



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

MCPB No. 17-110
Preliminary Plan No. 120170150
Bloom Montgomery Village
Date of Hearing: November 16, 2017

DEC 26 2017

RESOLUTION

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

WHEREAS, on December 29, 2016, USL2 MR Montgomery Village Business Trust (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create 494 lots (26 detached houses, 2 duplexes and 466 townhouses) and various stormwater management, common open space, private road and HOA parcels, and parcels for dedication to the Montgomery Village Foundation and potential dedication to M-NCPPC Parks, on 147 acres of land in the Montgomery Village Overlay Zone and the CRN- 0.5 C-0.0 R-0.5 H 65 or TLD zone, located at the intersection of Montgomery Village Avenue and Stewartown Road (“Subject Property”), within the Montgomery Village Master Plan (“Master Plan”) area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 (“Subdivision Regulations”); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant’s option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120170150, Bloom Montgomery Village (“Preliminary Plan” or “Application”); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on December 29, 2016 and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the

Approved as to
Legal Sufficiency:

Christina Jones 12/20/17

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Planning Board, dated November 6, 2017 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 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, on November 16, 2017, the Planning Board voted to approve the Application subject to certain conditions as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120170150 to create 494 lots (26 detached houses, 2 duplexes and 466 townhouses) and various stormwater management, common open space, private road and HOA parcels, and parcels for dedication to the Montgomery Village Foundation and potential dedication to M-NCPPC Parks on the Subject Property, subject to the following conditions:¹

1. SUBDIVISION

This Preliminary Plan is limited to 494 lots for 26 detached houses, two duplexes, and 466 townhouses with a minimum of 68 moderately priced dwelling units, two parcels for proposed dedication to the Montgomery Village Foundation, three parcels for potential dedication to M-NCPPC Parks, and associated stormwater management, common open space, private roads, and homeowners association (HOA) parcels.

2. PRELIMINARY FOREST CONSERVATION PLAN

a. Prior to certified Preliminary Plan, the Preliminary Forest Conservation Plan must be amended to:

- i. Show the Modified Category I Conservation Easement, defined under Condition 2.b., over all areas within the potential park dedication area that lie within approved environmental buffer areas, excluding existing permanent easements for utilities and any remaining ponds;
- ii. Show the removal of the following above grade items: all cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system; drinking fountains; debris; signs; bollards; buildings; and sand traps. Any cart paths to remain as part

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.

of the trail system must be shown on the Preliminary Forest Conservation Plan.

- iii. Show any site preparation/remediation for soil compaction caused by removal under 2.a.ii.
 - iv. Remove the deduction for park dedication area and recalculate the new afforestation requirement based on the loss of the deduction for park dedication while providing for all other deductions permitted by law or regulation;
 - v. Show any proposed trails;
 - vi. Correct the mitigation requirement for removal of variance trees to 3.77 acres of additional forest planting, using 1.5 to 2-inch caliper planting stock for trees, and including 125 shrubs;
 - vii. Show an additional 14,629 square feet of forest planting to the afforestation requirement to mitigate for the loss of buffer function due to stream buffer encroachment in development Area 1; and
 - viii. Show any other changes required by conditions of approval.
- b. Prior to record plat approval, the Applicant must record a Modified Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Preliminary Forest Conservation Plan. The Modified Category I Conservation Easement will allow restoration work to be completed and trails constructed per the conditions of approval and a Parks Facility Agreement and must be approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.

3. OTHER AGENCIES

- a. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated September 26, 2017, and October 6, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. Except for condition nos. 8c, 9b and 9c in the September 26, 2017 letter, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- b. Prior to record plat approval, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- c. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its stormwater management concept letter dated October 9, 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 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.
- d. Prior to record plat approval:
 - i. The Applicant must receive approval of the floodplain delineation study from MCDPS.
 - ii. The Applicant must receive an approved Conditional Letter of Map Revision (CLOMR) from FEMA that has been verified by the MCDPS floodplain coordinator.
- e. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated September 29, 2017, 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.

4. PUBLIC ROAD DEDICATION/IMPROVEMENTS

- a. The Applicant must dedicate and show on the record plat(s) the following dedications, as shown on the certified Preliminary Plan:
 - i. A fifty-six (56) to sixty-four (64)-foot-wide right-of-way for the extension of Stewartown Road, between Montgomery Village Avenue and Watkins Mill Road.
 - ii. Ten (10) additional feet for a total of fifty (50) feet from the existing pavement centerline along the Subject Property's Watkins Mill Road frontage beginning approximately 250 feet south of the intersection of Watkins Mill Road and Stewartown Road for the future construction of a northbound right turn lane.
 - iii. Ten (10) additional feet for a total of Sixty (60) feet from the existing pavement centerline along the Subject Property's Montgomery Village Avenue frontage for the future construction of a separate

right turn lane onto Stewartown Road from southbound Montgomery Village Avenue.

- iv. Ten (10) additional feet for a total of Sixty (60) feet from the existing pavement centerline along the Subject Property's Montgomery Village Avenue frontage for the future construction of a separate right turn lane onto Stewartown Road from northbound Montgomery Village Avenue.
 - v. If needed, the amount necessary to construct the master-planned shared-use path with a green panel, or other barrier, along the Subject Property's frontage on the south side of Stewartown Road, between Montgomery Village Avenue and Private Road "J" in Area 6.
- b. The Applicant must construct Stewartown Road between Watkins Mill Road and Montgomery Village Avenue in no more than three sections as follows:
- i. Prior to completion of the Montgomery Village Foundation (MVF) Park, the Applicant must construct the eastern most section of the road, providing access to the MVF park;
 - ii. Prior to the final building inspection for any residential unit in the western portion of Area 2, the Applicant must construct the section of Stewartown Road extending from Watkins Mill Road to the eastern boundary of Lot 44; and
 - iii. Prior to the final building inspection for any residential unit east of Lot 44, the Applicant must construct the remaining portion of Stewartown Road.
- c. Prior to the final building inspection for any residential unit east of Lot 44, the Applicant must design and install a left-turn lane onto Stewartown Road from northbound Montgomery Village Avenue.
- d. Prior to the final building inspection for any residential unit in the western portion of Area 2, the Applicant must remove the pedestrian refuge island and construct a separate southbound left turn lane from Watkins Mill Road onto Crested Iris Drive/proposed Stewartown Road, and provide a safe pedestrian crossing at Watkins Mill Road as required by MCDOT.
- e. The Applicant must construct all road improvements within the rights-of-way shown on the certified Preliminary Plan to the full width mandated by the master plan, as modified by MCDOT.

5. PRIVATE ROADS

The Applicant must provide Private Road(s) A-J and all Alleys including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as approved on either the certified Preliminary Plan or the certified Site Plan within the delineated private road areas (collectively, the "Private Roads"), subject to the following conditions:

- a. The record plat must show the Private Road in separate parcels.
- b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 on Page 338.
- c. Prior to issuance of building permit, 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 and the applicable permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that each road has been designed 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, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

6. RECORD PLATS

- a. The record plats must show necessary easements.
- b. The record plats must reflect common ingress/egress and utility easements over all shared driveways.
- c. The record plats must reflect a common use and access easement for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The easement must be created by a deed approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records.
- d. The record plats must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.

- e. The record plats must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
- f. All plats associated with this Preliminary Plan must be recorded within one hundred eight months (nine years) from the date of mailing of the Planning Board Resolution. The recordation of the plats must be phased in the following manner:
 - i. Phase I- Plats for at least 164 lots must be recorded by 36 months from the day the Resolution is mailed.
 - ii. Phase II- Plats for 328 lots (164 lots in Phase I plus an additional 164 lots) must be recorded by 36 months from the expiration of the Phase I validity period.
 - iii. Phase III- all remaining lots must be recorded by 36 months from the expiration of the Phase II validity period (within nine years from the day the Resolution is mailed).

7. PARKS

Prior to Certified Site Plan, a mutually agreeable Parks Facility Agreement (PFA) between the Applicant and the Department of Parks must be executed and approved by the M-NCPPC Office of General Counsel to facilitate the potential conveyance of land to M-NCPPC as an addition to the Cabin Branch Stream Valley Park. The PFA must be comparable in form and substance to the draft PFA set forth in Attachment 1 of the Staff Report.

8. ADEQUATE PUBLIC FACILITIES

The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for ten years (120 months) from the date of mailing of this Planning Board Resolution.

9. SITE PLAN

- a. Prior to submission of any plat application, Site Plan No. 820170130 must be certified by M-NCPPC Staff.
- b. No clearing or grading of the site, or recording of plats prior to Certified Site Plan approval.

10. CERTIFIED PRELIMINARY PLAN

The following changes must be reflected on the Certified Preliminary Plan:

- a. On page PP01:
 - i. Show cross sections for each type of public and private road and alley, including the corresponding MCDOT cross section reference, modifications, paving detail, and design data.
 - ii. Remove the following note from the private road cross section:

“Sidewalk to be on one or both sides. In constrained areas, road R/W may be reduced to the limits of curbs.”
- b. On sheet PP08, the proposed mid-block pedestrian crossing must be relocated as recommended in the MCDOT letter dated September 26, 2017.
- c. At the easternmost entrance to the MVF Park on proposed Stewartown Road, the driveway apron must function as a channelized one-way westbound-only right-in entrance.
- d. Show the removal of the pedestrian refuge island to accommodate the southbound left turn lane from Watkins Mill Road onto Stewartown Road and a safe pedestrian crossing at Watkins Mill Road as required by MCDOT.
- e. Show dedication of ten (10) additional feet for a total of fifty (50) feet from the existing pavement centerline along the Subject Property’s Watkins Mill Road frontage beginning approximately 250 feet south of the intersection of Watkins Mill Road and Stewartown Road for the future construction of a northbound right turn lane.
- f. Add the master-planned shared-use path along the south side of Stewartown Road, separated from the road by a green panel or other barrier, between Montgomery Village Avenue and Private Road “J” in Area 6. The shared-use path must be eight feet wide; however, it may be less than eight feet wide in environmentally or topographically constrained areas. If this shared-use path is built, the Site Plan, Forest Conservation Plan and other applicable plans must be amended administratively. A note reflecting this condition must be included on the Preliminary Plan.
- g. The label for “Road H” in Area 6, Parcel E must be changed to “Road J.”
- h. Include the stormwater management concept approval letter and Preliminary Plan Resolution in the certified Preliminary Plan set.
- i. Add the following note on the cover sheet:

“Unless specifically noted in this certified Preliminary Plan 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 site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.”

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.

As conditioned, the Planning Board finds the project is in substantial conformance with the recommendations of the Master Plan. The Master Plan identifies four specific areas as potential redevelopment sites, including the Subject Property (Montgomery Village’s former Golf Course or “Monument Realty Site”, as the Plan refers to it - see Figure 14 on page 55; the former golf course is property #1). The Master Plan provides both site-specific guidance for the Property and general guidance for all development.

The Master Plan supports residential redevelopment of the Property, and states that “repurposing this site for residential uses is compatible with the surrounding neighborhoods and is consistent with the overall character of the Village” (page 63). Redeveloping the Property with residential uses will, “address the demand for new housing, while providing the opportunity to restore environmentally sensitive areas, enhance trail connections and provided publicly accessible open space.” The overall concept of the residential development is consistent with the Master Plan.

The Master Plan’s general vision is organized by four themes, as listed below, and specific recommendations for the Property are discussed within the context of each Master Plan theme:

- Preserve the Village’s Character
- Maintain the Village’s Public Recreation and Open Spaces
- Encourage Reinvestment in the Village
- Enhance the Village’s Connectivity

Preserve the Village's Character:

The Master Plan provides general guidance to ensure that all new development is "compatible in scale and density to adjacent existing residential communities" (p.51). Specific to the Property, the Master Plan recommends the following:

- "Consider clustered, compact development patterns compatible with adjacent surrounding neighborhoods." (p.64)
- "Consider view sheds from surrounding communities when locating new development clusters." (p.64)
- "Provide adequate transitions between new and existing communities." (p.64)

The project uses several ways to achieve compatibility with the surrounding residential neighborhoods and well-established Montgomery Village character. Strategies such as (1) planted buffers or retention of existing trees between new residential clusters and existing adjacent neighborhoods, (2) clustering new development to create view corridors for existing neighborhoods through new development, (3) locating new development in areas that are lower in elevation than adjacent existing neighborhoods, and (4) providing a mix of unit types (townhomes, duplexes, and single-family homes) and styles that will create a compatible residential context without replicating existing neighborhoods. The Applicant will also develop architectural guidelines to govern development within each of the clusters, in accordance with the architectural criteria established by the Montgomery Village Foundation.

Maintain the Village's Public Recreation and Open Spaces

The Master Plan generally supports the "preservation of existing community space, to the maximum extent possible" (page 50). For the Property, the Master Plan recommends the following:

- "Protect the Cabin Branch Stream Valley on the former Golf Course site. The protection of this portion of the stream valley can be accomplished either by conservation easements or by adding it to the Montgomery County Parks system." (p. 39)
- "Protect and reforest the large stream buffer area within the former golf course site." (p.41)
- "This plan supports residential development for portions of the site that are developable; the remaining areas are recommended for open space, conservation, or dedication." (p.63)
- Provide open space accessible to both new and existing communities, where feasible." (p.64)

The project provides a substantial amount of open space that will be accessible to the public, with the proposed dedication and development of the MVF Park and the potential dedication of land area to the Parks Department. These open spaces will provide areas

for both passive and active recreation, and will provide new amenities to both new and existing residents.

As recommended by the Master Plan, the Applicant plans to dedicate approximately 49 acres to the Parks Department after executing a Parks Facilities Agreement (PFA). The potential M-NCPPC park will provide publicly accessible and usable open space, and will incorporate walking trails connecting to the MVF Central Park provided by this project, to existing Montgomery Village pedestrian network, and to the County's regional trail system. This project will also deliver the Master Plan recommended connection between the Great Seneca Stream Valley Park and the Cabin Branch Stream Valley Park. Further, the Forest Conservation requirements and the planned stream restoration will help accomplish the Master Plan's environmental goals to reforest the stream buffer area, enhance water quality protection, and improve wildlife habitat.

The project's MVF Park, which the Applicant will build and dedicate to the Montgomery Village Foundation, will be an important feature of the project and will be accessible from Montgomery Village Avenue. It will include amenities such as dog parks, picnic shelters, and playgrounds. In addition, the project will preserve several areas as additional open space and environmental buffers that will be owned by the homeowner's associations created for the respective residential clusters.

Encourage Reinvestment in the Village

As an overarching goal for new development, the Master Plan recommends "low density, compatible development in buildable areas adjacent to existing residential clusters." (p.50)

The project constitutes a substantial investment in a vacant property located at an important central location within the Montgomery Village community. The Applicant will develop a total of 494 residential units in a mix of unit types, including MPDU's, that have been distributed throughout the property to complement existing surrounding development. The Applicant plans significant improvements to the environmental features on the Property, that would result in additional amenities accessible to the public.

Enhance the Village's Connectivity

The Master Plan recommends the following for the redevelopment of the Property:

- "Where feasible, enhance connectivity between new development and existing communities." (p.64)
- "Provide a trail connection between Great Seneca Stream Valley Park and Cabin Branch Park." (p.64)

The project promotes pedestrian activity by designing most of the units to face the public realm, which will include wide, tree-lined sidewalks along streets. Trails will also be

incorporated into the proposed stream valley park that will integrate the Property into the larger Montgomery Village trail system. Safe and efficient vehicular access will be provided via a network of streets connecting all development Areas of the project and the rest of the Montgomery Village community. A shared-use path will provide a pedestrian and bicycle connection between Watkins Mill Road and Centerway Park (adjacent to Cabin Branch Park).

Master-Planned Roadways, Bikeways, and Intersections

Stewartown Road

Between Watkins Mill Road and Montgomery Village Avenue, the unbuilt segment of Stewartown Road is designated as a two-lane minor arterial road, MA-298, with a Master Plan recommended 56-foot-wide right-of-way. This section of the road will improve local connectivity between the east and west sides of Montgomery Village, as well as provide access to residential lots within the redevelopment of the Property. The recommended 56-foot-wide right-of-way is planned as a two-lane undivided section with on-street parking where feasible. A 10-foot-wide shared-use path, LB-3, is recommended on the south side of Stewartown Road, with a five-foot-wide sidewalk on the north side of the road. The Preliminary Plan provides for the full-width dedication for the extension of Stewartown Road. The right-of-way width varies to accommodate on-street parking and medians at trail crossings. This portion of Stewartown Road will be designed as a residential street and will include a tree-lined sidewalk along the north side, a shared-use path along the south side, and several traffic-calming measures (vertical and horizontal curvature, minimal-width travel lanes, and crosswalks).

Between Montgomery Village Avenue and Goshen Road, existing Stewartown Road is designated as a two-lane minor arterial road with a recommended 70-foot-wide right-of-way. The Master Plan recommends that the existing sidewalk on the south side of this section of Stewartown Road be upgraded to a ten-foot-wide shared-use path as a continuation of the shared-use path along the extension of Stewartown Road between Watkins Mill Road and Montgomery Village Avenue. The Applicant did not propose any improvements to the existing sidewalk along Stewartown Road between Montgomery Village Avenue and the eastern end of Area 6. Instead, the project includes a shared-use path along the private road "H" in Area 6 to provide the master-planned east-west connection. The Planning Board decided to allow the Applicant flexibility in the final alignment of the east-west shared-use path, so it can be built along the private road in Area 6 or along Stewartown Road. If the shared-use path is built along Stewartown Road, it must be eight feet wide with a green panel (variable width) or other barrier, however, the shared-use path may be less than eight feet wide in environmentally or topographically constrained areas. To ensure that the master-planned east-west connection is built in a timely fashion, the Applicant must construct the path, either along the south side of Stewartown Road or along private road "H" in Area 6, prior to the issuance of the 300th residential building permit.

Montgomery Village Avenue

Montgomery Village Avenue is designated as a four-lane arterial road, A-295, with a recommended 100-foot-wide right-of-way between Midcounty Highway and Wightman Road. The existing right-of-way is 100-foot-wide with sidewalks along both sides. The Master Plan recommends a shared-use path, LB-1, on the east side of Montgomery Village Avenue between Wightman Road and Lost Knife Road to tie into the existing shared-use path built on the east side of the road along Lake Whetstone. The Planning Board is not requiring the Applicant to build this shared-use path because the adjacent HOAs are not willing to work with the Applicant to implement this upgrade. Due to the gaps (existing HOA-owned lands) in Property frontage along Montgomery Village Avenue, requiring the Applicant to install a fragmented shared-use path along this portion of Montgomery Village Avenue is not the best option. Lack of needed right-of-way, steep slopes, and other environmental constraints would result in a patchwork of new shared-use path and existing sidewalk. The existing 100-foot right-of-way is wide enough to accommodate a shared-use path on each side of the road, or the separated bike lanes being contemplated with the Draft Countywide Bikeway Master Plan. The shared-use paths or the bike lanes should be included in a comprehensive redesign of the entire stretch of Montgomery Village Avenue as part of a future CIP project. Therefore, the Planning Board finds that the shared-use path along Montgomery Village Avenue should be installed within the existing 100-foot right-of-way as part of a future comprehensive road construction project.

Watkins Mill Road

Watkins Mill Road is designated as a four-lane arterial road, A-17, with a recommended 80-foot-wide right-of-way. The existing right of way is 80 feet wide. A shared-use path and signed-shared roadway, DB-27, are recommended between the future Midcounty Highway and Apple Ridge Road. A shared-use path has been constructed along the west side of Watkins Mill Road to the north of Club Lake Road. The rest of this master planned path extends to the north through the traffic circle at Blunt Road all the way to Scenery Drive.

Arrowhead Road

Arrowhead Road, is classified as a two-lane primary residential road, P-19, with a recommended 70-foot-wide right-of-way between Montgomery Village Avenue and Fern Hollow Way. The existing right-of-way is 70 feet wide. There are no master-planned bikeway recommendations for this road.

Intersections

The Master Plan recommends that the intersection of Montgomery Village Avenue and Stewartown Road be reconfigured by the developer to accommodate the construction of Stewartown Road, MA-298 (page 89). At this intersection, the Master Plan Transportation Appendix recommends construction of a northbound left-turn lane and a southbound right-turn lane on Montgomery Village Avenue (page 5). Per MCDOT the Applicant is responsible for:

- Dedicating the right-of-way and granting any necessary easements to implement the future southbound right-turn lane on Montgomery Village Avenue.
- The cost of design and installation of the northbound left-turn lane on Montgomery Village Avenue.

The Master Plan also recommends that the developer reconfigure the intersection of Watkins Mill Road and Crested Iris Drive/future Stewartown Road (page 89). For this intersection, the Master Plan Transportation Appendix recommends that the developer construct left turn lanes on northbound and southbound Watkins Mill Road, and a right-turn lane on northbound Watkins Mill Road (page 5). Per MCDOT, the Applicant is responsible for:

- Dedication of right-of-way and granting the necessary easements to implement the future northbound right-turn lane on Watkins Mill.
- Removing the pedestrian refuge island and constructing a separate southbound left-turn lane on Watkins Mill Road at Crested Iris Drive and providing a safe pedestrian crossing of Watkins Mill Road.
- Restriping the northbound left-turn lane on Watkins Mill Road.

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

Transportation

Public Transit Service

The nearest bus stops are located along Watkins Mill Road, Montgomery Village Avenue, Club House Road, Apple Ridge Road, Arrowhead Road, Rothbury Drive, Wightman Road, Centerway Road, and Goshen Road. The area is served by Ride On routes 58, 59, 60, 64, and 65. These routes serve the major roads surrounding the development and terminate at the Shady Grove Metro Station. Major origins and destinations near the development for these bus routes include Frederick Road (MD 355), Lakeforest Transit Center, Montgomery Village Center, and the Shady Grove Metro Station.

Route 65 (Montgomery Village Center-Montgomery Village Avenue-Mid-County Highway-Shady Grove Express Road-Shady Grove Metrorail Station) offers the fastest travel time between Montgomery Village Center and Shady Grove Metro Station with 15-minute average headways.

A new Ride On extra service with limited stops (12 stops versus 80 along the route) began in October 2017, and operates between Lakeforest Transit Center and Medical Center Metro. This route offers 10 minute headways during peak hour periods and offers new and different buses with low floor boarding.

Traffic Signal Warrant Analysis

At the time of the Planning Board hearing, the Applicant's revised Traffic Signal Warrant Analysis (dated September 1, 2017) at the two Stewartown Road intersections with Montgomery Village Avenue and Watkins Mill Road was under review by MCDOT. If the traffic signals are warranted at either or both intersection(s) by MCDOT, the Applicant must install either or both of them prior to the opening of Stewartown Road.

Entrance to the MVF Park

On Stewartown Road, the easternmost entrance to the new MVF Park (closest to the intersection of Montgomery Village Avenue) does not meet the sight distance criteria. MCDOT recommends that the Applicant construct a channelized right-turn lane from Stewartown Road into the proposed park, and the Planning Board agrees with this recommendation.

Bikeshare and Bicycle Parking

The Planning Board approved one bikeshare station at the MVF park in Area 1 at the corner of the intersection of Montgomery Village Avenue and Stewartown Road. MCDOT is requiring that the Applicant provide a second bikeshare station in Area 4. The final locations of both bikeshare stations must be shown on the Certified Preliminary and Site Plans, and easements for public access must be provided. Ten inverted-U bike racks must be provided at the proposed MVF Park and shown on the Certified Site Plan.

Design Exception Requests

The Planning Board approves design exceptions to two MCDOT design standards because the Master Plan envisions a reduced right-of-way width for Stewartown Road to balance the desires for vehicular access and pedestrian connections within the environmental and community context (see page 71).

- 1) As shown in the 2016 Montgomery Village Master Plan, Stewartown Road is designated as a two-lane minor arterial road, MA-298, with a recommended reduced 56-foot-wide right-of-way between Watkins Mill Road and Montgomery Village Avenue. A design exception is required because the reduced right-of-way width is a modification of the County's Suburban Minor Arterial Road Standard No. MC-2004.27, which is 70 feet. The proposed 56-foot-wide right of way is wider in some locations, such as where on-street parking is proposed adjacent to MVF Park, and where median islands are proposed at trail crossings. The right-of-way would be approximately 65-feet-wide in these locations. The project includes reduced lane widths of 10' (instead of 12'), and tighter radii and shorter tangent lengths. The Applicant's design exception shows that the modified design is more in keeping with the neighborhood and the desired target speed limit of 25 mph. The reduced standard would limit road paving, reduce the impacts to environmentally sensitive buffers, and improve the pedestrian safety.
- 2) The second design exception concerns the monumental entrance location at the intersection of Watkins Mill Road and Stewartown Road. The MCDOT

Monumental Entrance Standard No. MC-224.01 is for a primary road classification, and the modified monumental entrance standard is designed to narrow the road and still retain the standard cross-section elements. The design is supported by the Master Plan (page 71), and it is supported by MCDOT with two minor revisions as stated in the MCDOT letter dated September 26, 2017.

Local Area Transportation Review (LATR)

The Preliminary Plan application was reviewed under the 2012-2016 Subdivision Staging Policy (SSP) because it was filed before January 1, 2017.

A traffic study was required to satisfy the LATR test because the development will generate more than 30 total peak-hour vehicle trips within the weekday morning and evening peak periods (6:30 to 9:30 AM and 4:00 to 7:00 PM). The development will generate 248 AM peak hour trips, and 418 PM peak hour trips.

The study intersections are in the Montgomery Village/Airpark Policy Area with a Critical Lane Volume (CLV) congestion standard of 1,425 for this policy area. The calculated CLV values do not exceed the congestion standard; therefore, the LATR test is satisfied.

Policy Area Review

Under the 2012-2016 Subdivision Staging Policy, the Preliminary Plan application is subject to the Transportation Policy Area Review (TPAR) mitigation payment. However, since the building permit will be filed after March 1, 2017, under the new 2016-2020 Subdivision Staging Policy, the Applicant will be required to pay the updated General District Transportation Impact Tax. The timing and amount of the payment will be in accordance with that in Chapter 52 of the Montgomery County Code as amended.

Other Public Facilities and APF Validity Period

Parks

The M-NCPPC Parks Department supports the overall concept and potential park dedication along the mainstem of the Cabin Branch Stream. The potential dedication will augment the existing pattern of public parkland ownership along the Cabin Branch Stream, both upstream and downstream of the Subject Property. The potential addition of the parkland adds a direct hydrologic and greenway connection to the Seneca Creek Stream Valley. It is also consistent with the Master Plan recommendation that the Parks Department should seek dedication of this portion of the Property to protect and enhance its natural features and provide a trail connection between Great Seneca Stream Valley Park and Cabin Branch Park.

As the potential dedication area is a large fallow golf course area with an un-forested floodplain and environmental buffer, and an incised perennial stream that requires restoration, the upfront and long-term costs associated with this potential dedication area are significant. The area also contains water hazards, contaminated greens, and

relic infrastructure that need removal. The Parks Department and the Applicant have negotiated the terms of a Parks Facilities Agreement (PFA), which will outline the process for site remediation, stream restoration, and an ultimate park dedication. The Applicant will execute the PFA prior to Certified Site Plan.

The Applicant plans to contract with a third party to carry out stream restoration work and site remediation in the potential park dedication area. Although the Applicant will make a good faith effort to ensure that the restoration is completed to the satisfaction of the Parks Department, the Applicant cannot guarantee a timeframe in which the work might be completed, and the Site and Preliminary Plans are not conditioned on the improvement or dedication of this area for parkland. Therefore, the potential parkland area will be placed in a modified Category I Forest Conservation Easement to ensure protection of the stream and environmental buffers. The Modified Category I Forest Conservation Easement will allow disturbance for trails, stream restoration, etc. Provided the Applicant fulfills its obligations under the PFA, approximately 49 acres will be dedicated to the Parks Department. If the Applicant is unable to complete the restoration work in accordance with the PFA, the parkland will not be dedicated and will remain in a Category I Forest Conservation Easement.

Schools

The 2016-2020 Subdivision Staging Policy school test for FY2018 indicates that there is adequate capacity within the Watkins Mill cluster for the service areas of Whetstone and Stedwick Elementary Schools, Montgomery Village and Neelsville Middle Schools, and Watkins Mill High School. The Applicant will be required to pay the School Impact Tax on all applicable residential units. MCDPS will determine the amount and timing of the payment.

Other Public Facilities

The development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available and adequate.

Adequate Public Facilities (APF) Validity

The Planning Board approves an extended Adequate Public Facilities (APF) validity period of ten years for this project. The Board finds that the extended validity period is in the public interest because the project will provide needed single-family housing, including the provision of 68 MPDUs, land dedicated to MVF and developed with a park, and the potential park dedication of approximately 49 acres to the Parks Department. Further, the full buildout will benefit the larger community by providing new, improved housing stock, and more residents to support upgraded area restaurants and retail establishments.

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 Planning Board finds the lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the *Montgomery Village Master Plan* and the type of development and use contemplated.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Master Plan. Access and public facilities will be adequate to serve the lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan. Residential lots will be located outside of the revised 100-year floodplain.

The lots were reviewed for compliance with the dimensional requirements for the CRN and TLD zones as specified in the Zoning Ordinance (Refer to the development standards in Tables 2 and 3 in the Staff Report). The lots will meet all the dimensional requirements for area, frontage, width, and setbacks in the CRN and TLD zones.

Overlength Cul-De-Sac

Per Section 50-26(b), "A cul-de-sac or a street that would end in a turnaround must not be longer than 500 feet, measured on its centerline, unless, because of property shape, size, topography large lot size, or improved street alignment, the Board approves a greater length." In Areas III and VI, there are proposed roads longer than 500 feet which terminate in cul-de-sacs. The Planning Board approved of the greater length, because the Property is constrained by environmentally sensitive areas and by existing development that does not provide for opportunities to interconnect with existing roads.

Preliminary Plan Validity Period

Per Section 50-35(3)(h)(2)(B):

"An approved preliminary plan for a multi-phase project remains valid for the period of time allowed in the phasing schedule approved by the Planning Board. The Planning Board must assign each phase a validity period on a case-by-case basis...after considering such factors as the size, type, and location of the project. The time allocated to any phase must not exceed 36 months after the initiation date for that particular phase for any preliminary plan approved on or after April 1, 2015."

The Applicant requested an extended Preliminary Plan validity period of ten years as permitted by 50-35(h)(2)(B). The Applicant proposed a general phasing schedule by Area, but asked not to be bound by the specific schedule.

Given the complexity of the project, including the construction of the master-planned road and the potential park dedication, the Planning Board approves an extended Preliminary Plan validity period with phasing of plat recordation over a nine-year (108 month) period based on the following simplified schedule:

- Phase I- Plats for at least 164 lots must be recorded by 36 months from the day the Resolution is mailed.
- Phase II- Plats for 328 lots (164 lots in Phase I plus an additional 164 lots) must be recorded by 36 months from the expiration of the Phase I validity period.
- Phase III- all remaining lots must be recorded by 36 months from the expiration of the Phase II validity period (within nine years from the day the resolution is mailed).

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

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this property on December 27, 2016. The NRI/FSD documented 6704 linear feet of stream and 70.38 acres of stream buffer on the Property. The stream buffer includes 56.17 acres of 100-year floodplain, 0.29 acres of wetlands, and 0.79 acres of forest. There were no documented occurrences of Rare, Threatened, or Endangered species on the site. A portion of this site (development Area 4) is covered by NRI/FSD No. 420151680, which was approved on April 3, 2015. This NRI shows 0.40 acres of 100-year floodplain delineated on a Federal Emergency Management Agency (FEMA) floodplain map.

A substantial portion of the Property lies within the Cabin Branch stream valley, including large expanses of floodplain, with steep slopes coming down to meet the stream valley. An extension of Stewartown Road, required by the Master Plan to improve circulation, crosses the site from Watkins Mill Road on the west to Montgomery Village Avenue on the east. Portions of this road traverse the edge of areas that are currently within the 100-year floodplain portion of the stream buffer. According to the Guidelines for Management of Development in Montgomery County (the "Environmental Guidelines"), Section V.A.1.(f), "Only unavoidable road and utility crossings will be permitted in the stream buffer when it is clearly demonstrated that no feasible alternatives exist, and every effort is made to locate road alignment and/or utilities to

create the least disturbance to existing vegetation, grade, wetlands, trout spawning areas in Use III watersheds, etc.”

The Planning Board considers this road crossing to be unavoidable because it was deemed necessary in the Master Plan to provide adequate circulation within the Master Plan area. The alignment minimizes disturbance to the stream buffer, including the 100-year floodplain, by following the contour of the slope at the northern edge of the buffer, except on the western side where the alignment shifts south to meet the intersection of Watkins Mill Road and Crested Iris Drive. The reduced road cross-section specified in the Master Plan (56 feet) also helps to minimize impacts.

In some areas where Stewartown Road will be extended, construction of the road will alter the edge of the floodplain. Where the floodplain is altered to construct the road, the stream buffer will also be altered to follow the edge of the new road alignment in places where the floodplain exceeds the base stream buffer width of 100 feet, unless the floodplain boundary is from a Federal Emergency Management Agency (FEMA) floodplain map. The County does not have authorization to change floodplains delineated on FEMA floodplain maps. If proposed floodplain alterations affect boundaries on FEMA maps, the Applicant must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before record plats are approved for those areas.

In Area 1, all or part of seven townhouse units encroach into a delineated stream buffer, though not into 100-year floodplain. Compensation for the loss of buffer function in this area must be provided by enhanced forestation, providing an additional amount of afforestation within the stream valley equivalent to the area of encroachment. This additional afforestation is in addition to the afforestation required under Chapter 22A, Forest Conservation. The area of enhanced forestation is approximately 14,629 square feet.

Per the approved NRI/FSD, the site contains 0.79 acres of forest. Of this amount, 0.36 acres occurs in existing utility easements; this amount of forest, as well as the area of the easement, are deducted from the totals on the Forest Conservation Plan, leaving 0.43 acres of forest proposed for retention in a Category I easement on the Applicant's property.

The Preliminary and Final Forest Conservation Plans submitted with this Application were based on a presumption that approximately 50 acres of land within the environmental buffers would be dedicated to the Parks Department. Subsequent to the final plan submission, park dedication has become uncertain. The Applicant must therefore submit a revised Final Forest Conservation Plan prior to Certified Site Plan, with new afforestation requirements calculated with no deduction taken for park dedication. Since the environmental buffers will not be protected as part of the Montgomery County Park system, these areas must be placed in a Category I Conservation Easement. While the afforestation requirement will change, the rest of the

plan as submitted, including limits of disturbance and afforestation planting areas, should remain substantially the same. Afforestation should be implemented within the designated planting areas in the environmental buffers.

Afforestation planting may be phased based on a percentage of the total afforestation required by the Final Forest Conservation Plan with each area developed. The minimum percentage of the total afforestation that must be planted for each area is as follows, with the overall percentage not to exceed 100 percent:

<u>Area</u>	<u>% of Total Afforestation Requirement</u>
Area 1	22.5%
Area 2	21.5%
Area 3	10.0%
Area 4	19.0%
Area 5	17.0%
Area 6	25.5%

The Applicant still intends to pursue park dedication in the future if the land can be restored to a condition acceptable to the Parks Department, as outlined in the Parks Facilities Agreement. If dedication of parkland to the Parks Department occurs, pursuant to the PFA, prior to the completion of the total afforestation requirement, then the afforestation requirement will be adjusted to allow the deduction for parkland dedication, reducing the net tract area by the area accepted in dedication and reducing the planting requirement accordingly.

In addition, the Applicant will remove 83 specimen trees totaling 3,013 caliper inches of tree loss. The standard mitigation requirement for replacement of variance trees lost is one caliper-inch of replacement for every four inches removed. This would result in a variance tree replacement requirement of 754 caliper-inches. Ordinarily, the requirement is for variance tree loss is to replant with trees of a minimum 3" caliper. In this case, however, the priority is to restore a forested stream buffer to protect water quality. Therefore, the Planning Board agrees that 1.5 to 2-inch caliper trees may be planted, along with the requisite number of shrubs, following the requirements for planting in Forest Conservation Regulation 22A.00.01.08(E)(3)(c). When planting trees of this size, the stocking rate is 100 trees and 33 shrubs per acre. The replacement of 754 caliper-inches of variance trees, divided by 2" per tree yields 376.6 (377) trees. Planting at 100 trees per acre, results in an additional 3.77 acres of forest planting. This would include the planting of 125 shrubs. This additional afforestation will also take place within the approved forest planting areas in the stream buffer.

Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). 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.

This Application will require the removal or CRZ impact to 99 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

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.*

The project has attempted to balance all of the competing factors that constrain the site. The Applicant met with Planning Staff and the County Arborist to go over each variance tree impacted. Staff and the County Arborist requested, and the Applicant agreed to, changes in grading and layouts that resulted in the preservation of several trees originally proposed for removal. The Planning Board finds that granting the variance will not confer a special privilege to the Applicant.

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

The Planning Board concurs that the requested variance is based on the constraints of the site and the intensity of the use, rather than on conditions or circumstances which are the result of actions by the Applicant.

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

The Planning Board concurs that the requested variance is a result of the proposed site design and constraints on the Subject Property and not as 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.*

The variance trees removed will be mitigated with the planting of new canopy trees to replace the lost water quality benefit functions of the trees being removed. These trees will be planted in the stream buffer. The variance trees being preserved will continue to provide water quality benefits as before.

Therefore, the Planning Board finds that the project will not violate State water quality standards or cause measurable degradation in water quality.

The removal of the 83 variance trees will result in the loss of 3013 caliper inches of mature trees. Planning Department policy requires replacement of variance trees at a rate of 1" replaced for every 4" removed to replace lost environmental functions performed by the trees removed. Based on this formula, the Applicant is required to plant 754 caliper inches of variance mitigation trees. Ordinarily, the requirement is for variance tree loss is to replant with trees of a minimum 3" caliper. In this case, however, the priority is to restore a forested stream buffer to protect water quality. Therefore, the Planning Board finds that 1.5 to 2-inch caliper trees may be planted, along with the requisite number of shrubs, following the requirements for planting in Forest Conservation Regulation 22A.00.01.08(E)(3)(c). When planting trees of this size, the stocking rate is 100 trees and 33 shrubs per acre. The replacement of 754 caliper-inches of variance trees, divided by 2" per tree yields 376.6 (377) trees. Planting at 100 trees per acre, results in an additional 3.77 acres of forest planting. This would include the planting of 125 shrubs. This additional afforestation will also take place within the approved forest planting areas in the stream buffer.

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 Planning Board finds that all stormwater management requirements will be met as provided in Montgomery County Code Chapter 19. The Montgomery County Department of Permitting Services (DPS) issued a letter accepting the Stormwater Management Concept approval on October 9, 2017. Stormwater treatment will be accomplished through the use of micro bioretention, enhancement, and drywells.

6. *Per Section 50-29(a)(2), all private roads and alleys have attained the status of public roads.*

All of the roads within the project, with the exception of Stewartown Road extended, will be classified as private. Eight residential lots will front on a public street, while 486 residential lots will front onto a private street or open space. The Planning Board finds that the private streets have acquired the status of public streets. As reflected in other similar cases approved by the Board, this finding is 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.

For this subdivision, the private internal streets and alleys, which provide frontage to 486 residential lots, meet the minimum standards necessary to make the finding that

they have attained the status of a public road. The private roads will be constructed to the minimum public road structural standards, will have a minimum 20-foot pavement width and adequate turning radii where needed for emergency access, an appropriate paving cross-section elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. The private roads will be located within separate private road parcels, with a covenant that ensures they are adequately maintained and remain fully accessible to the public.

Private streets are intended to provide necessary flexibility in right-of-way width and road design, that cannot be achieved under Chapter 49, in order to provide enhanced sidewalk, curb and crosswalk design features that promote pedestrian circulation. The establishment of private roads within the development is consistent with the majority of the roads within Montgomery Village. The private streets are modified tertiary residential streets. Most of the private roads will have a 40' right-of-way with five-foot tree panels and five-foot sidewalks on both sides, although due to environmental constraints, some of the private roads will only provide a sidewalk on one side. On-street parking is also proposed on some of the private roads as depicted on the Preliminary Plan. Private alleys are proposed as 20-foot-wide paved alleys with no sidewalks.

7. *Per Section 50-38(a)(1), the Planning Board may grant a waiver from the requirements of Chapter 50 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.*

The Planning Board approves a waiver of Section 50-26(c)(2) which requires that proposed intersections with an arterial road must be spaced no closer than 600 feet. The intersection spacing along Montgomery Village Avenue, an arterial road, ranges from 180 feet to 500 feet. The Planning Board finds that a practical difficulty exists due to environmental constraints, the unusual shape of the Property, and topography that prevents full compliance with the intersection spacing requirement. Fire and Rescue access needs and restrictions to full movements in some access locations further prevent compliance with the intersection spacing requirement. The waiver is the minimum necessary to provide relief for the following reasons:

- The southernmost alley in Area 1 is approximately 230 feet south of Brassie Place, while Private Road "A" is aligned with Brassie Place. The southernmost alley intersection in Area 1 is needed for fire and rescue access and shifting the road is impractical due to the floodplain.
- Private Road "H" in Area 6 is approximately 320 feet north of Private Road "A" in Area 1 and approximately 440 feet south of Stewartown Road. The location of Road "H" is necessary to access the units in Area 6 and the road cannot be moved due to the location of the floodplain to the north.

- Private Road “C” in Area 3 is opposite from the southern access point of Private Road “D” in Area 4. There is a median in Montgomery Village Avenue at this location. The access to Road “C” and Road “D” at this location is a restricted right-turn-in and right-turn-out, approximately 330 feet south of Duffer Way. Slopes within the Pepco right-of-way to the south would inhibit any movement of these access roads.
- Private Road “B” in Area 3 is a restricted right-turn-in and right-turn-out, approximately 180 feet south of Meadowcroft Lane and 295 feet north of Duffer Way. This portion of Area 3’s frontage along Montgomery Village Avenue is narrow, and Road “B” is spaced as far as possible from Meadowcroft Lane.
- The northern access point for Private Road “D” in Area 4 is aligned with Meadowcroft Lane and approximately 500 feet north of Duffer Way. Because of its alignment with Meadowcroft Lane, Road “D” is in the best location given the shape of Area 4 and its limited frontage on Montgomery Village Avenue.

Since the project complies with the recommendations of the *Montgomery Village Master Plan*. Therefore, the waiver is not inconsistent with the General Plan.

No other reviewing agency has raised any concerns or objections to granting the waiver. The Planning Board finds that all required findings have been made pursuant to Section 50-38(a)(1) and recommends approval of a waiver of Section 50-26(b), the intersection spacing requirement. Therefore, the waiver is not adverse to the public interest.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for one hundred eight months from its initiation date (as defined in Montgomery County Code Section 50-35(h)) as phased in condition 6f above, 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; 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 DEC 26 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 Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 21, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board