



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

MCPB No. 13-147  
Preliminary Plan No. 120110290  
Beverly Farms  
Date of Hearing: October 03, 2013

OCT 22 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on November 28, 2012, Suzanne Dawkins ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 0.95 acres of land in the R-90 zone, located on the north side of Tuckerman Lane, approximately 250 feet west of the intersection with Judy Place ("Subject Property"), in the Potomac Policy Area, 2002 Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120110290, Beverly Farms ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 20, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 3, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120110290 to create two lots on the Subject Property, subject to the following conditions:<sup>1</sup>

<sup>1</sup> 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.

Approved as to  
Legal Sufficiency:

*[Handwritten Signature]* 9/25/13

1. This Preliminary Plan is limited to 2 lot(s) for 2 dwelling units.
  2. The Applicant must comply with the Forest Conservation Exemption No. 42011128E, and the Tree Save Plan approved July 18, 2011. If construction requires the removal or additional impacts to tree nos. 5,7, 8, 14, 17 or 19 as identified on the Tree Save Plan, prior to building permit the Applicant must procure Staff approval of a revised Tree Save Plan that includes mitigation for impacts to the subject trees.
  3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 14, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
  5. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated July 24, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  6. Prior to recordation of the plat the Applicant must satisfy requirements to ensure the construction of a five (5) foot wide sidewalk along the property frontage on Tuckerman Lane, unless construction is waived by MCDPS.
  7. The certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height,
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and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

8. Prior to approval of the certified Preliminary Plan, the Applicant must make the following changes to the Preliminary Plan:
  - a. Modify the zoning standards table to show the minimum front setback in the R-90 zone as 30 feet, and acknowledge the established building line front setback as 40 feet, per Section 59-A-5.33 of the Zoning Code.
  - b. Show the approximate location of a new fire hydrant, approximately 400 feet away from the existing hydrant to the northwest of the Subject Property on Tuckerman Lane, consistent with the Fire & Rescue Plan approved by the Fire Marshal.
9. The record plat must reflect common ingress/egress and utility easements over the shared driveway, and show all other necessary easements.
10. 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.

BE IT FURTHER RESOLVED, that, having considered 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 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 Potomac Community Section of the Master Plan. The Master Plan notes that the Potomac community was mostly developed at the time of the Master Plan adoption, and has few general recommendations, except that residential infill development should continue on the remaining vacant properties similar to what exists in the area. The Preliminary Plan creates two lots, both of which exceed the required minimum lot size for the R-90 Zone, and continues a similar lot pattern established along this section of Tuckerman Lane.

The Master Plan designates Tuckerman Lane as an Arterial roadway, with two travel lanes and an 80 foot right-of-way. The road is built to full standards and the Master Plan right-of-way dedication has already been made, and therefore, no further dedication or construction is necessary. The Master Plan originally identified Tuckerman Lane to have a Class 1 off-road bike path (PB-3); however the 2005

Countywide Bikeways Functional Master Plan supersedes the local Master Plan and identifies this section of Tuckerman Lane as BL-23, an on-road bike lane. The existing pavement conditions along Tuckerman Lane provide for ample on-road bike facilities within the wide paved shoulders at the Subject Property's frontage.

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

The existing road and right-of-way conditions are adequate to serve the subdivision. The lots do not generate 30 or more vehicle trips during the morning or evening peak hours, and therefore the Application is not subject to the Local Area Transportation Review. The Application also does not generate more than three vehicle trips during the morning or evening peak hours, making the Application exempt from the Transportation Policy Area Review. The Application has an approved site distance study for the shared driveway location shown on the Preliminary Plan.

The Subject Property has frontage along Tuckerman Lane, and the full 80 feet of right-of-way was previously dedicated along the Property frontage. MCDOT requires that the Application provide sidewalks as a standard for properties that develop in the R-90 zone, and with frontage along an Arterial roadway. The Application proposes only two lots (one new) which would generate minimal pedestrian activity, and there are no existing sidewalks in the vicinity or opportunities for new developments to contribute to any meaningful connection or completion of a sidewalk system. However, the Applicant will provide a five foot wide sidewalk along Tuckerman Lane as shown on the Preliminary Plan unless waived by MCDPS.

Other public facilities and services are available and adequate to serve the approved lots. The Subject Property is located in the W1 and S1 water and sewer service categories and has access to the existing water and sewer lines that abut the Subject Property within the Tuckerman Lane right-of-way. The Application was also reviewed by the Montgomery County Fire Marshal's office, and access for emergency apparatus was approved on July 21, 2011. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is located in the Churchill High School cluster, which is not identified as a school moratorium area and is not subject to a School Facilities Payment.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application conforms to all applicable sections. The lot size, width, shape and orientation are appropriate for the location of the subdivision in the R-90 Zone, taking into consideration the recommendations in the Master Plan.

The lots meet all the dimensional requirements for the R-90 zone for area, width and frontage, and a one-family detached dwelling can meet the setbacks in that zone. The Subject Property conforms to Section 59-A-5.33 of the Zoning Ordinance pertaining to Established Building Lines ("EBL") because the existing dwellings along its north side are all set back 40 feet from the front property lines. The Preliminary Plan shows how a house on proposed lot 32, which fronts directly on Tuckerman Lane, can be located to meet the 40 foot EBL as well as side and rear yard setbacks.

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

- A. Forest Conservation

Forest Conservation Exemption, No. 42011128E was approved on July 18, 2011 for the Subject Property, and the Preliminary Plan meets the requirements of the Exemption. The exemption covers any activity conducted on a tract less than 1 acre that does not result in the clearing of more than a total of 30,000 square feet of existing forest, or any existing specimen or champion tree, and where reforestation requirements would not exceed 10,000 square feet. The Subject Property is 41,466 square feet, with an additional off-site disturbance area of 1,983 square feet shown in the right-of-way for a total net tract area of 43,449 square feet. Although the Subject Property is covered in tree canopy, it neither meets the definition of forest, nor are there existing specimen or champion trees proposed for removal. The Subject Property is subject to an approved Tree Save Plan and as conditioned, any additional impacts to certain identified trees will require an amendment to that plan.

5. *All storm water management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Section 19-20 through 19-35.*

The MCDPS Water Resource Section approved the stormwater management concept for the Application on July 24, 2013. The stormwater concept proposes meeting stormwater management goals using Environmental Site Design standards including drywells, micro infiltration trenches and non-rooftop disconnections.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; 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)), 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 in the Montgomery County Land Records, or a request for an extension must be filed; and

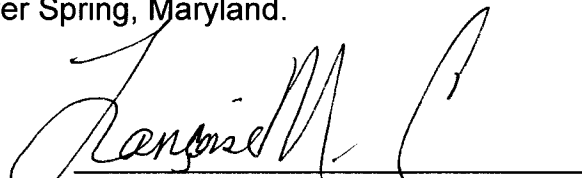
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 22 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor, and Commissioner Anderson absent, at its regular meeting held on Thursday, October 3, 2013, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board