



**MCPB No. 11-59**  
**Preliminary Plan No. 12003063A**  
**Tregoning Dameron**  
**Date of Hearing: July 14, 2011**

**NOV 22 2011**

**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 June 26, 2003, the Planning Board approved Preliminary Plan No. 120030630, Tregoning/Dameron ("Originally Approved Preliminary Plan") for 92 one-family detached residential dwelling units on approximately 93 acres of land located on Piedmont Road, approximately 2,000 feet southwest of Hawkes Road ("Property" or "Subject Property"), in the Clarksburg Master Plan area ("Master Plan"); and

WHEREAS, the Adequate Public Facilities ("APF") approval for the Originally Approved Preliminary Plan was valid until August 15, 2008; and

WHEREAS, of the 92 recorded lots on the Property, 60 lots currently contain completed dwellings, 6 lots remain unbuilt but have valid building permits as a result of Montgomery County Department of Permitting Services (DPS) extensions, and 26 lots remain unbuilt and do not have valid building permits because the APF approval for those lots has expired; and

WHEREAS, on June 9, 2011, Piedmont road, L.L.C ("Applicant"), filed a limited amendment application for a new APF approval for the Property that will permit construction of 26 dwelling units on the existing 26 lots that no longer have valid building permits; and

WHEREAS, the Applicant's limited preliminary plan amendment application was designated Preliminary Plan No. 12003063A, Tregoning/Dameron ("Preliminary Plan Amendment" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 7, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

Approved as to  
 Legal Sufficiency:

*Christina Sowa* 11/3/11

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on July 14, 2011, 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 July 14, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Anderson; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, 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. 12003063A amending a previously approved preliminary plan by granting a new Adequate Public Facilities (APF) approval, subject to the following conditions:

1. Total development under the subject Adequate Public Facilities (APF) approval is limited to 26 one-family detached residential dwelling units.
2. The APF review for this Preliminary Plan Amendment will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
3. All other conditions of approval for Preliminary Plan No. 120030630, as contained in the Planning Board Opinion dated July 15, 2003, remain in full force and effect except as modified above.

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

#### Roads and Transportation Facilities

The Property is accessed via public road extensions from Piedmont Road which have been partially constructed to serve the houses that have been built so far. The internal streets are designed to have sidewalks on both sides to serve pedestrians. Regional access to the Property is via Ridge Road (MD 27) and Hawkes Road. The Board continues to find that the existing and planned road

and sidewalk network will be safe and adequate to accommodate the site-generated traffic.

Local Area Transportation Review (LATR)

The 26 one-family dwelling units that are included in this APF approval will generate 25 and 29 weekday peak-hour vehicle trips during the AM and PM peak periods, respectively. Because the construction of these lots will generate fewer than 30 peak-hour trips, the Application is exempt from LATR.

Policy Area Mobility Review (PAMR)

The Property is located within the Clarksburg Policy Area where there is no PAMR trip mitigation requirement according to the applicable Subdivision Staging Policy. Thus, the Application meets the PAMR requirements of the APF review.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. Public sewer and water service is available to the Property. Proposed buildings will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating within the standards set by the Subdivision Staging Policy resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the Property.

BE IT FURTHER RESOLVED, that this Resolution constitutes ~~the~~ written opinion of the Board in this matter, and the date of this Resolution is NOV 22 2009 (which is the date that this Resolution is mailed to all parties of record); and

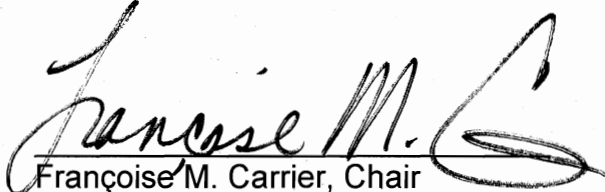
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland 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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, November 10, 2011, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board