



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

Item # 4
MCPB 5/8/08

MEMORANDUM

DATE: 4/25/08
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief
Robert Kronenberg, Supervisor *RK*
Development Review Division
FROM: Joshua C. Sloan, Coordinator *JS*
Development Review Division
Joshua.Sloan@mncppc-org
(301) 495-4597



REVIEW TYPE: Project Plan
CASE #: 920070060
PROJECT NAME: Bonifant Plaza
APPLYING FOR: Extension of the 90 day review period for a project plan per Section D-2.2 of the Zoning Ordinance.
REVIEW BASIS: Div. 59-D-2.11 of the Montgomery County Zoning Ordinance
ZONE: CBD-1 and the Fenton Village Overlay Zone
LOCATION: On Bonifant Street, 135 feet east of Georgia Avenue.
MASTER PLAN: Silver Spring CBD Sector Plan
APPLICANT: 949/961, LLC
FILING DATE: 2/2/07
HEARING DATE: 5/8/08

The Applicant filed the subject Project Plan application on October 5, 2006 and the project was accepted and scheduled on February 2, 2007. The subject Project Plan is being reviewed concurrently with Preliminary Plan 120070190.

Section D-2.2 of the Zoning Ordinance provides that the Planning Board shall hold a public hearing no later than 90 days after the filing of a project plan. The Planning Board, however, can extend this time period. This plan has been extended several times to allow the Applicant and various agencies to come to a resolution regarding the vehicular access to the subject site.

The original DPWT letter commenting on the preliminary plan, dated March 13, 2007, refers to Section 49-34(g), which states that an alley should provide only "secondary" access to the side or rear of a site. This section was deleted and re-written by Bill #48-06 as Section 49-31(p), which now states, in part, that, "An alley may be used to provide primary vehicular access if the Planning Board and the Director of Public Works and Transportation concur that the dimensions and specifications proposed in a project, preliminary subdivision, or site plan would provide adequate primary vehicular access".

The Application has been modified to ensure the vehicular access meets the design standards for a one-way alley and is in the final stages of internal review. Given the new language of the Code, Staff will work with DPWT to come to a resolution as to how we can most efficiently proceed. Once these final approvals and reviews are completed, Staff will finalize their recommendation and present their findings to the Board. We recommend an extension of the project plan review period until no later than July 3, 2008.

Appendices

- A. DPWT Letter, March 13, 2007
- B. Bill 48-06, pages 34-42 (deleted sections)
- C. County Code, Section 49-31. Classification of roads.



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 13, 2007

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

RE: Preliminary Plan No. 1-20070190
Bonifant Plaza

Dear Ms. Conlon:

This letter is to confirm our comments at the March 12, 2007 meeting of the Development Review Committee. While the preliminary plan application indicates that all necessary materials were submitted by the applicant, the following items were not found provided to DPWT. Therefore, we are unable to conduct our review. Consequently, we would appreciate that the plan not be scheduled for the Planning Board until these materials are provided to us and our concerns have been addressed. In our opinion, this preliminary plan submission is incomplete for the following reasons:

1. The storm drain study does not provide sufficient information on the downstream public storm drain system; where is it located, what is its capacity, pre- and post-development ten (10) year run offs, and what is the impact of the post-development runoff on that system (specifically provide profile of the downstream system for our review). Also since this site drains to an enclosed storm drain system, include inlet efficiency and spread analysis in this study.
2. Provide a second site access onto Bonifant Street to conform with the definition of an alley in Section 49-34(g) of the County Code. In doing so please keep a minimum of one hundred (100) feet of space between driveways and submit a sight distance analysis for our review.

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

Sincerely,

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

m:/subdivision/farhas01/postponements/postponement, 1-20070190, Bonifant Plaza.doc

cc: Theo Margas, 949-061 LLC

Division of Operations

Bill No. 48-06
Concerning: Streets and Roads --
Comprehensive Revision
Revised: 7-3-07 Draft No. 12
Introduced: December 12, 2006
Enacted: July 3, 2007
Executive: July 15, 2007
Effective: October 14, 2007
Sunset Date: None
Ch. 8, Laws of Mont. Co. 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen, Council President Praisner,
and Councilmembers Trachtenberg and Ervin

AN ACT to:

- (1) comprehensively revise, update, clarify, and reorganize County law governing street and road design, construction, regulation, acceptance, abandonment, and funding; and
- (2) repeal obsolete provisions in and generally amend County law regarding streets and roads.

By amending

Montgomery County Code
Chapter 49, Streets and Roads

By adding

Chapter 32, Offenses -- Victim Advocate
Section 32-20A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

847 (b) Speed humps that are 12 feet wide may be built on any principal
 848 secondary residential street, secondary residential street, tertiary
 849 residential street, or alley, but must be spaced at least 500 feet from any
 850 other hump and 200 feet from any intersection. Speed humps that are
 851 22 feet wide may be built on any primary residential street, but must be
 852 spaced at least 500 feet from any other hump and 200 feet from any
 853 intersection. Speed humps that are 22 feet wide may be built on a minor
 854 arterial, but must be spaced at least 750 feet from any other hump and
 855 300 feet from any intersection. Before speed humps are installed in any
 856 road, all other requirements specified in applicable regulations must be
 857 met.

858 **[49-34] 49-31. Classification [and minimum requirements for] of roads.**

859 [[All roads must be classified as provided in this Section [under the following
 860 minimum requirements for each class.]]Each road, except those listed in subsections
 861 (m)-(n), must be classified as designated in the applicable master or sector plan. This
 862 Section defines the vehicular functions of each road classification.

863 [(a) Business district road means any road which lies within or is contiguous
 864 to any area which has been recommended or approved for any class of
 865 commercial or industrial use in any zoning or master highway plan
 866 approved by the Maryland-National Capital Park and Planning
 867 Commission, the Upper Montgomery County Planning Commission or
 868 the county council, whether such road lies in whole or in part within or
 869 without the limits of the suburban district. Business district roads shall
 870 be constructed in conformity with the following minimum
 871 requirements:

872 (1) Width. The right-of-way shall be at least seventy (70) feet wide,
 873 unless, prior to August 15, 1950, a master highway plan duly

874 adopted by the Maryland-National Capital Park and Planning
 875 Commission has established a right-of-way of less than seventy
 876 (70) feet for a particular road, in which case the width of the
 877 right-of-way on such plan shall control. Paving shall be at least
 878 forty-eight (48) feet wide.

879 (2) Construction. The entire right-of-way shall be graded and there
 880 shall be installed paving, drainage structures, curbs and gutters
 881 and sidewalks.

882 (3) Standards and Specifications.

883 a. Grading. All grading shall be done in accordance with
 884 plans and profiles approved by the director, standard 54
 885 and specifications article C-1 through article C-9.

886 b. Drainage structures. See subsection (h) of section 49-35.

887 c. Paving. Paving shall be of the required width and in
 888 accordance with standard 45A or standard 45B, and the
 889 applicable specifications indicated thereon.

890 d. Curbs and gutters. Curbs and gutters shall be built in
 891 accordance with standard 10A and specifications article C-
 892 51.

893 e. Sidewalks. Sidewalks shall be built from the property line
 894 to the back line of the curb and in accordance with
 895 standard 13B and specifications article C-52.]

896 [(b) Arterial road means any road (other than a business district road), which
 897 connects two (2) or more state or federal roads and which will be used
 898 primarily for through traffic, whether such road lies in whole or in part
 899 within or without the limits of the suburban district. Arterial roads shall

900 be constructed in conformity with the following minimum
901 requirements:

902 (1) Width. The right-of-way for all arterial roads shall be at least
903 seventy-two (72) feet wide. Within the suburban district, the
904 pavement shall be at least forty (40) feet wide. Outside the
905 suburban district, the pavement shall be from twenty (20) to
906 twenty-four (24) feet wide and the roadbed thirty-four (34) to
907 forty (40) feet wide, as may be found by the county to be
908 necessary.

909 (2) Construction. Where an arterial road passes through or abuts a
910 subdivision, whether within or without the suburban district, the
911 entire right-of-way shall be graded and there shall be installed
912 drainage structures, paving, curbs and gutters and sidewalks. In
913 all other areas, curbs and gutters shall be required upon a finding
914 by the county that they are necessary for proper drainage and the
915 roadbed shall be graded, and paving and drainage structures shall
916 be installed.

917 (3) Standards and Specifications.

918 a. Grading. All grading shall be done in accordance with
919 plans and profiles approved by the director, standard 54
920 and specifications article C-1 through article C-9.

921 b. Drainage structures. See subsection (h) of section 49-35.

922 c. Paving. Paving shall be of the required width and in
923 accordance with standard 46 and the applicable
924 specifications indicated thereon.

- 925 d. Curbs and gutters. Curbs and gutters shall be built in
- 926 accordance with standard 10A and specifications article C-
- 927 51.
- 928 e. Sidewalks. Sidewalks shall be built in accordance with
- 929 standard 13A and specifications article C-52.]

930 [(c) Rural road means an existing county-maintained road which serves

931 farms and scattered developments along or near the road and which is

932 generally used as a connecting road. This shall be considered a

933 transitional classification and any road so designated shall be

934 reclassified by the county executive, or his designee, in accordance with

935 the approved and adopted master plan of the vicinity when he decrees

936 such reclassification necessary or prudent for the efficient movement of

937 traffic, public convenience and safety. Such roads shall be reconstructed

938 according to the following minimum requirements:

- 939 (1) Width. The pavement shall be no greater than twenty (20) feet
- 940 wide.
- 941 (2) Construction. The roadway shall be constructed in accordance
- 942 with the standards and specifications of this classification
- 943 approved by the county executive.]

944 [(d) Primary residential road means a road, not within the definition of

945 subsection (a), (b) or (c) of this section, which serves or will be used as

946 a principal outlet to a state road, business district road or arterial road

947 from any existing or prospective residential development which

948 provides or which may provide housing for two hundred (200) or more

949 families, whether such road lies in whole or in part within or without the

950 suburban district. Primary residential roads shall be constructed

951 according to the following minimum requirements:

- 952 (1) Width. The right-of-way shall be at least seventy (70) feet wide,
953 unless, prior to August 15, 1950, a dedication plat has been filed
954 among the land records of the county establishing a right-of-way
955 of less than seventy (70) feet, in which case such established
956 right-of-way shall prevail for any roads which may be classified
957 as "primary residential." Within the suburban district and in all
958 subdivisions, whether within or without the suburban district,
959 such roads shall have paving at least thirty-six (36) feet wide, and
960 outside the suburban district the paving shall be from twenty (20)
961 to twenty-four (24) feet wide and the roadbed from thirty-four
962 (34) to forty (40) feet wide, as may be found by the county to be
963 necessary.
- 964 (2) Construction. The entire right-of-way shall be graded, and
965 drainage structures, paving, curbs, gutters and sidewalks shall be
966 installed.
- 967 (3) Standards and Specifications.
- 968 a. Grading. All grading shall be done in accordance with
969 plans and profiles approved by the director, standard 54
970 and specifications article C-1 through C-9.
- 971 b. Drainage structures. See subsection (h) of section 49-35.
- 972 c. Paving. Paving shall be of the required width and in
973 accordance with standard 48 and applicable specifications
974 indicated thereon.
- 975 d. Curbs and gutters. Curbs and gutters shall be built in
976 accordance with standard 10A or 10C and specifications
977 article C-51.

- 978 e. Sidewalks. Sidewalks shall be built in accordance with
979 standard 13A and specifications article C-52.]
- 980 [(e) Secondary residential road means any road not within the definition of
981 subsection (a), (b), (c) or (d) of this section, whose principal function is
982 to provide direct access between a residential development housing less
983 than two hundred (200) families and a primary residential road, a state
984 road, business district road or arterial road, whether within or without
985 the suburban district. The minimum construction requirements for such
986 roads shall be as follows:
- 987 (1) Width. The right-of-way shall be at least sixty (60) feet wide,
988 unless, prior to August 15, 1950, a dedication plat has been filed
989 among the land records of the county establishing a right-of-way
990 of less than sixty (60) feet, in which case such established right-
991 of-way shall prevail. Paving shall be at least twenty-six (26) feet
992 wide.
- 993 (2) Construction. The entire right-of-way shall be graded and
994 drainage structures, paving and curbs and gutters shall be
995 installed. Sidewalks shall be constructed, except as provided by
996 subsection (e) of section 49-35.
- 997 (3) Standards and Specifications.
- 998 a. Grading. All grading shall be done in accordance with
999 plans and profiles approved by the director, standard 54
1000 and specifications article C-1 through C-9.
- 1001 b. Drainage structures. See subsection (h) of section 49-35.
- 1002 c. Paving. Paving shall be of the required width and in
1003 accordance with standard 49 and applicable specifications
1004 indicated thereon.

1005 d. Curbs and gutters. Curbs and gutters shall be built in
 1006 accordance with standard 10A or 10C and specifications
 1007 article C-51.

1008 e. Sidewalks. Sidewalks shall be built in accordance with
 1009 standard 13A and specifications article C-52.]

1010 [(f) Tertiary residential road means any road not within the definition of
 1011 subsection (a), (b), (c), (d), (e), (g) or (h) of this section, whose purpose
 1012 is to provide direct access to a residential development containing not
 1013 more than seventy-five (75) dwelling units. The use of a tertiary road
 1014 must be approved by the planning board at the time of preliminary plan
 1015 approval or site plan approval.

1016 (1) Width.

1017 a. Right-of-way. The right-of-way width shall be as
 1018 determined by the planning board in the process of
 1019 subdivision or site plan approval in order to provide for the
 1020 necessary parking, drainage structures, sidewalks and
 1021 utilities; but in no case shall it be less than twenty-seven
 1022 (27) feet four (4) inches for two-way traffic and twenty-
 1023 one (21) feet four (4) inches for one-way traffic.

1024 b. Pavement. Paving shall be at least twenty-six (26) feet
 1025 wide for two-way traffic and twenty (20) feet wide for one-
 1026 way traffic.

1027 (2) Construction. The entire right-of-way shall be graded and
 1028 drainage structures, paving and curb and gutters shall be installed.

1029 (3) Standards and Specifications.

- 1030 a. Grading. All grading shall be done in accordance with
- 1031 plans and profiles approved by the director, standard 54
- 1032 and specifications article C-1 through C-9.
- 1033 b. Drainage structures. See subsection (h) of section 49-35.
- 1034 c. Paving. Paving shall be in accordance with standard 49
- 1035 and applicable specifications indicated thereon.
- 1036 d. Curbs and gutters. Curbs and gutters shall be built in
- 1037 accordance with standard 10A or 10C and specifications
- 1038 article C-51.
- 1039 e. Sidewalks. Sidewalks within the right-of-way shall be built
- 1040 in accordance with standard 13A and specifications article
- 1041 C-52.]

1042 [(g) Alley means a right-of-way which provides secondary service access for

1043 vehicles to the side or rear of abutting properties. Alleys shall be

1044 constructed according to the following minimum requirements:

- 1045 (1) Width. Within any area which has been recommended or
- 1046 approved for any class of commercial or industrial use in any
- 1047 zoning plan approved by the Maryland-National Capital Park and
- 1048 Planning Commission, the Upper Montgomery County Planning
- 1049 Commission or the county council, the right-of-way and the
- 1050 paving to be twenty (20) feet wide. In all other areas, the paving
- 1051 shall be at least sixteen (16) feet wide.
- 1052 (2) Construction. The entire right-of-way shall be graded and paved
- 1053 and drainage structures installed.
- 1054 (3) Standards and Specifications:

- 1055 a. Grading. All grading shall be done in accordance with
- 1056 plans and profiles approved by the director, standard 54
- 1057 and specifications article C-1 through C-9.
- 1058 b. Drainage structures. See subsection (h) of section 49-35.
- 1059 c. Paving. Where an alley is parallel or contiguous to a
- 1060 business road, the paving shall be in accordance with
- 1061 standard 27A and applicable specifications indicated
- 1062 thereon. Where an alley is parallel or contiguous to any
- 1063 other than a business district road, paving shall be in
- 1064 accordance with standard 27B and applicable
- 1065 specifications indicated thereon.]

1066 [(h) Service drive or marginal access road means any road which parallels
 1067 and is separated by a planting strip from a state, federal, arterial,
 1068 business district or primary residential road and which is primarily used
 1069 and designed to separate local traffic from through traffic using such
 1070 state, federal, arterial, business district or primary residential road, and
 1071 to control traffic moving between such through traffic road and service
 1072 drive and the local area served thereby. A service drive may be required
 1073 prior to the final approval and recording of a dedication plat among the
 1074 land records of the county wherever the county or other governmental
 1075 authority having jurisdiction finds, as a result of a traffic study, that
 1076 there exists a present or prospective need for so separating and
 1077 controlling the movement of traffic.

1078 (1) Width. Adequate right-of-way shall be provided as found
 1079 necessary by the county to construct a service drive as prescribed
 1080 by standard 50; provided, that where a service drive is established
 1081 on any dedication plat which has been recorded among the land

Sec. 49-31. Classification of roads.

Each road, except those listed in subsections (m)-(n), must be classified as designated in the applicable master or sector plan. This Section defines the vehicular functions of each road classification.

(a) A Freeway is a road meant exclusively for through movement of vehicles at a high speed. Access must be limited to grade-separated interchanges.

(b) A Controlled Major Highway is a road meant exclusively for through movement of vehicles at a lower speed than a Freeway. Access must be limited to grade-separated interchanges or at-grade intersections with public roads.

(c) A Major Highway is a road meant nearly exclusively for through movement of vehicles at a moderate speed. Access must be primarily from grade-separated interchanges and at-grade intersections with public roads, although driveway access is acceptable in urban and denser suburban settings.

(d) A Parkway is a road meant exclusively for through movement of vehicles at a moderate speed. Access must be limited to grade-separated interchanges and at-grade intersections. Any truck with more than 4 wheels must not use a Parkway, except in an emergency or if the truck is engaged in Parkway maintenance.

(e) An Arterial is a road meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected.

(f) A Country Arterial is an Arterial, typically in the County's agricultural reserve.

(g) A Minor Arterial is a 2-lane Arterial meant nearly equally for through movement of vehicles and access to abutting property.

(h) A Business District Street is a road meant for circulation in commercial and mixed-use zones.

(i) An Industrial Street is a road meant for circulation in industrial zones.

(j) A Primary Residential Street is a road meant primarily for circulation in residential zones, although some through traffic is expected.

(k) A Country Road is a road that has the function of a Primary Residential Street, typically in the County's agricultural reserve.

(l) A Principal Secondary Residential Street is a Secondary Residential Street meant to carry somewhat more through traffic.

(m) A Secondary Residential Street is a road meant to provide access between a residential development with fewer than 200 dwelling units and one or more higher classification roads as defined in subsections (b) through (l).

(n) A Tertiary Residential Street is a road meant to provide direct access to a residential development with 75 or fewer dwelling units. A Tertiary Residential Street must not be built unless the Planning Board allows its use when the Board approves a preliminary subdivision plan or site plan.

(o) A Rustic Road or an Exceptional Rustic Road means a road classified as either under Article 8.

(p) An Alley is a right-of-way intended to provide secondary service access to the rear or side of lots or buildings and not intended for transporting through traffic. An alley may be used to provide primary vehicular access if the Planning Board and the Director of Public Works and Transportation concur that the dimensions and specifications proposed in a project, preliminary subdivision, or site plan would provide adequate primary vehicular access. (Mont. Co. Code 1965, § 103-12; 1971 L.M.C., ch. 24, §§ 2, 3; 1987 L.M.C., ch. 9, § 1.; 1993 L.M.C., ch. 9, § 2; 2007 L.M.C., ch. 8, § 1.)

Editor's note—Section 49-31, formerly Section 49-34, was renumbered, amended and retitled pursuant to 2007, ch. 8, § 1. Former Section 49-31 was renumbered Section 49-26 pursuant to 2007, ch. 8, § 1