



MAY 20 2009

**MCPB No. 08-147**  
**Preliminary Plan No. 120061250**  
**Montrose**  
**Date of Hearing: December 11, 2008**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on June 19, 2006, DHI Construction ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 0.25 acres of land located on the west side of Maple Avenue, approximately 400 feet south of Randolph Road ("Property" or "Subject Property"), in the White Flint sector plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120061250, Montrose ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 6, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 11, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 11, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre;

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, N.C. Planning Commission, Legal Department 20910 Director's Office: 301.495.4500 Fax: 301.495.1310

seconded by Commissioner Cryor; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson and Presley voting in favor and Commissioner Robinson being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120061250 to create 1 lot on 0.25 acres of land located on the west side of Maple Avenue, approximately 400 feet south of Randolph Road ("Property" or "Subject Property"), in the White Flint sector plan area ("Sector Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 1 lot for 1,206 square feet of existing light industrial uses.
- 2) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated July 19, 2006, unless otherwise amended.
- 3) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 4) The Applicant must dedicate 35 feet of right-of-way from the baseline of the future Chapman Avenue Extended (i.e., existing Maple Avenue) as determined from the current plans for the MCDOT's Capital Improvements Program (CIP) Project No. 500719. The current construction plan for this CIP shows a proposed centerline for Chapman Avenue Extended that is shifted to the west from the existing centerline of Maple Avenue.
- 5) The Applicant must provide a temporary construction easement of approximately 350 square feet beyond the required dedication of 35 feet of right-of-way from the Chapman Avenue Extended baseline as determined from the current plans for MCDOT's CIP Project No. 500719.
- 6) The Applicant must provide frontage improvements including a 5-foot-wide sidewalk along existing Maple Avenue/future Chapman Avenue Extended by participating on a pro-rata basis with MCDOT's CIP Project No. 500719, Chapman Avenue Extended.
- 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 Resolution.
- 8) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The approved and adopted (1992) North Bethesda Garrett Park Master Plan recommends the low Intensity, light Industrial (I-4) zone for this Property. The Plan also recommends the extension of Chapman Avenue from Old Georgetown Road to Randolph Road as a commercial business street with a 70 foot right-of-way. The extension is included in the Montgomery County Department of Transportation (MCDOT), Capital Improvement Program (CIP). The Preliminary Plan establishes a lot and use permitted under the I-4 zone and right-of-way dedication provided for the Chapman Avenue Capital Improvement Program which is in accordance with the current roadway design. The Planning Board finds that the Preliminary Plan substantially conforms with the approved and adopted (1992) North Bethesda Garrett Park Master Plan.

The area surrounding White Flint Metro Station, including the Subject Property, is located within the draft White Flint Sector Plan area. The Public Hearing Draft went to the Planning Board on November 20, 2008. Worksessions with the Planning Board are anticipated for 2009, then the Draft Sector Plan will proceed to the County Council. Once the Draft Sector Plan is adopted, the existing zone for this Property is likely to change from I-4 to Transit Mixed Use (TMX). The Planning Board recognizes that the Preliminary Plan does not further the goals of the Draft Sector Plan but future recordation of the Property allows it to continue as a transitional use.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Roads and Transportation Facilities

Chapman Avenue is designated as a business street, B-4, with a minimum recommended 70-foot right-of-way for the segment between Rockville City limits and Marinelli Road. A master-planned bikeway is not recommended for Chapman Avenue. The transportation improvements that impact the Subject Property with construction funding are as follows:

1. MCDOT CIP Project No. 500719, Chapman Avenue Extended: The design plan is being completed for this master-planned business street from Randolph Road to Old Georgetown Road. The current design shifts the roadway's centerline to the west along the frontage of the Subject Property. As a result, additional right-of-way is required along the Property frontage that would impact the existing handicapped ramp and shorten the distance between the

future property line to the existing trailer. Construction for the street is projected to start in the winter of 2012 and end in the spring of 2013.

2. Maryland State Highway Administration's Consolidated Transportation (CTP) Program Project No. MO8305171, MD 355 /Old Georgetown Road/ Maple Avenue/Chapman Avenue Phase I Interchange: The construction of this project began in January 2008 and is projected to be completed in the fall of 2010. This CTP Project will impact the Subject Property's vehicular access from the Chapman Avenue and Randolph Road intersection.

Although the existing Maple Avenue frontage does not have sidewalks or a delineated edge of paved travel-way, the Applicant is required to improve the pedestrian facilities by participating in the MCDOT CIP Project No. 500719, Chapman Avenue Extended, that includes 5-foot-wide sidewalks along the frontage of future Chapman Avenue. The Planning Board finds that proposed 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 existing uses on the Property. The Subject Property is served by public water and sewer. Gas, electric and telecommunications services are also available to serve the Property. Police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service which has determined that the Property has adequate access for emergency vehicles.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The Planning Board finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the I-4 zone as specified in the Zoning Ordinance. In Section 59-C-5.44(b)(2) of the Zoning Ordinance, lot area requirements for the I-4 zone are specified:

*Within any I-4 zoned area, each main building hereafter erected, together with its accessory buildings, shall be located on a separate lot having an area of at least one acre.*

The proposed lot for the Montrose Preliminary Plan will consist of 9,290 square feet, which does not meet the minimum requirements of the zone. However, the Subject Property contains an existing use which cannot be brought into compliance with the requirements for use and occupancy unless the Property is recorded. To permit this existing use to continue, and satisfy the requirements of the underlying zone, no new construction on the lot will be permitted in the future. This lot may not be redeveloped or improved unless it is consolidated with adjacent properties. The Planning Board finds the proposed lot is permitted in the I-4 zone and the lot as proposed will meet all other dimensional requirements for frontage, width, and setbacks in the I-4 zone.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Because of its small size, the Preliminary Plan is exempt from the County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

A Stormwater Management Concept for this site is not required because there is no proposed land disturbance activity on the site. If, in the future, there is land disturbance on the site which requires a sediment control permit, then a Stormwater Management Concept will need to be submitted for review and approval by the Department of Permitting Services.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAY 20 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Robinson, and Commissioners Cryor, Alfandre and Presley present and voting in favor of the motion at its regular meeting held on Thursday, May 7, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman  
Montgomery County Planning Board