



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

MCPB No. 17-017
Preliminary Plan No. 120160320
Randolph Farms
Date of Hearing: March 16, 2017

APR 6 2017

RESOLUTION

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

WHEREAS, on June 15, 2016, RRC/S Montrose, LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision that would create 106 townhouse lots, including 12.5% MPDUs, on approximately 8.44 acres of land in the RT-15 Zone, located at the southeast quadrant of the intersection of Randolph Road and Putnam Road (“Subject Property”), in the North Bethesda Garrett Park (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120160320, Randolph Farms (“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 March 6, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 16, 2017, the Planning Board held a public hearing on the Application at which it 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. 120160320 to create 106 townhouse lots including 12.5% MPDU 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: 

1. The Applicant must comply with the conditions of County Council Resolution No. 18-392 approving Local Map Amendment Application No. G-964.
2. This Preliminary Plan is limited to 106 townhouse lots, with a minimum of 12.5% MPDUs, and the associated private roads, private alleys, and HOA parcel(s). Final number of townhouse lots and MPDUs will be determined at site plan.
3. The Applicant must provide an access easement for the adjoining Lot 13.
4. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Fifty feet from centerline along the Subject Property frontage for Randolph Road.
 - b. Sixty feet from the opposite right-of-way line along the Subject Property frontage for Putnam Road.
5. The Applicant must construct all road, sidewalk, and bike lane improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or the design standards imposed by all applicable road codes, subject to the following conditions:
 - a. Reestablish the connection of Putnam Road and Macon Road;
 - b. Private Road A (46-foot wide right-of-way) must be designed and constructed according to the Montgomery County Road Code Standard MC-2001.02 per the modified typical section specified by the subsequent Site Plan;
 - c. Private Road B (41-foot right-of-way) must be designed and constructed according to the Montgomery County Road Code Standard MC-2001.01 per the modified typical section specified by the subsequent Site Plan;
 - d. All Private Alleys must be designed and constructed according to the Montgomery County Road Code Standard MC-200.01 per the modified typical section specified by the subsequent Site Plan;
 - e. Construct the 8-foot wide separated bike lane with green buffers and a 6-foot wide sidewalk along the frontage of Randolph Road, and transition to a shared-use-path east of the Property frontage to Hunters Lane along Randolph Road;
 - f. The final location and width of the extension of the shared-use-path from the eastern property boundary to the intersection of Hunters Lane will be determined at site plan; and
 - g. Upgrade the substandard sidewalks to be 5 feet wide along the two adjacent roadways of Putnam Road and Macon Road.

6. The Applicant must provide Private Roads A and B, and Private Alleys C, D, E, and F, including any sidewalks, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
 - a. The record plat must show all Private Roads and Private Alleys in separate parcels.
 - b. The record plat must reflect a restrictive Covenant covering the Private Roads and Private Alleys. The Covenant must be in a form approved by the M-NCPPC Office of General Counsel and must be recorded in the Montgomery County Land Records with the Liber and Folio referenced on the record plat. At a minimum, the Covenant must include the following provisions:
 - i. The Applicant is fully responsible for the design, construction, operation, maintenance and repair of all Private Roads and Private Alleys, including other necessary improvements as shown within the delineated area of the Private Roads and Private Alleys in accordance with the criteria set forth in the Preliminary Plan and any subsequent Site Plan;
 - ii. Utilities located within any Private Road area must be in a utility easement approved by the applicable utility provider, or be provided as private connections;
 - iii. The Applicant is responsible for the design, construction, operation, maintenance and repair of any private fire hydrants and the water system that supplies any private fire hydrants serving the development subject to this Preliminary Plan (Private Hydrant System). The Applicant must cause the Private Hydrant System to be maintained in good operating condition at all times and must have the Private Hydrant System inspected and tested as required by the Montgomery County Fire Marshal, overseen by a professional engineer, who must provide certified reports evidencing that the water and private hydrant system is properly designed and constructed and in good operating condition. These certified reports must be provided annually to Montgomery County Department of Permitting Services (MCDPS). A description of repairs or maintenance that were performed to keep the Private Hydrant System in good operating condition must be noted on the certified report.
 - iv. The Private Roads must remain open for pedestrians and both motorized and non-motorized vehicles at all times as part of the project common area, except for temporary closures as permitted by MCDPS; and

- v. The Applicant must properly maintain all of the improvements within the Private Roads areas in good condition and repair in accordance with applicable laws and regulations at all times. At a minimum, the Applicant must remove snow and ice, and provide routine and extraordinary repairs, maintenance and replacement to keep the Private Roads open and in good repair for safe use.
 - c. Prior to recordation of the plat, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Roads have been designed in accordance with sound engineering principles for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access, and parking ("Certified Design").
 - d. All Private Roads must meet all necessary requirements for emergency access, egress, and apparatus as determined by the Montgomery County Fire Marshal.
- 7. The Applicant must comply with the requirements of the Preliminary Forest Conservation Plan, except as modified by the approval of a subsequent Final Forest Conservation Plan, subject to the following conditions:
 - a. The Applicant must obtain approval of a Final Forest Conservation Plan (FFCP) from the Planning Department prior to issuance of a Sediment Control Permit and any demolition.
 - b. The Final Forest Conservation Plan (FFCP) must include an amended Variance request for any new impacts to specimen trees that result from extending a shared use path east along Randolph Road to Hunters Lane.
 - c. Prior to any demolition, clearing, or grading on the Property, the Applicant must record in the Land Records of Montgomery County a Certificate of Compliance Agreement approved by the M-NCPPC Office of General Counsel for use of a forest mitigation bank to satisfy the applicable forest conservation planting requirement.
 - d. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
 - e. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
 - f. Prior to record plat, the Applicant must record a deed of release for the existing 0.078-acre conservation easement area to be removed in accordance with this Preliminary Plan. The deed of release must be in a

form approved by the Commission's Office of the General Counsel and must be executed by the appropriate Commission representative.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated November 29, 2016 and January 10, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
10. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section – in its stormwater management concept letter October 18, 2016, and hereby incorporates them as conditions of this Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated November 7, 2016 and March 1, 2017 Amendment Approval, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
12. The record plat must reflect all areas under Homeowners Association ownership.
13. The record plat must reflect a common use and access easement over all trails, sidewalks and paths not included in a public right-of-way or private street parcel.
14. No clearing, grading, or demolition of existing structures on the site, or recording of plats, is permitted prior to Certified Site Plan approval.
15. Final approval of the number and location of buildings, dwellings units, on-site parking, site circulation, and sidewalks will be determined by the Site Plan approval.
16. The Certified Preliminary Plan must contain the following note:

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 Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for the lots. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

17. 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.

18. All necessary easements must be shown on the record plat.

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 1992 North Bethesda/Garrett Park Master Plan area. One of the goals of the Master Plan is to "preserve and increase the variety of housing stock, including affordable housing."

The Preliminary Plan will provide a mix of dwelling types to create variety of housing in the community, of which 12.5% of the units will be provided as MPDUs.

The Master Plan also seeks to "direct future development to land nearest to Metro stops and new transit stations, and to areas best served by transportation infrastructure."

The Subject Property is approximately one mile from the White Flint Metro Station, and 1.5 miles from the Twinbrook Metro Station. Bus service along Randolph Road and Parklawn Drive provides transit connections to both Metro stations.

The Preliminary Plan is therefore in substantial conformance with the applicable recommendations of the Master Plan.

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

Master Plan Roadways and Bikeways

In accordance with the Master Plan, the 2005 Countywide Bikeways Functional Master Plan, and 2013 Countywide Transit Corridors Functional Master Plan, the current master-planned roadway, bikeway, and transitway designations in the vicinity of the Subject Property are listed below:

1. Randolph Road is designated as a four-lane arterial, A-69 with a recommended 100-foot right-of-way and a Class II bikeway. The Countywide Bikeways Functional Master Plan recommends bike lanes, BL-15. The Countywide Transit Corridors Functional Master Plan recommends Bus Rapid Transit (BRT) on the Corridor 7, "Randolph Road" with BRT vehicles operating along Randolph Road within its Master-Planned 100-foot wide right-of-way. The nearest BRT station is proposed at the intersection of Parklawn Drive and Randolph Road. The existing right-of-way ranges from 90 to 100 feet wide, and the Applicant will be required to make the required dedication along the property frontages.

Putnam Road and Macon Road are both dead-end streets that are local secondary residential streets not listed in the Master Plan. Macon Road has an existing 60-foot wide right-of-way that serves as vehicular access for 23 single-family detached homes. Putnam Road has an existing 52- to-71-foot wide right-of-way that serves as vehicular access to the Subject Property and the adjacent shopping center.

The Planning Board agreed with Staff to require the Applicant to reconnect Putnam Road with Macon Road. This is consistent with the Board's general policy to provide for vehicular and pedestrian connections whenever possible to enhance the County's transportation system. Application of this policy is particularly appropriate in this case, given that the Master Plan acknowledges that "[c]urrent roadway network conditions in North Bethesda are generally congested." According to the Master Plan, "[t]hese conditions are due to a generally restricted roadway system, moderate levels of transit and ridesharing use, and high levels of commercial and residential development in both the Planning Area and other portions of the region."

The connection of Putnam Road with Macon Road will help alleviate this condition by providing alternate routes for vehicles and pedestrians and more efficient circulation throughout the neighborhood. Furthermore, the connection will provide direct access for residents south of Randolph Road to Loehmann's Plaza shopping center.

Available Transit Service

Transit service is available along Randolph Road via the following bus routes:

1. Ride-On route 10 operates with 30-minute headways between the Hillandale (at New Hampshire Avenue and Powder Mill Drive) and the Twinbrook Metrorail Station on weekdays and weekends.
2. Metrobus route C4 operates with 15-minute headways between the Twinbrook Metrorail Station and the Greenbelt Metrorail Station on weekdays and weekends.
3. Metrobus route C8 operates with 30-minute headways between the College Park-University of Maryland Metro Station and the White Flint Metrorail Station on weekdays and Saturdays.

The nearest bus stops are located along Randolph Road west of the intersection with Putnam Road: the eastbound stop on the south side of the road is approximately 70 feet to the west; and the westbound stop on the north side of the road is approximately 225 feet to the west.

Metrobus route J5 operates along nearby Parklawn Drive approximately 1,015 feet to the west of the Subject Property. The White Flint Metro station is located approximately 1.1 miles southwest of the Subject Property.

Pedestrian and Bicycle Facilities

Randolph Road has an existing 4-foot wide sidewalk with a 12-foot wide green panel along the Subject Property frontage. Putnam Road has an existing 4-foot wide sidewalk on the east side only with an 11-foot wide green panel, and parking on the east side. Macon Road has existing 4-foot wide sidewalks, 10- to 12-foot wide green panels, and parking on both sides. The existing 4-foot wide sidewalks along the three adjacent roadways are considered substandard in the new Road Code and must be reconstructed.

The three adjacent intersections with Randolph Road at Putnam Road, Loehmann's Plaza driveway, and Macon Road, are not signalized. There are no pedestrian crosswalks, but there are handicap ramps at the intersections of Randolph Road and Macon Road. The missing pedestrian crosswalks and handicap ramps must be provided as conditioned.

The Applicant will be required to provide separated bike lanes along Randolph Road in coordination with the Planning Department and MCDOT staff. In addition, two inverted-U (or alternatives as approved by the Planning Department staff) bike rack spaces are required at the community recreation area.

Local Area Transportation Review

The 106 townhouse lots will generate 51 trips during the weekday AM peak hour and 86 trips during the PM peak hour. Typically, a traffic study is required if a development generates 30 or more new peak-hour trips. However, the Preliminary Plan will generate fewer trips than the trips generated by existing uses on the Subject Property. Therefore, a traffic study is not required, and the LATR test is satisfied.

Transportation Policy Area Review

A Transportation Policy Area Review (TPAR) payment of 25% of the Department of Permitting Services (DPS) development impact tax payment will not be required to satisfy the Policy Area Review test, because the project will generate less than three new peak-hour trips.

Schools

Since this Preliminary Plan was submitted prior to January 1, 2017, the 2012-2016 Subdivision Staging Policy and FY2017 Annual School Test apply. The Subject Property is located in the Wheaton High School Cluster, which would have required a school facility payment at the middle school level for all residential units. However, in accordance with Montgomery County Council Bill 37-16, the County will not be collecting any required school facility payments for building permit applications filed after March 1, 2017, but will instead collect an updated development impact tax on all applicable residential units.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the Application. The Application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. Electrical and telecommunications services are also available to serve the Subject Property.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The lots' size, width, shape and orientation are appropriate for the location of the subdivision considering the objectives and recommendations in the Master Plan and for the type of development and use contemplated. As conditioned and with the Subdivision Regulations waiver described in finding 7 below, the lots meet all requirements established in the

Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Master Plan.

At the hearing, however, the Planning Board noted some concern about the size and amount of the green area/open space shown on the Preliminary Plan, based on the size and quantity of the lots shown, and emphasized that approval of a maximum of 106 lots as part of this Preliminary Plan is subject to further review at site plan. In particular, the Applicant may have to eliminate lots to provide more green area/open space as part of the Site Plan.

As stated above, the project will provide housing with a mix of housing types in the neighborhood. 12.5% of the units will be provided as MPDUs. The Subject Property has excellent bus connections along Randolph Road and Parklawn Drive to both White Flint and Twinbrook Metro stations. There will be adequate public facilities to serve the lots, and the Application has been reviewed by other applicable County agencies, all of which have recommended approval of the Preliminary Plan.

Therefore, the approved lots are appropriate for the location of the subdivision, taking into account the recommendations set out in the North Bethesda/Garrett Park Master Plan, and the use for the Subject Property.

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

Environmental Guidelines

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) (No. 420160570) for the Subject Property on October 20, 2015. The Subject Property contains no streams or their buffers, wetlands or their buffers, steep slopes, 100-year floodplains, or known habitats of rare, threatened, and endangered species. There is a stream buffer adjacent to the southwest corner of the Subject Property that overlaps the intersection of Macon and Putnam Roads. A barricade and some trees (less than specimen size) currently separate these two roads where they meet. The Applicant is required to complete this connection, and the disturbance required for reconnecting the intersection is minimal. On a case-by-case basis, the Environmental Guidelines permit construction of infrastructure such as roadways, when deemed necessary. Staff supports this connection, and finds this plan to be in conformance with the Environmental Guidelines.

Preliminary Forest Conservation Plan

The Application is subject to the Montgomery County Forest Conservation Law, and the Applicant has submitted a Preliminary Forest Conservation Plan in conjunction with the Preliminary Plan. There is no forest on the Subject Property. The land use, zoning and net tract area result in an afforestation requirement of 1.29 acres of forest planting. The Preliminary Forest Conservation Plan includes the removal of

an existing on-site Forest Conservation Easement of 0.078 acres. This existing easement area does not meet the criteria in the Forest Conservation Law to qualify as forest, and presents a problem for enforcement due to its fragmentary and isolated location. Because the Applicant is fulfilling their forest conservation mitigation requirements off-site, the easement area must be replaced at a ratio of 2:1; therefore, the Applicant will purchase additional forest banking credits equal to planting 0.156 acres of forest. The total forest conservation mitigation requirement is for 1.446 acres of forest planted (1.29 acres of forest planting plus 0.156 acres for replacement of the forest conservation easement), or double that amount of forest preserved, in an approved off-site forest bank.

Forest Conservation Variance

Section 22A-12(b)(3) of County code identifies certain individual trees as high priority for retention and protection ("Protected Tree"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12 (b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

The Applicant submitted a variance request on December 2, 2016, because the plan would create an impact to 20 trees that are considered high priority for retention under Section 22A-12(b) of the County code. Thirteen of these trees will be removed; the other seven will be saved. In this case, the Protected Trees proposed to be removed or disturbed are distributed throughout the developable portion of the Subject Property. Denying the Variance would preclude construction of the townhouse community as anticipated and desired based on the zoning. This would constitute an unwarranted hardship on the Applicant.

Section 22A-21 of the County code sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

The Board makes the following findings necessary to grant the variance:

1. *Granting the variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Impacts to specimen trees occur throughout the developable portion of the Subject Property. The impacts to the trees subject to the variance requirement cannot be avoided because of the size and configuration of the Subject Property and the layout of the project. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant, but on environmental, engineering and site constraints.

3. *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not a result of land or building use on a neighboring property.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

Seven of the trees are being saved and will continue to provide water quality functions as before. The trees being removed will be mitigated by the planting of 112.5 caliper- inches of replacement trees. This is equivalent to 38 replacement trees of at least 3" caliper each. These trees will, in time, replace the lost water quality functions of the trees being removed. Therefore, the Application will not violate State water quality standards or cause a measurable degradation in water quality. The replacement trees must be shown on the Final Forest Conservation Plan.

The Preliminary Plan condition of approval requiring extension of a shared use path east along Randolph Road to Hunters Lane will likely impact a specimen tree not covered by the current variance approval. The shared use path extension will be reviewed at Site Plan. This will determine the limits of disturbance and amount of additional Critical Root Zone impact to specimen trees.

Therefore, as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law and the Planning Board's Environmental Guidelines.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The MCDPS Stormwater Management Section issued a letter accepting the stormwater management concept for the Subject Property on October 24, 2016. The stormwater management concept proposes to meet required stormwater management goals via the use of micro-bioretenion facilities, micro-bioretenion planter boxes, permeable pavement, and drywells.

6. *The approved lots will abut on a street or road which has been dedicated to public use or which has acquired the status of a public road.*

Section 50-29(a)(2) of the Subdivision Regulations requires “that individually recorded lots shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road.” As reflected in other similar cases approved by the Planning Board, this finding must be based upon the road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

All townhomes front on Private Road A, Private Road B, or a green area/open space. Private Roads A and B will meet the corresponding Montgomery County Road Code Standards MC-2001.02 and MC-2001.01 as modified, respectively. All townhouse lots that front on a green area/open space will be served by private alleys that will be constructed to the corresponding Montgomery County Road Code Standard for Residential Alleys MC-200.01 as modified. All private roads and alleys will be fully accessible to the public, provide the minimum pavement width and turning radii for emergency vehicle access, and will meet the minimum corresponding public road code standards.

Therefore, the Board finds that the internal private road network has attained the status of public roads.

7. *A 50-38 Waiver of the minimum intersection spacing requirement is necessary.*

The Subject Property is located along Randolph Road, an arterial street which requires a minimum spacing of 600 feet between intersections per Section 50-26(c)(2). The Applicant has requested a waiver of this minimum intersection spacing requirement. The Planning Board has the authority to grant such a waiver pursuant to Section 50-38(a)(1) of the Subdivision Regulations, provided that certain findings can be made. The section states:

“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

To provide adequate vehicular and pedestrian circulation access to the Subject Property, a right-in/right-out only access to/from Randolph Road is needed, and provided. A practical difficulty exists in that the Applicant cannot provide the minimum required spacing of 600-foot between the new and existing curb cuts on Randolph Road since the existing intersections of Putnam Road and Hunters Lane along the Property’s Randolph Road frontage are only 1,000 feet apart.

Therefore, the Planning Board finds that granting a waiver of the requirements of Section 50-26(c)(2) is the minimum waiver necessary to provide relief from the intersection spacing requirements of Chapter 50. The waiver is not inconsistent with the purposes and objectives of the General Plan, and is not adverse to the public interest because the waiver is needed in order to develop the Subject Property in accordance with a Local Map Amendment G-964 to change the zone of the Subject Property from R-60/R-90 to RT-15. The County Council found this Local Map Amendment to be consistent with the purposes and objectives of the General Plan and to be in the public interest.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 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 APR 6 2017 (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 Fani-González, seconded by Commissioner Cichy, with Vice Chair Wells-Harley and Commissioners Fani-González and Cichy voting in favor, and Chair Anderson and Commissioner Dreyfuss absent at its regular meeting held on Thursday, March 30, 2017, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board