



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 28 2012

MCPB No.12-73
Preliminary Plan No. 120090240
The Plantations
Date of Hearing: June 21, 2012

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review preliminary plan applications; and

WHEREAS, on May 12, 2010, Kenneth Smith ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create two lots on approximately 1.65 acres of land in the R-200 zone, located at 24320 Woodfield Road (MD 124) approximately 200 feet south of the intersection with Log House Road, or 1,000 feet north of Woodfield Elementary School ("Subject Property"), in the 2006 Damascus master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120090240, The Plantations ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 8, 2012 setting forth its analysis, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 21, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120090240 to create two lots on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to
Legal Sufficiency:

[Signature] 4/21/12

8787 Georgia Ave., Springfield, Maryland 20910 Chairman's Office: 301.495.4405 Fax: 301.495.1320

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1. This Preliminary Plan is limited to two lots.
2. Prior to issuance of a sediment and erosion control permit, the Applicant must receive approval of a final forest conservation plan consistent with the preliminary forest conservation plan approval and section 22A.00.01.09(B) of the forest conservation regulations.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated July 09, 2010, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the MCDOT letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated June 11, 2010, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the SHA letter, which may be amended by SHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
7. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its letter dated October 29, 2008, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the MCDPS letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

8. The Applicant must dedicate and show on the record plat the following dedications:
 - a) Forty (40) feet from the centerline of Woodfield Road along the Subject Property frontage with Woodfield Road (MD 124).
9. Prior to recordation of the plat the Applicant must satisfy MCDPS requirements to ensure the relocation of a five-foot wide sidewalk along the property frontage on Woodfield Road, unless construction is waived by MCDPS.
10. The certified Preliminary Plan must contain the following notation:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
11. The record plat must show necessary easements.
12. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located within the Town Neighborhood Transition Area as identified in the Master Plan. There is no specific reference to the Property or the immediate area within the Plan, however, the Town Neighborhood Transition Area is recommended to develop at densities of 2 to 6 dwelling units per acre. Although the Application is for less than the recommended density, the Board finds that limiting the development to two lots is appropriate due to the shape of the Subject Property, the existing house location on lot 1, and access constraints.

The Preliminary Plan provides the required dedication of Woodfield Road (MD 124), a Master Plan designated arterial highway. The Application is not providing for the Master Plan bikeway along Woodfield Road because the Subject Property has only 200 feet of frontage and the surrounding properties have not developed the bikeway along their frontages.

- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Transportation Facilities:

The Planning Board finds that access and circulation will be safe and adequate with the proposed transportation and access improvements. MDSHA has reviewed the sight distance evaluation for the existing driveway on to Woodfield Road and finds it to be sufficient. MCDOT has agreed to a new driveway on the stub of Bush Hill Road on the southern side of the Property.

The Preliminary Plan does not generate 30 or more vehicle trips during the morning or evening peak-hours and therefore, the Application is not subject to Local Area Transportation Review. The Property is located within the Damascus Policy Area which has no PAMR mitigation requirements. The dedication of right-of-way and the construction of the relocated sidewalk provide adequate access for vehicles and pedestrians.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

The lots surrounding the Subject Property were developed under the R-200 and R-150 zoning standards. Although the zoning and Master Plan allow for smaller lot sizes than proposed, limiting the development to two larger lots is appropriate due to the shape of the Subject Property, the existing house location on lot 1, and access constraints. The lots meet all the dimensional requirements for area, frontage, and width in the R-200 zone.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A*

The Subject Property is classified as being in the high density residential land use category where a 15 % afforestation threshold must be met for the net tract area, which generates a 0.26 acre planting requirement. At the time of final forest conservation plan, the Applicant will commit to meet the 0.26 acre afforestation planting requirement either through an off-site mitigation bank or a fee-in-lieu payment.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.*

MCDPS issued an approval letter on October 28, 2008 for the Stormwater Management Concept with which the Applicant must comply

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h)) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension must be filed; and

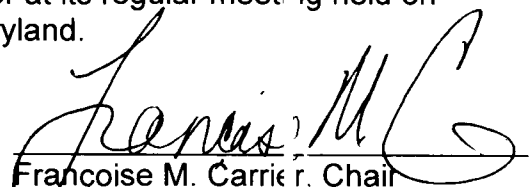
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 28 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, June 21, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County / Planning Board