



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

MCPB No. 10-62
Preliminary Plan No. 120100200
Rales Property
Date of Hearing: May 13, 2010

JUL 21 2010

RESOLUTION

WHEREAS, under 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 February 16, 2010, Mitchell P. Rales ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 49.9 acres of land in the RE-2 zone, located on the south side off Glen Road, approximately 700 feet northwest of Greenbriar Road ("Property" or "Subject Property"), in the Potomac Subregion Master Plan area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120100200, Rales Road ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 30, 2010 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 May 13, 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

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, on May 13, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Alfandre; with a vote of 5-0, Commissioners, Alfandre, Dreyfuss, Hanson, Presley and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120100200 to create one lot on 49.9.2 acres of land in the RE-2 zone, located on the Subject Property, in the Potomac Subregion Master Plan area, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one lot.
- 2) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) well and septic approval dated April 15, 2010. These conditions may be amended by MCDPS provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 3) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated March 24, 2010. These conditions may be amended by MCDOT provided the amendments do not conflict with other conditions of the preliminary plan.
- 4) The record plat must reflect the liber and folio reference for shared ingress/egress and utility easement for the driveway serving the Subject Property and Applicant's adjacent lots.
- 5) 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.
- 6) Other necessary easements must be shown on the plat.

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 Potomac Subregion Master Plan.*

The Potomac Subregion Master Plan (2002) recommends the continuation of RE-2 zoning for the Property although it was not specifically discussed within the Plan. The use of the Property for agricultural purposes is permitted by right in the RE-2 zone. Staff does not believe that the agricultural uses represent any nuisance to the surrounding communities. The site is well buffered from

communities to the west and south by forested stream valleys and the Applicant lives and owns the properties to the east. Glen Road forms a buffer to the north. The proposed platting of the parcel as a single lot, while certainly less intensive than the RE-2 zone provides, does not conflict with any of the land use recommendations of the Master Plan.

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

The proposed use will generate less than 3 vehicle trips during the morning or evening peak-hour, and therefore, the Application is not subject to Local Area Transportation or Policy Area Mobility Review. Sidewalks are not required in the RE-2 zone where the Property is located in the rural areas as defined in the road code. Any pedestrian activity in this low density area can safely be accommodated within the shoulders on Glen Road. Glen Road has sufficient capacity to accommodate the additional traffic generated by this new lot. The Board finds that the proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

The Application was reviewed by all local utility agencies (gas, electric, and telecommunications) who have recommended approval of the plan because their respective utility, if locally available, can adequately serve the development. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. The Property is not subject to a School Facilities Payment because adequate capacity exists within the local school cluster.

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 Board finds that the proposed lot size, width, shape and orientation are 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.

The Application has been granted an agricultural exemption (42010087E) and will not be required to submit a preliminary forest conservation plan as long as the Property meets the stipulations of the exemption. Future development on this lot for non-agricultural uses will not be exempt and depending on the use. If any when the Property is developed with a non-agricultural use it will likely lose some

or all of its agricultural exemption and be required to fully comply with Chapter 22A, including the submission of a forest conservation plan. The mechanism to record any required easements on the Property will be at the discretion of the Planning Board when that plan is reviewed. The Board finds the Plan complies with the provisions of Chapter 22A.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.*

The Applicant is not required to submit a stormwater management concept because no development is currently proposed. The Montgomery County Department of Permitting Services has advised the Applicant that a concept will be required when the lot is developed as provided for in Chapter 19 of the County Code.

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 Land Records of Montgomery County, Maryland or a request for an extension must be filed, and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~JUL 21 2010~~ (which is the date that this Resolution is mailed to all parties of record); and

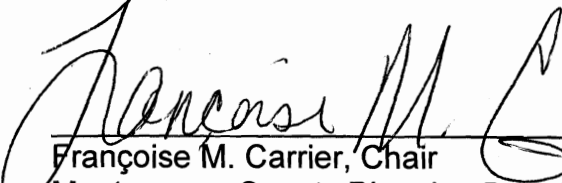
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland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

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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 Presley, seconded by Commissioner Wells-Harley, with Commissioners Wells-Harley, Alfandre, and Presley voting in favor of

the motion, and with Chair Carrier abstaining and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 1, 2010, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board