

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

MCPB  
ITEM #  
9/21/06



MEMORANDUM

**DATE:** September 7, 2006

**TO:** Montgomery County Planning Board

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

**FROM:** Richard A. Weaver, Coordinator (301) 495-4544 *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision, Resubdivision of Lot 6A, Horner Estates

**APPLYING FOR:** 2 Single-Family Detached Residential Lots

**PROJECT NAME:** Horner Estates

**CASE #:** 120060820

**REVIEW BASIS:** Chapter 50, including Sec. 50-29 (b) (2), Montgomery County  
Subdivision Regulations

**ZONE:** R-200

**LOCATION:** Located in the southeast corner of the intersection of Marcliff Road and  
Rosemont Drive

**MASTER PLAN:** North Bethesda/Garrett Park

**APPLICANT:** Mr. Zur Feldman

**ENGINEER:** Macris, Hendricks and Glascock

**DATE FILED:** February 13, 2006

**HEARING DATE:** September 21, 2006

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**STAFF RECOMMENDATION:** Approval of two lots, subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) The applicant shall comply with the conditions of the preliminary forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit. Conditions include:
  - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
  - b. The Final Forest Conservation Plan must be prepared, signed and stamped by an ISA certified arborist and include complete details on the proposed tree protection measures.
  - c. Split rail fencing and permanent forest conservation signage will be required along the easement line that adjoins residential lots and must be shown on the final FCP.
- 3) The applicant shall comply with the conditions of approval of the MCDPS stormwater management approval letter dated May 16, 2006.
- 4) The applicant shall comply with the conditions of approval for the MCDPWT approval letter dated May 1, 2006 unless otherwise amended.
- 5) Other necessary easements.

**SITE DESCRIPTION (Attachment 1)**

The 1.48-acre property is zoned R-200 and is located in the southeast corner of Rosemont Drive right-of-way and Marcliff Road in the North Bethesda/Garrett Park Master Plan area. The surrounding uses are residential. The existing lot (Lot 6A) is currently developed with a one-family residence which is accessed by a driveway to Marcliff Road. Rosemont Drive is unbuilt along the frontage of the subject property.

The property lies within the Cabin John Creek watershed (Use Class I-P). There are 0.93 acres of forest cover on the subject property that is dominated by tulip poplars. There are 0.17 acres of stream valley buffer and 0.05 acres of floodplain on-site. A tributary to Cabin John Creek runs east to west within the existing road right-of-way for Rosemont Drive on the northern boundary of the site. Due to the environmental constraints within the Rosemont Drive right-of-way it is not likely that the right-of-way will ever be improved to county standards.

**PROJECT DESCRIPTION (Attachment 2)**

This application proposes to resubdivide the property into two lots, remove the existing residence, and develop two new residences. A shared driveway to both homes will provide access to Marcliff Road. The house on proposed Lot 7 will front to Marcliff Road, the house to the east will front to the Rosemont Drive right-of-way and will align in a similar fashion to the

homes across Rosemont Drive that also front to the right-of-way. Community water and sewer is available for both lots.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The North Bethesda Garrett Park Master Plan does not specifically discuss the subject property but it does recommend a continuation of the R-200 zone for this area. The master plan is also silent on resubdivisions of existing lots in this neighborhood. The proposed plan is consistent with the master plan because the lots meet the R-200 zoning standards.

### **Transportation**

This plan has been reviewed for adequacy of local roadways, access and pedestrian facilities. Marcliff Road is adequate to accommodate the two units as proposed. MCDPWT is requiring sidewalks to provide safe pedestrian circulation. Site distance evaluations for the proposed driveway access point are approved.

### **Environmental**

#### Forest Conservation

There are 0.93 acres of existing forest cover on-site. The plan proposes 0.50-acres of clearing and 0.43-acres of retention within a Category I conservation easement. No forest in the stream valley buffer will be removed. A split rail fence will separate forest conservation area from yard area and signage will be posted at appropriate intervals.

A 10 ft. public utility easement (PUE) is proposed for the north edge of the property, nearest Rosemont Drive. Clearing this PUE will cause separation of the on-site forest from forest on the adjacent right-of-way. Staff will work with the applicant as part of the final forest conservation plan to re-site this PUE, with the utility companies' agreement, to limit forest fragmentation.

The applicant is proposing to retain at least 5 large or specimen trees at the front of the property. Others may be able to be retained based on final grading and utility placement. Staff finds that the proposed plan meets the forest conservation requirements.

#### Environmental Buffers

As previously mentioned, there is an intermittent stream on the adjacent right-of-way for Rosemont Drive to the north of the subject property. A forested stream valley buffer of 0.17 acres extends onto the property. The stream has a floodplain associated with it, with 0.05-acres of floodplain on-site. A PUE has been required through this environmental buffer but will not be cleared unless necessary. The proposed plan meets the Environmental Guideline requirements for protection of buffers and sensitive areas.

## **Compliance with Subdivision Regulations and Zoning Ordinance**

### Section 50-29(b)(2)

#### Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

#### Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. For this application, the applicant has proposed a neighborhood of forty lots for analysis purposes (Attachment 3). The neighborhood generally includes all lots that are contiguous to the subject property, that are in the same block as the subject property, and those lots along the typical travel routes to the subject property. A number of deed lots along Marcliff Road are not included in the neighborhood since they were not subjected to subdivision approval or record plat. Staff supports the delineated neighborhood for the resubdivision analysis.

#### Comparison of the Character of Proposed Lots to Existing

In performing the analysis for this resubdivision, staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis as set forth below, staff finds that the proposed resubdivision will be of the same character as the existing lots in the neighborhood. The attached tabular summary (Attachment 4) and graphical documentation also support this conclusion.

*Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.*

Lots in the neighborhood range in size from 15,511 square feet to 47,240 square feet. This application proposes lots at 29,758 square feet (Lot 7) and 33,790 square feet (Lot 8). This

resubdivision creates two lots that are close to the median for the range of lot sizes in the defined neighborhood. The proposed lots are consistent with the neighborhood lots with respect to size.

*Area: The proposed lots are of the same character with respect area as the lots in the neighborhood.*

The buildable areas of lots in the defined neighborhood range from 5,540 square feet to 28,000 square feet. The resubdivision proposes two lots at 6,530 and 17,534 square feet for Lot 7 and 8, respectively. The resulting buildable area on Lot 7 is somewhat smaller than one would expect on a large lot and is due to a number of restrictions. The lot has two front yard setbacks and is subject to a 60 established building line setback, enforced by MCDPS at the time of building permit. The applicant also took a conservative approach and recognized the private covenant that establishes a 15-foot, sideyard setback. It is important to note that Lot 3, Block B Tilden Woods, which confronts the subject property across Rosemont Drive, is also a corner lot with a smaller 5,540 square foot buildable area than Lot 7. There are also 3 other lots in the neighborhood with smaller buildable areas. Lot 7, while having a smaller buildable area than the majority of lots in the neighborhood, is overall, a large, square shaped lot that is capable of accommodating a home typical of today's market that will not be limited by the setbacks. The lot is of the same character with respect to area as all lots in the neighborhood.

*Shape: The proposed lots are of the same character with respect to the shape of lots in the neighborhood.*

The neighborhood is characterized by a wide variety of lot shapes as reflected on the neighborhood delineation. The two proposed lots are generally square and of the same character as other lots.

*Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.*

The lot widths at the front building line in the neighborhood range from 60 feet to 233 feet. Both of the proposed lots are within this range at 183 and 186 feet and, while wider than the vast majority of lots, are within the range of lot widths. Both lots are of the same character with respect to width at the building line.

*Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.*

All lots, including the proposed lots, align perpendicularly to the street except for one (Lot 11A, Tilden Woods Sec. 2) which is to the rear of an existing lot. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

*Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.*

The range of lot frontages in the neighborhood is from 25 feet to 227 feet. Both proposed lot frontages, at 203 and 187 feet for lot 7 and 8, respectively, are wider than most lots in the neighborhood, however, they are within the range of lot frontages. The lot frontages are of the same character with respect to all lots within the neighborhood.

*Suitability: The proposed lots are suitable for residential development as are all other lots in the neighborhood.*

#### Section 50-29(a)(2) – Lot Design

In association with the review of the resubdivision criteria, staff finds that the size, shape, width and orientation of the proposed lots are appropriate for the location of the subdivision having considered the recommendations of the local master plan. The residential development proposed is consistent with the type of development that has been approved to date in the surrounding neighborhood.

#### Zoning Ordinance

The preliminary plan complies with all applicable sections of the Montgomery County Zoning Ordinance, including Section 59-C-1.32 that establishes the dimensional requirements for residential lots according to their zoning classification. The proposed lots meet the minimum (or maximum) requirements of this section. (See Data Table)

#### Montgomery County Department of Permitting Services (MCDPS) stormwater management

By letter dated May 16, 2006, MCPDS has approved a conceptual stormwater management plan. MCDPS advises that the concept will use dry wells and sheet flow to address water quality and that the projected runoff from the proposed site is below the threshold to require channel volume protection. A detailed review of the stormwater computations will be done at the time of detailed plan review.

#### Other Approvals

All other review agencies including the Washington Suburban Sanitary Commission, the Montgomery County Department of Public Works and Transportation, the Montgomery County Department of Environmental Protection and the Montgomery County Department of Fire and Rescue Services have recommended approval of the preliminary plan.

#### Public Sites and Open Space

The preliminary plan is not required to provide any public amenities such as a park, nor any open space under the requirements of the Subdivision Regulations or Zoning Ordinance.

## **Citizen Correspondence and Issues**

This application predated any formal requirements for meetings between the applicant and interested parties, however, written notice of the application and the public hearing date were given to adjacent property owners and the local civic associations in the neighborhood. The Development Review Division received two letters and some phone calls concerning the project from interested citizens. The two letters are attached to this report and are addressed below:

The first letter, dated March 10, 2006, explains that the neighborhood is bound by private covenants that dictate among other things, minimum lots sizes. The Board has historically not recognized private covenants in their deliberations. The covenant language is difficult to decipher because it refers to "parcels" that were never platted, but suffice to say, the plan as it is currently proposed appears to meet any minimum lot size referred in the covenant. The March 10 letter also questions impact to an adjacent wetland. The plan before the Board does not impact wetlands; the driveway is more than 50 feet removed from the off-site wetland area.

The second letter, dated April 3, 2006, implies that the driveway for the proposed homes is being built over a floodplain. The floodplain is delineated on the preliminary plan, and the driveway is separated from it by a minimum of 40 feet and is further located out of the stream valley buffer. A concern was also raised that additional runoff entering the stormdrain from the new homes might cause flooding on a downstream property. A storm drain analysis is required of the applicant by MCDPWT prior to recordation of the record plat. This study will evaluate the capacity of the nearby downstream drainage systems and will require upgrades if necessary. The stormwater management concept approved by MCDPS consists of quality controls using dry wells and sheet flow. Quantity controls are not required because the post development discharge rates for a one-year storm do not exceed the minimum threshold of 2.0 cubic feet per second. The quality controls alone will tend to reduce off site flow. Driveway access permits will be evaluated by MCDPS at the time of building permits, but again, the driveway location shown on the preliminary plan does not directly impact the floodplain.

The proposed plan and the post-approval process sufficiently addresses the concerns raised in the letters attached to this report. The new homes will not impact environmentally sensitive areas, and there is a process that evaluates potential flooding problems.

## **CONCLUSION**

Preliminary Plan #120060820, Horners Estates, meets all requirements of the Subdivision Regulations, North Bethesda Garrett Park Master Plan, and the Zoning Ordinance, including the Garrett Park Overlay Zone. Specifically, the two lots proposed under this preliminary plan meet all seven of the resubdivision criteria defined in Section 50-29(b) (2) of the Subdivision Regulations. The lots have a high correlation with the characteristics of the comparable neighborhood, namely: size, area, shape, width, alignment, frontage and suitability. The lots are consistent with the recommendations of the North Bethesda/Garrett Park Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, staff recommends approval of the preliminary plan, subject to compliance with the conditions cited above.

Attachments:

Attachment 1 – Vicinity Map

Attachment 2 – Preliminary Plan

Attachment 3 – Neighborhood Delineation and Summary Table

Attachment 4 – Agency Approvals

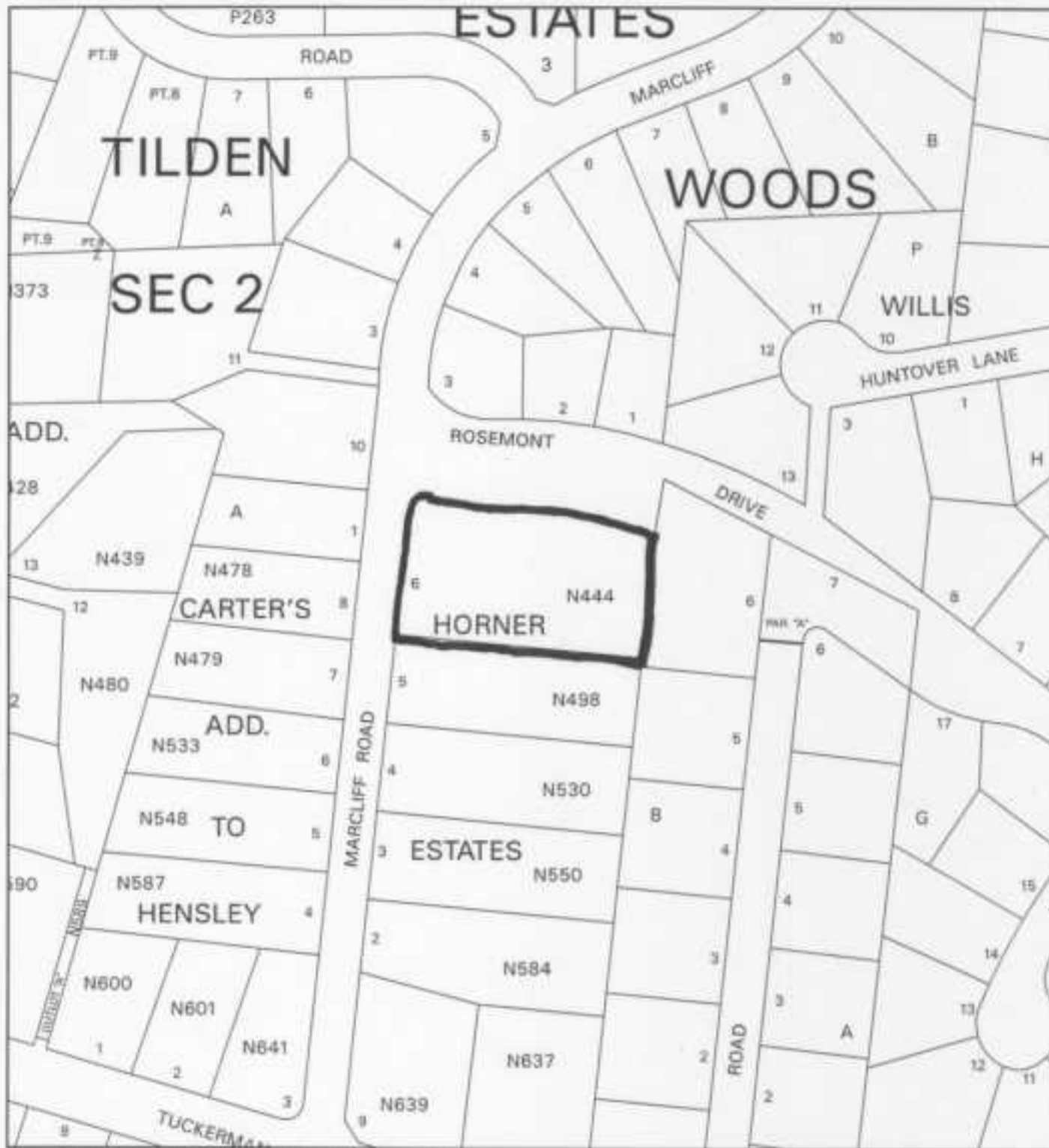
Attachment 5 - Correspondence



<b>Plan Name: Horners Estates</b>				
<b>Plan Number: 120060820 (formerly 1-06082)</b>				
<b>Zoning: R-200</b>				
<b># of Lots: 2</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Residential</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval on the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	20,000 sq. ft.	29,758 sq. ft. is minimum proposed		9/8/06
Lot Width	100 ft. at building	Must meet min.		9/8/06
Lot Frontage	25 ft.	Must meet min.		9/8/06
Setbacks				9/8/06
Front	40 ft. min.	Must meet min.		9/8/06
Side	12/25 ft. min.	Must meet min.		9/8/06
Rear	30 ft. min.	Must meet min.		9/8/06
Height	50 ft. max.	May not exceed maximum		9/8/06
Max Resid'l per Zoning	3	2		9/8/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			9/8/06
<b>FINDINGS</b>				
<b><i>SUBDIVISION</i></b>				
Lot frontage on Public Street	Yes			9/8/06
Road dedication and frontage improvements	Yes		Agency letter	5/1/06 9/1/06
Environmental Guidelines	Yes		EP memo	8/24/06
Forest Conservation	Yes		EP memo	8/24/06
Master Plan Compliance	Yes			9/8/06
Other (i.e., parks, historic preservation)	N/A			
<b><i>ADEQUATE PUBLIC FACILITIES</i></b>				
Stormwater Management	Yes		Agency letter	5/15/06
Water and Sewer Available (WSSC)	Yes			9/8/06
10-yr Water and Sewer Plan Compliance	Yes			9/8/06
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		Agency letter	5/29/06
Other (i.e., schools)	N/A			

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Setbacks				9/8/06
Front	40 ft. min.	Must meet min.	RW	9/8/06
Side	12/25 ft. min.	Must meet min.	RW	9/8/06
Rear	30 ft. min.	Must meet min.	RW	9/8/06
Height	50 ft. max.	May not exceed maximum	RW	9/8/06
Max Resid'l per Zoning	3	2	RW	9/8/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			9/8/06
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
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Master Plan Compliance	Yes		RW	9/8/06
Other (i.e., parks, historic preservation)	N/A			
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes		Agency letter	5/15/06
Water and Sewer Available (wssc)	Yes		RW	9/8/06
10-yr Water and Sewer Plan Compliance	Yes		RW	9/8/06
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		Agency letter	5/29/06
Other (i.e., schools)	N/A			

# HORNER ESTATES (120060820)



## NOTICE

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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 4901 Georgia Avenue - Silver Spring, Maryland 20910





- NOTES:**
1. Reference the notes to the plan.
  2. Existing structures are shown by the solid lines.
  3. New and other structures are shown by the dashed lines.
  4. The proposed subdivision is shown by the solid lines.
  5. Easements are shown by the dashed lines.
  6. The proposed subdivision is shown by the solid lines.
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  17. The proposed subdivision is shown by the solid lines.
- DATE:** 11/20/17  
**BY:** [Signature]



**CONTRACT AGREEMENT**

THIS CONTRACT AGREEMENT is made this 11th day of November, 2017, between [Name], and [Name], of the County of [County], State of [State], and [Name], of the County of [County], State of [State].

[Signatures]



PREPARED FOR:  
**Montell Estates, LLC**  
C/O Mr. Ted Feltman  
11811 Glenwood Lane  
Bucksville, MD 21771  
Phone: 301-581-8284

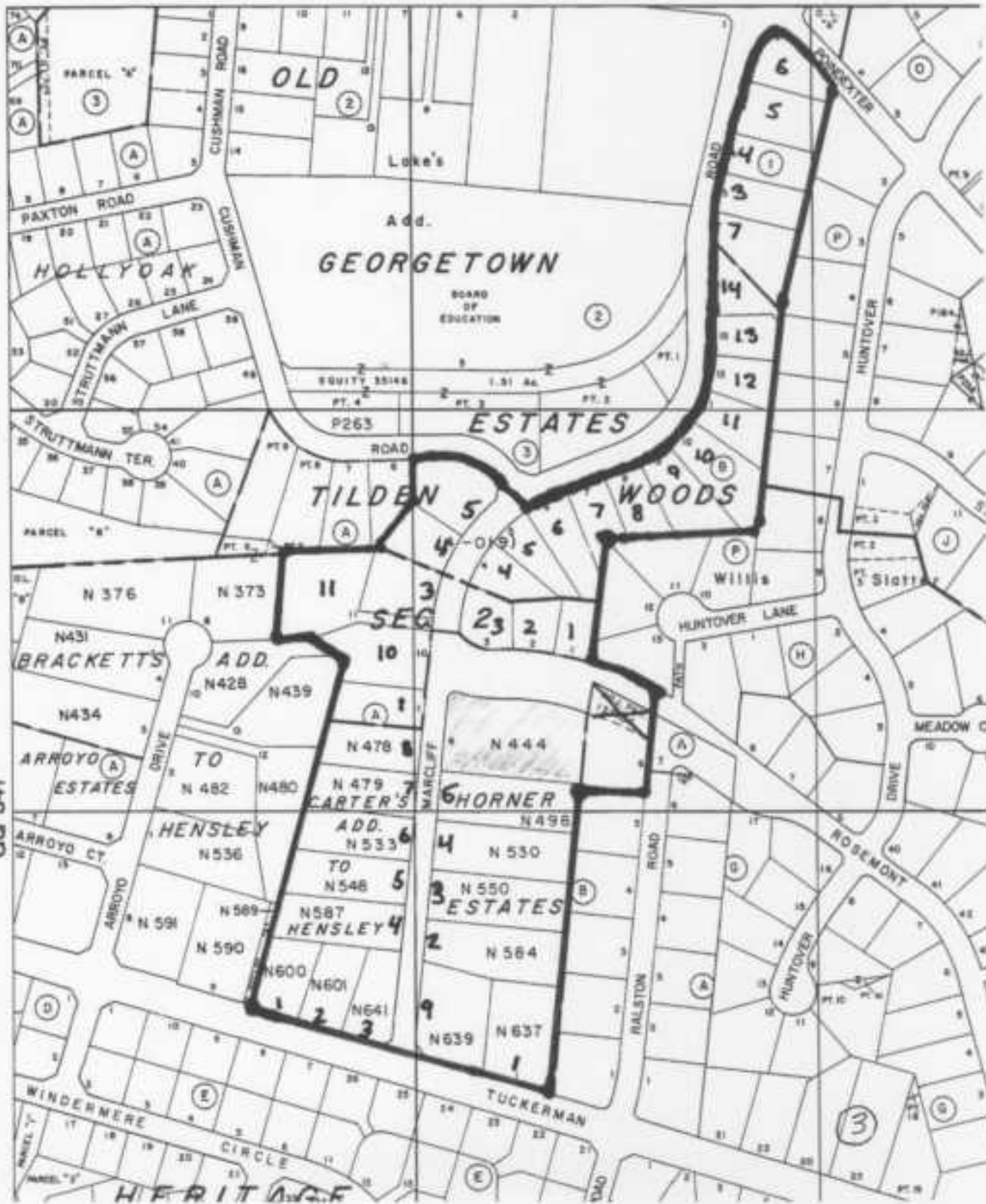
**PRELIMINARY SUBDIVISION PLAN**  
Lots 7 & 8  
**HORNER ESTATES**  
Re-Subdivision of Lot 6  
FIFTH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG** **Montgomery Heritage Group, P.A.**  
Engineers & Planners  
10000 Rockville Pike, Suite 200  
Rockville, MD 20850  
Phone: 301-761-1000  
Fax: 301-761-1001  
www.mhgpa.com

DATE	DESCRIPTION	BY
11/20/17	PRELIMINARY SUBDIVISION PLAN	[Signature]
11/20/17	REVISION	[Signature]

# Neighborhood Delineation Herner Estate 120060820

G 5



RE-SUBDIVISION CHART  
 JOB NAME: TILDEN WOODS  
 MHG JOB NUMBER: 2005-274-03  
 DATE: 5-19-06  
 Resub Chart Tilden Woods\_2DAC

2 LOTS

Subdivision	Lot/Block	Frontage	Size	Buildable Area	Width @ BRL	Shape	Alignment	* Suitability	Comments
Old Georgetown Estates	2/1	40.12	22,821	11,475	90	Triangular	Corner	yes	
Old Georgetown Estates	3/1	100.00	22,336	11,500	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	4/1	100.00	22,370	11,500	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	5/1	134.15	30,059	16,810	134	Rectangular	Perpendicular	yes	
Old Georgetown Estates	7/1	67.75	29,152	18,750	90	Triangular	Perpendicular	yes	
Tilden Woods - Section 2	14/B	191.34	17,154	8,600	140	Triangular	Perpendicular	yes	
Tilden Woods - Section 2	13/B	95.80	16,158	7,230	95	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	12/B	87.01	16,815	7,200	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	11/B	87.01	21,101	9,850	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	10/B	87.01	32,474	17,780	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	9/B	87.01	26,301	16,300	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	8/B	96.60	18,711	8,650	98	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	7/B	100.00	16,817	6,470	100	irregular	Perpendicular	yes	
Tilden Woods - Section 2	6/B	107.59	21,418	9,980	100	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	5/B	112.15	17,919	8,550	105	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	4/B	123.36	16,207	5,630	115	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	3/B	134.05	18,622	5,540	130	Rectangular	Corner	yes	
Tilden Woods - Section 2	2/B	100.00	15,511	6,105	105	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	1/B	105.00	15,678	6,830	100	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	3/A	120.00	25,042	13,800	130	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	4/A	100.00	18,804	8,495	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	5/A	147.90	29,592	11,800	150	Irregular	Corner	yes	
Tilden Woods - Section 2	10/A	153.69	34,316	16,770	150	Irregular	Perpendicular	10,239 w/ frontage	
Tilden Woods - Section 2	11/A	25.00	47,240	9,780	180	Pipestem	Rear	yes	
<b>PROPOSED LOT 7</b>		<b>293.00</b>	<b>29,796</b>	<b>6,630</b>	<b>182</b>	<b>Rectangular</b>	<b>Corner/Parp.</b>	<b>yes</b>	
<b>PROPOSED LOT 8</b>		<b>187.00</b>	<b>33,790</b>	<b>17,534</b>	<b>186</b>	<b>Rectangular</b>	<b>Perpendicular</b>	<b>yes</b>	<b>14,840 w/ SVB</b>
Tilden Woods - Section 2	1/A	100.00	22,055	11,250	100	Rectangular	Perpendicular	yes	
Homer Estates	5	125.00	43,728	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	4	125.00	43,702	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	3	125.00	43,675	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	2	101.00	43,571	25,760	105	Irregular	Perpendicular	yes	
Homer Estates	1	177.40	43,629	25,500	175	Trapezoidal	Perpendicular	yes	
Homer Estates	9	227.40	40,428	24,900	230	Rectangular	Corner	yes	
Carter's Add. To Hensley	1	124.59	23,445	11,650	125	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	2	112.57	23,517	12,120	113	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	3	100.57	23,375	11,460	95	Trapezoidal	Corner	yes	
Carter's Add. To Hensley	4	110.00	34,753	20,800	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	5	110.00	32,835	19,290	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	6	110.00	30,518	17,600	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	18,400	15,900	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	25,283	14,370	110	Rectangular	Perpendicular	yes	

\* Suitability - for this determination was based on this resubchart and such elements as access, topography, trees and utility service.



## MEMORANDUM

**DATE:** September 7, 2006

**TO:** Montgomery County Planning Board

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

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- 1) Approval under this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) The applicant shall comply with the conditions of the preliminary forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit. Conditions include:
  - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
  - b. The Final Forest Conservation Plan must be prepared, signed and stamped by an ISA certified arborist and include complete details on the proposed tree protection measures.
  - c. Split rail fencing and permanent forest conservation signage will be required along the easement line that adjoins residential lots and must be shown on the final FCP.
- 3) The applicant shall comply with the conditions of approval of the MCDPS stormwater management approval letter dated May 16, 2006.
- 4) The applicant shall comply with the conditions of approval for the MCDPWT approval letter dated May 1, 2006 unless otherwise amended.
- 5) Other necessary easements.

**SITE DESCRIPTION (Attachment 1)**

The 1.48-acre property is zoned R-200 and is located in the southeast corner of Rosemont Drive right-of-way and Marcliff Road in the North Bethesda/Garrett Park Master Plan area. The surrounding uses are residential. The existing lot (Lot 6A) is currently developed with a one-family residence which is accessed by a driveway to Marcliff Road. Rosemont Drive is unbuilt along the frontage of the subject property.

The property lies within the Cabin John Creek watershed (Use Class I-P). There are 0.93 acres of forest cover on the subject property that is dominated by tulip poplars. There are 0.17 acres of stream valley buffer and 0.05 acres of floodplain on-site. A tributary to Cabin John Creek runs east to west within the existing road right-of-way for Rosemont Drive on the northern boundary of the site. Due to the environmental constraints within the Rosemont Drive right-of-way it is not likely that the right-of-way will ever be improved to county standards.

**PROJECT DESCRIPTION (Attachment 2)**

This application proposes to resubdivide the property into two lots, remove the existing residence, and develop two new residences. A shared driveway to both homes will provide access to Marcliff Road. The house on proposed Lot 7 will front to Marcliff Road, the house to the east will front to the Rosemont Drive right-of-way and will align in a similar fashion to the



homes across Rosemont Drive that also front to the right-of-way. Community water and sewer is available for both lots.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The North Bethesda Garrett Park Master Plan does not specifically discuss the subject property but it does recommend a continuation of the R-200 zone for this area. The master plan is also silent on resubdivisions of existing lots in this neighborhood. The proposed plan is consistent with the master plan because the lots meet the R-200 zoning standards.

### **Transportation**

This plan has been reviewed for adequacy of local roadways, access and pedestrian facilities. Marcliff Road is adequate to accommodate the two units as proposed. MCDPWT is requiring sidewalks to provide safe pedestrian circulation. Site distance evaluations for the proposed driveway access point are approved.

### **Environmental**

#### Forest Conservation

There are 0.93 acres of existing forest cover on-site. The plan proposes 0.50-acres of clearing and 0.43-acres of retention within a Category I conservation easement. No forest in the stream valley buffer will be removed. A split rail fence will separate forest conservation area from yard area and signage will be posted at appropriate intervals.

A 10 ft. public utility easement (PUE) is proposed for the north edge of the property, nearest Rosemont Drive. Clearing this PUE will cause separation of the on-site forest from forest on the adjacent right-of-way. Staff will work with the applicant as part of the final forest conservation plan to re-site this PUE, with the utility companies' agreement, to limit forest fragmentation.

The applicant is proposing to retain at least 5 large or specimen trees at the front of the property. Others may be able to be retained based on final grading and utility placement. Staff finds that the proposed plan meets the forest conservation requirements.

#### Environmental Buffers

As previously mentioned, there is an intermittent stream on the adjacent right-of-way for Rosemont Drive to the north of the subject property. A forested stream valley buffer of 0.17 acres extends onto the property. The stream has a floodplain associated with it, with 0.05-acres of floodplain on-site. A PUE has been required through this environmental buffer but will not be cleared unless necessary. The proposed plan meets the Environmental Guideline requirements for protection of buffers and sensitive areas.

## **Compliance with Subdivision Regulations and Zoning Ordinance**

### Section 50-29(b)(2)

#### Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

**Resubdivision.** Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

#### Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. For this application, the applicant has proposed a neighborhood of forty lots for analysis purposes (Attachment 3). The neighborhood generally includes all lots that are contiguous to the subject property, that are in the same block as the subject property, and those lots along the typical travel routes to the subject property. A number of deed lots along Marcliff Road are not included in the neighborhood since they were not subjected to subdivision approval or record plat. Staff supports the delineated neighborhood for the resubdivision analysis.

#### Comparison of the Character of Proposed Lots to Existing

In performing the analysis for this resubdivision, staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis as set forth below, staff finds that the proposed resubdivision will be of the same character as the existing lots in the neighborhood. The attached tabular summary (Attachment 4) and graphical documentation also support this conclusion.

*Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.*

Lots in the neighborhood range in size from 15,511 square feet to 47,240 square feet. This application proposes lots at 29,758 square feet (Lot 7) and 33,790 square feet (Lot 8). This

resubdivision creates two lots that are close to the median for the range of lot sizes in the defined neighborhood. The proposed lots are consistent with the neighborhood lots with respect to size.

*Area: The proposed lots are of the same character with respect area as the lots in the neighborhood.*

The buildable areas of lots in the defined neighborhood range from 5,540 square feet to 28,000 square feet. The resubdivision proposes two lots at 6,530 and 17,534 square feet for Lot 7 and 8, respectively. The resulting buildable area on Lot 7 is somewhat smaller than one would expect on a large lot and is due to a number of restrictions. The lot has two front yard setbacks and is subject to a 60 established building line setback, enforced by MCDPS at the time of building permit. The applicant also took a conservative approach and recognized the private covenant that establishes a 15-foot, sideyard setback. It is important to note that Lot 3, Block B Tilden Woods, which confronts the subject property across Rosemont Drive, is also a corner lot with a smaller 5,540 square foot buildable area than Lot 7. There are also 3 other lots in the neighborhood with smaller buildable areas. Lot 7, while having a smaller buildable area than the majority of lots in the neighborhood, is overall, a large, square shaped lot that is capable of accommodating a home typical of today's market that will not be limited by the setbacks. The lot is of the same character with respect to area as all lots in the neighborhood.

*Shape: The proposed lots are of the same character with respect to the shape of lots in the neighborhood.*

The neighborhood is characterized by a wide variety of lot shapes as reflected on the neighborhood delineation. The two proposed lots are generally square and of the same character as other lots.

*Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.*

The lot widths at the front building line in the neighborhood range from 60 feet to 233 feet. Both of the proposed lots are within this range at 183 and 186 feet and, while wider than the vast majority of lots, are within the range of lot widths. Both lots are of the same character with respect to width at the building line.

*Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.*

All lots, including the proposed lots, align perpendicularly to the street except for one (Lot 11A, Tilden Woods Sec. 2) which is to the rear of an existing lot. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

*Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.*

The range of lot frontages in the neighborhood is from 25 feet to 227 feet. Both proposed lot frontages, at 203 and 187 feet for lot 7 and 8, respectively, are wider than most lots in the neighborhood, however, they are within the range of lot frontages. The lot frontages are of the same character with respect to all lots within the neighborhood.

*Suitability: The proposed lots are suitable for residential development as are all other lots in the neighborhood.*

#### Section 50-29(a)(2) – Lot Design

In association with the review of the resubdivision criteria, staff finds that the size, shape, width and orientation of the proposed lots are appropriate for the location of the subdivision having considered the recommendations of the local master plan. The residential development proposed is consistent with the type of development that has been approved to date in the surrounding neighborhood.

#### Zoning Ordinance

The preliminary plan complies with all applicable sections of the Montgomery County Zoning Ordinance, including Section 59-C-1.32 that establishes the dimensional requirements for residential lots according to their zoning classification. The proposed lots meet the minimum (or maximum) requirements of this section. (See Data Table)

#### Montgomery County Department of Permitting Services (MCDPS) stormwater management

By letter dated May 16, 2006, MCPDS has approved a conceptual stormwater management plan. MCDPS advises that the concept will use dry wells and sheet flow to address water quality and that the projected runoff from the proposed site is below the threshold to require channel volume protection. A detailed review of the stormwater computations will be done at the time of detailed plan review.

#### Other Approvals

All other review agencies including the Washington Suburban Sanitary Commission, the Montgomery County Department of Public Works and Transportation, the Montgomery County Department of Environmental Protection and the Montgomery County Department of Fire and Rescue Services have recommended approval of the preliminary plan.

#### Public Sites and Open Space

The preliminary plan is not required to provide any public amenities such as a park, nor any open space under the requirements of the Subdivision Regulations or Zoning Ordinance.

## **Citizen Correspondence and Issues**

This application predated any formal requirements for meetings between the applicant and interested parties, however, written notice of the application and the public hearing date were given to adjacent property owners and the local civic associations in the neighborhood. The Development Review Division received two letters and some phone calls concerning the project from interested citizens. The two letters are attached to this report and are addressed below:

The first letter, dated March 10, 2006, explains that the neighborhood is bound by private covenants that dictate among other things, minimum lots sizes. The Board has historically not recognized private covenants in their deliberations. The covenant language is difficult to decipher because it refers to "parcels" that were never platted, but suffice to say, the plan as it is currently proposed appears to meet any minimum lot size referred in the covenant. The March 10 letter also questions impact to an adjacent wetland. The plan before the Board does not impact wetlands; the driveway is more than 50 feet removed from the off-site wetland area.

The second letter, dated April 3, 2006, implies that the driveway for the proposed homes is being built over a floodplain. The floodplain is delineated on the preliminary plan, and the driveway is separated from it by a minimum of 40 feet and is further located out of the stream valley buffer. A concern was also raised that additional runoff entering the stormdrain from the new homes might cause flooding on a downstream property. A storm drain analysis is required of the applicant by MCDPWT prior to recordation of the record plat. This study will evaluate the capacity of the nearby downstream drainage systems and will require upgrades if necessary. The stormwater management concept approved by MCDPS consists of quality controls using dry wells and sheet flow. Quantity controls are not required because the post development discharge rates for a one-year storm do not exceed the minimum threshold of 2.0 cubic feet per second. The quality controls alone will tend to reduce off site flow. Driveway access permits will be evaluated by MCDPS at the time of building permits, but again, the driveway location shown on the preliminary plan does not directly impact the floodplain.

The proposed plan and the post-approval process sufficiently addresses the concerns raised in the letters attached to this report. The new homes will not impact environmentally sensitive areas, and there is a process that evaluates potential flooding problems.

## **CONCLUSION**

Preliminary Plan #120060820, Horners Estates, meets all requirements of the Subdivision Regulations, North Bethesda Garrett Park Master Plan, and the Zoning Ordinance, including the Garrett Park Overlay Zone. Specifically, the two lots proposed under this preliminary plan meet all seven of the resubdivision criteria defined in Section 50-29(b) (2) of the Subdivision Regulations. The lots have a high correlation with the characteristics of the comparable neighborhood, namely: size, area, shape, width, alignment, frontage and suitability. The lots are consistent with the recommendations of the North Bethesda/Garrett Park Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, staff recommends approval of the preliminary plan, subject to compliance with the conditions cited above.

Attachments:

Attachment 1 – Vicinity Map

Attachment 2 – Preliminary Plan

Attachment 3 – Neighborhood Delineation and Summary Table

Attachment 4 – Agency Approvals

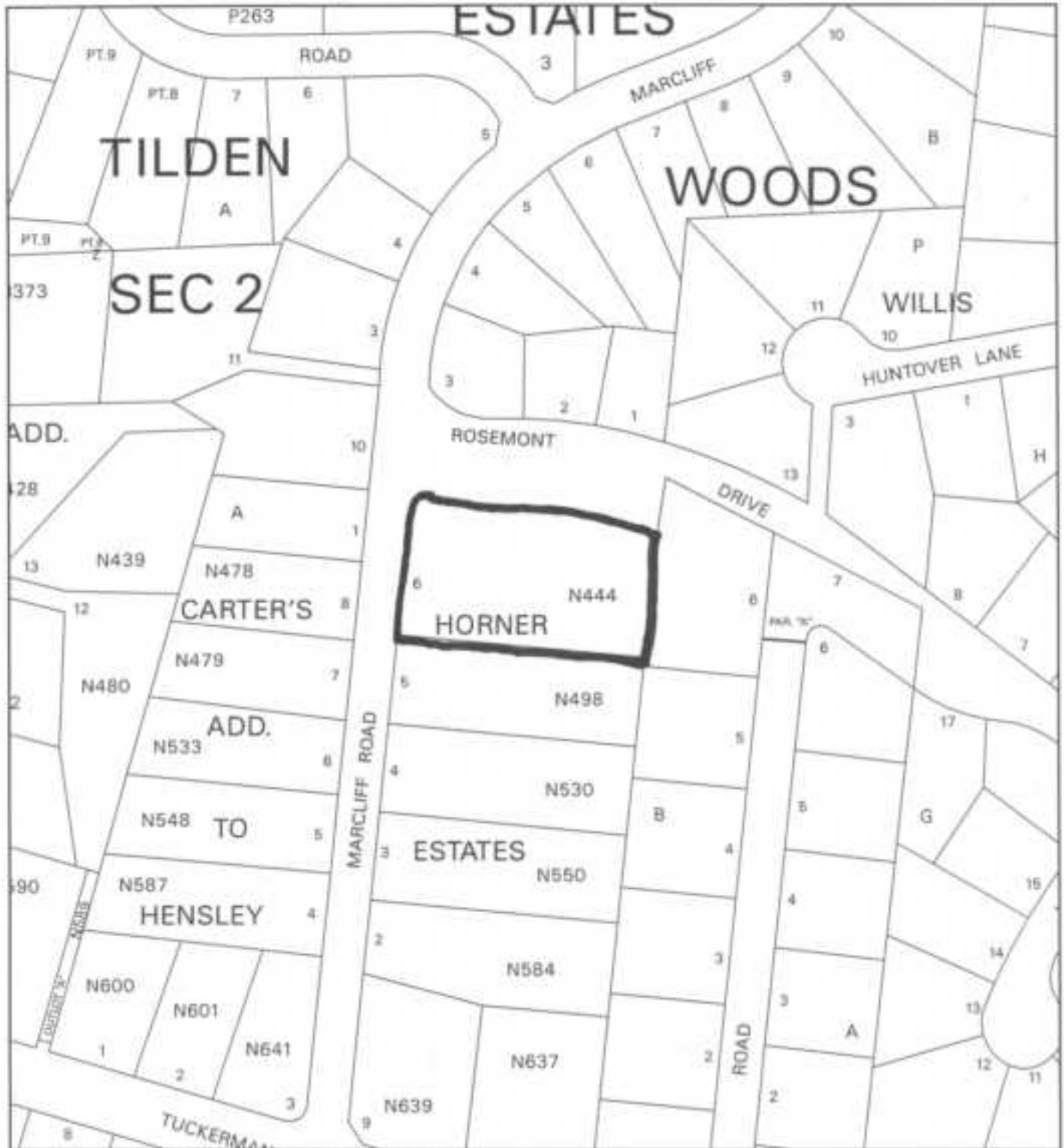
Attachment 5 - Correspondence

<b>Plan Name: Horners Estates</b>				
<b>Plan Number: 120060820 (formerly 1-06082)</b>				
<b>Zoning: R-200</b>				
<b># of Lots: 2</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Residential</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval on the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	20,000 sq. ft.	29,758 sq. ft. is minimum proposed		9/8/06
Lot Width	100 ft. at building	Must meet min.		9/8/06
Lot Frontage	25 ft.	Must meet min.		9/8/06
Setbacks				9/8/06
Front	40 ft. min.	Must meet min.		9/8/06
Side	12/25 ft. min.	Must meet min.		9/8/06
Rear	30 ft. min.	Must meet min.		9/8/06
Height	50 ft. max.	May not exceed maximum		9/8/06
Max Resid'l per Zoning	3	2		9/8/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			9/8/06
<b>FINDINGS</b>				
<b><i>SUBDIVISION</i></b>				
Lot frontage on Public Street	Yes			9/8/06
Road dedication and frontage improvements	Yes		Agency letter	5/1/06 9/1/06
Environmental Guidelines	Yes		EP memo	8/24/06
Forest Conservation	Yes		EP memo	8/24/06
Master Plan Compliance	Yes			9/8/06
Other (i.e., parks, historic preservation)	N/A			
<b><i>ADEQUATE PUBLIC FACILITIES</i></b>				
Stormwater Management	Yes		Agency letter	5/15/06
Water and Sewer Available (WSSC)	Yes			9/8/06
10-yr Water and Sewer Plan Compliance	Yes			9/8/06
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		Agency letter	5/29/06
Other (i.e., schools)	N/A			

Plan Name: Horners Estates				
Plan Number: 120060820 (formerly 1-06082)				
Zoning: R-200				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq.ft.	29,758 sq ft. is minimum proposed	Rw	9/8/06
Lot Width	100 ft. at building	Must meet min.	Rw	9/8/06
Lot Frontage	25 ft.	Must meet min.	Rw	9/8/06
Setbacks				9/8/06
Front	40 ft. min.	Must meet min.	Rw	9/8/06
Side	12/25 ft. min.	Must meet min.	Rw	9/8/06
Rear	30 ft. min.	Must meet min.	Rw	9/8/06
Height	50 ft. max.	May not exceed maximum	Rw	9/8/06
Max Resid'l per Zoning	3	2	Rw	9/8/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			9/8/06
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes		Rw	9/8/06
Road dedication and frontage improvements	Yes		Agency letter	5/1/06 9/1/06
Environmental Guidelines	Yes		EP memo	8/24/06
Forest Conservation	Yes		EP memo	8/24/06
Master Plan Compliance	Yes		Rw	9/8/06
Other (i.e., parks, historic preservation)	N/A			
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes		Agency letter	5/15/06
Water and Sewer Available (WSSC)	Yes		Rw	9/8/06
10-yr Water and Sewer Plan Compliance	Yes		Rw	9/8/06
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		Agency letter	5/29/06
Other (i.e., schools)	N/A			



# HORNER ESTATES (120060820)



Map compiled on March 07, 2008 at 2:30 PM | Site located on base sheet no. 214N006

## NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14,000 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes, is not recommended. - Copyright 1998

Key Map



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**CONVEYANCE**

THIS CONVEYANCE IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE INSTRUMENT OF CONVEYANCE REFERRED TO ABOVE.

**RECORDING INFORMATION**

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

DATE \_\_\_\_\_

OFFICE OF THE REGISTER OF DEEDS

STATE OF MARYLAND

**CONVEYANCE**

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**RECORDING INFORMATION**

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

DATE \_\_\_\_\_

OFFICE OF THE REGISTER OF DEEDS

STATE OF MARYLAND



**CONVEYOR:** SUN  
Sunrise Estates, LLC  
c/o Suncoast, Inc. For Expenses  
17411 Governor Lane  
Baltimore, MD 21271  
Phone: 301-981-8394

**PRELIMINARY SUBDIVISION PLAN**  
Lots 7 & 8  
**HORNER ESTATES**  
Re-Subdivision of Lot 8

17TH DISTRICT DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG** MARYLAND HOME GROUP, INC.  
1700 WASHINGTON AVENUE, SUITE 200  
BETHESDA, MD 20814  
PHONE: 301-461-1100  
FAX: 301-461-1101  
WWW.MHG.COM

**DEVELOPER'S GUARANTEE OF ACCURACY**

THIS PLAN IS A PRELIMINARY SUBDIVISION PLAN AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFIED HEREIN.

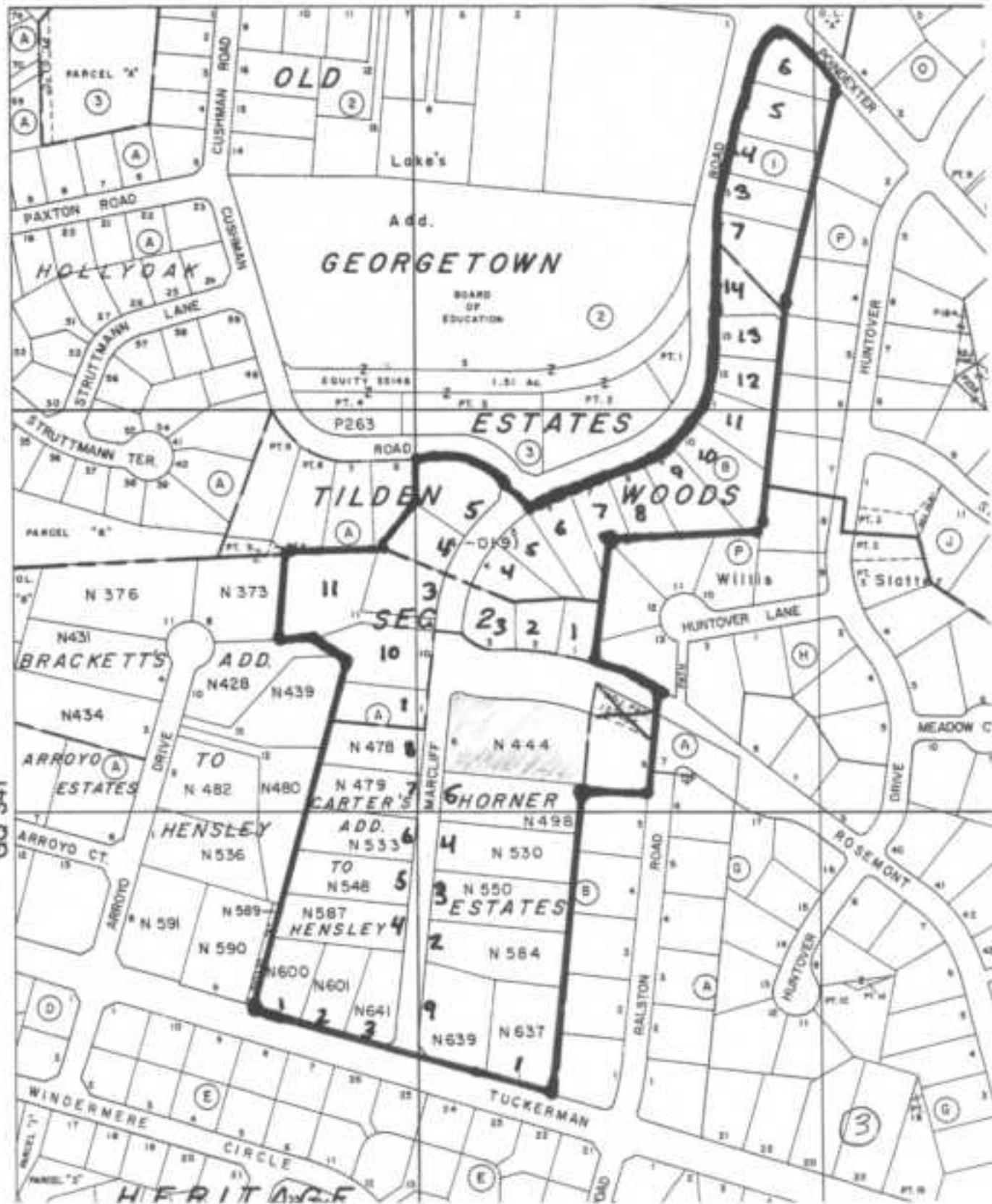
LOT	AREA (SQ. FT.)	AREA (SQ. YD.)	PERCENTAGE OF TOTAL AREA
1	10,000	229.57	10.00%
2	5,000	114.78	5.00%
3	3,000	68.87	3.00%
4	2,000	45.91	2.00%
5	1,500	34.43	1.50%
6	1,000	22.95	1.00%
7	8,000	183.63	8.00%
8	7,000	159.09	7.00%
9	6,000	137.63	6.00%
10	5,000	114.78	5.00%
11	4,000	91.83	4.00%
12	3,000	68.87	3.00%
13	2,000	45.91	2.00%
14	1,500	34.43	1.50%
15	1,000	22.95	1.00%
16	800	18.36	0.80%
17	600	13.77	0.60%
<b>TOTAL</b>	<b>100,000</b>	<b>2295.70</b>	<b>100.00%</b>

- NOTES:**
1. The area shown on this plan is for informational purposes only and is not to be used for any other purpose.
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# Neighborhood Delineation Herner Estate 120060820

G 5



Q 1

GQ 341

RE-SUBDIVISION CHART  
 JOB NAME: TILDEN WOODS  
 MHO JOB NUMBER: 2005-274-03  
 DATE: 5-18-06  
 Resub Chart Tilden Woods\_2DAC

2 LOTS

Subdivision	Lot/Block	Frontage	Size	Buildable Area	Width @ BPL	Shape	Alignment	* Suitability	Comments
Old Georgetown Estates	2/1	40.12	22,821	11,475	60	Triangular	Corner	yes	
Old Georgetown Estates	3/1	100.00	22,336	11,500	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	4/1	100.00	22,370	11,500	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	5/1	134.15	30,059	16,810	134	Rectangular	Perpendicular	yes	
Old Georgetown Estates	7/1	67.75	29,152	16,750	90	Triangular	Perpendicular	yes	
Tilden Woods - Section 2	14/B	191.14	17,154	8,850	140	Triangular	Perpendicular	yes	
Tilden Woods - Section 2	13/B	95.60	16,158	7,230	95	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	12/B	87.01	16,815	7,200	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	11/B	87.01	21,101	9,850	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	10/B	87.01	32,474	17,780	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	9/B	87.01	28,301	16,300	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	8/B	96.60	18,711	8,850	96	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	7/B	100.00	16,817	8,470	100	Irregular	Perpendicular	yes	
Tilden Woods - Section 2	6/B	107.89	21,418	9,960	100	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	5/B	112.15	17,919	8,550	105	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	4/B	123.36	18,207	5,630	115	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	3/B	134.05	18,822	5,540	130	Rectangular	Corner	yes	
Tilden Woods - Section 2	2/B	100.00	15,511	8,105	105	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	1/B	105.00	15,978	8,830	100	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	3/A	120.00	25,042	13,800	130	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	4/A	100.00	18,604	8,485	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	5/A	147.90	29,592	11,600	150	Irregular	Corner	yes	
Tilden Woods - Section 2	10/A	153.69	34,318	16,770	150	Irregular	Perpendicular	18,250 w/ floodplain	
Tilden Woods - Section 2	11/A	25.00	47,240	9,760	180	Pipestem	Rear	yes	
<b>PROPOSED LOT 7</b>		<b>203.00</b>	<b>28,756</b>	<b>8,830</b>	<b>183</b>	<b>Rectangular</b>	<b>Corner/Perp.</b>	<b>yes</b>	
<b>PROPOSED LOT 8</b>		<b>187.00</b>	<b>33,790</b>	<b>17,634</b>	<b>186</b>	<b>Rectangular</b>	<b>Perpendicular</b>	<b>yes</b>	<b>14,640 w/ SVB</b>
Tilden Woods - Section 2	1/A	100.00	22,055	11,250	100	Rectangular	Perpendicular	yes	
Homer Estates	5	125.00	43,728	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	4	125.00	43,702	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	3	125.00	43,675	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	2	101.00	43,571	25,760	105	Irregular	Perpendicular	yes	
Homer Estates	1	177.40	43,629	25,500	175	Trapezoidal	Perpendicular	yes	
Homer Estates	9	227.40	40,428	24,900	233	Rectangular	Corner	yes	
Carter's Add. To Hensley	1	124.59	23,445	11,650	125	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	2	112.57	23,517	12,120	113	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	3	100.57	23,375	11,460	95	Trapezoidal	Corner	yes	
Carter's Add. To Hensley	4	110.00	34,753	20,800	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	5	110.00	32,635	19,250	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	6	110.00	30,518	17,600	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	18,400	15,900	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	28,283	14,370	110	Rectangular	Perpendicular	yes	

\* Suitability - for this determination was based on this resubchart and such elements as access, topography, trees and utility service.

**Rank By Frontage**

Subdivision	Lot/Block	Frontage	Size	Buildable Area	Width @ BRL	Shape	Alignment	* Suitability	Comments
Tiden Woods - Section 2	11/A	25.00	47,240	9,760	180	Pipestem	Rear	yes	
Old Georgetown Estates	2/1	40.12	22,821	11,475	80	Triangular	Corner	yes	
Old Georgetown Estates	7/1	57.75	28,152	18,750	90	Triangular	Perpendicular	yes	
Tiden Woods - Section 2	12/B	87.01	16,815	7,200	90	Trapezoidal	Perpendicular	yes	
Tiden Woods - Section 2	11/B	87.01	21,101	8,850	90	Trapezoidal	Perpendicular	yes	
Tiden Woods - Section 2	10/B	87.01	32,474	17,780	90	Trapezoidal	Perpendicular	yes	
Tiden Woods - Section 2	9/B	87.01	28,301	16,300	90	Trapezoidal	Perpendicular	yes	
Tiden Woods - Section 2	13/B	95.60	16,158	7,230	95	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	8/B	96.80	18,711	8,650	98	Rectangular	Perpendicular	yes	
Old Georgetown Estates	3/1	100.00	22,336	11,500	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	4/1	100.00	22,370	11,500	100	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	7/B	100.00	16,817	8,470	100	Irregular	Perpendicular	yes	
Tiden Woods - Section 2	2/B	100.00	15,511	6,105	105	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	4/A	100.00	18,604	8,485	110	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	1/A	100.00	22,055	11,280	100	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	3	100.57	23,375	11,460	95	Trapezoidal	Corner	yes	
Homer Estates	2	101.00	43,671	25,760	105	irregular	Perpendicular	yes	
Tiden Woods - Section 2	1/B	105.00	15,878	6,830	100	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	6/B	107.89	21,415	9,980	100	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	4	110.00	34,753	20,800	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	5	110.00	32,835	19,290	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	6	110.00	30,518	17,500	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	18,400	15,900	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	26,283	14,370	110	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	5/B	112.15	17,919	6,550	105	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	2	112.57	23,517	12,120	113	Trapezoidal	Perpendicular	yes	
Tiden Woods - Section 2	3/A	120.00	25,042	13,800	130	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	4/B	123.38	16,207	5,630	115	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	1	124.59	23,445	11,650	125	Trapezoidal	Perpendicular	yes	
Homer Estates	5	125.00	43,728	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	4	125.00	43,702	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	3	125.00	43,675	28,000	125	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	3/B	134.05	18,622	5,540	130	Rectangular	Corner	yes	
Old Georgetown Estates	5/1	134.15	30,059	16,810	134	Rectangular	Perpendicular	yes	
Tiden Woods - Section 2	5/A	147.90	29,592	11,800	150	Irregular	Corner	yes	
Tiden Woods - Section 2	10/A	153.69	34,316	16,770	150	Irregular	Perpendicular	19,258 w/ footpath	
Homer Estates	1	177.40	43,629	25,500	175	Trapezoidal	Perpendicular	yes	
<b>PROPOSED LOT 8</b>		<b>187.00</b>	<b>33,790</b>	<b>17,534</b>	<b>186</b>	<b>Rectangular</b>	<b>Perpendicular</b>	<b>yes</b>	<b>14,840 w/ SVB</b>
Tiden Woods - Section 2	14/B	191.14	17,154	8,800	140	Triangular	Perpendicular	yes	
<b>PROPOSED LOT 7</b>		<b>203.00</b>	<b>29,796</b>	<b>6,538</b>	<b>183</b>	<b>Rectangular</b>	<b>Corner/Perp.</b>	<b>yes</b>	
Homer Estates	9	227.40	40,428	24,900	233	Rectangular	Corner	yes	

Rank By Size

Subdivision	Lot/Block	Frontage	Size	Buildable Area	Width @ BRL	Shape	Alignment	* Suitability	Comments
Tilden Woods - Section 2	2/B	100.00	15,511	5,105	105	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	1/B	105.00	15,978	5,830	100	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	13/B	95.60	16,158	7,230	95	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	4/B	123.36	16,207	5,530	115	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	12/B	87.01	16,815	7,200	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	7/B	100.00	16,817	5,470	100	Irregular	Perpendicular	yes	
Tilden Woods - Section 2	14/B	191.14	17,154	5,800	140	Triangular	Perpendicular	yes	
Tilden Woods - Section 2	5/B	112.15	17,919	5,590	105	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	18,400	15,900	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	4/A	100.00	18,604	5,495	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	3/B	134.05	18,622	5,540	130	Rectangular	Corner	yes	
Tilden Woods - Section 2	6/B	96.00	18,711	5,850	98	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	11/B	87.01	21,101	5,850	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	6/B	107.88	21,418	5,990	100	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	1/A	100.00	22,055	11,250	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	2/1	100.00	22,336	11,500	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	4/1	100.00	22,370	11,500	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	2/1	40.12	22,821	11,475	60	Triangular	Corner	yes	
Carter's Add. To Hensley	3	100.57	23,375	11,460	95	Trapezoidal	Corner	yes	
Carter's Add. To Hensley	1	124.59	23,445	11,650	125	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	2	112.57	23,517	12,120	113	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	3/A	120.00	25,042	13,800	130	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	6	110.00	26,283	14,370	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	9/B	87.01	28,301	16,300	90	Trapezoidal	Perpendicular	yes	
Old Georgetown Estates	7/1	67.75	29,152	16,750	90	Triangular	Perpendicular	yes	
Tilden Woods - Section 2	5/A	147.90	29,592	11,800	150	Irregular	Corner	yes	
<b>PROPOSED LOT 7</b>		<b>203.00</b>	<b>29,786</b>	<b>6,530</b>	<b>183</b>	<b>Rectangular</b>	<b>Corner/Perp.</b>	<b>yes</b>	
Old Georgetown Estates	5/1	134.15	30,059	15,810	134	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	6	110.00	30,518	17,600	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	10/B	87.01	32,474	17,780	90	Trapezoidal	Perpendicular	yes	
Carter's Add. To Hensley	5	110.00	32,635	19,290	110	Rectangular	Perpendicular	yes	
<b>PROPOSED LOT 8</b>		<b>187.00</b>	<b>33,790</b>	<b>17,534</b>	<b>186</b>	<b>Rectangular</b>	<b>Perpendicular</b>	<b>yes</b>	<b>14,840 w/ 5/B</b>
Tilden Woods - Section 2	10/A	153.69	34,316	16,770	150	Irregular	Perpendicular	19,250 w/ frontgate	
Carter's Add. To Hensley	4	110.00	34,753	20,800	110	Rectangular	Perpendicular	yes	
Horner Estates	9	227.40	40,428	24,900	233	Rectangular	Corner	yes	
Horner Estates	2	101.00	43,571	25,780	105	Irregular	Perpendicular	yes	
Horner Estates	1	177.40	43,629	25,500	175	Trapezoidal	Perpendicular	yes	
Horner Estates	3	125.00	43,675	28,000	125	Rectangular	Perpendicular	yes	
Horner Estates	4	125.00	43,702	28,000	125	Rectangular	Perpendicular	yes	
Horner Estates	5	125.00	43,728	28,000	125	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	11/A	25.00	47,240	9,750	180	Pipestem	Rear	yes	

**Rank by Buildable Area**

Subdivision	Lot/Block	Frontage	Size	Buildable Area	Width @ BPL	Shape	Alignment	* Suitability	Comments
Tilden Woods - Section 2	3/B	134.05	18,522	5,540	130	Rectangular	Corner	yes	
Tilden Woods - Section 2	4/B	123.36	16,207	5,630	115	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	2/B	100.00	15,511	6,105	105	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	7/B	100.00	16,817	6,470	100	Irregular	Perpendicular	yes	
<b>PROPOSED LOT 7</b>		<b>203.00</b>	<b>28,756</b>	<b>6,530</b>	<b>183</b>	<b>Rectangular</b>	<b>Corner/Perp.</b>	<b>yes</b>	
Tilden Woods - Section 2	5/B	112.15	17,919	6,550	105	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	1/B	105.00	15,978	6,830	100	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	12/B	87.01	16,815	7,200	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	13/B	95.60	16,158	7,230	95	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	4/A	100.00	18,604	8,495	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	14/B	191.14	17,154	8,800	140	Triangular	Perpendicular	yes	
Tilden Woods - Section 2	8/B	96.60	18,711	8,850	98	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	11/A	25.00	47,240	9,760	180	Pipestem	Rear	yes	
Tilden Woods - Section 2	11/B	87.01	21,101	9,850	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	6/B	107.89	21,418	9,990	100	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	1/A	100.00	22,055	11,250	100	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	3	100.57	23,375	11,460	95	Trapezoidal	Corner	yes	
Old Georgetown Estates	2/1	40.12	22,821	11,475	80	Triangular	Corner	yes	
Old Georgetown Estates	3/1	100.00	22,336	11,500	100	Rectangular	Perpendicular	yes	
Old Georgetown Estates	4/1	100.00	22,370	11,500	100	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	1	124.59	23,445	11,600	125	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	5/A	147.90	29,592	11,800	150	Irregular	Corner	yes	
Carter's Add. To Hensley	2	112.57	23,517	12,120	113	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	3/A	120.00	25,042	12,800	130	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	26,283	14,370	110	Rectangular	Perpendicular	yes	
Carter's Add. To Hensley	8	110.00	18,400	15,900	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	9/B	87.01	28,301	16,300	90	Trapezoidal	Perpendicular	yes	
Tilden Woods - Section 2	10/A	153.69	34,316	16,770	150	Irregular	Perpendicular	18,250 w/ floodplain	
Old Georgetown Estates	5/1	134.15	30,059	16,810	134	Rectangular	Perpendicular	yes	
<b>PROPOSED LOT 8</b>		<b>187.00</b>	<b>33,790</b>	<b>17,534</b>	<b>186</b>	<b>Rectangular</b>	<b>Perpendicular</b>	<b>yes</b>	<b>14,840 w/ SVB</b>
Carter's Add. To Hensley	6	110.00	30,518	17,800	110	Rectangular	Perpendicular	yes	
Tilden Woods - Section 2	10/B	87.01	32,474	17,780	90	Trapezoidal	Perpendicular	yes	
Old Georgetown Estates	7/1	87.75	29,152	18,750	90	Triangular	Perpendicular	yes	
Carter's Add. To Hensley	5	110.00	32,635	19,290	110	Rectangular	Perpendicular	yes	
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Homer Estates	9	227.40	40,428	24,900	233	Rectangular	Corner	yes	
Homer Estates	1	177.40	43,829	25,500	175	Trapezoidal	Perpendicular	yes	
Homer Estates	2	101.00	43,571	25,780	105	Irregular	Perpendicular	yes	
Homer Estates	5	125.00	43,728	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	4	125.00	43,702	28,000	125	Rectangular	Perpendicular	yes	
Homer Estates	3	125.00	43,675	28,000	125	Rectangular	Perpendicular	yes	



**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

**TO:** Rich Weaver, Development Review

**VIA:** Stephen Federline, Supervisor, Environmental Planning

**FROM:** Amy Lindsey, Planner, Environmental Planning

**DATE:** August 24, 2006

**SUBJECT:** Preliminary Plan 1-06082 Horner Estates

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The subject plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law), the Environmental Guidelines, Noise Guidelines, and other related requirements. The following determination has been made:

**RECOMMENDATION: Approval subject to the following conditions:**

1. The proposed development shall comply with the conditions of the preliminary forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits:
  - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
  - b. The Final Forest Conservation Plan must be prepared, signed and stamped by an ISA certified arborist and include complete details on the proposed tree protection measures.
  - c. Split rail fencing and permanent forest conservation signage will be required along the easement line that adjoins residential lots and must be shown on the final FCP.
2. Record plat of subdivision shall reflect a Category I conservation easement over all areas of environmental /stream valley buffer and forest conservation. Prior to plat recordation, MNCPPC staff must approve any amended language to easements or agreements.

**BACKGROUND**

The 1.48-acre property is located in the North Bethesda/Garret Park Master Plan area at the



southeast corner of Rosemont Drive and Marcliff Road. The surrounding uses are residential. The property is currently developed with one residence. This plan proposes to resubdivide the property into two lots, remove the existing residence, and develop two new residences. There is 0.93 –acres of forest cover, dominated by tulip poplars. Numerous large or specimen trees are both within the forest and as tree cover. A tributary to Rock Creek runs east to west, on ROW north of the property line with 0.17 acres of stream valley buffer and 0.05 acres of floodplain on-site. An NRI/FSD was approved by Environmental Planning staff on 2/10/2006. Trees were subsequently survey-located for the preliminary forest conservation plan. This information updates and supercedes the approved NRI/FSD, which has been notated in the files.

#### **Forest Conservation**

There is 0.93 acres of existing forest cover on-site. 0.50-acres will be cleared, 0.43-acres will be retained and placed in a Category I conservation easement. No forest in the stream valley buffer will be removed. A split rail fence will separate forest conservation area from yard area and signage will be posted at appropriate intervals.

A 10' PUE is proposed for the north edge of the property, nearest Rosemont Drive. Clearing this PUE will cause separation of the on-site forest from forest on the adjacent ROW. Staff will work with the applicant to re-site this PUE, with the utility companies' agreement, to limit forest fragmentation.

The applicant is proposing to retain at least 5 large or specimen trees at the front of the property. Others may be able to be retained based on final grading and utility placement.

#### **Environmental Buffers**

There is an intermittent stream on adjacent ROW property to the north of the subject property. 0.17-acres of stream valley buffer extend onto the property, all forested. The stream has a floodplain associated with it, with 0.05-acres of floodplain on-site. A Public Utility Easement (PUE) has been required through this environmental buffer but will not be cleared unless necessary. This property is located in the Cabin John Creek watershed, a Use I/I-P system.



DEPARTMENT OF PERMITTING SERVICES



Douglas M. Duncan  
County Executive

May 15, 2006

Mr. Scott Roser, P.E.  
Macris, Hendricks, and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request  
for Horner Property *120060820*  
Preliminary Plan #:  
SM File #: 223892  
Tract Size/Zone: 1.48 acs/R-200  
Total Concept Area: 1.48  
Lots/Block: 7 & 8  
Parcel(s): N444  
Watershed: Cabin John

Dear Mr. Roser:

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

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. This concept is based on the lots being provided with both public water and public sewer. Until both utilities are available, building and sediment control permits will be withheld.

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

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



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

If you have any questions regarding these actions, please feel free to contact Richard Gee at 240-777-6333.

Sincerely,



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

RRB:dm CN223892

cc: C. Conlon  
S. Federline  
SM File # CN223892

QN -NR; Acres: 1.48  
QL - on site; Acres: 1.48  
Recharge is provided



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## FIRE MARSHAL COMMENTS

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DATE: 5-29-2006  
TO: PLANNING BOARD, MONTGOMERY COUNTY  
VIA:  
FROM: JOHN FEISSNER 240 777 2436  
RE: APPROVAL OF - HORNER ESTATES #1-20060820

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1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 5-29-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

12/11/2005

1

DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATIONDouglas M. Duncan  
County ExecutiveArthur Holmes, Jr.  
Director

May 1, 2006

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

RE: Preliminary Plan #1-20060820  
Horner Estates

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 2/10/06. This plan was reviewed by the Development Review Committee at its meeting on 2/6/06. We recommend approval of the plan subject to the following comments:

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

1. Show all existing planimetric and topographic details specifically storm drainage and driveways adjacent and opposite the site. Also label all contours.
2. Necessary dedication for Marcliff Road in accordance with the Master Plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. A Public Improvements Easement may be necessary along Marcliff Road, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

12



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## FIRE MARSHAL COMMENTS

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DATE: 5-29-2006  
TO: PLANNING BOARD, MONTGOMERY COUNTY  
VIA: /  
FROM: JOHN FEISSNER 240 777 2436  
RE: APPROVAL OF - HORNER ESTATES #1-20060820

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- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

12/11/2005



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Arthur Holmes, Jr.  
Director

May 1, 2006

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

RE: Preliminary Plan #1-20060820  
Horner Estates

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 2/10/06. This plan was reviewed by the Development Review Committee at its meeting on 2/6/06. We recommend approval of the plan subject to the following comments:

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

1. Show all existing planimetric and topographic details specifically storm drainage and driveways adjacent and opposite the site. Also label all contours.
2. Necessary dedication for Marcliff Road in accordance with the Master Plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. A Public Improvements Easement may be necessary along Marcliff Road, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240/777-6000, TTY 240/777-6015, FAX 240/777-6030

12

Ms. Catherine Conlon  
Preliminary Plan No. 1-20060820  
Date May 1, 2006  
Page 2

5. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development one hundred (100) year storm runoff on same.
6. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
7. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
8. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
9. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
12. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
13. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
14. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees to improve Marcliff Road to primary and Rosemont Drive to secondary open section residential roadway standards.
  - B. Construct a cul-de-sac at the end of Rosemont Drive.

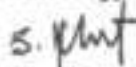


Ms. Catherine Conlon  
Preliminary Plan No. 1-20060820  
Date May 1, 2006  
Page 3

- C. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

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

Sincerely,



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

m:\subdivision\farhad01\preliminary plans\1-20060820\_Horner Estates.doc

Enclosures (2)

cc: Zur Feldman, Marcliff Estates  
Dave Crowe, Macris, Hendricks & Glascock  
Joseph Y. Cheung; DPS RWPPR  
Christina Contreras; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS  
Preliminary Plan Folder  
Preliminary Plans Note Book



**MONTGOMERY COUNTY, MARYLAND**  
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
 DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: HORNER ESTATES Preliminary Plan Number: 1-

Street Name: ROSEMONT DRIVE Master Plan Road Classification: SECONDARY

Posted Speed Limit: N/A mph

Street/Driveway #1 (D/W-LOTS 899) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet) OK?  
 Right 210' + ✓  
 Left 150' + ✓

Sight Distance (feet) OK?  
 Right \_\_\_\_\_  
 Left \_\_\_\_\_

Comments:  
\* 210' to E/P & TEMP. TURN-AROUND  
\* 150' to E at Intersection  
W/ MARLIFF RD.

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**GUIDELINES**

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	100'
Secondary - 30	200'
Business - 30	200'
Primary - 35	260'
Arterial - 40	320'
(45)	400'
Major - 50	475'
(55)	550'

\*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

*James G. ...*  
 Signature  
11968

PLS/P.E. MD Reg. No.



Montgomery County Review:

Approved  
 Disapproved:

By: SF  
 Date: 5/1/06

Form Reformatted:  
 March, 2000



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: HORNER ESTATES Preliminary Plan Number: 1-

Street Name: MARCLIFF ROAD Master Plan Road Classification: SECONDARY

Posted Speed Limit: 20 mph Primary

Street/Driveway #1 (DNW-LOT 7) Street/Driveway #2 ( )

Table with 4 columns: Sight Distance (feet), OK?, Right, Left. Values include 300' and checkmarks.

Comments: \*130' to E of intersection w/ Rosemont Drive

GUIDELINES

Table with 3 columns: Classification or Posted Speed, Required Sight Distance in Each Direction, and Sight distance is measured from an eye height of 3.5'...

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: [Handwritten Signature] Date: 2/2/06

Signature: 11968 PLS/P.E. MD Reg. No.

Montgomery County Review: [X] Approved [ ] Disapproved By: SF Date: 5/1/06

Form Reformatting: March, 2005



April 3, 2006

To Katherine Conlon, Development Coordinator of Maryland National Park and  
Planning Commission  
8787 Georgia Avenue, Silver Spring, MD 20910

Re: Preliminary Plan 120060820, Subdivision of Lot 6, Horner Estates, Montgomery  
County


Dear Ms Conlon,

I wish to record my objections to the proposed subdivision as referenced above for the  
following reasons:

1. The proposed ingress/egress drive and utility easement for lots 8 and 9 are to be  
constructed over a floodplain, in addition, the run-off of water from the driveway  
and these new lots will significantly increase the volume of water which now  
drains to Marcliff Road, with a potential for flooding onto Mr Rosenberg's  
property when the capacity of the drain is exceeded.
2. Has the County given permission for the construction of this driveway, if so, how  
have the floodplain restrictions been addressed?

In addition, the builder for Horner Estates has maintained a business office in the  
existing building on Lot 7. This is in violation of the covenants.

Sincerely,

  
John I. Munn, Ph D  
11022 Marcliff Road  
Rockville, MD 20852

Temporary Address Until 4/23/06  
4400 Riverwatch Dr #103  
Bonita Springs, FL 34134

March 10, 2006



Catherine Conlon  
Development Coordinator  
The Maryland-National Capital Park  
And Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Preliminary Plan #120060820  
Horner Estates  
Subdivision of Lot 6

Dear Catherine,

My husband spoke with someone in your office about the above- referenced plan, and was told to write to you and send you the enclosed information.

Enclosed is a copy of a letter sent to neighbors of the above Lot 6 regarding the subdivision of said lot into 3 lots. This request has been filed with your office. Enclosed also is a copy of the Covenants on Horner Estates. I have also included a copy of a letter to your agency dated January 30, 1979, regarding a request for another subdivision in Horner Estates in 1979. This request in 1979 was rejected because of the Covenants.

There are several issues of concern over the request for Subdivision of Lot 6. One is the violation of the Covenants regarding building lot size. Another is that the land is adjacent to wetlands where a proposed driveway would be.

I would appreciate your comments on this. I know that there will be a public hearing on this in the future, but if this application is in violation of the Covenants, it will save time, energy and money of both the owners of the property and the neighborhood to deal with it as soon as possible.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Diane C. Kent".

Diane C. Kent  
11021 Marcliff Road  
Rockville, MD 20852

e-mail : jer-di @earthlink.net

301-897-8763



NOTICE OF APPLICATION  
ADJACENT AND CONFRONTING PROPERTY OWNERS  
APPLICATION TO BE CONSIDERED BY  
THE MONTGOMERY COUNTY PLANNING BOARD

**PRELIMINARY PLAN No. 120060820**

Date: February 21, 2006

Name of Plan: Horner Estates

Current Zoning: R-200, Single Family Residential

No. Proposed Lots/Area Included: 3 Lots on 1.5 acres

Geographical Location: East side of Marcliff Rd., south of Rosemont Dr.

Dear Property Owner:

The above-referenced plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code.

A copy of the proposed plan is enclosed. This plan may change due to specific reviews and changes suggested by M-NCPPC and other county and state agencies. If you have any comments, please send them to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910.

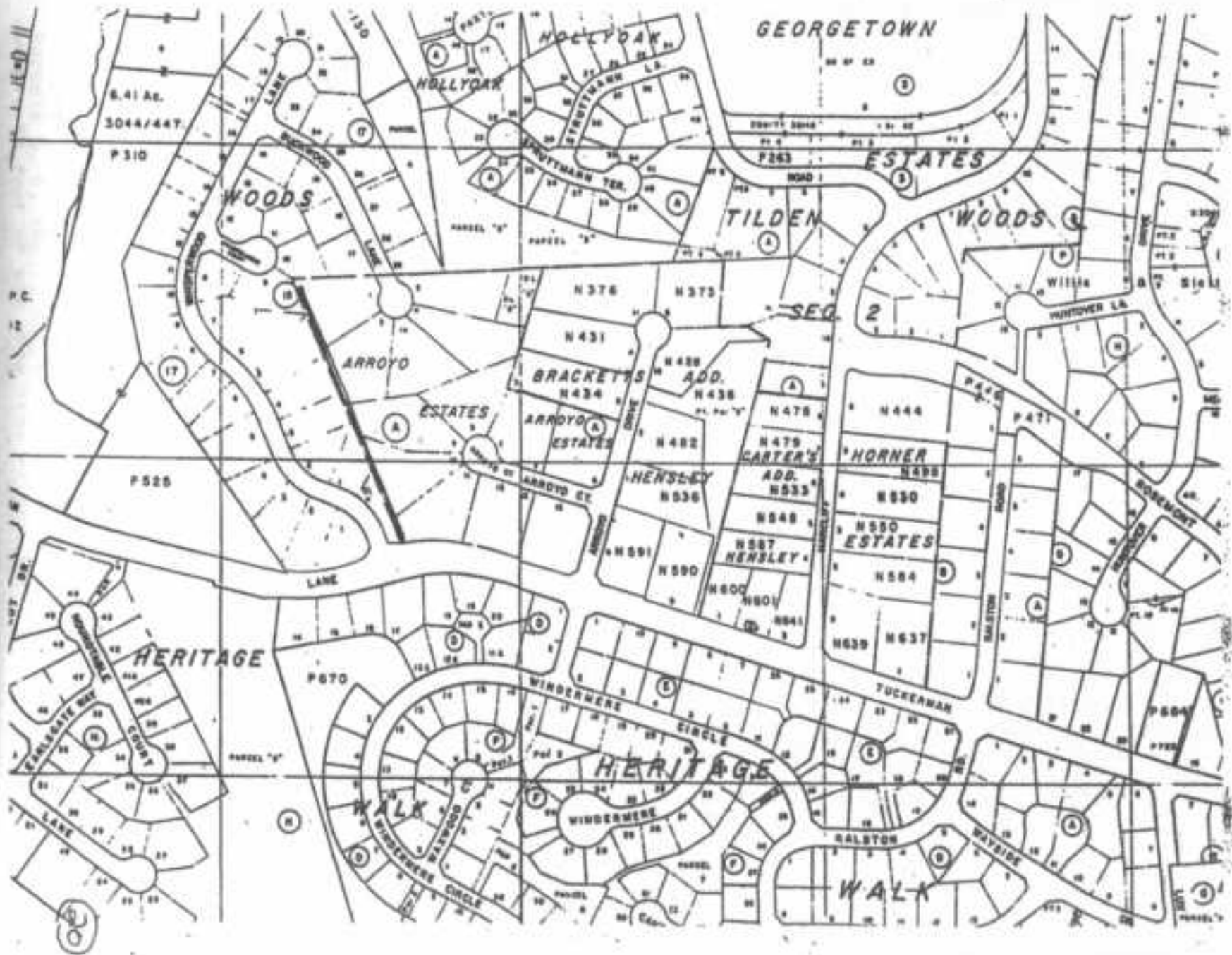
The Montgomery County Planning Board will hold a public hearing on the above referenced plan application to obtain public comment. Written notification of the date of the public hearing will be sent to you no later than ten days before the hearing.

If you have any questions, please contact the Park and Planning Commission's Development Review Division at 301-495-4595.

Sincerely,



David A. Crowe



ATTACHED TO AND MADE A PART OF LAWYERS TITLE INSURANCE CORPORATION'S

Libco 1004  
Folio 47

HORNER ESTATES

1. That said lots or any structure thereon shall never be sold, rented, or conveyed as a whole or in part, to any person or persons of whole or part African descent.
2. That no structure of any description shall be erected within 100 feet of front line or street line of any subdivided plots of Parcels 2, 3, and 4, and within 40 feet of front line of any subdivided plots of Parcels 5, 6, and 7.
3. That all buildings erected or to be erected on said lots shall be designed and used for one family residence exclusively and that no separate structures used for garages, poultry houses, sheds and other buildings to be used only in connection with such residences are to be erected at least 150 feet from any part of the front line of any subdivided plots of said Parcels 2, 3, and 4 upon the rear of and not elsewhere on said lots and at least 75 feet from any part of the front line of any subdivided plots of said Parcels of 5, 6, and 7, except that a garage may be built attached to or built in the dwelling house; that said lots, or any building where may be erected thereon, shall not be used or permitted to be used for any trade, business, manufacture or mercantile purposes; that any house erected on said lots shall be designed for the occupancy of only one family and that no apartment house or houses shall be erected on said lots; also that one house only shall be erected on any area not less than 13,300 square feet of said Parcels 2, 3, and 4, and on an area of not less than 21,780 square feet of said Parcels 5, 6, and 7, it being understood that Parcels 5, 6, and 7 may be subdivided into lots of not less than 21,780 square feet each exclusive of area taken for streets or roadways and each subdivided area shall have a width of not less than 100 feet on the street or road it faces.
4. The water supply and sewerage disposal systems installed on any lots must comply with regulations governing the installation of such systems in Montgomery County and be approved by the Health Authorities having jurisdiction over said land and premises, and must conform at all times to regulations of such Health Authorities.
5. The cost of any dwelling hereafter erected on the above area covered by any of said Parcels 2 thru 7 inclusive shall not be less than \$7,500.00 and the ground floor area of the main structure exclusive of one story open porches and garages, shall not be less than 650 square feet in the case of a one story structure, not less than 450 square feet in the case of a one and one-half, two and two and one-half story structures.
6. That no part of any residence shall be erected or maintained within 50 feet of the side lines of the lot on which it stands or within 100 feet of any other dwelling as to Parcels 2, 3, 4 and as to lots in Parcels 5, 6, and 7, no part of any residence shall be hereafter erected within 15 feet of any side line of the lot on which it stands or within



7. That no pigs nor hogs are to be kept or harbored on the premises
8. That no garage, shed nor temporary structure may be used for residential purposes.
9. That any structure to be erected on any Parcel or Lot must be completed within 12 months from the date of securing the builder's permit and any residence not completed within that time must be removed upon a 30 day notice from the date of delivery thereof to the owner of the premises.
10. That no fences nor walls shall be erected on any of said Parcels or Lots to a greater height than 5 feet.
11. That the violation of any of these covenants or agreements may be enforced; and the same enforced by a suit of any of the owners of building plots within the area of the Parcels shown on said plat.
12. So long as Henry J. Kaufman and Frank J. Luchs remain title holders of any of Parcels 2 thru 7 inclusive, no house or outbuilding is to be erected upon any of Parcels 2 thru 7 inclusive without the plans first being submitted to them or their representatives and written approval obtained from said Henry J. Kaufman and Frank J. Luchs or their representatives before construction is started.
13. These covenants are to run with the land and shall be binding on all parties and on persons claiming under them until January 1, 1961 at which time said covenants shall be automatically extended for successive periods of 10 years, unless by a vote of the majority of the then owners of the Parcels and Lots it is agreed to modify the said covenants in whole or in part.

11013 Marcliff Road  
Rockville, MD 20852  
January 30, 1979

Mr. John J. Broda  
Development Coordinator  
The Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20907

Dear Mr. Broda:

We are writing to request reconsideration of the approval granted in 1975 in relation to Subdivision Plan No. 1-75084. Preliminary Plan Addition to Hensley, Part of Liber 1040, Folio 289, Montgomery County, Maryland. We are property owners who reside in the same parcel and block of land on which the subject lot is located.

We are asking for this reconsideration for the following reasons:

1. We only became aware of this subdivision in the last two weeks because a contract purchaser of the property which was subdivided approached us to get a modification of covenants which are binding upon the owners of this property and about 60 other lot owners in this and adjacent parcels of land. We were concerned about this because we had always understood that this particular lot would be used only for the construction of one single family dwelling unit in keeping with the character of other lots within the existing block.

2. We contacted the present President of the Luxmanor Citizens Association (LCA) to ask if he was aware of this subdivision and request for modification of the covenants. He had no knowledge of either the subdivision or the request for the change in covenants before the circulation of the letter requesting their modification. We contacted several neighbors and found that none of them had any knowledge of the subdivision, although most of them were aware of the existing covenants on the neighboring properties. Many of the abutting property owners were not in favor of subdivision or modifying the covenants. In the belief that the subdivision was only a gleam in the eye of the contract purchaser, we visited your office on Monday, January 29th, and talked the matter over with Mr. Gordon Campbell. To our complete surprise, Mr. Campbell informed us that the subdivision had been approved in 1975. In relation to this action there was on file a letter from the LCA signed by the then newly-elected president of the Association, Dr. Walter Goozh, which stated that the LCA was unopposed to the subdivision plan for the subject lot. As far as we can determine none of the adjacent property owners, including ourselves, had any knowledge of this action by the LCA. If we had been approached, we would have been sure to point out that

the covenants on the property precluded subdivision into any lot of less than 21,780 square feet or a width of less than 100 feet on the street or road it faces. The covenants also require side setbacks of 15 feet. The letter from Dr. Goozh made no mention of these covenants and they could not, therefore, have been taken into consideration by MNCPPC at the time they approved the subdivision plan. We have enclosed a copy of these covenants for your information.

3. The preliminary plan of subdivision submitted by Chen H. Wang and his wife in 1975 requesting approval did not show how the subdivision would fit into the existing block. It is our belief, and also that of several neighboring property owners, that this subdivision plan is not in character with respect to street frontage, size, shape and width as other lots within the existing block.

4. The block on which this property is located is characterized by single dwelling unit lots of at least one acre in size, with all the houses set well back from the road. The subject lot is the only undeveloped lot in the block. The established front line for the adjacent houses on the last side of Marcliff Road to the north of the subject lot and within 300 feet is approximately 93 feet which would make it very difficult to achieve both the front and rear setback requirements with a 177' lot depth and with two lots facing on Marcliff Road.

We had an extended and pleasant discussion with Mr. Campbell on this matter and we are sure he can provide additional background information, if you need any. As we told Mr. Campbell, we would be more than happy to see the subject lot developed, but we feel very strongly that its development should be in keeping with the present property in the established block. The potential for further subdivision in this particular locality is considerable and we would like to use the existing planning controls to preserve our neighborhood. We hope you will be able to assist us by reconsidering the approval you gave for subdivision in 1975.

Yours sincerely,

Dr. J.A.R. Mead

Mrs. Cynthia W. Mead

Enclosure