



MAR 24 2010

**PRE-PRELIMINARY PLAN RESOLUTION
FOR RDT ZONED PROPERTY**

**MCPB No. 10-06
Pre-Preliminary Plan No. 720090140
Project Name: Rolling Ridge - Phase 2
Hearing Date: January 14, 2010**

**MONTGOMERY COUNTY PLANNING BOARD
RESOLUTION¹**

WHEREAS, pursuant to Montgomery County Code, Section 50-35A(a)(8), the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review pre-preliminary plan applications involving the creation of lots in the RDT zone; and

WHEREAS, on June 10, 2009, Jones Farm LC ("Applicant"), filed an application for approval of a Pre-Preliminary plan of subdivision of property that would create one one-family detached residential lot on 25.1 acres of land located on the north side of Brink Road approximately 1000 feet northwest of the intersection of Laytonsville Road (MD 108) and Brink Road ("Property" or "Subject Property"), in the Preservation of Agriculture and Rural Open Space Functional Master Plan area ("Master Plan"); and

WHEREAS, Applicant's Pre-Preliminary plan application was designated Pre-Preliminary Plan No. 720090140, Rolling Ridge - Phase 2 ("Pre-Preliminary Plan" or "Application"); and

¹ 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:


M-NCPPC Legal Department

WHEREAS, Staff issued a memorandum to the Planning Board, dated December 21, 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 staffs of other governmental agencies, on January 14, 2010, 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 January 14, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Hanson, Presley and Wells-Harley voting in favor, with 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 Pre-Preliminary Plan No. 720090140 to create one lot on 25.1 acres of land located on the north side of Brink Road approximately 1000 feet northwest of the intersection of Laytonsville Road (MD 108) and Brink Road (“Property” or “Subject Property”), in the Preservation of Agriculture and Rural Open Space Functional Master Plan area (“Master Plan”); subject to the following conditions:

- 1) Approval under this pre-preliminary plan is limited to 1 lot for 1 one-family detached residential dwelling unit.
- 2) The Applicant must submit a final forest conservation plan to M-NCPPC Staff for review and approval prior to recordation of the lot.
- 3) At the time of record plat application, the Applicant must provide verification to M-NCPPC Staff of the availability of a TDR for the proposed lot.
- 4) The Applicant must record a covenant on the remainder parcel to document that density and TDRs have been utilized for the lot and reference it on the record plat.
- 5) At the time of record plat application, the Applicant must provide verification to M-NCPPC Staff of approval by the Montgomery County Department of Permitting Services (MCDPS), Well and Septic Section of the proposed well and septic field locations.
- 6) The record plat must reference the off-site common ingress/egress and utility easements over all shared driveways that provide access to the proposed lot.
- 7) The record plat must contain the following note: “Agriculture is the preferred use in the Rural Density Transfer Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.”

- 8) The lot size shown on the certified pre-preliminary plan and record plat must be reduced to the greatest extent possible to be approximately 3 acres in size.
- 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) 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. Prior to record plat, there will be written approval for a proposed septic area from the Montgomery County Department of Permitting Services, Well and Septic section.
2. The Subject Property is zoned Rural Density Transfer (RDT) and meets the minimum density for the RDT zone, one dwelling unit per 25 acres. The unplatted farm remainder may not be further subdivided. The Applicant must provide Staff with information verifying a TDR is available at the time of record plat and must record a covenant on the remaining land.
3. The width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision. The Planning Board finds that a proposed lot of approximately 3 acres, which is less than 5 acres, is appropriate for the location of the subdivision and that the lot may be platted through the minor subdivision process set forth in § 50-35A of Chapter 50 of the Montgomery County Code ("Subdivision Regulations").
4. The Application is in compliance with the Montgomery County Environmental Guidelines for protection of environmentally sensitive areas. The Applicant submitted a forest conservation plan that is currently under review by Environmental Planning Staff and must be approved prior to record plat submission.
5. The Pre-Preliminary Plan substantially conforms to the Preservation of Agriculture and Rural Open Space (AROS) Master Plan.

The Agriculture and Rural Open Space (AROS) Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding preservation of farmland and rural open space. The master plan recommends that this area maintain lower densities for the protection of agriculture, environmental features, and residential use of a rural character. In recent Planning Board approvals of residential lots in the RDT zone, lot sizes have

been approximately 3 acres in size or less in order to maintain as much land in agricultural production as possible. As such, this pre-preliminary plan, originally proposed as a 3.84-acre lot, must be reduced in size to be as close to 3.0 acres as possible, as provided in Condition No. 8 above. The Commission did consider the merits of a 25-acre lot rather than a farm remainder but, in this instance, a farm remainder is most appropriate because it will present an opportunity to abutting property owners to acquire the remainder and expand agricultural uses in the area. This pre-preliminary plan complies with the master plan goals in that it contributes to the area's low density character, protects environmental features, and preserves farmland to the greatest extent possible.

6. The Pre-Preliminary Plan satisfies all applicable requirements of Chapter 59 (Zoning) of the Montgomery County Code.
7. Public facilities will be adequate to serve the proposed lot.

The proposed lot and associated uses do not generate 30 or more vehicle trips during the morning or evening peak-hours, as determined by the *Local Area Transportation Review Guidelines*. Therefore, the application is not subject to further Local Area Transportation Review. A parcel owned by the Town of Laytonsville for the future construction of a by-pass road is located along the southern property line. A sidewalk is not required to be constructed. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed improvements.

Other public facilities and services are available and will be adequate to serve the proposed dwelling unit. The Property will be served by a private standard septic system and private well. The school cluster in which the Subject Property lies is not currently in moratorium. Other public facilities and services, such as police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. Electrical and telecommunications services are also available to serve the Property.

BE IT FURTHER RESOLVED, that this Pre-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 Pre-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 the date of this Resolution is MAR 24 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 Dreyfuss, with Commissioners Hanson, Wells-Harley, and Dreyfuss voting in favor of the motion, and with Commissioners Alfandre and Presley absent, at its regular meeting held on Thursday, March 11, 2010, in Silver Spring, Maryland.


Royce Hanson, Chairman
Montgomery County Planning Board



BRYAN, Keith A. & Catherine K
7709 Brink Rd.
Laytonsville, MD. 20882

NVR Inc
555 Quince Orchard Rd. #240
Gaithersburg, MD. 20878

DEAL, David Dyke
7409 Brink Rd.
Gaithersburg, MD. 20882

PLANTE, Danny
7417 Brink Rd.
Laytonsville, MD. 20882

DROULISKOS, Andreas & Katherine
7321 Brink Rd.
Laytonsville, MD 20882

SCHWARTZ, Kevin G. & Noreen M
7705 Brink Rd.
Laytonsville, MD. 20882

GORMAN, Barbara J.
7200 Brink Rd.
Gaithersburg, MD. 20882

SHAW, Timothy L. et al
7801 Brink Rd.
Gaithersburg, MD. 20882

JAY LAYTONSVILLE LTD PTNSHP
c/o Aldre Inc
15850 Crabbs Branch Way #200
Derwood, MD. 20855

SIMONETTI, Paul F. & Lisa
21711 Rolling Ridge Lane
Laytonsville, MD. 20882

JONES FARM LC
1355 Beverly Rd, #240
McLean, VA 22101

STABLER, Robert N. et al
4401 Brookeville Rd.
Brookeville, MD. 20883

LINTHICUM EAST PROPERTIES LLC
13100 W. Old Baltimore Rd.
Boyd, MD. 20841

WASKEWICH, Paul A & Marjorie B
7413 Brink Rd.
Laytonsville, MD. 20882

LOMAR LLC
2511 Fairland Rd.
Silver Spring, MD 20904

WOLF, Anthony J & Kathy E WOLF
21748 Rolling Ridge Lane
Laytonsville, MD. 20882

MERCADO, Richard D. & Stamatta C.
7405 Brink Rd.
Laytonsville, MD. 20882

WOOD, Margaret W.
7401 Brink Rd.
Laytonsville, MD. 20882

MOSS, Raymond D. & Gabriella P.
7701 Brink Rd.
Laytonsville, MD. 20882

YCK & CCMC LTD PTNSHP
12908 Glen Rd.
N Potomac, MD. 20878



Barbara White
Greater Laytonsville Area Citizens
PO Box 5128
Laytonsville, MD 20882

Charles Oland
Town of Laytonsville
PO Box 5158
Laytonsville, MD. 20882

Dana Rawlings
Rural Alliance
12649 Molesworth Dr
Kempstown, MD. 21771

Cathy Butt
Town of Laytonsville
PO Box 5158
Laytonsville, MD. 20882

Congresswoman Donna Edwards
US House of Representatives
434 Cannon House Office Building
Washington DC 20515-2004

George Sauer
Citizens for a Better Montgomery
8307 Post Oak Rd
Potomac, MD. 20854-3479

Jim Fary
Sierra Club-Montgomery County Group
2836 Blue Spruce Ln.
Silver Spring, MD. 20906-3166

Contact
Washington Metro Area Transit Authority
600 Fifth St., NW
Washington, DC 20001

John Lake
Montgomery County Airpark
7940 Air Park Rd.
Gaithersburg, MD. 20879

Jim Humphrey
Montgomery County Civic Federation
5104 Elm St.
Bethesda, MD. 20814

Julius Cinque
Northern Montgomery County Alliance
22300 Slidell Rd
Boysd, MD. 20841

Ronald McNabb
TROT
12435 Meadowood Dr.
Silver Spring, MD. 20904

Pedro Porro
Spanish Speaking People of Montgomery
5729 Bradley Blvd
Bethesda, MD. 20814

Principal
Laytonsville Elementary School
21401 Laytonsville Road
Gaithersburg, MD. 20882

Principal
Gaithersburg Middle School
2 Teachers Way
Gaithersburg, MD. 20877

Principal
Gaithersburg High School
314 South Frederick Ave
Gaithersburg, MD. 20877

Head Librarian
Montgomery Village Library
18330 Montgomery Village Ave.
Gaithersburg, MD. 20879

Post Master
U. S. Post Office
21400 Laytonsville Rd.
Laytonsville, MD. 20882

MNCPPC
Development Review
8787 Georgia Avenue
Silver Spring, MD. 20910-3760

SALLIE STEWART
CHARLES P. JOHNSON & ASSOC
INC
1751 ELTON ROAD SUITE 300
SILVER SPRING, MARYLAND 20903