MCPB
Item #
01/11/07

MEMORANDUM

DATE: January 11, 2007

TO: Montgomery County Planning Board

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

FROM: Dolores Kinney, Senior Planner (301) 495-1321
Development Review

REVIEW TYPE: Preliminary Plan for Subdivision of Lot 2
APPLYING FOR: 12 one-family attached residential dwelling units

PROJECT NAME: Seibel's Subdivision
CASE #: 120060600
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RT- 8
LOCATION: Located on the west side of Greencastle Road, approximately 1,800 feet south of the intersection with Robey Road

MASTER PLAN: Fairland
APPLICANT: Tricapital Partners, LLC
ENGINEER: Site Solutions, Inc.
ATTOREY: Holland & Knight

FILING DATE: December 5, 2005
HEARING DATE: January 11, 2007

8787 Georgia Avenue, Silver Spring, Maryland 20910 Director's Office: 301.495.4500 Fax: 301.495.1310
www.MontgomeryPlanning.org

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

1) Approval under this preliminary plan is limited to 12 lots for 12 one-family attached residential dwelling units.
2) The Applicant must comply with the conditions of the preliminary forest conservation plan. The Applicant must meet all conditions prior to recording of plats(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable. Conditions include the following:
    a. The final forest conservation plan must be submitted with the site plan and must include the following items:
        i. Permanent signs to clearly delineate the conservation easement boundary near the proposed lots.
        ii. The final forest conservation plan must include a survey and critical root zone analysis of trees, 10 inches and greater in diameter at breast height, within 50 feet on either side of the limits of disturbance.
        iii. A certified arborist's report to evaluate whether the 38" diameter red oak (offsite) can be protected. If the oak can be protected, the arborist's report must include appropriate tree protection measures. If the tree cannot be protected, the final FCP must include notes for mitigation plantings in the vicinity of the red oak in the vicinity of the red oak, including offsite if the adjacent owner agrees.
        iv. Include the 0.09 acre road right-of-way in the forest conservation plan worksheet.
    b. If the 38" red oak cannot be protected, the Applicant must submit financial security and a maintenance and management agreement for the mitigation plantings prior to the start of clearing and grading.
3) The Applicant shall comply with the specifications and requirements of the approved development plan for Zoning Application No. G-821.
4) The Applicant shall construct the proposed private streets to the minimum structural standards of a public tertiary street, and a minimum of 20 feet wide.
5) Final approval of the number and location of buildings, dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
6) No clearing, grading or recording of plats prior to certified site plan approval.
7) The Applicant shall comply with the conditions of approval of the MCDPS stormwater management approval dated June 20, 2005, unless otherwise amended by MCDPS.
8) The Applicant shall comply with conditions of MCDPWT letter dated March 24, 2006, unless otherwise amended by MCDPWT.
9) The record plat shall depict a Category I conservation easement over the forest retention area.

10) The Applicant shall dedicate, and the record plat shall reflect, 25 feet of additional right of way dedication along the Greencastle Road property frontage, for a total of 40 feet from the centerline.
11) Record plat shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
12) Record Plat shall reflect all areas under Homeowners Association ownership and specifically designate stormwater management parcels.
13) Record plat shall reflect public use ingress/egress easements over all private streets.
14) Other necessary easements shall be shown on the record plat.
15) 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.

SITE DESCRIPTION:

Surrounded by one family residential dwelling units, the subject property, identified as Lot 2 (Subject Property), is located in the Little Paint Branch Watershed on the west side of Greencastle Road, approximately 1,800 feet south of the intersection with Robey Road (Attachment A). The Subject Property contains two (2) acres and is zoned RT- 8.

PROJECT DESCRIPTION:

This is a subdivision application for 12 residential lots for the construction of 12 one-family attached dwellings (Attachment B). The western portion of the Subject Property abuts a stream and contains environmentally sensitive features including stream valley buffer and forest area. Due to the environmental constraints, the buildable area is limited. Access to the site will be directly from Greencastle Road, via a private street.

PREVIOUS REZONING

The property was rezoned from R-60 to the current RT-8 zone pursuant to the resolution adopted by the District Council on January 18, 2005 for application G-821 (Attachment C).

ANALYSIS AND FINDINGS

Master Plan Compliance

The Subject Property is located in the Greencastle/Briggs Chaney section of the Fairland Master Area and identified in the Fairland Master Plan, as part of Area 12 (*p. 43-44*). The master plan recommends a mix of detached and townhouse development for the site and finds it suitable for the RT-8 zone. The master plan also encourages open space, which would incorporate stream buffer areas. Consistent with the master plan goals, the preliminary plan proposes a townhouse development that protects environmentally sensitive area.

Transportation

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 proposed private street and pedestrian access to the property will be safe and adequate.

Private Streets

Section 50-29(a)(2) of the Subdivision Regulations states that individually recorded lots shall abut on a street or road which has been dedicated to public use, or which has acquired the status of a public road. Multifamily and condominium units which are not located on individually recorded lots may abut a private street or right-of-way.

The subject preliminary plan proposes one-family attached residential dwellings on individual lots which front on a private street. Therefore, a finding must be made that the street will have the status of a public street. This determination is made based upon the street being: fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to minimum public road standards, except for right-of-way and pavement widths. In this subdivision, it is staff's opinion that the proposed streets meet the necessary standards. Pavement width will be at least 20 feet and the minimum turning radii for emergency vehicles are provided. The circulation pattern and street terminus are acceptable. Recording of a public use and access easement over the road is being recommended to ensure appropriate public access.

Environmental Compliance

A 1.19-acre forest is located west of the existing dwelling on the property. A large portion of the forest is within an environmental buffer area. The western boundary of the site contains a tributary of Little Paint Branch (Use I waters) and associated 100-year floodplain.

Forest Conservation

The preliminary forest conservation plan proposes to retain a 0.94 acre of the forest within a Category I conservation easement located in the proposed common open space. The proposed forest retention area exceeds the break-even point of 0.54 acre.

Therefore, no reforestation is required. The forest retention area includes the environmental buffer. The preliminary forest conservation plan meets the requirements of the County Forest Conservation Law.

The Applicant proposes to retain a 38-inch red oak located on the adjacent, Day Property. The approved final forest conservation plan for the Day Property, showed that the oak could be protected. The Day Property forest conservation plan showed that approximately 22 percent of the oak's critical root zone would be disturbed as a result of development. Development of the Subject Property, will increase the proposed critical root zone disturbance to approximately 42 percent. The Applicant's plan considers the tree to be protected. Staff is not convinced, however, that this is the case since more than one-third of the tree's critical root zone will be disturbed by the combined construction activities on both the Day Property subdivision and the Subject Property subdivision. Therefore, Staff recommends an evaluation by a certified arborist as part of the final forest conservation plan for the Subject Property to determine whether the tree may be preserved and, if so, indicate the appropriate tree protection measures. If the arborist determines that the tree cannot be protected from the impacts of both subdivisions, Staff would recommend removal of the tree during development of the Subject Property. The Applicant would be required to mitigate the loss by planting native trees.

The Subject Property also contains two tulip poplar trees which are outside of the environmental buffer. However, these trees are in the middle of the site, in the area where a row of six lots (Lots 7 through 12) is proposed. The loss of these trees cannot be reasonably avoided.

Environmental Buffers

The environmental buffer is proposed to be protected as part of the forest conservation area. It will be protected by a Category I conservation easement within the proposed open space area for the subdivision.

Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) approved a stormwater management concept for the site on June 20, 2006 that includes on-site quality control via construction of a structural sand filter, and on-site recharge via nonstructural measures. The application will provide adequate control of stormwater runoff from the site.

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. The application meets all applicable sections. 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 lots were reviewed for compliance with the dimensional requirements for the RT-8 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. A summary of this review is included in Table 1. The application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

Community Outreach

This plan submittal pre-dated new requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing date. As of the date of this report, no citizen correspondence has been received.

CONCLUSION:

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Fairland 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 which have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

ATTACHMENTS:

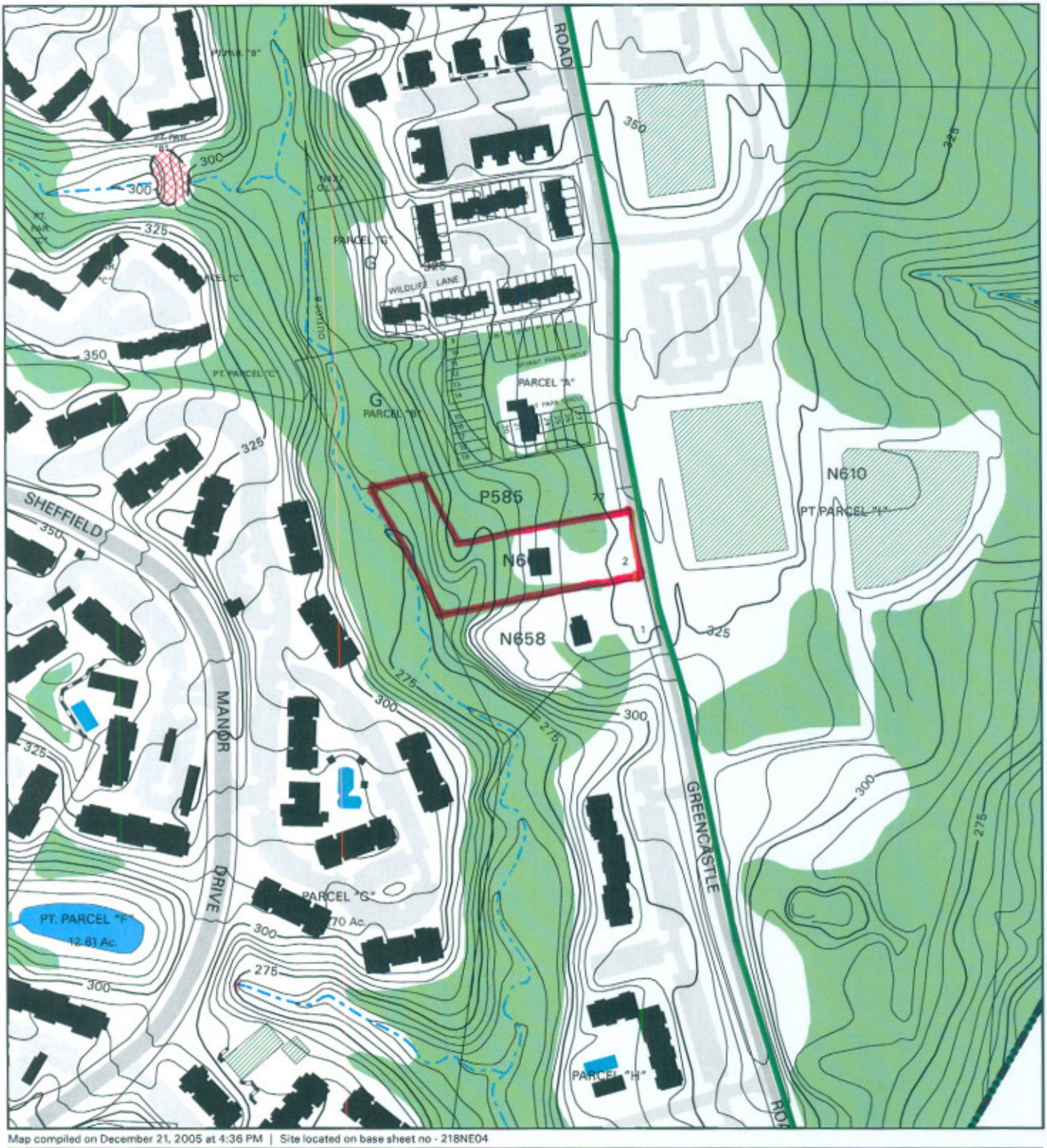
Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Zoning Resolution
Attachment D	Referenced Agency Correspondence

Table 1. Preliminary Plan Data Table and Checklist

Plan Name: Seibel's Subdivision				
Plan Number: 120060600				
Zoning: RT-8				
# of Lots: 12				
# of Outlots: 0				
Dev. Type: 12 one-family attached dwelling units				
PLAN DATA	**Zoning Ordinance Development Standard**	**Proposed for Approval on the Preliminary Plan**	**Verified**	**Date**
Minimum Tract Area	20,000 sq.ft.	87,120 sq.ft. is minimum proposed	CAC for DK	12/28/06
Lot Width	Not specified	Minimum 20' proposed	CAC for DK	12/28/06
Lot Frontage	Not specified	Minimum 20' proposed	CAC for DK	12/28/06
Setbacks				
From SFD Zonet	30 ft. Min.	Must meet minimum	CAC for DK	12/28/06
From Public Street	25 ft. Min.	Must meet minimum	CAC for DK	12/28/06
Side (End Unit)	10 ft. Min.	Must meet minimum	CAC for DK	12/28/06
Rear	20 ft. Min.	Must meet minimum		
Height	35 ft. Max.	May not exceed maximum	CAC for DK	12/28/06
Max Resid'l d.u. Zoning	16 dwelling units	12 dwelling units	CAC for DK	12/28/06
Site Plan Req'd?	Yes	Yes	CAC for DK	12/28/06
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		CAC for DK	12/28/06
Road dedication and frontage improvements	Yes		DPWT Memo	3/24/06
Environmental Guidelines	Yes		Environmental Memo	12/11/06
Forest Conservation	Yes		Environmental Memo	Dec. 11, 2006
Master Plan Compliance	Yes		CAC for DK	12/28/06
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		DPS Memo	6/20/05
Water and Sewer (WSSC)	Yes		WSSC Comments	1/9/06
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		MCFRS letter	6/30/06

Attachment A

SEIBEL'S SUBDIVISION-LOT 2 (120060600)



Map compiled on December 21, 2005 at 4:36 PM | Site located on base sheet no - 218NE04

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

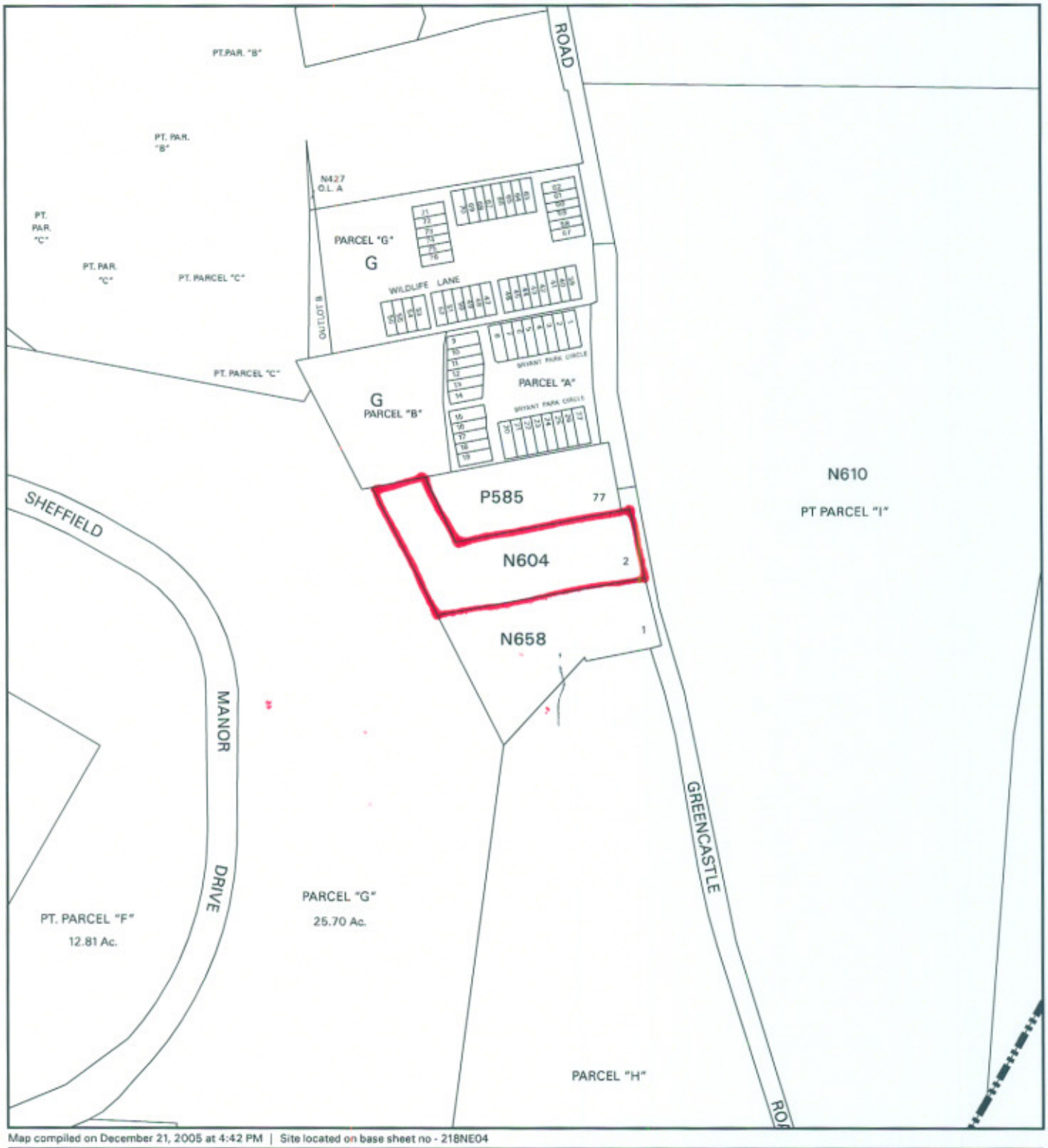
Research & Technology Center

0 300

1 inch = 300 feet
1 : 3600

M-NCPPC
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

SEIBEL'S SUBDIVISION-LOT 2 (120060600)



Map compiled on December 21, 2005 at 4:42 PM | Site located on base sheet no - 218NE04

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

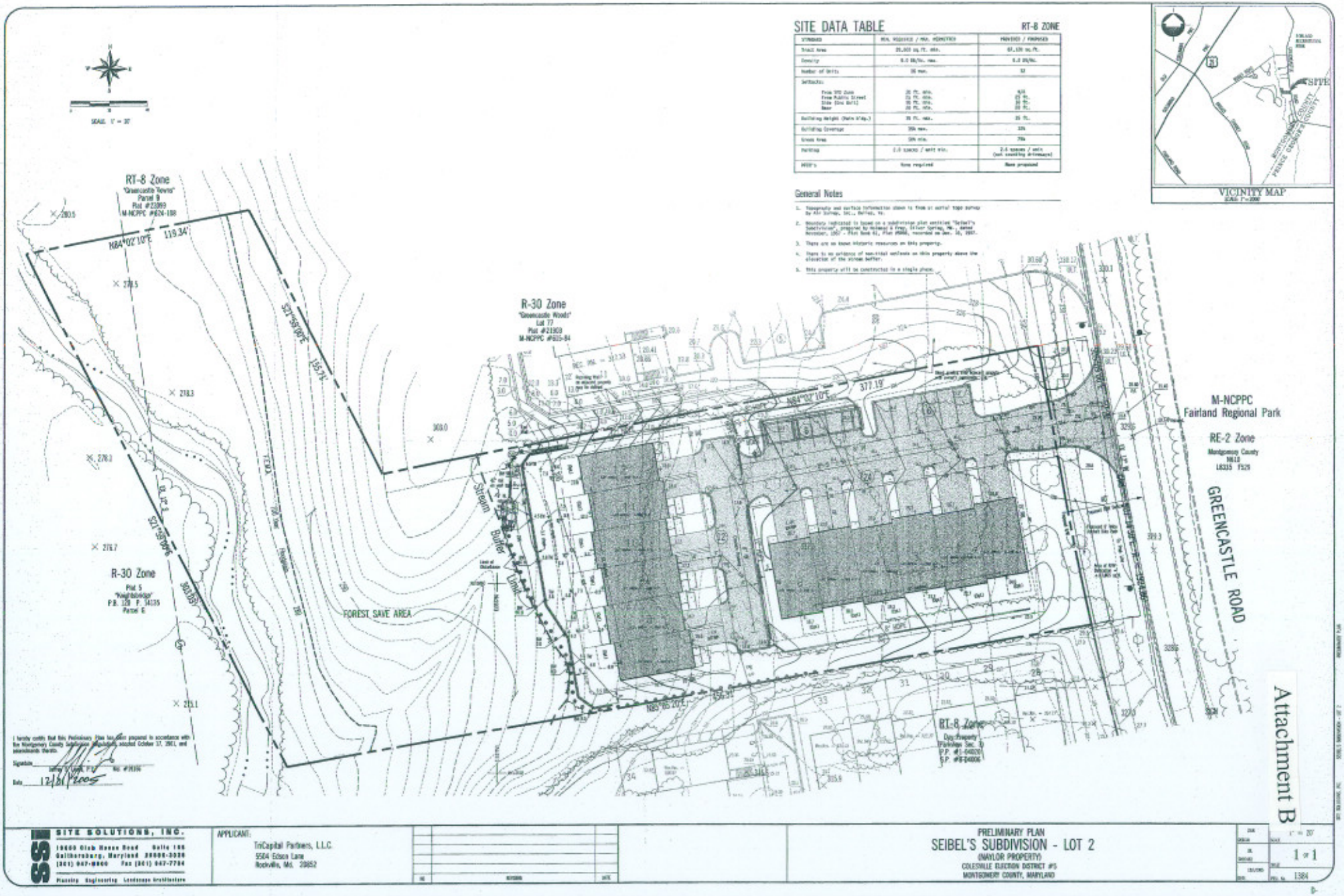
N

Research & Technology Center

0 300

1 inch = 300 feet
1 : 3600

M-NCPPC
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



Attachment B

Attachment C

Resolution No.: 15-857
Introduced: January 18, 2005
Adopted : January 18, 2005

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY

By: County Council

SUBJECT: APPLICATION NO. G-821 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, William Kominers, Esquire, Attorney for Tricapital Partners, LLC, Applicant, OPINION AND RESOLUTION ON APPLICATION
Tax Account No. 00272176

OPINION

Application No. G-821, filed on February 23, 2004 by Applicant TriCapital Partners, LLC, requests reclassification from the R-60 Zone to the R-T 8 Zone of 2.00 acres of land known as Lot 2, Seibel's Subdivision and located at 3961 Greencastle Road in Burtonsville, Maryland, in the 5th Election District.

The Hearing Examiner recommended approval of the application on the basis that the R-T 8 Zone at the proposed location would satisfy the requirements of the purpose clause; that the application proposes a form of development that would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Montgomery County Planning Board ("Planning Board") and its Technical Staff provided similar recommendations. The District Council agrees with these conclusions.

The subject property measures approximately two acres and is located on the west side of Greencastle Road, south of Route 29 and north of the county line, near Burtonsville. The property is roughly L-shaped, with a depth of approximately 450 feet and about 150 feet of frontage on Greencastle Road. It is classified under the R-60 Zone and is currently developed with a single-family home and a

driveway providing access to Greencastle Road. The rear portion of the property is wooded and slopes steeply down toward a small stream that flows through the property, running north to south along the western property line. The stream is an unnamed tributary to the Little Paint Branch. The rear of the property is unbuildable due to the stream buffer and 100-year floodplain.

The surrounding area for this application consists of the area bounded generally by Greencastle Road and Fairland Recreational Park on the east, Robey Road to the north, Sheffield Manor Drive to the west, and the Prince George's County line to the south. The surrounding area east of Greencastle Road is occupied by open space and athletic fields within Fairland Recreational Park, in the RE-2 Zone. These areas are screened from view from Greencastle Road by landscaping. The surrounding area west of Greencastle Road is developed with high density residential uses consisting mostly of garden apartments and condominiums in the R-30 Zone. The parcels closest to the subject property, including abutting properties and those within 1,500 feet, are either developed with townhouses or expected to be developed with townhouses. The property immediately north of the subject property is classified under the R-30 Zone and is the subject of an approved preliminary plan of subdivision for condominium townhouses. That property is currently under contract to a developer who is planning to develop townhouse condominiums on that property, the property adjacent to it to the north (which is the subject of an approved subdivision plan under the R-T 8 Zone), and the property abutting the subject property to the south (which is the subject of an approved site plan under the R-T 8 Zone). The next property to the north on Greencastle Road contains an existing townhouse development in the R-T 10 Zone. The rest of the surrounding area west of Greencastle Road consists of multi-family housing in the R-30 Zone. The subject property is the last remaining parcel in the surrounding area classified under a single-family residential zone.

Technical Staff reports that the subject property is depicted in the R-60 Zone in the County's 1958 Zoning Map. The subject property was subdivided as a single residential lot in 1957, Lot 2 of Seibel's Subdivision. Seibel's Subdivision consisted of two 2-acre lots, Lot 1 and Lot 2. The MNCPPC sought to reclassify both lots to the R-T 8 Zone by sectional map amendment in 1997, as

part of its implementation of the *1997 Approved and Adopted Fairland Master Plan*. This effort was only partially successful, because the owner of Lot 2 (the subject property) refused to consent to the reclassification due to concerns about property tax increases. As a result, Lot 1 of Seibel's Subdivision was reclassified to the R-T 8 Zone by SMA G-747, and the subject property remained in the R-60 Zone.

The Applicant proposes to build townhouses on the subject property. Under the requested R-T 8 zoning, a two-acre site normally would be permitted to have up to 16 townhouses. In this case, the rear portion of the site is entirely occupied by flood plain and stream valley buffer areas in which no development is permitted. The Applicant would be permitted to cross the conservation area to connect to an existing sewer line if necessary, but no other building activity would be permitted. The buildable portion of the property, therefore, is significantly smaller than two acres and is very unlikely to actually accommodate 16 dwelling units. The Applicant's representative and its land planner both testified before the Hearing Examiner that the site could be viably developed with townhouses, even taking into account the environmental constraints. Details about the configuration of the development would be determined during subdivision and site plan review.

Consistent with the standard method application, the case at hand is presented without a site plan or binding elements. Technical Staff notes that the subject property exceeds the minimum tract area for the R-T 8 Zone, and that the development would be required to satisfy all of the other development standards for the zone at the time of subdivision and site plan review. These standards include a maximum of 35 percent building coverage, a minimum of 50 percent green area, and at least two parking spaces per dwelling unit.

The subject property includes approximately 1.19 acres of forest. Environmental Planning Staff at the MNCPPC report that the large area of forested stream valley buffer on the property would satisfy the site's forest conservation requirements. The Applicant would be required to submit a stormwater management plan to the Department of Permitting Services for approval, prior to approval of the preliminary plan of subdivision. The evidence indicates that the proposed development would

generate only a small number of vehicular trips, that utilities are readily available at the site, and that the small number of public school students generated could be accommodated by existing schools.

The District Council concludes that the proposed rezoning would comply with the purpose clause of the R-T 8 Zone. The purpose of the R-T Zone is to provide suitable sites for townhouses in "sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones" or in "locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses." Code §59-C-1.721. In this case, the *1997 Approved and Adopted Fairland Master Plan* designates the subject property for development under the R-T 8 Zone. Moreover, the evidence supports the further conclusion that the subject property is appropriate for residential development at densities permitted in the R-T Zones, in light of the prevailing land use and zoning patterns in the surrounding area.

The subject property is the only property remaining in the surrounding area with a single-family zoning classification, and the existing single-family home on the property is out of character with the area. The surrounding area is dominated by garden apartments and condominiums in the R-30 Zone. The properties on either side of the subject property are expected to be developed with townhouses and have approved subdivisions and site plans in place. In addition, the next property to the north is already developed with townhouses. Nearby developments have been built in the R-T 10, R-T 8 and R-30 zones, with densities of ten, eight and 14.5 dwelling units per acre, respectively. The proposed rezoning would complete development of the surrounding area west of Greencastle Road at a maximum of eight dwelling units per acre, the lowest density commonly found in the surrounding area. For all of these reasons, the District Council agrees with the conclusion reached by the Hearing Examiner, the Planning Board and Technical Staff that the subject property is appropriate for development at the R-T density proposed in this application.

The stream buffer conservation easement would be consistent with the intent of the R-T Zone to provide amenities normally associated with less dense zoning categories, as it would preserve a visual and perhaps recreational open space amenity. For the reasons discussed in the previous

paragraph, the proposed development would be compatible with existing and planned land uses in the surrounding area. Accordingly, the evidence demonstrates that the proposed rezoning and development would be consistent with the intent of the R-T Zone to prevent detrimental effects to adjacent properties and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County. The District Council concludes that the proposed reclassification and development would satisfy the purpose clause of the R-T 8 Zone.

The District Council further determines that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Planning Board and Technical Staff opined that the proposed development would substantially comply with the Master Plan, and the Hearing Examiner agreed. The proposed reclassification would permit the implementation of a primary recommendation for the site in the Master Plan: development under the R-T 8 Zone. The Applicant's representative and its land planner testified that the proposed development would follow all of the recommendations in the Master Plan, and confidently stated that this could be accomplished in a viable manner, even taking into account the substantial conservation easement. Moreover, the favorable opinions of the Planning Board and Technical Staff serve as persuasive evidence that the proposed development would be appropriate at this location and would serve the public interest.

The evidence supports a finding that the proposed development would have no adverse impact on traffic or local roadways. The development would generate only a small number of vehicular trips, and Greencastle Road is scheduled for significant improvements. While Technical Staff did not specifically opine as to the effect of the proposed development on local roadways, Staff's recommendation that the application be approved indicates that they believe the application to be in the public interest. Moreover, the Planning Board's recent approval of two other townhouse developments in the immediate vicinity suggests that such development is appropriate in the area. While two of the high schools in the local high school consortium experience some overcrowding, no evidence was presented to suggest that the small number of students expected to be generated by the proposed development would have an adverse effect on school capacity. Moreover, the County Council determined in the FY

03-05 AGP Policy Element that school capacity is adequate to support additional residential development.

For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-821, requesting reclassification from the R-60 Zone to the R-T 8 Zone of 2.00 acres of land known as Lot 2, Seibel's Subdivision and located at 3961 Greencastle Road in Burtonsville, Maryland, in the 5th Election District, is hereby approved in the amount requested.

This is a correct copy of Council action.

Elda M. Dodson

Elda M. Dodson, CMC
Acting Clerk of the Council

ATTACHEMNT D

AGENCY CORRESPONDENCE

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

March 24, 2006

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 #1-20060600
Seibel's Subdivision, Lot#2

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 12/1/05. This plan was reviewed by the Development Review Committee at its meeting on 01/09/06. 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. Show all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site as well as existing rights of way on both sides and easements on the preliminary plan.

2. Necessary dedication for Green Castle Road in accordance with the master plan.

3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

4. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development one hundred (100) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.

5. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed DPWT Sight Distances Evaluation certification form, for the existing and proposed driveway(s), for our review and approval.

6. We are unable to offer comments regarding the access to the lots, since Greencastle Road is an arterial road and 600' of separation between intersections is required. Therefore access to Greencastle Road will be denied unless the applicant can demonstrate that they made a good faith effort (and reasonable monetary offer) to obtain the access from the adjacent subdivisions.

7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

8. 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.

9. 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.

10. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.

11. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.

12. The proposed private streets must be sufficiently wide to accommodate two-way vehicular traffic. Private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline nor the curbline.

13. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.

14. 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.

15. 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 Greencastle Road, 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.

16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

17. If the proposed development will alter any existing street lights, signing, and/or pavement 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.

18. 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.

19. Please coordinate with DPWT division of Transit Services about their requirements and project impacts on their network.

20. Please coordinate with Department of Fire and Rescue about their requirements for access.

21. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:

A. Construct five (8) foot wide bike path across the frontage.

B. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.

C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.

F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

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,

S. Farhadi

Sam Farhadi, P.E., Senior Planning Specialist
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/1-20060600, Seibels Subdivision, Lot#2 .doc

Enclosures ()

cc: Al Blumberg, Site Solutions
William Kominers, Holland and Knight
Bob LoPinto, TriCapital
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

June 20, 2005

Mr. Jeffrey Lewis
Site Solutions, Inc.
19650 Club House Road, Suite 105
Gaithersburg, MD 20886

Re: Stormwater Management ***CONCEPT*** Request
for Naylor Property / Seibel's Subdivision
Preliminary Plan #: Pending
SM File #: 217295
Tract Size/Zone: 2 acres / RT-8
Total Concept Area: 1 acre
Lots/Block: Lots 1-13
Watershed: Little Paint Branch

Dear Mr. Lewis:

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 construction of a structural sand filter and onsite recharge via nonstructural measures. 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. The storm drain outfall must be extended through the stream buffer as required to provide a safe outfall. The location must be coordinated with MNCPPC.

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: R. Weaver
S. Federline
SM File # 217295

QN -ON; Acres: 1
QL - ON; Acres: 1
Recharge is provided