



**NOV 22 2011**

**MCPB No. 11-60**  
**Preliminary Plan No. 120110130**  
**Hunting Hill Estates**  
**Date of Hearing: July 14, 2011**

**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 January 6, 2011, the Choi Family Trust, represented by Grace Park Choi (“Applicant”), filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 1.216 acres of land in the R-200 zone, located at 9504 Mary Knoll Road on the south side of Mary Knoll Road approximately 250 feet west of the intersection with Glen Mill Road (“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. 120110130, Hunting Hill Estates (“Preliminary Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board Staff (“Staff”) and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 1, 2011, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, 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 Dreyfuss, seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley and Wells-Harley voting in favor of the motion.

Approved as to  
 Legal Sufficiency:

*Christina Sowa* 11/3/11

8787 Georgia Avenue, N.M.C.P.P.C. Legal Department 20910 Chairman’s Office: 301.495.4605 Fax: 301.495.1320

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NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby APPROVES Preliminary Plan No. 120110130 to create two lots on 1.216 acres of land in the R-200 zone, on the Subject Property, in the Potomac Subregion master plan, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to two lots for two one family dwelling units.
- 2) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated March 3, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 3) The Applicant must satisfy the Montgomery County Department of Permitting Services (MCDPS) requirements to ensure the construction of a 4-foot-wide sidewalk along the Property frontage on Mary Knoll Road, unless construction is modified or waived by MCDPS.
- 4) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated December 15, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) Any building permits for one-family residences that are issued pursuant to this Preliminary Plan must show that the buildings are to be built in substantially the same locations and orientations as shown on the certified preliminary plan.
- 6) Before any building permit is issued, the Applicant must make school facilities payments to the MCDPS at the high school level.
- 7) The Adequate Public Facility review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
- 8) 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 presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference except as modified herein, 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 Property is within the North Potomac area of the Potomac Subregion master plan area. The Master Plan supports the retention and reconfirmation of the R-200 zone and residential land use for the Subject Property but makes no specific recommendations on the Property or the greater Hunting Hill Estates subdivision.

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 identified within 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 Planning Board finds that the Application conforms to the 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. In addition, the Application is not subject to Policy Area Mobility Review, because it is located in the R&D Village Policy Area. Mary Knoll Road and Marian Drive are secondary residential streets that require sixty feet of right-of-way. Adequate dedications have already been made for the Property when the existing plat for the Property was recorded; no further dedication is required by this Application. The Applicant proposes to construct a private driveway from Mary Knoll Road to access the new lot. Access to the existing house is also by private driveway from Mary Knoll Road and site distance evaluations have been approved by MCDOT. The Planning Board finds that the proposed vehicular access for the subdivision will be safe and adequate.

No sidewalks exist in the Hunting Hill Estates subdivision. However, Chapter 49 of the County Code, requires that as part of the development process, sidewalks be constructed by the developer of this Property along the frontage on Mary Knoll Road. MCDOT advises that this sidewalk be coordinated with the adjacent, unbuilt sidewalk for the Potomac Grove approval (Preliminary Plan No. 120080260). This will complete the sidewalk connection to the Willows of Potomac subdivision out to Glen Mill Road. In the event that sidewalk construction is delayed by covenant until a later date or otherwise waived by MCDPS, the Planning Board finds that the street shoulder on this street can provide an acceptable level of pedestrian safety for the residents within this two lot subdivision.

#### Other Public Facilities and Services

The Planning Board finds that all 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. 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 Property is within the Wooten High School cluster. The operating capacity at the high school level is at 106% for the FY 2012 year. While the cluster is not in moratorium, the Applicant will be required to make the appropriate school facilities payment for the high school level at the time of building permit.

- 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 Board considered the dimensional characteristics of the proposed lots and compared them to existing lots in the immediate area and finds that the proposed size, width, shape and orientation of the lots 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.*

This Application is exempt from submitting a Forest Conservation Plan pursuant to Section 22A-5a(s)(1) of the Montgomery County Forest Conservation Law. The exemption was based on the determination that there is no forest on the Property; the Property is less than 1.5 acres in size; there are no specimen or county champion trees on the Property; and if afforestation requirements were applied, planting would not exceed 10,000 square feet and forest could not be created. With this exemption, the Planning Board finds that the Application meets the requirements of Chapter 22A. No tree variance is required for properties that have received an exemption from the forest conservation law.

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

The Montgomery County Department of Permitting Services has approved a stormwater management concept plan that meets MCDPS' standards. The concept, approved by letter dated December 15, 2010, consists of Environmental Site Design which includes drywells. The approval letter notes

that other requirements may be imposed as the concept is further refined at the time of final design. Therefore, the Planning Board finds that the Application meets all applicable stormwater management requirements.

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 ("Neighborhood"), as delineated by Staff in the Staff Report and as analyzed below.*

Size: Lot sizes in the Neighborhood range from 20,000 square feet to 69,914 square feet. Ten of the existing lots in the Neighborhood are approximately 26,000 square feet or smaller, twenty-five of the existing lots in the Neighborhood are larger than 33,000 square feet in size. The proposed lots are 28,820 square feet and 24,107 square feet, respectively. The Planning Board finds that the size of the proposed lots is in character with the existing lots in the Neighborhood.

Width: Lot width is measured at the front building line (BRL). Lot widths in the Neighborhood range from 100 feet to 340 feet. Eighteen of the lots are at, or less than 150 feet in width at the BRL and seventeen are greater than 150 feet in width at the BRL. The proposed lots have lot widths of 160.27 feet and 136.41 feet. The Planning Board finds that the proposed lots will be in character with existing lots in the Neighborhood with respect to width.

Frontage: In the Neighborhood, lot frontages range from 25 feet to 319 feet. Proposed Lot 19 has 144.20 feet of frontage, and proposed Lot 20 has 136.41 feet of frontage, both on Mary Knoll Road. Of the thirty-five lots in the Neighborhood, eighteen of the lots are at, or have less than 150 feet of frontage and seventeen are greater than 150 feet in frontage width. The proposed lots fall within the midrange of the Neighborhood. Therefore, the Planning Board finds that the proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Area: The area of existing lots in the Neighborhood ranges from 6,416 square feet to 43,970 square feet with all lots evenly distributed throughout this range. The proposed lots will have buildable areas of 14,822 square feet and 11,879 square feet. The Planning Board finds that the proposed lots will be of the same character as other lots in the Neighborhood with respect to buildable area.

Alignment: The roads in the Neighborhood are a combination of curvilinear and grid roads creating variations in how lots align to the right-of-ways upon which they front. Of the thirty-five 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 Planning Board finds that 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-nine existing lots in the Neighborhood are rectangular and six lots are flag shaped (pipestem). The proposed lots are rectangular, much like the majority of existing lots in the Neighborhood. The Planning Board finds that the shape of the proposed lots will be in character with shapes of the existing lots in the Neighborhood.

Suitability for Residential Use: There are no known limitations that would prohibit development on these lots. The existing and the proposed lots are zoned residential and the Planning Board finds that the land is suitable for residential use.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval; and

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 NOV 22 2011 (which is the date that this Resolution is mailed to all parties of record); and

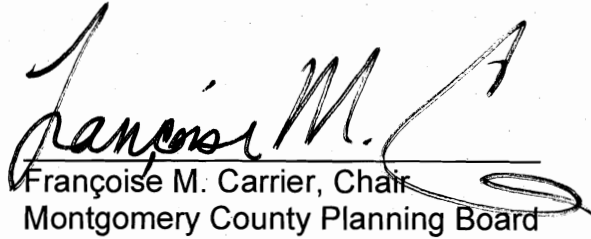
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland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