



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

**MCPB**  
**Item #**  
**7/1708**



**MEMORANDUM**

**DATE:** July 7, 2008

**TO:** Montgomery County Planning Board

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

**FROM:** Richard Weaver, Coordinator (301-495-4544) *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** 4 lots for 4 one-family detached dwelling units

**PROJECT NAME:** Fairmont

**CASE #:** 120050980

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-90

**LOCATION:** At the western terminus of Mimosa Lane

**MASTER PLAN:** Fairland

**APPLICANT:** John Petit

**ENGINEER:** Macris, Hendricks and Glascock

**FILING DATE:** May 16, 2005

**HEARING DATE:** July 17, 2008

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four, one family residential lots.
- 2) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 3) The applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
- 4) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated May 24, 2005.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated August 16, 2006, unless otherwise amended.
- 6) Lots 3 and 4 must not be recorded by plat until the existing house has been removed.
- 7) Noise barrier as shown on preliminary plan shall be shown on the building permit drawing and constructed with the buildings on Lots 3 and 4.
- 8) 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 resolution.
- 9) Other necessary easements must be shown on the record plat.

**SITE DESCRIPTION**

The subject property "Subject Property" or "Property" is identified as Parcel 943 on Tax Map JR62 and is 1.03 acres in size in the R-90 zone. It is located at the current western terminus of Mimosa Lane. A house is located in the northern portion of the parcel. Uses surrounding the site are R-90 residential to the east, south and west and R-200 residential to the north. Fairland Road abuts the Property to the north

The property is within the Hollywood Branch of the Paint Branch stream system, classified as a Use I-P stream. The site has no forest and there are no trees 24 inches or greater. There are no sensitive environmental features on the property. The site has received an exemption from the forest conservation law (42005007E) and is not be subject to a tree save plan.





**PROJECT DESCRIPTION (Attachment A)**

The application is a request to subdivide an unplatted parcel into four lots for four single family residences. The lots will front on to Mimosa Lane, which will be extended by the applicant across the frontage of the new lots and terminate as a temporary hammerhead in anticipation of properties to the east subdividing. Each lot will have driveway access to Mimosa Lane. All public utility service, including water, sewer, gas, electric, telephone and cable will be brought in from Mimosa Street. The MCPDWT has required that sidewalks be built on both sides of the street although no other sidewalks exist along Mimosa Street.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Fairland Master Plan does not make a specific recommendation on the Property but does recommend a continuation of the R-90 zoning for residential uses in this area of the Master Plan. The lots shown on this plan comply with the R-90 zone, and residential use is supported by the Master Plan. Therefore the proposed subdivision complies with the recommendations adopted in the Master Plan.

### **Public Facilities**

#### **Roads and 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. Because of the limited number of new vehicular trips generated by this development, it is also not subject to the Policy Area Mobility Review requirements.

Pedestrian access will be served by the construction of sidewalks on both sides of the street as required by MCDPWT. If a waiver of sidewalks is acquired from MCDPS, pedestrian access can be accommodated using the street pavement. The limited number of homes on this end of Mimosa do not generate high traffic volumes and would not create unsafe pedestrian conditions. Sidewalks are available along Fairland Road which is easily accessed via Bonnett Street to the east. The extension and termination of Mimosa Lane as a temporary hammerhead turnaround will provide adequate vehicular access for the subdivision.

Because the Montgomery County Fire and Rescue Services require a temporary fire access turnaround on Lot 4, construction on Lot 4 could be delayed. The temporary turnaround must remain until such a time as Mimosa Lane is constructed to County standards and completed as part of subdivision(s) to the east or alternative fire access measures are approved by Fire and Rescue.

#### **Other Public Facilities and Services**

The plan has been reviewed for compliance by all public utility companies that serve the Property including the WSSC, Verizon, Pepco and Washington Gas. All agencies find that their respective utility can adequately serve the proposed homes. Staff finds that the proposed subdivision will be adequately served by public utilities.

The application has been reviewed by the Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. A temporary fire access lane is required on the north side of Mimosa. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect.

The submittal date of this preliminary plan pre-dates Jan. 1, 2007 and is, therefore, not subject to any school moratorium or a School Facilities Payment.

## **Environment**

### Noise

Because of the high volume of traffic on Fairland Road, staff required a noise study to be done to evaluate the noise levels that would be experienced by future homeowners. The rear yards of the two lots that abut Fairland Road will be subjected to noise levels that exceed 65 dBA Ldn. This requires that the plan show appropriate mitigation to reduce exterior noise levels. A berm and noise wall is proposed along the rear property line of the two lots that abut to Fairland Road. This is shown on the preliminary plan. The berm and noise wall are required to be shown on the building permit drawings and must be constructed with the homes on Lots 3 and 4.

### Forest Conservation

The application is exempt from the forest conservation law and since the property has no large or specimen sized trees, no tree save plan will be required.

### Stormwater Management

The requirement to provide on-site stormwater quantity controls is waived by MCDPS because the post development, one year flow rates will not exceed 2.0 cubic feet per second. Quality control is also not required because of the lot size and topography. The stormwater management concept has been found to be acceptable to MCDPS, and staff finds that the plan complies with the Subdivision Regulations.

## **Compliance with the Subdivision Regulations and Zoning Ordinance**

### Compliance with Requirements of the Zone

The Property is zoned R-90 and subject to the development standards found in Section 59-C-1.32 of the Montgomery County Zoning Ordinance. The lots, as proposed, will meet all applicable dimensional standards for the R-90 zone as detailed in Table I of this report.

### Lot Design

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, and Subdivision Regulations, including Sec. 50-29 (a) which requires that the lot size, shape, width and orientation be appropriate for the location of the subdivision and for the type of development anticipated. The proposed lots are essentially identical to the dimensional characteristics of those lots along Mimosa Lane. The Application meets all applicable sections and the lot sizes, width, shape and orientation are appropriate for the location of the subdivision.

### **Citizen Correspondence and Issues**

This application was submitted prior to the requirement for applicants to hold pre-submission meeting with interested citizens. At the time of submission, the plan was mailed out to all adjacent and confronting property owners and local Civic Associations in compliance with the applicable Rules of Procedure. The plan was also correctly noticed for public hearing as per those Rules. No citizen correspondence has been received on this application. A copy of the plan was sent out to adjacent and confronting property owners again on May 28, 2008 to update them on the status.

### **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 whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

### **Attachments**

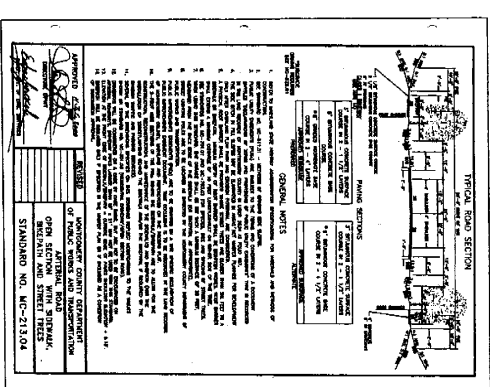
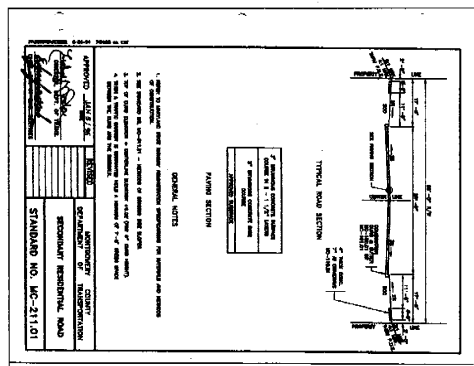
Attachment A – Proposed Preliminary Plan

Table 1: Preliminary Plan Data Table and Checklist

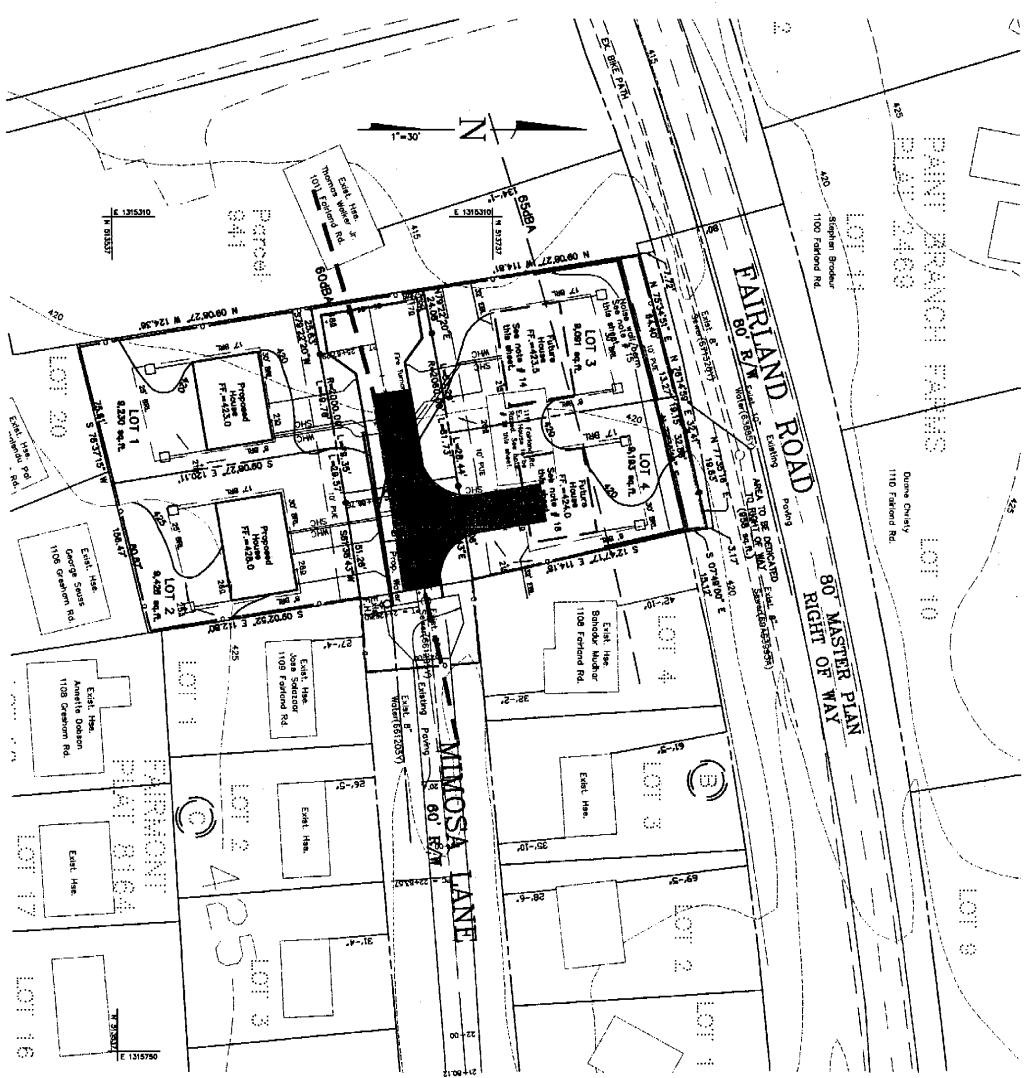
<b>Plan Name: Fairmont Subdivision</b>				
<b>Plan Number: 120050980</b>				
<b>Zoning: R-90</b>				
<b># of Lots: 4</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Residential</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	9,000 sq. ft.	10,900 sq. ft. minimum	RW	7/7/08
Lot Width	75 ft.	75 ft. minimum	RW	7/7/08
Lot Frontage	25 ft.	60 ft. minimum	RW	7/7/08
Setbacks				7/7/08
Front	30 ft. Min.	Must meet minimum <sup>1</sup>	RW	7/7/08
Side	8ft. Min./ 25 ft. total	Must meet minimum <sup>1</sup>	RW	7/7/08
Rear	25 ft. Min.	Must meet minimum <sup>1</sup>	RW	7/7/08
Height	35 ft. Max.	May not exceed maximum <sup>1</sup>	RW	7/7/08
Max Resid'l d.u. per Zoning	4	4	RW	7/7/08
MPDUs	N/A			7/7/08
TDRs	N/A			7/7/08
Site Plan Req'd?	No		RW	7/7/08
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	RW	7/7/08
Road dedication and frontage improvements		Yes	Agency letter	9/16/06
Environmental Guidelines		N/A		
Forest Conservation		Yes	Staff memo	2/18/06
Master Plan Compliance		Yes	RW	7/7/08
Other (i.e., parks, historic preservation)		N/A		
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management		Exempt	Agency letter	5/24/05
Water and Sewer (wssc)		Yes	Agency comments	12/11/06
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	12/11/06
Well and Septic		N/A		
Local Area Traffic Review		No	RW	7/7/08
Policy Area Mobility Review		No	RW	7/7/08
Transportation Management Agreement		N/A		
School Cluster in Moratorium?		N/A		
School Facilities Payment		N/A		
Fire and Rescue		Yes	Agency letter	8/29/06
Other (i.e., schools)		No	RW	7/7/08

<sup>1</sup> As determined by MCDPS at the time of building permit.





Call "Miss Utility" at 1-800-257-7777.  
48 hours prior to the start of work.  
The contractor shall notify all utility companies with underground utilities in the area of the proposed construction. The contractor shall be responsible for the completion of all requirements of Chapter 504 of the Montgomery County Code.



DATE: 3/1/07  
DESIGNER: [Signature]  
PROJECT: [Project Name]



NO.	DATE	DESCRIPTION	BY
1	03/07/07	Revised for access	DCG
2	03/07/07	Added for access	DCG

**MHG** Maryland Home Group  
Engineers & Planners  
Landscaping Architects & Surveyors  
3000 Westpark Drive, Suite 200  
Westpark, MD 20886-1277  
Tel: 301-251-1000  
Fax: 301-251-1001  
www.mhg.com

**PRELIMINARY SUBDIVISION PLAN**  
PROPOSED LOTS 1 - 4  
**FAIRMONT**  
SUBDIVISION OF PARCEL 943  
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**Notes:**  
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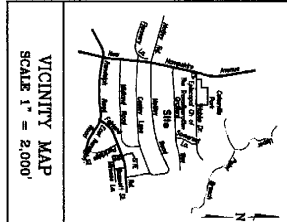


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School Facilities Payment		N/A		
Fire and Rescue		Yes	Agency letter	3/23/08
Other (i.e., schools)		No		7/7/08

<sup>1</sup> As determined by MCDPS at the time of building permit.