



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

DEC 10 2014

**MCPB No. 14-115**  
**Preliminary Plan No. 120140200**  
**Northwood Knolls**  
**Date of Hearing: December 4, 2014**

**RESOLUTION**

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

WHEREAS, on June 5, 2014, Robert Conner, LLC on behalf of the Charles Clements Trust ("Applicant"), filed an application for approval of a preliminary plan of subdivision that, by resubdividing an existing lot would create three lots on 33,354 square feet of land in the R-60 Zone, located at 503 Dennis Avenue, approximately 500 feet east of the intersection Dennis Avenue and University Boulevard West ("Subject Property"), in the Four Corners Master Plan ("Master Plan") area; and

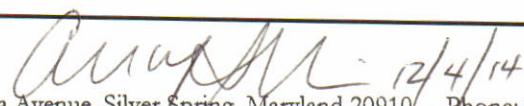
WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120140200, Northwood Knolls ("Preliminary Plan" or "Application"); and

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 November 21, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 4, 2014, 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.

Approved as to  
Legal Sufficiency:

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



NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120140200 to create three lots on the Subject Property, subject to the following conditions:<sup>1</sup>

- 1) This Preliminary Plan is limited to three lots for three one-family detached dwelling units.
- 2) The Applicant must replace the existing 4-foot wide sidewalks along the Subject Property frontage on Dennis Avenue with 5-foot-wide sidewalks with a green panel and street trees, extend this reconstructed sidewalk off-site to the existing cul-de-sacs to the east and west of the Subject Property line, and provide a pedestrian connection to the existing bus stops, as shown on the Preliminary Plan.
- 3) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 2, 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 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 October 1, 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 – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) The Subject Property is within the Northwood school cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary, middle, and high school level at the single-family detached unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 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

---

<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.



determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, 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) 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.
- 9) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 10) The record plat must show necessary easements.

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 Master Plan supports the retention and reconfirmation of the R-60 Zone and residential land-use for the Subject Property. There are no specific recommendations for the Subject Property or surrounding area that are applicable. The Master Plan contains a general recommendation regarding vehicular and pedestrian connectivity. The Preliminary Plan satisfies that recommendation by providing adequate vehicular and pedestrian access to the site, and by improving the sidewalks along Dennis Avenue. Other agencies have reviewed the application and determined that the use will not adversely impact environmental, land use and zoning, transportation, or community facilities as identified by the Master Plan. The Application will create three lots that are consistent with the zoning and residential use identified by the Master Plan.

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

#### Roads and Transportation Facilities

The Preliminary Plan does 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 Preliminary Plan does not generate three or more new peak-hour trips. Therefore, Transportation Policy Area Review mitigation is not required.



Dennis Avenue is a 60-foot wide primary residential street, P-7, with Class II or PB-10, signed shared roadway bikeway as recommended in the 1996 Approved and Adopted Master Plan. Additional dedication of roadway right-of-way is not required.

Sidewalks are required for lots in the R-60 Zone. The Applicant is required to replace the existing 4-foot wide sidewalks with 5-foot wide sidewalks with a green panel and street trees along the property frontage of Dennis Avenue. In addition, the Applicant is required to extend this reconstructed sidewalk off-site to the existing cul-de-sacs to the east and west of the property line and to provide a sidewalk connection to the existing bus stops, as shown on the Preliminary Plan.

#### Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the dwelling units. The Application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. Electrical and telecommunications services are also available to serve the Subject Property. The Subject Property is within the Northwood school cluster, which is subject to a School Facilities Payment at the elementary, middle, and high school levels. Therefore, a school facilities payment related to the Subdivision Staging Policy is required for the two new residential units/lots.

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

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections and, per the resubdivision analysis, the Board finds that the new lots will be of the same character as other lots in the existing Neighborhood.

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

The Subject Property is subject to Chapter 22A Montgomery County Forest Conservation Law. However, per Forest Conservation Plan ("FCP") Exemption 42014143E approved April 1, 2014, the Applicant is exempt from the requirement of submitting an FCP. This exemption is based on an activity occurring on a tract of land less than 1.0 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. Per Section 22A-6(b),



the Applicant submitted a tree save plan showing detailed and specific tree protection measures for on-site and off-site trees.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the Subject Property. This finding is based on the determination by DPS that the Stormwater Management Concept Plan approval meets DPS' standards.*

The MCDPS Stormwater Management Section issued a letter accepting the stormwater management concept for the Northwood Knolls site on October 1, 2014. The stormwater management concept proposes to meet required stormwater management goals via Environmentally Sensitive Design through the use of dry wells, landscape infiltration, permeable pavement, and non-rooftop disconnect.

6. *Although each of the resubdivision criteria as set forth in Section 50-29(b)(2) are not met for lots 31 and 32, the three new lots are of the same character as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"). The Planning Board granted Subdivision Regulation Waivers providing relief from the frontage and shape requirements of Section 50-29(b)(2) for Lot 31, and providing relief from the frontage, size, and shape requirements of Section 50-29(b)(2) for Lot 32.*

**Frontage:** Lot frontage ranges from 29 feet to 130 feet. The frontage for Lot 30 (75 feet) clearly falls within the acceptable range established by the Neighborhood.

Lots 31 and 32 are flag lots, and each will have 25 feet of frontage. These would be the smallest in the Neighborhood, and not within the range of all other lots. However, Lot 17, which abuts the Property, has 29 feet of frontage. Therefore, the Planning Board granted a Subdivision Regulations Waiver.

**Alignment:** The road network in the Neighborhood is a combination of grid and cul-de-sac pattern. The majority of the lots in the Neighborhood are perpendicular to Dennis Avenue, while there are two small cul-de-sacs that create a radial alignment. The three new lots will be perpendicular to Dennis Avenue.

**Size:** Lot sizes in the Neighborhood range from 5,500 square feet to 12,158 square feet. Lots 30 and 31 will be 7,895 square feet and 10,077 square feet, respectively.

Lot 32 will be 15,382 square feet in size. The Subject Property is currently 33,354 square feet in size and the largest in the Neighborhood. Once subdivided, although Lot 32 will be the largest in the neighborhood, it will be less than ½ the size of the current configuration and excess square footage is contained in the pipestem. Actual usable



area of the lot is in conformance with the Neighborhood. Therefore, the Planning Board granted a Subdivision Regulations Waiver.

**Shape:** Thirty of the existing lots in the Neighborhood are rectangular, 17 are irregular, and six are triangular/wedge shaped. Lot 30 is rectangular, which is consistent with the majority of the lots in the Neighborhood. Lots 31 and 32 will both be pipestem with respect to shape. Currently, there are no pipestem shaped lots in the Neighborhood. However, when the Subject Property and surrounding block was originally platted, the owner arranged the lots and blocks leaving no other way to further subdivide unless the Planning Board would approve a pipestem configuration, or waive the requirement for lot frontage entirely. Therefore, the Planning Board granted a Subdivision Regulations Waiver.

**Width:** Lot widths in the Neighborhood range from 50 feet to 130 feet. Lots 30, 31, and 32 have a lot width of 75 feet, 100 feet, and 125 feet, respectively.

**Area:** The buildable area of existing lots in the Neighborhood ranges from 2,149 square feet to 7,207 square feet. Lots 30, 31, and 32 will have buildable areas of 3,435, 3,809, and 6,221 square feet, respectively.

**Suitability for Residential Use:** The existing and the approved lots are zoned residential and the land is developed for residential use.

#### *7. Subdivision Regulations Waiver, 50-38*

The Planning Board, pursuant to Section 50-38(a)(1), grants a waiver to the requirements of Section 50-29(b)(2) for frontage and shape for Lot 31, and for frontage, size, and shape for Lot 32. Practical difficulties exist, due to the size and shape of the Subject Property that prevent full compliance with the requirements. The waiver is the minimum necessary to provide relief from the requirements; is not inconsistent with the purposes and objectives of the General Plan; and is not adverse to the public interest.

The Subject Property is by far the largest lot in the Neighborhood, but has only 125 feet of frontage. The Subject Property's configuration with narrow street frontage, long depth, and the frontage and minimum width at front building restriction standards of the Zone limit the number of lots that could otherwise be approved on a property with longer frontage along Dennis Avenue. As was previously presented and discussed with the Planning Board at the Pre-Preliminary Plan hearing on May 16, 2013, any approval of a subdivision including more than two lots on the Subject Property would require a waiver of certain resubdivision criteria.

Lot 30 does not require a waiver. Lot 31 is consistent with alignment, size, width, area and suitability for residential use, but a waiver is required for street frontage and shape.



Lot 32 is consistent with alignment, width, area and suitability for residential use, but a waiver is required for street frontage, size, and shape.

The Subject Property is much larger compared to the other lots in the existing Neighborhood. And due to its size, shape, and location within the existing subdivision, the configuration of the new lots carries with it certain physical limitations. However, most of the subdivision criteria is met for each new lot, and regardless, the new lots are still of similar character to other lots in the Neighborhood. *Therefore, the waiver is the minimum necessary to provide relief from the requirements.*

The Master Plan recommends retention and reconfirmation of the R-60 Zone and residential development. The Applicant's resubdivision is consistent with the recommendations of the Master Plan. *Therefore, the waiver is not inconsistent with the General Plan.*

The new lots provide adequate buildable area for appropriate orientation of new houses while providing for required setbacks and stormwater management facilities. No other reviewing agency has raised any concerns or objections to granting the waiver. *Therefore, the waiver is not adverse to the public interest.*

Therefore, the Planning Board, pursuant to Section 50-38(a)(1), grants a waiver to the requirements of Section 50-29(b)(2) for frontage and shape for Lot 31, and for frontage, size, and shape for Lot 32.

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 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 DEC 10 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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-Gonzalez voting in favor at its regular meeting held on Thursday, December 4, 2014, in Silver Spring, Maryland.



---

Casey Anderson, Chair  
Montgomery County Planning Board