



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

MCPB No. 15-127  
Preliminary Plan No. 120140180  
Potomac Chase – 12710 High Meadow Road  
Date of Hearing: October 1, 2015

NOV 18 2015

**RESOLUTION**

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

WHEREAS, on May 15, 2015, Cindy and Ralph Coffman (“Applicant”), filed an application for approval of a preliminary plan of subdivision of property that would create six (6) lots on 7.44 acres of land in the R-200, RE-2, and RE-2C zone, located at 12710 High Meadow Road (“Subject Property”), in the North Potomac Policy Area, Potomac Subregion Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120140180, Potomac Chase – 12710 High Meadow Road (“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 16, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 1, 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, on October 1, 2015 the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Wells-Harley, seconded by Commissioner Dreyfuss, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves

Approved as to  
Legal Sufficiency

  
8/7/15  
Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

Preliminary Plan No. 120140180 to create six (6) lots on the Subject Property, subject to the following conditions:<sup>1</sup>

1. This Applicant is limited to six (6) lots for six (6) single family detached homes.
2. Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan (PFCP) No. 120140180:
  - a. Prior to Planning Board approval of the record plat, the Applicant must obtain Staff approval of a Final Forest Conservation Plan (FFCP) consistent with the approved Preliminary Forest Conservation Plan.
  - b. The limits of disturbance shown on the Final Sediment Control Plan must be consistent with the limits of disturbance shown on the approved FFCP.
  - c. The Applicant must comply with all tree protection and tree save measures shown on the approved PFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated December 31, 2014, including revised sight distance evaluations dated September 30, 2015 as a supplement to MCDOT's original letter, and hereby incorporates them as conditions of the Preliminary Plan approval, except for comments #3, #4, #14B, and #14A that refer to improvements on Jones Lane extending to Altice Court because they refer to inaccurate cross sections and/or are beyond the limits of disturbance for this Application. Therefore, the Applicant must comply with each of the recommendations, except those referenced above, 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. The Applicant must dedicate and show on the record plat a dedication of 35-feet of right-of-way on Jones Lane from the Baseline of Survey and Right-of-way line shown on Right-of-way Plat File No. 166.
5. Prior to the issuance of any building permit on Lot C, D, E, or F as shown on the Preliminary Plan, the Applicant must widen Jones Lane from the northern boundary of Lot C to High Meadow Court to MCDOT Road Code Standard MC-212.05: Primary Residential Street Modified with a minimum of 70-foot right-of-way and the sidewalk placed in a Public Improvement Easement.

---

<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.



6. Prior to the issuance of any building permit on Lot C, D, E, or F as shown on the Preliminary Plan, the Applicant must construct a minimum 5-foot wide sidewalk, including necessary ramps, on the east side of Jones Lane from High Meadow Road to the existing sidewalk to the north and across the frontage of Lot 116. In front of Lots C, D, E, and F, the sidewalk is to be placed in a Public Improvement Easement (PIE) as shown on the Preliminary Plan and must be depicted on the record plat.
7. Access to lots C, D, and E is limited to Jones Lane and access to Lots A, B, and F is limited to High Meadow Road as shown on the Preliminary Plan.
8. The Applicant must satisfy the Adequate Public Facilities – Transportation Policy Area Review (TPAR) test by making a TPAR payment, equal to 25% of the applicable development impact tax, to the Montgomery County Department of Permitting Services at the time of building permit.
9. 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 April 10, 2015, 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.
10. 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, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
11. Record plat must show all necessary easements.
12. Lots C, D, E, and F, as shown on the Preliminary Plan, shall be served by public sewer from the rear lot line.

13. Prior to Certification of the Preliminary Plan, the Applicant shall revise the Site/Zoning Data Table to correct the required side yard setbacks for the R-200 zone.
14. 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.
15. The Subject Property is within the Quince Orchard High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary school and high school level at the single-family detached unit rate 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. 50-35(a)(8) and 50-35(k).

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 Planning Board finds the Application to be consistent with the 2002 Potomac Subregion Master Plan. The Subject Property is located in the “North Potomac” area. The Master Plan did not make specific recommendations for this Property but did attempt to clarify the Property’s split-zoning by recommending adjustments to zoning boundaries. The Application addresses the split zoning by locating smaller lots along Jones Lane in the R-200 Zone and locating larger lots along High Meadow Road, in the RE-2 zone. This pattern maintains the prevailing lot pattern along both roads. The Property is within the sewer envelope set by the 2002 Master Plan, which generally recommends sewer service on the east side of Jones Lane but not on the west side.

The Application indicates that the following road dedication will be made and shown on the record plat.

- Jones Lane: A primary residential road (P-15) with two travel lanes with a right-of-way of 70 feet.

The 2005 Approved and Adopted Countywide Bikeways Functional Master Plan has no recommendations for nearby bikeway facilities that affect the Subject Property.



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

### Vehicular and Pedestrian Access

Single driveways will provide adequate access to each lot. Three lots will have driveway access to Jones Lane. The corner lot at the northeast corner of Jones Lane and High Meadow Road will have access to High Meadow Road as will the two large lots that front on High Meadow Road. Vehicle parking is to be provided on-site on driveways and/or private garages.

The Applicant must reconstruct the northbound side of Jones Lane from High Meadow Road to the northern edge of Lot C for an open section road with a drainage swale. The Applicant must also construct a 5-foot sidewalk on the northbound side of Jones Lane from the High Meadow Road to the existing sidewalk that currently terminates north of Lot 116, which is not part of this Application.

The Planning Board determines that the Applicant does not need to construct a sidewalk on High Meadow Road. Based on Section 49-33.e.1.C of the Montgomery County Zoning Code, the Planning Board can find that a sidewalk on a tertiary street does not need to be constructed if is unnecessary for pedestrian movement. High Meadow Road is classified as a tertiary residential street with 42 existing homes in the subdivision. There are no sidewalks in the subdivision and High Meadow Road does not connect to any other subdivision. High Meadow Road is not a through street and traffic volumes are relatively light. The Planning Board determines that safe pedestrian access is available using the edge of pavement or the shoulder of High Meadow Road.

### Local Area Transportation Review (LATR)

The Preliminary Plan for five additional single family detached homes does not trigger LATR since the five new additional homes will only generate five additional trips in the AM and PM peak hour. The threshold for an LATR review, according to the LATR Guidelines, is 30 net new additional trips.

### Transportation Policy Area Review (TPAR)

The Property is located in the North Potomac Policy Area. According to the 2012-2016 Subdivision Staging Policy, the North Potomac Area is adequate under the roadway test but inadequate under the transit test; therefore, a TPAR of 25% of the General District Transportation Impact Tax is required.

### Transportation Summary



The Planning Board incorporated the recommendations of the MCDOT letter dated December 14, 2014 as conditions of approval except for recommendations #3, #4, #14B, and #14A which refer to inaccurate cross sections and/or are beyond the limits of disturbance for this Application.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the lots. The Property is in the W-1 and S-1 water and sewer service categories and will utilize existing public water in sewer lines in the vicinity.

The Application was reviewed by the Montgomery County Fire Marshal's office, and a Fire Access Plan was approved on May 12, 2015. 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 Resolution currently in effect. The Application is located in the Quince Orchard High School cluster, which is identified as a school facility payment area; and is subject to a School Facilities Payment at the elementary school and high school level.

- 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 approved lots were found to be appropriate for the intended use and for location of the subdivision. The lots meet the dimensional standards established by their respective zoning classifications. Lot F, located at the intersection of Jones Lane and High Meadow Road was approved with larger dimensional proportions than the three other approved lots fronting on Jones Lane to address concerns raised by residents that this corner lot serves as the entry way to their community and should be larger than the minimum dimensional standards established by the Zone.

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

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

The Property has no forest to protect and due to the site conditions with respect to the shallow soils, the 1.44-acre forest mitigation requirement is to take place at an off-site location.

Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to one Protected Tree as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting of the variance is not unique to this Applicant. This type of off-site improvement is typical and the variance will not confer on the Applicant a special privilege that would be denied to other applicants

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The variance is not based on conditions or circumstances which are the result of the action by the Applicant, but rather on the site conditions and the requirement to complete a pathway and water line connection mandated by the master plan and by the Washington Suburban Sanitary Commission. There are no feasible options to realign the pathway or connect the water system in order to completely avoid the Protected Tree.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not related in any way to a condition on an adjacent, neighboring property.



4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

There are no streams or wetlands in the vicinity of the tree. This minimal impact to the tree root zone will not violate State water quality standards.

No mitigation is required for the impact to the Protected Tree.

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

The MCDPS Stormwater Management Section approved a stormwater management concept plan on April 10, 2015. The stormwater management concept consists of dry wells, pervious pavement and micro-bioretenion.

6. *Resubdivision – Pursuant to Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board considered a Resubdivision analysis for Lot F. The Planning Board determines that Lot F is 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).*

Size: Lot F is in character with the size of existing lots in the Neighborhood. The lot size proposed for Lot F is 41,088 square feet. The range of lot sizes in the Neighborhood is between 23,092 and 63,656 square feet.

Width: Lot F will be similar in character with existing lots in the Neighborhood with respect to width. The width of Lot F at the building line adjacent to one street frontage is 123 feet and 287 feet for the building line width along the other street frontage. The range of corner lot widths within the Neighborhood is between 70 and 71 feet for one BRL width and 164 and 165 feet for the opposite BRL width. The Staff Report noted that the width of Lot F is not within the range of lot widths for other corner lots. As discussed in the Staff Report, the dimensional proportions of Lot F were intentionally made larger to address concerns of the adjoining community on High Meadows Road, As a corner lot, the community contended that Lot F helps frame the entrance to High Meadows Road in conjunction with an existing lot in the RE-2 zone confronting Lot F on High Meadows Road. The community requested that the dimensions of Lot F be larger to allow for a house location that could be set back further from the two intersecting streets in keeping with the house location on the confronting lot. Because of the specific location of Lot F at the entrance to the High Meadows Road community, the Planning Board supported Lot F with a width that was



wider than other corner lots in the Neighborhood in order to address the character needs of Lot F at that location.

Frontage: Lot F is of similar character as existing lots in the Neighborhood with respect to lot frontage. The proposed corner lot has two frontages of 150 and 358 feet. In the Neighborhood, the range of corner lot frontages is between 107 and 115 feet for one corner and 202 to 204 feet for the opposite corner. Similar to the discussion above for “lot width”, the frontage dimension of Lot F was intentionally recommended by the Staff Report to be wider than other corner lots in the Neighborhood. The location of Lot F at the entrance to the High Meadows community was seen as an important entrance feature by members of the community. In order to provide an opportunity to locate the house on Lot F further from the two intersecting roads, it was necessary to expand the frontages (and lot widths) adjacent to both roads. The Planning Board found that even though the lot frontages for Lot F were wider than other corner lots, it was in character with existing lots in the Neighborhood.

Area: Lot F is of the same character as existing lots in the Neighborhood with respect to buildable area. The proposed corner lot has a buildable area of 18,973 square feet; within the range of buildable areas for lots in the Neighborhood which range between 8,298 and 44,145 square feet.

Alignment: Lot F is of the same character as existing lots in the Neighborhood with respect to alignment. The alignment of the proposed lot is generally parallel to the streets. Lots in the Neighborhood are a mix of perpendicular and parallel alignments.

Shape: The shape of Lot F will be in character with shapes of the existing lots in the Neighborhood. Lot F is a corner lot. While larger in size, it is a similar shape to the two other corner lots contained in the Neighborhood. The Neighborhood contains a mix of lot shapes including pipestem, rectangular, triangular and irregular shapes.

Suitability for Residential Use: The existing lots and Lot F within the identified Neighborhood are all zoned R-200 and are suitable for residential use.

7. According to Section 50-38 of the Subdivision Regulations the Planning Board may grant a waiver from requirements of Chapter 50 upon a determination that practical difficulties or unusual circumstances exist that prevent an application from fully complying with the Subdivision Regulations. The Planning Board must consider three findings: 1) the waiver is the minimum necessary to provide relief from the requirements; 2) the waiver is not inconsistent with the purposes and



objective of the General Plan; and 3) the waiver is not adverse to the public interest.

Pursuant to Section 50-38, the Applicant submitted a request to waive resubdivision analysis for Lot B as shown on the Preliminary Plan. To create the boundaries of Lot B, the Applicant deemed it logical to include a very small portion (2,265 square feet) of existing Outlot A within the lot area for Lot B. Because Outlot A was shown on a previously recorded record plat, its inclusion in creating the new Lot B, triggered a resubdivision analysis under 50-29(b)(2). The Staff Report considered three alternatives to address this fragment: 1) Exclude the 0.052 acre outlot from Lot B and leave it as an unplatted remainder; (determined to be adverse to harmonious development) 2) Include this 0.052 acre fragment within the boundary of adjacent Lot F (the result being a poorly shaped lot promoting boundary conflicts between future lot owners); and 3) Include the 0.052 acre fragment with Lot B to create the most reasonably shaped lot. This Application includes Option 3, above, and the Applicant has requested a waiver of the resubdivision analysis for Lot B only.

The Planning Board agreed with the analysis in the Staff Report finding that subjecting Lot B to the Resubdivision criteria, was an unusual circumstance given the extremely small size of the part of Outlot B that triggered the need for the Resubdivision analysis. The Planning Board also weighed the three options presented in the Staff Report and found that it was more logical to include the fragment of Outlot B within the boundaries of Lot B as shown on the Preliminary Plan and that this was also an unusual circumstance.

The Planning Board determined that the waiver met the following findings and granted a waiver of 50-29(b)(2) for Lot B only:

*Minimum necessary*

The waiver of 50-29(b)(2) for Lot B only is the minimum necessary to provide relief from the requirement of Resubdivision.

*General Plan*

This Application is in the Residential Wedge of the General Plan which promotes low density residential areas. The Potomac Master Plan recognizes the low density recommendations of the General Plan by recommending R-200, RE-2C and RE-2 zoning. The waiver allows for a Lot B to be recorded in accordance with the density envisioned by the General Plan and zoning recommended by the Potomac Master Plan. Therefore, granting the waiver will not conflict with the General Plan.



Public Interest

The waiver serves the public interest by allowing a lot that is reasonably shaped and for a subdivision that is properly designed. The waiver reduces the need for an unplatted remnant piece of land to remain as a separate taxable entity in the land records and the waiver greatly reduces the potential for creating lot owner disputes over a poorly shaped lot. Therefore, there is no adverse public interest in granting this waiver.

The Planning Board grants the waiver for resubdivision analysis in Section 50-29(b)(2) for Lot B as shown on the Preliminary Plan.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 85 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 NOV 18 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 Fani-González, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, November 12, 2015, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board