



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

**MAR 17 2015**

MCPB No. 15-26  
 Preliminary Plan No. 120140190  
 Horizon Hill, Lot 48  
 Date of Hearing: March 12, 2015

**RESOLUTION**

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

WHEREAS, on March 27, 2014, Rory S. Coakley ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 4.06 acres of land in the RE-2 zone, located at 10812 Red Barn Lane ("Subject Property"), in the Rural West Policy Area, 2002 Potomac Subregion master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120140190, Horizon Hill, Lot 48 ("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 February 27, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 12, 2015, 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. 120140190 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]* - 3/4/15

1. This Preliminary Plan is limited to two lots for two dwelling units.
2. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by Montgomery County Department of Transportation ("MCDOT") and Montgomery County Fire and Rescue Service ("MCFRS").
3. 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 21, 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.

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 recommends that the Subject Property and neighboring properties continue to be zoned RE-2, and the Application is for the continued low density residential use that provides the low density transition envisioned by the Master Plan.

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

The Local Area Transportation Review ("LATR") guidelines require a traffic study to be performed if the development generates 30 or more peak-hour trips. The Application is expected to generate traffic volumes well below the 30-trip threshold. Therefore, no LATR is required.

The Subject Property is located in the Rural West Policy Area which is defined as "exempt" under the transit test and "exempt" under the roadway test for Transportation Policy Area Review ("TPAR"). Therefore, no TPAR Mitigation is required.

The Application is within the Winston Churchill school cluster, which is operating at acceptable classroom levels for the elementary, middle, and high schools. Therefore, the Application is not subject to a Schools Facilities Payment.



The Subject Property is within the sewer service envelope recommended by the Master Plan and is appropriately served. Public facilities and services including electric, communication, water and sewer, are all available to the surrounding subdivision and will be adequate to serve the Subject Property.

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.*

The size, width, shape and orientation of the new lots are appropriate for the location of the subdivision since they are identical to the two lots approved with the original Horizon Hill Subdivision. The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone.

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

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

A final forest conservation plan ("FFCP") was approved with Site Plan #819990440 for the Horizon Hill Subdivision (aka Lankler Property) of which the Subject Property was a part. The FFCP set all the conservation easements and planting requirements for the overall subdivision including an approximately 0.38 acre Category I easement on the Subject Property. All forest conservation requirements were met with FFCP #819990440 and continue to be met with this Application. The Application is in compliance with the previously approved FFCP.

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 that the Stormwater Management Concept Plan meets applicable standards.

The Subject Property is located within the Piney Branch Special Protection Area ("SPA"). Under the provision of the SPA law, Chapter 19 of the Montgomery County Code, MCDPS determines whether a development application requires submission of a Water Quality Plan or a Water Quality Inventory.

MCDPS has determined that this Project is not required to submit a Water Quality Plan, under Section 19.67.01.04 Exemptions, and only requires a Water Quality Inventory submission. Since the project is exempt from submitting a Water Quality Plan, there are no imperviousness or other SPA findings required. The Planning Board has no regulatory jurisdiction over with the approval of a Water Quality Inventory.

The MCDPS – Water Resources Section approved the Water Quality Inventory, including a stormwater management concept, for the Application by letter dated October 21, 2014. Stormwater management will be accommodated by using Environmental Site Design practices including landscaped infiltration features. Stormwater management requirements are met as provided in Chapter 19 of the County Code.

6. *The approved 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 (as delineated in the Staff Report).*

Table 2 in the Staff Report provides a comparison of the subdivision criteria set forth in Section 50-29(b)(2) of the County Code required for the Board's review of the new lots in relation to the existing lots in the delineated Neighborhood.

Frontage: Lot 1 has a frontage of 167 feet on Red Barn Lane and Lot 2 has a frontage of 162 feet on Red Barn Lane. The new lots fall within the range of frontage for the other lots within the Neighborhood, and therefore are of the same character as the existing lots in the Neighborhood with respect to lot frontage.

Alignment: Lots 1 and 2 are angular lots, similar to many of the existing lots. The new lots are of the same character as existing lots with respect to the alignment criteria.

Size: Lots 1 and 2 are 89,076 and 87,952 square feet in size, respectively. The new lots fall within the size range of the existing lots within the neighborhood, and therefore the new lot sizes are in character with the size of existing lots in the Neighborhood.



Shape: The lots are irregularly shaped similar to many of the existing lots. The shapes of the lots are in character with shapes of the existing lots.

Width: Lot 1 has a width of 167 feet. Lot 2 has a width of 164 feet. The new lots fall within the width range of the existing lots within the Neighborhood, and therefore the new lots are in character with existing lots in the neighborhood with respect to width.

Area: Lot 1 has a buildable area of 80,000 square feet. Proposed Lot 2 has a buildable area of 60,000 square feet. The new lots fall within the area range of the existing lots within the Neighborhood, and therefore the new lots are of the same character as other lots in the neighborhood with respect to buildable area.

Suitability for Residential Use: The new lots are zoned residential and the Subject Property is suitable for residential use.

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; 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 MAR 17 2015 (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 Dreyfuss, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, March 12, 2015, in Silver Spring, Maryland.



---

Casey Anderson, Chair  
Montgomery County Planning Board