



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

MCPB
Item # _____
December 7, 2006



MEMORANDUM

DATE: November 6, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CAC*
Development Review Division

FROM: Dolores Kinney, Senior Planner *DK*
Development Review

REVIEW TYPE: Pre-preliminary Plan of Subdivision, Parcel 700

APPLYING FOR: 1 one-family detached residential lot

PROJECT NAME: Snyder Property

CASE #: 720060210

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RDT

LOCATION: Located on the north side of Damascus Road, approximately 2,500 feet west of the intersection with Howard Chapel Road

MASTER PLAN: Olney

APPLICANT: Jessica Snyder

ENGINEER: Dewberry

FILING DATE: December 7, 2005

HEARING DATE: December 7, 2006

STAFF RECOMMENDATION:

Approval of one (1) lot to be platted under the provisions of Section 50-35A(a)(8) of the Montgomery County Subdivision Regulations, subject to the following conditions:

- 1) Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- 2) Forest conservation requirements must be satisfied prior to recording the plat.

SITE DESCRIPTION:

The property, identified as Parcel 700 ("Subject Property"), is located on the north side of Damascus Road, approximately 2,500 feet west of the intersection with Howard Chapel Road (Attachment A). The property contains a total of 4.71 acres and is zoned RDT. Located in the Patuxent Watershed, the Subject Property contains a wetland buffer. Access to the Subject Property is via a private road, and the lot has no frontage on a public street.

PROJECT DESCRIPTION:

This pre-preliminary plan proposes one (1) residential lot, for the construction of one (1) one-family detached dwelling in the RDT zone (Attachment B). Pursuant to Section 50-35A(a)(8) of the Subdivision Ordinance, up to five lots are permitted under the minor subdivision procedure in the RDT zone, provided that a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board staff. Access to the Subject Property currently, and is proposed, via a private driveway. The Subject Property will be served by private well and septic.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Olney Master Plan does not specifically identify the property but in general recommends development that: retains the low density residential zoning and minimizes impervious surfaces within environmentally sensitive areas; encourages design to allow views of protected open space and vistas of surrounding rural areas; protects historic resources; and creates a clear separation between the developed neighborhood and the preserved rural open space. The master plan also recommends maintaining the character and existing scale of development in the rural communities in Northern Olney and prohibits additional zoning for commercial uses, or expansion of commercially zoned areas in these communities. The proposed plan complies with master plan recommendations in that it proposes low-density residential use.

Compliance with the Subdivision Regulations

Exemption from RDT Requirements

According to our records, the Subject Property was part of a 282.50-acre parcel conveyed in a deed dated 1952. Subsequently, the property was conveyed by deed in its current configuration of 4.714 acres in 1970. Since the Subject Property changed in size in 1970, it qualifies for an exemption to the dimensional requirements of the RDT zone pursuant to Section 59-C-9.74 (b)(2) of the Zoning Ordinance which states:

- (b) *The following lots are exempt from the area and dimensional requirements of Section 59-C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Density Transfer Zone.*
 - (2) *A lot created by deed executed on or before the approval date of the sectional map amendment, which initially zoned the property to the Rural Density Transfer Zone.*

Based on the documentation which the applicant provided, at the time of conveyance in 1970, the Subject Property was zoned rural Residential (RR) which had a minimum lot size requirement of 20,000 square feet per dwelling unit. Subsequently, in 1977, the property was rezoned to RE-2, which had minimum lot size requirement of two acres, and in 1980, the property was rezoned to its current zone, RDT. As such, the property met the lot size requirements of the RE-2 zone at the time it was conveyed. Therefore, Section 59-C-9.74 of the Zoning Ordinance is applicable and the property is exempted from the area and dimensional requirements of the current zone.

Frontage on a Public Street

Section 50-29 (a)(2) of the Subdivision Regulations states:

Except as otherwise provided in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road which has been dedicated to public use or which has acquired the status of a public road. In exceptional circumstances, the board may approve not more than two (2) lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands. In multi-family and town house development, not subdivided into individually recorded lots, the board may approve more than two (2) lots or buildings on private roads or drives, provided there is adequate access from such roads or drives to a public street, as above.

The subject pre-preliminary plan proposes access to the Subject Property by a private driveway, and does not have frontage on a public street. Therefore, the Planning Board must make a finding pursuant to Section 50-29(a)(2).

Based on the approval from Montgomery County Fire and Rescue dated December 29, 2005, the proposed private driveway will be adequate for emergency vehicles and other public services. Utilities will be provided within the planned ingress/egress and public utilities easement associated with the access driveway. The proposed lot does not prohibit the development of the surrounding properties and does not exceed the limitation of creating no more than two (2) lots without frontage. As such, Staff finds that the pre-preliminary plan complies with Section 50-29 (a)(2) of the Subdivision Regulations.

Forest Conservation

The Subject Property contains approximately 4.71 acres and is subject to forest conservation requirements. Forest conservation must be met on-site with priority given to the area within the wetland buffer. Approval of the forest conservation plan will occur prior to the recordation of the proposed lot.

Environmental Guidelines

The site includes wetland buffers which will be protected by a Category I conservation easement.

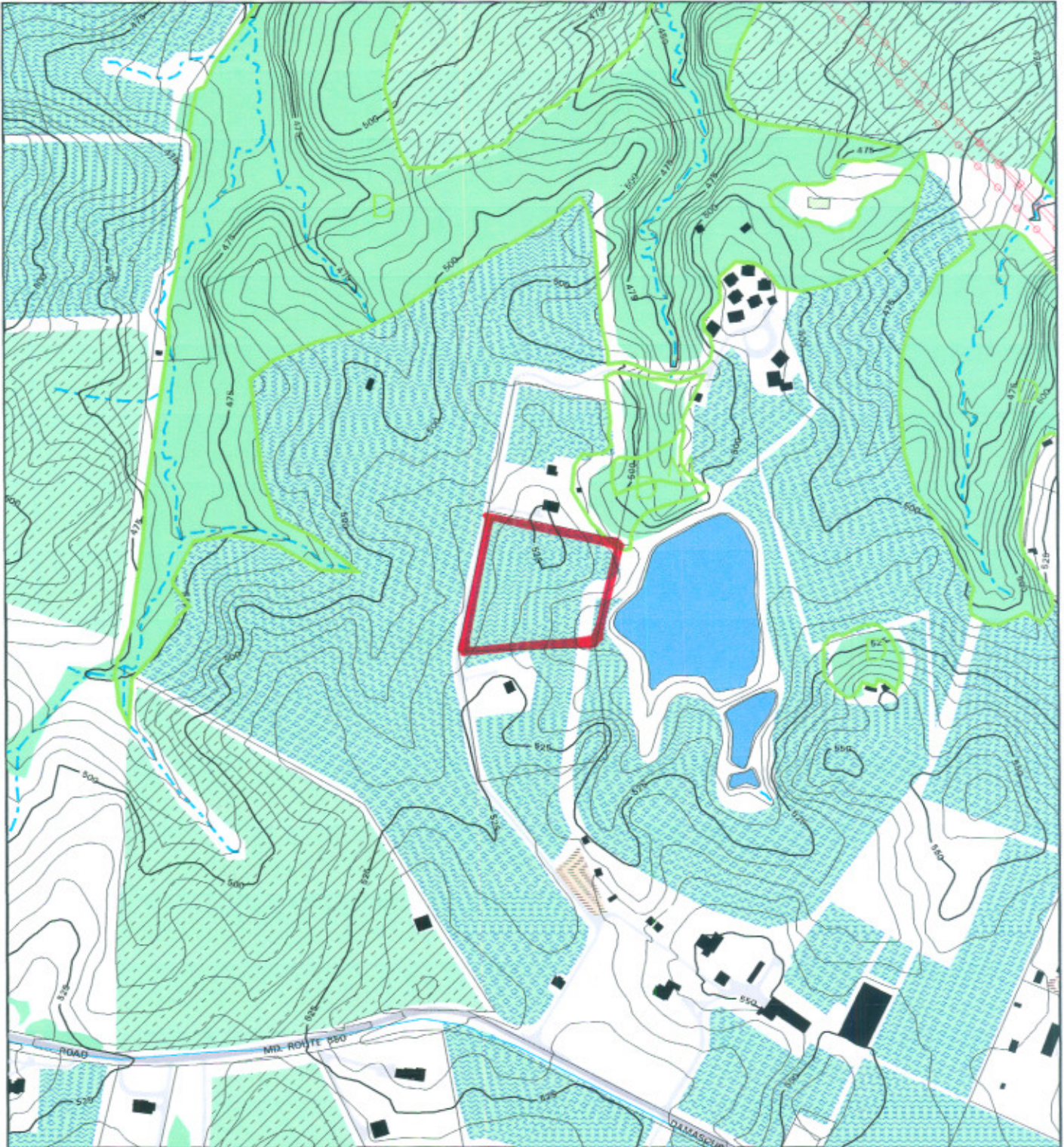
CONCLUSION:

This request complies with all applicable ordinances and regulations regarding the subdivision of land in Montgomery County. Based on the discussion above, staff recommends approval of one lot without frontage on a public road, which will be created through the minor subdivision process, subject to the conditions cited above. The applicant will need to satisfy all conditions prior to recordation of the plat(s) or issuance of building permits, as applicable.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan

SNYDER PROPERTY (720060210)



Map compiled on November 22, 2006 at 12:42 PM | Site located on base sheet no. - 232NW04

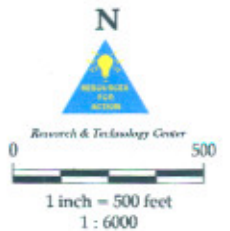
NOTICE

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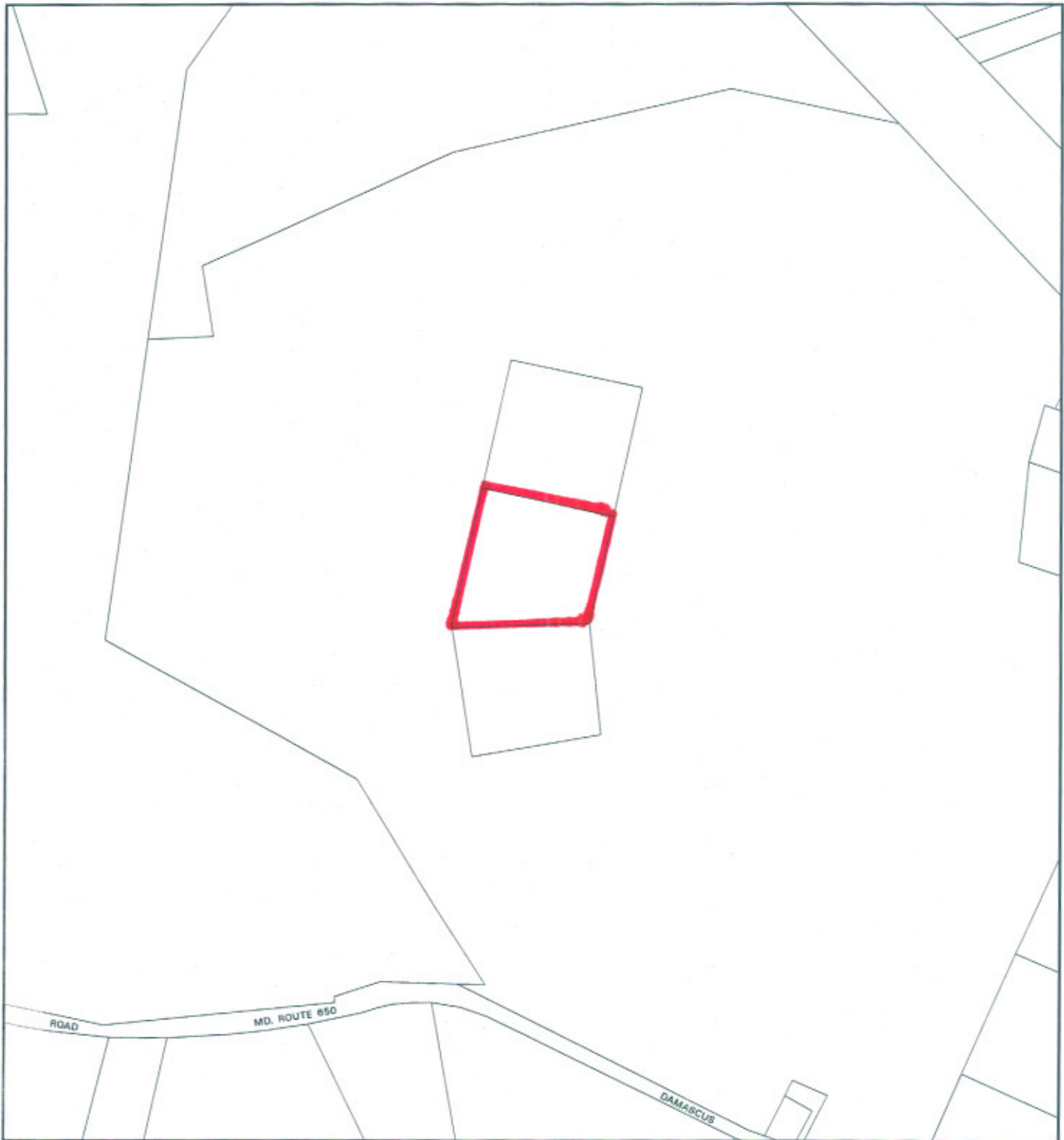
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



SNYDER PROPERTY, LOT 1 (720060210)



Map compiled on December 21, 2005 at 11:07 AM | Site located on base sheet no - 232NW04

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Key Map



N



Research & Technology Center

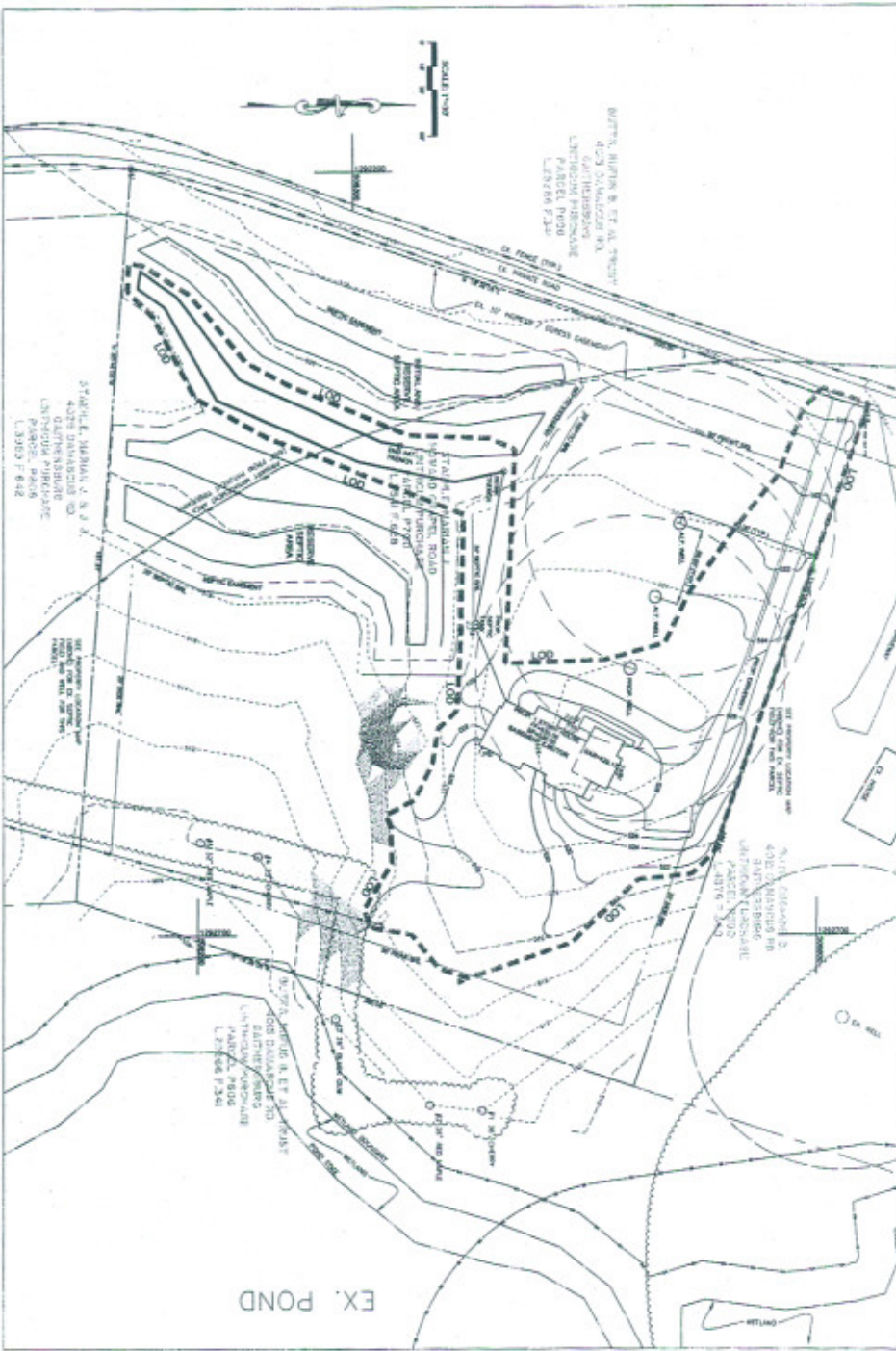


1 inch = 500 feet
1 : 6000



LEGEND

EX. TREELINE
EX. STREAM BUFFER
EX. WETLAND BUFFER
EX. WETLAND BOUNDARY
EX. POND EDGE
EX. 100' RAD. FROM EX. WELL
EX. ADVISORY PROPERTY LINE
EX. FENCE
EX. SEPTIC FIELD
EX. PROPERTY LINE
EX. OVERHEAD WIRES
EX. 5% SLOPES



GENERAL NOTES:

1. GENERAL TRACT AREA, 4.1 AC, 30.54 AC FROM SOUTHWESTERN PROPERTY GROUP, 1970.
2. DEVELOPMENT FROM THIS SITE PLAN BY DEVELOPER IS SUBJECT TO THE REVIEW AND APPROVAL OF THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING AND INSPECTION SERVICES (DIPS).
3. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE DEVELOPER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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SEPTIC DATA TABLE

PARAMETER	VALUE
SEPTIC TANK CAPACITY	1,200 GALLONS
SEPTIC TANK SIZE	4' x 8' x 6'
SEPTIC TANK LOCATION	SEE PLAN
SEPTIC TANK DEPTH	6'
SEPTIC TANK INLET	4"
SEPTIC TANK OUTLET	4"
SEPTIC TANK CLEANOUT	4"
SEPTIC TANK VENT	4"
SEPTIC TANK FOUNDATION	CONCRETE
SEPTIC TANK CURB	CONCRETE
SEPTIC TANK MANHOLE	CONCRETE
SEPTIC TANK ACCESS	CONCRETE
SEPTIC TANK COVER	CONCRETE
SEPTIC TANK RINGS	CONCRETE
SEPTIC TANK JOINTS	CONCRETE
SEPTIC TANK REINFORCEMENT	CONCRETE
SEPTIC TANK CURB REINFORCEMENT	CONCRETE
SEPTIC TANK MANHOLE REINFORCEMENT	CONCRETE
SEPTIC TANK ACCESS REINFORCEMENT	CONCRETE
SEPTIC TANK COVER REINFORCEMENT	CONCRETE
SEPTIC TANK RINGS REINFORCEMENT	CONCRETE
SEPTIC TANK JOINTS REINFORCEMENT	CONCRETE
SEPTIC TANK REINFORCEMENT	CONCRETE

REVISIONS

NO.	DATE	DESCRIPTION
1	01/15/2024	ISSUED FOR PERMITTING
2	02/01/2024	REVISED PER PERMITTING COMMENTS
3	02/15/2024	REVISED PER PERMITTING COMMENTS
4	03/01/2024	REVISED PER PERMITTING COMMENTS
5	03/15/2024	REVISED PER PERMITTING COMMENTS
6	04/01/2024	REVISED PER PERMITTING COMMENTS
7	04/15/2024	REVISED PER PERMITTING COMMENTS
8	05/01/2024	REVISED PER PERMITTING COMMENTS
9	05/15/2024	REVISED PER PERMITTING COMMENTS
10	06/01/2024	REVISED PER PERMITTING COMMENTS



NOTICE:
THIS PLAN IS PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION WITHOUT THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: OCT 25 2006

Hearing Date: July 6, 2006

Action: Approved Staff Recommendation

Motion of Commissioner Wellington, seconded by Commissioner Bryant, with a vote of 4-0; Chairman Berlage and Commissioners Bryant, Perdue and Wellington voting in favor. Commissioner Robinson absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan No. 11996015A
NAME OF PLAN: 5420 Edson Lane (Higgins Estate)

The date of this written opinion is **OCT 25 2006** *(which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).*

INTRODUCTION

On August 17, 2005, Edson Land Associates, L.L.C. ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the C-T (Commercial Transition) zone. The application proposed to create one (1) lot on 0.68 acres of land located on the south side of Edson Lane, approximately 500 feet west of the intersection with Rockville Pike, in the North Bethesda/Garrett Park master plan area ("Subject Property"). The application was designated Preliminary Plan 11996015A (the "Application"). On July 06, 2006, the Application was brought before the Montgomery County Planning Board (the "Board" or "Planning Board") for a public hearing. At the public hearing, the Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The Subject Property is zoned Commercial Transitional (C-T) and is located on the south side of Edson Lane, approximately 500 feet west of the intersection with Rockville Pike (MD 355). A single family home occupies the site. The property is platted and is known as, "The Higgins Estate, Lot 18".

PROJECT DESCRIPTION

The Application requests approval for a 13,150 square foot townhouse office building under a condominium regime on a single lot. The building will be located on the eastern portion of the rectangularly shaped lot. Access to the site is via a driveway from Edson Lane that leads into a 47 space parking lot. The building is proposed to be two stories and must not exceed the 35-foot height limitation in the C-T zone.

MASTER PLAN COMPLIANCE

Although no specific recommendations are made for the Subject Property, the Master Plan does confirm the C-T zone and support the proposed use on the south side of Edson Lane. The Plan supports a transition of uses from the office along Edson Lane and Rockville Pike to the adjacent residential areas. The project is in compliance with the recommendations of the *North Bethesda/Garrett Park Master Plan* and meets the Plan's objective to locate a commercial/transitional use in the C-T Zone.

TRANSPORTATION

Site Location and Vehicular Site Access Point

The site is located on the south side of Edson Lane between Rockville Pike (MD 355) and Woodglen Drive. The two existing curb cuts into the U-shaped driveway from

Edson lane is to be replaced by a new, single access point into the parking area along the western side of Lot 18.

Adequate Public Facilities/Local Area Transportation Review

A traffic study was not required to satisfy Local Area Transportation Review because this proposed land use generates less than a total of 30 peak-hour trips during the weekday morning and evening peak hours.

ENVIRONMENTAL COMPLIANCE

There is no forest on the Subject Property and it is exempt from Forest Conservation Law as a Small Property, however, a tree save plan was required. There are 17 trees onsite, 3 of which are specimen sized ($\geq 24"$). The large trees include a 38" white oak in poor condition, a 42" red oak in good condition, and a 42" red oak in good condition. Due to the nature of the planned development, the only tree on-site that can be saved is an 8" tulip poplar, located in the southeast corner of the site.

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

STAFF RECOMMENDATION

The application was reviewed by staff for conformance with the North Bethesda-Garrett Park Master Plan, the Zoning Ordinance and the Subdivision Regulations and was found to satisfy all applicable requirements. Staff recommended approval of the application with the conditions cited above.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, with the conditions of approval, that:

- a) The Preliminary Plan No. 11996015A substantially conforms to the North Bethesda/Garrett Park Master Plan master plan.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this Application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 11996015A in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 11996015A, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 13,150 square feet of general office space.
- 2) Prior to release of building permits, the Applicant shall fully execute a Traffic Mitigation Agreement with MCDPWT and the Planning Board to participate in the North Bethesda Transportation Management Organization.
- 3) The Applicant shall amend the original Adequate Public Facilities Agreement to reflect the land uses specified in Condition Number 1.
- 4) Applicant is bound to the protection measures as shown on the approved Tree Save Plan dated June 13, 2006. Applicant must comply with the conditions of the Tree Save Plan prior to any demolition, clearing or grading of the site.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 29, 2005.
- 6) Compliance with conditions of MCDPWT letter dated February 23, 2006 is required, unless otherwise amended.
- 7) Show location of bike lockers or approved bike racks at the time of site plan.
- 8) Final approval of the location of building, on-site parking, site circulation and sidewalks will be determined at site plan.
- 9) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.

- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 11) Other necessary easements

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). 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.

* * * * *

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, October 5, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, **ADOPTED** the above opinion, on motion of Commissioner Wellington, seconded by Vice Chair Perdue, with Commissioners Hanson and Robinson abstaining. This Opinion constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 11996015A, 5420 Edson Lane (Higgins Estate)**.



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer