



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

JUL 18 2014

MCPB No. 14-38
 Preliminary Plan No. 120130150
 Broadmeadow Farm (Slover Property)
 Date of Hearing: June 5, 2014

RESOLUTION

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

WHEREAS, on April 10, 2013, William L. and Katherine A. Slover ("Applicant") filed an application for approval of a preliminary plan of subdivision that would create three lots on 10.13 acres (P115) of land in the RE-2 zone, located at 9460 River Road, approximately 600 feet east of Newbridge Drive, Potomac, ("Subject Property"), in the Rural West Policy Area of the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120130150 Broadmeadow Farm (Slover Property) ("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 May 22, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 5, 2014, the Planning Board held a public hearing on the Application, and at the hearing 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. 1201301150 to create three lots on the Subject Property, subject

Approved as to
 Legal Sufficiency

[Handwritten Signature]
 M-NCPPC Legal Department
 www.montgomeryplanningboard.org

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
 E-Mail: mcp-chair@mncppc-mc.org

to the following conditions:¹

- 1) This Preliminary Plan is limited to three lots for one detached dwelling unit each.
- 2) The Applicant must comply with the conditions of approval of the Forest Conservation Plan approved as part of this Preliminary Plan, subject to:
 - a) Prior to land-disturbing activities, a certificate of compliance documenting purchase of off-site forest mitigation credits in accordance with the forest conservation plan must be approved by the M-NCPPC Office of General Counsel and recorded in the Land Records of Montgomery County, Maryland, by the Applicant.
- 3) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 11, 2014, and hereby incorporates 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 issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by the Maryland State Highway Administration ("MSHA").
- 5) The Planning Board has accepted the recommendations of the MSHA; Highway Hydraulics Division in its letter dated November 12, 2013, and hereby incorporates 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 MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) The Planning Board has accepted the recommendations of the Montgomery County Department of Fire and Rescue Services ("MCFRS") in its memorandum dated May 5, 2014, and hereby incorporates them as

¹ 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.

conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 7) 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 January 22, 2013, and hereby incorporates 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.
- 8) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Well and Septic Section in an email dated June 28, 2013 and the Montgomery County Department of Environmental Protection ("MCDEP") – Water & Wastewater Policy Group letter dated May 6, 2014, and hereby incorporates 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 – Well and Septic Section and MCDEP Water & Wastewater Policy Group, respectively, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9) The Applicant must dedicate and show on the record plat(s) the following dedication mandated by the Potomac Subregion Master Plan:
 - Seventy-five (75) feet from the existing pavement centerline along the Subject Property frontage for River Road.
- 10) The Applicant must construct all road improvements within the right-of-way shown on the Certified Preliminary Plan in accordance with road code standards. Only those roads (or portions thereof) expressly designated on the Certified Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.
- 11) 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, and site circulation 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. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

- 12) The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this 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 subdivision comports with the low density character of the residential wedge recommended by the Master Plan. The Master Plan allows for the limited provision of community sewer service for areas zoned RE-2 within and at the periphery of the proposed sewer envelope. The Subject Property is within the approved sewer service envelope.

The Master Plan recommends a minimum right-of-way of 150 feet for River Road. As conditioned, the Applicant will dedicate approximately 75 feet from the centerline of River Road to meet this requirement.

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

The approved lots will 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. The Subject Property is located in the Rural West Policy Area which is exempt from Transportation Policy Area Review. Sidewalks are not required because the RE-2 zone (large lots) is in the rural area defined by the County Road Code. Vehicular and pedestrian access for the Subject Property will be safe and adequate.

Other public facilities and services are available and will be adequate to serve the approved lots. Public water and sewer systems have been approved by MCDPS to serve the dwelling units. Gas, electrical and telecommunications services are available to serve the Subject Property. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

The approved lots are 5.76, 2.0 and 2.0 acres respectively to accommodate one existing and two proposed single-family detached dwelling units. The lots are oriented in a traditional perpendicular fashion to the street upon which they front and similar to the majority of lot orientations in the general area.

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

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. There is no forest disturbance, but there is a forest mitigation requirement of 1.97 acres. In order to preserve the existing and future use of this property as a horse farm, forest mitigation requirements will be met off-site at a forest mitigation bank. No specimen trees will be disturbed as part of this Forest Conservation 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.*

This finding is based in part upon the determination by MCDPS and MSHA that the Stormwater Management Concept Plan meets applicable standards. The MCDPS-Water Resources Section approved a stormwater management concept for the Application by letter dated January 22, 2013.

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 Pre-Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

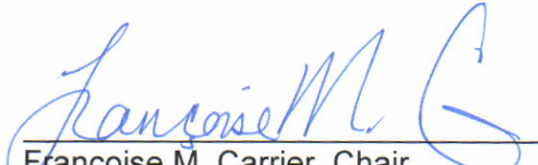
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 18 2014 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, June 5, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board