



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

MCPB
Item #
2/19/09



MEMORANDUM

DATE: February 6, 2009

TO: Montgomery County Planning Board

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

FROM: *NB*
Neil Braunstein, Planner Coordinator (301-495-4532)
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Two lots for two one-family detached dwelling units

PROJECT NAME: Yazdi Property

CASE #: 120080310

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200/TDR

LOCATION: Located on the east side of Quince Orchard Road, across from the intersection of Pissaro Drive

MASTER PLAN: Potomac Subregion

APPLICANT: Susan Yazdi

ENGINEER: Charles Grimsley

FILING DATE: May 28, 2008

HEARING DATE: February 19, 2009

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two lots for two one-family detached dwelling units.
- 2) The applicant must submit a detailed final tree save plan with specific tree preservation measures for staff review and approval, prior to release of any sediment and erosion control permit. The tree save plan must be prepared and signed by an ISA-certified arborist. The items addressed by the tree save plan must include, but are not limited to, the following:
 - a. Tree protection measures shown on the tree save plan must match the limits of disturbance shown on the sediment control plan.
 - b. The tree save plan must include tree protection measures for off-site and shared trees, and the most current approved details for construction sequencing and inspections.
- 3) The applicant must comply with the conditions of approval for the final tree save plan. The applicant must satisfy all conditions prior to any clearing, grading, or demolition on the site.
- 4) The applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way, as measured from the centerline, on the property frontage for Quince Orchard Road.
- 5) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 6) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated April 24, 2008. These conditions may be amended by MCDPS, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 7) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated December 30, 2008. These conditions may be amended by MCDOT, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 8) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 9) Before any building permit can be issued, the applicable school facilities payment required by the 2007-2009 Growth Policy must be paid to MCDPS.
- 10) The record plat must show necessary easements.
- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, is an unplatted parcel measuring 42,104 square feet in size. The property is located on the east side of Quince Orchard Road, across from the intersection of Pissaro Drive. The zoning on the property is R-200/TDR. The property is developed with a one-family detached dwelling, which will be removed to accommodate the proposed subdivision. Surrounding properties are developed with one-family

detached dwellings in the R-200/TDR zone. Quince Orchard High School is located northwest of the site, on the opposite side of Quince Orchard Road.

The site is located within the Muddy Branch watershed. There are no forests, stream buffers, wetlands, or other environmentally sensitive features on the site.



PROJECT DESCRIPTION

The applicant proposes to subdivide the existing parcel into two lots. One new one-family detached dwelling will be built on each lot. Proposed Lot 1 will be 20,020 square feet in area, and proposed Lot 2 will be 20,000 square feet in area. Although the property’s R-200/TDR zoning allows the use of optional method development with transferable development rights, this is a standard method project, and the use of TDRs is not proposed. A 2,084-square-foot area will be dedicated for right-of-way for Quince Orchard Road. The two proposed lots will be accessed by a shared driveway. The proposed residences will be served by public water and public sewer.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Potomac Subregion Master Plan does not specifically address the subject property. The Master Plan recommends retention of existing zoning throughout the Master Plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the subject property, the Master Plan calls for retention of the existing R-200/TDR zoning. Although the R-200/TDR allows optional method development with the use of transferable development rights, the proposed subdivision is a standard method development that does not use TDRs. However, the proposed subdivision complies with the recommendations adopted in the Master Plan in that it proposes one-family residential development consistent with surrounding development patterns and the current zoning designation. The proposed lots will be similar to surrounding lots with respect to dimensions, orientation, and shape, and the proposed residences will have a similar relationship to the public street and surrounding residences as existing residences in the area. The proposed subdivision will not alter the existing pattern of development or land use, consistent with the Master Plan recommendation to maintain the existing land use.

Public Facilities

Roads and Transportation Facilities

The proposed subdivision does not generate 30 or more vehicle trips during the morning or evening peak hours. Therefore, the application is not subject to Local Area Transportation Review. In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is also not subject to Policy Area Mobility Review.

Access to the proposed lots will be provided by a shared driveway from Quince Orchard Road. An existing sidewalk on Quince Orchard Road provides pedestrian access. Proposed vehicle and pedestrian access for the site will be safe and adequate.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. The Application is not within a school moratorium area, but a school facilities payment must be made prior to issuance of building permits on the lots. Electrical, gas, and telecommunications services are also available to serve the Property.

Environment

The site does not contain any streams, wetlands, floodplains, or other environmentally sensitive features, and there are no environmental buffers on the site. Environmental guidelines for protection of environmentally sensitive areas, therefore, are not applicable to this subdivision.

There is no forest on the site, and this application is exempt from submitting a forest conservation plan. A tree save plan, however, was required to be submitted with the Preliminary Plan. The tree save plan shows nine significant trees on the subject and adjacent properties. One tree was determined by a field survey to be dead, and has been marked for removal by Montgomery County. One additional tree is proposed to be removed to accommodate the proposed subdivision. Although the submitted tree save plan is incomplete, staff believes that the deficiencies are resolvable by the recommended conditions and should not have a substantive impact on the Planning Board's ability to consider approval of the preliminary plan.

The MCDPS Stormwater Management Section approved the stormwater management concept on April 24, 2008. The stormwater management concept includes water quality control and recharge via nonstructural methods. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed subdivision will create two 20,000-square-foot lots, one of which will front directly on Quince Orchard Road, and the other will be a pipestem lot located behind the first lot. This configuration was not seen as ideal by staff, but no other subdivision layout is possible given the small size of the subject property. In addition, a subdivision with a similar pipestem layout is located immediately adjacent to the subject property to the north. The proposed subdivision mirrors the layout of the existing adjacent subdivision. There is only one additional property in the immediate vicinity of the site that may be large enough to be subdivided into two lots. If it were subdivided it would also produce a pipestem layout, and it would also be adjacent to another existing pipestem subdivision. Since only one property remains available for subdivision, approval of the application will not create a trend-setting precedent.

The proposed lot line separating the two proposed lots is fairly far towards the rear of the subject property, meaning that the house location on the rear lot will be close to the rear of the property. But because each of the two lots are either exactly at the minimum lot size of 20,000 square feet or just slightly larger, the proposed lot line between the two lots cannot be moved closer to the front of the property than what is being proposed. This however, is in character with the adjacent property to the north, which also was recently subdivided and a new house was placed at a similar lot depth to what is now proposed. The rear proposed lot will be of a similar size to adjacent lots to its rear (east), and the future house on this lot will have an appropriate rear-to-rear orientation to the existing house on the lot to the east.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone (i.e., R-200/TDR with standard method development) as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Staff recommends, therefore, that the Planning Board find that the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

Citizen Correspondence and Issues

The applicant conducted a pre-submission community meeting on February 19, 2008. At the meeting, citizens asked questions about the layout of the proposed subdivision and the placement of proposed dwellings on the lots. The developer responded to these questions at the meeting. In addition, written notice of the plan submittal and the public hearing date was given by the applicant and staff. As of the date of this report, no citizen letters have been received.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Potomac Subregion Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

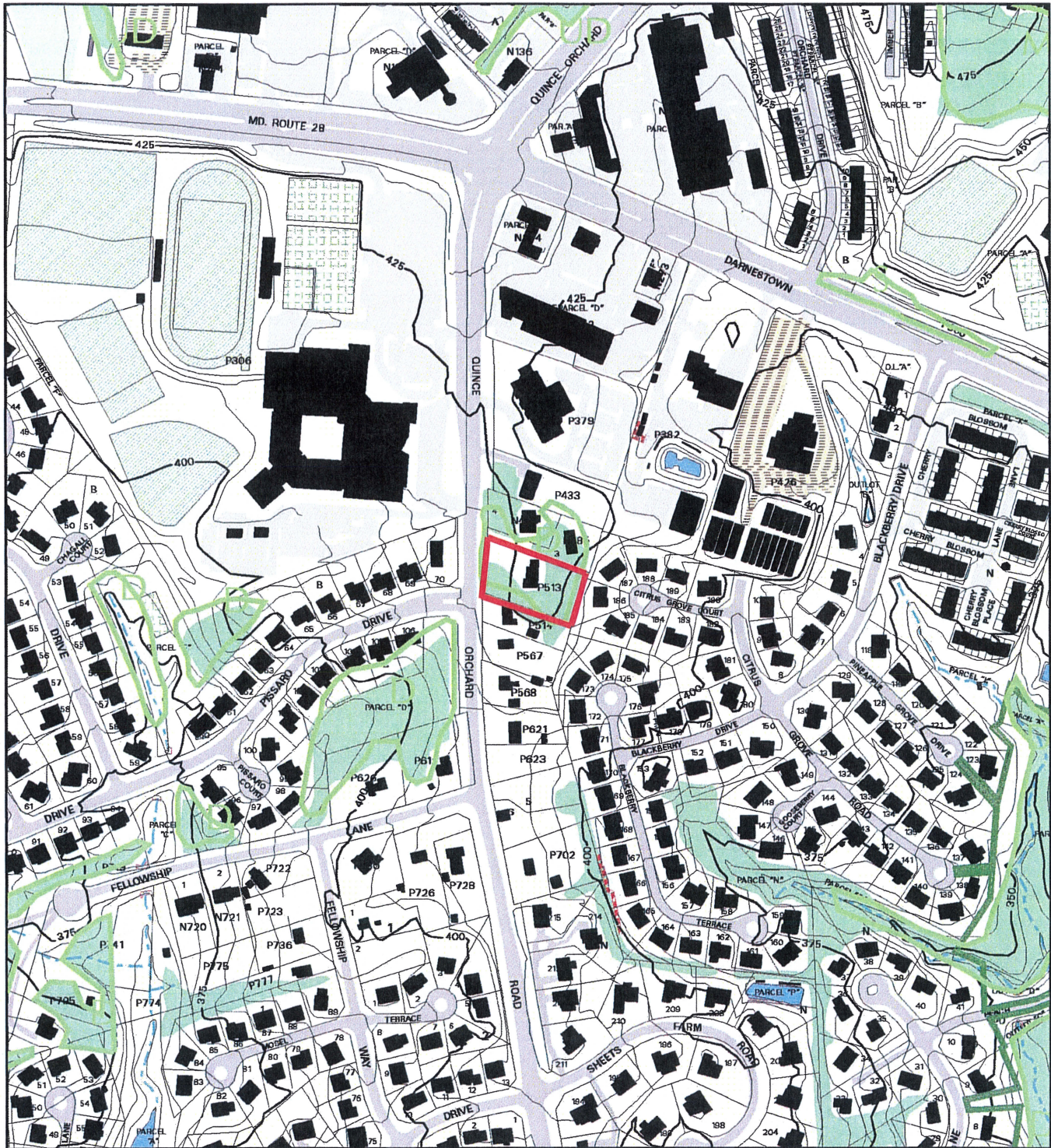
Attachment C – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Yazdi Property				
Plan Number: 120080310				
Zoning: R-200/TDR				
# of Lots: 2				
# of Outlots: N/a				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft. minimum	NB	2/6/09
Lot Width	100 ft.	128 ft. minimum	NB	2/6/09
Lot Frontage	25 ft.	26 ft. minimum	NB	2/6/09
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	NB	2/6/09
Side	12ft. Min./25 ft. total	Must meet minimum ¹	NB	2/6/09
Rear	30 ft. Min.	Must meet minimum ¹	NB	2/6/09
Height	50 ft. Max.	May not exceed maximum ¹	NB	2/6/09
Max Resid'l d.u. per Zoning	2	2	NB	2/6/09
MPDUs	N/a		NB	2/6/09
TDRs	N/a		NB	2/6/09
Site Plan Req'd?	No		NB	2/6/09
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	NB	2/6/09
Road dedication and frontage improvements		Yes	Agency letter	12/30/08
Environmental Guidelines		N/a	Staff memo	11/21/08
Forest Conservation		Exempt	Staff memo	11/21/08
Master Plan Compliance		Yes	Staff memo	11/3/08
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	4/24/08
Water and Sewer (WSSC)		Yes	Agency comments	7/14/08
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	7/14/08
Well and Septic		N/a	Agency comments	7/14/08
Local Area Traffic Review		N/a	Staff memo	7/14/08
Policy Area Mobility Review		N/a	Staff memo	7/14/08
Transportation Management Agreement		No	Staff memo	7/14/08
School Cluster in Moratorium?		No	NB	2/6/09
School Facilities Payment		Yes	NB	2/6/09
Fire and Rescue		Yes	Agency letter	12/16/08

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

YAZDI PROPERTY (120080310)



Map compiled on May 29, 2008 at 11:51 AM | Site located on base sheet no - 221NW12

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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Research & Technology Center

1 inch = 400 feet
1 : 4800



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

April 24, 2008

Mr. David V. Albamonte
Landmark Engineering, Inc.
6100 Executive Boulevard, Suite 110
Rockville, MD 20852

Re: Stormwater Management **CONCEPT** Request
for Yazdi Property
SM File #: 233443
Tract Size/Zone: 1 acre/R-200
Total Concept Area: 1 acre
Parcel(s): 513
Watershed: Muddy Branch

Dear Mr. Albamonte:

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

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

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

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

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Nadine Vurdelja Piontka at 240-777-6334.

Sincerely,


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

RRB:dm CN233443

cc: C. Conlon
S. Federline
SM File # 233443

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



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 30, 2008

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

RE: Preliminary Plan #1-20080310
Yazdi Property

Dear Ms. Conlon:

We have completed our review of the above referenced preliminary plan dated December 3, 2008. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on July 14, 2008. We recommend approval of the plan subject to the following comments:

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

1. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
2. Provide dedication for future widening of Quince Orchard road in accordance with the Master Plan. Access to Quince Orchard Road is denied except at the location shown on the preliminary plan.
3. The owner will be required to enter into a covenant with the County whereby the owner agrees to pay a prorata share for the future construction or reconstruction of Quince Orchard Road as a Montgomery County project or by a private developer under permit prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
4. The record plat is to include a reciprocal ingress, egress and public utilities easement to serve the lots accessed by the common driveway.

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20080310
December 30, 2008
Page 2

5. The sight distance study has been accepted. A copy of the approved sight distance form is enclosed for your information and reference.
6. The drainage study has been accepted.

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

Sincerely,



Gregory M. Leck, Manager
Division of Traffic Engineering and Operations
Development Review Group

Enclosures (2)

Cc: Susan Yazdi, Applicant
Charles Grimsley, Landmark Engineering
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Linda Duhamel, DOT TEOS
Preliminary Plan Folder
Preliminary Plans Notebook