December 3, 2008. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on July 14, 2008. 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. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
2. Provide dedication for future widening of Quince Orchard road in accordance with the Master Plan. Access to Quince Orchard Road is denied except at the location shown on the preliminary plan.
3. The owner will be required to enter into a covenant with the County whereby the owner agrees to pay a prorata share for the future construction or reconstruction of Quince Orchard Road as a Montgomery County project or by a 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.
4. The record plat is to include a reciprocal ingress, egress and public utilities easement to serve the lots accessed by the common driveway.

**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



5. The sight distance study has been accepted. A copy of the approved sight distance form is enclosed for your information and reference.
6. The drainage study has been accepted.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Linda Duhamel at [linda.duhamel@montgomerycountymd.gov](mailto:linda.duhamel@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



Gregory M. Leck, Manager  
Division of Traffic Engineering and Operations  
Development Review Group

Enclosures (2)

Cc: Susan Yazdi, Applicant  
Charles Grimsley, Landmark Engineering  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Linda Duhamel, DOT TEOS  
Preliminary Plan Folder  
Preliminary Plans Notebook