



**Local Map Amendment H-119 Porter Road**

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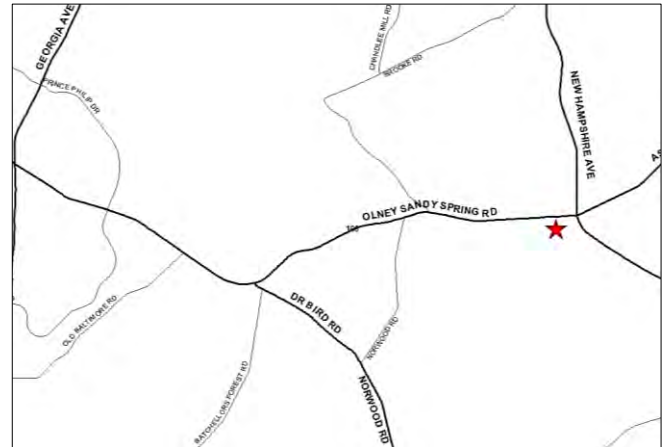
Completed: 05/12/2017

Description

**Local Map Amendment H-119: Porter Road**

Request for a reclassification of 2.57 acres of land from R-90 and CRT C-0.75 R-0.25 H-35 to TF-10 (Townhouse Floating) Zone to include the following properties:

- Parcel P393, Tax Map JT42, located at 100 Olney-Sandy Spring Rd, zoned R-90
- Parcel P447, Tax Map JT42, south of P393, located on the west side of Porter Road, zoned R-90
- A 4,290-Square-foot portion of Parcel 395, Tax Map JT42 located at 12 Olney-Sandy Spring Rd, zoned CRT C-0.75 R-0.25 H-35
- Lot 2, in the Edward C Thomas Subdivision, located at 17825 Porter Road zoned CRT-C-0.75 C-0.75 R-0.25 H-35
- Lot 3, in the Edward C Thomas Subdivision, no address, zoned R-90



for development of 20 townhouses in the proposed TF-10 zone to be considered with a future mixed-use commercial/residential building on an adjoining 0.47-acre property currently zoned CRT (part of Parcel 395-not subject to rezoning). Located on the south side of Olney-Sandy Spring Road (MD 108), approximately 200 feet west of its intersection with New Hampshire Avenue (MD 650). *1998 Sandy Spring/Ashton Master Plan.*

- **Applicant:** Nichols Development Company
- **Application Filled:** February 22, 2016
- **Planning Board Hearing:** May 25, 2017
- **OZAH Public Hearing:** June 12, 2017

**Staff Recommendation:** Approval

**Summary**

**1. Key Aspects of the Proposal and major issues:**

- H-119 consists of three parcels and one lot that are currently zoned R-90, and one lot and a portion of a parcel that are currently zoned CRT.
- The proposed development meets all applicable standards of the Townhouse Floating (TF) Zone, complies with the purpose clause of the zone, and furthers the goals of the *1998 Sandy Spring/Ashton Master Plan.*
- The development satisfies the intent statement and necessary findings for a rezoning to the TF Zone.
- NRI/FSD #420170860 was approved for the Subject Property on March 15, 2017.

- A new Forest Conservation Plan (FCP) will be submitted for review and approval at preliminary plan.
- The Floating Zone Plan, as currently submitted, shows portions of at least two townhouses, stormwater management facilities and a driveway within applicable stream buffers. The encroachment into the stream valley buffer may result in some changes to the Floating Zone Plan at the time of preliminary plan to minimize potential impact to the stream valley buffer.
- If LMA H-119 is approved by the County Council, the proposed development will be subject to the review and approval of a preliminary plan of subdivision and a site plan by the Planning Board. Detailed design as well as adequate public facilities, forest conservation, and stormwater management elements will be addressed at Preliminary Plan and Site Plan.

## 2. Issues to be addressed at Preliminary Plan and Site Plan reviews

### a. Environment

- Exact details regarding location of stormwater management, stream valley buffers, and forest conservation as well as potential environmental mitigation will be determined at preliminary and site plan.
- A Category Change Request for the sewer connection should be approved prior to submission of the preliminary plan.

### b. Transportation

The Applicant must:

- Satisfy the transportation Adequate Public Facilities Review test for any development at preliminary plan
- Provide acceleration/deceleration lanes on Olney-Sandy Spring Road (MD 108), if required by SHA
- Align Porter Road with the opposite driveway
- Study eastbound queuing at the intersection of MD 108 and New Hampshire Avenue (MD 650), as extensive queues may result in a need for a longer right turn lane that may impact the frontage of the property
- Provide justification for curbs and gutters on Porter Road within a 44 foot wide right-of-way under Code of Montgomery County Regulations (COMCOR) Section 49-33 – Road Construction Requirements;
- Provide sidewalk improvements on MD 108 and Porter Road;
- Ensure adequate internal circulation for trucks within the site.
- Provide short-term and long-term bicycle parking.
- Provide a pedestrian connection across the private property at the end of the right-of-way extending southwest from Porter Road south of the property to Hidden Garden Lane if gravity sewer is extended through this area;
- Establish validity of the traffic counts for the intersection of MD 108 and MD 650 that were submitted with the traffic statement for the LMA Application, as counts were substantially lower than traffic counts from SHA on record from November 2015.

### c. Moderately Priced Dwelling Units (MPDUs)

The number and location of the MPDUs will be decided at the time of site plan review.

## I. RECOMMENDATION

**Staff recommends APPROVAL of LMA H-119 for the following reasons:**

1. Application of the TF Zone at the proposed location is proper for the comprehensive and systematic development of the County because the proposed development, as shown on the proposed Floating Zone Plan:
  - is generally consistent with all applicable standards of the TF zone and applicable requirements of the Zoning Ordinance;
  - will be in substantial compliance with the land use recommendations of the 1998 Sandy Spring Ashton/Master Plan land use, zoning and transportation recommendations.
2. The Floating Zone Plan is consistent with the purposes of the TF (Townhouse-Floating) zone.
3. The Floating Zone Plan is consistent with the development standards of the zone.
4. The Floating Zone Plan complies with the requirements of the Sandy Spring/Ashton Rural Village Overlay Zone.
5. The Floating Zone Plan proposes internal vehicular and pedestrian circulation systems and points of external access that will be safe, adequate and efficient
6. The Floating Zone Plan and the requested reclassification of the zoning of the Property from the R-90 and CRT zones to TF-10 zone is appropriate for the location and proposes a development that will be compatible with existing and future land uses in the surrounding area.

## II. PROPERTY DESCRIPTION

This Subject Property is located at 100 Olney Sandy Spring Road and 12 Olney-Sandy Spring Road, approximately 200 feet west of its intersection with MD 650.

**Figure 1: The Subject Property**

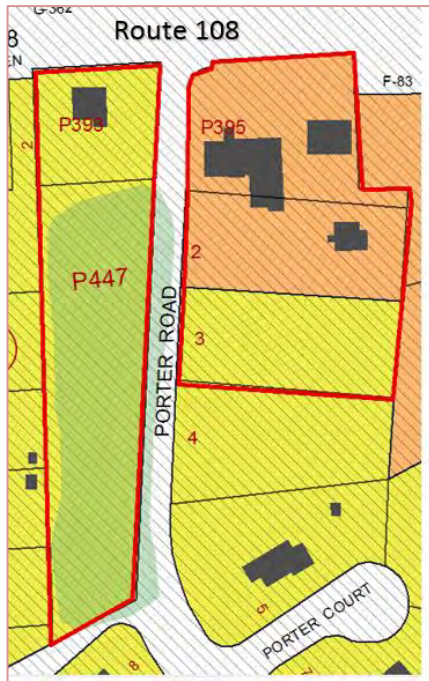


The property is part of 3.5-acre site consisting of two lots, and three parcels. The portion of one of the parcels, P395, while a part of the overall project, is not a part of the proposed rezoning for the purposes of this Application. The “Subject Property” comprises a total 3.04 acres including the following lots and parcels:

- 100 Olney Sandy Spring Rd also known as Parcel P393, Tax Map JT42, zoned R-90;
- Parcel P447, Tax Map JT42, south of P393, on the west side of Porter Road, zoned R-90;
- A portion of (4,290 SF) 12 Olney Sandy Spring Rd, also known as Parcel 395, Tax Map JT42, in the Edward C. Thomas Subdivision, zoned CRT-C-0.75 C-0.75 R-0.25 H-35;
- 17825 Porter Road, Lot 2, Tax Map JT42 in the Edward C. Thomas Subdivision, zoned CRT-C-0.75 C-0.75 R-0.25 H-35; and
- Lot 3, Tax Map JT42 in the Edward C. Thomas Subdivision, zoned R-90.

Parcels P393 and P447 are separated from Parcel P 395, Lot 2 and Lot 3 by Porter Road, a north-south tertiary road that terminates approximately 300 feet south of the Subject Property.

**Figure 2: Current Zoning**



Parcel P393 (100 Olney Sandy Spring Road) is currently improved with a single-family house. Parcel P395 (12 Olney Sandy Spring Road) and a portion of Lot 2 are improved with an abandoned commercial use (a restaurant) and other structures with associated surface parking areas. Parcel P447 and Lot 3 are currently unimproved. Parcels P393 and P395 have frontages on both Olney-Sandy Spring Road and Porter Road and Parcel P447, Lot 2 and Lot 3 have frontages on Porter Road. A significant portion of the Subject Property, including the most of Parcel P447 and a small portion of Lot 3 are within a stream buffer.

Parcels P395, P447 and Lot-3 are currently zoned R-90 and Parcel P395 and Lot 2 are currently zoned CRT-C-0.75 C-0.75 R-0.25 H-35. The Property is located within the Sandy Spring/Ashton Master Plan area and the Sandy Spring Rural Village Overlay Zone.

ranging between 8.67 feet and 10.5 feet (on Pt of Parcel E) and a 65,000

### III. ZONING HISTORY

Available records indicate that the Property was in the Rural Zone prior to 1980. The 1980 Master Plan for the Sandy Spring /Ashton Special Study Area recommended the R-90 zone for the properties identified today as Parcels P393, P447 and Lot 3. The Master Plan also recommended the C-1 Zone for the property known today as Parcel P395 Tax Map JT42 and Lot 2. The 1981 Sectional Map Amendment (SMA) G-293 for the Sandy Spring/Ashton Planning Area rezoned the properties to R-90 and C-1 respectively. The 1998 Sandy Spring/Ashton Sectional Map Amendment (G-770) retained the properties in the R-90 and C-1 Zone. With the adoption of the 2014 Zoning Ordinance, Parcel 395 and Lot 2 were rezoned from C-1 to CRT-C-0.75 C-0.75 R-0.25 H-35.

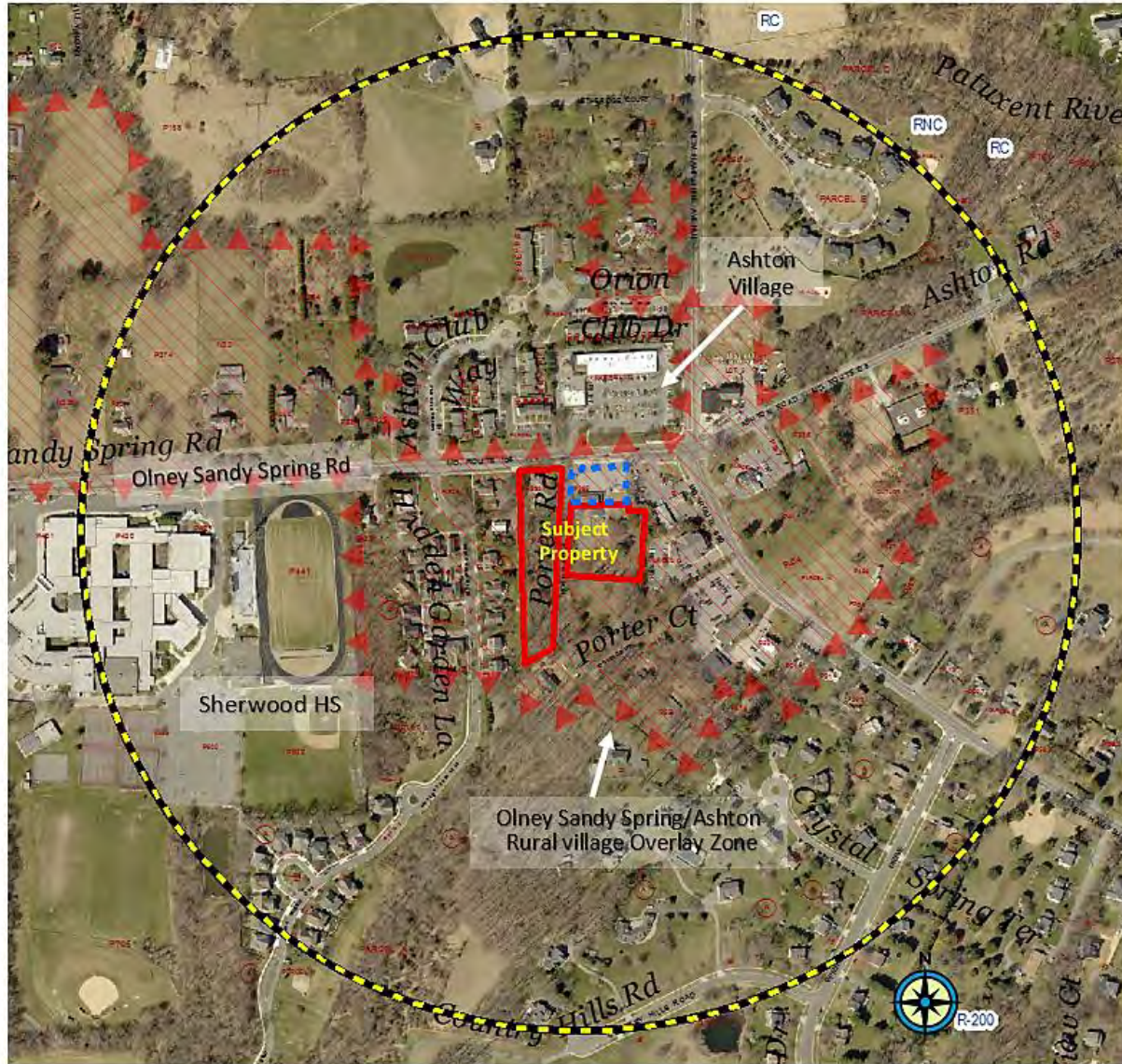
### IV. SURROUNDING AREA

To evaluate the compatibility of the proposed development to the surrounding area, staff identifies the area located within a 1,500-foot radius of the Subject Property, including other properties that are located within the Sandy Spring/Ashton Rural Village Overlay Zone. This area is predominantly developed with a mixture of detached and attached residential developments and some commercial uses (neighborhood shopping center, gas station and commercial buildings).

The central, eastern, and southeastern parts of the neighborhood are developed with a mixture of detached and attached dwellings within the R-90, R-200, RE-2, RNC, and PD-5 zones. This portion of the neighborhood also includes several CRT zoned properties developed with commercial uses located near and at the intersection of Olney-Sandy Spring Road and New Hampshire Avenue. The

westernmost portion of the neighborhood is Rural-Residential with single family detached dwellings in the RNC (Rural Neighborhood Cluster) zone. Sherwood High School is located at the southwestern edge of the neighborhood, approximately 540 feet west of the Subject Property.

**Figure 3: Surrounding Neighborhood**



The neighborhood also includes approximately 75 percent of the properties that are within the Sandy Spring/Ashton Rural Village Overlay Zone.

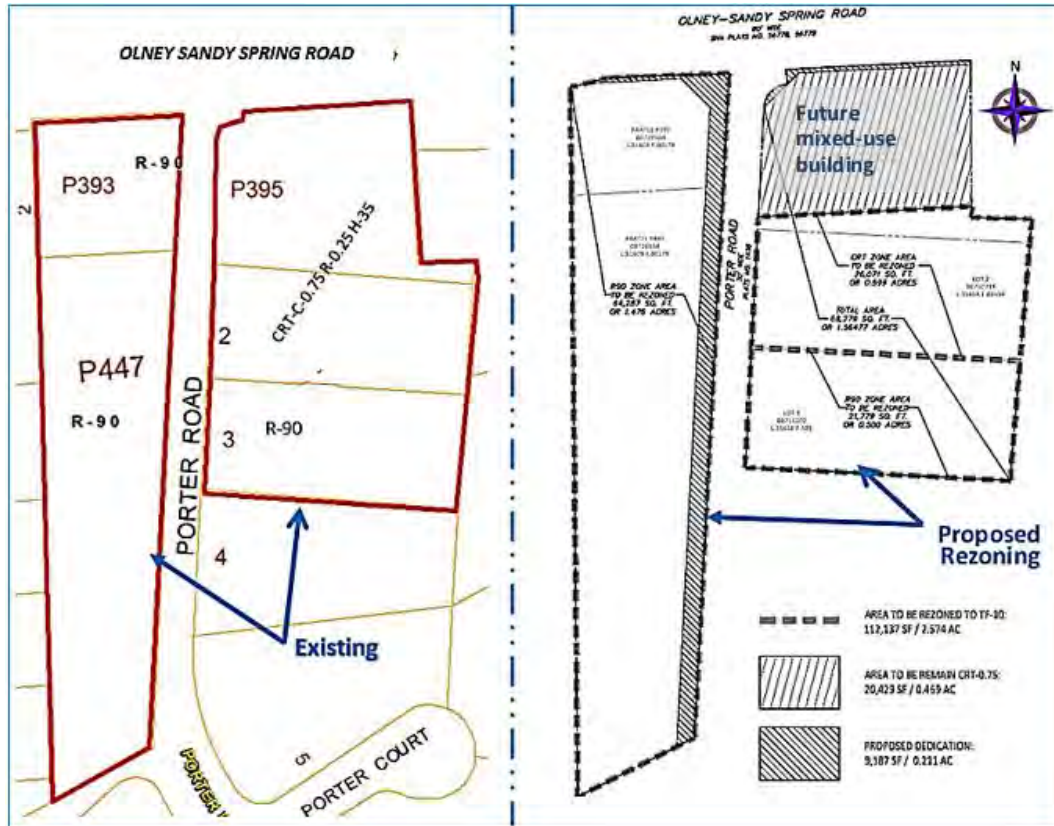
To the north, across Olney-Sandy Spring Road, is a townhouse development and a neighborhood shopping center in the PD-5 zone. To the west, south, and southwest, the Subject Property abuts several single-family dwellings in the R-90 zone. To the east, the Subject Property abuts a gas station and a commercial building, both in the CRT zone.

## V. PROPOSED DEVELOPMENT

### Proposal

The Applicant is requesting a rezoning, from R-90 and CRT zones to the TF-10 zone for development of 20 townhouses as part of a development that includes a mixed-use commercial/residential building on the adjoining 0.45 acre of land (*Figures-1 and 4*). The portion of the overall property on which the mixed-use building will be placed is not part of the proposed rezoning, however,

**Figure 4. Subject Property Existing and Proposed Zoning**



is discussed here for contextual purposes. The mixed-use portion of the development consists of 6,800 square feet of non-residential (retail/service), ground floor space for uses such as retail establishments, personal service businesses and small restaurants, and will house three residential apartment units, with a total 2,700 square foot of area, on the second floor. The Applicant's statement of justification indicates that the mixed-use building will be built into the slope of the site with a partially buried podium for 24 parking spaces below the retail and residential floors, retaining a two-story building façade along Olney-Sandy Spring Road. There will also be six parallel-parking spaces behind the building. This relationship of the multi-use building with the Subject Property development will be fully evaluated at the time of Preliminary Plan and Site Plan review.

The proposed townhouse development (Figure 5) consists of rear-loaded townhouses with a maximum height of 40 feet and a common open space area that includes a playground. The overall

project will provide for three MPDU units. The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the proposed rezoning and associated Floating Zone Plan and found that the proposal meets the requirements of Chapter 25A (Attachment C). DHCA also agrees with the Applicant's proposal and will determine the final number and location of the MPDUs at site plan review.

If approved, Application LMA H-119 is subject to other development approval procedures, including approval by the Montgomery County Planning Board of a preliminary plan of subdivision, forest conservation plan and site plan. Previously, a portion of the property had been the subject of a preliminary plan (120070580) and a site plan (820080130), as well as forest conservation plan review. If the subject application is approved, all previous approvals will be vacated and the proposed development in its entirety will be subject to other regulatory reviews, including Adequate Public Facilities analysis.

The proposed project will be constructed in a single phase.

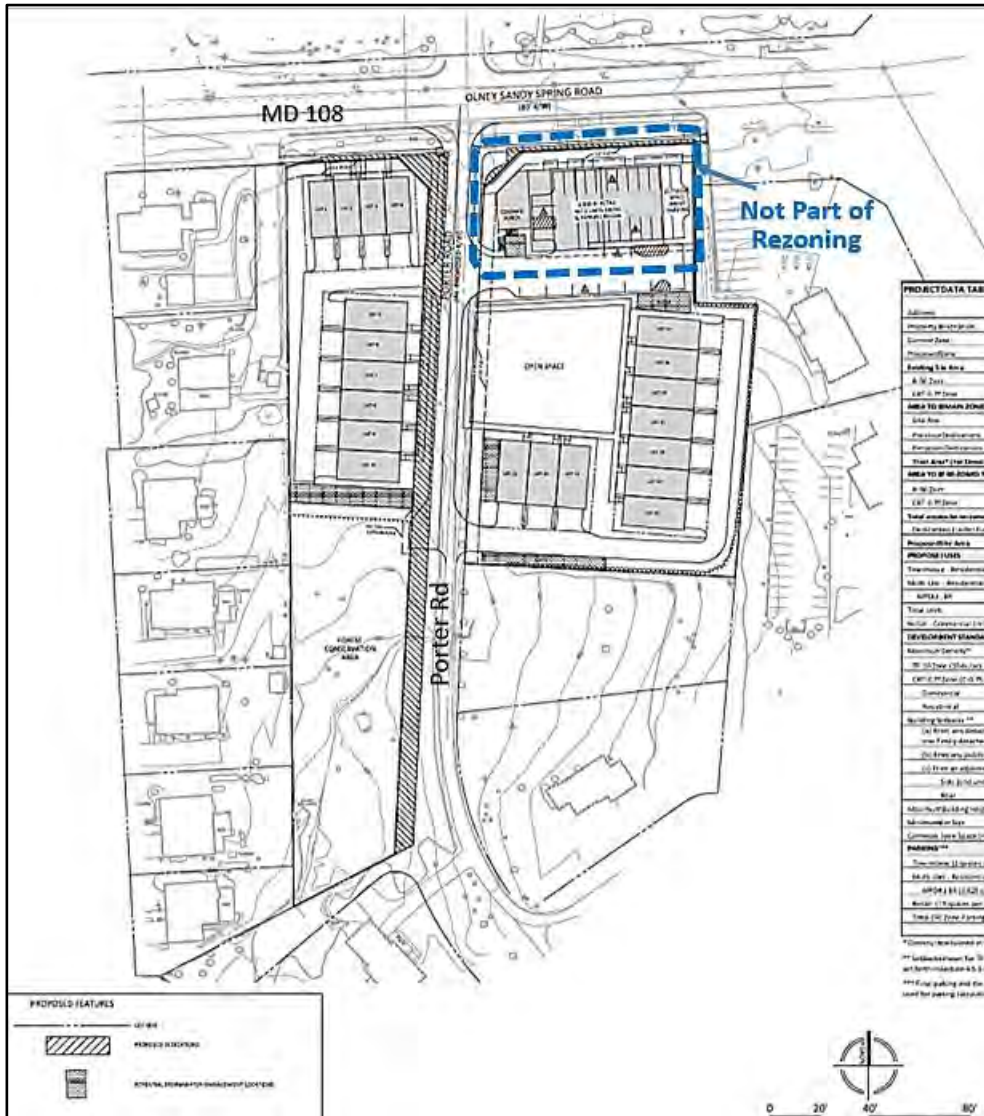
**Binding Elements**

The Applicant does not offer any binding elements; however, staff recommends the following binding element:

The maximum number of townhouses on the Subject Property will not exceed 20.



Figure 5. Proposed Floating Zone Plan



**LEGEND**

EXISTING FEATURES		PROPOSED FEATURES	
	PROPERTY LINES		LOT LINE
	NATURAL GAS CONDUIT		PROPOSED DEDICATIONS
	WATER LINE		POTENTIAL STORMWATER MANAGEMENT LOCATIONS
	SANITARY SEWER		
	STORM DRAIN CONDUIT		
	OVERHEAD WIRES		
	ELECTRICAL CONDUIT		
	TELEPHONE CONDUIT		
	FENCE LINE		
	10' CONTOUR		
	2' CONTOUR		
	STORM DRAIN MANHOLE		
	SANITARY MANHOLE		
	FIRE HYDRANT		
	GAS MANHOLE		
	GAS VALVE		
	SIGN POST		
	LIGHT POLE		
	GUY WIRE		
	UTILITY POLE		
	TREE		
	ELECTRICAL MANHOLE		

**Figure 5.1: Proposed Floating Zone Plan Development Data**

PROJECT DATA TABLE				
Address	Along Porter Road at intersection w/ Olney Sandy Spring Road			
Property Description	Lots 2 & 3, Parcels 393, 395, & 447 / Plat 1438			
Current Zone:	R-90 / CRT-0.75			
Proposed Zone	TF-10 / CRT-0.75			
Existing Site Area	132,566 SF	3.043 AC		
R-90 Zone	86,066 SF	1.976 AC		
CRT-0.75 Zone	46,500 SF	1.067 AC		
AREA TO REMAIN ZONED CRT-0.75				
Site Area	29,765 SF	0.454 AC		
Previous Dedications	8,188 SF	0.188 AC		
Proposed Dedications (Under Future Preliminary Plan)	664 SF	0.015 AC		
Tract Area* (For Density Purposes)	28,617 SF	0.657 AC		
AREA TO BE RE-ZONED TO TF-10				
	SF	Acres		
R-90 Zone	86,066 SF	1.975 AC		
CRT-0.75 Zone	26,071 SF	0.599 AC		
Total area to be re-zoned (Tract)	112,137 SF	2.574 AC		
Dedications (Under Future Preliminary Plan)	8,523 SF	0.195 AC		
Proposed Site Area	103,614 SF	2.379 AC		
PROPOSED USES				
Townhouse - Residential (in TF-10 Zone)	20 du			
Multi-Unit - Residential (in CRT-0.75 Zone)				
MPDU 1 BR	3 du			
Total Units	23 du			
Retail - Commercial (in CRT-0.75 Zone)	6,800 SF			
DEVELOPMENT STANDARD				
	Permitted / Required		Provided	
Maximum Density*				
TF-10 Zone (10 du/ac)	23.79 du		20 du	
CRT-0.75 Zone (C-0.75, R-0.25)	FAR	SF	FAR	SF
Commercial	0.75	21,463 SF	0.24	6,800 SF
Residential	0.25	7,154 SF	0.09	2,700 SF
Building Setbacks **				
(a) From any detached dwelling lot or land classified in a one family detached residential zone	established by plan		4'	
(b) From any public street	established by plan		10'	
(c) From an adjoining lot				
Side (end unit)	established by plan		5'	
Rear	established by plan		18'	
Maximum Building Height	35'		40'	
Minimum Lot Size	3,000 SF		900 SF	
Common Open Space (min. 10%)	10,361 SF		10,361 SF	

**Figure 5.1: Proposed Floating Zone Plan Development Data (Cont.)**

<b>PARKING***</b>	<i>Permitted/Required</i>	<i>Provided</i>
Townhouse (2 spaces per unit)	40 spaces	40 spaces
Multi-Unit - Reside it all (in CRT-0.75 Zone)		
MPDL 1BR (0.625 spaces per unit)	1.88 spaces	2 spaces
Retail (35 spaces per 1,000 SF)	23.8 spaces	28 spaces
Total CRT Zone Parking	25.68 spaces	30 spaces
<p>* Density is calculated in the TF zone based on site area and in the CRT zone based on tract area.</p> <p>** Setbacks shown for TF-10 zone only. Proposed development in the CRT zone will meet minimum setbacks as set forth in section 4.5.3.C</p> <p>*** Final parking and the distribution of MFDJ's will be determined at site plan. A potential distribution has been used for parking calculations.</p>		

**Figure 5.2: Proposed Floating Zone Plan General Notes**

**GENERAL NOTES**

1. THE SITE AREA IS 3.04 ACRES.
2. THE SITE IS LOCATED ON WSSC MAP 224NW01.
3. THE SITE IS LOCATED ON TAX MAP GRID JT42.
4. THE SUBJECT PROPERTIES ARE LOCATED ON TAX ASSESSMENT MAP #JT42 WITH TAX ACCOUNT NO'S 08-00720718, 07-00711202, 07-00720560, AND 07-00711190, AND 08-00720558.
5. THE SUBJECT PROPERTY IS ZONED "R-90" AND "CRT-0.75".
6. BOUNDARY AND TOPOGRAPHIC SURVEY WAS CONDUCTED BY VIKI MARYLAND, LLC. ON MAY 23, 2016.
7. THE SUBJECT PROPERTY IS LOCATED IN NORTHWEST BRANCH - RIGHT FORK WATERSHED, A CLASS IV STREAM.
8. THIS SITE IS NOT WITHIN A SPECIAL PROTECTION AREA (SPA) OR PRIMARY MANAGEMENT AREA (PMA).
9. THERE ARE NO WATERS OF THE UNITED STATES LOCATED ON SITE.
10. THE ENTIRE PROPERTY IS SERVED BY PUBLIC WATER. PORTIONS OF THE PROPERTY ARE SERVED BY PUBLIC SEWER SYSTEMS AND ARE CURRENTLY IN SEWER SERVICE CATEGORY S-1. A SEWER SERVICE CATEGORY CHANGE IS PROPOSED FOR THE REMAINDER OF THE PROPERTY.

**DEVELOPMENT PROGRAM**

THIS PROJECT WILL BE DEVELOPED IN ONE PHASE.

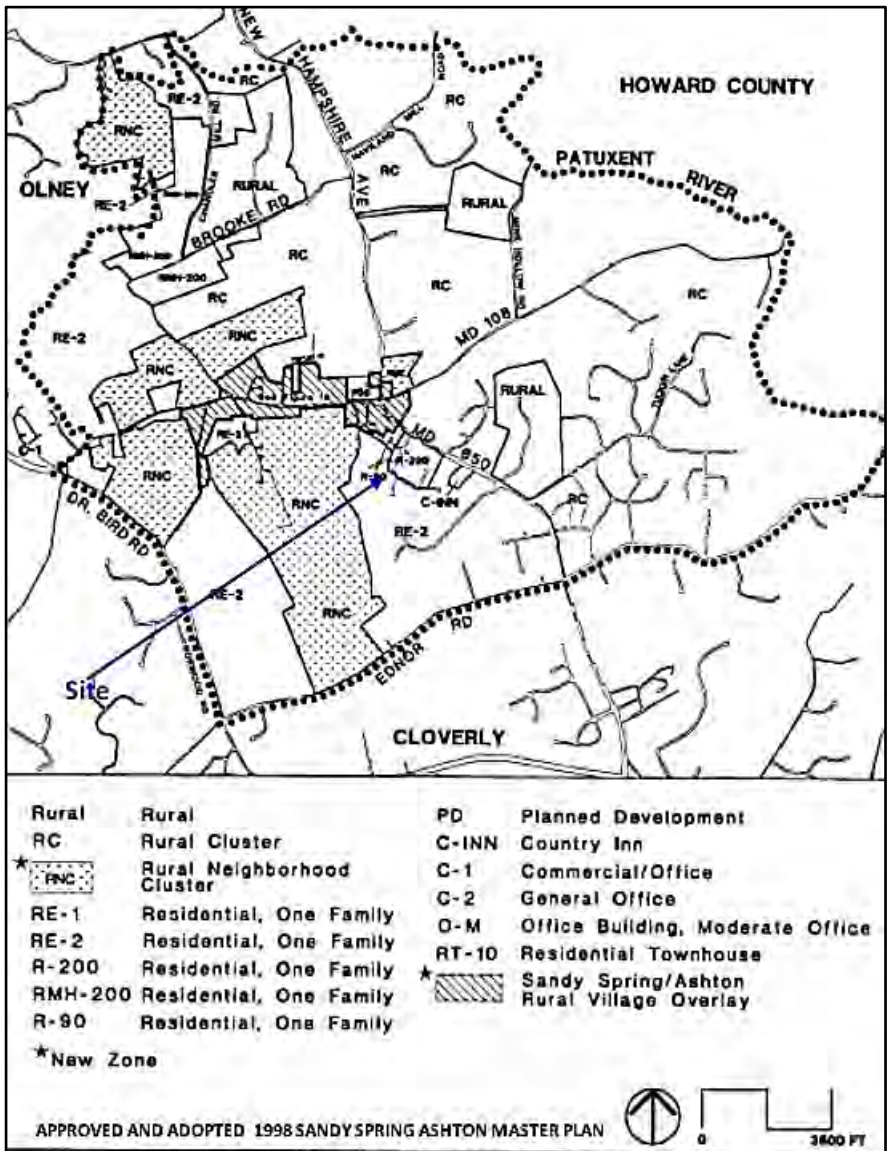
**BINDING ELEMENTS**

NO BINDING ELEMENTS ARE PROPOSED. THE PROPERTY WILL BE DEVELOPED UNDER THE REQUIREMENTS OF THE APPROVED ZONE.

VI. ANALYSIS

A. Conformance with the Master Plan

Figure 6: Zoning Map: 1998 Sandy Spring/Ashton Master Plan



The proposed use is consistent with the goals and objectives of the 1998 Sandy Spring/Ashton Master Plan. The Master Plan does not make specific recommendations for the Subject Property; however, it emphasizes the rural village as an important element of rural character in Sandy Spring/Ashton (Page 29). The Subject Property is located within the Sandy Spring/Ashton Rural Village Overlay Zone. The Master Plan recommends the Overlay Zone to allow additional flexibility in development while providing the option of design review to ensure conformance

with the Master Plan (page 31). The Master Plan also recommends several development guidelines to ensure that new development maintains the small scale envisioned for village centers. Guidelines include:

- Flexible provisions for parking requirements;
- Appropriate building heights;
- “Active fronts” such as porches and street entrances;
- A use mix of stores and homes;
- Stores and other uses that provide service to local-residents and are at a compatible scale;
- Use of traditional village design;
- Parking areas that are well landscaped, preserve trees, and compatible with nearby uses;
- Placement of off-street parking out of view of common space and active fronts;
- Use of the Sandy Spring Historic District as a source for design; and
- Lighting that is consistent with the area’s character in terms of style, scale, and intensity.

The Floating Zone Plan shows that the proposed townhouse development, which is subject to the rezoning application, coupled with the part of the mixed-use portion project that is not subject to the rezoning application, are consistent with the Master Plan’s development guidelines.

## **B. Adequate Public Facilities**

The subject application will be adequately served by public facilities:

### **1. Transportation**

#### Master-Planned Roadways and Bikeways

In accordance with the 1998 Sandy Spring/Ashton Master Plan and the 2005 Countywide Bikeways Functional Master Plan, the designated roadways and bikeway are as follows:

- Olney-Sandy Spring Road (MD 108) is recommended as a two-lane arterial, A-92, with no more than three lanes between New Hampshire Avenue (MD 650) and Norwood Road except where four lanes already exist. The road is recommended to have an 80-foot wide right-of-way and shared use path, SP-37, on the north side.
- Porter Road is not listed in the 1998 Sandy Spring/Ashton Master Plan. It is a two-lane public street with an approximately 20-foot wide paved travel-way traversing the two pieces of land submitted for an LMA.

#### Public Transit Service and Pedestrian and Bicycle Facilities

Metro Bus Route Z2 serves the Subject Property with a bus stop in front of the property, for eastbound and west bound travel to Olney and Silver Spring Pedestrian facilities within the

area consist of a sidewalk on the south side of Olney-Sandy Spring Road, including a three to four-foot wide sidewalk along the property frontage on the south side of the road.

Nearby Planned Transportation Projects

The Maryland State Highway Administration (SHA) has planned a sidewalk and curb and gutter project on the north side of Olney-Sandy Spring Road from Brooke Road (to the west of the site) to New Hampshire Avenue (to the east of the site). Based on information from SHA, this project is currently on hold.

Local Area Transportation Review (LATR)

The proposed development as permitted by the requested LMA would generate the following number of peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

**Table 1: Peak-Hour Trips**

Land Use	Units	Weekday Peak-Hour Person Trips	
		Morning	Evening
<b>Proposed Land Uses</b>			
Townhouses	20	14	16

The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 50 total peak-hour person trips within the weekday morning and evening peak periods. However, with the inclusion of the multi-use building at the time of Preliminary Plan, the Applicant must re-evaluate the person-hour generation numbers generated by the overall development.

Floating Zone Requirement

The application satisfies the minimum two prerequisites in the *Transit & Infrastructure category* under Section 59.5.1.3.D. The Applicant’s statement of justification indicates that the application meets the following two Prerequisites:

- All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.
- The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120 percent because of the proposed development.

A traffic statement was submitted with traffic counts and Critical Lane Volume (CLV) analyses to illustrate that both signalized intersections within ¼ mile of the site boundary operate below the congestion standard for the policy area. These results and the congestion standard for the policy area are included in Table 2.

**Table 2: Critical Lane Volume values**

Intersection	Existing Condition		Congestion Threshold
	AM	PM	AM and PM
Olney-Sandy Spring/Ashton Road (MD 108) and New Hampshire Avenue (MD 650)	934	1195	1350
Olney-Sandy Spring/Ashton Road (MD 108) and Sherwood High School Entrance	948	930	1350

As indicated in the table above, the calculated CLV values do not exceed the congestion standard (CLV value) of 1,350 for the Rural East Policy Area, and, thus, the prerequisite is satisfied.

Transportation Policy Area Review (TPAR)

The Applicant submitted the application after January 1, 2017; therefore, the Transportation Policy Area Review (TPAR) development impact tax no longer applies. However, since the Applicant will receive Planning Board approval after March 1, 2017, the Applicant must pay the updated General District Transportation Impact Tax to the Montgomery County Department of Permitting Services (MCDPS) instead of the TPAR mitigation payment. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.

Transportation Issues to be addressed at Preliminary Plan and Site Plan reviews

- The Applicant must satisfy the Transportation APF Review test for any development submitted at Preliminary Plan;
- Provision of acceleration/deceleration lanes on Olney-Sandy Spring Road (MD 108);
- Alignment of Porter Road with the opposite driveway;
- The need to provide an evaluation of eastbound queuing at the intersection of MD 108 and New Hampshire Avenue, as extensive queues may result in a need for a longer right turn lane that may impact the frontage of the property;
- Justification for curbs and gutters and reduced width section on Porter Road per Code of Montgomery County; Regulations (COMCOR) Section 49-33 – Road Construction Requirements.
- Sidewalk improvements on MD 108 and Porter Road;
- Adequate internal circulation for trucks within the site;
- Short-term and long-term bicycle parking;
- Provision of a pedestrian connection across the private property at the end of the right-of-way extending southwest from Porter Road south of the property to Hidden Garden Lane.
- Validity of traffic counts at the intersection of MD 108 and New Hampshire Avenue that were submitted with the traffic statement for the LMA application, as counts

were substantially lower than traffic counts from SHA currently on record from November, 2015.

**2. Water and Sewer Service**

The Subject Property is served by public water and will require a sewer category change to be served by public sewer. The Applicant plans to seek reclassification to extend public sewer to the Subject Property.

**3. Schools**

The Subject Property is located within the Sherwood Elementary School, William H. Farquhar Middle School and Sherwood High School attendance areas. Staff finds that capacity is adequate in the Sherwood Cluster.

The proposed development is expected to generate approximately four elementary school, two middle school, and two high school students. Enrollment at the high school, middle school and elementary school is currently within capacity and is projected to stay within capacity with the addition of these students.

**Table 3: Student Generation**

*Unit type	No. of units	ES Generation rates	ES Students **Generated	MS Generation rates	MS Students Generated	HS Generation rates	HS Students Generated
Townhouses	20	0.234	4.68	0.107	2.14	0.143	2.86

*\*The three condo units in the mixed building are not included in the calculation since they are not part of the rezoning application. Regardless, their impact on the number of students generated will be negligible.*

*\*\*Students Generated = Number of Units X Generation rates*

**4. Fire and Police**

The Sandy Spring Volunteer Fire Station is located 4.2 mile (10 minutes) from the Subject Property at 17921 Brooke Road to the north. The Montgomery County Police Department satellite facility is located about 9.1 miles (17 minutes) from the Subject Property at 17821 Georgia Avenue.

**C. Environment**

A Natural Resource Inventory/Forest Stand Delineation #420170860 was approved for the Subject Property on March 15, 2017. It is located within the Northwest Brunch Watershed and is not in a Special Protection Area. A substantial portion of the southeastern side of the Property is within a stream valley buffer and a stream runs in its southern portion.

There are 1.02 acres of existing forest on the Property. The Development is subject to the Montgomery County Forest Conservation law, which states that there shall be no clearing of forest, understory, or tree removal on the subject site prior to the approval of a final forest



conservation plan. If the proposed LMA request is granted, subsequent reviews will include Forest Conservation Plan review and approval.

The proposed plan, as currently submitted, shows encroachments of the storm water management facilities, road improvements, access roads, driveways and townhouses within the stream valley buffer. The encroachment into the stream valley buffer raises a concern and the issue will be further evaluated at the time of preliminary plan, when building and street locations are accurately defined and the forest conservation plan is reviewed, and at the time of site plan, when various components of the project, including details of architectural, structural, and design elements are provided and the character of the entire project is refined.

#### **Section 4.9.14.B Sandy Spring/Ashton Rural Village (SSA) Overlay Zone**

##### **Sewer**

**Lots developed under the SSA Overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated at the time of subdivision that a limited number of lots on a private well and septic facility within the development will provide a more beneficial subdivision design because of environmental or compatibility reasons.**

This site is currently served by public water and is partially within sewer category S-1. A Much of the Property is within sewer category S-6 . The Applicant will be requesting reclassification to extend public sewer to the remainder of the Property.

##### Issues to be Addressed at Preliminary Plan and Site Plan Reviews

The stream valley west of Porter Road has been in its present forested condition since the 1970's, likely due to seeps and springs located in this headwater area of the Sandy Spring Tributary of Northwest Branch. Significant encroachments into the high-priority forested stream buffer on the west side of Porter Road are not justified at this time. The current plan shows stormwater management, a street and portions of townhomes in the stream buffer area. The Applicant has not provided any justification for this encroachment within the Environmental Guidelines for Development. In addition, the Sandy Spring/Ashton Master Plan "encourages the provision of undisturbed and completely forested stream buffers" (67).

The stream buffer is already severed by a public street (Porter Road) and as part of the development of this Property, the right-of-way for Porter Road will need to be expanded and construction to upgrade Porter Road with additional pavement will need to occur within the stream buffer area. In addition, gravity sewer and sidewalks may be required through other portions of the stream buffer. As such, the road construction impacts to the severed area of stream buffer on the east side of Porter Road will cause it to lose some of its function. It is in this area of buffer that the Applicant has chosen to locate alleys and townhouse units. At this conceptual stage of rezoning, Staff has not seen any justification to consider such encroachment and must advise the Applicant that at the time of preliminary plan, Staff will apply the normal protection measure to this buffer area; that being: Avoidance first, Minimization, and then Mitigation. At this time, Staff does not support the encroachment and

cautions that unit location and yield may ultimately be affected by stream buffer protection that is applied after consideration of all factors.

**Figure 7: Stream Valley Buffer Impact**



The stream buffer is already severed by a public street (Porter Road) and as part of the development of this Property, the right-of-way for Porter Road will need to be expanded and construction to upgrade Porter Road with additional pavement will need to occur within the stream buffer area. In addition, gravity sewer and sidewalks may be required through other portions of the stream buffer. As such, the road construction impacts to the severed area of stream buffer on the east side of Porter Road will cause it to lose some of its function. It is in this area of buffer that the Applicant has chosen to locate alleys and townhouse units. At this conceptual stage of rezoning, Staff has not seen any justification to consider such encroachment and must advise the Applicant that at the time of preliminary plan, Staff will apply the normal protection measures to this buffer area: Avoidance first, Minimization, and then Mitigation. At this time, Staff cannot support the encroachment and cautions that unit location and yield may ultimately be affected by stream buffer protection that is applied after consideration of all factors.

The Sandy Spring/Ashton Master Plan recommends sewer service for this area. Water and sewer mains should be placed within the existing road right of way.

The hedgerow, including specimen trees located along the property line separating the proposed development from residential land to the south should be preserved and enhanced. The Sandy Spring/Ashton Master Plan has the following recommendation:

- Preserve trees as part of the rural character. Where trees or hedgerows occur along roads or at property boundaries, a high priority should be given to maintain the wooded character and preserving existing trees. (67)

With the additional density, this area of natural open space will become the place where residents walk pets and enjoy wildlife. Staff believes that to the extent feasible, open space should not be located to the rear and side of just a few of the new residences, but rather an extension of the required open space for the community and visible to more of the neighborhood. The Sandy Spring/Ashton Master Plan directs that, “Where possible, maintain view of open rural land”. (20)

## VII. REQUIRED FINDINGS

### 1. Section 5.1.2. Intent Statement

*To obtain a Floating zone, an applicant must obtain approval of a Local Map Amendment under Section 7.2.1. The intent of the Floating zones is to:*

### 2. Section 5.1.2. Intent Statement

*To obtain a Floating zone, an applicant must obtain approval of a Local Map Amendment under Section 7.2.1. The intent of the Floating zones is to:*

#### A. Implement comprehensive planning objectives by:

1. **Furthering the goals of the general plan, applicable master plan, and functional master plan;**
2. **Ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and**
3. **Allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property**

The requested reclassification to the TF-10 Zone substantially complies with the 1998 Sandy Spring/Ashton Master Plan, which encourages development and revitalization of the village centers and offers “development guidelines which with design guide review, will help ensure that new development maintain the small scale envisioned for the village center” (p. 31). The proposed rezoning is consistent with the Master’s Plan’s objective to *maintain the existing scale of Ashton Village Center and encourage improvements to its character* (p.38).

The Subject Property is currently zoned residential except for Lot 2 and a sliver of a CRT zoned piece (4,290 Square feet) adjacent to the CRT zoned site proposed for the mixed-use building. While there is no site-specific recommendation for the three residentially zoned

parcels, the Master Plan's objective for the Ashton Village Center emphasizes maintaining the existing scale of the village center and it encourages improvements to its character (p. 38). Given the development pattern in the area, the proposed townhouses will blend well and maintain balance and compatibility with existing developments while providing a smooth transition between the existing commercial uses on the southwestern quadrant of the intersection of MD 108 and New Hampshire Avenue and varied housing types along MD 108 going west.

The proposed project is in keeping with the Master Plan's objective that the villages of Sandy Spring and Ashton maintain separate and distinct identities (p.29). The proposed development is also consistent with the recommendation for the village centers in that it provides small scaled but balanced development that follows the applicable design guidelines in terms of mix of uses, placement of parking, traditional village design, landscaping and preservation of trees.

The development will be served by public water and public sewer.

**B. Encourage the appropriate use of land by:**

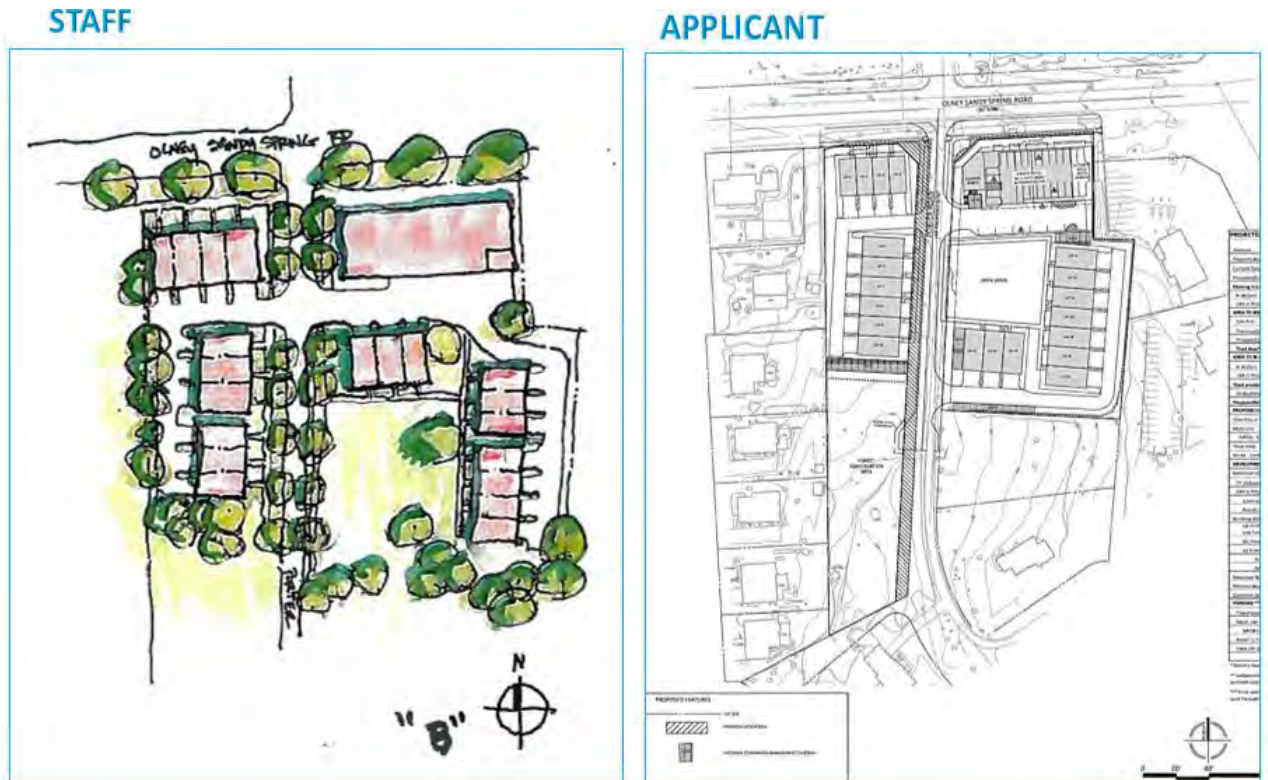
- 1. Providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;**
- 2. Allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and**
- 3. Ensuring that development satisfies basic sustainability requirements including:**
  - a. locational criteria,**
  - b. connections to circulation networks,**
  - c. density and use limitations,**
  - d. open space standards, and**
  - e. environmental protection and mitigation**

Placing a floating zone on the Subject Property would promote the intent of the TF Zone by allowing flexibility in responding to the changing nature of the area in terms of economics demography and planning trends.

The proposed density is appropriate for the size of the Property and the character of the neighborhood. Application of the TF-10 zone to the Property will increase the diversity of uses, adds residential uses within walking distance of Ashton Village amenities and if developed with the defunct restaurant site, provides a commercial/ residential use that better serve the needs of area residents. The proposal, with 20 rear-loaded townhouses (and eventual mixed-use building), will have no negative impact upon any nearby residential neighborhood or commercial activities, as the project's proposed scale and mix of development blends well with the existing developments and is in accord with the Master Plan's recommendations for the surrounding area.

The proposed layout of the project was revised from the original layout to incorporate a flexible design approach that blends suggestions offered by staff with the developer's alternative design options. The revised plan offers all rear-loaded townhouses and offers a better design and framing of the centrally located, uninterrupted open space along with a playground. However, the design and layout of the project may undergo further modifications at preliminary plan to address environmental and right-of-way issues concerning the stream buffer area.

**Figure 8: Design Options**



The proposed development will be served by safe and convenient roadways, and internal circulation systems including sidewalks. Staff's analysis of the Applicant's traffic report reveals that the existing network has the capacity to support the proposed development. As indicated in the table under the transportation analysis section (Table-2), the calculated CLV values do not exceed the CLV standard for the Rural West Policy Area, and the Local Area Transportation Review (LATR) test is satisfied. M-NCPPC and MCDOT Staff have reviewed the proposed access point and internal traffic/pedestrian circulation system shown on the Floating Zone Plan and finds them to be adequate although the final section of Porter Road will require additional review by MCDOT.

The Floating Zone Plan provides for adequate open space, and the project is generally in conformance with applicable environmental laws although the issue of stream buffer encroachment will be further addressed at subsequent regulatory reviews the project is

designed to accommodate all infrastructure needed for the proposed townhouses and mixed use building. As noted, DHCA has indicated that the number and location of the MPDU's will be decided at the time of site plan review. The proposal meets the basic sustainability requirement by not imposing a burden on the existing facilities and the environment.

**Figure 9: Landscape Plan (Illustrative)**



**C. Ensure protection of established neighborhoods by:**

- 1. Establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;**
- 2. Providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and**
- 3. Allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use**

The proposed Floating Zone Plan meets the development standards of the TF Zone and the development will be compatible with the surrounding area. The adjacent properties as well as properties in the surrounding area are developed with a mixture of uses including single-family detached and attached dwellings, townhouses and commercial uses including a neighborhood shopping center, gas stations, and a commercial building. The proposed project with 20 townhouses and a mixed-use building that includes three residential units, adequate on-site parking with ample landscaping and a forested area will be compatible with the existing character of the area and it also contributes to the enhancement of the

streetscape at this location. The proposed rezoning will not have a negative impact on existing or future developments in the surrounding area.

**3. Section 5.1.3. Applicability**

**A. A Floating zone must not be approved for property that is in an Agriculture or Rural Residential zone.**

Not Applicable. The Property is in the R-90 and CRT zones.

**B. If a Floating zone is recommended in a master plan, there are no prerequisites for an application.**

This Floating Zone is not recommended in the Sandy Spring /Ashton Master Plan.

**C. If a Floating zone is not recommended in a master plan, the following apply:**

- 1. The maximum allowed density is based on the base zone and on the size of the tract as stated in Division 5.2 through Division 5.5**
- 2. Residential Base Zone**
  - b. When requesting a Townhouse Floating (TF) zone, Apartment Floating (AF) zone, or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:**
    - i. The property must front on a nonresidential street or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone; and**
    - ii. The application must satisfy a minimum of two prerequisites for each of the categories under Section 5.1.3.D.**

**Table 4: Prerequisites**

Category	Prerequisite Choices	Satisfied
<b>Transit &amp; Infrastructure</b>	At least 75% of the site is within ¼ mile of a Level 3, ½ mile of a Level 2, or ¾ mile of a Level 1 transit station/stop.	
	The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.	
	The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.	
	All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.	X
	The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.	X
<b>Vicinity &amp; Facilities</b>	The site is in a transitional location between property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential zone and property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached zone.	X
	The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.	
	The site is adjacent to a route that provides access to an existing or master-planned school within ½ mile.	X
	The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board’s Recreation Guidelines, as amended, within ¾ mile.	
	The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer’s market within ¼ mile.	
<b>Environment &amp; Resources</b>	The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.	
	The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.	X
	The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.	X
	The site is on land containing contaminated soils and is developed in conjunction with an environmental Voluntary Cleanup Program under the Maryland Department of Environmental Protection.	
	The site is currently developed with more than 75% impermeable surfaces, including paving and roofed-structures, and does not currently provide stormwater management meeting the standards applicable on the date of filing.	



**Section 5.2.5. Development Standards**

**Table 5: Development Standards-TF Zone**

	Section	Required/Allowed	Proposed
Maximum Residential Density	5.2.5.A.1.b	12 d.u./acre based on at least 6 times the base lot size of 9,000 SF	10 d.u./acre =20 units
Setback and Height from site Boundary <ul style="list-style-type: none"> <li>• Minimum Setback</li> <li>• Maximum Height</li> </ul>	5.2.5.B	Established by Floating Zone Plan	4 ft 40 ft
Height Compatibility	4.1.8.B.2	A structure may not protrude beyond a 45-degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the abutting/confronting Residential Zone	Project complies
Minimum Lot Size	5.2.5.C	Established by Floating Zone Plan	900 Sq. ft
Minimum Open Space	5.2.5.D	10% Common open space	10 % (10,361 Sq. ft.)
Minimum Parking	5.2.5.E/6.2.4	2 spaces per dwelling unit = 40 spaces	

**VIII. SECTION 4.9.14. SANDY SPRING/ASHTON RURAL VILLAGE (SSA) OVERLAY ZONE**

**A. PURPOSE**

The purpose of the SSA Overlay zone is to:

1. Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.
2. Encourage a compatible relationship between new or expanded houses or businesses and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation on the site.

The proposed project will be consistent with the purpose of the SSA overlay zone. The Floating Zone Plan proposes an overall design that will be compatible with existing developments near the Subject Property and in keeping with the character of the surrounding area. Moreover, the proposed project will be consistent with the design characteristics of the existing developments within the Sandy Spring Rural Village Overlay Zone in terms of massing, architecture and design features, and height of the proposed development.

**Figure 9: Mixed Use Building and Townhomes (Illustrative)**



**B. Sewer**

**Lots developed under the SSA Overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated at the time of subdivision that limited number of lots on a private well and septic facility within the development will provide a more beneficial subdivision design because of environmental or compatibility reasons.**

The Applicant’s statement of justification indicates that the Subject Property is served entirely by public water and in part by public sewer. The Applicant intends to seek a sewer category change, as recommended in the 1998 Master Plan (p 85), to permit the entirety of the Subject Property to be served by public sewer.

**C. Land Uses**

**Where a lot is either partially or totally in a Commercial/Residential or Employment zone:**

- 1. Multi-Unit Living, as allowed in the underlying zone, must be in a multi-use building type.**  
Not applicable.
- 2. The following uses are prohibited**  
\*...\*...\*...\*  
Not Applicable.

**D. Development Standards**

- 1. Where a lot is in a Commercial/Residential or Employment zone:**

- a. **The maximum height for all buildings is 24 feet, except that the Planning Board may allow additional height up to 30 feet in the site plan approval process, if the Planning Board finds that the additional height is compatible with the abutting uses and substantially conforms with the intent of the master plan.**

Not applicable

- b. **The maximum density for commercial uses is 0.75 FAR, and is computed only on the area of the underlying Commercial/Residential or Employment zoned portion of the site.**

Not applicable

- c. **Where a minimum area is required for a conditional use, the minimum area may be waived where recommended as appropriate in the master plan.**

Not applicable

- d. **In areas recommended in the master plan for mixed use development, development must substantially conform with the recommendations of the master plan. In the residential portions of the mixed-use areas, off street parking for commercial uses is allowed without a requirement for approval of a conditional use.**

Not applicable

**2. Where a lot is in a Residential zone:**

- a. **The density of development must not exceed the standards for the underlying zone under optional method Cluster Development.**

Optional method Cluster Development is not allowed in townhouse zones, and, therefore, is not permitted in the TF zone, which takes its permitted uses from the Euclidean townhouse zone with a corresponding level of density. Sections 59.5.2.3.A and 59.4.4.2.B.

- b. **The Planning Board may approve lot sizes as small as 900 square feet for a townhouse, 2,000 square feet for a duplex, and 3,000 square feet for any other building type, including a minimum of zero feet for side setbacks on one side, upon a showing that the resulting development will substantially conform with the recommendations of the master plan.**

The proposed project would comply with the minimum townhouse lot size of 900 square feet, and demonstrates conformance with the recommendations of the Master Plan.

- c. **The maximum height for all buildings is 35 feet; however, if in the site plan approval process the Planning Board finds that additional building height is compatible with the abutting uses and the building height substantially conforms to the intent of the master plan, the maximum building height is 40 feet.**

The Applicant's statement of justification indicates that grading and placements of the townhouse at the various portions of the property could result in a height measurement that may exceed 35 feet. If such a situation occurs, the Applicant plans to seek approval from the Planning Board for a maximum height of 40 feet as part of the site plan review.

#### **E. Site Plan**

1. **Site plan approval under Section 7.3.4 is required for:**
  - a. **construction of a new building;**
  - b. **any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or**
  - c. **if required under Section 7.3.4.A.8.**
2. **Site plan approval is not required for development of a detached house that proceeds under standard method development.**
3. **In addition to the site plan findings under Section 7.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings are directly accessible from a sidewalk, plaza, or other public space.**

In addition to the rezoning review, the proposed development will also be subject to approval of a preliminary plan of subdivision and site plan by the Planning Board.

The design, architecture and landscaping details of the project will be further developed and refined at the time of site plan.

#### **F. Parking**

1. **The Planning Board may allow some on-street parking to fulfill the requirement for off-street parking to enhance compatibility, provide additional open space and reduce impervious coverage.**
2. **Properties in a Residential zone that are designated in the master plan as suitable for mixed use or nonresidential use may be used for off-street parking in connection with commercial uses.**
3. **The SSA Overlay zone encourages the parking of vehicles behind the front building line. In addition, to reduce access points and thereby enhance safety, abutting**

**parking facilities may be required to provide internal connections. In exceptional circumstances, limited parking may be allowed between the front lot line and the front building line.**

The Floating Zone Plan shows that all parking for the mixed-use building will be accommodated on-site, in a surface parking area behind the mixed-use building or in the lower level parking underneath the building.

#### **IX. Section 7.2.1.E. NECESSARY FINDINGS**

- 1. A floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.**

The application satisfies the requirements of Article 59-5 and is sufficient to recommend approval of the proposed zone change from R-90 and CRT zones to TF-10 Zone.

- 2. For a floating zone application, the District Council must find that the Floating Zone Plan will:**

- a. **substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans.**

As noted in previous sections of this report, the proposal conforms to the recommendation, goals, intent and objectives of *the 1998 Sandy Spring/Ashton Master Plan*.

- b. **further the public interest.**

The project will further the public interest by ensuring infill development in a manner that is compatible with the existing and future developments in the surrounding area while maintaining the preservation of historic and environmental resources.

- c. **satisfy the intent, purposes, and standards of the proposed zone and requirements of Chapter 59.**

The proposed Floating Zone Plan for LMA H-119 satisfies the intent, purposes and standards of the TF Zone, as stated under previous sections of this report.

- d. **be compatible with existing and approved adjacent development.**

The proposed Floating Zone Plan is compatible with existing and approved adjacent developments. The proposed development will complement the existing mix of uses

in the Ashton Village Center area, where townhouses are located adjacent to other townhouses, single-family detached homes, and commercial uses.

The proposed townhouse development will be compatible with adjacent developments in terms design, height, massing, and building materials.

- e. **generates traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board’s LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrates an ability to mitigate such adverse impacts.**

As noted in the transportation section of this report (Table 2), the proposed 20 townhouses generate 14 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 16 peak-hours trip during the evening peak period (4:00 to 7:00 p.m.). A traffic study is not required to satisfy the LATR test because the proposed land use generates fewer than 50 total peak-hour person trips within the weekday morning and evening peak periods.

Traffic counts and the calculated critical lane values submitted with the Applicant’s traffic statement indicate that the calculated critical lane values do not exceed the congestion standard (CLV value) of 1,350 for the Rural East Policy Area, and, thus, the LATR test as well as *Transit and Infrastructure* prerequisites required under Section 59.5.1.3.D are satisfied.

- f. **when applying a nonresidential floating zone to a property previously under a residential detached zone, not adversely affect the character of the surrounding neighborhood.**

*Not Applicable.*

## X. CONCLUSION

Staff finds that the proposed Local Map Amendment will be consistent with the intent and all applicable standards for the TF-Zone, and will be in accord with the land use recommendations of the 1998 Sandy Spring/Ashton Master Plan. Therefore, staff recommends approval of the requested TF-10 Zone.

### Attachments:

- A. Plans and Graphics
- B. Transportation and Environmental Comments
- C. County Agencies’ Comments
- D. Supplemental Information

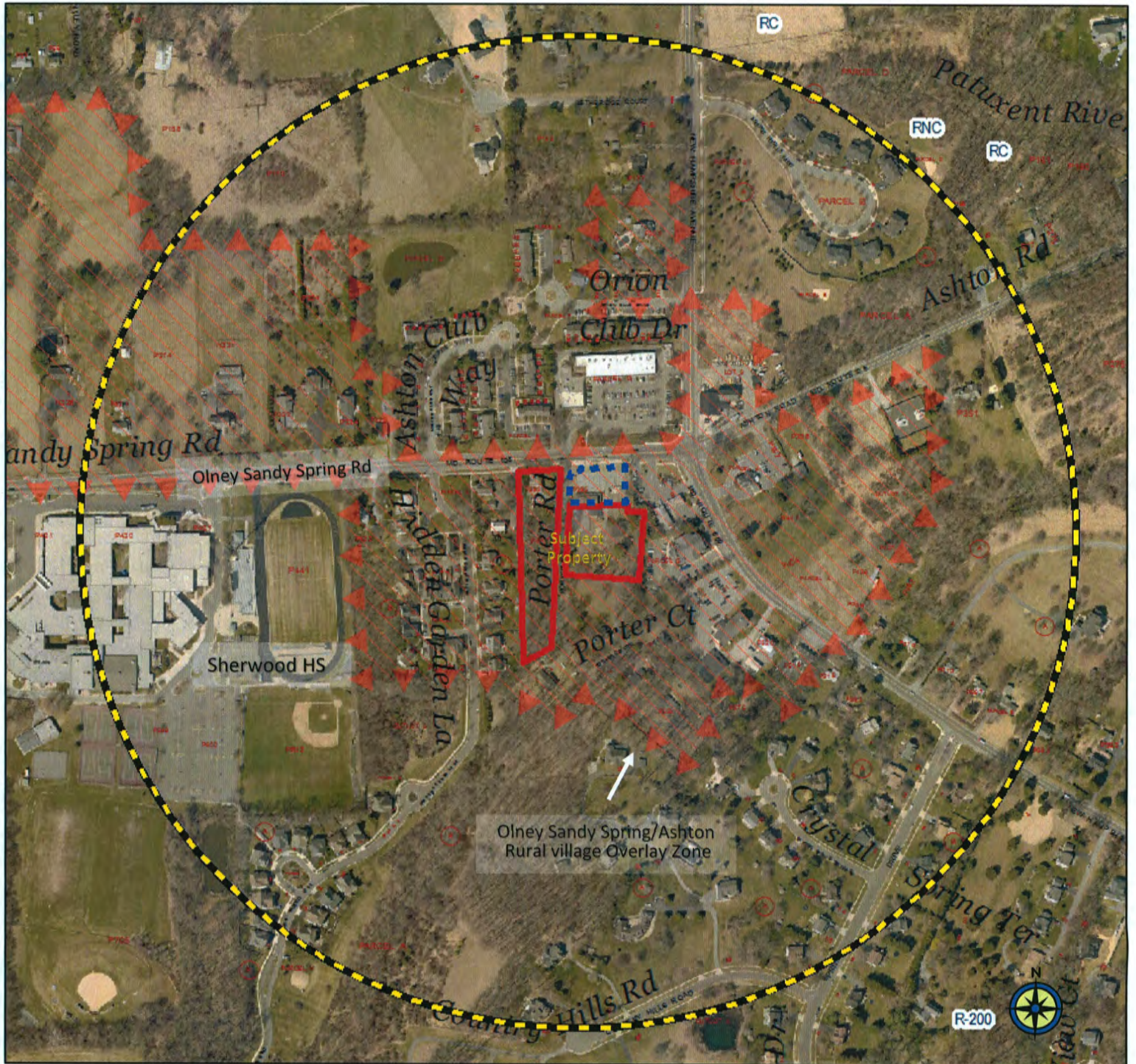
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## A. Plans and Graphics

**Attachment-A**

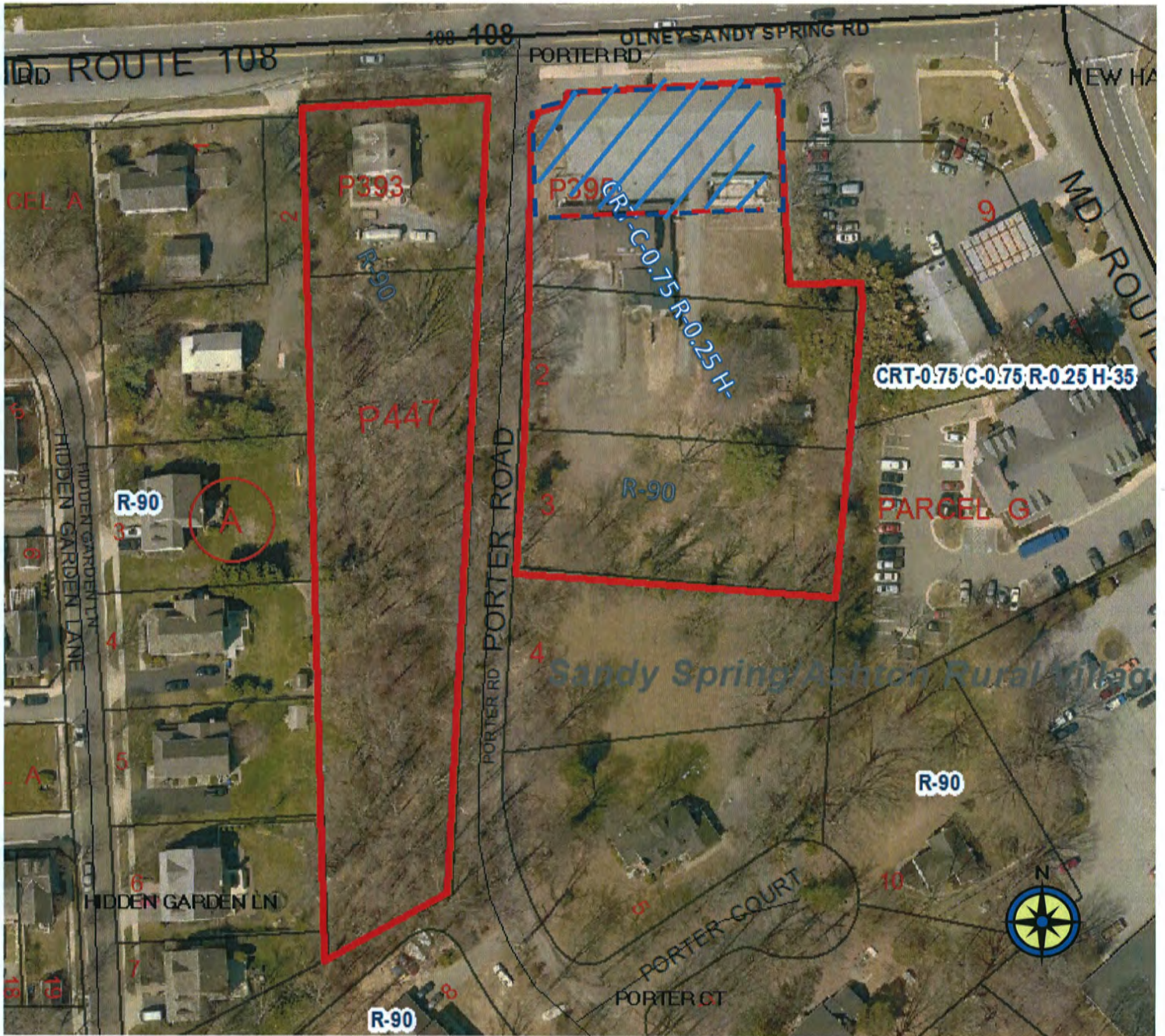


# H-119 Porter Road





# H-119: Porter Road: The Subject Property







VICINITY MAP  
SCALE: 1" = 2000'

**NICHOLS**  
 DEVELOPMENT  
 COMPANY  
 1000 SANDY SPRING ROAD,  
 SUITE 1000  
 SANDY SPRING, MD 20886  
 (301) 444-1000  
 WWW.NICHOLSDC.COM

**DESIGN CONSULTANTS**  
 BERTRAM, BERBERT,  
 SCHWARTZ & GILDAY, LLC  
 1000 SANDY SPRING ROAD,  
 SUITE 1000  
 SANDY SPRING, MD 20886  
 (301) 444-1000

**ARCHITECTS**  
 VIA MARYLAND, LLC  
 1000 SANDY SPRING ROAD,  
 SUITE 1000  
 SANDY SPRING, MD 20886  
 (301) 444-1000

**PHOTOGRAPHER**  
 PHOTOS BY: [Name]  
 1000 SANDY SPRING ROAD,  
 SUITE 1000  
 SANDY SPRING, MD 20886  
 (301) 444-1000

REVISIONS	DATE	REVISION COMMENTS	APPROVED BY

PHOTOGRAPHER

### PORTER ROAD

PROJECT NO. 1000 SANDY SPRING ROAD  
 SUBDIVISIONS 001 & 002  
 PORTER ROAD  
 MONTGOMERY COUNTY,  
 MARYLAND  
 WSSC GRID: 22-NW1021  
 TAX MAP: 712

### OPEN SPACE & ENVIRONMENTAL PLAN

DESIGNED BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: 50037  
 NO.

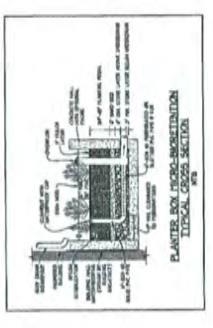
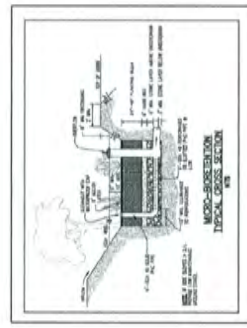
SHEET NO. FFP-5



SCALE: 1" = 40'

SITE AREA: 108,614 SF / 2.379 AC  
 MINIMUM OPEN SPACE REQ: 10% 10,861 SF / 0.24 AC  
 OPEN SPACE SHOWN: 12.5% 13,000 SF / 0.30 AC

- LEGEND**
- COMMON OPEN SPACE
  - STORMWATER BIOPFILTRATION FACILITY
  - EXISTING FOREST TO BE PUT IN CONSERVATION EASEMENT
  - EXISTING STREAM





**VHA**  
 VICTORY HEIGHTS ASSOCIATES  
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 SUITE 100  
 GREENBELT, MARYLAND 20821  
 TEL: 301-477-4500  
 FAX: 301-477-4501  
 WWW.VHA-VA.COM

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 DEVELOPMENT  
 COMPANY**  
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 SUITE 100  
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 TEL: 301-477-4500  
 FAX: 301-477-4501  
 WWW.VHA-VA.COM

**DESIGN CONSULTANTS**

**RETIROVA,  
 BERGMAN, BERBERT,  
 SCHWARTZ & GELMAN, LLC**  
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**THE  
 WILSON  
 ARCHITECTS  
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 GREENBELT, MARYLAND 20821  
 TEL: 301-477-4500  
 FAX: 301-477-4501  
 WWW.VHA-VA.COM**

REVISIONS	DATE

**PROFESSIONAL SEAL**

**PORTER  
 ROAD**  
 P3B3, P447, P395, M417, M449  
 SUBDIVISIONS 001 & 002  
 IN ELECTION DISTRICT  
 WASHINGTON COUNTY,  
 MARYLAND  
 WSSC GRID: 22ANW02  
 TAX MAP: FT42

**NO.**  
**PROJECT** 50037  
**DATE**  
**DRAWN BY**  
**DESIGNED BY**  
**DATE ISSUED**  
**PROJECT**

**SCALE: 1" = 40'**

**SCALE: 1" = 200'**

**0 20' 40' 80'**

**SCALE: 1" = 40'**

**0 20' 40' 80'**

**SCALE: 1" = 40'**

**0 20' 40' 80'**

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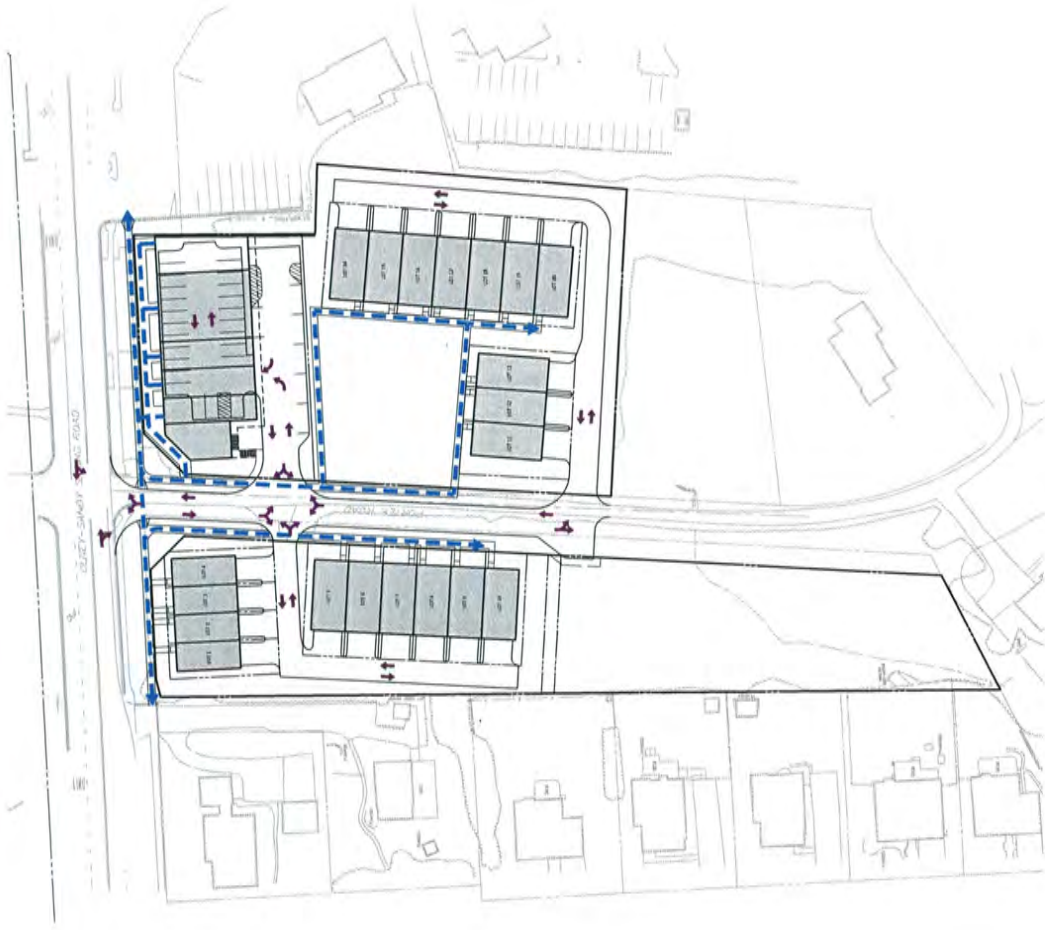
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**SCALE: 1" = 40'**

**0 20' 40' 80'**



**VICINITY MAP  
 SCALE: 1" = 200'**



**LEGEND**

**VEHICULAR ACCESS**

**PEDESTRIAN CIRCULATION**



**VHA**  
 VIRGINIA HISTORICAL ARCHIVES  
 1100 EAST MAIN STREET, SUITE 100  
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 500 QUAY-SANDY SPRING ROAD,  
 SANDY SPRING, MD. 20886  
 TEL: 301.278.0000 FAX: 301.278.0001  
 WWW.NICHOLSD.COM

**DESIGN CONSULTANTS**  
**REGINA, HERBERT, SCHWARTZ & GILMAN, LLC**  
 1000 WEST WASHINGTON STREET  
 WASHINGTON, DC 20004  
 TEL: 202.331.1000 FAX: 202.331.1001  
 WWW.RHS-G.COM

**FRANCOIS & COMPANY**  
 1000 WEST WASHINGTON STREET  
 WASHINGTON, DC 20004  
 TEL: 202.331.1000 FAX: 202.331.1001  
 WWW.FRANCOIS-COM

REVISIONS	DATE
FOR ARCHITECT COMMENTS	AS SHOWN
FOR ARCHITECT COMMENTS	AS SHOWN
FOR ARCHITECT COMMENTS	AS SHOWN
FOR ARCHITECT COMMENTS	AS SHOWN
FOR ARCHITECT COMMENTS	AS SHOWN
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FOR ARCHITECT COMMENTS	AS SHOWN
FOR ARCHITECT COMMENTS	AS SHOWN
FOR ARCHITECT COMMENTS	AS SHOWN

**PORTER ROAD**  
 P383, P447, P395, M417, M449  
 SUBDIVISIONS 001 & 002  
 3RD ELECTION DISTRICT  
 MONTGOMERY COUNTY,  
 MARYLAND  
 WSSC GRID: 22-28(W)03  
 TAX MAP 1742

**FIRE ACCESS PLAN**

DRAWN BY: JSC  
 DESIGNED BY: JSC  
 DATE ISSUED: 03/20/2012  
 PROJECT: 50037

SHEET NO. F27-7



**LEGEND**

- ▲ ENTRY POINTS
- ◆ EXISTING FIRE HYDRANT
- ◆ EXISTING WATER LINE AND FITTINGS
- 10' W FIRE ACCESS PATH
- ◆ PROPOSED FIRE HYDRANT





MEMPHIS, TENNESSEE  
 2525 CENTURY BOULEVARD, SUITE 2000  
 MEMPHIS, TENNESSEE 38120  
 TEL: 901.595.4400  
 FAX: 901.595.4401  
 WWW.MKA.COM

PREPARED FOR:  
**NICHOLS MANAGEMENT COMPANY**  
 508 OLNEY SANDY SPRING ROAD,  
 SANDY SPRING, MD. 20880  
 301.583.5238  
 WWW.NMCO.COM

DESIGN CONSULTANTS:  
 ATTORNEY: **BERBERT, SCHWARTZ & GRADY, LLC**  
 1015 HANCOCK AVE.  
 BALTIMORE, MD. 21204  
 410.528.1100  
 TRANSPORTATION: **CLARK**  
 1000 CENTURY BOULEVARD,  
 SUITE 2000  
 MEMPHIS, TN 38120  
 901.595.4400

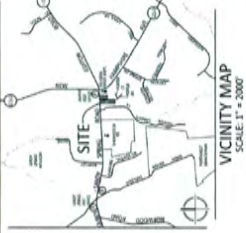
REVISIONS	DATE
FOR ARCHITECT COMMENTS	6/2/2007
FOR LANDSCAPE ARCHITECTING	6/2/2007
FOR CONSTRUCTION	6/2/2007

PROFESSIONAL SEAL

**PORTER ROAD**  
 P093, P447, P395, M417, M449  
 SUBDIVISIONS 0003 & 0002  
 8TH ELECTION DISTRICT  
 MONROEBURY COUNTY,  
 TNSS. CRD - 248W001  
 TAX MAP - J142

CONCEPT ILLUSTRATIVE LANDSCAPE

DESIGNED BY: **MKA**  
 DATE ISSUED: **JANUARY 2007**  
 PROJECT: **50037**  
 SHEET NO.



ILLUSTRATIVE SECTION VIEW LOOKING EAST FROM PORTER ROAD



SCALE: 1" = 30'



SCALE: 1" = 20'

WITHIN SUBJECT PROPERTY


- BUILDING IN SVB: 116 SF.
- PAVEMENT IN SVB: 2,152 SF.
- VEGETATION IN SVB: 3,700 SF.
- TOTAL: 5,968 SF

WITHIN PORTER ROAD ROW

- PAVEMENT IN SVB: 1,989 SF.
- VEGETATION IN SVB: 906 SF.
- TOTAL: 2,895 SF



PORTER ROAD  
STREAM VALLEY BUFFER IMPACT EXHIBIT


 VMA BARRFIELD, LLC  
 SURVEYORS • GEOMATICS  
 20251 COUNTY ROUTE 407  
 CROMWELL, MD 20874  
 TEL: (301) 914-3331  
 WWW.VMA.COM

Z:\50000-50500\50037\CADD\EXHIBITS\SVB Impact Exhibit.dwg ~ Friday, April 14, 2017 2:19:07 PM ~

LAYOUT: 11x17, Plotted By: chapman

**B. Master Plan, Transportation, and  
Environmental Comments**

---

**Attachment-B**







May 1, 2017

**MEMORANDUM**

**TO:** Elsabett Tesfaye, Planner Coordinator  
Area 3 Division

**VIA:** Fred Boyd, Supervisor  
Area 3 Division

**FROM:** Laura Hodgson, Transportation Planner Coordinator  
Area 3 Division

**SUBJECT:** Porter Road Local Map Amendment No. H-119  
Rural East Policy Area

---

This memorandum is transportation planning staff's Adequate Public Facilities (APF) review of the subject Local Map Amendment (LMA) of two pieces of land – one from Residential-90 (R-90) zone to Townhouse Floating Zone at a density of 10 dwelling units per acre (TF-10), and one from Commercial Residential Town (CRT)-0.75, C-0.75, R-0.25, H-35 zone to the TF-10 zone.

**DISCUSSION**

Site Location and Vehicular Site Access Points

The site is located at the intersection of Porter Road and Olney-Sandy Spring Road (MD 108) in Ashton, with access provided off Porter Road.

Master-Planned Roadways and Bikeway

In accordance with the *1998 Sandy Spring/Ashton Master Plan* and the *2005 Countywide Bikeways Functional Master Plan*, the designated roadways and bikeway are as follows:

- Olney-Sandy Spring Road (MD 108) is recommended as a two-lane arterial, A-92, with no more than 3 lanes between New Hampshire Avenue (MD 650) and Norwood Road except where four lanes already exist. The road is recommended to have an 80-foot wide right-of-way and shared use path, SP-37, on the north side.
- Porter Road is not listed in the *1998 Sandy Spring/Ashton Master Plan*. Porter Road is a two-lane public street with an approximately 20-foot wide paved travelway traversing the two pieces of land submitted for an LMA.

Public Transit Service and Pedestrian and Bicycle Facilities

Metro Bus Route Z2 serves the subject property with a bus stop in front of the subject property for Eastbound travel and near the intersection of Olney-Sandy Spring Road and New Hampshire Avenue in the Westbound direction. Metro Bus Route 72 primarily operates along Olney-Sandy Spring Road and New Hampshire Avenue between Olney and Silver Spring.

Pedestrian facilities within the area consist of a sidewalk on the south side of Olney-Sandy Spring Road, including a 3 to 4-foot wide sidewalk along the property frontage on the south side of the road. The adjacent pedestrian and bicycle facilities are as follows:

Nearby Planned Transportation Projects

Maryland State Highway Administration (SHA) has planned a sidewalk and curb and gutter project on the northside of Olney-Sandy Spring Road from Brooke Road (to the west of the site) to New Hampshire Avenue (to the east of the site). Based on information from SHA, this project is currently on hold.

Local Area Transportation Review (LATR)

The proposed development as permitted by the requested LMA would generate the following number peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Proposed Land Use	Units	Weekday Peak-Hour Person Trips	
		Morning	Evening
Townhouses	20	14	16

The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 50 total peak-hour person trips within the weekday morning and evening peak periods.

Transportation Findings

Part of the Floating zone requirements include satisfying a minimum of two prerequisites in each of three categories under Section 59.5.1.3.D. Based on information presented by the applicant, the applicant meets the following two Transit & Infrastructure Prerequisites:

- All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.
- The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development.

A traffic statement was submitted with traffic counts and Critical Lane Volume (CLV) analyses to illustrate that both signalized intersections within ¼ mile of the site boundary operate below the congestion standard for the policy area. These results and the congestion standard for the policy area are included in the table below.

Intersection	Existing Condition		Congestion Threshold
	AM	PM	AM and PM
Olney-Sandy Spring/Ashton Road (MD 108) and New Hampshire Avenue (MD 650)	934	1195	1350
Olney-Sandy Spring/Ashton Road (MD 108) and Sherwood High School Entrance	948	930	1350

As indicated in the table above, the calculated CLV values do not exceed the congestion standard (CLV value) of 1,350 for the Rural East Policy Area, and, thus, the prerequisite is satisfied.

#### Transportation Policy Area Review (TPAR)

The Applicant submitted the application after January 1, 2017, therefore the Transportation Policy Area Review (TPAR) development impact tax no longer applies. However, since the Applicant will receive Planning Board approval on or after March 1, 2017, the Applicant must pay the updated General District Transportation Impact Tax to Montgomery County Department of Permitting Services (DPS) instead of the TPAR mitigation payment. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.

#### Items for Future Coordination at Preliminary Plan

At Preliminary Plan, Area 3 transportation planning staff recommend the following transportation items be addressed or coordinated:

- The Applicant must satisfy the transportation APF test for any development submitted at Preliminary Plan.
- Acceleration/deceleration lanes on Olney-Sandy Spring Road (MD 108).
- Alignment of Porter Road with the opposite driveway.
- Need to study Eastbound queuing at the intersection of MD 108 and New Hampshire Avenue, as extensive queues may result in a need for a longer right turn lane that may impact the frontage of the property.
- Justification for curbs and gutters on Porter Road per Code of Montgomery County Regulations (COMCOR) Section 49-33 – Road Construction Requirements.
- Sidewalk improvements on MD 108 and Porter Road.
- Adequate internal circulation for trucks within the site.
- Short-term and long-term bicycle parking.
- Pedestrian connection across the private property at the end of the right-of-way extending southwest from Porter Road south of the property to Hidden Garden Lane.
- Validity of traffic counts at the intersection of MD 108 and New Hampshire Avenue that were submitted with the traffic statement for the LMA application, as counts were substantially lower than traffic counts from SHA that we have on record from just over one year ago (Nov 2015).



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

May 9, 2017

MEMORANDUM

TO: Elsabett Tesfaye, Planner Coordinator  
Area 3 Division

VIA: Fred Boyd, Supervisor  
Area 3 Supervisor

FROM: Katherine Nelson, Planner Coordinator Environmental Planning  
Area 3 Division

SUBJECT: Porter Road Local Map Amendment No. H-119

The following are comments concerning the natural features of the site as they relate to the proposed site design.

The stream valley west of Porter Road has been in its present forested condition since the 1970's, likely due to seeps and springs located in this headwater area of the Sandy Spring Tributary of Northwest Branch. This area should be preserved for the protection of stream water quality. Encroachments into the high-priority forested stream buffer on the west side of Porter Road are not acceptable. The current plan shows stormwater management and part of a townhome in the stream buffer area. There is no justification that allows for this encroachment within the Environmental Guidelines for Development. In addition, the Sandy Spring/Ashton Master Plan "encourages the provision of undisturbed and completely forested stream buffers" (page 67). **All disturbance should be removed from the forested buffer area as shown on the original plan application.**

As an already disturbed and unforested area, encroachments into the stream buffer on the east side of Porter Road are acceptable for stormwater management only. Under Environmental Guidelines for Development V.A.1.(d)(6), the presence of the road will make it difficult to restore the full function of the buffer area in this location. However, in addition to stormwater management, the current plan shows an access road, two driveways and parts of two townhomes within the stream buffer on the east side of Porter Road. **These structures should be removed as shown on the original plan application.**

The current design shows street improvements within the forested stream valley buffer 15-30 feet from the existing road pavement. This includes a 15-foot corridor for streetscaping and a hammerhead turnaround. Road improvements, including required grading should not take place on the west side of

the road where there is a drop-in elevation and a stream crossing. Improvements should take place either on the east side of the street or along the current existing road pavement.

The Sandy Spring/Ashton Master Plan recommends sewer service for this area. Gravity sewer connection should take place within the existing road right of way.

**The hedgerow, including specimen trees located along the property line separating the proposed development from residential land to the south should be preserved and enhanced.** The Sandy Spring/Ashton master plan has the following recommendation:

Preserve trees as part of the rural character. Where trees or hedgerows occur along roads or at property boundaries, a high priority should be given to maintain the wooded character and preserving existing trees. (page 67)

At such high intensity, this area of natural open space will become the place to walk pets and enjoy wildlife. This area should not be the back and side yards of just a few of the new residences, but rather an extension of the required open space for the community and visible more of the neighborhood. The Sandy Spring/Ashton Master Plan directs that, "Where possible, maintain view of open rural land". (page 20)

H-119 Porter Road

Comments from Fred Boyd March 29, 2017

From the master plan's perspective:

- The residential above retail configuration with building placed along MD 108 is consistent with the guideline for building height and placement and the guideline for mixing uses, with the caveat that the proposed parking arrangement should ensure that the building entrances are at grade and do not require elevation over the parking facility;
- Locating the parking beneath the building with its entrance to the rear is consistent with the parking scale and placement guideline;
- The building rendering shows windows, entrances and roof overhangs on buildings facing MD 108, which is consistent with the design and activation guidelines, as well as the pedestrian focus guideline. This element should be carried forward through the site plan process to ensure consistency with these guidelines;

**C. County Agencies' Comments**

---

**Attachment-C**





DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

April 27, 2017

Ms. Elsabet Tefaye  
Area 3 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Porter Road LMA  
File No. H-119

Dear Ms. Tefaye:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Local Map Amendment and finds that it meets the requirements of Chapter 25A. DHCA concurs with the applicant that the locations of the MPDUs may be decided at site plan.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Françoise Carrier, Bregman, Berbert, Schwartz & Gilday, LLC  
Joshua Sloan, VIKA Maryland, LLC

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\Porter Road DHCA Letter 4-27-2017.docx

Division of Housing

Affordable Housing    Common Ownership Communities    Landlord-Tenant Affairs    Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



**D. Supplemental Information**

---

**Attachment-D**

# This Right of Way

Made this 10<sup>th</sup> day of June  
In the year one thousand nine hundred and ninety-two, by and between

SANDY SPRING LAND COMPANY LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, OWNER

of the County of Montgomery in the State of Maryland, part of the first part, and the WASHINGTON SUBURBAN SANITARY COMMISSION, a public corporation of the State of Maryland, organized and existing under the laws of said State, party of the second part.

**Witnesseth:** That in consideration of the sum of One Dollar (\$1.00) to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said party of the second part, its successors and assigns, the easement and right of way hereinafter described for the installation, construction, reconstruction, maintenance, repair, operation and inspection of sanitary sewers and appurtenances thereto, including service connections----- within said easement and right of way, together with the right of ingress and egress along and over said right of way, for any and all of such purposes: the said right of way and easement being described as follows:

SEE ATTACHED SCHEDULE "A"

92 JUL 15 A 10:32.8  
FILED  
PETTIE A. SHELTON  
CLERKS OFFICE  
MONTGOMERY CO MD

**NO CONSTRUCTION  
COMMITMENTS**

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BAS 10507, p. 0566, MSA\_CE63\_10465, Date available 06/22/2005, Printed 03/28/2017.

D-1

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BAS 10507, p. 0567, MSA\_CE63\_10465. Date available 06/22/2005. Printed 03/28/2017.

**To Have and to Hold** said easement and right of way for sanitary sewers and appurtenances thereto, including service connections----- above described or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the only proper use, benefit and behoof forever of the said Washington Suburban Sanitary Commission, its successors and assigns.

**And** the parties of the first part, for themselves/their heirs and assigns, covenant and agree with the party of the second part, its successors and assigns, as follows: **FIRST:** that they will obtain the written consent of the Commission before

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BAS 10507, p. 0572, MSA\_CE63\_10465. Date available 06/22/2005. Printed 03/28/2017.

STATE OF  
COUNTY OF

On this the

day of

, 19

, before me,  
the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person  
instrument and acknowledged that  
contained.

whose name subscribed to the within  
executed the same for the purposes therein

**In Witness Whereof**, I hereunto set my hand and official seal.

Notary Public

My Commission expires

STATE OF  
COUNTY OF

On this the

day of

, 19

, before me,  
the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person  
instrument and acknowledged that  
contained.

whose name subscribed to the within  
executed the same for the purposes therein

**In Witness Whereof**, I hereunto set my hand and official seal.

Notary Public

My Commission expires

**Right of Way**

FROM

SANDY SPRING LAND COMPANY LIMITED PARTNERSHIP

CONTRACT NO. 92AS9453-A

SKETCH NO. F-996

LOCALITY Olney #8

TO

WASHINGTON SUBURBAN  
SANITARY COMMISSION  
224NW1

south of Sandy Spring Road, west of  
New Hampshire Avenue

Received for Record on the ..... day  
of ..... A. D. 19 ..  
at ..... o'clock ..... M., and recorded in  
Liber No. .... at Folio. .... one of  
the Land Records for the .....

Clerk.

Return to

WASHINGTON SUBURBAN  
SANITARY COMMISSION  
4017 Hamilton Street, Hyattsville, Md.

JUN 11 1952

10507.568

May 21, 1992

Page 1 of 3

481-N1  
JJS  
05/21/92

Parcel I.D. No. 8-501-704946

SCHEDULE "A"

DESCRIPTION OF A RIGHT OF WAY  
FOR SANITARY SEWERS AND APPURTENANCES

SANDY SPRING LAND COMPANY LIMITED PARTNERSHIP  
A MARYLAND LIMITED PARTNERSHIP, OWNER  
(FORMERLY JOSEPH ALFANDRE HOMES II LIMITED PARTNERSHIP)

TO

WASHINGTON SUBURBAN SANITARY COMMISSION  
14501 SWEITZER LANE  
LAUREL, MARYLAND 20707

Being a strip or parcel of land hereinafter described by metes and bounds, running in, through, over and across the property acquired by the owner from Pettit and Griffin, Inc., a Maryland Corporation, by a deed dated October 2, 1989, and recorded among the Land Records of Montgomery County, Maryland, in Liber 9024 at Folio 626 and being more particularly described as follows.

Beginning for the said strip or parcel of land at a point on and distant 47.78 feet from the end of the eighth (8th) line or South 88° 11' 50" East, 391.35 foot line as described in the aforesaid deed; thence running with a part of said eighth (8th) line and binding on the first (1st) or South 82° 42' East, 52.65 foot line of Lot 2 as described in a deed from William Irwin Hamilton Treadway and Audrey Arline Treadway, his wife, to John Hamilton Treadway, Sr. and Sylvia Joan Treadway, his wife, recorded among the aforesaid Land Records in Liber 5402 at Folio 729, the following course

1. South 88° 10' 10" East, true, 47.78 feet to a point at the beginning of the ninth (9th) or South 58° 48' 35" East, 158.32 foot line as described in the aforesaid Liber 9024 at Folio 626; thence running with a part of said line and binding on the South 54° 23' 18" East, 55.00 foot line of Porter Road as shown on a plat of subdivision entitled "Ashton" and recorded among the aforesaid Land Records in Plat Book 23 as Plat No. 1463 the following course
2. South 58° 43' 54" East, true, 54.30 feet to a point; thence running in, through, over and across the property of the owner the following three (3) courses

WSSC "A" CONT. R/W #1-ASHTON

JOB NO. 481-N1

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BAS 10507, p. 0568, MSA\_CE63\_10465, Date available 06/22/2005. Printed 03/28/2017.

3. South 27° 48' 42" West, true, 121.81 feet to a point; thence
4. South 36° 34' 19" West, true, 373.68 feet to a point; thence
5. South 24° 46' 18" West, true, 790.18 feet to a point on the northeasterly side of an existing twenty-five (25) foot right-of-way for sanitary sewers granted to Washington Suburban Sanitary Commission by A. Myron Cowell, Inc., a Maryland Corporation, recorded among the aforesaid Land Records in Liber 3681 at Folio 534, said point being perpendicular to and 12.5 feet east of a point on and distant 2.90 feet from the end of the sixth (6th) or North 26° 57' 24" West, true, 395.14 foot line as described in Liber 3681 at Folio 534; thence running with said northeasterly side of the aforesaid existing right-of-way the following two (2) courses
6. North 27° 04' 50" West, true, 5.50 feet to a point; thence
7. North 50° 35' 31" West, true, 16.20 feet to a point; thence running in, through, over and across the property of the owner, the following three (3) courses
8. North 24° 46' 18" East, true, 784.75 feet to a point; thence
9. North 36° 34' 19" East, true, 353.32 feet to a point; thence
10. North 03° 09' 20" West, true, 143.75 feet to the Point of Beginning; containing 31692 square feet or 0.72754 acres of land.

AND ALSO:

The right of the Washington Suburban Sanitary Commission to use two (2) additional strips or parcels of land, the first lying westerly of the eight (8th) and ninth (9th) lines of the above described strip or parcel of land and adjacent, contiguous and parallel thereto and being ten (10) feet wide, the second lying easterly of the third (3rd), fourth (4th) and fifth (5th) lines of the above described strip or parcel of land and adjacent, contiguous and parallel thereto and being five (5) feet wide, during the period of the original construction only of the said water mains and appurtenances within the above described easement and right of way for any and all purposes pertinent thereto, including the right to trim or cut down trees during the period of original construction.

LIBER FILED  
10507.570

May 21, 1992

Page 3 of 3

PARCEL I.D. NO.: 8-501-704946  
RECORD LEGAL DESC.: L. 9024 F. 626  
STREET ADDRESS OF PARCEL: N/A  
GRANTOR: Sandy Spring Land  
Company Limited Partnership  
c/o Joseph Alfandre & Company  
1355 Piccard Drive  
Rockville, Maryland 20850  
GRANTEE: Washington Suburban Sanitary  
Commission  
14501 Sweitzer Lane  
Laurel, Maryland 20707  
TITLE INSURER: N/A

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BAS 10507, p. 0570, MSA\_CE63\_10465. Date available 06/22/2005. Printed 03/28/2017.

I:\DESCRIP\481N.DES

WSSC "A" CONT. R/W #1-ASHTON

JOB NO. 481-N1

they erect or permit to be erected any building or structure, or before they fill or excavate within the above described easement and right of way. SECOND: that the party of the second part, its successors and assigns, shall at all times have right of ingress and egress over said easement and right of way for the purpose of installing, constructing, reconstructing, maintaining, repairing, operating and inspecting the sanitary sewers and appurtenances thereto,

including service connections-----within said easement and right of way, said ingress and egress to be along the line herein designated and along such other lines as the parties of the first part may designate. THIRD: that they will warrant specially said easement and right of way and will execute such further assurances thereof as may be requisite.

**Witness**

HAND AND SEAL the day and year first hereinabove written.

Witness:

*Theresa K. Sullivan*  
Theresa K. Sullivan

SANDY SPRING LAND COMPANY LIMITED PARTNERSHIP

*Laurel C. McCracken* (SEAL)  
BY: Laurel C. McCracken

----- (SEAL)  
BY:

----- (SEAL)

----- (SEAL)

----- (SEAL)

----- (SEAL)

----- (SEAL)

----- (SEAL)



: ss  
: day of *June*, 19 *92*, before me,  
the undersigned officer, personally appeared

*Lori Shaw Huff*  
*Laurel C. McCracken*  
known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that *she* executed the same for the purposes therein contained.

**In Witness Whereof**, I hereunto set my hand and official seal.

*Lori Shaw Huff*  
*Lori Shaw Huff* Notary Public

My Commission expires *February 12, 1996*

STATE OF

COUNTY OF

: ss

On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me,  
the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that \_\_\_\_\_ executed the same for the purposes therein contained.

**In Witness Whereof**, I hereunto set my hand and official seal.

-----  
Notary Public

My Commission expires -----

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BAS 10507, p. 0571, MSA\_CE63\_10465. Date available 06/22/2005. Printed 03/28/2017.



**99AS2477-A**

FOR LOCATIONS NOT SHOWN CALL  
AS SHOWN IN THIS DRAWING ANY WORK

**VICINITY MAP**

DATE: \_\_\_\_\_ REVISION: \_\_\_\_\_

**PERMIT REQUIREMENTS**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**SURVEYS AS BUILT**

**AS BUILT DATA**

CONTRACT NO. \_\_\_\_\_

DATE STARTED: \_\_\_\_\_

DATE COMPLETED: \_\_\_\_\_

DATE FINISHED: \_\_\_\_\_

DESIGNED BY: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: 5-15-99

SECTION: \_\_\_\_\_

DATE: 5-15-99

FOR RECORD NO. \_\_\_\_\_

EXAMINED FOR: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

CONTRACT 96 AS 2477-A

NO. 200 21(AM)

**BENCH MARKS**

1. D.P. 8000 - NOT KNOWN - ELEV. 476.06  
2. D.P. 8001 - NOT KNOWN - ELEV. 476.06  
3. D.P. 8002 - NOT KNOWN - ELEV. 476.06

**GENERAL NOTES**

1. All work shall be in accordance with the City of Everett Specifications for Sewerage and Sanitation.

2. All work shall be in accordance with the City of Everett Specifications for Sewerage and Sanitation.

3. All work shall be in accordance with the City of Everett Specifications for Sewerage and Sanitation.

**SEWAGE FLOW CHART**

No. of Units: \_\_\_\_\_

Flow (G.P.D.): \_\_\_\_\_

Flow (C.F.D.): \_\_\_\_\_

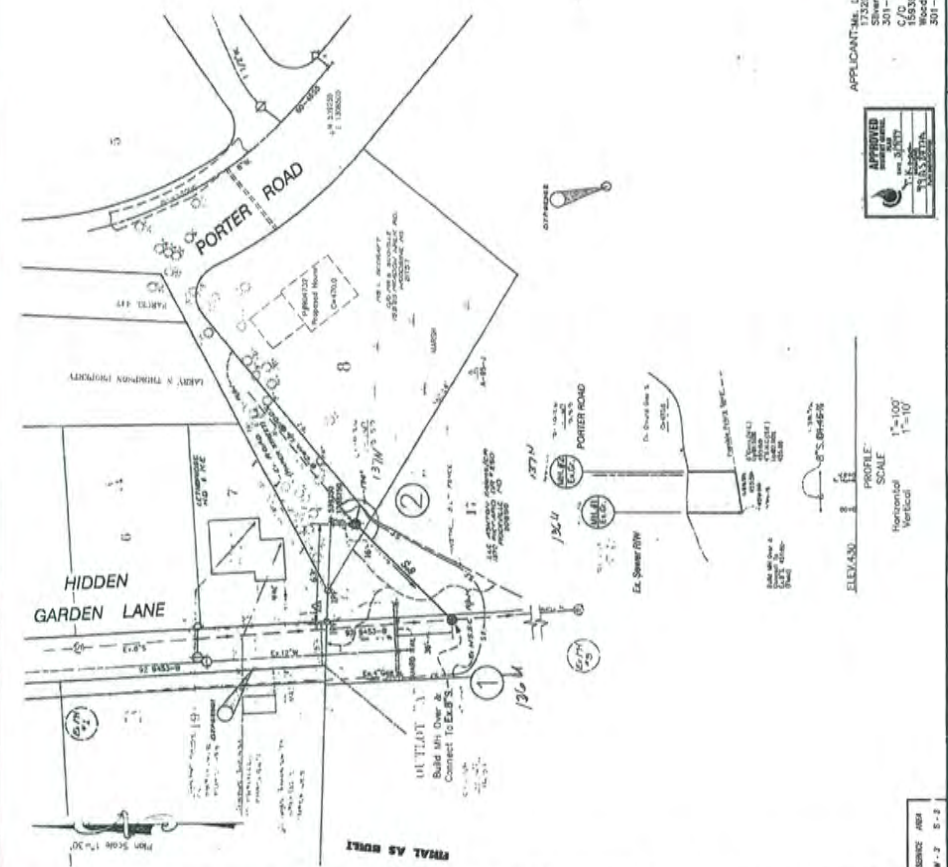
**RESTORATION SCHEDULE**

Location: \_\_\_\_\_

Quantity: \_\_\_\_\_

Unit Price: \_\_\_\_\_

Total: \_\_\_\_\_



**WASHINGTON SUBURBAN SANITARY COMMISSION**

APPLICANT: Mr. Stephen Scoville  
15538 Meadow Walk Rd.  
Everett, WA 98201  
361-854-6280

APPROVED BY: \_\_\_\_\_

DATE: 5-15-99

PROJECT: PORTER CREEK SEWER EXTENSION

CONTRACT 96 AS 2477-A

**24X**

**PLAT No. 1463**

**LOTS 2 TO 8**  
**EDWARD C. THOMAS SUBDIVISION**  
**ASHTON**  
**MONTGOMERY COUNTY, MARYLAND**  
**JULY 1941 - SCALE: 1"=110'-100 FT.**  
**OFFICE OF**  
**COUNTY SURVEYOR**

**ENGINEERS CERTIFICATE**  
 I hereby certify that the plat shown hereon is correct; that it is a subdivision of part of the lands conveyed by Francis Brooke Snowden to Edward C. Thomas, by deed dated March 15, 1937 and recorded in Liber 664 of folio 192, one part of the lands conveyed by Mary B. Clark et al. to Edward C. Thomas by deed dated May 21, 1938 and recorded in Liber 701 of folio 9, both among the Land Records of Montgomery County, Maryland, and that stones marked thereon, and iron pipes marked thus, are in place as shown.  
 Date: July 29, 1941

*R.K. Madgett*  
 R. K. MADGETT, ENGINEER

**OWNERS DEDICATION**

I, Edward C. Thomas, widow, owner of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the streets to public use.

There are no restrictions, leases, liens or deed of trust on the property included in this plan of subdivision, except a certain Mortgage, the Mortgage whereof and all other parties in interest thereof have before indicated their assent to this plan of subdivision.  
 Date: Aug. 1, 1941

*Edward C. Thomas*  
 EDWARD C. THOMAS

We assent to this plan of subdivision;

Date: Aug. 1, 1941 *Sela S. Stiller* *Mary B. Clark*  
 SELA S. STILLER MARY B. CLARK

Date: Aug. 1, 1941 *Sela S. Stiller* *William M. Clark*  
 SELA S. STILLER WILLIAM M. CLARK

Date: Aug. 1, 1941 *Mrs. A. M. Jordan* *Heleen B. Hall*  
 MRS. A. M. JORDAN HELEEN B. HALL

Date: Aug. 1, 1941 *Mrs. A. M. Jordan* *W. H. Hall*  
 MRS. A. M. JORDAN W. H. HALL



**CURVE TABLE**

LOT No.	CURVE	Δ	ARC	CHORD	BEARING
1	20.00	64° 00' 50"	153.37	150.50	171° 55' 55" W
5	20.00	56° 37' 07"	50.24	27.84	176° 58' 27" E
5	40.00	39° 14' 00"	27.39	24.06	179° 23' 00" W
6	40.00	95° 06' 10"	64.39	59.08	171° 06' 55" W
7	30.00	62° 37' 25"	33.84	30.07	178° 55' 10" E
7	40.00	55° 06' 10"	47.59	42.88	176° 06' 00" E
8	20.00	24° 15' 31"	17.79	17.88	176° 06' 00" E
8	20.00	106° 30' 47"	37.18	37.05	172° 42' 32" E

**FILED**  
 SEP 28 1941

MONTGOMERY SUBURBAN SANITARY DISTRICT  
 APPROVED: *Sept. 3, 1941*  
 SUITABLE FOR INSTALLATION  
 WITHOUT COMMITMENT AS TO INSTALLATION  
*Henry Steel*  
 CHIEF ENGINEER

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION  
 APPROVED: *Aug. 6, 1941*  
 SUITABLE FOR INSTALLATION  
 WITHOUT COMMITMENT AS TO INSTALLATION  
*John W. ...*  
 ACTING CHIEF ENGINEER  
 M-N-C-P-R-C RECORD FILE NO. 1587

