



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

MCPB
Item #
11/29/07



MEMORANDUM

DATE: November 16, 2007

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: One lot for a residence to be used for a small group home

PROJECT NAME: Aunt Hattie's Place

CASE #: 120070590

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200 and within the Sandy Spring-Ashton Village Rural Overlay Zone

LOCATION: Located on the west side of Norwood Road approximately 250 south of intersection with Olney - Sandy Spring Road (MD108)

MASTER PLAN: Sandy Spring - Ashton

APPLICANT: Dr. Hattie Washington, PhD.

ENGINEER: Loiederman Soltesz Associates, Inc.

FILING DATE: January 18, 2007

HEARING DATE: November 29, 2007

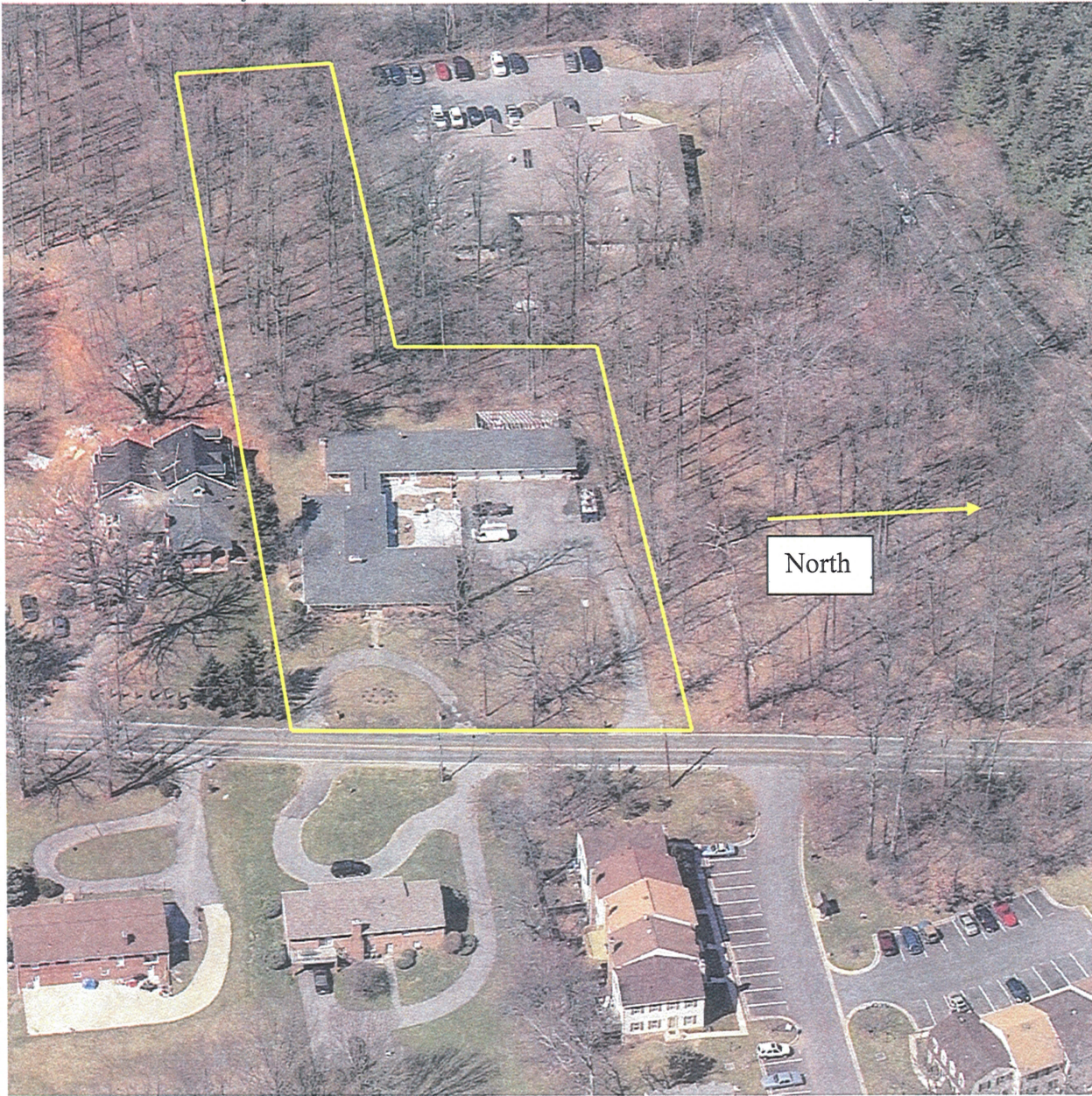
RECOMMENDATION: Approval of the preliminary plan subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one lot.
- 2) The preliminary forest conservation plan must be revised to show all areas currently shown as a Category I easement to be Category II easement. The applicant must comply with all conditions of approval for the preliminary forest conservation plan prior to recording of plat and/or Montgomery County Department of Permitting Services issuance of sediment and erosion control permits.
- 3) The record plat must provide for dedication of right-of-way for Norwood Road as shown on the preliminary plan dated September 11, 2007.
- 4) The applicant must comply with the conditions of the MCDPS stormwater management concept approval dated December 29, 2005.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated July 11, 2007, unless otherwise amended.
- 6) 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.
- 7) The record plat must show necessary easements.

SITE DESCRIPTION

The subject property, pictured below and in Attachment A (Vicinity Map), is a 1.4 acre unplatted parcel located on the west side of Norwood Road approximately 310 feet south of the intersection with Olney-Sandy Spring Road. The site is located within the R-200 zone and within the Sandy Spring-Ashton Village Rural Overlay Zone. The property is currently developed with a one-family residence with a large attached garage structure. The site is surrounded by various development types including single family detached to the south and east, single family attached (townhouse) to the northeast, undeveloped R-200 zoned property to the north, a veterinarian clinic to the northwest and the Odd Fellow Lodge to the west.

The site is located within the Northwest Branch, a Use IV- P watershed. The existing home, garage and associated pavement cover the majority of the parcel. The westernmost portions of the property remain in forest cover. No streams, wetlands or other significant environmental features exist on the property.



PROJECT DESCRIPTION

The applicant proposes to subdivide the existing parcel into a single lot. The proposal would allow the construction of an addition to the existing house and a new 3 car garage. The applicant has also shown that a pool, sport court and storage/equipment shed will be located to the rear of the residential structure. The residential structure will be used as a "small group home" which is a permitted use in the R-200 zone. Access to the structure will continue to be from Norwood Road with a circular driveway, but a new driveway is planned on the northernmost portion of the site to access the proposed additional living space. The small group home requires nine parking spaces be provided; they are shown on the plan. The structure will be served by public water and sewer.

ENCROACHMENT OF AN ADJACENT STRUCTURE

Immediately to the south of the subject property is a one-family structure, also located on an unplatted parcel (Parcel 540, tax map JT32). A portion of the existing house on this parcel encroaches across the common property line separating it from the Applicant's property. A Circuit Court Judge has ruled that an easement shall be established for the encroaching structure which allows it to remain in its current location and to allow a modest area around the outside of the encroaching house for maintenance. No transfer of land was demanded by the Court in this decision.

The Subdivision Regulations allow for only one, one-family detached house on each lot. The Planning Board cannot approve a record plat that has a structure crossing a lot line, nor can the Board approve a plat with two one family homes on the same lot. Staff asked the applicant to address this issue to the best of their ability as part of this application. The most reasonable way to resolve this issue and allow this application to proceed was to create a small parcel around the encroaching structure as shown on the preliminary plan. The parcel, while included in the preliminary plan, will not be recorded by plat but would be allowed to remain as a parcel described only by deed. It would be available to convey to the owner of the encroaching one family house, thereby eliminating the encroachment on to the subject property. The owner of the encroaching structure may then be in a position to eliminate the structure crossing a property line by subdividing their unplatted parcels into a lot. While this may be a way to resolve the issue of the structure crossing a lot line, staff does not believe that it adequately addresses the issue of setback to the new property line for the encroaching structure and may require a variance by the Board of Appeals. This issue is not part of this preliminary plan. The proposed Aunt Hattie's Place structure will meet all zoning setbacks.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Olney-Sandy Spring Master Plan does not specifically identify the subject property, although it does place the property in the Rural Neighborhood Overlay zone. New development other than for one-family detached residences within the Rural Neighborhood Overlay zone is required to submit to site plan review, in part to address design criteria. The Master Plan further identifies Norwood Road as a rural entryway into the Sandy Spring Village and places a priority on maintaining the rural character and "experience" of these entryways. The most significant mechanism the Master Plan offers to meet this challenge is to support use of cluster zoning with a minimum open space requirement. The open space for the developments allowed to use cluster should be located so as to enhance the rural setting. The subject property was not; however, recommended for cluster zoning.

The Plan suggests that existing shrubs and trees help define the character of Norwood Road and recommends that Norwood Road be maintained in its current two lane configuration.

The preliminary plan proposes a new driveway access point with no other frontage improvements. The Plan provides Roadway Character and Design Guidelines for Norwood and other roads in the planning area. For existing roads, the guidelines recommend preserving existing hedgerows and forest to maintain rural character. Also recommended is planting woodlands along roads to re-create rural character. For this particular property, there are no hedgerows or forest along the road to protect, nor is there any opportunity to create any meaningful forest given the location of the existing house on the site. Some forest will be maintained in the rear of the property by the category II easement recommended in the forest conservation plan.

The plan conforms to the Sandy Spring-Ashton Master Plan to the extent that the preliminary plan can make such an evaluation. Other than building coverage, there is no language in the Zoning Ordinance under the R-200 zone criteria that speaks to building mass, size, scale or imperviousness. The coverage of all buildings including accessory structures must not exceed 25% of the net lot area. The plans conform to this requirement. Since the preliminary plan is limited as to its scope, issues regarding design, architecture, mass and scale vis-a-vis rural character, are appropriately addressed as part of the site plan review which is being reviewed concurrently with the preliminary plan.

Adequate Public Facilities

Roads and other Transportation Facilities

The proposed lots do 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 master plan recommends that an 8 foot hiker biker trail be constructed along the property frontage on Norwood Road; however, no linkages exist immediately to the north or south of the subject property. Since a bike path on the property would be discontinuous at this time, staff supports a requirement that the applicant entering into a covenant with the Montgomery County Department of Public Works and Transportation (MCDPWT) for future construction of this trail segment. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate. MCDPWT has required this as a condition of their approval.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the plan will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services; are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. Electrical and telecommunications services are also available to serve the Property.

Environment

Environmental Guidelines

There are no streams, wetlands or other sensitive environmental features on the site. Therefore, the Environmental Guidelines have no applicability to this development.

Forest Conservation

The natural resource inventory/forest stand delineation (NRI/FSD), approved on October 6, 2005, indicates 0.61-acres of existing forest on the site with 20 trees that are 24 inches or greater in diameter at breast height. The existing forest is an even-aged stand, influenced by humans, and contains many invasive species. Eighteen of the 20 large trees on the subject site are in fair to poor condition and the remaining 2 are in good condition. One of the trees in good condition is located within the public right-of-way and is to be removed for construction of the new driveway; the other tree in good condition will be retained in the front of the existing house.

The current forest conservation plan proposes to retain 0.31-acres of forest onsite and to place the area in a Category I easement that would be within 15 feet of proposed structures. The forest does not qualify as high priority for preservation, and is not of high quality. Staff does not support use of this type of easement so close to proposed structures. A Category II easement that will protect the existing trees but allow the property owners to keep the area in a manicured state is a more logical approach given the location of the protected forest to the rear of the proposed structures and the anticipated use of the property as a small group home where it would be appropriate to use the area for passive recreation.

Staff recommends a condition requiring the applicant to protect all onsite forest with a Category II conservation easement. Because the Category II easement provides less credit toward meeting the overall forest conservation requirements, there will be a 0.34-acre off-site forest-planting requirement. This requirement may be met by purchasing credits in a forest conservation bank or with an in-lieu fee payment. With this change, the plan conforms to Chapter 22A, the Montgomery County Forest Conservation Law.

Stormwater Management

Pursuant to Chapter 19 of the Montgomery County Code, the Planning Board must not consider a preliminary plan of subdivision until such a time as the Montgomery County Department of Permitting Services has approved a conceptual stormwater management Plan for the development. On December 29, 2005 a stormwater concept was approved for the development which requires the use of on-site water quality controls using infiltration techniques. No channel protection measures are required because the post development flows are below 2.0 cubic feet per second.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the R-200 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. Building coverage for all structures on the site is limited by the Zoning Ordinance to 25% of the net lot area. Coverage for the proposed structures is at around 16%. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues (attachments provided in Site Plan report)

As of November 16, 2007, Staff has received 18 letters and emails regarding the subject proposal. Seven of these are in opposition to the project; 11 support of the project. We have also met with citizens on various occasions and have spoken via email or phone with others. All correspondence received has been attached to this staff report.

The reasons given in opposition, and as a qualification to one of the letters in support, are concerns about the proposed development's conformance with the Sandy Spring/Ashton Master Plan. Specifically, the citizens who oppose the project believe the size of the proposed addition is not in keeping with the rural context of the Village. Many also noted concerns about noise, lighting, and imperviousness on site. Further, those in opposition have brought up the fact that many of the development standards are relatively unchanged from the Special Exception proposal that was before the Board on October 5, 2006. However, the Planning Board voted to approve the project at that Hearing.

Local citizens who support the project feel that the community will provide a good atmosphere for the young men who would live at this home. They argue that Aunt Hattie's existing establishment in Baltimore is well-run, safe, and houses well-behaved residents. In their mind, the size and use is perfectly compatible with the neighborhood and the Master Plan recommendations and will enhance the social, cultural, and educational environment of the Village. Last, they do not share the opposition's concerns about noise, lighting, or impervious cover.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Sandy Spring-Ashton

Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application, including the preliminary water quality plan, with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

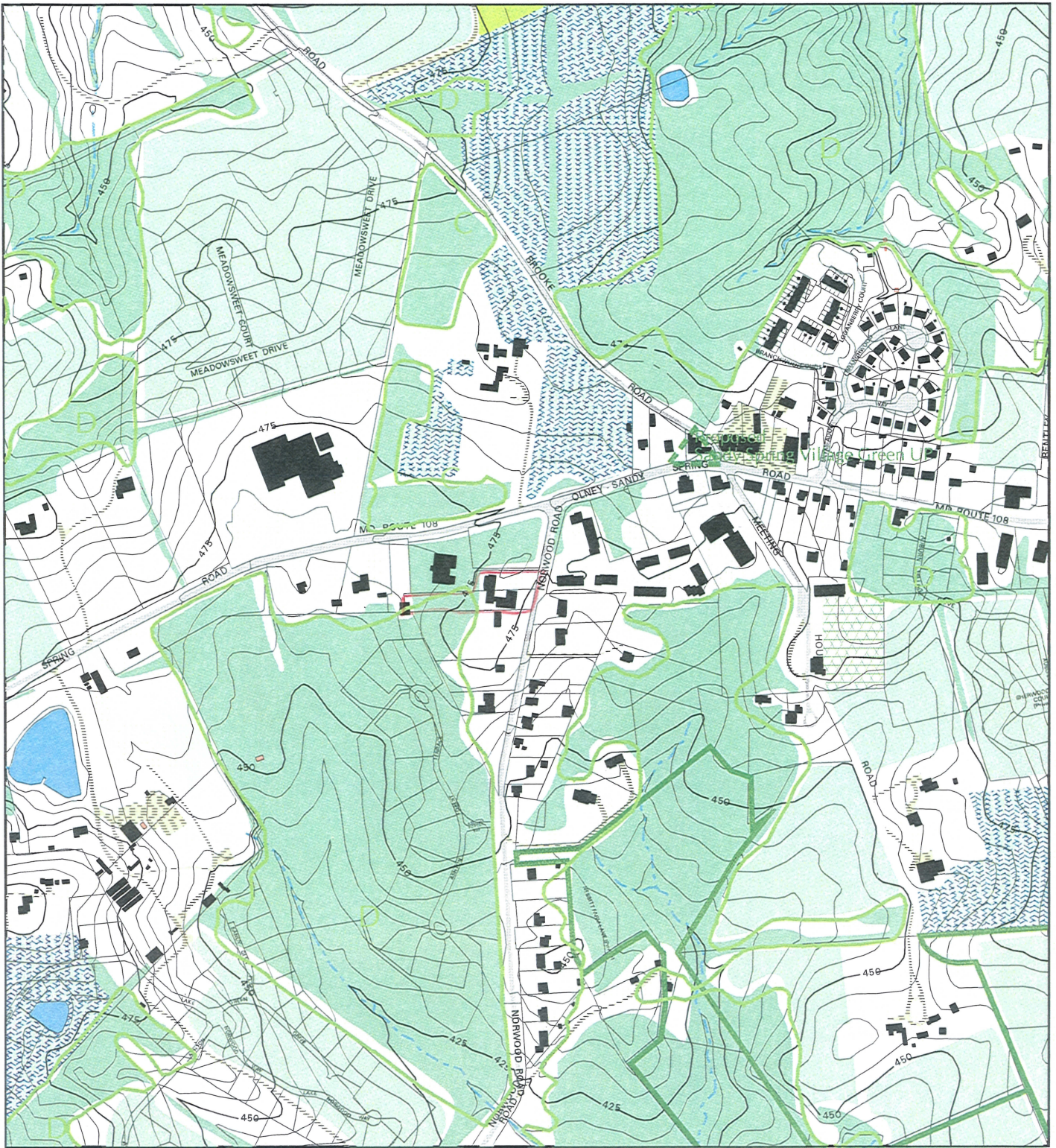
Attachment C – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Aunt Hattie's Place				
Plan Number: 120070590				
Zoning: R-200				
# of Lots: 1				
# of Outlots: N/A				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sf	1.286 acres	RW	11/16/07
Lot Width	100 ft	168 ft.	RW	11/16/07
Lot Frontage	25 ft.	168 ft.	RW	11/16/07
Setbacks				
Front	40 ft. Min.	Must meet minimum ¹	RW	11/16/07
Side	12 ft. Min./25 ft. total	Must meet minimum ¹	RW	11/16/07
Rear	30 ft. Min.	Must meet minimum ¹	RW	11/16/07
Height	50 ft. Max.	May not exceed maximum ¹	RW	11/16/07
Max Resid'l d.u. per Zoning	1	1	RW	11/16/07
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	Yes		RW	11/16/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	RW	11/16/07
Road dedication and frontage improvements		Yes	Agency letter	7/11/07
Environmental Guidelines		N/A		
Forest Conservation		Yes	Staff memo	11/15/07
Master Plan Compliance		Yes	RW	11/16/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	12/29/05
Water and Sewer (WSSC)		Yes	Agency letter	5/7/07
Well and Septic		N/A		
Local Area Traffic Review		N/A		
Fire and Rescue		Yes	Agency letter	11/14/07

¹ As determined by MCDPS at the time of building permit.

AUNT HATTIE'S PLACE (120070590 & 820070130) Attachment A



Map compiled on April 17, 2007 at 3:06 PM | Site located on base sheet no - 224NW01

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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

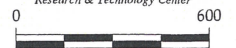
Key Map



N



Research & Technology Center



1 inch = 600 feet
1 : 7200

Attachment C



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

July 11, 2007

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070590
Aunt Hattie's Place

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 01/17/07. This plan was reviewed by the Development Review Committee at its meeting on 05/07/07. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for Norwood Road in accordance with the Master Plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. A Public Improvements Easement may be necessary along Norwood Road, in order to accommodate the required bike path construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this bike path construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
4. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
5. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20070590
Date July 11, 2007
Page 2

6. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks (bike path in this case) are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage to associated DPWT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.
7. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
8. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. ~~This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.~~
9. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However Driveways curb returns should not cross the property lines. Also provide proper spacing between the driveways curb returns and public utilities features.
10. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
11. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
12. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
13. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Norwood Road (including bike path), whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
14. Perform the necessary modifications to the existing circular driveways to prevent all left turns and also restrict movements for the existing driveway closer to Olney Sandy Spring Road to right-in only and the farther one to right-out only. Geometrics for the intersections of existing circular driveways and also the proposed driveway with Norwood Road will be reviewed by the Department of Permitting Services as part of their review of the building permit application.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. If the proposed development will alter any existing street lights, signing, and/or pavement

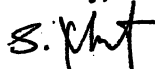
Ms. Catherine Conlon
Preliminary Plan No. 1-20070590
Date July 11, 2007
Page 3

markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

17. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
18. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
19. Provide driveway access for the stormwater management facilities per associated DPS guidelines.
20. ~~We have inspected the condition of the existing tree (marked as tree #97 on the tree conservation plan) and also studied proposed improvements in the vicinity of that. We have concluded that based on the proposed improvements, its chance of survival is minimal and therefore is to be removed.~~

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20070590, Aunt Hattie's Place.doc

Enclosures (2)

cc: Hattie Washington, Aunt Hattie's Place
Steven Tawes, Loierderman Soltesz Associates
Emily Vaias Linowes & Blocher
Joseph Y. Cheung; DPS RWPPR
Henry Emery; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

December 29, 2005

Robert C. Hubbard
Director

Mr. Jason Evans
Loiederman Soltesz Associates, Inc.
1390 Piccard Drive, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Aunt Hatties Place
Preliminary Plan #: N/A
SM File #: 222152
Tract Size/Zone: 1.39 acres / R-200
Total Concept Area: 1.39 acres
Lots/Block: N/A
Parcel(s): 485, 486, 487
Watershed: Northwest Branch

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via installation of proprietary filtration devices. Onsite recharge is not required because this is a redevelopment project. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following items will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this



office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 222152

QN -ON; Acres: 1.39
QL - ON; Acres: 1.39
Recharge is not provided