

CORRECTED RESOLUTION ENCLOSED

On February 25, 2010, the attached resolution for Potomac Grove, Preliminary Plan No. 120080260 was mailed with an incorrect date of February 25, 2009.

Attached is the corrected resolution, dated **March 3, 2010**. Should you have any questions, please contact Andrew Robinson at 301-495-4508.

We apologize for any inconvenience or confusion this may have caused.



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

MCPB No. 09-146
Preliminary Plan No. 120080260
Potomac Grove
Date of Hearing: December 3, 2009

MAR 3 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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 December 3, 2009, Audrey and Samuel Jan ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 2 lots on 1.37 acres of land located at the intersection of Glen Mill Road and Mary Knoll Drive, ("Property" or "Subject Property"), in the Potomac Subregion Master Plan Area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120080260, Potomac Grove ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated November 23, 2009, 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 Planning Board staff ("Staff") and the staff of other governmental agencies, on December 3, 2009, 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

Approved as to
Legal Sufficiency:

Christina Serna 2/3/10
M-NCPPC Legal Department

WHEREAS, on December 3, 2009, the Planning Board approved the Application, subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Hanson, Presley, and Wells-Harley voting in favor, one seat being vacant.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120080260 to create 2 lots on 1.37 acres of land located at the intersection of Glen Mill Road and Mary Knoll Drive, ("Property" or "Subject Property"), in the Potomac Subregion Master Plan Area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to two lots for two one-family detached dwellings.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan prior to recording of a plat or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit, as applicable.
- 3) The Applicant must comply with the conditions of the MCDPS stormwater management concept approval dated November 18, 2008. These conditions may be amended by MCDPS, as long as the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated September 25, 2009. These conditions may be amended by MCDOT, as long as the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) The record plat must provide for dedication along the Property frontage for truncation at the intersection of Glen Mill Road and Mary Knoll Drive as indicated on the Preliminary Plan.
- 6) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat.
- 7) The Applicant must construct a four-foot-wide sidewalk along the Property frontage on Mary Knoll Drive, unless construction is waived by the Montgomery County Department of Permitting Services (MCDPS).
- 8) The Applicant must construct a five-foot-wide sidewalk along the Property frontage on Glen Mill Road, unless construction is waived by the Montgomery County Department of Permitting Services (MCDPS).
- 9) 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.
- 10) The record plat must show necessary easements.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, as set forth in the Staff Report, 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 Subject Property is located in the North Potomac area of the Potomac Subregion Master Plan. Located roughly between Darnestown Road and Travilah Road, abutting Rockville and Gaithersburg, North Potomac covers only seven square miles, but has the largest population of any of the Subregion's four communities and is the most densely populated. The Potomac Subregion Master Plan supports the retention and reconfirmation of the R-200 zone and residential land-use for the Subject Property. The Application has been reviewed by jurisdictional agencies, and it has been determined that the proposed use will not adversely impact environmental, land use and zoning, transportation, or community facilities as identified by the Master Plan. The Application would create two lots that are consistent with the zoning, density, and residential use identified by the Master Plan. Therefore, the Board finds the Preliminary Plan substantially conforms to the Potomac Subregion Master Plan.

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

Roads and Transportation Facilities

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. The Application is also not subject to Policy Area Mobility Review, because it is located in the R&D Village Policy Area. Glen Mill Road is a primary residential street, requiring seventy feet of right-of-way, and seventy feet of right-of-way currently exists. Mary Knoll Drive is a secondary residential street, requiring sixty feet of right-of-way, and sixty feet of right-of-way currently exists. Therefore, except for truncation at the intersection of Glen Mill Road and Mary Knoll Drive, no additional dedication is required.

The Applicant proposes to construct a private driveway from Mary Knoll Drive to access the proposed lot. Access to the existing lot is also by private driveway from Mary Knoll Drive. Therefore, the proposed vehicular access for the subdivision will be safe and adequate.

Sidewalks are required for lots in the R-200 zone, but no sidewalks currently exist on Glen Mill Road or Mary Knoll Drive along the frontage of the Subject Property. 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 in exchange for a fee-in-lieu of providing the sidewalks. Given the lack of sidewalks in the neighborhood the Board does not oppose such a payment.

The existing conditions of the neighborhood do not provide a desirable level of pedestrian safety along Glen Mill Road and Mary Knoll Drive. However, requiring the Applicant to provide a sidewalk along the Property frontage on either street would create the only sidewalk in the neighborhood, which fails to resolve the overall neighborhood pedestrian safety issue. Therefore, the Board remains in support of a fee-in-lieu of the sidewalk construction and believes that the safety issue needs to be dealt with through a county CIP project.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The Application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. 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. Electrical and telecommunications services are also available to serve the Property. The Subject Property is not within a school moratorium area and is not subject to a School Facilities Payment.

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

The lots have been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lots were appropriate for the location of the subdivision.

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

Environmental Guidelines

Environmental Planning staff approved the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site on August 10, 2007. The NRI/FSD identifies five specimen trees onsite. The topography on the Subject Property is relatively flat, and

there are no known environmentally sensitive features onsite. Therefore, the Board finds this Application complies with the Montgomery County Environmental Guidelines.

Forest Conservation

The Applicant submitted a preliminary forest conservation plan as part of the Preliminary Plan. No forest exists on the Subject Property. There are five specimen trees onsite; however, there are no specimen trees proposed for removal with this Application. The Applicant is proposing to provide 0.21 acres of afforestation offsite. The amount of afforestation is the minimum required. Therefore, the Board finds the Preliminary Plan satisfies the requirements of the 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 approval meets MCDPS' standards.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on November 18, 2008. The stormwater management concept consists of on-site water quality control and recharge via the use of nonstructural practices. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

6. The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"), as analyzed below.

Size:

Lot sizes in the Neighborhood range from .459 acres to 1.6 acres. Ten of the existing lots in the Neighborhood are .60 acres or smaller, twenty-four of the existing lots in the Neighborhood are larger than .77 acres. The proposed lots are .60 and .77 acres in size. The size of the proposed lots is in character with the existing lots in the Neighborhood.

Width:

Lot widths in the Neighborhood range from 100 feet to 320 feet. Eleven lots are less than 148.75 feet wide, nine lots are between 148.75 feet and 170.75 feet wide, and fourteen lots are over 170.75 feet wide. The proposed lots

have lot widths of 148.75 feet and 170.75 feet. The proposed lots will be in character with existing lots in the Neighborhood with respect to width.

Frontage:

In the designated Neighborhood, lot frontage ranges from 25 feet to 316 feet. The proposed Lot A has 170.75 feet of frontage, and the proposed Lot B has 148.75 feet of frontage on Mary Knoll Drive. Of the thirty-four lots in the Neighborhood, eleven lots have frontages of less than 148.75 feet, nine lots have frontages of 150 feet, and fourteen lots have frontages of more than 170.75 feet. The proposed lots fall within the midrange of the Neighborhood. Therefore, the proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Area:

When evaluating buildable area, existing lots in the Neighborhood range from 0.15 acres to 0.933 acres of buildable area. Ten of the existing lots have a buildable area of 0.24 acres or less, twenty-four of the existing lots have a buildable area of .46 acres or more. The proposed lots have buildable areas of 0.24 acres and 0.31 acres. The proposed lots will be of the same character as other lots in the Neighborhood with respect to buildable area.

Alignment:

In terms of alignment, the road network is a combination of curvilinear and grid. The lots in the Neighborhood are a mixture of corner, perpendicular, radial, and flag lots in relationship to the existing roads. Of the thirty-four lots in the Neighborhood, twenty-four are perpendicular lots, seven are corner lots, and three are radial lots. The proposed lots are perpendicular in alignment. The proposed lots are of the same character as existing lots in the Neighborhood with respect to the alignment criterion.

Shape:

With respect to shape, twenty-five existing lots in the Neighborhood are rectangular, six lots are flag, and three are irregular. The proposed lots are rectangular much like the majority of existing lots in the Neighborhood. The shape of the proposed lots will be in character with shapes of the existing lots in the Neighborhood.

Suitability for Residential Use:

The existing and the proposed lots are zoned residential and the land is suitable for residential use.

The Planning Board finds that the project is in substantial conformance with all seven resubdivision criteria as identified in Section 50-29(b)(2) of the Montgomery County Subdivision Regulations.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 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 Montgomery County Land Records or a request for an extension must be filed; and

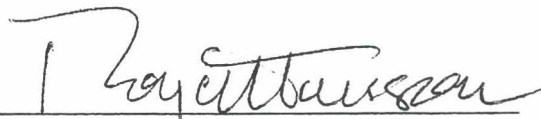
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is MAR 3 2010 (which is the date that this Resolution is mailed to all parties of record); and

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 Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Wells-Harley, Alfandre, and Presley voting in favor of the motion, with a four-member Board, at its regular meeting held on Thursday, February 18, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
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